LEGISLATIVE COUNCIL

Thursday 3 December 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:04 and read prayers.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:05): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:05): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

MINING (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:06): Obtained leave and introduced a bill for an act to amend the Mining Act 1971. Read a first time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:06): I move:

That this bill be now read a second time.

South Australia possesses a wealth of mineral resources. These are owned by the people of South Australia and need to be managed in the community's best interests. The government of South Australia is committed to the principles of effective and efficient regulation of our mineral resources sector. The government is also seeking to develop our mineral resources within the framework of South Australia's Strategic Plan—Key Objective 1: Growing Prosperity, which sets targets for mineral resources exploration, production and processing.

Our Strategic Plan recognises the importance of our resources sector in growing the state's future economic prosperity through increased business investment, regional development and opportunities for employment and skilling, balanced against key environmental and social objectives. The broad scale benefits achieved through the development of our mineral resources will also substantially contribute to the other Strategic Plan Key Objectives: Improving Wellbeing, Attaining Sustainability, Fostering Creativity and Innovation, Building Communities and Expanding Opportunities.

Best practice management of South Australia's mineral assets, including streamlined regulation of exploration and mining activities, attracts investment that delivers outcomes of sustainable benefit and prosperity. The government recognises that the exploration and mining sectors require predictable procedures for access to land, security of exploration and/or mining tenure and predictable regulatory processes, in order to commit to higher risks for investment in mineral resource exploration, new mine development and life-of-mine operations.

The government also recognises that landholders and communities require clear and timely advice on their rights under the Mining Act 1971 and on the responsibilities of exploration and mining companies that are seeking access to their land. This bill proposes enhancements to the Mining Act 1971 to streamline tenement applications, assessments and approvals. The bill incorporates provisions for improving administration of regulatory compliance, enforcement and penalties under the act, leading to effective and efficient utilisation of the state's mineral resources.

Key objectives of the bill. The bill has been developed in accordance with three key objectives:

- Reducing red tape—repeal or amend legislative requirements that impede industry in the conduct of normal business operations;
- Greater transparency—require industry to provide more information on proposed and current mining operations and improve notification protocols for access to land for landholders and the community. Greater transparency in government processes;
- Effective regulation—ensure the regulator is authorised to effectively regulate mining operations and is adequately resourced to provide a quality and timely service to industry and the community.

Extensive consultation has been undertaken with industry, community, relevant government agencies, local government and mineral tenement holders in the development of this bill. During the consultation process, PIRSA initiated workshops and presentations with industry, business and farming representative organisations to explain and respond to questions related to the draft bill. The government has sought to address all issues and comments raised during consultation in the final bill.

Impacts. The bill, together with government policies and publicly available guidelines, aims to ensure that landowners and the community are well informed through more effective and transparent government processes. The bill will not have a significant regulatory impact on industry and formalises in the act and the regulations existing policies and good practice.

New provisions will authorise PIRSA officers to identify and address any illegal mining activities. Illegal mining is absolutely not acceptable in our state. It can damage the environment and increase royalty collections and creates unfair competition with approved mining operations and legitimate businesses in the minerals sector. The bill provides for the penalty for illegal mining to be significantly increased from a maximum of $5,000 up to a maximum of $250,000. The scale of this penalty was fully supported in submissions on the draft bill by community and industry respondents.

The penalties throughout the act have not been reviewed for 30 years and, over that time, the level of individual penalties has been eroded due to inflation. The introduction of the new structure for penalties and the increase in the dollar value will not affect any parties unless they breach the act. By increasing the regulator's control through implementing environmental and rehabilitation directions, along with an increase in the penalties, the government considers that the provisions of the bill will deliver positive outcomes for the environment.

The requirement for a mining program which incorporates environmental protection and rehabilitation, underpinned by a more comprehensive definition of the environment, will enable the regulator to deliver improved regulatory control of mining operations and prevent illegal mining. The formalisation of this program, which will include consultation with landowners and the community to reach agreed outcomes, should ensure appropriate management of potential impacts on the environment.

The provisions in the bill will deliver a more transparent process and enhanced regulation of mining which will result in fewer nuisances and risks to public safety. The bill introduces two new fees: an annual administration fee (which will be $100 per tenement) and an annual regulation fee (which will be $200 per tenement). The administration fee replaces approximately 20 administrative fees which were revoked as a result of the Mining Variation Regulations 2008 coming into operation on 1 July 2008.

The annual administration fee will offset some of the costs associated with the collection of annual rental, refunding of rental to freehold landowners, renewal notifications and processing, maintaining the Mining Register and data maintenance including spatial data. The annual regulation fee will be used to offset some of the costs associated with regular inspections of tenements. This fee will not be applied to extractive mining leases, retention leases or exploration licences. The changes in this fee structure and administrative changes will reduce the risk to business resulting from administrative errors in the lodgement of valid applications and documentation.

The bill provides for the minister to be able to request an expert report from a tenement holder, verifying the information contained within a return under Part 3 of the act. This provision

was introduced to provide additional assurance to the state regarding the accuracy of the mining returns and royalty payments submitted by tenement holders. To support this provision the penalty for submitting a return which is false or misleading has also been increased from a maximum of $1,250 to a maximum of $120,000.

The government is committed to ensuring through this bill that the regulation of mineral exploration and mining in South Australia will conform to best practice regulatory principles in other leading resource development jurisdictions.

The bill, together with regulations, polices and guidelines, aims to achieve effectiveness and efficiency through a streamlined, fit for purpose regulatory approach appropriate for the circumstances while achieving a reduction in red tape. The provisions of the bill will lead to better quality information and a higher level of accountability for explorers and mining developers, ensuring that responsibility and accountability are clearly assigned and understood by resource companies, other land users and the community. The bill provides significant enhancements to compliance, enforcement and penalty provisions, which will ensure that explorers and mining operators achieve approved environmental outcomes.

The government is committed to effective engagement with all stakeholders, land users and the community on mineral exploration and resource development. The government values the informed involvement of all stakeholders and strongly supports companies to achieve a social licence to explore and/or a social licence to operate.

While the bill has already been subject to extensive consultation, it is being introduced at the end of the session to enable further community comment prior to its consideration when the parliament resumes in 2010. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Mining Act 1971

4—Amendment of section 6—Interpretation

These amendments relate to the definitions under the Act.

In relation to the definition of appropriate court, the jurisdictional limit for money claims in the Warden's Court is to be increased from $150,000 to $250,000.

In relation to the definition of declared equipment, drilling equipment within a class prescribed by the regulations will come within the ambit of this definition.

In relation to the definition of mining or mining operations, express provision will be made to include on-site operations undertaken to make minerals recovered from the site a commercially viable product, other operations involving such minerals, or other operations involving minerals brought on to the site for processing, operations for the rehabilitation of land, or other related operations. It is also to be made clear that the surface removal of loose rock material disturbed by agricultural operations will not constitute mining under the Act.

For the purposes of the Act (other than Parts 9B or 11B), environment is to be defined to include—

(a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, native fauna and other features or elements of the natural environment; and

(b) buildings, structures and other forms of infrastructure, and cultural artefacts; and

(c) existing or permissible land use; and

(d) public health, safety or amenity; and

(e) the geological heritage values of an area; and

(f) the aesthetic or cultural values of an area.

5—Amendment of section 8A—Opal development areas

It is intended to no longer provide for miner's rights under the Act.

6—Insertion of section 9A

This provision will allow the Minister, by notice in the Gazette, to declare any land to be exempt from mining, a specified class of mining, a specified provision of the Act, or the whole of the Act other than specified provisions identified by the regulations (for example, with respect to illegal mining).

One effect of a declaration will be that a person will not have the right to apply for a mining tenement in respect of land subject to the operation of the declaration unless authorised to do so by the Minister (unless the tenement is a subsequent tenement arising from a mining tenement (other than an exploration licence) in force at the time that the declaration takes effect).

7—Insertion of sections 14 to 14F

It is proposed to allow the Minister to appoint Public Service employees as authorised officers under the Act. An authorised officer will be able to take action—

(a) to monitor compliance with the Act; or

(b) to gather information about a suspected offence against the Act; or

(c) to gather information about personal injury or loss of property related to mining operations; or

(d) to gather information about the actual or potential environmental impact of actual or potential mining operations; or

(e) to gather other information relevant to the administration or enforcement of the Act.

The powers of an authorised officer will include to be able to enter land and carry out inspections, to require persons to answer questions or to provide information (although a person will be able to refuse to answer a question or provide information if to do so might tend to incriminate the person of an offence), and to require persons to produce records for inspection.

The Minister will be able to publish the results of any authorised investigation under these provisions.

8—Amendment of section 15—Power to conduct geological investigations

Various penalties under the Act are to be revised.

9—Amendment of section 15A—Register of mining tenements etc

It is intended to no longer provide for miner's rights under the Act.

10—Substitution of sections 20 to 22

As mentioned above, the Act will no longer provide for minor's rights. Rather, a person will be able to prospect for minerals under new section 20(1), subject to complying with the other requirements of the Act.

New section 21 will allow a mineral claim to be established in a manner approved by a mineral claim, in addition to the current practice of pegging a claim.

11—Amendment of section 23—Area of claim

The Minister will be empowered to approve a mineral claim that exceeds the maximum permissible area prescribed by the regulations.

12—Substitution of section 24

It is necessary to revise the provisions relating to the registration of a claim, especially as pegging will no longer be the only method by which a claim is established.

It will also be made clear that a mining registrar must not register a mineral claim if to do so would be inconsistent with an order of the Warden's Court (and a registration will be cancelled if the registration becomes inconsistent with such an order).

13—Amendment of section 25—Rights conferred by ownership of mineral claim

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

14—Amendment of section 27—Land not to be subject to successive mineral claims

Section 27 of the Act currently provides that if a mineral claim is surrendered, lapses or is forfeited, the person who held that claim cannot establish a new claim over any part of the same area at any time over the succeeding period of 2 years without the approval of the Warden's Court. The amendment will allow the Minister to also give an approval to the previous holder of the claim.

15—Amendment of section 28—Grant of exploration licence

Section 28(7) is no longer thought to be necessary.

16—Amendment of section 29—Application for exploration licence

New section 29(1a) will provide that if or when an area ceases to be subject to an exploration licence, an application for a corresponding licence may not be made during a succeeding period specified by the Minister by notice published in a manner and form determined by the Minister.

It is also intended to clarify and facilitate the arrangements that apply in relation to applications for an exploration licence.

Another amendment will expressly provide that the Minister may at any time, and without consultation with the applicant or taking any other step, refuse an application at any stage if the Minister considers that there are sufficient grounds for not assessing the application further after taking into account the public interest and such other matters as the Minister thinks fit.

17—Amendment of section 30—Incidents of licence etc

It is to be made clear that the Minister may, in granting an exploration licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will enable the Minister to add, vary or revoke a term or condition of an exploration licence at any time during the term of the licence considered appropriate by the Minister. A right of appeal will lie to the ERD Court if action is taken without the agreement of the holder of the licence.

It will also now be an offence to contravene, or to fail to comply with, a condition of a licence.

18—Amendment of section 30A—Term and renewal of licence

This is a consequential amendment.

19—Amendment of section 30AB—Subsequent exploration licence

An application for a subsequent exploration licence that has been in operation for a term, or aggregate term, of 5 years must be made at least 3 months before the expiration of the term of the licence.

20—Amendment of section 32—Licensee to keep and, on request, furnish Director with geological records etc

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

21—Amendment of section 33—Cancellation, suspension etc of licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels an exploration licence under section 33. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate an exploration licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

22—Amendment of section 34—Grant of mining lease

It is to be made clear that the Minister may, in granting a mining lease, limit or define the extent or scope of operations authorised under the lease.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

23—Amendment of section 35—Application for lease

An application for a mining lease will be required to include a mining proposal—

(a) specifying the mining operations that the applicant proposes to carry out in pursuance of the lease (including details of the mining methods proposed and a description of the existing environment); and

(b) setting out—

(i) an assessment of the environmental impacts of the proposed mining operations; and

(ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and

(iii) a statement of the environmental outcomes that are accordingly expected to occur; and

(c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and

(d) the results of any consultation undertaken in connection with the proposed mining operations.

24—Amendment of section 38—Term and renewal of mining lease

New section 38(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a mining lease may be made.

25—Amendment of section 39—Rights conferred by lease

These amendments will clarify the ability of the Minister to issue a mining lease that authorises the recovery, use and sale or disposal of extractive minerals produced during operations under the lease, or a mining lease in respect of extractive minerals that authorises the recovery, use and sale or disposal of other minerals.

26—Amendment of section 41—Suspension or cancellation of lease

A right of appeal to the ERD Court exists if the Minister suspends or cancels a mining lease under section 41. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate a mining lease to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

27—Amendment of section 41A—Grant of retention lease

An amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

28—Amendment of section 41B—Application for retention lease

This is a consequential amendment.

29—Insertion of section 41BA

The Minister will be required to undertake a public consultation process before granting a retention lease. The new provision is similar to current section 35A of the Act relating to mining leases.

30—Amendment of section 41D—Term and renewal of retention lease

New section 41D(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a retention lease may be made.

31—Amendment of section 52—Grant of miscellaneous purposes licence

It is to be made clear that the Minister may, in granting a miscellaneous purposes licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a licence at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the licence.

If the Minister acts under this provision during the term of the licence and without the agreement of the holder of the licence, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a licence.

32—Amendment of section 53—Application for miscellaneous purposes licence

An application for a miscellaneous purposes licence will be required to include a management plan—

(a) specifying the nature and extent of the operations or activity that the applicant proposes to carry out in pursuance of the licence; and

(b) setting out—

(i) an assessment of the environmental impacts of the proposed operations or activity; and

(ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and

(iii) a statement of the environmental outcomes that accordingly are expected to occur; and

(c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and

(d) the results of any consultation undertaken in connection with the proposed operations or activity.

33—Amendment of section 55—Term and renewal of miscellaneous purposes licence

Section 55(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a miscellaneous purposes licence may be made.

34—Amendment of section 56—Suspension and cancellation of miscellaneous purposes licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels a miscellaneous purposes licence under section 56. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to

reinstate a miscellaneous purposes licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

35—Amendment of section 57—Entry on land

This is a consequential amendment.

36—Amendment of section 58A—Notice of entry

Various penalties under the Act are being revised.

A notice of entry under section 58A of the Act will need to be in a form determined or approved by the Minister.

37—Amendment of section 59—Use of declared equipment

An amendment will provide that the Minister may authorise the use of declared equipment under a program approved under Part 10A of the Act.

38—Repeal of section 60

This is a consequential amendment.

39—Amendment of section 62—Bond and security

Various penalties under the Act are being revised.

40—Amendment of section 63C—Registration of access claim

41—Repeal of section 68

42—Amendment of section 69—Forfeiture of claim

43—Amendment of section 70—Forfeiture and transfer of lease

These are consequential amendments.

44—Insertion of Parts 10A and 10B

These amendments relate to a number of matters.

The first set of amendments will require all mining operations under a mining tenement to be conducted in accordance with a program under new Part 10A.

The second set of amendments will provide for 'environmental directions' and 'rehabilitation directions' to be issues in specified circumstances.

45—Amendment of section 73A—Lodging of caveats

An amendment to section 73A(1) of the Act will provide that a caveat may be lodged by a person claiming a legal or proprietary interest in a mining tenement.

