# LEGISLATIVE COUNCIL

## Wednesday 4 February 2009

**The PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:20 and read prayers.

### LEGISLATIVE REVIEW COMMITTEE

**The Hon. J.M. GAZZOLA (14:20):** I bring up the 10th report of the committee.

Report received.

**The Hon. J.M. GAZZOLA:** I bring up the 11th report of the committee.

Report received and read.

### STANDING ORDERS SUSPENSION

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23):** I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member on the Budget and Finance Committee.

Motion carried.

### BUDGET AND FINANCE COMMITTEE

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23):** I move:

That the Hon. R.L. Brokenshire be substituted in place of the Hon. D.G. Hood (resigned) on the committee.

Motion carried.

### PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Determination and Report of the Remuneration Tribunal—No. 1 of 2009—
Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner, Commissioners of the Environment, Resources and Development Court.
Determination and Report of the Remuneration Tribunal—No. 2 of 2009—
Auditor General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioners.

### MARJORIE JACKSON-NELSON HOSPITAL

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:24):** I table a copy of a ministerial statement relating to the Marjorie Jackson-Nelson hospital made earlier today in another place by my colleague the Minister for Health.

### HEATWAVE

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:24):** I table a copy of a ministerial statement relating to the current heatwave made earlier today in another place by my colleague the Minister for Health.

## QUESTION TIME

### STRUCTURAL ENGINEERING CALCULATIONS

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26):** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about a topic in which I have some interest: structural engineering calculations.

Leave granted.

**The Hon. D.W. RIDGWAY:** I, and a number of other members of the chamber, received a copy of a letter which was sent to the minister by the Australian Institute of Building Surveyors. I want to read a reasonable portion of this letter, albeit as quickly as I can. The letter was written by the South Australian President and National Director of the Australian Institute of Building Surveyors. He states:

I have to state from the outset that I am disappointed and dismayed at the various inferences by you [the minister] in Parliament that a section of the building surveying profession, that is private certifiers, is putting the safety of the community at risk by not undertaking appropriate and proper assessments of buildings for compliance within the building rules.

Our profession, both in the public and private sector, assesses and approves tens of thousands of applications for building rules consent each year and to highlight in Parliament four recent 'complaints' by Local Councils about alleged, and so far unsubstantiated, cases with consents issued, is of great concern to our profession.

Alleged complaints about the actions of Building Surveyors and/or Private Certifiers can be made by individuals or Local Government (through the provisions of the Development Act and Regulations 1993). By your statements, only one of the matters referred to in the Legislative Council has been lodged as a complaint which, you would agree, is unsubstantiated until it is properly and duly investigated and a determination made. The other three matters have had no proper third party investigation nor have they undergone the appropriate scrutiny that the Government has declared to be appropriate by regulation.

The persons involved therefore are entitled to fair play and natural justice and as such must be considered innocent until proven guilty. At the same time, the conduct of our members cannot be questioned until proven otherwise. Whilst you have indicated that all the complaints are alleged, I believe the manner by which these matters were raised in the Legislative Council, when they have not been investigated by a third party, implied that there is a presumption of guilt simply because the complainant was a Council. This is uncalled for and most disturbing as it casts aspersions on and taints a substantial and key sector of our profession.

By way of an observation, I must point out I was somewhat surprised at your explanation that the reason behind the development of the Building Advisory Committee discussion paper was that you had received '... *several complaints from councils*...' regarding the professional conduct of some private certifiers.

**The PRESIDENT:** Is there much more?

**The Hon. D.W. RIDGWAY:** It is about 20 words, Mr President. He continues:

The reason for my surprise is that it appears all four examples referred to in Legislative Council, of the so-called complaints, were either received by your office or dated after the date the discussion paper was released for public comment in April 2008.

My question to the minister is: having asked him to table his documents, when he has not, can he confirm that the documents that he has referred to are, in fact, dated after the release of the Building Advisory Committee's discussion paper in April 2008?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:30):** The Leader of the Opposition asked me for some examples from councils about the problems facing them, and I tabled a number of current examples. We went back and looked at the most current examples we had, and the Leader of the Opposition has suggested that the examples I tabled is the complete list. I am sure that, if we went back far enough, there would be a number of complaints. But whether or not they are relevant to the issues raised is another matter. The Leader of the Opposition cannot have it both ways. On the one hand, he cannot come into this place and say, 'Table some examples,' and I table four examples—

**The Hon. D.W. Ridgway:** They might not exist.

**The Hon. P. HOLLOWAY:** I have tabled them.

**The Hon. D.W. Ridgway:** No, you haven't. You tabled only one.

**The Hon. P. HOLLOWAY:** There have been cases provided in relation to these matters. The honourable member wanted examples, and I have provided them. Because there is an investigation in respect of at least one case, in providing those examples I was careful not to provide details about the individuals concerned or even information that would identify them. That is why I removed that information from the original letter I tabled. That is why I think it is a bit rich for the Institute of Building Surveyors to complain about that when, in fact, I went to a great deal of trouble to remove any identifying information. I am well aware of the fact that one should not provide identifying information.

This came about originally because of the collapse of the Riverside Golf Club, where several people were killed and, as a result of that, the Coroner made a number of recommendations. It all began when the Coroner talked about the safety of trusses and engineering calculations.

In relation to the profession of building surveyors, there are those who have engineering qualifications and there are those who do not. The issue before all of us here in parliament is whether building surveyors who do not have—

*The Hon. D.W. Ridgway interjecting:*

**The Hon. P. HOLLOWAY:** Assistant building surveyors, building surveying technicians and a number of unrestricted building surveyors do not have full engineering qualifications, and the question is whether those people should be able to certify engineering calculations. It is a bit like having someone certify a medical opinion when they do not have medical qualifications. It is one thing—

*The Hon. D.W. Ridgway interjecting:*

**The PRESIDENT:** Order! I understand why the Hon. Mr Ridgway gets confused about what is and is not tabled in this place: it is because he does not listen to the answers. If the Leader of the Opposition asks a question, he might want to listen to the answer.

**The Hon. P. HOLLOWAY:** There is an important issue here—it was raised initially by the Coroner as a result of the collapse of the Riverside Golf Club—and it is about the quality of the auditing of engineering calculations. If one has an engineer designing particular structural trusses and the like and they are to be certified, whether or not the person certifying them has the appropriate qualifications is the issue.

As I understand it, within the AIBS there are members who have engineering qualifications and there are those who do not. I point out that the Australian Institute of Building Surveyors essentially has a monopoly on determining whether or not someone can be accredited as a building surveyor. Effectively, the person has to be a member of the institute. Unless I use my powers under the Development Act to give someone accreditation as a certifier, the AIBS effectively has a monopoly, and I have referred to this issue in previous answers.

A New South Wales parliamentary committee looked into this matter some years ago, and it determined that it was appropriate that the government should effectively take that role. I think that is an issue that perhaps this parliament needs to consider. In fact, yesterday the Hon. Mr Darley asked a very reasonable question in relation to swimming pools and how one audits and checks that the law is being enforced, because you can give development approval but who, in effect, is responsible for auditing it and what qualifications and the like should be held by those people who are conducting the audit?

These are very important questions, as I said, in relation to the swimming pool matter that the Hon. Mr Darley raised yesterday. Here, where we have people who act as private certifiers, the institute has a monopoly, effectively—apart from the regulation that provides the minister with the power—on determining who is qualified and who is not.

In New South Wales, the parliamentary committee there said that, in fact, there should be a more open, broader method by which private certifiers are assessed and held accountable. In meetings with me, the Australian Institute of Building Surveyors has indicated that, whereas it has the power to issue accreditations, there is nothing in the system that makes it aware of any criticism or even any charges laid against an individual, so there is no feedback mechanism for them to take action against an individual.

That is a deficiency in the system. There are deficiencies in the system, but it does not help in turn to resolve these things in the public interest when the institute has this monopoly—and maybe it is fighting to keep it: that might well have something to do with it, given what has happened in other states. However, it does not help that these important public interest issues are debated in the way of letters back and forth with the IBS.

I have given this matter some consideration and I will be making a statement fairly soon about how we can have some proper consideration of these very important public interest issues. They deserve better than this sort of treatment that we have seen here by raising issues in parliament about letters.

Since I first raised this issue there have been a number of cases where councils have raised very important issues—yes, they have not been proven yet—but one of the issues that we have there (and it was raised in the honourable member's question) is that councils are most reluctant to make formal complaints because of the expense of doing so, because they have to get statutory declarations. In the letters that I have referred to there are quite serious allegations, but in many cases the councils decide they will not pursue it because of the enormous legal costs involved and, in any case, there are deficiencies in the penalties that could be applied.

Part of the problem here is that, if somebody does make some error, what penalties can apply? There are the two extremes: they can either do nothing or remove the registration and therefore the right to practise. Therefore, I think this whole area does need some serious scrutiny.

Those letters that I have referred to, I think, illustrate the reasons why I would be concerned, and I think every member of parliament ought to be concerned if there are four letters from councils in the recent past that are saying there might be a deficiency. Now, that does not necessarily mean that there are individuals in there who have committed offences, but I think it does raise the issue of the whole question of how we go about building certification.

In any case, the development review saw an increased role for private certifiers. It did, however, as one of its recommendations, suggest that before that role should come about thought should be given to a proper auditing of people who perform the role, and that again is very much related to the matter that the Hon. Mr Darley raised yesterday in relation to swimming pools.

They are issues that the government is considering, and I hope to have a response to that general issue fairly soon. I think that all members of parliament should consider these issues in their totality rather than doing it by way of some sniping through correspondence from one particular organisation.

## COST OF LIVING

**The Hon. J.M.A. LENSINK (14:39):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question on the subject of the cost of living in South Australia.

Leave granted.

**The Hon. J.M.A. LENSINK:** On 5 April 2006, the Premier issued a press release entitled 'Cutting red tape to make South Australia even more competitive', in which he states that he wishes to make South Australia the most competitive jurisdiction either side of the Tasman, that is, to compete with New Zealand as well as with other Australian states. He states that he has charged the Economic Development Board with the task of 'urgently looking into a range of areas where improvements can be made across the entire business environment', including among those things 'cost of living'. He also goes on to say:

> I also want to exceed Business SA's target of a 25% reduction in red tape by July 2008.

It was revealed yesterday on some price watch websites that the price of petrol in Adelaide is the highest in the nation and, in terms of a basket of groceries, it is the second-highest in the nation. My question to the minister is: what representations has she made to the Premier over his clearly failed policies?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:41):** The Office of Consumer and Business Affairs has played a very significant role in the government's red tape reduction program, the associated costs of which, of course, are passed on to businesses and, hopefully, the community. I am advised that during 2007-08 OCBA's reforms contributed to $12.31 million in red tape reduction savings, and the state government had a targeted annual saving of $150 million during that period.

In 2008-09 new projects commenced, and they will provide even further reductions in the order of $5.4 million. Some of the proposed initiatives include the mutual recognition of licences—the assisted application process for trade licences to allow faster processing of tradespeople. It is being extended to include interstate licences and overseas qualifications. Various IT changes are being made to accommodate that, and I am advised that the new system is planned to be in place by mid-2009.

The reinstatement of licences is another area. Currently, when tradespeople unintentionally allow their licence to lapse, often as an administrative oversight (they are busy people), they can be granted a new licence after paying a cancellation penalty. They end up with a new licence number, and this can obviously lead to considerable expense because it means changes have to be made to their letterheads, business cards, accounts and vehicles, as well as advertising material and bookings so that the new licence number is reflected in an appropriate way. Changes will be made to administrative procedures to allow licences to retain their existing number. I am advised that that is expected to be in place some time in 2009.

Services SA has opened 10 service centres in the metropolitan area, and this will give OCBA customers more choice of places to carry out transactions, places which may be closer to their business and, hopefully, it will reduce travelling time, provide parking, and so on. That is scheduled for commencement at the beginning of 2009. The estimated savings for that are around $272,000 per annum.

Further savings can be expected through COAG reforms, including the uniform product safety laws, which are scheduled to be introduced by 2010-11. That is estimated to create a saving of $2.5 million per annum. Initiatives also include trade measurement transfer to the commonwealth, and testing fees will be abolished. That is scheduled to commence in 2010, with a saving of $612,000 per annum. Business names are being transferred to the commonwealth, with the national registration of business names scheduled to commence in 2011-12. Although details of those particular savings are not available, nevertheless we do predict that there will be some savings. So, you can see that there are a number of initiatives that have been put in place to help reduce red tape. A great deal has been done in the past and, as you can see, we have a busy year ahead of us.

## DOMESTIC VIOLENCE

**The Hon. S.G. WADE (14:45):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to domestic violence.

Leave granted.

**The Hon. S.G. WADE:** Yesterday, in answer to a question on the rebranding of the Liberal Minister's Council for Women as the Premier's Council for Women, the minister misconstrued comments by an honourable member to make a cheap political point on domestic violence. South Australian women want real outcomes on the ground.

I raise the issue of domestic violence courts. South Australia has two domestic violence courts, one in Adelaide and one at Elizabeth. Offenders who plead guilty to domestic violence offences and are deemed suitable for the program complete a 12-week course of group counselling before they return to the court for sentencing. I note that none of those courts are in country South Australia, and the only suburban court is in a low socioeconomic area.

Considering that the minister chose to give us some stats on domestic violence yesterday, this one might be of interest to her. The Australian Institute of Criminology shows that in 2004 the levels of physical and sexual victimisation reported by women in the survey tended to be relatively similar, irrespective of the combined income of their whole household. In that context I question the lack of domestic violence courts beyond the working class area of Elizabeth.

In the South-East, for example, there were 250 cases of domestic violence reported to local police in 2006. The South-East Regional Domestic Violence Service helped 177 women and 330 children in 2007-08. Local agencies saw the need for a domestic violence court and in 2008 came together to establish one. The South-East Regional Domestic Violence Service coordinator at that time said:

> Unless the community is able to attract dedicated resources the program will be limited, as those facilitating the stopping violence group work are doing it on top of their substantive positions.

In other words, they are volunteers. She goes on:

> Unlike the metropolitan court diversion programs, which are fully resourced as stand alone projects and able to offer continuous group work, this program is largely underfunded. It has been put together in a spirit of goodwill by various agencies dedicated to making a difference and stemming the level of violence within families...Ms Smith said the court provided the opportunity for counselling with a focus on rehabilitation. "A lot of women don't want their partner to go to prison because where does that leave them financially...they want to stay in the relationship but they want the behaviour to change, they deserve to feel safe."