An applicant for a caveat will now be required to specifically state the nature of the interest claimed and the grounds on which the claim is founded.

46—Amendment of section 73E—Royalty

47—Amendment of section 73I—Compliance orders

48—Amendment of section 73K—Rectification authorisations

49—Amendment of section 73M—Declaration of Warden's Court concerning variation or revocation of declaration of an area as a private mine

50—Amendment of section 73O—Powers of authorised officers

51—Amendment of section 74—Penalty for illegal mining

These are consequential amendments.

52—Insertion of section 74AA

The Minister is to be given power to issue a direction for the purpose of—

(a) securing compliance with a requirement under the Act, a mining tenement (including a condition of a mining tenement) or any authorisation under or in relation to a mining tenement; or

(b) preventing or bringing to an end specified operations that are contrary to the Act or a mining tenement (including a condition of a mining tenement); or

(c) without limiting any other provision, requiring the rehabilitation of land on account of any mining operations conducted without an authority required under the Act.

53—Amendment of section 74A—Compliance orders

54—Amendment of section 75—Provision relating to certain minerals

These are consequential amendments.

55—Amendment of section 76—Returns

The holder of a mining tenement at the time that the tenement expires, or is cancelled or surrendered, will be required to furnish a return to the Director of Mines within 3 months after the expiry, cancellation or surrender (or within such longer period as the Director may allow).

56—Amendment of section 77—Records and samples

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

57—Amendment of section 77A—Period of retention of records

Various penalties under the Act are being revised.

58—Insertion of sections 77B, 77C and 77D

This clause contains provisions that will facilitate the provision of additional information, samples, materials or reports.

59—Amendment of section 78—Persons under 16 years of age

60—Amendment of section 82—Surrender of lease or licence

These are consequential amendments.

61—Amendment of section 83—Dealing with licences

These amendments relate to dealings with licences.

One amendment will provide that a mortgage is within the ambit of section 83(1).

If a lease or licence is subject to a mortgage or charge, the Minister must not consent to the transfer or assignment of the lease or licence under the Act—

(a) unless the person in whose favour the mortgage or charge has been made has consented to the transfer or assignment; or

(b) unless the Minister has taken reasonable steps to consult with the person in whose favour the mortgage or charge has been made.

62—Amendment of section 86—Removal of machinery etc

63—Repeal of section 87A

64—Amendment of section 88—Obstruction etc of officers exercising powers under Act

65—Amendment of section 89—Obstruction etc of person authorised to mine

These are consequential amendments.

66—Insertion of section 89AA

This amendment will have the effect of providing that offences constituted under the Act will lie within the criminal jurisdiction of the ERD Court.

67—Amendment of section 90—Evidentiary provision

Additional provision is to be made to facilitate the provision of proof about the status of a person as the holder of a mining tenement or about the conditions of a mining tenement.

68—Insertion of sections 91 and 91A

New section 91 sets out a scheme for administrative penalties. The amount of an administrative penalty will be fixed by regulation and will not be able to exceed $10,000.

New section 91A will allow the Mining Registrar, in prescribed circumstances, to vary the boundaries or delineation of a mining tenement, to authorise the moving or replacing of any pegs, or to take other action to rectify the area, location or boundaries of a mining tenement. However, such action will only be possible under an agreement between the holder of the relevant tenement and the Minister, or under a determination of the Warden's Court.

69—Amendment of section 92—Regulations

Some of these amendments are consequential. Another amendment will allow the fixing of assessment and annual administration fees. Another amendment will specifically provide for the adoption of a code or standard under the regulations.

Schedule 1—Transitional provision

1—Transitional provisions

This schedule sets out transitional provisions associated with the enactment of this measure relating to the recovery of extractive and other minerals.

Schedule 2—Statute law revision amendment of Mining Act 1971

This schedule contains various statute law revision amendments.

Debate adjourned on motion of Hon. D.W. Ridgway.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MINTABIE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December 2009. Page 4148.)

The Hon. R.L. BROKENSHIRE (11:16): I rise to support the second reading of this bill. I will begin by indicating that I am a member of the Aboriginal Lands Parliamentary Standing Committee. Through my role with that committee and other contacts, I indicate that the common complaint I hear in relation to the lands is the problem of substance abuse. In fact, this problem discourages the community. In relation to the substance abuse problems, many people I have spoken to in the lands have alleged that the illicit drugs are primarily sourced from the Mintabie area, and I know that the residents of Mintabie take issue with this allegation. However, according to some of the sources I have spoken to, on face value, the evidence is that Mintabie is a strong source for illicit drugs, and that is the reason the government is looking to move this amendment.

It is therefore appropriate that the government has introduced legislation to resolve the impasse that has developed between the Mintabie Miners Progress Association and the APY council, but legislation will never be a replacement for resources on the ground, and I will come to that later in my contribution.

However, I will first direct my comments to the fact that legislation is the enabler for action on the ground. I am told that both the miners association and the APY council have accepted the bill as it currently stands as a compromise. I put on the public record that, whilst we have received that advice from the government, my office has received no material to the contrary.

I commend the miners association for getting in touch with me earlier and proactively in November last year—that association was very proactive, frankly. It is helpful for Independent members on the cross-benches for representative groups to be proactive, as the miners association has been, and we have paid attention to the concerns expressed by that association.

I also believe there is scope for a different arrangement; for instance, that alcohol restrictions be relaxed if some trust can be developed between the two bodies. As I understand it—and the minister can correct me if I am wrong—from my understanding of the bill, it will effectively prohibit people living in Mintabie from consuming alcohol in their own home, which is a very unusual step. I acknowledge that some people living in Mintabie would see legislation prohibiting them from drinking in their own homes as an extreme measure. Unfortunately, I believe the present circumstances are so grave in relation to a number of issues that have been put to me when I have visited the area and the way in which the government has put this bill forward that, in the first instance, we are in a situation where we need to support the legislation.

I also want to put on the record that I believe that it needs to be redressed and reviewed down the track when the real concerns and issues around substance abuse and other issues that are really damaging a lot of the communities in the APY lands have been hopefully corrected, in the interests of equality and democracy for those people.

I will not labour for long on our views in relation to this bill, but it is a remarkable situation where there are four general stores in Mintabie servicing a local population of about 100 or so residents. Of course, the reality is that the APY residents make up the majority of the clientele of these stores, and there is considerable controversy over the book-up arrangements that have been developed for the clientele of those stores.

We have also heard allegations from a number of people that some of the Aboriginal community provide their plastic cards and that they also buy cars there at up to three times the true value of the car, and that they do not have any real control over how much money comes out of their plastic card after their pension money goes in, and so on. So, there are real issues right across the spectrum when you look at what is happening in that area.

Family First is looking to the Office of Consumer and Business Affairs to become much more active when it comes to acting on behalf of the APY consumers who are indebted to these stores. Frankly, the complexity of these matters is no excuse for being inactive. Family First

supports the development of communities, and we see an opportunity for strong communities in the APY lands through strengthening the local stores in the APY townships.

It is strange that so many of the APY residents shop at Mintabie when there are general stores that could be much more viable if they were supported by their local community. A lot of those stores are really well run, and a lot of effort goes into social support by the managers of those stores, yet they are not always supported by the local community.

It is heartening to hear that there are plans for local Centrelink service delivery through the PY Ku network, because it is very difficult on the ground for APY residents to interact with Centrelink at the moment. The collocation of those facilities at the stores could be something worth exploring so that staff could be employed part time, if need be, on government service delivery, with the rest of their time being spent working in the store.

The scourge of cannabis is very concerning. It has been suggested that, after the introduction of Opal fuel, substance abuse has shifted from petrol sniffing to cannabis. I am hearing stories of community and family breakdown over cannabis and also other illicit drugs in the lands, and this simply has to be stopped.

That brings me to my next point, and that is policing. This is a very important component of policy on the APY lands. It has been disappointing that for several years now we have seen low police deployment on the lands. I know there are logistical and recruitments issues but, clearly, there needs to be a more concerted effort to get more officers into the lands and possibly even more into Marla.

Family First also appreciates the difficulties presented by apprehending people for dealing drugs on the lands, and we understand the desirability of shutting off a supply route by putting tighter controls over Mintabie. This will put pressure on the tri-state law enforcement initiative, which is potentially a good initiative because ultimately shutting down one supply route for cannabis might simply make the Western Australian or Northern Territory routes more attractive, if not simply through other avenues around Mintabie. I would never say that all drug trafficking occurs through Mintabie, but lots of issues are allegedly arising from the Mintabie area.

All of that will come down to a strong police presence on the lands and along the highway from Coober Pedy through to Alice Springs, and the new permit laws for Mintabie under this bill will give police the right to remove people from Mintabie if they do not have a lawful excuse or licence for being there. The government ought to give consideration to a police presence at Mintabie, which I know is not far from Marla. However, it seems that lots of the locals on the lands, and even in Mintabie, are well aware of illegal activities that occur in Mintabie, and maybe if they had a resident police officer right in Mintabie that might assist policing efforts out of Marla—even if it was only a trial for six months to a year to assist with the transition into this new licensing arrangement we are talking about here now—and send a message to any rogues operating out of there that the government is watching and that it is time they shifted out if their intentions in Mintabie are not noble.

In a briefing it was put to us that a licensing station for permits be established at Marla police station, so that even the casual visitor can arrive there and seek a permit to go through the lands. The Miners Association said in November last year that they would like Mintabie to perform that function as a gateway to the lands. This bill does not address that. These are questions of policy, but I hope that the government can consider the options put before it. There is some attraction to the Marla option as it is certain to involve police, again as a deterrent to those who come there with bad intentions, but it is relatively convenient being right on the Stuart Highway. However, Mintabie has some capacity for this function, so it would be worth considering.

I finish by dealing with the question of take-home liquor, which I touched on earlier. It has been put to me that this has been part of the deal breaker for the opposition. I am sympathetic to the law-abiding people of Mintabie who have no bad intentions with their liquor consumption and wish, like any other South Australian, to be able to get home, particularly in that hot region, have a stubby and relax in an armchair. It is a shame that we have come to a situation where the liberties of those people need to be surrendered due to the misbehaviour of a few, and from that viewpoint I have sympathy. However, we take note that the entirety of the APY lands is a dry zone. It is not always observed and policed, but it is a dry zone and the APY hold freehold over all the land, including Mintabie, for which Mintabie residents have a lease.

Those residents are, with some assistance from the government, largely at Mintabie at the pleasure, in a sense, of the APY community. I am encouraged that the APY have indicated that

they could see a relaxation of the alcohol policy if there were an improvement in the situation, and I urge all parties to work on this issue. I ask the government for the next parliamentary term to re-evaluate this matter as soon as practicable to see whether or not there could be further support for those residents with these consequences.

Surely it would be a shame if in future alcohol was coming onto the lands from a different location, yet Mintabie is still blamed. Surely if that is the argument, disclosure of sales records from the liquor outlets, some police work and consultation with Mintabie licence holders will assist in getting to the bottom of that. Having visited there several times and stayed in the hotel/motel at Mintabie, I have noticed how careful the licensees are in ensuring that anybody purchasing liquor there signs the required documentation, and that needs to be pursued and continued throughout all liquor outlets in that region to assist in overcoming this serious alcohol problem.

To summarise on take-home liquor, I support these aspects of the bill at this point in the earnest hope that the APY will look at reviewing that matter, and that it will be a temporary measure to stem what no-one can deny is a serious problem on the lands concerning which the government has had to take this action. I have talked to the Minister about this matter and he has looked at it very carefully. It has been a tough decision for him also, but in this instance we need to support the minister and the government.

Family First has been very critical of the failures of the Amata substance abuse facility because, whilst a couple of million dollars has been spent on capital infrastructure there, only a handful of local residents have been put in there for any form of detoxification and they have been in there only for a couple of days. We found that builders were using that facility more so than it was being used to detox people with serious alcohol and substance abuse problems. Part of the problem is that we have state and federal governments undertaking capital works in the area and not providing human resource and general support to then address the problem. We are critical of the failure of the federal and state governments to deliver proper services on the lands, and we will watch the bill's progress and implementation in future as part of our advocacy for constituents on the land generally and, in particular in this instance, in Mintabie. We will support the government with this bill.

The Hon. A. BRESSINGTON (11:29): I rise briefly to indicate my support also for this bill and to congratulate the government and people of the APY lands on being able to come to an arrangement that is in the best interests—God forbid we should use that term—of the people of the APY lands. I understand, as the Hon. Robert Brokenshire just said, that there is concern about the civil liberties of the residents of Mintabie in not being able to consume alcohol in their own home. However, there is the bigger picture here. The APY lands have been a struggle for every government to try to get people back on track, living functional lives and trying to reduce the level of alcohol and drugs that is occurring there. I think that, in the general scheme of things, the people of Mintabie have to understand that they are on Aboriginal land; they are there by the grace of the Aboriginal people. They have endured the kind of dysfunction that has been going on now for some 20 years, I believe, waiting for this lease to come up for renegotiation. I am pleased to see that people in the APY are actually putting their foot down, taking a stand on this and insisting on an alcohol-free zone.

I have received information that some of those businesses in Mintabie are holding the cash cards of the Aboriginal people and having access to the PINs of those accounts. That is, basically not enough money for food for the week. The people there can book it up and it seems there is an ongoing situation of being indebted to some of these shop owners.

I also have information about second-hand car dealers who are also selling cars that are not roadworthy, that have bald tyres. An account from one person was that they bought a car for X amount of dollars, drove 500 metres up the road, and the car died, and there was no warranty. All of these sorts of things that are going on will now, I believe, start to be handled for the Aboriginal people there.

I am surprised that the opposition is opposing this bill. It is their right. I am not critical: I am just surprised. How many times have we had debates, questions and whatever about the APY lands in this council? Here we now have a situation where these people are prepared to take a level of responsibility and make determinations and decisions about their future. For me, they have made sensible and tough decisions in the best interests of their own people.

The Hon. R.D. LAWSON (11:33): I rise to outline the opposition's position in relation to this bill. It was outlined extensively in another place by the shadow minister for Aboriginal affairs,

Duncan McFetridge, who has a very good knowledge of activities on the lands and has a great interest in it. He knows well many of the personnel involved. The Hon. Graham Gunn, who made an extensive contribution—perhaps his last in his long and distinguished term of office in this parliament—has great experience and historical knowledge, not only of the Aboriginal land rights act introduced by the Tonkin government but also the history of Mintabie. I commend their contributions and I certainly do not intend to repeat all they said.

This is quite a complex bill. It will amend the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act, and it also amends the opal mining act. It varies certain bylaws made under the Pitjantjatjara land rights legislation—for example, the control of liquor, gambling and petrol bylaws. So, these bylaws are being amended by legislation of this parliament.

An important document in relation to this matter is the proposed lease between APY, the Minister for Mineral Resources Development, the Minister for Aboriginal Affairs and Reconciliation, the Mintabie Miners Progress Association and the Wallatinna Aboriginal Corporation. That lease is important because it was the expiration in 2002 of an earlier lease that has given rise to the necessity for this legislation.

I want to acknowledge at the outset that the Liberal Party is proud of its record in relation to Aboriginal affairs, and we will support legislation which we believe will advance not only the Aboriginal community but the whole South Australian community. We respect the decisions of the APY executive and of its present chairperson, Bernard Singer. Mr Singer has been a breath of fresh air on the lands. Certain of his predecessors have not fulfilled the functions of this important post with the degree of diligence and common sense of Mr Singer. I add that Mr Singer is a person who, when himself charged with criminal offences, was the subject of a vicious attack by members of this government, particularly the Attorney-General, who, on that occasion, felt no constraint at all about commenting on matters before courts of law and put a great deal of pressure on Mr Singer in the support of other Aboriginal interests on the lands.

We understand that many of the provisions we find unacceptable in this legislation are supported by the APY executive and, therefore, we do not demur without considerable hesitation. The trouble with this legislation, as we see it, is that it goes a step too far. Legislation of this kind has to strike a balance between the interests of those people who have lived at Mintabie for a very long time, have not broken laws, who want to continue to live and have businesses in Mintabie, and they have legitimate expectations which ought be met. At the same time, we acknowledge that the people on the lands and their elected executive also have interests which must be respected, and striking the appropriate balance is important.

However, this legislation, in a couple of minor respects, does not strike the balance correctly. We regret to say that, in our belief, this legislation is relying on a paternalistic view of Aboriginal affairs which we thought, in the current climate, had been abandoned. We see that the Northern Territory government, the commonwealth government and our own state government are making considerable changes in the way things are done on the APY lands and in Aboriginal communities across the country, yet here we have a return to the philosophy—which is best characterised as a sort of East German philosophy—of putting a wall around the problem and that will solve it.

The experience is that putting a wall around problems of this kind does not solve them: it leads to displacement of problems. The road to hell is paved with good intentions. We understand that there are good intentions on the APY executive in relation to this legislation but we are sure that their solutions will not have the desired effect of improving conditions on the lands. It will simply displace problems which exist already.

If it be the case that Mintabie is the source of so much of the evil on the lands, why has the police presence, which has been put on the lands, not been focused on Mintabie, with all the resources of government being devoted to stamping out this noxious place—if you can believe the detractors of Mintabie?

If people in Mintabie are doing the wrong thing, not only legal things but ripping off Anangu with illegal or unfair trade practices, then there are solutions other than simply seeking to move them on to another corner, moving them on down to Coober Pedy, up to Marla or Alice Springs, Curtin Springs or across the border to Western Australia.

Petrol sniffing, substance abuse generally and cannabis supply to the lands is an ongoing issue. It is interesting to note that in September 2002 the then South Australian coroner published the results of inquests into the death of a number of persons who had been affected by protracted

petrol sniffing. In a series of recommendations, the then coroner—a magistrate who was very experienced in affairs on the lands—suggested a number of things, some of which have been adopted. However, the principal one, the establishment of a secure facility on the lands to address petrol sniffing and other substance abuse, was not adopted. We also note that the one recommendation of the Mullighan commission of inquiry in relation to abuse on the lands—that there be a secure facility on the lands for criminal justice purposes—has not been adopted by this government.

The issue that means that this legislation is a bridge too far for us is that it imposes undue restrictions on those existing residents of Marla who will no longer be able to enjoy a right enjoyed by every other South Australian, even where dry zones apply, to consume alcohol in their own house. We believe that is unfair. We believe that the proposal to restrict businesses at Mintabie is wrong, improper and unfair—for example, to ban the sale of a second-hand car in Mintabie because there are some dodgy dealers there. There are dodgy dealers all around metropolitan Adelaide. What you do is close them down by exercising the powers that already exist in relation to the sale of second-hand vehicles. Having a blanket ban on the sale of dodgy cars in Mintabie is not going to make any difference at all: it will simply move the dealers off to Coober Pedy or some other location.

Many Anangu buy vehicles in metropolitan Adelaide. There is one particular dealer who specialises in selling dodgy vehicles to Aboriginal people. The way to address that is not to simply say, 'Well, you can't have one of those people operating in Mintabie', and banning the sale of all second-hand vehicles there.

It is also proposed, by the lease conditions, to limit the way in which businesses can operate in Mintabie. It is true that one of the problems on the lands for years has been the fact that key cards, issued to social service recipients, are held by businesses for credit to be extended. That has been going on for years on the lands. Many of the stores operated by communities were engaged in this particular practice. It simply meets a need of Aboriginal people. They want their money. They want to borrow money like anybody else in the community but here it is decided that that will not happen in Mintabie; you will have to go further to hock your key card to get credit. We simply do not believe that will work.

We do not believe that these measures will have the desired effect of improving conditions: they will simply move the problem elsewhere. These provisions, well intentioned as they are, will ultimately be ineffective. Yet another measure that the APY executive and many people are trying to encourage is that the stores only stock nutritious food rather than the fast food that Aboriginal people actually like buying. This highly paternalistic view that you can prevent people buying Coke and chips and get them to—

The Hon. A. Bressington interjecting:

The Hon. R.D. LAWSON: Indeed. The Hon. Ann Bressington says that that leads to obesity and diabetes—sure, and the way to overcome that is by better education and better facilities; it is not simply by banning people from running a business. We know that Aboriginal people go to the roadhouses along the Stuart Highway and buy these goods if that is what they want to do. It is for all those reasons that we think this package of measures should not be supported. We note that the Mintabie Miners Progress Association has made representations and that it has been involved in the negotiations, as the Hon. Robert Brokenshire said, and made its position clear.

The final restriction we regard as over the top is the one that relates to criminal history checks for Mintabie residents if they are Anangu, so it is a discriminatory provision. Provisions of this kind do not apply in other places, and we think it is unnecessary and, ultimately, counterproductive.

So, it is for these reasons—and with great reluctance, I might say—that we are unable to support the passage of this bill. We note that it will be supported by the government and by crossbenchers and other members, so it will undoubtedly pass, and that is not a matter for great teeth-gnashing on our part. However, we think it is important to make statements of principle and to take a principled position.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:47): I thank the Hon. Mr Brokenshire and the Hon. Ann Bressington for their indication of support for the bill, and I thank the Hon. Robert Lawson for his contribution.

I am pleased that we have sufficient support for this bill to get it through, although I am a little disappointed by the opposition's attitude towards it. We know that the APY lands were handed back to the indigenous owners in the early 1980s under the hand of the Tonkin government. If opposition members do not believe that the indigenous people of the APY lands should have control of the land, why did they give it back to them in the first place?

It seems to me a little odd that members opposite say that indigenous people should have rights over their land but not be able to determine the conditions of that lease. I am sure that, if it were their constituents on pastoral leases or other leases, they would assert the right of the owners of freehold land or lessees to set the conditions that operate on the land.

I have had some dealings with Mintabie over the years, both as Minister for Mineral Resources Development and during the period I was minister for police. In fact, I met with a number of residents there in the local hotel, as it turned out, with the police commissioner and listened to some of the issues raised by local people. There is no doubt that there are issues on the lands, and they have been well canvassed during this debate. However, what is important is that, rather than rolling over the leases, which we have been doing since 2002, we come to some finalisation.

I will make some personal comments on the bill and pay tribute to the leadership of the APY lands. I know they have had their critics but, over the past couple of years as Minister for Mineral Resources Development, I have found the APY executive and other leaders in that community to be very keen to see progress in their communities. I think that they have been very reasonable and that they are looking outwards from the land.

For many years, there was an attitude within the APY area of closing the lands off to outsiders, but I think that is going and that the community increasingly realise that they have to be part of the modern world. I have been pleasantly surprised by the very progressive attitude the APY lands executive has taken to a number of issues in my dealings with them over mining access to their region, for example.

The community are really looking to progress, and part of that is the recognition that the lands, including the lands at Mintabie, belong to the APY executive, and I think that the executive has been more than reasonable in its negotiations on this matter. I think it is unfortunate that the opposition, having handed back that land over 28 years ago, now appears to be attempting to put some qualifications onto what that act really meant. I commend the bill to the council.

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

BAHA'I COMMUNITY

Adjourned debate on motion of Hon. D.N. Winderlich:

That this council—

1. Notes with serious concern that—

   (a) Seven Baha'i community members in Iran have been charged with spying, insulting religious sanctities and propaganda against the Islamic Republic, and that these charges could attract the death penalty;

   (b) The Baha'i detainees have not been given any access to legal representation and have not been subject to due legal process;

2. Calls on Iran to respect rights to freedom of religion and the peaceful exercise of freedom of expression and association, in accordance with international human rights conventions; and

3. Calls on Iran to release the seven Baha'i detainees without delay.

(Continued from 18 November 2009. Page 3969.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (11:54): I move:

Paragraph 1(a)—Insert the word 'reportedly' before the words 'charged with spying'

Paragraph 1(b)—Leave out paragraph 1(b) and insert the following—

'Baha'i detainees are reported to have not been given any access to legal representation and concerns expressed about due legal process;'

I rise on behalf of the opposition to support the motion moved by the Hon. D.N. Winderlich that the council notes serious concerns about the Baha'i community and to move this amendment. As members would be aware, it is always the opposition's practice to contact our federal colleagues

when it comes to matters to do with international affairs and foreign policy and, thankfully, we were able to get some response, notwithstanding that they have been a little distracted. I did ask for this advice before they were distracted earlier this week to make sure we were all singing from the same hymn sheet.

Members would be aware that the Baha'is were founded in 1844 and that the Baha'i faith is the youngest of the world's independent religions. Its second largest population exists in Iran, with roughly 350,00 people. Since the establishment of the Islamic Republic in 1979, the Baha'i community has suffered from the effects of a systematic campaign orchestrated by the Iranian government. The government's aim is to eliminate the Baha'i community as a viable entity in Iran, despite Iran being the birthplace of the faith.

The Baha'is are not permitted to meet, to hold religious ceremonies or to practise their religion communally. Holy places, shrines and cemeteries have been confiscated and demolished and, according to Amnesty International, hundreds of Baha'is have been executed for refusing to recant their faith and embrace Islam. Since the election of President Ahmadinejad in 2005, dozens more have been arrested.

Among those who have recently been arrested are seven leaders of the Baha'i organisation known as Friends of Iran. The organisation is believed to have served as an ad hoc coordinating body representing Baha'is in Iran, apparently to the full knowledge of the Iranian government. Recently, however, the government has labelled the organisation illegal and arrested its seven leaders, one in March 2008 and other six in May 2008. They are expected to go on trial shortly on charges of espionage for Israel, insulting religious sanctities and propaganda against the system.

Amnesty International considers the charges to be politically motivated and those held to be prisoners of conscience detained solely because of their conscientiously held beliefs for their peaceful activities on behalf of the Baha'i community. It is reported that the seven were not granted access to their lawyers, and the defence lawyers were not provided with notice of trial, as required under Iranian law, and it is further reported that the imprisoned have been tortured.

I have also had the pleasure of attending a Baha'i function and exhibition at the Immigration Museum and certainly was delighted to learn a little more about the Baha'i faith and the members of the Baha'i community here in South Australia. Its important that parliaments such as ours endorse these motions so that the communities here know we are thinking about their countrymen who are in difficult circumstances at the moment and that we also send a message to other parliaments and other countries around the world that we are not just sitting idly and watching this happen by without some comment and indicating our displeasure at what is happening in Iran. With those few words, I ask the council to support my amendment.

The Hon. I.K. HUNTER (11:59): I indicate that government members will be supporting this motion. The charges, treatment and possible sentences that the seven Baha'i community members currently face in Iran are, I am sure, abhorrent to all of us here today. Today we speak of seven members—five men and two women—of the Baha'i faith being detained without access to legal representation and having no right to due legal process. As we call for Iran to release these detainees without delay, I would like to remind the council of Iran's abysmal record when it comes to justice and equity.

This is a country that routinely kills people for drug offences and lashes people for alcohol consumption; a country about which human rights campaigners say they cannot really know how many executions take place. It is a country where people are executed on grounds of murder and rape but where independent organisations use the disclaimer when reporting such executions that the crimes they were sentenced for were not independently verified.

Of course, homosexuality is punishable by death in Iran, although, according to President Mahmoud Ahmadinejad, homosexuality does not occur in Iran. I refer to yesterday's *Blaze*, which reports that three men were sentenced to death in Iran for the crime of male homosexual conduct, despite the fact that all were under 18 (they were children) when they supposedly allegedly committed this alleged crime. So much for President Ahmadinejad.

Last month the head of the Police Criminal Investigation Unit, Asghar Jafari, called for a greater reliance on amputations as a method of justice, supposedly as a humanitarian softening of his country's policies. A couple who were arrested for adultery in 2003 and were sentenced to death by stoning in 2005, had their sentence quashed in October when they were granted a retrial

because they had not been allowed legal representation at their first trial. So, they have been spared but they endured five years in prison in the interim.

So, it is no surprise to learn that the Iranian Baha'is have faced religious persecution for 30 years or more, and that between 1978 and 1998 more than 200 have been executed by Iranian authorities. More recent incidents, including the current detention of seven Baha'i leaders, raises fears of a resurrection of extreme religious persecution of the Baha'i by the Iranian government. This should be a concern for us all and, at the very least, we should call on the government of Iran to allow for a fair and open trial that meets international standards of justice.

The Rudd Labor government has expressed its concern about the seven members of the Baha'i community's situation. The Rudd government has indicated its opposition to these charges, as they constitute official discrimination in Iran against members of the Baha'i faith. The Minister for Foreign Affairs, the Hon. Stephen Smith MP, has conveyed the Rudd government's serious concerns directly to the Iranian foreign minister.

The Australian government has also raised the topic at international meetings, including the United Nations Human Rights Council in Geneva, and Australia co-sponsored a resolution on the human rights situation in Iran at the 63rd UN General Assembly in 2008, which expressed the international community's concern about the current situation of the Baha'i in Iran. I am pleased this chamber is supporting the efforts of the federal Labor government in this matter and, with that, I support the motion.

The Hon. D.G.E. HOOD (12:02): Family First will support this motion as well. It seems to me that there is goodwill in the chamber and support from all quarters. I do not want to be critical of the motion because I am in support of it and I agree with it, but the one comment I would like to make in my brief contribution this afternoon is that I think, in one sense—and I think it is probably a deliberate choice by the honourable member—it does, to some extent, ignore the obvious, and that is, as the Hon. Mr Hunter has aptly pointed out, that the persecution against religious groups and other minority groups is not restricted to the Baha'i community.

Indeed, 35 countries, including Iran, are listed in the human rights annual report as having persecuted or exhibiting severe discrimination against Christians in those countries, so this is a very widespread phenomenon indeed. In fact, as we speak, there are an estimated 200,000 Christians detained in labour camps in North Korea. We take our freedom of religion largely for granted, although I would not say entirely for granted, in the Western world, but to hear that there are some 200,000 people detained in labour camps in North Korea is absolutely disgraceful.

There are another couple of examples that I would like to mention in my brief contribution. In 2008, violence in the Orissa province in India, targeting Christians, saw 100 Christians confirmed dead and 4,000 homes burned, and over 50,000 Christians have fled their homes. The Hindu nationalist government has passed anti-conversion legislation in nine of the 28 Indian provinces. So, clearly, this problem is not restricted to either Iran, although it is certainly prominent in Iran, or the Baha'i community. Christians are actively, and very definitely, persecuted around the world, as well as other minority groups, I hasten to add.