So, at the beginning of 2008 a series of agencies came together, and on 22 January 2008 a Mount Gambier Domestic Violence Court was established. It proved to be highly successful, yet in spite of their best efforts—

**The PRESIDENT:** Order! I remind honourable members that matters of interest follows question time.

**The Hon. S.G. WADE:** —they failed to receive government funding and the court is suspended and not currently operating. Does the minister accept that all women, no matter where they live, have the right to support services and to be safe from domestic violence, and will the government provide funding to ensure that the Mount Gambier Domestic Violence Court is able to resume operation?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:49):** I thank the honourable member for his question and the opportunity to speak further about the work that this government has done on domestic violence. In terms of commenting on his opening statement, we all know that yesterday the Hon. Robert Lawson had to stand up in this chamber and make a personal explanation.

**An honourable member:** He did the right thing.

**The Hon. G.E. GAGO:** Yes, he did do the right thing, as my colleague said, because he knew that the *Hansard* transcript showed quite clearly that his words did in fact reflect—

*The Hon. S.G. Wade interjecting:*

**The Hon. G.E. GAGO:** One issue at a time. Just sit back and relax; there is plenty of time for me to go through the issues you have raised. Mr Lawson demonstrated quite clearly that he had made a mistake in, as he said, inadvertently referring to domestic violence as a petty crime. He had to put on the record that in fact he should not have used those words, and he acknowledged that, as I had pointed out to him in this chamber, domestic violence is not a petty crime. I went to some lengths to talk about the statistics around that in terms of assault, homicide, etc.

So, in fact, it was not a cheap trick, as Mr Wade's own colleague incorrectly stated in this chamber, and that was that domestic violence is a petty crime. To have the audacity to stand up in this chamber and accuse me of making up a story about this is just outrageous. It is a good opportunity to point out that the Hon. Robert Lawson actually did say something quite incorrect and, given his background, I am surprised that he would have used those words, but I do admire the fact that he had the integrity to get to his feet and explain that they were not the words he intended to say, albeit that he did say those words.

Moving on from words and getting on to services, the Rann government is strongly committed to ensuring that all women and children—and indeed the whole community—have the right to live safely and free from domestic and, in fact, all forms of violence. The Rann government law reform efforts in the area of women's safety are being further supported by a strategic and pro-active new way of addressing violence in South Australia. We have established a family safety framework that seeks to ensure that services to families most at risk of violence are provided in a more structured and systematic way, through agencies sharing information about high risk families and taking responsibility for supporting those families to navigate through the service system.

We know that issues around domestic violence can span many agencies and many portfolio areas, so it can be difficult, around issues of confidentiality in particular; it can be very difficult to share information quickly and easily. So, this program attempts to navigate a way through that for those people identified as high risk.

**The Hon. S.G. Wade:** More rhetoric!

**The Hon. G.E. GAGO:** It's not rhetoric—

**The Hon. S.G. Wade:** Well, it's not a service on the ground.

**The Hon. G.E. GAGO:** It is a service on the ground. Our family safety framework is a service that is placed on the ground, and it is in fact a service that has improved the lives and safety of many women who have participated and their children. It has assisted them by providing services quickly, identifying their problems quickly and identifying the issues involved in being able to address those in a timely way.

An evaluation has been conducted through trials conducted in three different areas, and they have been very promising. The trials have been held in Holden Hill, Noarlunga and Port Augusta, and they show that the safety of those people in those programs was improved. The evaluation found that the majority of victims were assessed as safer as a result of the family safety intervention. Specifically, 62 per cent of victims went from high to low risk as a result of those interventions, and three quarters (75 per cent) of referrals that remained in South Australia had no SAPOL record of revictimisation for at least three months after the referral, which is the time frame in which we conducted that evaluation. That was completed late last year, and we can see that that intervention has produced extremely good results.

Other areas that were involved included a public education campaign targeting young people, particularly young men, trying to bring about an increased awareness around issues of respect for other people, particularly in close relationships. To run that public campaign we have designated if I recall—I do not have the figures in front of me—around $600,000. This government has also done a great deal in terms of rape and sexual assault reforms. We have certainly considerably improved the protections for victims and made it more difficult for perpetrators to slip through the cracks and not take responsibility for their actions.

We also have an agenda of overhauling the domestic violence laws. We have conducted quite a deal of background research into that area and can look forward to new legislation being tabled later this year. This government has done a great deal in terms of domestic violence protections. Our court system is obviously part of that. I am happy to look further into the distribution of and demand for services throughout the state, but clearly the Rann government puts its money where its mouth is in terms of not only rolling out services but also improving legislative protections for victims of domestic violence.

## DOMESTIC VIOLENCE

**The Hon. S.G. WADE (14:57):** By way of supplementary question, the minister referred to the assessment of the trial. What was the government's assessment of the success of the trial court diversion program in Mount Gambier and, if she does not have the answer, could she advise the council in due course?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:57):** I am happy to take the question on notice and bring back a reply.

## MURRAY BRIDGE RACING FACILITIES

**The Hon. B.V. FINNIGAN (14:58):** Is the Minister for Urban Development and Planning aware of proposals to upgrade thoroughbred racing facilities at Murray Bridge and how this redevelopment is being used to help accommodate an expanding population in this important regional centre?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:58):** I thank the Hon. Mr Finnigan for his question. The rural city of Murray Bridge recently adopted an urban growth plan, which aims to ensure there is sufficient land to meet the anticipated growth of this important regional centre. The population of Murray Bridge is forecast to grow by 30,000 people—

*The Hon. S.G. Wade interjecting:*

**The Hon. P. HOLLOWAY:** Sorry; what's your problem?

**The Hon. S.G. Wade:** Before you postpone the prison, how can you plan when the government can't—

**The Hon. P. HOLLOWAY:** The population of Murray Bridge is forecast to grow by 30,000 people in the next 20 years, which requires the construction of about 7,500 new homes. An election is coming up in 12 months and, if members opposite want to put sports stadiums and bring forward prisons instead of hospitals, I am sure they can put that all before the electors next year. Meanwhile, this government will continue to make sensible conditions. Nevertheless, the population of Murray Bridge is forecast to grow by 30,000 people in the next 20 years, and that certainly covers the time frame. A new prison will be built well before that. It requires the construction of about 7,500 new homes.

In a proposal that reflects the principle of the city's urban growth plan, the Murray Bridge council has identified an opportunity to relocate the existing Murray Bridge racecourse. This master plan development will include best practice horse racing and training facilities, as well as some 3,500 residential allotments, associated retail and community facilities, wetlands and open space. The proposal to relocate the racecourse and create these additional residential allotments affects about 853 hectares of land located on the southern outskirts of Murray Bridge. That is directly south of the bypass road that goes to the Swanport bridge.

To allow such a project to go ahead and provide an important economic shot in the arm to Murray Bridge, the area needs to be rezoned. That is why I announced last year my intention to amend the Murray Bridge development plan, as the area is now currently zoned for agricultural activities, primarily grazing and cropping.

Last month, a draft development plan amendment was published to give the public an opportunity to provide feedback on this proposed rezoning. There are strict processes surrounding a development plan amendment, a key part of which is to formally release the DPA document prior to its implementation so that members of parliament can make written comments about the proposed changes. At the end of this period, a public meeting will allow people who have made written submissions to comment further about the development plan amendment.

To enable the development to proceed, it is proposed that a residential and equine recreation zone be introduced to cover the majority of the affected area. Within this zone, there would be the following policy areas: an area for the new racecourse, its associated buildings and extensive areas for exercising and training horses. It would also include a visual barrier so that the facilities would not be seen from the freeway. As I have said, this 800-plus hectare area is immediately south of the freeway. Also, a commercial area used to service the needs of business associated with the equine industry would be part of it; a rural living area for owners to live and keep horses; an area for residential development; and a retail and community facilities area to serve the residents.

The development would include environmentally responsible initiatives, such as protecting and re-establishing areas of native vegetation, collecting stormwater, recycling grey water and ensuring that all buildings are water and energy efficient. About 44 hectares of land in the north-east corner of the affected area would be rezoned to rural fringe to act as a buffer for new developments against the impacts of the South-Eastern Freeway.

The complete DPA document is available online from the Department of Planning and Local Government website and through the Murray Bridge Council offices. The eight-week public consultation process is being run by the Development Policy Advisory Committee (DPAC), an independent statutory committee which provides advice to me on planning and development issues.

Written submissions on the DPA will be received until close of business on Thursday 12 March 2009. Public submissions will be posted for viewing on the Department of Planning and Local Government website after the 12 March deadline. Following the close of written submissions, a public hearing has been scheduled to be held at 7pm on Tuesday 31 March 2009 at the Adelaide Road Motor Lodge in Murray Bridge.

After this extensive consultation process, I will receive a report from DPAC suggesting any changes to the draft in response to feedback from the public. If the development plan amendment is adopted, the policy and mapping changes proposed will be made to the Rural City of Murray Bridge Development Plan. I urge members of the public interested in this redevelopment at Murray Bridge to ensure that they make their views known through this consultation process.

## BIOCOMPOSTABLE CONTAINERS

**The Hon. D.G.E. HOOD (15:03):** I seek leave to make a brief explanation before asking the Minister For State/Local Government Relations, representing the Minister for Environment and Conservation, a question regarding biocompostable containers.

Leave granted.

**The Hon. D.G.E. HOOD:** Recently, I had a meeting with David Thompson, the CEO of a company called Goody Environment, regarding the company's terrific South Australian product—biocompostable beverage containers.

In conjunction with researchers from Flinders University, this local company based in Burnside has come up with several additives that cause plastics to become biocompostable. Goody is currently the only company in the world to have technology independently proven for a plastic additive that is truly compostable and biodegradable to Australian and international standards.

This fantastic green technology is being rolled out all around Australia. Indeed, Woolworths has placed the Billabong brand water bottles (which use the Goody plastic) in over 650 stores interstate. Radisson hotels give out bottles (using the Goody technology) to its hotel clients. A multimillion-dollar export business is now launching here in South Australia; however, the one state which does not have these bottles is its home state—South Australia. Several recycling depots are uncertain how to recycle the product, or are wrongly concerned that recycling them with other products will contaminate the plastic.

The company has apparently made attempts 'on numerous occasions' to have meetings with the former minister, and now the current Minister for Environment and Conservation, without any luck. My question is simply this: will the minister agree to meet with the representatives from Goody Environment and Billabong Beverages and do all that is necessary to resolve this issue and encourage this new South Australian initiative which will benefit both employment in this state and, indeed, the environment as well?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:05):** I thank the honourable member for his question and will refer it to the Minister for Environment and Conservation in another place and bring back a response.

***ONE AND ALL***

**The Hon. T.J. STEPHENS (15:05):** I seek leave to make a brief explanation before asking the Leader of the Government a question regarding the refurbishment of the *One and All* vessel.

Leave granted.

**The Hon. T.J. STEPHENS:** Yesterday my colleague the Hon. David Ridgway questioned why the Rann government hired Victorian legal firms to form contracts for major projects, effectively sending many dollars interstate. Last week the Premier announced that his government had paid $2 million to a maintenance yard in Sydney to refurbish the *One and All* vessel. The maintenance yard carried out repairs, replacement or refurbishment of such things as deck, hull and internal structure, masts, rigging and bulkheads, accommodation, showers and toilets. I add that the Liberal opposition is very proud of the *One and All* and is supportive of the *One and All* Youth Development program. We are not so sure that we are supportive of seeing South Australian taxpayers' dollars contribute $2 million to a business in Sydney when the government is telling us to shop locally. My questions to the minister are:

1. Were South Australian firms given the opportunity to tender for this work?

2. Is it true that refurbishment work is being carried out in South Australia to fix leaking decks and toilets which was improperly carried out in Sydney?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:07):** This government is, of course, strongly supportive of local industry and supports it wherever possible. Having said that, of course—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** The fact is that refurbishing large wooden vessels is not an activity that is particularly common around the world, and particularly so in South Australia.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** It is a matter of the level of expertise and also price. However, wherever possible, this government is very supportive of local industry. There have been questions in relation to the motor vehicle industry. Notwithstanding the legal obligations we have under the Mutual Recognition Act, whereby all states are obliged to abide—as was seen with the situation involving motor vehicle purchase, for example—with those constraints, this government does all it can to support local industry.

Clearly, when there are very specialist projects it may well be that the state does not have the required expertise. In relation to the *One and All*, I am not acquainted with the details of the letting of that contract. Clearly, that would be a highly specialist job, given the particular vessel in question. I would have thought that members of the opposition would be appreciative that this government has decided, in very difficult economic times, to give priority to the refurbishment of that vessel so that young South Australians can continue to have the opportunity for the training associated with it. One would have thought that members opposite would be appreciative of the fact that we are supportive of young people who benefit from this project.

However, I will refer the question to the appropriate minister and get the details relating to that contract. Providing refurbishment for a very specialist vessel, a wooden sailing ship, is not exactly the sort of mainstream activity that we have in this state. Certainly, we do provide many specialist activities and services in our state and we do our best to support them, but refurbishing wooden sailing ships is not one of those mainstream activities.

### *ONE AND ALL*

**The Hon. T.J. STEPHENS (15:10):** I have a supplementary question arising from the answer. Minister, are you telling this chamber that that work could not have been done in South Australia—that we do not have the capability to do that work here?

**The PRESIDENT:** Order! I think the minister quite clearly said that the expertise was interstate.

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:11):** What I said was that there are many activities where, for all sorts of reasons, one would not have the expertise here. However, to try to suggest that the call for the government to support local business is in some way related to very highly specialised and unusual operations such as this is really drawing a long bow. However, I have told the honourable member that I will seek advice in relation to tenders. I said right at the start of my answer—

*The Hon. D.W. Ridgway interjecting:*

**The Hon. P. HOLLOWAY:** No, I really do not know the details, because it is not my portfolio; I am not acquainted with the particular details. However, I will get that information. I think it is a little rich coming from members opposite, who decided, for example, that they would sell the TAB. The honourable member opposite is the opposition spokesman on racing. Why did his government sell the TAB interstate? That was an operation that provided jobs here in Adelaide. I think any company whose existence is reliant on refurbishing wooden sailing ships would be in a bit of trouble. However, the TAB did provide a number of ongoing jobs for people in this state, and that was sold off, as were the electricity trust and a number of other bodies.