China, of course, is no friend of Christianity, on the whole, and has been very strident in its persecution of the church, although I must say that in recent times it does seem that there has been some improvement in the relationship, I guess, of Christianity and the powers that be in China, which is encouraging, to say the least. Indeed, some churches are even tolerated in China in present times.

In Iran in 2008, Iranian officials actually ratcheted up their efforts to limit the growth of Christianity, which is growing strongly in Iran, by introducing an apostasy law that prescribes the death penalty for Muslim men who convert to another religion, any other religion, and life imprisonment for Muslim women who do the same thing. So, this is very serious indeed and, I think, absolutely deplorable behaviour, and I am sure members would agree, by countries such as Iran towards minority groups.

Indeed, just this year we have seen 15 Christian pastors murdered by Islamic extremists in Somalia. I could go on but I will not. I have given just a few examples that were readily accessible for me. As I said, we certainly support the motion. Criticism might not be the word, but certainly my comment on this motion is that it is intentionally focused on a small group but, of course, the problem is much wider than the motion highlights.

The Hon. DAVID WINDERLICH (12:06): I thank members for their contributions and support. I am happy to accept the opposition's amendments. I do not believe they are really necessary, because I think this case is well documented in the media and by Human Rights Watch and Amnesty International. However, the amendments are not fatal and I am happy to accept them.

In response to the Hon. Dennis Hood's remarks, yes, it is intentionally focused on a small group. I was asked by a local Baha'i to take up this matter, and I have. There are many religious groups persecuted in Iran, including Jews. I am very familiar with the Sabian Mandaeans who are followers of John the Baptist, a sort of offshoot of Christianity, and through my work with refugee communities I came to know quite a few of them. They are extremely badly persecuted in Iran and, when they sought refuge in Australia, they suffered several years of persecution in detention centres here. Eventually they left those detention centres and have become Australian citizens and enjoy all the rights and freedoms that that entails.

I think Iran is a very good example of why church and state should be separated and how the only way in which you can have freedom of religion is to have freedom from religion—that is the only way that every faith can be guaranteed that it will be tolerated and accepted.

The Hon. David Ridgway mentioned sending a message to parliaments and countries around the world. I think that possibly even more important, in a way—given that our voice is not as significant in the parliaments in those countries—is the message of hope we send to the people detained in Iran. Political and religious dissidents throughout history—the Gandhis, the Mandelas, the Solzhenitsyns—have often been alone and afraid, and we know from various accounts that we read that the small signs of interest and support from the most remote corners of the world meant a great deal to them, and South Australia is pretty remote and insignificant when viewed from Iran. However, I have been told by a local Baha'i that this will mean a lot to those people and their families, so it is one small thing that we can do.

Finally, from the Hon. Ian Hunter's remarks, I take the point, which I think we should all hold, that we need to have tolerance generally for different views, faiths and sexualities, and to focus on the things that really matter in life and on the essence of our humanness and our shared interests. rather than peripheral issues like what we believe or our specific sexual practices. I thank you for all your support. This motion will mean a lot to the Baha'i community and to the Baha'i people detained in Iran.

Amendments carried; motion as amended carried.

SELECT COMMITTEE ON FAMILIES SA

(Continued from 18 November 2009. Page 3980.)

Motion carried.

ADOPTION (RESTRICTIONS ON PUBLICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November 2009. Page 3987.)

Debate adjourned on motion of Hon. D.N. Winderlich.

CHARLES STURT COUNCIL

Adjourned debate on motion of Hon. D.N. Winderlich:

1. That this council:

   (a) Notes general community concern about the influence of the Australian Labor Party on the elected members of the City of Charles Sturt, including:

      i. the fact that 12 of the 17 councillors are members of the Australian Labor Party;

      ii. the fact that 3 councillors are employed by Labor members of parliament; and

      iii. the influence of the member for Croydon on elected members of council.

   (b) Notes specific concerns about the potential for conflict of interest in the revocation of the community status of land at St Clair arising from:

      i. the fact that the revocation of land is essential to the policy objectives of the state Labor government;

ii. the fact that the decision making process followed by the council will be assessed by a Labor minister; and

iii. the lack of any strategy adopted by the City of Charles Sturt to manage potential conflicts of interest arising from the role played by ALP members in that council.

2. The Legislative Council therefore refers the following matters to the Ombudsman, pursuant to section 14 of the Ombudsman's Act 1972, for investigation and report:

(a) The potential for actual conflict of interest of elected members of the City of Charles Sturt in relation to revoking the community status of land at St Clair as per section 73 of the Local Government Act;

(b) The extent to which the City of Charles Sturt met its obligations under section 48 of the Local Government Act to manage the risk of conflict of interest associated with the revocation of the community status of land at St Clair; and

(c) Any other relevant matter.

(Continued from 18 November 2009. Page 3985.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:10): I rise on behalf of the opposition to indicate that we will be supporting this motion, paragraph 1(a)iii of which refers to the influence of the member for Croydon on elected members of the council—and here he is. He has just walked in, resplendent in his braces, his tie and a whole range of other wonderful bits of apparel. I noticed that he had a flower in his lapel earlier this morning. Paragraph 2(b) requests that the council note the issues relating to the conflict of interest involving the revocation of the community status of land at St Clair. Of course, this week we have seen the Minister for State/Local Government Relations request the Supreme Court to set aside her decision in relation to that revocation.

The member for Croydon noted at a multicultural function that we attended in the last couple of months that I have not made many comments about the City of Charles Sturt for some considerable time. Certainly, in the previous term (2002-06), the government took a particular interest in the activities of that council, and I have been given information relating to the member for Croydon's interest and influence in that particular council. I was certainly given some information back then that meetings were being held outside council hours and that decisions were being made that affected the outcome of council meetings. It is well known that it is in breach of the Local Government Act for members of a council to get together and meet outside a properly constituted council meeting and make decisions in relation to the council, and more than half of the members of the council were present at some of those meetings.

I made some allegations and, as members would recall, I was subject to a couple of citizens' right of reply. Members of the council thought that I may not have accurately portrayed the facts particularly relating to the circumstances involving those council members. I am aware that some of those allegations—maybe not involving the same people—are around today in respect of the City of Charles Sturt, in particular, the consultation and the St Clair issues. I think that is what brings this matter to a head: the consultation has been quite superficial in that regard.

I had the pleasure of having some guests for dinner here on Tuesday night—people whom I had not met before. One of the guests, who was from West Lakes, said she had not been contacted. She is in the City of Charles Sturt, from my understanding, but she had not been contacted by anybody and did not know exactly what was happening. I think her business interests and her employer are on Woodville Road, right in the middle of the City of Charles Sturt. This person expressed a deep concern about St Clair and the loss of that public amenity to the community.

I know that we still have a significant amount of private members' business to deal with and that the Hon. Mr Winderlich has some further information that he wants to put on the record. We think it is important for the Legislative Council—

The Hon. J.S.L. Dawkins interjecting:

The Hon. D.W. RIDGWAY: The Hon. John Dawkins interjects that the Minister for the Southern Suburbs will fix the St Clair issue: I am not sure that he will, and I can guarantee that he will do nothing before the election. It was purely a stunt to push this decision off until after the election—a bit like a decision we saw yesterday, with the announcement on the Adelaide Oval.

The PRESIDENT: Order! The Hon. Mr Ridgway will stick to the motion.

The Hon. D.W. RIDGWAY: I am. I am now talking about the government—

The PRESIDENT: The Hon. Mr Ridgway will not debate the motion.

The Hon. D.W. RIDGWAY: The government can't be trusted anymore. It says one thing and does another—and it has been doing it for eight years. Paragraph two states:

> The Legislative Council therefore refers the following matters to the Ombudsman, pursuant to section 14 of the Ombudsman Act 1972, for investigation and report—
>
> (a) The potential for actual conflict of interest of elected members of the City of Charles Sturt in relation to revoking the community status of land at St Clair as per section 73 of the Local Government Act;
>
> (b) The extent to which the City of Charles Sturt met its obligations under section 48 of the Local Government Act to manage the risk of conflict of interest associated with the revocation of the community status of land at St Clair; and
>
> (c) Any other relevant matter.

I think this would be an opportunity for the Ombudsman to look at what has happened in the City of Charles Sturt. Clearly, the government is concerned, because the minister would not have backed down and asked the Supreme Court to set her decision aside. Either the government is aware the minister has breached the Local Government Act or there are some other issues. This issue is adding to the community belief that this is an arrogant government which is out of touch and does not consult and which is riding roughshod over community interests. The motion is a wonderful opportunity to refer this issue to the Ombudsman and wait for him to report. With those few words, I indicate that I endorse the motion and commend it to the chamber.

The Hon. I.K. HUNTER (12:17): The Hon. Mr Winderlich's motion proposes that the council should refer to the Ombudsman for investigation matters relating to a decision taken recently by the Charles Sturt council. I will be surprising no-one when I say that the government does not support this motion.

The honourable member seeks to invoke section 14 of the Ombudsman Act, but it is hardly necessary. Section 13 of the Ombudsman Act 1972 provides that the Ombudsman may investigate any administrative act, either on receipt of a complaint or on the Ombudsman's own initiative. Members are engaged in political grandstanding—as we have just heard from the Leader of the Opposition.

If opposition members were genuine, they would be encouraging those people who have a genuine interest in or complaint about the matter to lodge those concerns directly with the Ombudsman. Rather than trying to score political points, members opposite should be providing that advice to those locals, instead of standing here trying to hog their share of the media limelight.

I am confident that, should the Ombudsman receive a complaint, he will consider the public interest in determining whether or not to examine the matter and will undertake his duties appropriately, thoroughly and diligently. I am also confident that, if the Ombudsman had any concerns, he would inform the minister of those matters.

The Hon. Mr Winderlich has always espoused the ideal of putting the local back into local government. Well, one suspects that what he is really all about is putting the Hon. D. Winderlich back into the Legislative Council. He knows full well that there are adequate provisions in the Ombudsman Act for investigations to be undertaken by the Ombudsman, either on receipt of a complaint by a person or a group of persons or, as I said earlier, on his own initiative. Any person, or group of persons, who believes they have grounds for complaint, should lodge their concern with the Ombudsman's office, which is what the system is there for.

The motion refers to the political affiliations of some members of the Charles Sturt council. Local councils are an independent sphere of government, and their representatives are democratically elected from all walks of life. The community votes for elected members, and these volunteers put themselves in the public arena when they stand for local government. As part of that process, they provide information about their views and vision to the community as part of any election campaign and during their role as a councillor. If anyone wants to check where a councillor works or whether they have a particular political affiliation, they can. In fact, they can call the councillor and ask them. Many councillors put this information out themselves as part of their electioneering.

Of course, once a person is elected to a council, they must fill in a register of interest, which includes things such as their source of income, positions in companies and various other bodies, membership of political parties, bodies or associations formed for political purposes, or any trade or professional organisation and, of course, details of gifts, assets and debts.

It is in a councillor's interest to be transparent and open with ratepayers and electors. The Local Government Act has specific provisions concerning when an elected member of a council has a conflict of interest in a matter before a council and the actions that must be taken in such circumstances. In general terms, an elected member of a council has a conflict of interest if the member or person with whom they are closely associated would gain or lose in any way, either financially or otherwise, if the matter were decided in a particular manner and that benefit or detriment would not be enjoyed or suffered in common by all, or a substantial proportion, of the ratepayers, electors or residents. In such circumstances, the act requires that a member disclose that interest, leave the room and not take part in the discussion or vote on that matter, except in some very limited circumstances.

It is drawing a long bow to suggest conflict of interest when supposedly some of the councillors who are members of the ALP actually voted against the proposed revocation. It is indeed a very long bow to suggest that there was some sort of financial interest or benefit gained for a limited class of people as a direct result of the council's decision. Councillors require long-term foresight to make decisions in the best interests of their local community: it is not a short-term popularity contest.

Section 62 of the act requires an elected member to act, at all times, honestly and with reasonable care in the performance and discharge of official functions and duties. Section 62(3) of the act specifically makes it an offence (subject to imprisonment for up to two years or a fine up to $10,000) for an elected member or former elected member to make improper use of information acquired by virtue of his or her position as an elected member, to gain directly or indirectly an advantage for himself or herself or another person, or to cause detriment to the council.

There are also offence provisions relating to abuse of public office under the Criminal Law Consolidation Act 1935 that prohibit the use of information gained by a public officer by virtue of his or her office with the intention of securing a benefit for himself or herself or for another person.

Councillors are the elected decision-makers for their local area and, like all of us in this place, they will be held accountable at the next election (in their case, in November 2010). It is important that we let councillors get on with the job they have been elected to do, and that is to run their local council. The government will not be supporting the motion.

The Hon. B.V. FINNIGAN (12:22): I associate myself with the remarks made by my colleague the Hon. Mr Hunter. Clearly, this motion is the most extraordinary attack on democratic principles I have seen in the four years I have been in this place. How extraordinary that the Liberal opposition, which claims to be the alternative government of this state, is adopting a position whereby it is improper for members of a political party to take part in local government. Let us see the Liberal Party amend this motion to express concern that Steve Perryman, the Mayor of Mount Gambier, is a member of the Liberal Party, the Liberal candidate for the seat—not that he is a long-standing Liberal member. So great was his commitment to the Liberal Party that he joined just before he got preselection, thanks to the votes from Adelaide that tipped him over the line ahead of the locals. Why is the Liberal Party not trying to amend this motion to condemn His Worship the Lord Mayor Michael Harbison, who is a former candidate (I do not know whether he is still a member of the Liberal Party)?

The notion that members of political parties should not be involved in councils is absurd and is an attack on democracy. How would this principle work in other states, where they have party political endorsement for local government—the Liberal Party, the Labor Party and I imagine the Greens? I think Clover Moore, the Lord Mayor of Sydney, is a Green or an Independent.

The Hon. P. Holloway interjecting:

The Hon. P. HOLLOWAY: My colleague mentions the Mayor of Byron Bay. There are members of political parties in local government all across the country. In other states the parties actually endorse candidates—they are party political candidates for office. By the Hon. Mr Winderlich's reckoning, local government in other states should be abolished.

In South Australia we do not have that system, but people who are members of political parties are concerned members of the community and they want to make a difference. One way

they choose to do that is by running for local government and being successful at it, which is to be applauded and encouraged and not condemned, which is the step the opposition is taking on this occasion. We do not have binding party positions or caucuses for members of political parties who happen to be in local government, because they are not there officially as Labor or Liberal members or anything else. On the rationale the Liberal Party is proposing, the Lord Mayor, the Mayor of Mount Gambier and any other member of the Liberal Party who is involved in local government—and there are plenty of them (perhaps even more than there are Labor people)—would not be able to take part in any decision because they are compromised. That is their rationale.

There is no suggestion that members of the Labor Party who are members of councils are bound to some sort of party position. As my colleague Mr Hunter pointed out, some members of the council who are members of the Labor Party actually voted against the proposition being discussed here. I understand that the Hon. Mr Winderlich does not believe much in political parties. We saw that pretty quickly because, as soon as he got here, he quit the party that put him here. He climbed up the ladder, turned around and kicked it aside pretty swiftly.

The Hon. P. Holloway interjecting:

The Hon. B.V. FINNIGAN: Indeed: as the leader points out, one of the reasons the Hon. Mr Winderlich has such an extraordinary vendetta against the Attorney-General is not only that apparently he was mean to the Hon. Sandra Kanck in her time in this parliament but also that he exposed the fact that the Democrats have become a sham and are no longer a functioning party.

The Hon. P. Holloway: They didn't have sufficient members to get in here.

The Hon. B.V. FINNIGAN: That is right: they did not have sufficient members to even put him in here, which has been proven by his subsequent actions. Having got here without the requisite number of members required under the Electoral Act to be a functioning political party, he came out and said publicly, 'We need members, we are on our last legs, we're dying, we've got no members and, if you don't roll up, I'm quitting', and that is exactly what he did. He has confirmed that the party is defunct, yet he did not take that position when he was accepting a place in here.

We often hear from the Hon. Mr Winderlich, the great defender of freedom of association. He is always out there with the bikies and the freedom in education and drug dealing party, or whatever they are called, and supporting them because he wants to support freedom of association and he believes that people should be able to associate with whomever they like. The Serious and Organised Crime Control (Unexplained Wealth) Act was a travesty, according to Mr Winderlich, yet here he is suggesting that being a member of a political party and a member of local government is inherently a conflict of interest and should not be allowed. He is trying to ensure there is no party politics in South Australia. That is a legitimate position, if he wants to take it: that there should be no parties. However, it is not a position to which we subscribe or one to which the broad community subscribe, as they continually elect people who are members of political parties, not only for state and federal government but also for local government.

The crux of this motion is that there is an inherent conflict of interest, that if you are a member of a political party you have a conflict of interest in making decisions related to your duties as a councillor. Further, because it is a Labor government it should not be in a position to make a decision on this, and this is the line the Hon. Mr Winderlich has been running again this week: how can a Labor minister make a decision about a project supported by a Labor government and a Labor dominated council? It is all just too much because they are all in the same political party and could not possibly make a fair decision! By that rationale, no government could make any decision about anything. He might just as well move a motion expressing concern that 28 out of 47 members of the House of Assembly are members of the Australian Labor Party and that that means they cannot make decisions because they have a conflict of interest as they are all members of the Labor Party.

They are indeed bound by the decisions of caucus, unless they choose to leave the party over a particular issue, unlike councillors who are not officially part of the party-political structure, are not endorsed as Labor candidates and are not bound by any particular policy propositions when it comes to council decisions, unlike members in here who are. There is nothing about that in the Hon. Mr Winderlich's motion. That may as well be the motion he moves—that we express grave concern that members of both houses are members of political parties—because, on his rationale and reckoning, that is an inherent conflict of interest and an inability to take a fair decision.

This motion is again an extension of the bizarre, extraordinary obsession with the Attorney-General, the Hon. Michael Atkinson, that members in this place seem to have. The Hon. Robert Lawson assumedly regrets that he probably gave up a place on the bench to come in here and yet was attorney-general for only a few months before being succeeded by the current Attorney-General.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: That is the basis for his—

Members interjecting:

The PRESIDENT: Order! I think the Hon. Mr Lucas showed us the relevance yesterday.

The Hon. B.V. FINNIGAN: Indeed. The Hon. Mr Winderlich is the successor of the Democrats and the successor of the Hon. Sandra Kanck, for whom he used to work. We have seen how the poor Hon. Sandra Kanck can become very hurt. The Attorney-General was very mean to her on a number of occasions, so that itself was reason enough to have a motion before this parliament.

This is an extraordinary attack on democratic principles. The Hon. Mr Winderlich has said that he is going to expose new revelations, allegations, etc. but why doesn't he just pick up his notes and walk out the door? You can do it right now. Call a press conference on the steps of Parliament House and say whatever you have to say. Why don't you do that? You will not do that because you are going to be a coward. You are going to use the cover of parliamentary privilege to defame people. It is as simple as that.

The Hon. Mr Winderlich is desperate to get whatever coverage he can in the lead up to the election, having abandoned his political party, and assumedly alienated any of the people who did support him in the first place to get him in here. He is now chasing any ambulance that comes by. But what is most extraordinary is that he is joined in that by Liberal members opposite who have proved yet again that they are not ready for government; they are incapable of forming a government for this state.

Here we have the Liberal opposition saying that members of political parties should not be involved in local government, that there is an inherent conflict of interest with members of political parties making administrative decisions at local and state government level. That is the position now of the Liberal opposition. Mark this: if the Liberal Party were to win, it would not be able to govern. The Hons Mr Ridgway, Ms Lensink and Mr Wade are all in the shadow ministry. Those who are not in the shadow ministry are the ones who are leaving. Let us assume that they have six ministers in here, that they build the second tier of the frontbench, and they have six ministers in the Legislative Council. They will not be able to make any decisions because they are members of a political party and, according to them, that is an inherent conflict of interest.

The Liberal Party in this state has become an absolute disgrace. It has become a vulture in search of a carcass. Any time Liberal members see something they think will get them a couple of lines on page 40 of *The Advertiser*, they are there swooping in. They do not have any vision for the state apart from the $3 billion, a 15,000 space car park, a two kilometre-long train, a 15 level super stadium-hospital-super school-court system that will have local and interstate trains, car parks, sports, a hospital and courts all in the same complex on one site. It is the most amazing thing you will ever see. It is the most extraordinary development that has ever been proposed. That is the Liberal policy for this state.

The PRESIDENT: The honourable member should stick to the motion.

The Hon. B.V. FINNIGAN: Thank you, Mr President, for your guidance. The Liberal Party has proved that it is totally incapable; it is simply not ready to govern this state. Liberal members have certainly proved that by supporting this motion. Frankly, I expect this sort of thing from the Hon. Mr Winderlich, because it is what crossbenchers—

The Hon. J.S.L. Dawkins interjecting:

The Hon. B.V. FINNIGAN: How extraordinary to be lectured on speaking by the Hon. Mr Dawkins! It is almost like the Hon. Mr Stephens telling me how to be an orator. I expect this sort of thing from the Hon. Mr Winderlich. It is the sort of thing that minor party members do: chase after these minor issues, try to stir up some trouble, disrupt council meetings, leave their

parliamentary duties for which they are paid and for which they have been elected however fraudulently, and leave those duties to disrupt meetings of elected members of council. That is the sort of thing you would expect from a member like the Hon. Mr Winderlich, but for the Liberal opposition to join in this attack shows that it is not ready for government.

Members opposite are saying that they do not believe in political parties or democratic participation. It is an absolutely extraordinary day, and this week has proved it yet again. With the Hon. Mr Lucas and his failure on radio, with their support for banning imitation firearms and now with their support for this motion, they are demonstrating yet again that they are not ready for government and they have no intention of being a government of this state. I urge honourable members to oppose the motion.

The PRESIDENT: The speech of a future leader!

The Hon. J.M.A. LENSINK (12:35): I did not intend to speak on this motion but, having listened to the hyperbole which had so little to do with the substance of the motion, I feel obliged to speak. I attended the meeting last week—

An honourable member: Was Bernie there?

The Hon. J.M.A. LENSINK: No, Bernie wasn't there.

Members interjecting:

The Hon. J.M.A. LENSINK: In fact, there were no members of the state Labor Party in attendance. May I say that the preceding speaker (the Hon. Bernard Finnigan) completely played the man and not the ball. He was full of personal attack and did not even mention the community. This is an issue to do with the community and local people. Fundamentally, it is about what the community think.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: And it is about the integrity of a decision—

The PRESIDENT: Government members will cease to wind up the Hon. Ms Lensink.

The Hon. J.M.A. LENSINK: Thank you, Mr President. I might get a rush of adrenaline and then who knows what I might say! This matter is about the integrity of a particular decision. We saw an extraordinary backflip by the Minister for State/Local Government Relations this week. In her rush to agree to a community land revocation—which I think the Hon. Mark Parnell articulated at the community meeting is not a decision that is usually taken very quickly—a decision was taken extremely quickly, and now that has been set aside. One must wonder why. The whole nature of this decision stinks.

Even the local mayor, in his address to council (or it may well have been as reported in the paper) said that it had been a very difficult decision for council. At that meeting there were several hundred people who were obviously very angry and distressed about the decision that was taken. Our local government spokesperson, the member for Kavel (Mark Goldsworthy), addressed the meeting, and I attended because, the Friday before, one of the groups—

The Hon. B.V. Finnigan interjecting:

The Hon. J.M.A. LENSINK: They are all on council. Your little mate, Mr Paul Sykes, who is a Labor acolyte in training—

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan had his go, and the Hon. Ms Lensink will stop debating across the chamber.

The Hon. J.M.A. LENSINK: You might like to go back to the Attorney's office and have your cookies and milk, like a good little boy.

The Hon. P. Holloway interjecting:

The Hon. J.M.A. LENSINK: He doesn't, actually.

The PRESIDENT: Order! The Hon. Ms Lensink should not respond to out of order interjections from the Leader of the Government.

The Hon. J.M.A. LENSINK: Yes, I am sorry, Mr President; I deeply apologise for offending you. A lady by the name of Pam phoned me on the Friday and said, 'We're really quite desperate. Anything you can do to show support by just turning up and being there will demonstrate that you are there to assist us.' She said, 'Quite honestly, we've been snowed. We're all a bunch of mums and dads'—as is Kirsten Alexander, who has been one of the main spokespeople for the group—'and we suddenly realised, after this decision had been taken in June, what was going on'—that the council has agreed to what the government wants: to build on a piece of their park and swap it for a site that needs remediation.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: The council? But the council does not reflect the view of the community, and the consultation has been a sham. Speakers before me (in favour of this motion) have stated that other residents in local areas not far away are also very concerned about this decision.

The entire consultation process on this matter has been a sham. I think the government should hang its head in shame. It has little acolytes on council whom it tells what to do. Like the puppets that we all know they are, they deny that but they have ways of getting what they want. I think they realise that there might be some issues there. People at the meeting were calling to put Labor last, so there may be threats from independent Labor and other candidates there.

I think people have had their votes taken for granted, as they are in so many Labor electorates. Therefore, I support the motion. I think it is a decision which is in the best interests of the community but which has just been shoved under the rug; abandoned by Labor.

The Hon. DAVID WINDERLICH (12:40): I thank the Hon. Mr Ridgway for his support for the motion and the Hon. Michelle Lensink for her advocacy for the community. I thank the Hon. Bernard Finnigan for his excellent speech about a motion that has nothing to do with this one, because this motion is not about whether or not members of parties are entitled to be involved in local government.

The Hon. B.V. Finnigan interjecting:

The Hon. DAVID WINDERLICH: Influence, not presence. As to the other remarks made by the Hon. Bernard Finnigan, I think it is unfortunate to cast slurs on the Electoral Commissioner, who certified that the Democrats had sufficient members to fulfil the requirements under the Electoral Act. As to anything he said about me, I draw on Dr Seuss, as I always do in these matters: 'Those who mind don't matter, and those who matter don't mind,' and that is good enough for me in matters such as these.

The heart of this motion is about investigating the potential for actual conflict of interest of elected members of the City of Charles Sturt in relation to revoking the community status of land at St Clair as per section 73 of the Local Government Act. To understand the focus of the motion, it is important to appreciate the source of potential conflicts of interest, and these are particularly the influence of the ALP on council and especially the influence of the member for Croydon (Hon. Michael Atkinson).

As a key member of the government, Mr Atkinson is theoretically able to offer benefits and rewards to councillors for making certain decisions in certain ways. The question is: is there evidence that this actually happens? Here, I think there are two important considerations: do we have evidence that Mr Atkinson is closely involved in the council, closely interested in the council, and do we have evidence that he uses that involvement to offer benefits that could create a conflict of interest?

If the answer to those two questions is yes, I think that an investigation by the Ombudsman is warranted, and I will outline some of the evidence of the Hon. Michael Atkinson's close involvement with the City of Charles Sturt.

The Hon. P. Holloway interjecting:

The Hon. DAVID WINDERLICH: Well, keep listening, and I will show you just how interested he is. I am aware of four complaints to police about people closely associated with Michael Atkinson and their involvement in community affairs; I have seen three of those, and I want to read an extract from one, 'At the above time, RP was protesting at the West Croydon Community Centre by herself. She states that she was standing there talking out loud when she saw a male with a camera. She recognised the male to be Brad, who she states works for the Attorney-

General's Department office in Port Adelaide. The male took a photo of the female, and the female said, "What do you think you are doing?" The male said, "You will pay for this, for what it did today." The male then left and walked down Rosetta Street.'

As I said, I have several other complaints of this nature, but here we have a local person exercising their democratic right to protest about a local council issue and an employee (and there is some confusion about the office, but I have had this generally verified by several other people) of a state member of parliament taking photographs and making threats.

The Hon. B.V. Finnigan: You have obviously never been around a polling booth.

The Hon. DAVID WINDERLICH: Again, what a perfect illustration of the mentality of the Australian Labor Party towards the practice of democracy in South Australia—just like the other day—

The Hon. P. Holloway interjecting:

The Hon. DAVID WINDERLICH: I will come back to that in a moment.

The Hon. P. Holloway: Never mind about making unfounded allegations, the fact is that you've been down there. You've been filmed down there pointing in the faces of elected councillors.

The Hon. DAVID WINDERLICH: When I was filmed down there, I certainly was not pointing in the faces of elected councillors. What the film will show is me calming down excited residents. You can go back and look at it any time.

I think these are important matters, and you may want to reflect also on the night of the deadly wine club incident, when numerous members of the government were absent and actually interfered with the passage of the constitutional deadlocks reform bill, because the majority were at a wine tasting. I will happily go to a community meeting; I will happily go to a community protest—I make no apology for that—without disrupting the business of parliament when what your party did was have people off at a wine tasting, and that disrupted parliament. I am happy to defend myself at any time.

The Hon. CARMEL ZOLLO: I rise on a point of order, sir. He is just talking nonsense. The wine club was well and truly over by 7.30.

The Hon. J.M.A. Lensink: That's not your point of order. What's your point of order?

The Hon. CARMEL ZOLLO: The point of order is just relevance. Of what relevance is it?

Members interjecting:

The PRESIDENT: Order! I think the members of the council are well aware who has taken pairs during the business of the council.

The Hon. DAVID WINDERLICH: I will now read an email from a resident which some members will have received and which expresses the situation in this council area, the Hon. Michael Atkinson's involvement and the sentiments of the residents much better than I ever could. The email states:

> It would be much appreciated if you could support this motion as from my understanding it relies on being passed by the Independents. It just means that residents like myself and many others will be able to come out with our evidence and explain the techniques (and they are quite heavy handed, nasty and relentless) which the Hon. Atkinson and his staff members at his electorate office use on residents to undermine any type of campaign in the area unless it is by people he/they endorse and usually, as a PR campaign for the person to gain a portfolio so that they can then be elected onto council (as I have witnessed and come to understand).
>
> If the opportunity is granted, residents will come out and speak about what has happened to them. I personally feel threatened by him...the Charles Sturt Residents and Ratepayers forum), the website has been pulled down as it was continually being hacked and he was on the site attacking residents for engaging in community conversation about the St Clair swap...
>
> I spoke to one of the administrators the day before the site was last hacked...and his property had been damaged the night before and he had been targeted and attacked. It's just creepy.
>
> If the motion is passed, it just means that many of us will be able to present evidence to our complaints...
>
> The nastiness of these people and how low they would go; threats, defamatory e-mails, running counter pamphlets when our pamphlets were just coming out, being spied upon and personally attacked. And of course, you say why bother. The experience was so negative...