*The Hon. D.W. Ridgway interjecting:*

**The Hon. P. HOLLOWAY:** Well, I'm quite happy to go there, as it was sold off—

*The Hon. D.W. Ridgway interjecting:*

**The Hon. P. HOLLOWAY:** You sold it off. Why haven't we done anything? What do members opposite expect us to do? I was here for all those debates, and we were told that, if we sold it off, the private sector would then fix all these problems. However, that is another story. I think it does draw into question the bona fides of members of the Liberal Party when they raise these sort of questions.

### RESIDENTIAL TENANCIES

**The Hon. R.P. WORTLEY (15:13):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about tenancy lists.

Leave granted.

**The Hon. R.P. WORTLEY:** Landlords are often concerned about who their properties are rented to. Of equal concern is when tenant databases can be used to prevent tenants legitimately getting access to rental accommodation. Will the minister advise what is being done to make renting fairer?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises,**

**Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:13):** Tenant reference databases provide landlords with personal information about the previous tenancies of prospective tenants where there may have been issues or disputes. This information is intended to allow landlords to assess whether an applicant is likely to be a financial risk. However, if used incorrectly, tenant reference databases can be used to unfairly blacklist prospective tenants, which might make it difficult for some people to find new rental accommodation.

The member for Light in another place recently wrote to me about a constituent who alleged that they were unfairly threatened with blacklisting on a tenant database unless they took over responsibility for a relative's lease. South Australia is part of a move to promote a nationally consistent tenant database. This will regulate privately held residential tenancy databases to maximise useful information for real estate agents and landlords while also protecting people from false reporting.

The Office of Business and Consumer Affairs is working with other jurisdictions to prepare nationally consistent regulations governing how real estate agents and the like use records in relation to an individual's tenancy history. If these databases contain inaccurate or incomplete information, it can obviously affect the ability of the tenant to secure rental accommodation.

Of course, landlords also have a right to be aware of legitimate potential risks associated with prospective tenants and, as tenants move interstate, the need for national consistency is obviously paramount. Some states where tenant databases have been very active already have specific laws relating to residential tenancy databases, whereas South Australia, along with some other states, applies fair trading legislation that, to date, has been limited in scope.

South Australia has joined a national working party developing a uniform legislation framework that is looking at a range of possible provisions. The working party will look at:

- how to ensure tenancy applicants receive timely information about the database process;
- disallowing certain kinds of listings that could be misread as negative;
- clearly defining events that constitute a breach justifying listing on such databases;
- only allowing tenancy breaches to be listed once a tenancy agreement finishes, with the tenant given the chance to review, correct or dispute a proposed listing before it occurs;
- promoting the accuracy and quality of a listing;
- ensuring tenants can access and correct listings, and a disputes resolution process;
- defining a maximum period for certain listings to remain on a database.

We believe that this will not only improve the quality of the information available to landlords but also improve the level of protection for tenants.

## AFFORDABLE HOMES PROGRAM

**The Hon. J.A. DARLEY (15:16):** I seek leave to make a brief explanation before asking the minister representing the Minister for Housing a question about the Affordable Homes program.

Leave granted.

**The Hon. J.A. DARLEY:** The Affordable Homes program is an initiative of Housing SA and makes home ownership more accessible for low to moderate income earners. A single person within the metropolitan area who earns less than $63,291 per year is considered to be an eligible buyer. Eligible homes, including ex-Housing SA homes, are listed on the Property Locator website and are available exclusively to eligible buyers for a specific period, which is usually two months.

My office recently contacted Housing SA to inquire about the program and was told that all Housing SA homes that had a value under $300,000 were considered eligible and should or would be listed on the Property Locator website. However, I note that late last year a number of properties owned by Housing SA with asking prices in the low to mid-$200,000 price range were auctioned to the general public. Given the initiatives that the state and federal governments have implemented recently to encourage first homebuyers to purchase properties, my questions to the minister are:

1. Why were these Housing SA properties not listed on the Property Locator as affordable homes?

2. What are the criteria for eligible homes for the Affordable Homes program?

3. Does the minister agree that, by auctioning affordable homes to the general public, it allows for investors to purchase these properties, thereby pushing first homebuyers out of the market and driving up the median house price?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:18):** I thank the honourable member for his important question, and I will refer it to the Minister for Housing in another place and bring back a reply.

## GAWLER RAIL LINE

**The Hon. J.S.L. DAWKINS (15:18):** I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Transport, Infrastructure and Energy a question in relation to the Gawler rail line timetables.

Leave granted.

**The Hon. J.S.L. DAWKINS:** On 20 January this year, I noticed posters at the Adelaide Railway Station declaring that Gawler rail line commuters would need a new timetable. I thought that, finally, the state government had responded to public pressure and listened to the complaints of commuters unhappy about the April 2008 timetable changes and the minor adjustments in November and had made some positive changes. Unfortunately, I was wrong.

The changes came into effect on 27 January—back-to-school day for the majority of students in this state and, certainly, the worst day of the year to introduce changes to train timetables as thousands of children returned to school. Despite commuters consistently complaining about the impact of timetable changes introduced last April, the government has done little more than schedule trains leaving the city two minutes earlier. Not one single complaint about services that I have raised on behalf of communities over the past nine months will be alleviated as a result of these timetable changes. Most passengers will still need to catch one train earlier than should be necessary. My questions are:

1. Will the minister indicate why there seems to have been a lack of willingness to go back to the drawing board and make substantial changes?

2. When will the government recognise that it has serious problems with the timetabling on the Gawler line and actually make some significant changes that will help commuters?

3. Will the minister investigate the significant lack of hardcopy timetable schedules available in the time leading up to and immediately after the timetable changes?

4. Will the minister also indicate the number of instances since 27 January when gates adjacent to the validation turntables at Adelaide Railway Station have needed to be opened to allow early morning commuters through quickly to ease congestion at the platforms?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:21):** I thank the honourable member for his questions. I will refer them to the Minister for Transport, Infrastructure and Energy in another place and bring back a response.

## AUSTRALIA DAY HONOURS

**The Hon. I.K. HUNTER (15:21):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about awards and honours.

Leave granted.

**The Hon. I.K. HUNTER:** The Australia Day Honours were announced on 26 January 2009. I note that 17 South Australian women and 50 South Australian men were recognised in that list. Will the minister inform the council about what the government is doing to recognise outstanding South Australian women?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:22):** I thank the honourable member for his question. It is with great pleasure that I inform the council that I have launched a new information kit on how to nominate women for awards and honours.

The kit, which is available through the Office for Women, provides detailed information on the myriad of awards available (there are around 14 or so awards currently available), and it outlines how to navigate through the nomination process, where to obtain the appropriate information and also the timing of each of those award processes.

The kit will help ensure that more of the state's outstanding women are put forward for these very important public accolades. Awards highlighted in the kit include the Order of Australia, Australia Day awards, SA Great awards and Young Achiever awards. I would also like to take this opportunity to congratulate the South Australian women and men who were recognised as part of the Australia Day 2009 honours list.

Being named on the Australia Day Honours list is one of the highest accolades in the country. Like all Australians, I am very proud of and grateful for their very valuable contributions. However, it is disappointing to see that there are still more men than women being recognised for these awards. Between 1999 and 2008, men accounted for 68 per cent of those honoured with the General Division of the Order of Australia. An average of only about one-third of women are recipients. Indeed, we have many thousands of women out there in our community who, as I said, would make very worthy recipients of such an award.

The key reason has been that more men than women are nominated; therefore, more men receive honour awards. That is why it is important to ensure that women are, in fact, nominated for these awards. There are, as I said, many thousands of women across South Australia alone who would make fabulous recipients of these types of awards. It is our challenge as a community to ensure that they are recognised. It is difficult to explain why women tend not to put themselves forward for these nominations; there are lots of theories. Women tend to be fairly quiet achievers, and they tend not to put themselves forward. They tend to be very focused on getting the job done and getting on with it.

**The PRESIDENT:** Busy nominating the men.

**The Hon. G.E. GAGO:** Yes, Mr President. Already 70 per cent of nominations are men, so they are well represented in this awards system. The Governor and Mrs Scarce, who hosted the 2009 Australia Day Awards function at Government House, have also indicated their commitment to promoting South Australians for national awards.

We rely on the community to actively nominate worthy citizens for these honours, and we are hoping that this information kit will assist in that process, that it will make the information more accessible and available to people in our community and easier. As I said, there are 14 or so awards currently available under the Australia Day honours system, and it can be quite a complex maze to work through. For some people it can be quite intimidating and off-putting.

We hope that the kit will be a readily available and accessible piece of information that streamlines not only the awards that are available but for each different award what the award involves and the various processes. Different awards involve different timeframes and processes. So, we hope it will make it much easier for people to follow and we hope to see a greater representation of women in next year's awards round.

## ANSWERS TO QUESTIONS

### DEPARTMENT OF TRANSPORT INQUIRY LINE

In reply to the **Hon. T.J. STEPHENS** (8 April 2008) (Second Session).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** I am advised that:

1. The 13 10 84 inquiry line, located in Roma Mitchell House, operates as the primary telephone contact point for registration and licensing enquiries and is managed by Service SA within the Department for Transport, Energy and Infrastructure.

Following a review conducted in December 2007, Service SA increased staffing to match customer call workloads and introduced changes to its call handling systems and operational arrangements.

As part of the overall strategy of improving call centre efficiency, Service SA has also commenced implementation of a 'Regional Call Centre' employing staff at its regional sites to

handle customer calls. The systems supporting the Regional Call Centres were successfully implemented at the Roma Mitchell House Call Centre in July 2008.

The Regional Call Centre reduces or eliminates regional calls being diverted to CBD call centres by answering the calls locally as the first priority. Additionally, the Regional Call Centre has the capacity to take on overflow from calls originating in metropolitan Adelaide.

Service SA also introduced state of the art technology, known as WebCC, to the Call Centre environment based in Roma Mitchell House on Monday 7 July 2008. One of the key customer service features of the WebCC system is its automated voice call back capacity. This feature offers customers the choice of leaving their telephone number and receiving a call back at a more convenient time. WebCC automatically schedules the timing of the call back, which correlates with the caller's place in the queue at the time the call was received. 2045 customers used the Call Back facility in August.

Since these service changes have been implemented, there has been a noticeable improvement in call waiting times and call handling capability.

I am advised that over 95 per cent of calls are answered in under five minutes.

**GLENSIDE HOSPITAL**

In reply to the **Hon. J.M.A. LENSINK** (2 May 2007) (Second Session).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Mental Health and Substance Abuse is advised that:

The Medical Centre located on Glenside Campus primarily provided care and mental health treatment for frail aged mental health patients as a result of chronic co-morbid medical conditions. It did not provide, as the name might suggest, acute general medical care.

In the event that any patient of Glenside Campus needs acute general medical care they are assessed by a medical officer and if necessary are transferred to the Royal Adelaide Hospital (RAH) for assessment and treatment.

In November 2006 the new purpose built facility for Aged Mental Health Care Services (AMHCS) opened at the Repatriation General Hospital and 30 AMHCS beds were transferred from Glenside Campus to the new facility.

With the transfer of these beds to the new Repatriation General Hospital facility, the services previously provided by the Medical Centre were consolidated within alternate wards of AMHCS on Glenside Campus. These wards were upgraded to accommodate this group of frail aged mental health patients.

A medical officer forms part of the emergency response team that provides rapid response to any medical emergencies occurring on Glenside Campus. There has been no reduction in medical offers on site to deal with emergencies.

When necessary, patients are transferred by ambulance to the RAH emergency department for further assessment and treatment.

In addition to emergency medical responses for patients, there are comprehensive psychiatric and medical support services available to patients of Glenside Campus.

**DEH FENCING**

In reply to the **Hon. J.M.A. LENSINK** (29 July 2008) (Second Session).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Environment and Conservation has provided the following information:

1. The Department for Environment and Heritage (DEH) reviewed the Departmental Fencing Policy in 2006. The Fences Act 1975 does not require the Government to pay for fences along the boundary of land parcels more than one hectare in size. Responsibility for fencing, if required by the adjoining landowner, such as to prevent stock straying onto reserves, is the responsibility of that landowner.

Whilst in general there is no legal obligation for DEH to contribute to the cost of fencing adjoining land, the Fencing Policy states that where a boundary fence is required for a specific reserve management purpose, the Government, through DEH, will contribute to the cost of boundary fences. Reserve management purposes include preventing unauthorised vehicle access from neighbouring land and protection for threatened species.

Further, where DEH requires a fence of a standard greater than that required by the adjoining landowner, the Department will contribute to boundary fencing on a negotiated basis.

2. I am advised that the majority of fences adjacent to parks north of Port Lincoln is the cyclone type fencing which the Honourable Member made mention of in her question. It was not clear in the question if the land is adjacent to a Reserve or if the replacement fencing related to a Heritage Agreement. A standardised plain wire fence is used for Heritage Agreement type fencing in order to allow for a set payment per kilometre.

Either way, the Honourable Member should encourage her constituent make contact with the Port Lincoln office of the Department for Environment and Heritage to better explore what options are available that will lead to a mutually acceptable outcome.

**APY LANDS SWIMMING POOLS**

In reply to the **Hon. SANDRA KANCK** (10 September 2008).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Aboriginal Affairs and Reconciliation has provided the following information:

1. The Department of Education and Children's Services (DECS) works collaboratively with the Pitjantjatjara and Yankunytjatjara Education Committee (PYEC) and is responsible for the development, delivery and monitoring of preschool and school education to students living in communities on the APY Lands. Attendance at school is a Strategic Direction in both the Aboriginal Lands District Three Year Strategic Plan 2007-09 and the PYEC Plan 2007-09.

Whilst the swimming pools operate under a 'no school, no pool' policy to encourage school attendance, schools implement a range of strategies at various times to improve attendance and retention rates.

Examples of other strategies used to encourage attendance include:

Attendance prizes

Breakfast programs

Picking students up for school from home

Celebration of good attendances;

Notice board highlighting good attendances;

Seeking Community council support for poor attendances

Input of the school Governing Councils

Involvement in the sports program

Specific attendance figures for the three communities in which swimming pools have been constructed are outlined below. It should be noted that the only pool which has been open long enough to gather any meaningful data is Mimili. The Amata and Pipalyatjara pools have only completed one full summer season of opening regularly in 2007-08.

| Community | 2000 | 2007 |
|---|---|---|
| Amata | 47.9% | 72.5% |
| Mimili | 63.7% | 85% |
| Pipalyatjara | 57.8% | 70% |

Other factors influence attendance rates including mens' business, funerals and attendance at other community or family events. Further, the broader social issues on the Lands need to be taken into account when evaluating the success of the swimming pools in influencing attendance.

2. As part of the overall Swimming Pools project on the APY, the Commonwealth Department of Health and Ageing, through the Office of Aboriginal and Torres Strait Islander Health has retained a consultant to conduct the following evaluation:

> Conduct an evaluation of the sustainability and benefits of the swimming pools established in the APY Lands of South Australia;
>
> Produce a report detailing the findings of the evaluation and interim reports that:
>
> Provide an overview of the current situation in each community prior to the pools becoming operational
>
> Evaluate findings 12 months after the swimming pools have been operational in each community
>
> Evaluate findings 24 months after the swimming pools have been operational in each community.

The evaluation is underway with the second of the four reporting phases, based on tests conducted on the Lands in April, recently released. The phase two report suggests that the swimming pools are having a positive impact on the health of children in the communities however it is still too early to provide any conclusive data. Anecdotal reports from teachers and swimming pool staff certainly indicates a visible improvement in the skin and general health of children in the three communities during the summer season.

The third testing phase was conducted on the Lands in September however the results are not yet available.

The APY Lands evaluation has however been designed to build on previous evaluations of swimming pools in Indigenous communities as conducted in Western Australia by the Telethon Institute for Child Health Research (Lehmann et al 2003). A recent update on this research concluded that the introduction of swimming pools is associated with a reduction in skin, ear and respiratory infections. The seven year study across two Aboriginal communities in the Pilbara reported 'that of the 130 children monitored there was a 70 per cent decrease in skin infections whilst ear infections rates roughly halved after they had regular pool access'.

### SA LOTTERIES

In reply to the **Hon. J.M.A. LENSINK** (28 October 2008).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** I am advised that:

1.&2. SA Lotteries does not have an upsizing policy.

3. SA Lotteries has received no instructions from the Department of Treasury and Finance to increase sales as there is no upsizing policy.

## MATTERS OF INTEREST

### UKRAINIAN CENTRE

**The Hon. J.S.L. DAWKINS (15:27):** On 14 December last year, I was pleased to represent the Leader of the Opposition, Mr Martin Hamilton-Smith, at the anniversary concert at the Ukrainian Centre in Hindmarsh. The concert particularly celebrated 60 years of Ukrainian settlement in South Australia. The event was conducted jointly by Yevshan Ukrainians Arts SA Incorporated and the Association of Ukrainians in South Australia (AUSA).

The concert featured dancers and bandura players from Yevshan, as well as invited choirs and other performance groups from the Ukrainian community. These included a wide range of junior dance groups, the Volya senior dancers, the Kalyna, Berehyina and Irmos choirs, the AUSA Community School and the S.o.V band. In addition to the concert, other anniversary festivities included displays and stalls featuring Ukrainian books, CDs, DVDs and souvenirs, as well as a variety of Ukrainian food, sweets and coffee in the UkrFest60 marquee.

A welcome speech was presented by Mr John Dnistriansky, President of AUSA. This was followed by an address by Mr Stefan Romaniw OAM, President of the Australian Federation of Ukrainian Organisations and General Secretary of the Ukrainian World Congress. An address was

also made by the Minister for Multicultural Affairs, the Hon. Michael Atkinson. Also present was the federal member for Hindmarsh, Mr Steve Georganas.

Congratulations to all involved in AUSA and the Yevshan Arts Board on an excellent celebration of the 60th anniversary in particular, and of Ukrainian culture and history in general. It was appropriate that I represented Mr Martin Hamilton-Smith at this event given that a few weeks earlier he gave notice of a motion in the House of Assembly regarding the 75th anniversary of the Great Ukrainian Famine, known as the Holodomor. That motion, which I understand is likely to be moved tomorrow, is that the house:

(a) notes that 2007-08 marks the 75th Anniversary of the Holodomor, the Great Ukrainian famine of 1932-33, caused by the deliberate actions of Stalin's Communist Government of the former Union of Soviet Socialist Republics;

(b) recalls that an estimated 7 million people in the Ukrainian Republic starved to death as a result of Stalinist policies in 1932-33 and that millions more lost their lives in the purge that ensued for the rest of the decade;

(c) notes that this famine resulted in one of the greatest losses of human life in one country during the 20th Century and that it has been recognised as an act of genocide against the Ukrainian nation and its people by the Verkhovna Rada, the Parliament of Ukraine;

(d) honours the memories of those who lost their lives and extends its deepest sympathies to the victims, survivors and families of this tragedy; and

(e) joins the Ukrainian people throughout the world and in particular, people of Ukrainian origin and descent in South Australia, in solemn commemoration of those tragic events.

I understand that Mr Hamilton-Smith moved that motion at the request of the AUSA and the national federation. I also understand that similar motions have been moved in the federal, Victorian and New South Wales parliaments and that the government in this state is likely to support the motion.

**CRONIN, DR S.**

**The Hon. B.V. FINNIGAN (15:31):** I rise today to commend Dr Sheilagh Cronin, who is a rural doctor based in Cloncurry in Queensland and who was the recipient of an inaugural award at the joint conference of the Rural Doctors Association of Australia and the Australian College of Rural and Remote Medicine. This took place in Sydney in October last year. Dr Cronin is said to have gone beyond the call of duty in providing medical care to many rural communities across Queensland and was awarded the inaugural Peter Graham 'Cohuna' Award for her exceptional services to rural and remote communities.

The award remembers the work of Dr Peter Graham, who died last year aged 80. Dr Graham was a highly committed rural doctor who provided dedicated medical service to the Victorian town of Cohuna for almost 50 years before he retired in 2002. He was the first president of the Rural Doctors Association of Victoria and was a recipient of the Order of Australia.

Dr Sheilagh Cronin is an international medical graduate from the UK who graduated from the Charing Cross Hospital Medical School in 1980 and completed GP training in Norwich in 1985. In the same year, Dr Cronin emigrated to Australia and began her career as a rural GP in Queensland. For the past 23 years she has dedicated her working life to improving medical services in the bush, especially in the area of women's and indigenous health.

Of special note is her pioneering of a women's flying doctor clinic in 1993. Dr Cronin set up visiting GP clinics for women in remote south-west Queensland communities where access to gender specific services was non-existent. Going beyond providing GP services, when Dr Cronin noticed that local women were complaining of a lack of child behavioural services, she recruited a local child psychiatrist to also visit these communities.

There were other issues that some of the local women had where they talked about the difficulty in gaining access to ordinary services that most of us would take for granted, such as hairdressing, so there were occasions when Dr Cronin and the crew took a hairdresser with them on these remote flights, which was of great benefit to the local community as something which was quite simple but which provided a great deal of comfort and was a service that was easy to access rather than travelling hundreds of kilometres.

These visiting clinics led to setting up the Remote Women's Health Service, which later became the national Royal Flying Doctor Women's Service 15 years ago. Dr Cronin managed the Central West Queensland Division of General Practice for nine years until 2002 and was a board member for five years of the Queensland Rural Medical Support Agency since its formation in

1997. Becoming more involved in her role, Dr Cronin left her Longreach practice and started providing locum relief for rural doctors which led to her meeting two other doctors who saw a glaring need for a suitable medical workforce in the Cloncurry area.

Together, these doctors used their own resources and determination to establish a much needed medical service. It has gone from a crisis situation of one doctor trained to manage a large rural practice to the present five doctors in two linked practices that are committed teaching practices with students, registrars and medical graduates on prevocational placements. Dr Cronin has received a number of awards, including the AMA award for individual achievement. She is currently a medical adviser to Health Workforce Queensland and holds an adjunct associate professorship at the James Cook University School of Medicine.

Dr Cronin has championed the health service needs and general needs of rural communities and has been a passionate advocate for support for rural doctors, their well-being and that of their families. I commend Dr Cronin for her work and congratulate her on winning the Peter Graham Cohuna Award 2008—the first award to be issued—and, indeed, commend all those doctors in this state and across the country who do so much valuable work for rural communities.

## SURF LIFE SAVING SOUTH AUSTRALIA

**The Hon. T.J. STEPHENS (15:36):** I will speak today about Surf Life Saving South Australia and how important an organisation it is to our community. As opposition sports spokesman, I put on the record our respect for the great work the organisation carries out. I wish to talk about the challenges it faces currently. Surf Life Saving South Australia recently went public about its desire to build a new much-needed headquarters on land set aside at Adelaide Shores, West Beach. To do this it will be seeking investment from the state government in the order of $1.6 million.

In the grand scheme of things, and when one considers the vital work Surf Life Saving South Australia undertakes, to me it is a very reasonable request. Surf Life Saving South Australia is to be commended for the work it has put into its website, www.surfrescue.com.au, and in particular a section dedicated to explaining the need for a new headquarters. Surf Life Saving South Australia's website lists the reasons why the organisation needs a new headquarters, and they are as follows:

- We need to respond to incidents in a more efficient and coordinated manner.
- We need to have core emergency service equipment ready to be deployed in the event of an emergency. Currently our life saving materials and equipment are stored in members' backyards all along the coast.
- We need a modern facility to allow us to train our 6,500 members and the community.
- We must manage day-to-day life saving operations more effectively. This includes emergency service operations, the coordination of contract life guards and emergency response systems such as inflatable rescue boats, jet boats, jet rescue skis and the Westpac Life Saver Rescue Helicopter.
- We have a history of service to the state, and demands for our services continue to increase. In every year of our 56-year history we have averaged around 169 rescues where a life has been saved.
- We will exhaust all of our cash reserves to pay for the new headquarters and training facility ($2 million), and we would like the government to meet the shortfall of $1.6 million.

The organisation's Torrensville head office is reportedly overcrowded and no longer up to scratch. Life saving materials and equipment are stored in members' backyard sheds across the suburbs. This is far from ideal and is in fact quite unacceptable. Because of the current situation, a new headquarters is desperately needed as Surf Life Saving South Australia has significant concerns about its ability to respond effectively to a major incident along the coastline.

When one considers the large number of poor souls flocking to the beach at the moment due to this record heatwave, it is plain to see that the organisation needs the very best resources. It is vital that equipment is stored in one suitable location to allow rapid and efficient deployment of resources in an emergency. A new headquarters is also needed to provide support for the community and a venue for training programs provided by Surf Life Saving South Australia, along with facilities for Surf Life Saving South Australia's growing membership base.

I wish Surf Life Saving South Australia the very best of luck with this important project and trust that the state government will do all it can to assist the organisation financially. I constantly receive feedback from the community that grassroots sport and recreation organisations are not receiving the funding they need from this government. I hope the Rann government steps up to the plate and supports Surf Life Saving South Australia in its particularly important venture. By supporting Surf Life Saving South Australia, the government really will be helping to save lives.

## KIRBY, JUSTICE MICHAEL

**The Hon. I.K. HUNTER (15:40):** I rise today to pay tribute to the career of former justice Michael Kirby (now Mr Michael Kirby) who retired this week. I have no doubt that I was one of many who was saddened to hear of justice Kirby's early retirement—even though it was early by only one month. While I in no way begrudge him a well-deserved retirement, there is still part of me that is disappointed to lose his voice of reason and courage from the High Court bench.

It will come as no surprise to hear that there are a good many issues on which I agree with justice Kirby and, whilst I respect his position on the republic debate—we sit on differing sides of that issue—I note that we have lost a champion for human rights with his retirement from the bench.

Justice Kirby has become known as 'the great dissenter' for the regularity with which he dissented from the judgments of the court, much as he disagrees with that description of himself. In some years, his rate of dissent has been higher than 50 per cent, and the court is a better place for having had a man who had the courage of his convictions to eloquently—and often—express a view that differed from the majority.

When the High Court heard the challenge from the states and the unions against the constitutionality of WorkChoices, justice Kirby was one of only two members of the bench who supported the argument. Rather than a decision based on ideology, justice Kirby's dissent was based, as ever, on clear and rational thought. He believed that the decision of the majority 'effectively discarded a century of constitutional doctrine'.

The control order over Jack Thomas—in place subsequent to his conviction being quashed and before he was re-tried—is another example where justice Kirby demonstrated his dissent from the bench. Like many of us, justice Kirby was concerned that the fight against terrorism was going a step too far and that the liberties of Australians were being curbed in ways they should never have been. In his judgment, he said of the High Court:

> It should reject legal and constitutional exceptionalism. Unless this court does so, it abdicates the vital role assigned to it by the Constitution and expected of it by the people. That truly would deliver to terrorists successes that their own acts could never secure.

As we know, for all the clear-headed thinking in such a judgment, justice Kirby was once again in the minority.

The Roach v Electoral Commission decision was one of the important judgments made during justice Kirby's term in which he found that he did not need to dissent from his fellow judges: they agreed with him that Senator Nick Minchin's disenfranchisement of convicted prisoners was unconstitutional, and the court overturned this dangerous law.

Last year, the Rudd Labor government passed long overdue legislation that removed discrimination of same-sex couples from a wide array of commonwealth legislation, including in the area of superannuation. Like many of us, I think that justice Kirby would have been questioning whether that day would ever come, especially when just the previous year he had written to the then Liberal attorney-general, Philip Ruddock, requesting that such changes be made. The response that he received—that equal pension rights for those in same-sex partnerships would be 'inappropriate'—was disheartening. How far we have come in such a short space of time.

I sincerely hope that Michael Kirby will continue his commitment to human rights and to the struggle for an Australian Bill of Rights. Somehow, I cannot believe that retirement will prevent citizen Michael Kirby from continuing to advocate issues of justice and injustice, and we will all be better for that.

Of all the capacities in which justice Kirby has served, perhaps we should commend him most highly for his demonstration of human virtues, which we all prize but perhaps do not always display. I have highlighted his intelligence, thoughtfulness and introspection. His genuine decency—such a rare commodity in human beings—cannot go unnoticed, either.

In 2002, Liberal senator Bill Heffernan used the cover of parliamentary privilege to make scurrilous and unfounded accusations against justice Kirby, involving allegations of misuse of government resources, and worse. The grace with which justice Kirby handled the situation says much about the character of the man. He is an example for all of us who live our lives to a greater or lesser degree in the public eye.