Why would Michael do this, attack residents who had for so many years been loyal to him? I'm just one person, but there are so many more of us out there from his electorate who are also scared. Seriously, we basically have to go undergrown just to be able to participate, communicate and contribute in our neighbourhood.

I hope this helps you in deciding...

Many people I know are really hoping that this motion is passed as it's believed that this is our opportunity to come out after so many years of threats. Seriously, it is like being the exiles in George Orwell's Animal Farm…

Can you please not distribute this e-mail because residents have warned me that he sues everyone. This is my experience and I thought it might give you an idea of what some of us have gone through. When or if the opportunity comes to show documents, then clearly you will see that this is not a farcical smear campaign. This is for real.

The Hon. Michael Atkinson claimed in several case he has minimal influence over Charles Sturt council. A very credible local source puts the number of councillors assisted by Michael Atkinson over the past decade (and Michael Atkinson claimed he had helped one or maybe two councillors get elected) in double figures. One local resident stated Mr Atkinson had run a smear campaign against a candidate he did not support, including direct mail to all residents in the ward concerned. Mr Atkinson's preferred candidate was a volunteer in his office. This is demonstrating close interest and involvement. Is there a reason to believe that Mr Atkinson offers benefits to councillors?

The PRESIDENT: The Hon. Mr Atkinson, or the Attorney-General.

The Hon. DAVID WINDERLICH: The Hon. Mr Atkinson; I am sorry. Two witnesses claim that one councillor was offered a position as a chair of a council committee if he rejoined the ALP. The chairmanship of this committee attracted a payment of $3,000. One councillor who had opposed the land swap recently changed his vote late in the piece. Residents assert that this was because he had been promised the Hon. Michael Atkinson's support for a Labor seat. So, it is clear that there is good evidence of close involvement by the Hon. Michael Atkinson in the day-to-day running of council and ongoing community campaigns in the area.

There are also several allegations—and, in my view, one of them is extremely credible—that he actively offers benefits to councils. It is worth highlighting the seriousness of these offences. The Criminal Law Consolidation Act—and I read here from an attachment to the ministerial code of conduct—refers to offences of a public nature. Certain kinds of conduct, if undertaken by people who hold public office, constitute a criminal offence. A member of parliament is a public officer. The offences are as follows:

251—Abuse of public office

(1) A public officer who improperly—

(a) exercises power or influence...is guilty of an offence.

And:

253—Offences relating to appointment to public office

(1) A person who improperly—

(a) gives, offers or agrees to give a benefit to another in connection with the appointment or possible appointment of a person to a public office...is guilty of an offence.

The penalty for the first of these is seven years' imprisonment, and the penalty for the second is four years' imprisonment.

If these allegations are correct—and we have to go to someone like the Ombudsman to test them—the Attorney-General, the Hon. Michael Atkinson, the man supposed to uphold the law, has, arguably, systematically broken it, or at least staff employed by him have. If these allegations are true, the member for Croydon, a man supposed to defend the working people of the western suburbs, has systematically bullied and manipulated them.

It might be of interest to know that I used to be a member of the Labor Party. I have a little bit of a feel for the tradition and culture—now long dead and long gone.

The PRESIDENT: You used to be a member of the Democrats, too.

The Hon. DAVID WINDERLICH: I did, more recently. Process of elimination, Mr President. This is worse than corruption, in my view, because it is a betrayal of the people he is supposed to defend, while the party, as a whole, has stood by and let him do these things to the good-hearted people of the western suburbs.

The Hon. B.V. Finnigan interjecting:

The Hon. DAVID WINDERLICH: Why don't you go out there and say things about me? If the ALP does not stand for these people, it does not stand for anything: it stands exposed as pursuing power without glory and power without principle. It is a sad, soulless shell of a once great Australian institution. In 1949, Ben Chifley coined the phrase 'Light on the hill' to capture the way in which the Australian Labor Party gave hope to ordinary people—

The PRESIDENT: The honourable member should stick to the motion.

The Hon. DAVID WINDERLICH: —like the people I have been speaking to.

The PRESIDENT: We are very well aware of the history of this wonderful Labor Party.

The Hon. DAVID WINDERLICH: If these allegations are true, the light on the hill has gone out.

Motion carried.

VICTIMS OF CRIME (ABUSE IN STATE CARE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2009. Page 3736.)

The Hon. S.G. WADE (12:53): I rise today to indicate that the opposition will support this bill. Having said that, the opposition does not consider that the approach it envisages is the best way to provide fair compensation for victims of abuse in state care. The opposition is still of the view that a dedicated statutory redress scheme is the most appropriate way to compensate victims of abuse in state care, rather than to rely on victims of crime legislation.

On 18 October 2009, the Attorney-General announced in the *Sunday Mail* that the state government had allocated $7 million for compensation of state care claims, to be distributed through a formalised process of ex gratia payments under the victims of crime legislation. In this bill, the Hon. Ann Bressington is seeking to apply to the ex gratia scheme under the victims of crime legislation some of the elements which she considers should be part of the statutory redress scheme. While the opposition remains open to her statutory redress scheme model, we consider that bolting these elements onto an ex gratia scheme does not effectively convert the ex gratia scheme to a statutory redress scheme and is therefore not the best approach. For instance, we do not think that it is appropriate for victims to need to rely on the discretionary decisions of a minister with no right of appeal—

The PRESIDENT: Order! I remind the cameraman that he is only to take footage of the person on their feet speaking. You have been swanning around the room quite a bit. Please do not do that.

The Hon. S.G. WADE: The opposition does not think that it is appropriate for victims to need to rely on the discretionary decisions of a minister with no right of appeal rather than pursue statutory rights with appropriate procedural safeguards to ensure fairness and consistency, including a right of appeal. The opposition supports this bill to reiterate our disappointment at the government's failure to properly compensate victims, but looks forward to the day when victims of abuse in state care will have access to a full-blooded dedicated statutory redress scheme.

The Hon. R.L. BROKENSHIRE (12:55): I rise to indicate that Family First's position is that we will be supporting the Hon. Ann Bressington's bill. It has always been our endeavour to see as much compensation as possible for these victims. This was never their fault. They were primarily wards of the state. During a discussion on a redress bill that we had—it was passed through this chamber but, as yet, has not been passed by the other house—we had reached a figure from indications that we had received from the major parties. If there is an opportunity to get more compensation for these victims through the Hon. Ann Bressington, we clearly support that. Frankly, it does not matter what amount of money we give to these people: money will not replace the hurt that these people have experienced. However, if we can give them a reasonable amount of money, we can help them get on with their future.

Another point I make is that Family First wants a written apology from the government of the day on behalf of South Australians. I personally believe that the absolute majority of South Australians want to see that written apology. The Hon. Ann Bressington's bill is offering more and, for that reason, we support it.

The only other thing I want to say is that, in the current situation, the government came out and said that it would offer amounts of money to some victims through the Victims of Crime Compensation Fund, but I personally shake my head at that. I think the appropriate action here would be a proper appropriation of money from general revenue of Treasury for these victims, not to actually take money from the Victims of Crime Fund for this purpose. We do not believe that many of the victims will qualify under the proposal, anyway. It should be a separate amount of money. Not one South Australian has said to me that we should not have a $15 billion budget (or close to that amount) and not make a proper appropriation of money for these victims from that global amount.

What concerns me with what has happened now is that we will possibly see less general support for compensation for victims, because the money is actually being grabbed out of a general Victims of Crime Fund specifically to fund some of the people we feel sorry for who have been victims of abuse under previous governments—not this government; sometimes way back—which have not shown a duty of care for these people when they were wards of the state. With those few words, we strongly support the Hon. Ann Bressington's bill.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (12:59): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

As to Amendment No. 1:

That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 6, page 4, lines 19 and 20 [clause 6 (6), inserted subsection (5), definition of prescribed summary offence]—Delete the definition of prescribed summary offence and substitute:

prescribed summary offence means—

(a) a summary offence that results in the death of a victim or a victim suffering total incapacity; or

(b) a summary offence (other than the summary offence of assault) that results in a victim suffering serious harm;

serious harm means—

(a) harm that endangers a person's life; or

(b) harm that consists of loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of serious disfigurement;

And that the House of Assembly agrees thereto.

As to Amendment No. 3:

That the Legislative Council no longer insist on its amendment.

As to Amendment No. 6:

That the Legislative Council no longer insist on its amendment.

Consideration in Committee of the recommendations of the conference.

The Hon. P. HOLLOWAY: I move:

That the recommendations of the conference be agreed to.

In relation to amendment No. 1, an alternative amendment has been suggested by the conference. In relation to amendment No. 3, I inform the committee that the Attorney-General pledges that he will refer this proposal to the Victims Ministerial Advisory Committee to investigate and report. We are referring there to where a court imposes a sentence of community service and the role, if any, the victim should have in relation to that matter.

The Hon. J.A. DARLEY: I am pleased that we have been able to reach some middle ground in relation to these amendments; in particular, the first amendment, which is aimed at

providing victims with the right to furnish the court with a victim impact statement in a much broader range of cases involving prescribed summary offences.

We have been able to overcome the concerns expressed by the government, especially in relation to overburdening the court system, yet at the same time ensuring that the definition of 'prescribed summary offences' is wide enough to capture cases involving driving and industrial offences, among others.

I am grateful to the opposition and other cross-bench members, and Andrea Madeley and Julie McIntyre for their continued support in relation to this very important issue. I am also grateful to the Attorney-General for his cooperation, particularly over the past few days.

The Hon. S.G. WADE: I indicate that the opposition, like the Hon. Mr Darley, will be supporting this motion, and I thank the minister for his assurances in relation to consultation with the advisory committee.

I also concur with the comments of the Hon. Mr Darley in terms of the significant progress made by this committee. I commend the manager from our chamber, the Attorney-General and other participants on the progress that was made. I think it is perhaps a lesson to members of the government that the deadlock conference procedure, despite the fact that the government tried to abolish it earlier this year, is a valuable tool, and it should be used more often. As I said, I think it is a valuable tool, which I think is under-utilised by this government. I can certainly think of another bill before this chamber that would benefit from consideration in a conference. I urge the government, in the next parliament, to be more open to the opportunity.

The Hon. R.D. LAWSON: I support the resolution proposed, but remind the council that this amendment was first proposed by the Hon. Mr Darley, or perhaps his predecessor, the Hon. Nick Xenophon, in May 2006. It was supported by the opposition and other crossbenchers. It lapsed because of the prorogation of parliament. The bill was reintroduced by the honourable member in 2008 and, finally, in the last week of this session of parliament before the election, the Attorney-General called a deadlocked conference and within 24 hours the matter was able to be resolved.

This matter could and should have been resolved many months ago if the Attorney-General had adopted an appropriate approach and, as my colleague the Hon. Stephen Wade mentioned, had used the procedures of the parliament to resolve the deadlock rather than allowing it to fester for so long. As a result, many victims of crime in South Australia have not had an opportunity to make a victim impact statement, as they might well have done had the government been prepared to adopt a more flexible attitude. I commend the minister for the undertaking he has given and hope that those who succeed me in this place will ensure that that undertaking is met in due course.

The Hon. M. PARNELL: I, too, support the compromise position reached, but rise specifically because the motion is that, with regard to amendment No. 6, the Legislative Council no longer insist on its amendment, which was my amendment. I maintain that it was a sensible compromise to make sure that the Office of the Commissioner for Victims' Rights is subject to the Freedom of Information Act whilst protecting personal and confidential information. Having said that, I do not want our insistence on that amendment to stand in the way of the overall package of reforms, which I believe are good. Hence, as the mover of that amendment, I am happy that in a spirit of compromise we no longer insist on it.

Motion carried.

[Sitting suspended from 13:08 to 14:15]

JOHN KNOX CHURCH AND SCHOOLHOUSE

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 10 residents of South Australia concerning John Knox Church and Schoolhouse. The petitioners pray that the council will—

1. Take immediate action to acquire the John Knox precinct;

2. Partner with the Onkaparinga Council to determine a use for the John Knox precinct as a public asset and thereby;

3. Return the John Knox precinct to the people of Morphett Vale and the wider South Australian community.

PHYSIOTHERAPY BOARD OF SOUTH AUSTRALIA

The Hon. J.M. GAZZOLA: Presented a petition signed by 16 residents of South Australia, concerning the practice of the Physiotherapy Board of South Australia in allowing unregulated treatment. The petitioners pray that the council will convey the community's desire for an independent body to investigate and recommend appropriate action to the Premier, Mike Rann.

STEEPLECHASE AND HURDLE RACING

The Hon. M. PARNELL: Presented a petition signed by 4,816 residents of South Australia, concerning steeplechase and hurdle racing. The petitioners pray that the council will urge the government to prohibit steeple chase and hurdle racing.

MARSHALL, MS A.

The PRESIDENT (14:19): I regrettably rise to inform the council of the sad passing of Ashley Marshall on 2 December 2009, aged 67. Ashley joined the Office of Parliamentary Counsel in 1970 and provided a legislative drafting service to the parliament for 32 years until her retirement in 2002. During her many years of service to the parliament, Ashley showed immense courage in overcoming the disabilities which she faced in being confined to a wheelchair. She influenced the form of the state's legislation in many significant areas, including in relation to pastoral land, soil conservation, medical and dental practice, controlled substances, criminal law, correctional services, gaming machines, lottery and gaming, and expiration of offences. Her sharp mind and dedication served the parliament well.

In addition, Ashley served as Commissioner of Statute Revision from the mid-1980s until her retirement and was instrumental in establishing the reprint program for acts and its scheme of detailed legislative histories. I am sure that members and staff who knew Ashley will be sorry to learn of her passing and will join me in expressing our deepest sympathy to her relatives and friends.

PAPERS

The following papers were laid on the table:

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

Reports, 2008-09—
Australian Energy Market Commission
Department of Justice incorporating the Attorney-General's Department
Land Management Corporation—Addendum
Legal Practitioners Conduct Board
Review of the Climate Change and Greenhouse Emissions Reduction Act 2007—
Report, 2009
Water Resources Management in the Murray-Darling Basin: Critical Water Allocations in South Australia—Response to Report by the Natural Resources Committee

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Department of Planning and Local Government—Report, 2008-09
Proposal to Establish a Super School at State Sports Park, Briens Road, Gepps Cross

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Arid Lands and South Australian Murray Darling Basin Natural Resources Management Boards—Response to Reports relating to Levy Proposals for 2009-10
Trustee (Charitable Trusts) Amendment Bill 2009—Draft Report and Amendment Bill

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION ACT REVIEW

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I table a copy of a

ministerial statement relating to a Review of South Australia's Climate Change and Greenhouse Emissions Reduction Act 2007 made by the Premier.

WATER PRICING

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I table a copy of a ministerial statement relating to Water Prices 2010-11 made by the Treasurer.

EASLING, MR T.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23): I table a copy of a ministerial statement relating to the Easling Report made by the Attorney-General. As part of that, I believe I table the following report: Review of the Easling Trial from Mr Simon Stretton SC, Crown Solicitor.

QUESTION TIME

TRANSIT ORIENTED DEVELOPMENT TOUR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the TOD tour that was conducted earlier this year in May.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Two days ago the Department for Transport, Energy and Infrastructure Annual Report: Overseas Travel was tabled, and I note that there was one person who participated in the transit oriented development tour of America and Europe for a price of $34,609.