While drafting this speech, I was reminded of an episode of *The West Wing,* in which president Bartlett is required to nominate a replacement for the Supreme Court. In a discussion with the brilliant conservative judge Christopher Mulready, Bartlett asserts half-heartedly, 'Plenty of good law is written by the voice of moderation.' Mulready offers a different opinion: 'Who writes the extraordinary dissent? The one-man minority opinion whose time hasn't come but 20 years later some circuit court clerk digs it up at three in the morning.' He then goes on to cite John Marshall Harlan's dissent on the US Supreme Court's infamous 'separate but equal ruling' as an example of how dissenters are often the voices heard before their time.

No doubt former justice Kirby's dissents will be held up in the coming years as being ahead of their time, such is his insight and brilliance. I offer my congratulations to former justice Michael Kirby, and his partner Johan, on his retirement, and offer my thanks to him for his years of service and activism in our community.

## WATER ALLOCATIONS

**The Hon. R.L. BROKENSHIRE (15:45):** I rise today to talk about the question of fairness for users of SA Water. It is a fact that the Lower Lakes are dying, despite the Premier's observation years ago that they were in a diabolical state. Residential users are struggling under category 3 restrictions, especially during the current heatwave, as most of them can water for only three hours a day on two days of the week.

The Murray River irrigators are on an 18 per cent allocation. Unfortunately, there are growing piles of fruit trees and vines that have been ripped up and are being prepared to be burnt. It is not just the crops but the livelihood and the social fabric of families going up in smoke. A vibrant and strong Riverland is paramount for the future of South Australia as a food bowl. Whilst homeowners face fines and are being dobbed in by their neighbours, and irrigators are called water thieves if they take more than their allocation, I was surprised to discover that the top 20 users of SA Water are only required to have a plan—a simple plan—for water savings.

Per annum, the top 20 users take 26.4 gigalitres of water, and the top four alone use 18 gigalitres; the top two each use six gigalitres. These users are represented by the mining and extractive industry, the food and beverage and manufacturing industries, and state, local and federal government entities. This is a situation where there is one rule for average taxpayers and irrigators but a different and more favourable rule for others: all water users are equal, but some are more equal than others!

The government said I was putting jobs at risk, but irrigation is also an industry that provides jobs and value-added jobs. When the government minister made these comments she missed the whole point, it seems to me. It seems that this government is preferring all other industry to irrigation and, to me, that is a tragic thing. We heard the rhetoric when the government opposed my amendments to the River Murray handover package—a clear preference under the concept of critical human needs for Adelaide industry. Permanent plantings were not a critical human need—permanent plantings, I might add, that feed our state. These were not a critical human need but Adelaide industry was.

Some ministers in the government have attacked me for criticising this unfairness, but they have not put forward any indication of the water savings that industry and government have made. I certainly hope the questions I have asked on this issue will cause the government to rethink the situation. I call upon the government to support my stormwater harvesting initiatives because industry can save a lot of water by using stormwater harvesting.

Family First is absolutely focused on keeping jobs in industry and manufacturing in this state, and we will work with the government of the day to ensure that that occurs. To put it into perspective, and to stop the spin, the rhetoric and the rubbish that I have heard on radio over the past 24 hours having a go back at me, I am simply saying that, if the government is serious about freeing up water, saving water, putting water into the dying Lower Lakes, allowing irrigators to have more water and possibly even some backing off from level 3 water restrictions, you have to wean the big users, those top 20 users, off the 26.4 gigalitres. It can be done.

G.H. Michell and Sons was one of the largest SA Water consumers in the state—certainly in the top 20, from memory. I do not believe it uses any SA Water now; it is all recycled water from the Salisbury project. What I am saying to the minister and the government is that we have an economic stimulus package demand in this state right now. We are coming up to winter, hopefully, in another three or four months. I am asking the government to give incentives to industry to be able to harvest and store water that runs off the massive roof areas and the bituminised carpark areas, and to recycle that water by putting it into the acquifer and pumping it back out, to wean them off SA Water.

The problem is that, because the top 20 users pay something like $36 million to the government, it wants the revenue but, in the longer term, we need to be much more visionary. It is easy to get industry, through partnership with the government, to harvest and re-use this water. Also, as new greenfield sites are developed, surely stormwater harvesting and reuse infrastructure should be mandatory, which is the case in America and other parts of the world. It is not rocket science; it can be done. I say to the government: get serious about better use of water opportunities in this state to help save jobs and industries and to grow our food bowl.

Time expired.

## LIBERAL PARTY

**The Hon. R.P. WORTLEY (15:51):** I rise today to talk about an issue that should be of concern to all South Australians. I am talking about the perilous state of the Liberal Party in South Australia and how it is having a negative impact on our democracy.

You would be aware, Mr President, that South Australia currently has a very strong and vibrant government, which has a long-term vision, backed up by good policy initiatives. Compare that to the Liberal opposition, which is only a shadow of what it was in the 1970s. The Liberal Party does not know what it stands for, and it does not know what constituency it represents; hence its very poor policy agenda and lack of vision.

The Liberal Party's traditional constituents have deserted the party, as has the business community—I understand that Business SA does not even answer calls from the Liberal Party leadership—and donations to the Liberal Party have dried up because people see the Liberal Party as being inept and not worthy of becoming an alternative government. Also, the Liberal Party's country constituents have deserted the party, and with good cause. After the next election, we will find in this chamber no Liberal opposition member representing country interests.

Back in the 1970s, the rural constituency had a great representation in this chamber, but that has now ended. At present, the only people in this chamber who you could really say represent the rural constituency are the Hon. Mr Finnigan and the Hon. Mr Brokenshire. I know the Hon. Mr Brokenshire is glad to be out of the dog house of the Liberal Party. He is much more comfortable now representing the interests of Family First. While we do not want to go into the by-election in Frome, the fact that the Liberals lost that seat really shows how its constituency is turning its back on the Liberal Party.

When we look at the representation of women in the Liberal Party, both now and after the next election, we find that it is far behind the Labor Party in that regard. So, we can understand why women feel that their interests are not being well represented. In the Labor Party, it is required that there be at least 40 per cent representation of both genders within parliament. So, both good women and good men are guaranteed a position within parliament. I also want to examine the factional infighting within the Liberal Party. There would not be a—

*The Hon. D.W. Ridgway interjecting:*

**The Hon. R.P. WORTLEY:** The Hon. Mr Ridgway interjects. I understand that members opposite know what a perilous state they are in, but they do not like listening to good advice on how to fix their problems. The reality is that the Labor Party has always had factions, and most of the time that situation has been very positive. There would not be a political party in this world that does not have factions. The only thing is that over the years the Liberal Party has denied their existence. The difference between the parties is that the Liberal Party factions are generational. You will find that some of the grudges from the 1970s and the 1980s are playing a role in the Liberal Party's current situation in this state.

The problem with this state is that their factional warlords are basically federal politicians, so you have Nick Minchin and Cory Bernardi who control the right and you also have Christopher Pyne who controls the left. Christopher Pyne recently described the result in Frome as only a minor

hiccup but, in reality, it was a major burp which could be smelt and heard right throughout the chambers of this parliament. It actually started the scenario where—

Time expired.

## HEATWAVE

**The Hon. M. PARNELL (15:55):** I want to talk about the weather, and it seems that most people in South Australia are talking about the weather. What I want to talk about in particular is our preparedness, not just for this current heatwave but also for the next and the one after that and the one after that, because the climate experts are predicting that, with climate change, we will get more severe and more frequent weather extremes.

This current heatwave is really a massive wake-up call to South Australia, first, in relation to our preparedness and, secondly, in relation to the action that we need to take to mitigate climate change. We knew that a heatwave such as this was inevitable. We had one last year, and we have had one this year—we need to be prepared.

However, the ability of our physical and social infrastructure to cope with a heatwave such as the one that we are in is still sadly lacking, and it shows that our state is very unready. In relation to health, the loss of life has been devastating. We have had today an announcement from the minister reporting 600 presentations to hospital that are heat-related.

We know that in Europe in August 2003, in their heatwave, 35,000 people died. We know that the undertakers in France were obliged to hire cool rooms on the outskirts of Paris to cope with the bodies as a result of that heatwave where it got to—wait for it!—40 degrees, and yet we have had that temperature for, I think, five days in a row and we look like having 12 or more days in a row over 35, so we need to be prepared.

It is not just a question of sending text messages on mobile phones. Every member of my family got a text message. The sentiment was clearly worth expressing—we should look out for our neighbours and elderly relatives—but I will be very interested to see the analysis of how effective that SMS campaign was.

In relation to transport, we know that our trains suffer when it comes to hot weather. No doubt the government will tell us that, when it does the infrastructure work over the next several years, it will heat proof our rail system. However, you would have to ask yourself: will it heat proof the trains infrastructure the way it has heat proofed our tram system? The new trams do not work in the heat. We have dragged out of mothballs 60, 70, 80 year old trams because they can cope with the heat.

We need to prioritise public transport spending and we need to always bear in mind that that service is going to be operating in extreme weather conditions. My personal experience on the trains was that, on the very first hot day, TransAdelaide was unprepared and its communication was appalling. People were sitting in carriages not knowing whether their train was coming or going.

TransAdelaide improved over the days. The following day, people were there handing out bottled water, and I do not know whether anyone noticed the brand of water that was being handed out at the railway station. It was called Neverfail, and I am sure that there is someone in the buying department of TransAdelaide who had a good laugh over that because, certainly, Neverfail does not apply to our trains and trams.

When it comes to our energy policy, we need to focus even more on reducing demand rather than simply trying to augment supply. Building yet another coal-fired power station is not the answer to the energy woes that we face. We know that the Premier will be writing to NEMMCO asking it to review the way that it does things—one of the most specific requests I have ever seen from a Premier—in relation to load shedding, for example. The Premier would do well to back the call of the Total Environment Centre in Sydney focusing on demand management because NEMMCO has rejected those calls. NEMMCO is saying, 'No; we're interested in supply; we're not interested in the demand side of the equation.'

An emphasis on solar panels would have helped, because at the very time that we are indoors with our airconditioners running, what are we doing? We are sheltering from solar radiation that is falling on barren rooftops. It was very rich of the government to suggest to people that they switch off their airconditioners early in the heat wave. That was very poor advice, particularly for the elderly and for young people.

In relation to the federal government's announcement of insulation bonuses, I want to see the state government do much more about insulation for rental properties and start especially with Housing Trust properties, many of which remain uninsulated.

## ELECTORAL (COST OF BY-ELECTIONS) AMENDMENT BILL

**The Hon. M. PARNELL (16:01):** Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

**The Hon. M. PARNELL (16:02):** I move:

That this bill be now read a second time.

In the lower house of this parliament and in most other parliaments, if a local member retires or resigns a by-election is held to fill that casual vacancy. My bill aims to sheet home the cost of unnecessary by-elections to the political party to which the retiring member belongs. If passed, the bill would provide that, in the event of early retirement, in the absence of a good reason (I will come back to what that means in a moment) the political party to which the member belongs will have two choices: either it can pay the cost of the by-election from its own party's resources, or it does not field a candidate in the subsequent by-election.

We recently had a by-election for the House of Assembly seat of Frome. I take this opportunity to congratulate the newly elected member for Frome, Geoff Brock, whom I met for the first time in the corridors yesterday, very much finding his way around the building, which is how he ended up near my office. The reason for this by-election was that the sitting member, former premier Rob Kerin, chose to retire. On 11 November last year *The Plains Producer* (the newspaper in the area) quoted Mr Kerin as saying:

'For a long time I have been holding on simply to save a by-election,' he said. 'However, the time has come where I feel burnt out with politics, and it would be disingenuous to continue. I feel I am no longer able to give the electorate what they deserve, and should therefore stand aside.'

I put on the record that I wish Mr Kerin all the best in his retirement. If he feels unable to contribute at an appropriate level then he probably made the right decision to go. Those of us outside the Liberal Party will probably never know all of the various considerations, both personal and political, that led to that and similar decisions. We know that many parties use by-elections as a method of succession planning so they can usher out the old and introduce the new.

Unfortunately for the Liberal Party, it did not go quite as it had hoped, and now we have a new Independent member for Frome. However, there is nothing in my bill that would prevent any member of the House of Assembly from resigning or retiring at any time they chose.

Any member can resign for any reason. What my bill does is sheet home the cost of unnecessary by-elections to the political party responsible. Whether it is Alexander Downer in the federal seat of Mayo or Rob Kerin in the seat of Frome, if somebody has stood for parliament, promising to stay for a full term and they decide to retire early, then taxpayers should not have to pick up the tab to find their replacement.

That may sound a fairly harsh position, until we have a look at the exemptions to this rule that my bill seeks to create. To give an example, when Tim Fischer, the then deputy prime minister and leader of the National Party, resigned in 1999 he cited family reasons as the motivation, in particular his desire to spend more time caring for his young son Harrison, who suffers from autism. No-one, to my knowledge, criticised him for that move.

However, Tim Fischer did not resign his seat and force a by-election: he only retired from his position of deputy prime minister and leader of his party. He, in fact, stayed on in his electorate with a lower workload and retired at the next general election. Let us say that Tim Fischer had retired from politics completely and resigned his seat at the time that he resigned as deputy prime minister, and let us say that he had forced a by-election. Under my bill, he and his party would have had a very good case to argue that the cost of the by-election should be borne by the taxpayer in the usual way because of the circumstances of his retirement.

We know that members of parliament get sick, some even die in office, and other members of parliament have carer responsibilities which they were not aware of when they were elected or which become more demanding after their election, and for those reasons they choose to retire early. I want to protect those people and their party from having to pay the cost of a by-election. I think they are reasonable reasons for someone to retire early. Simply being tired or having had enough, I do not think is a reason for the taxpayer to foot the bill for a by-election.

Let us look at what it costs to hold a by-election. I have looked at the cost of various by-elections around Australia, and they generally range between $250,000 and $300,000. I understand that the State Electoral Office will eventually produce a report and we will have, hopefully, some accurate figures then. However, my estimate, based on comparable by-elections interstate and the fact that this electorate has a largely rural component, is that the sum is probably close to $250,000 (so, a quarter of a million dollars).

As for the mechanics of the bill, and I offer this in lieu of a formal explanation of clauses, because it is a very simple bill, this is how it would work in practice: if a member of a registered political party retires early then the Electoral Commissioner would ask the party to pay the estimated cost of the by-election, unless the Electoral Commissioner was satisfied that there was some good reason why the party should not pay. The actual words in the bill are:

> If the Electoral Commissioner is satisfied that the resignation was reasonably necessary due to circumstances beyond the member's control, for example, if the retirement was due to a medical condition of the member or of a person who relies on the member for care, the Electoral Commissioner may determine that this section does not apply.

My bill is not aimed at trying to force the unwell to stay in parliament; it is not designed to force people to choose between parliament and caring responsibilities. If people have a good reason to retire then the normal course of events (the taxpayer footing the bill) should apply. But if the party does not want to pay for the cost of the by-election and there is no good reason, then under my bill that party forfeits the right to run a candidate in the forthcoming by-election.

*Members interjecting:*

**The Hon. M. PARNELL:** Various soft interjections say this is 'undemocratic and harsh'. It seems to me that, when there is a quarter of a million dollars of taxpayers' funds being effectively wasted because someone does not last their full term and has no good reason for retiring, it is neither harsh nor undemocratic. Of course, if the party wants to run a candidate, it can, and it will pay the cost of the by-election. The point is that unnecessary by-elections are expensive and inconvenient, and the least we can do as a parliament is to reduce the burden on the public purse by requiring political parties to pick up the tab in those circumstances. I commend the bill to the council.

Debate adjourned on motion of Hon. J.M. Gazzola.

## VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

**The Hon. J.A. DARLEY (16:10):** Obtained leave and introduced a bill for an act to amend the Valuation of Land Act 1971. Read a first time.

**The Hon. J.A. DARLEY (16:10):** I move:

> That this bill be now read a second time.

As members would know, I am a former valuer-general and have been working in the valuation field for about 40 years. I have seen many changes to the law in this time, and not all of them for the better. This bill aims to clarify and fix some areas in the Valuation of Land Act 1971, the interpretation of which I think leads to unfairness and inequality in valuation and consequently in rates and taxes.

It also seeks to reintroduce some measures which were put in place in the 1970s and through to the mid 1990s by both Labor and Liberal governments but which were subsequently removed in the late 1990s by the then Liberal government on what I believe was ill-conceived advice from the then deputy valuer-general and others. This bill is also intended to cut red tape and eliminate bureaucratic processes which have been progressively introduced over the past 10 years or so and which unnecessarily frustrate an owner or occupier's right to achieve justice in the valuation system.

The purpose of the amendments in clause 3 of the bill is to ensure that the Valuer-General's valuations are relative to one another, thus satisfying the long accepted principle of fairness and equity in the valuation, rating and taxing base. My office has been contacted by several constituents who have objected to their valuations because they considered them too high. In many cases the Valuer-General decided not to reduce their valuation and provided sales evidence to support the valuation. However, when I requested the valuations for those properties used as sales evidence, the valuations were much lower than the sale price. For example, a constituent with a property in Kadina with a value of $400,000 was provided with the sale of a

comparable property of $395,000 in support of his valuation. The valuation on this comparable property was $180,000, or less than half.

Clause 3 is based around a provision in the Western Australian Valuation of Land Act where relativity, or coordination, as it is called there, has been considered when valuing properties very successfully. It is my understanding that other jurisdictions do take relativity into account, even though it is not expressly written in their legislation. In my discussions with the Valuer-General he has mentioned that accuracy in valuation will lead to relativity. However, this has not been my experience. For example, I have heard of two identical properties in the same street or even side by side which have significantly different values, and therefore one pays higher council rates than the other. This is neither fair nor equitable and demonstrates clearly that accuracy of valuation is not being maintained.

The amendments to sections 22A and 22B of the act in clauses 4 and 5 of the bill will clarify and refine the application of notional or actual use valuations for heritage listed properties to ensure that they receive the valuation concession intended by the original legislation introduced by the Labor government in September 1985. This ensures that the properties retain their character for as long as possible, rather than being forced into subdivision and progressively sold off as a result of ever increasing rates and taxes.

Clause 7 inserts a new provision into the legislation to entitle owners and occupiers to receive information at no cost from the Valuer-General, such as sales information being used by the Valuer-General when making the valuation. It is a basic principle of open government that, where the government or a government authority makes a decision that affects a person, that person is entitled to the reasons why that decision has been made. The current practice of the Valuer-General is to provide people with sales evidence once a formal objection has been lodged and a decision made.

This amendment provides that a person may at any time, either before or after lodging an objection, request information, that is, sales evidence for other comparable properties in support of their valuation. This provision is not ideal as I know there may be an additional administrative burden on the Office of the Valuer-General as a result. However, the information already exists and is used initially to determine the valuation. My amendment simply makes this information accessible to members of the public at no cost to them.

In discussions with the Western Australian Valuer-General, his view was that it was more important for owners to discuss their valuation with valuers before consideration is given to an objection. Past experience has shown that, where this occurs, the number of formal objections reduces. This is a necessary amendment, given the number of people who are dissatisfied with their valuations and who would like some understanding of the basis on which the value of their property is determined.

In Canada there is a system whereby ratepayers can have access to information regarding sales in their area online and free of charge. This was one of the recommendations made for changes to the South Australian legislation to come out of a report prepared for me by Anastasia Krivenkova, a participant in the parliamentary internship program at the University of Adelaide.

Clause 6 provides that owner/occupiers are to be advised of their right to obtain this information. This advice is to appear on their notice of valuation, which appears on their rating bills. The last amendment, contained in clause 8, abolishes the mandatory 60-day limit to lodge an objection to a valuation, and it will allow an owner or occupier to object at any time. It also allows an objection to be made to a valuation if it is not considered relative to other properties of similar worth. When this amendment was originally introduced in 1985, the result was a decline in objections being lodged with the Valuer-General.

I hope this bill results in a fairer and more transparent valuation system, where members of the public are able to make well-informed and timely decisions about their valuations, which have a significant financial impact on them. I urge all members to support the bill.

Debate adjourned on motion of Hon. R.P. Wortley.

## SELECT COMMITTEE ON PROPOSED SALE AND REDEVELOPMENT OF THE GLENSIDE HOSPITAL SITE

**The Hon. J.S.L. DAWKINS (16:20):** I move:

That the report of the select committee be noted.

On 2 April 2008 the Legislative Council established a select committee, on motion of the Hon. Michelle Lensink, to inquire into and report on the state government's proposed sale and redevelopment of Glenside Hospital, with specific reference to:

(a) the effect on the delivery of services of the proposed collocation of mental health, drug and alcohol, rural, regional and statewide services and the possible security implications;

(b) The effect of the proposed sale of 42 per cent of the site and its impact on the amenity and enjoyment of open space for patients and the public, biodiversity, conservation and significant trees;

(c) The impact of the reduction of the available land for more supported accommodation;

(d) The effect of the proposed sale of precincts 3, 4 and 5 as identified in the state government's Concept Master Plan for the site and its possible effect on access to the site and traffic management generally;

(e) The proposed sale of precinct 4 by private sale to a preferred purchaser; and

(f) Other matters that the committee considers relevant.

The select committee advertised for interested persons to provide written submissions or to register an interest in appearing before it. The committee received 212 written submissions. Submissions were received from government agencies, local government, professional organisations, service providers, individual professionals, consumers of mental health services and their relatives, local residents and members of the public. There were 1,507 submissions received as form letters sponsored by Burnside Save Open Spaces Incorporated. Accompanied by representatives from the Department of Health, the committee visited the Glenside Hospital site on 20 June 2008 and met on nine other occasions to hear evidence.

The select committee supports the proposed acute hospital and the development of better services for those with mental health illnesses. The committee believes that the primary purpose of the redevelopment should benefit the people who have either a mental illness or a drug dependency problem, or both. The majority of evidence and submissions presented to the committee has supported this view. However, a great deal of disaffection has been expressed to the committee on aspects of the proposed development, including the sale of the land to fund residential housing, plans for retail and commercial areas, the future of rural and remote services, the depletion of open space, the possible destruction of trees and our security, particularly in relation to the incorporation of Drug and Alcohol Services South Australia, traffic and access issues and the consultation process.

At this stage, I would like to summarise a number of the issues raised before the committee and the findings and recommendations that it brought down. I will not go back over the individual terms of reference in detail, but I will perhaps just go to some of the subtopics raised under them. After considering the evidence presented to it, the committee supported the collocation of mental health services and drug and alcohol services on the site. The committee believed, however, that the collocation of services must be handled sensitively and that services for incompatible vulnerable groups must be adequately delineated.

The first recommendation of the committee was that all current high-care patients be provided with a detailed care plan outlining their treatment and its location. The committee's second recommendation was that the Department of Health incorporate best practice principles in the plans for the new collocated services, with the health of vulnerable client groups as its highest priority.

We then move to security issues. The committee noted the concerns of local residents and believe that, if the collocation is to succeed, the present harmony with the local community must be maintained. This will mean ensuring that effective security arrangements are put in place. The committee recommended that the Department of Health develop an up-to-date and comprehensive security plan for the redevelopment.

I now turn to rural and remote services. A number of members in this council (including you, I am sure, Mr President) are aware of the ongoing issues with mental health in rural and remote areas of this state and the genuine concern of the community. The committee found that there are plans to expand the capacity for mental health beds in the regions but, on the evidence presented, it was unclear as to when this would occur, particularly in light of the current financial situation. As such, the committee recommended that the proposed number of rural and regional beds in the new facility be doubled from 23 to 46.

The next topic I would like to refer to is Helen Mayo House. The committee noted that four years after a recommendation was made by the Social Development Committee there are still only

six in-patient beds in Helen Mayo House and that the redevelopment of the site will not provide for any increase in bed numbers. The stated intention by the government in its State Strategic Plan to continue to increase population numbers logically calls for an increase in the number of in-patient beds at Helen Mayo House.

Further, the committee recommended that, because of the contribution made to birthing women in this state by Dr Helen Mayo, her name be retained for the unit which continues to deal with women admitted for acute postnatal psychological and psychiatric conditions. In addition, the committee recommended that the number of in-patient beds for women with acute postnatal psychological and psychiatric conditions be increased from the current six to 10 with provision for expansion at a later date should that be necessary.

I will move now to matters relating to open space and, following that, of course, biodiversity, conservation and significant trees. The committee believed that the whole Glenside site should be dedicated to the provision of mental health services and that any open space that is not used should be preserved for future expansion of services. The committee recommended that at least a portion of the old orchard should be retained as an example of previous activity on the site. The committee recommended also that new buildings at Glenside be sited so that as many of the 191 significant trees as possible are retained.

I now move to the term of reference referring to the impact of the reduction of the available land for more supported accommodation. In its findings the committee noted that South Australia has an undersupply of supported accommodation, with hundreds of people on waiting lists. With more than 400 supported accommodation places having disappeared in the past eight years and possibly more to come, the 40 places to be provided on the Glenside site redevelopment are totally inadequate. While the committee noted the concerns of witnesses who argued that there is not enough housing for the mentally ill proposed in the master plan, it is also aware of the conflicting arguments about providing more supported accommodation on the Glenside site.

The committee believed that if the development is to be successful it is essential that it is in harmony with the ambience of the surrounding area and does not strain longstanding local community acceptance of mental health services consumers. Nevertheless, the committee strongly believed that the provision of suitable housing plays a critical role in the shift from institutional care to community care and that there is a serious shortage of appropriate housing for the mentally ill in this state. This is becoming even more critical as supported residential facilities continue to close. In this regard, the committee recommended that the government implement a mental health accommodation strategy for the state, particularly in light of the expected closure of more supported residential facilities. In addition, the committee recommended that the number of supported accommodation places to be provided in the redevelopment be increased to 50.

I now move on to the term of reference relating to the effect of the proposed sale of precincts 3, 4 and 5 (as identified in the state government's concept master plan for the site) and its possible effect on access to the site and traffic management generally. The committee was disappointed to find that final plans are still not available. The committee was not confident that all aspects of the development are proceeding in a transparent and timely manner.

In relation to the sale of land, the committee found that the government proposed that the sale for housing and retail development is required to fund the redevelopment of the mental health facility. Members of the committee were concerned that funding for the redevelopment is not being set aside from general revenue, as was the case with previous mental health projects, such as the Margaret Tobin Centre. The committee believes that this has compromised the potential to provide for the current and future needs of people with mental illness in South Australia.

The committee noted that the government has committed $100 million for the AAMI Stadium upgrade and $50 million for the Entertainment Centre without providing the level of planning that is taking place in reviewing South Australia's mental health services. Recommendation 11 indicates that the committee recommended that plans for the sale of land for residential and commercial purposes be discarded and that the government explore alternate funding models, including those suggested to the committee by the Public Advocate, which I will not go into at this point.

Access and traffic management was a further area the committee examined. It was clear to the select committee that the proposed redevelopment will place additional strains on existing traffic flows, even though this is likely to happen in stages. The committee believed that traffic management will be a key factor in the success or otherwise of the redevelopment. The committee

recommended that the Department of Health work closely with the Department for Transport, Energy and Infrastructure and the relevant local government bodies to ensure optimal management of traffic relating to the Glenside site.

I now move to term of reference (e), which relates to the proposed sale of precinct 4 by private sale to a preferred purchaser. The committee noted that, 15 months after the release of the concept plan (and that was the time frame when the report was finalised), the government was not yet able to provide more information about the status of negotiations with the proponent. The committee was aware that the rapidly deteriorating economic situation facing South Australia may have an impact on arrangements such as this one. The committee believed that, if these negotiations fall through, plans for precinct 4 will need to be re-assessed, including plans for selling the oval.

The committee recommended that, in the event that negotiations with the Chapley Group were terminated for any reason, the Department of Health re-assess plans for precinct 4 to include the future of the oval.

Under the term of reference that refers to 'Other Matters', first, I would like to talk about the consultation process. The committee was very concerned that such a diverse group of stakeholders including current and former mental health services consumers, the local council and mental health professionals viewed the consultation process as tokenistic.

It appeared to the committee that many of the issues that had been drawn to its attention in submissions and by witnesses could have been resolved if more attention had been given to informing and involving interested parties in the planning process for the redevelopment. The committee recommended that, as a matter of urgency, the Department of Health develop a revised master plan in consultation with key stakeholders including local residents, hospital staff, patients and their families, Burnside council, the heritage branch of the Department for Environment and Heritage and the National Trust of South Australia.

Moving to the area of aged care, the select committee believed that, if aged patients with significant psychiatric illnesses are to be transferred to the aged care sector, protocols should be in place to ensure that the transfer will provide professional care. The committee recommended that the Department of Health, in conjunction with aged care providers and the appropriate federal agencies, develop protocols for the transition of aged mental health patients to aged care facilities to ensure that they will receive appropriate professional care and supervision.