Members will be aware that there has been some speculation about the members who went on this particular tour, including the non-attendance by minister Conlon at a number of functions and site visits. Minister Conlon and minister Holloway were the two ministers who made the visit, and I think minister Holloway's wife attended with him. I am told that minister Holloway and his wife were probably very good at attending functions.

I am told that there were in excess of 20 functions and events minister Conlon did not attend. In fact, a question was asked during estimates about whether he had made certain visits; he said that he had not and that, particularly to one tram engineering works, he had his own itinerary.

The opposition FOI'd minister Conlon's itinerary and checked it against the formal itinerary that has been released. It appears that the only differences in the itineraries were a lunch on 18 May with Fred Hansen, the current Thinker in Residence, and a dinner on 22 May, with the Australian Ambassador to the US; on 30 May, at the end of the tour, a change in the minister's itinerary was that he went to London and stayed at the Royal Horseguards Hotel, while the rest of the delegation flew back via Singapore.

I am also advised that, between the US and the European legs of the visit, minister Holloway spoke to minister Conlon about his behaviour and told him that he should 'pull his socks up on his trip to Europe'. My questions are:

1. Did the minister speak to minister Conlon about his behaviour?

2. Does he accept minister Conlon's statement that his itinerary was not the same as that of the others, given that the FOI shows that it was virtually the same, bar one lunch and one dinner?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:26): I certainly do not—

Members interjecting:

The PRESIDENT: Order! I am sure that the minister will explain this without the help of the government benches.

The Hon. P. HOLLOWAY: I do not need to tell my colleagues how to behave, and I certainly did not need to, nor indeed would I, speak to minister Conlon in relation to that. With respect to the preamble to the question about the cost of the tour, I think it should be borne in mind that some of the cost was also spent on arranging a number of meetings with various transport experts.

One of the great benefits of the TOD tour was that we had a party of more than 30 people that included a wide variety of decision-makers in this state. There was a combination of developers, planners and local government officials, such as Felicity-ann Lewis and Mark Withers (an elected member and a CEO of a council), as well as a number of other people. The great thing that resulted from the meetings that were arranged was that all those people had the benefit of the briefings in relation to the cities we visited. It was a very efficient way of doing it, and we believe that, as a result, the state will get the benefit.

I think that it needs to be put on the record that that is likely to have been part of the cost, but it was money very well spent given, as I said, that more than 30 of the key decision-makers in this state within various aspects of the development industry had the benefit of all those things. The honourable member's assertion is quite incorrect. I have answered this question on previous occasions, but I indicate that there were several—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: If you do not want to listen, what is the point?

TRANSIT ORIENTED DEVELOPMENT TOUR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): As a supplementary question, does the minister support minister Conlon's statement that his itinerary was not the same as that of the other people on the trip?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:29): I have told the honourable member in answer to a previous question some time ago. Minister Conlon had several meetings: there was one in Washington, and there was also one when I believe that he and Rod Hook, the Deputy Chief Executive of the Department for Transport, Energy and Infrastructure, went to arrange or sign a contract for trams while we were over there.

So, yes, all of us were different. Whereas the tour had a number of meetings that were common, there were parts of the itinerary where both minister Conlon and I went to various meetings. As I indicated, one of the meetings I went to by myself was when I was in Denver and I met with some mining people there, and likewise minister Conlon had various additional meetings in relation to his portfolio. Really, if this is the best the opposition can do on the last day of the session, bring on the election.

TRANSIT ORIENTED DEVELOPMENT TOUR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): As a further supplementary question: if minister Conlon had other visits, why under FOI does his itinerary reflect the exact same itinerary that the rest of the participants had?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:31): Anyone who has been on an overseas trip would know that right up to the last moment changes to the itinerary are made. That is the way it is. When you are having four or five meetings a day, for various reasons, times will change, people will cancel, and opportunities will arise. Anyone who believes that the printed agenda is necessarily the final agenda does not understand; they have not been on these visits, because clearly nearly always there are last minute changes to the itinerary. When you FOId it I assume that what was produced was the itinerary that was prepared to for all of us before we left.

TRAVEL COMPENSATION FUND

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question on the subject of the travel compensation fund.

Leave granted.

The Hon. J.M.A. LENSINK: The travel compensation fund is an area on which I have asked questions before and, more recently, the review terms of reference have been released in

October with a tender offered through the Australian Government Tender Scheme has been posted with a consultant to review the review process. The Australian Federation of Travel Agents has stated that it is confident that these will allow for a robust and broad review. What input did South Australia have into the terms of reference, and is there any financial contribution from South Australia to the review?

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) (14:32): In fact, shortly I am about to head off to Perth to a meeting of the Ministerial Council on Consumer Affairs, and this matter is one of the agenda items for a report. The Ministerial Council on Consumer Affairs has previously directed the Standing Committee of Officials of Consumer Affairs to commission a review of the effectiveness of the current consumer protection measures in the travel related services market, which the honourable member has asked questions on previously.

The travel industry's travel cooperative regulatory scheme dates back to the 1980s, so obviously it is time to have a further look at this. A key aspect of the cooperative scheme is the travel compensation fund, which is the mandatory industry funded scheme for compensating consumers in the event that consumers lose their pre-paid moneys to intermediaries. The cooperative scheme has been an effective model for nationally harmonised regulation of the travel service industry. However, obviously, there have been a number of changes in the travel service and the market generally since the 1980s and particularly with technological development around the purchasing process and the very heavy reliance on IT and also the increased overseas markets.

The Ministerial Council on Consumer Affairs is seeking to engage a consultant to undertake a review to examine and make recommendations for improving the existing state based industry specific consumer protection law and administrative arrangements for the travel industry. As the honourable member has mentioned. the commonwealth has drafted a request for tender for the provision of consultancy services. I am advised that that has been published on AusTender, and I am informed that it will close on 12 November 2009.

In relation to South Australia's input, we have officers from the agency who are members of the officers group, so we input through that mechanism. In relation to financial contributions, as far as I am aware, there has been no indication as yet of any additional financial requirements on the states. However, as I said, the process is still underway. I am about to fly to Perth and this is an agenda item for consideration, so it will be with great interest that I listen to the progress of this particular matter. To the best of my knowledge, at this point I am not anticipating any cost impost but, as I said, it is still being considered.

GIFT CARDS

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about gift cards.

Leave granted.

The Hon. S.G. WADE: Over recent years, gift cards have become increasingly popular. According to the recent American Express annual Christmas survey, gift cards will be the most popular present this year, with one in five people intending to purchase gift cards in 2009, up from 13 per cent in 2007. Consumer organisations have raised concerns relating to gift cards, in that gift cards tend to expire and the rules that shops apply are sometimes regarded as unreasonable.

In the United States, regulators have acted to require all charges and fees to be clearly displayed at the point where the card was purchased, and for all cards to be valid for at least five years after they are issued. Retailers would be unable to charge a fee for replacing an expired card if money remained on it.

My questions for the minister are: has the government or the Ministerial Council on Consumer Affairs looked at ways to protect Australian consumers in relation to gift cards, and is the government intending to act to protect consumers in this area?

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) (14:37): I thank the honourable member for his Christmas question, and it is a most important question too. I always marvel when the honourable member raises concerns. I could be wrong, but to the best of my

recollection I do not think that he has ever written to me about this matter, but I may stand corrected. The member comes into parliament and raises a question and, to the best of my knowledge, he is the only person who has ever raised it, along with a whole heap of these sorts of matters that he raises here.

To the best of my knowledge, this matter has not been raised before with me, but as I said I will double check all of my correspondence, including my Christmas correspondence. Our officers are diligent and are always on the look out for new dirty tricks, and we are always looking to protect our consumers as best we can. If the honourable member has any specific details about this matter I will be happy to receive them and have my officers check them out.

The PRESIDENT: It is very surprising that some people are even too tight to spend their gift cards.

GIFT CARDS

The Hon. S.G. WADE (14:39): It is quite clear: does the minister think it is reasonable that gift cards expire after 12 months?

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) (14:39): As I said, I am happy to look into this issue. This is the first time, to the best of my knowledge, that anyone has raised an issue of concern about this. Clearly, there could be a range of matters that need to be looked into and weighed up. I am happy to look into it. I am happy to see whether it is, in fact, a problem. I am not aware of any contraventions around this. To the best of my knowledge, I am not aware of any consumers who are concerned about this. I have already put on the record that I will check my correspondence and that I will look into it. I will make it one of my Christmas priorities. It is right up there.

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN (14:40): My question is to the Leader of the Government, the Minister for Mineral Resources Development. Will the minister provide an update on the successful program for accelerating exploration that has been pivotal in sparking interest in mineral exploration in our state?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:40): I thank the honourable member for his timely question. This government has so far funded five successful rounds of the joint PIRSA industry drilling collaborations since launching the PACE initiative in April 2004. I am delighted to report that, last week, PIRSA launched round 6 of the Plan for Accelerating Exploration drilling collaboration between the government and industry. The continuation of the PACE drilling program highlights this government's commitment to resource exploration within South Australia. I am confident that, between now and 28 January next year, we will receive a record number of high-calibre submissions.

From 2004 to 2009, a total of 335 proposals have been submitted, with 168 successful submissions sharing in $10 million of funding. These projects were spread across all regions of the state, targeting a wide range of commodities. PACE drilling collaborations have not only led to key new discoveries but they have also extended valuable resource estimates, tested new exploration models and deposit styles and contributed hugely to the geological understanding of South Australia.

The PACE initiative is now recognised around the world and throughout Australia as one of the most successful government initiatives in stimulating new mineral discoveries and in attracting and securing major levels of mineral exploration investment. Most recently, PACE has contributed directly to the discovery of IronClad Mining Ltd's magnetite iron ore project, Hercules; Iluka Resources' heavy minerals sands deposits, Dromedary on Eyre Peninsula; Lynch Mining's iron ore intersections at the Bramfield prospect on western Eyre Peninsula; and Teale and Associates' Prospect Hill tin and base metal intercepts in the northern Flinders Ranges. Successful proposals will also be announced in the first quarter of 2010. Companies wishing to lodge a proposal can find details on the PIRSA minerals website.

POLICE CONDUCT

The Hon. A. BRESSINGTON (14:42): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question about police conduct.

Leave granted.

The Hon. A. BRESSINGTON: I was recently provided with information about what appears to be a most concerning breach of protocol and possibly an illegal action by a police officer. In early 2008, the chief executive of Cycling SA put himself forward to accompany a junior track cycling team to a competition in Sydney. As per Cycling SA's protocol at the time, any volunteer accompanying a junior team was to procure a criminal history check to ensure safety and suitability for working with children.

However, it would appear from an email exchange, of which I have been provided a copy, that the chief executive encouraged the board to accept an email clearance from a Senior Constable Brendan Donnelly of South Australia Police. Responding to the protestations of another Cycling SA employee, the chief executive stated in an email:

> The idea of having a cop to oversee this process makes it very simple. The information is sent to him. He looks at it and gives his clearance...you can even email Detective Brendan Donnelly, copied in on email, with my name and date of birth for example and he'll do a check instantly.

Such a clearance was subsequently emailed by Mr Donnelly on 26 February 2008, which states:

> As per previous correspondence relating to the suitability for a role as a volunteer working with young children, I have conducted the appropriate checks and deem that... is suitable to undertake this role.

My office has contacted SAPOL's Record Release Unit and confirmed that, outside of this unit, no other SAPOL branch—let alone an officer—has the authority to conduct and issue a police clearance. To my knowledge, Mr Donnelly was not attached to the Records Release Unit at the time, nor has he ever been. Further, the issuing of a clearance in the form of an email and with the wording used is both highly inappropriate and, as has been suggested to me, potentially criminal.

I have a signed statutory declaration swearing to the authenticity of the emails that have been provided to me. Further, the information that has been provided to me was also provided to the Minister for Police in a letter dated 23 December 2008 and again in what is effectively a public interest disclosure, dated 11 June 2009, yet it would seem that concerns about Mr Donnelly's conduct are not shared by the Minister, and no meaningful response has been forthcoming. My questions are:

1. Given that the minister has already been provided with details of the allegations, has an investigation been undertaken into the conduct of Mr Donnelly and, if not, why not?

2. If an investigation has been undertaken, will the minister make its findings known to the council?

3. If the allegations outlined have been substantiated, has Mr Donnelly been officially reprimanded as a result and, if so, what was the penalty?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:46): The honourable member has listed fairly serious allegations against a police officer. Obviously, the appropriate body to investigate such matters is the Police Complaints Authority, and I presume that the allegations raised have been directed to that body. I will make an inquiry with the Minister for Police and bring back a response.

SUSPENDED SENTENCES

The Hon. R.D. LAWSON (14:46): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about suspended sentences.

Leave granted.

The Hon. R.D. LAWSON: The capacity of a sentencing court to suspend a sentence of imprisonment is a sentencing option that is very popular with the South Australian judiciary, even if it is somewhat less popular with Bob Francis and other commentators with whom the Attorney was once friendly.

In Victoria, the government has announced that suspended sentences will be phased out. This decision followed a report that highlighted the conceptual difficulty and artificiality of the two-stage process involved, namely, a judge is required to take into account all the circumstances of the offence and the offender and then rule that the crime and the offender warrant imprisonment, and then he or she is required to go through exactly the same process again and decide whether that punishment ought to be applied.

A second objection in Victoria is that suspended sentences tend to distort the length of sentence imposed. It is claimed that judges tend to pronounce longer sentences when they know they will be suspended. In other words, a judge says to himself or herself, 'This offence is three years but I'm going to suspend it; therefore, I'll announce a sentence of four years but suspend it.'

In Tasmania, a recent detailed study into suspended sentences came up with some interesting but not entirely surprising results; for example, it found that offenders serving suspended sentences had the lowest reconviction rates compared with those who received non-custodian and unsuspended sentences. It was found that those who had previously been given a suspended sentence were more likely to receive a more serious unsuspended sentence, regardless of any subsequent offence.

Finally, another finding I will mention is that only 5 or 6 per cent of offenders who were in breach of a suspended sentence were actually returned to court for action—and that was in Tasmania. As far as I am aware, there has been no recent study in South Australia on the effectiveness of suspended sentences. My question is: will the Attorney commission and publish a report on this issue in South Australia, including statistics about the number of those who have been given suspended sentences and who commit breaches of them, and also matters such as the differences in the recidivism rate between those who receive a suspended sentence as against those whose sentence is not suspended?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:49): I thank the honourable member for what I guess will be his final question in relation to legal matters. The thought occurred to me while I was listening to that question that, with the retirement of the Hon. Robert Lawson (although the Hon. Mr Parnell perhaps has a planning law degree), he is probably the last lawyer in this—

An honourable member interjecting:

The Hon. P. HOLLOWAY: That's right—Stephen. I congratulate the Hon. Mr Lawson for, right up to the end, asking these questions about the operation of the law. In his time in this place he certainly has paid a great deal of attention to those matters. It is an important question and I will refer it to the Attorney-General in another place and perhaps he will correspond with the Hon. Mr Lawson in relation to this matter. I note the Hon. Mr Lawson's contribution to law reform and legal matters generally during his time here.

EDUCATIONAL SOFTWARE

The Hon. I.K. HUNTER (14:51): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about educational software sold door to door.

Leave granted.

The Hon. J.M.A. Lensink: Have you written to her about it?