In the area of forensic services, the committee noted that, with the delay on the new prisons project, transitional arrangements for forensic patients were unclear. The committee recommended that the government consider keeping James Nash House open until capacity constraints arising from the transitional arrangements are fully addressed. The committee recommended that the government consider providing medium security forensic beds in the new Glenside development. The committee also recommended that the Department of Health negotiate with the Department for Transport, Energy and Infrastructure to put in place a public transport service to ensure that visitors can get to the proposed new facility in Murray Bridge.

In relation to extended care, the Royal Australian and New Zealand College of Psychiatrists identified the area of extended care as one where services had been lost from the Glenside campus and told the committee that extended care patients are receiving services in acute wards in the general hospital system. The RANZCP is concerned about this loss of capacity and believes that acute settings are not the most appropriate environment for patients with chronic mental illnesses. The committee recommended that a specialist service for mental health patients with chronic needs continue to be provided on the Glenside campus.

There are a number of other areas that the committee considered and had brought to its attention. I will not go into all of those today, but they are the committee's key findings and recommendations—19 in all. I do just want to make a few more remarks. First, it is appropriate to mention that two members of the select committee, the Hon. Ian Hunter and the Hon. Bernard Finnigan, dissented from a number of findings and recommendations in the report.

Their dissenting statement is attached to the report, and I understand that that will be addressed when one (or both) of them speaks to this motion in the near future. However, I do want to say at this point that I thought the committee's work was very important and that all members of the committee regarded it as such, and I was privileged to chair what was a very good committee in the way it conducted its work.

I should also mention—and members might recall—that the select committee brought down an interim report, tabled with unanimous support in September 2008, which called for the establishment of a dedicated mental health research facility on the Glenside campus. That followed pressing evidence from the Royal Australian and New Zealand College of Psychiatrists, and certainly the report has been out there for some time.

It is important that, on behalf of the committee, I extend thanks to those who provided information and evidence to the inquiry, including the Department of Health, the City of Burnside, the Public Advocate, interested organisations, professional bodies, mental health services, consumers, and members of the public. Many members of the public demonstrated that they have experienced the good work done at the Glenside Hospital because of their own personal experiences or because of the experiences of family members. I appreciate the open manner in which many people expressed that to us.

I would also like to again thank members of the committee: you, Mr Acting President, the Hon. Mr Hunter, the Hon. Mr Finnigan, the Hon. Sandra Kanck—who, of course, has since left the services of this council—and the mover of the motion that established the committee, the Hon. Michelle Lensink. As I said earlier, it was a pleasure to chair the committee. I extend my thanks for the way in which members made my job easier.

I also put on the record the excellent service given to the committee by Mr Guy Dickson, the secretary, and also Ms Geraldine Sladden, the research officer. I thank them for their attention to detail and dedication in helping the committee produce a report in 10 months. Given that Christmas and New Year were in that time and given that some select committees in this place go on a little bit longer than that, I would like to thank the staff for their role in assisting us in bringing down the report in that time.

In conclusion, I have learnt a lot more about mental health services in this state as a result of being a member of the committee. Members here are well aware of my strong interest in mental health, in general, and suicide prevention, in particular. The role of Glenside is fundamental, and I think it has been a very good committee which has come down with a report that provides a depth of information relating to the facility. I think that will be valuable for other members of the community who wish to know more about the Glenside facility.

I encourage the government to strongly consider the findings and recommendations in a timely manner. Once again, I thank all those who contributed to the report and commend it to the council.

Debate adjourned on motion of Hon. J.M. Gazzola.

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: DESALINATION PLANTS

**The Hon. R.P. WORTLEY (16:44):** I move:

That the interim report of the committee be noted.

The Environment, Resources and Development Committee commenced this inquiry into the environmental impacts of the proposed desalination plants at Port Stanvac and Port Bonython in August 2008. As part of the inquiry, 37 submissions were received and 11 witnesses were heard. Submissions and witnesses included key players from state and local government, industries, academics, non-government organisations and community groups, providing a cross-section of views, ideas and information on environmental issues arising from the proposed development of the desalination plants at Port Stanvac and Port Bonython.

Due to the release of the environmental impact statement by SA Water for the proposed plant at Port Stanvac, this is an interim report focusing on impacts in Gulf St Vincent. Further comment on Gulf St Vincent may be included in the final report.

Our knowledge of environmental impacts from desalination is largely based on limited research from relatively small plants operating in relative isolation from each other across the globe. Cumulative impacts, both over time and including other inputs in a particular region, are only now beginning to be investigated.

Complicating our lack of knowledge here in South Australia are the site specific conditions of building a large scale desalination plant in an inverse estuary, where the lack of adequate circulation could amplify impacts on the marine ecosystems. It is this factor, whereby the desalination plants are being built in inverse estuaries, which caused the most concern for members of the committee.

None of the submissions received or any of the witnesses that appeared were totally opposed to desalination per se, but they were concerned with the issue of adequate dispersal conditions on Gulf St Vincent, and many suggested alternative siting.

The release of the environmental impact statement by SA Water addressed a number of design questions raised during the inquiry. The construction design of the full tunnel option appears to provide the method of least environmental damage and intrusion into the marine environment. Strategies have been designed to prevent the impingement of marine organisms. The only strategy to prevent entrainment of larvae, eggs and plankton is the use of low speed intake. Backwash sludge will be dewatered and disposed of on land, and modelling has been used to design the diffuser system to ensure that dispersion of brine will occur efficiently.

The committee believes that desalination can be a beneficial technology if established and used in a sustainable and environmentally aware way. Due to the paucity of information, the committee has concerns regarding the dispersive behaviour of the brine stream during the twice-monthly event of dodge tides and recommends stringent monitoring take place during these periods to obtain actual live data to validate the modelling that has been used as the basis for the current plant design.

The committee is also of the opinion that all monitoring regimes should be designed to include provision for measuring cumulative impacts, as Gulf St Vincent is already considerably impacted by industrial, stormwater and waste water discharges.

Given the likely increase in interest in desalination plants, the committee also believes that reforms are needed to environmental legislation and policies to ensure that proponents have clear directions as to appropriate locations and the operation of future desalination plants in South Australia.

The final report will be completed in 2009, following the release of the environmental impact statement for Spencer Gulf by BHP Billiton. I commend the report to the council.

Debate adjourned on motion of Hon. T.J. Stephens.

## CHILD SEX OFFENDERS REGISTRATION (REGISTRATION OF INTERNET ACTIVITIES) AMENDMENT BILL

Second reading.

**The Hon. R.D. LAWSON (16:48):** I move:

That this bill be now read a second time.

The Child Sex Offenders Registration Act was passed in 2006 by this parliament. It is an act which establishes a register of child sex offenders. It is designed to prevent registered child sex offenders engaging in child related work and has other purposes as well directed to the same ends.

The essential provisions of this act are that certain persons who have been convicted of sex offences are treated as registrable offenders, and they are required to register certain particulars with police. This amendment which I am moving was proposed in another place by the Hon. Iain Evans, whose idea it is. As he explained in another place, he learnt that a similar provision to that contained in the bill appears in New South Wales, and I certainly commend the Hon. Iain Evans for his diligence in making this discovery and also for moving and having carried in another place the amendment, which is an improvement on the existing provisions.

Under the existing provisions, a registered offender reports a considerable number of matters: his name and address, including previous names (I am here using 'his' but the legislation applies to women as well); in respect of each name other than the current name, the period during which the person was known by that name must be specified; date of birth; address of usual residence; the names and ages of children who generally reside in the same household; if the person is working, the nature of the work, the name of the employer and the address of each premises at which the person generally works; details of affiliations with clubs and organisations that have child membership or child participation; the make, model, colour and registration number of any motor vehicle owned or generally driven by the person; details of tattoos or permanent distinguishing marks that they have; whether they have ever been found guilty in a foreign jurisdiction of a registrable offence; whether they have been in government custody since they were sentenced; their travel plans, if they intend to travel outside South Australia on an average of at least once a month; the general reasons for their travelling; and the frequency and destination of their travel.

So, it will be appreciated that considerable details are required to be registered. The omission that this bill seeks to redress is in recognition of the fact that these days, according to all reports that members will have seen, the internet is largely used by child sex offenders to groom and to contact children, persons or minors for their own prurient interests. Because the internet is so widely used for these purposes, it seems odd that one is required to give one's name, address and telephone number and all that sort of detail but not details of internet services to which the person is a subscriber.

Accordingly, the amendment will insert into the details required of registrable offenders the following: details of any carriage service within the meaning of the Telecommunications Act of the commonwealth used or intended to be used by the person, that is, their telephone number or any other service they use, mobile or land line; details of any internet service provider or provider of carriage service used or intended to be used by the person; details of the type of internet connection used or intended to be used, including whether the connection is wireless broadband, ADSL or dial-up connection; details of any email addresses, internet user names, instant messenger user names, chat room user names or any other user name or identity used or intended to be used by the person through the internet; and any other information prescribed by regulations.

Generally speaking, the Liberal Party is not in favour of including in legislation of this kind provisions by way of regulation. We prefer to see requirements inserted into legislation where they are subject to due parliamentary debate and scrutiny and can be amended. However, given the speed with which technology is changing in this area, and the difficulty of sometimes getting legislation onto the *Notice Paper* and passed, we agree on this occasion that it is appropriate to enable regulations, which are of course disallowable by either house, to extend the operation of these particular provisions. The Hon. Iain Evans discovered that this sensible, practical measure has been implemented elsewhere and we seek the support of all members of the council to the rapid passage of this important improvement in this new system.

Debate adjourned on motion of Hon. B.V. Finnigan.

## SALE OF GOODS AND WAREHOUSE LIENS LEGISLATION

Order of the day, Private Business, No. 19: Hon. C.V. Schaefer to move:

That she have leave to introduce a bill for an act to amend the Sale of Goods Act 1895 and the Warehouse Liens Act 1990.

**The Hon. C.V. SCHAEFER (16:56):** I move:

That this order of the day be discharged.

Motion carried.

## SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 February 2009. Page 1151.)

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (16:59):** I understand that no other speakers wish to address this bill, so in making some concluding remarks I point out that Country Arts SA works to ensure that people across regional areas of our state have access to a wide range of enriching arts and cultural development opportunities. The South Australian Country Arts Trust has sought the state government's support in amending the South Australian Country Arts Trust Act 1992 and the South Australian Country Arts Trust Regulations 2004 in order to ensure ongoing and appropriate regional representation on the board of trustees.

I thank Liberal members for indicating their support for the bill during its second reading. The main purpose of the proposed changes to the act and regulations is to remove references to the country arts boards and to allow the trust to be reconstituted. This will reduce the organisation's current two-tiered governance structure to a single-tiered structure, with membership being directly drawn from regional South Australia and reflecting groupings of new regional boundaries.

I outlined previously in my second reading contribution the proposed new structure arrangements as well as the new regions for Country Arts SA services. Country regions will continue to be well represented, not only through membership of the board of trustees but also

through the restructuring of the organisation's Grants Assessment Panel so that it incorporates 10 regionally-based members.

Furthermore, each of the regionally based trustees will have to reside in the region that they represent. These changes are unanimously supported by the trust since it will provide for a higher level of—and more equitable—regional representation on the board of trustees. Also, it will give the trustees an opportunity to be more involved across all aspects of Country Arts SA activities. With those final comments I commend the bill, and I look forward to it being dealt with expeditiously through the committee stage.

Bill read a second time and taken through its remaining stages.

## NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 1030.)

**The Hon. R.L. BROKENSHIRE (17:03):** I will limit my comments on this bill, given that I will be moving some amendments. We will have more time to talk to our colleagues at that time. There are two important issues with respect to the amendments to this bill: the first is a clearing issue and the second is a bushfire prevention issue. I flag that I have amendments concerning bushfire prevention that will be on file shortly.

It is important that the parliament represent a broad cross-section of views. As a farmer, I am all too aware of the issues that arise from the clearing of native vegetation, particularly in the past when too much native vegetation was cleared in a lot of areas. We are seeing problems with certain aspects of farming in those areas as a result of over-clearing. I am well aware of the balance and the importance of protecting native vegetation.

If people talk to farmers, they will find that they are not out there wanting to be bulldozer-happy, knocking down trees, scrub and native vegetation—unlike some of the messages that some environmentalists like to portray about farmers.

In fact, farmers have a love of the land and passion for the land and the environment. We understand the importance of native vegetation. Indeed, on my own property, where we have some scrub, I was pleased to enter into an agreement with the state government to protect part of the area as part of a sensible trade-off situation in order to do other activities on other parts of the farm. I love to see the wedge-tailed eagles, the rosellas, the yellow-tipped black cockatoos and all the other bird life that is seen as a result of having native vegetation, and I understand the importance of biodiversity.

However, I want to touch on the clearing issue. On the subject of clearing I want to commend the government for its commonsense changes in relation to offset clearing. As I see it, this bill formalises a change in policy; in fact, it is a significant change in policy from several years ago, when I would not have seen this government in opposition putting an amendment like this forward or supporting one, indeed, when the Liberals were in government. The point is that this bill does formalise a change in policy—a good change, in my opinion—that enables a landholder to clear vegetation of comparatively minimal conservation value on his or her land and allows them to plant or support vegetation in another area that makes a far greater contribution to biodiversity and conservation.

Clearly, where there is some native vegetation that is not of significant value and other things can be done with the land, it makes sense sometimes to say, 'We will not put a couple of hundred mallee trees in this corner of the place to offset it but, rather, we will plant more important native vegetation in another area, probably fairly well removed from that particular point of clearance,' so that we can make a better contribution to biodiversity and conservation. How could it be otherwise? How could we let a species die or be highly endangered in one place when, by clearing some land and forcing people to plant a comparatively safe region back to certain species on their own land, we can create better opportunities for the state by having a more commonsense approach?

What we had prior to this policy change was a triumph of form over substance. It is a sensible move by the government in this case. I observe that landholders can pay into a fund rather than planting trees and, in a briefing, it was put to the Family First party that it was less likely to occur, as landholders can often get better use of their money by planting trees than paying into a fund. I can accept that a fund is a useful mechanism, but there can be scenarios where money is

misappropriated or it sits in a fund and is never used. I flag to the government that I will be concerned to see how that fund develops and is spent in the years ahead. Special purpose funds should always be used promptly, transparently and for their intended purpose.

I also want to comment on bushfire prevention. As a former emergency services minister I know all too well how dangerous bushfires can be to life and conservation. In my latter years as a minister I saw what happened at Tulka, near Port Lincoln, soon after fire had threatened lives and property. It was only the fact that Tulka residents who were still on their properties were able to get into the sea that saved them from serious injury or even losing their lives.

I then inspected areas of native vegetation. Quite of lot of it was owned by the Crown one way or another. In particular, SA Water owned a lot of land there which was used as a catchment area for water resources for Port Lincoln. It was clearly evident to me then that there were insufficient firebreaks, and that led to mass destruction and threat to life, property and biodiversity. Where there were buffers or firebreaks they were too narrow and not maintained.

I thought things would have progressed positively as a result of the inquiries after that, but we saw again when the Wangary fires started (three years ago or thereabouts) just what impact massive areas of native vegetation without proper firebreaks, clearance and maintenance had to fuel and increase the intensity of the fire situation, and the tragedies that resulted partly through that situation.

Only in recent weeks we have seen Port Lincoln again being threatened in an area not that far from the Tulka fires. Again, we heard the mayor and others saying that insufficient firebreaks and so on were part of the problem. We also heard criticism from government agencies that private landowners were at fault because they did not have adequate firebreaks or that they had not maintained firebreaks, or that they had not applied to the Native Vegetation Council to cold burn or, indeed, clear some of the vegetation on their property to prevent fire, which I thought was a bit of a cheap attack on the private sector.

If you look at the Native Vegetation Act and the lack of transparency between that act and bushfire prevention, the role of the CFS and the state-run Bushfire Prevention Committee and the council's involvement, it is pretty much a cumbersome process. In fact, in my own area, I am not aware that we have a proper management plan. Certainly, if we do have one, I have not had anyone come to me to say that they have concerns about any scrub on their property with respect to not having cold burns or adequate firebreaks, etc. Most farmers and landholders would think that there is no way known that you would be able to clear any land for firebreaks and the like. So, I wanted to defend private owners to that extent, and I now turn to the amendments to this act.

I believe that there needs to be changes to the composition of the Native Vegetation Council. The law as it presently stands gives the CFS absolute say during a bushfire, and that is appropriate. In fact, I moved amendments to that extent when I was minister so that it was absolutely clear that once there was a fire situation there would be no argument between National Parks and Wildlife and CFS officers, etc. about the use of bulldozers, cold burning, and so on.

It was clear that there had to be a proper legislative framework in place to ensure that it was clear who was in charge, so I moved an amendment, which was passed. Clearly, when there is a bushfire, the CFS is involved. However, there is an anomaly or problem in relation to the composition of the board of the Native Vegetation Council, because there is no-one with fire expertise on the board. There is a requirement that there be a representative of the South Australian Firemen's Federation on the board, but it is not stipulated that that person must have expertise in bushfire prevention and management.

In preparing for a bushfire, the CFS has to comply with a plan prepared by the Native Vegetation Council. With due respect to current and past members of the Native Vegetation Council, I do not believe that there is any specific expertise in bushfire prevention within that council. In relation to this issue, the government says that there is a bushfire subcommittee, but that is not a standing representation on bushfire prevention. The Native Vegetation Council does not have the legal teeth, the voting capacity and the opportunity it would have if there was someone on the council with bushfire prevention expertise.

My amendment will not remove any of the existing members but will add a new member, who will be either the Chief Fire Officer of the CFS or a nominee of the Chief Fire Officer. I am looking forward to talking to my colleagues about this, particularly the shadow minister for emergency services (Hon. Stephen Wade), and I will be asking for his support. I think it makes

sense for this person to be a member of the Native Vegetation Council, and it is timely that this bill is before the parliament at this time.

Bushfires are not just a risk to humans and property but also to the environment. It is true that bushfires are often natural occurrences (or were always pretty much natural occurrences prior to European settlement), although our indigenous people, in their land management preparation, knew how important it was to cold burn, clear and protect the land. Sadly, we do not have enough retained knowledge about that practice, and the greater population density that we now see means that there is a greater likelihood of a bushfire, not to mention the sad situation where bushfires are started by arsonists.

With these comments, I indicate that Family First will support the second reading but will reserve its position in relation to the third reading until we see how the bill goes through committee, particularly with respect to the amendments that we intend to move.

Debate adjourned on motion of Hon. B.V. Finnigan.

## MOUNT GAMBIER HOSPITAL HYDROTHERAPY POOL FUND BILL

Adjourned debate on second reading.

(Continued from 3 February 2009. Page 1145.)

**The Hon. S.G. WADE (17:15):** I rise to indicate that the opposition supports the principle of the bill but believes that some amendments are required. The bill seeks to establish a process by which funds collected in the year 2000 for the now-abandoned purpose of building a hydrotherapy pool at Mount Gambier Hospital should be returned or otherwise spent. The funds to which this bill relates total approximately $270,000 and are currently held by the Commissioners of Charitable Funds.

This $270,000 worth of donations came from the community. They are not government funds to be used by the government according to its arbitrary will. We are thus faced with the question of what should be done with the money and the interest that it has earned over the past nine years. Following 5½ years of debate, an agreement has been reached that, where possible, the funds should be returned to the donors with interest and that any remaining funds should then be spent on another project.

The opposition supports this principle and welcomes this bill as a resolution to this issue. However, there are two continuing points of divergence in relation to the bill. The first relates to the means by which the funds should be returned, and the second relates to who should decide how any unreturned funds should be spent. The first point of divergence, that of the means by which the funds should be returned, is an issue that was raised by the Hon. Mr Darley in his second reading contribution.

The opposition had indicated in another place that it was satisfied with Country Health SA having responsibility for the return of the funds to donors as it was of the view that the Commissioners of Charitable Funds were not well placed to do so. However, we do defer to the Hon. Mr Darley's experience as a former commissioner of charitable funds, and we accept his advice that the commissioners are well placed to manage the return of funds to donors. It is preferable that these independent commissioners be responsible for this task given that they already have control of the funds and are experienced in matters relating to the management of charitable funds. Accordingly, I indicate the opposition's support for the amendments that achieve this aim.

Another issue of concern to the opposition is who should have the final decision as to how any unreturned funds are spent. Under the government's bill, Country Health SA, the central bureaucracy, has the decision ultimately on the expenditure of these unreturned funds. The opposition is not comfortable with this approach. Given the Rann government's predilection for ignoring the concerns of rural and regional South Australia, opposition members are not comfortable passing control of these community funds to a government bureaucracy. In our consultation with the local community and local stakeholders, a recurring message has been that the community should have the decision as to how these funds are spent.

In agreement with this sentiment, the Liberal opposition considers that the Mount Gambier Health Advisory Council, as a community representative body and the body closest to the community, should be given the final decision after consultation with the community. We do not accept the government's proposal that Country Health SA consult with HAC is a sufficient

assurance that Country Health SA will spend the unreturned funds on the project in accordance with community wishes. While Country Health SA is required to consult with HAC, there is no requirement to do so.

We know from experience that, where the Rann government bureaucracy has the final decision, the interests of country South Australia are regularly disregarded. The government argues that HAC should not receive the funds as it does not have tax exemption status but, as the Hon. Mr Darley pointed out, this is the responsibility of Country Health SA. If it has not occurred, it is the fault and responsibility of Country Health SA. This issue of the final decision being the power of a central bureaucracy is of concern to the opposition, and accordingly we will be supporting the Hon. Mr Darley's amendments to rectify that fault in the bill.

Debate adjourned on motion of Hon. J.M. Gazzola.

## DEVELOPMENT (PLANNING AND DEVELOPMENT REVIEW) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

## STANDARD TIME BILL

Received from the House of Assembly and read a first time.

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (17:21):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Standard Time Bill 2008* seeks to repeal *The Standard Time Act 1898* and replace it with updated legislation that reflects the internationally accepted time standard.

The Bill proposes to replace references to Greenwich Mean Time with a more accurate time measurement scale called Co-ordinated Universal Time.

Co-ordinated Universal Time is an international time scale recommended by the International Bureau of Weights and Measures as the legal basis for time. It is a method of measuring time using atomic clocks. Greenwich Mean Time, which is based on astronomical observations, is an average (mean) because the actual time taken for the Earth's rotation varies slightly from day to day. Measurements taken by atomic clocks vary far less.

The Commonwealth *National Measurement Act 1960* was amended in 1997 to provide that Co-ordinated Universal Time is the time scale to be maintained by Australia's Chief Metrologist. Following a recommendation from the National Time Commission (now known as the National Measurement Institute) in 2004, the Standing Committee of Attorneys-General agreed that each State and Territory would adopt Co-ordinated Universal Time as the basis for calculating the passage of time.

Since that recommendation all other jurisdictions have made appropriate amendments to their standard time legislation. This Bill will ensure that South Australia operates as part of a uniform national time standard.

The proposal would not change the actual time in South Australia to any noticeable degree. The difference between Greenwich Mean Time and Co-ordinated Universal Time is measured in fractions of a second. Moreover, whenever the cumulative difference approaches one second, an adjustment is made in Co-ordinated Universal Time to reduce the gap.

The difference is important, however, in some scientific matters. For example, it is relevant in computer programmes that use high speed data transfers and in universal synchronisation matters. It is also the basis of the satellite global positioning system.

To determine the international standard of Co-ordinated Universal Time, the Bureau of Weights and Measures in Paris co-ordinates data from atomic clocks located in timing laboratories around the globe, including at the Australian National Measurement Institute.

The Bill sets South Australian standard time at 9 hours and 30 minutes ahead of Co-ordinated Universal Time. The current Act similarly set the time in this State by reference to the meridian of longitude 142.5° East of Greenwich Mean Time, which equates to 9.5 hours (every 15 degrees equals 1 hour).

The Bill fundamentally relates to the measurement of the passage of time and is not about the time zoning of South Australia. It has no relationship with the adoption of Eastern Standard Time or True Central Standard Time, nor any change to or discontinuance of Daylight Saving Time.

The Bill will have no practical effect on the general community. The public and businesses that rely upon precise time measurement, however, will benefit from the certainty in the use of uniform terminology in standard time legislation throughout Australia.

I commend the Bill to the House.

Explanation of Clauses

1—Short title

This clause is formal.

2—Interpretation

This clause defines terms used in the measure. *Co-ordinated Universal Time* is defined to mean Co-ordinated Universal Time (UTC) as determined by the International Bureau of Weights and Measures and maintained under section 8AA of the *National Measurement Act 1960* of the Commonwealth. The definition of *instrument* covers a wide range of legal documents from legislation to contracts, and is the same as the definition in the *Daylight Saving Act 1971*.

3—Standard time in South Australia

This clause provides that standard time throughout South Australia is 9 hours and 30 minutes in advance of Co-ordinated Universal Time.

4—Reference to time

This clause provides that, subject to the *Daylight Saving Act 1971*, a reference to time in any instrument or in any oral contract, stipulation or direction is, unless the contrary intention is expressed, to be taken to be a reference to South Australian standard time.

Schedule 1—Repeal

1—Repeal of *The Standard Time Act 1898*

This clause repeals *The Standard Time Act 1898*.

Debate adjourned on motion of Hon. S.G. Wade.

## KAPUNDA HOSPITAL (VARIATION OF TRUST) BILL

Received from the House of Assembly and read a first time.

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (17:22):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Kapunda Hospital (Variation of Trust) Bill before the House is necessary to allow the continuation of a child care centre established on land held in trust by the Eudunda Kapunda Health Advisory Council Inc.

In 2005, the Eudunda & Kapunda Health Service Inc (the trustee at the time) and Child Care Services Australia Pty Ltd entered into an agreement to allow the establishment of a child care centre on land that was held in trust. Unfortunately, the board of the Eudunda & Kapunda Health Service Inc did not properly investigate whether the use of the land was consistent with the trust deed before it entered into the agreement.

The trustee was, however, well intentioned and Child Care Services Australia entered into the agreement in good faith with a view to providing a required service to the community.

Child Care Services Australia had previously applied to the council for approval to build the child care centre on other sites in the Kapunda township. However, those sites were located within existing residential zones and the applications were rejected by the Council.

The approach to the Hospital at that time was regarded as opportune, since it would provide convenient access for staff to child care services some 500 metres from the Hospital on vacant land no longer deemed necessary for any future activity by the Eudunda & Kapunda Health Service Inc.

The Government was advised in late 2006 that the trust deed established in 1877 in respect of the Kapunda Hospital required the land specified in the trust deed and all buildings then existing and built in the future to be used as a hospital. It is not possible under the terms of the trust to utilise the land in a manner that is not consistent with the purposes of the hospital and, although hospital staff may make use of the child care facilities, the centre itself could not be considered as a purpose of the hospital or ancillary to that purpose.

The Government was advised that the centre should close down to meet the terms of the trust or that legislation be drafted to vary the trust deed.

The Government concluded that to close the child care centre that had been operating for some time would disadvantage those using it and Child Care Services Australia, which had entered into the agreement in good faith. Instead this legislation has been drafted to vary the trust deed.

The Bill before the House varies 'The Kapunda Hospital' Trust Deed to enable the Eudunda & Kapunda Health Advisory Council Inc (the trustee), with the approval of the Minister, to allow any trust land not required for the purposes of the Kapunda Hospital to be used for any other purpose approved by the Minister (including the provision of child care services, early childhood intervention services and other related services). The Eudunda Kapunda Health Advisory Council Inc as trustee has indicated its support for the variation of its powers under the trust by this Bill.

It is the Government's view that this is a fair and reasonable outcome for Child Care Services Australia and the community in and around Kapunda who may use the centre.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause is formal.

2—Variation of Kapunda Hospital trust

The measure varies the terms of the Kapunda Hospital trust so that the trustee, with the approval of the Minister, has all the powers necessary to allow any trust land not required for the purposes of the Kapunda Hospital to be used for any other purpose approved by the Minister (including the provision of child care services, early childhood intervention services and other related services).

The clause further provides that despite any other Act or law, a lease may be granted for such period and on such other terms and conditions (which may include a right for the lessee to occupy the land free of rent or at a nominal rent) as may be agreed between the parties to the lease.

3—Immunity from liability for breach of trust

This clause provides that no liability attaches to a person for breach of trust by virtue of anything done under this Act or by virtue of the occupation of a portion of the trust land for the purposes of providing child care and other related services before the commencement of this Act.

Debate adjourned on motion of Hon. S.G. Wade.

## STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Received from the House of Assembly and read a first time.

## ADMINISTRATION AND PROBATE (DISTRIBUTION ON INTESTACY) AMENDMENT BILL

Received from the House of Assembly and read a first time.

At 17:24 the council adjourned until Thursday 5 February 2009 at 14:15.