The Hon. I.K. HUNTER: Actually she wrote to me, which is how I found out about it. For some time educational software has been available to assist children and their parents with important subjects like maths and English on their home computer. As most, if not all, parents are willing to make sacrifices for their children's education, businesses have found a market selling educational software packages door to door, along with almost everybody else. Will the minister advise the council about the pitfalls that can be encountered when parents purchase educational software items for their children from door to door salespeople?

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) (14:51): I thank the honourable member for his most important question and the opportunity to speak on this issue, about which concerns have been raised with my office. As Minister for Consumer Affairs I have come to realise the importance consumer education has in preventing bad outcomes for

consumers. Many consumer disputes or problems could have been avoided if consumers were more aware of their rights and spent more time thinking about their real need for a product or services they are being urged to purchase. People can be very vulnerable to the pressure of salespeople.

As the member rightly stated in his question, parents want the best for their children and want to help them reach their full potential and are willing to make a financial sacrifice to achieve that worthwhile goal. Parents who want only the best for their children can be particularly vulnerable to purchasing educational software programs which they later can regret, often at a substantial cost. I am advised that some parents have reported their experience with educational software to the Office of Consumer and Business Affairs. The sellers of educational software typically use door-to-door selling practices and, more often than not, a degree of high pressure sales tactics is used.

As members would know, there are protections for consumers under the Fair Trading Act with regard to door-to-door selling. In recognition of the need to guard the most vulnerable in our community from high pressure sales techniques in particular, a contract to which the door-to-door trading provisions of the Fair Trading Act applies must allow for a 10-day cooling off period, with the consumer being notified of such in writing, and the trader cannot accept any money until after the end of the 10-day cooling off period. Unfortunately many parents are only discovering well after the 10-day cooling-off period has expired—and some are not being offered it—that the educational software package is not a great boon to their child's education or what they hoped for.

Parents need to look at these educational software packages a lot more closely to try to determine whether they are really getting value for their money. I have been advised that the packages can cost up to $12,000 and are usually financed through high interest finance plans. If a child loses interest or finds the product too difficult or too easy, as the case may be, parents can be paying off finance for a product that they do not use for the remainder of that contract period, which can be up to five years, so it can be a real financial bind.

Consumers need to remember that unless the sellers have misrepresented their product or have breached the door-to-door selling provisions of the act, such as the 10-day cooling off period, there may be little recourse available for them. That is why I am urging parents, who have the right intentions and obviously their children's future at heart, to stop and think before purchasing educational software for their children.

While companies sell these products all year round, this time of year is when school reports come home and parents might be less than impressed with their children's report cards and could perhaps be more easily convinced to make decisions that they can later come to regret and ill afford. Parents need to remember that the salespeople pushing the products may not have educational qualifications and are usually working on commission, as this is the normal practice for door-to-door selling.

Parents need to make sure that the educational software—be it English, maths or whatever—aligns with the school curriculum. If it does not, the product may be of questionable benefit to the child's education. I also suggest that parents talk to their school or the education department to discuss whether, for instance, their child might need extra assistance in the first place and also to discuss other options to assist their children's education. After all, given the cost of these educational software packages, the hiring of a private tutor may be a much better and cheaper option for a child needing support with their studies, and more tailored to their needs.

If parents have signed a contract and they have some doubts about it or do not understand, I advise them to seek legal advice. The Legal Services Commission can provide advice to parents contemplating a contract of this type. OCBA provides regular advice to consumers through its website, publications and regular appearances on radio programs, and it also has a telephone service. I recommend that consumers read OCBA's publication entitled *The Smart Consumer* to get some tips and hints to becoming a wise consumer who does not rush into major purchases or contracts. This information and publication is freely available as a booklet or a download from the OCBA website. As we head into the summer recess, I urge members to assist in raising this issue with parents who are looking for ways to help their children with their education; $12,000 is a lot of money for anybody, especially parents with school age children. I urge parents to stop and think and ask questions before committing themselves to an expensive and potentially useless educational software package.

YOUTH ADVISORY COMMITTEES

The Hon. DAVID WINDERLICH (14:58): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a very gentle question about youth advisory committees.

Leave granted.

Members interjecting:

The Hon. DAVID WINDERLICH: I'm a gentleman. The South Australian Youth Lobby has raised concerns about Mr Koutsantonis's plans to redirect funding from valuable programs run and funded through the Office for Youth such as the National Youth Week program and the Youth Advisory Committee program. The Youth Lobby has contacted young people, employers in youth sectors and members of the Local Government Youth Services Forum, which have all expressed concerns about these changes. While having the admirable aim of focusing on disadvantaged youth, this would reduce opportunities for support and participation of young people in general by shifting the focus from initiatives such as National Youth Week and youth advisory committees to more youth development officers and community development officers.

The Youth Lobby is concerned that these changes will detract from the National Youth Week as the largest celebration of young people in South Australia and that it will redirect funding away from using engagement, youth participation and youth leadership programs. The federal government's Office for Youth has also expressed concerns and South Australia is the only state that is heading in this direction with its funding allocations to young people. Many young people who are active in their communities, who are volunteering in their communities or who have gone on to work in the youth sector, began by participating in their local youth advisory committees. My questions are:

1. Have the councils and the minister been consulted about this decision by the Hon. Tom Koutsantonis to redirect funding away from National Youth Week and the youth advisory committees?

2. How many youth advisory committees and young people will be affected by this measure?

3. What alternative strategies has the minister put in place or will put in place to provide young people with opportunities to participate in their local councils?

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) (15:00): I thank the honourable member for his gentle question, delivered by such a gentle man. Clearly, this is a matter for the Minister for Youth in another place (Hon. Tom Koutsantonis). I am happy to refer these questions to him and bring back a response.

In relation to the Office for Women being consulted about this, I am not aware that it has been. I can check, but to the best of my knowledge I am not aware of that. I understand that the management of these funds is very challenging. Very often there are huge community demands on these funds and there are many different interest groups that want access to them. I appreciate that the minister has a very difficult task in prioritising the allocation of those funds each year. I am very confident that the Hon. Tom Koutsantonis will do that in a very considered and balanced way. I am happy to refer those detailed questions to the honourable member in another place and bring back a response.

FIRE SIRENS

The Hon. C.V. SCHAEFER (15:02): I seek leave to make a brief explanation before asking the minister representing the Minister for Emergency Services a question about fire sirens.

Leave granted.

An honourable member: Every town should have one!

The Hon. C.V. SCHAEFER: Indeed; my colleague interjects as to the spirit of my question. Mr President, you would understand that, for many years, a fire siren in a country town was a vital method of informing people that there was a fire in the area. On days that are now considered to be catastrophic, most people stay inside; they draw the curtains and blinds and stay

inside away from the extreme weather. A fire siren is a method of alerting people, who can then find out from which direction the fire is coming.

For a long period of time, fire sirens in small country towns were also used to alert people of other dangers or emergencies that may have been occurring in the town. Several years ago, in its wisdom, this government withdrew fire sirens from country towns, causing a great deal of anxiety. Along with a number of other state governments, it has now decided that fire sirens are quite a good idea after all and it will allow country towns to reinstate their fire sirens—except that the reinstatement is to be done at a cost to the CFS and, therefore, the community.

My information is that, in some cases, the cost of reinstalling the sirens (which are, in fact, still there and have simply been disabled) runs to tens of thousands of dollars, for which the local CFS (a voluntary body) will be responsible. Will the minister seek advice from the Minister for Emergency Services as to why this cost has been put on country towns and local CFS brigades when it was a decision of the government to remove this valuable service in the first place?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): Again, I acknowledge the Hon. Caroline Schaefer's contribution to and interest in these matters over a long period of time.

Honourable members: Hear, hear!

The Hon. P. HOLLOWAY: In relation to CFS sirens, when the honourable member says it was a government decision, of course, the CFS makes these decisions in accordance with its own best interests. Governments act on the advice of the CFS in relation to these sorts of matters.

As someone who lives there, it was good to hear the siren tested, as it is at seven o'clock every Monday night, and it is reassuring. As someone who has lived in the Hills for many years, I always thought that the sirens had a very good part to play, and I am pleased to see that they are coming back. I will refer the question to the minister in another place and perhaps suggest that he correspond with the honourable member in relation to the matter.

SAFE WORK AWARDS

The Hon. CARMEL ZOLLO (15:05): My question is to the Minister for Small Business. Will he advise the council how the small business sector is involved in the annual Safe Work Awards?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:06): The Safe Work Awards were established to not only recognise but also celebrate individuals and organisations in South Australia who have made a significant contribution towards achieving excellence in occupational health and safety in the workplace.

The 2009 Safe Work Awards were held on Friday 13 October. With the record number of entries received, it is clear that the safety and wellbeing of employees and customers is becoming a growing priority. The full list of Safe Work award categories for 2009 includes:

- Best Workplace Health and Safety Management System (in the public and private sectors);
- Best Solution to an Identified Workplace Health and Safety Issue;
- Best Workplace Health and Safety Practices in Small Business;
- Best Individual Contribution to Workplace Health and Safety;
- Employer of the Year (in the public and private sectors);
- Best Public Event Safety; and
- the Augusta Zadow scholarships.

In addition to small businesses being recognised with the best workplace health and safety practices in the small business category, businesses with fewer than 20 employees or full-time equivalent staff are also eligible to nominate for:

- Best Workplace Health and Safety Management System;
- Best Solution to an Identified Workplace Health and Safety Issue;

- Best Public Event Safety; and
- Employer of the Year.

Small businesses are not only encouraged to nominate for awards but also assisted through the Small Business Student Assistance Scheme, which was set up in partnership with TAFE SA, Panorama campus. The scheme provides invaluable assistance by matching small businesses that are applying for a Safe Work award with student volunteers who are undertaking a diploma or an advanced diploma in occupational health and safety.

The student volunteers are on hand to assist small businesses in developing and drafting their applications. I am extremely happy to report that the Employer of the Year Public Sector Award was presented to Adelaide Shores, a statutory authority I have responsibility for as Minister for Urban Development and Planning.

Adelaide Shores, located at West Beach and managed by the West Beach Trust, comprises a range of accommodation and leisure facilities spread across a 135 hectare reserve. The precinct offers a range of state significant facilities, as follows:

- two accommodation properties, which are both South Australian Tourism Award winners, that is, the Adelaide Shores Caravan Park, which provides caravan and camping sites and cabins (and this park's family friendly facilities have earned it a 4.5 five-star rating); and the Adelaide Shores Resort, which offers deluxe self-contained accommodation in a prime beachfront location and provides hotel standard services and facilities with extra space and privacy;
- Adelaide Shores Golf, which has two 18-hole public courses, a golf academy, practice facilities and a driving range, which are all complemented by the Westward Ho Golf Club;
- the boat haven at West Beach, a venue for boat launching, fishing and other marine services;
- access to Coast Park, which is a state government initiative, in partnership with local government, to develop a 70 kilometre linear park along the metropolitan Adelaide coastline. Adelaide Shores is responsible for the maintenance of a one kilometre stretch of the Coast Park that allows pedestrians and cyclists to connect with Glenelg and Henley Beach; and
- the Shores Function Complex.

Through both the staff and customers who use the various facilities, Adelaide Shores has built a culture of awareness around the need to maintain and improve safety. The statewide recognition of good work practices through the Safe Work Awards is just one way in which we are striving to meet the South Australian Strategic Plan target of reducing the incidence of workplace harm by 40 per cent during the 10 years to 2012. I congratulate Adelaide Shores and all the winners of this year's awards for all their performance in maintaining and improving the levels of workplace health safety across South Australia.

BICYCLE TRACKS

The Hon. D.G.E. HOOD (15:10): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about bike tracks in Linear Park and around Adelaide—a government toppling question, no doubt.

Leave granted.

The Hon. D.G.E. HOOD: A constituent contacted me recently to note his frustration with the bike tracks that he uses in Linear Park quite frequently. The constituent has explained to me that he rides the bike track three or four times a week over various routes and has complained to me that it is very poorly maintained in certain sections. Indeed, as a regular cyclist myself I would concur in that opinion.

A key problem, according to this constituent, is that the track is different from council region to council region, ranging from concrete slabs which are poorly suited to bike riding at the Paradise end to bulging and dangerous tree routes and potholes along the Hindmarsh and Walkerville sections. The constituent has asked me to campaign or bring this to the attention of the government in order to seek an upgrade of the track to the standard seen along the Port Adelaide Enfield and Grange sections which, I am told and indeed I have witnessed myself, are of a

noticeably superior standard. The constituent has also complained to me that the track is poorly signposted and has frequently witnessed tourists riding into dead end sections of the track near the beach and along the Campbelltown sections in particular. My questions are:

1. Has the government considered taking jurisdiction over the bike track network and its signposting within the Linear Park region so it can be kept to a consistently high standard?

2. Will the minister ensure that this constituent's concerns are investigated?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:11): I thank the honourable member for his question. The government does not wish to take over responsibility for Linear Park, but we have provided a significant sum of money both to add to the Torrens River Linear Park and, with a bill that I hope will go through the other place today, also purchase land in relation to some of the other linear parks which we hope to establish through the metropolitan area.

In particular, under the Planning and Development Fund the government made available a significant sum of money—I think it was $1 million, if I recall correctly—to help various councils along Linear Park upgrade the safety of the Linear Park within their area. Although the responsibility for Linear Park should be with local government, following a couple of tragic incidents where young children had drowned in the Torrens River, the government established a work party in conjunction with local councils and looked at safety along Linear Park and provided additional funds to the local councils to help them with those safety issues.

The government is quite prepared to make, and has indeed made, money available. I can also talk about a significant sum of money the state government has spent where, as part of these upgrade programs, it has just constructed a new bridge at Underdale as well as purchasing a significant amount of additional land along Linear Park to improve the track. So, while local government controls Linear Park and we expect them to be responsible for the maintenance, the government has where necessary provided additional funding to local government to ensure that Linear Park is maintained to a safe condition.

Of course, if councils have a particular problem, we are always open to considering funding under the Planning and Development Fund to ensure that Linear Park remains in good condition. We do not see that the fund should be used necessarily to absolve local government of its responsibilities but, if special issues such as safety issues come to our attention, we have demonstrated that we will provide funds to local government to help them address particular problems.

NORTHERN SUBURBS BUS ROUTES

The Hon. J.S.L. DAWKINS (15:14): I seek leave to make a brief explanation before asking the minister assisting the Minister for Transport questions about northern suburbs bus services.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently been approached by residents of the northern suburbs concerning the bus route changes which came into effect in September. Having given the new system time to take full effect, these residents have now requested that I take up a number of issues with the minister. As a result, my questions are:

1. Why are there no public bus services planned to cater for the rapidly growing new portions of Andrews Farm and Munno Para West until September 2010?

2. Will the minister indicate why the first morning bus to Adelaide along Main North Road does not arrive in the city until 6.46am, much later than services from other areas of Adelaide?

3. Why do the routes 224X and 225X, so-called express services, run via Mawson Lakes Interchange, defeating the purpose of an express service?

4. When will services be provided to residents in the heart of Gulfview Heights?

5. What action will the minister take to ensure that bus schedules on the 451 route match the times of train services on the Gawler line?

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) (15:16): I thank the honourable member for his most important question and for his ongoing interest in the issue of transport. I am very happy to refer those questions to the Minister for Transport in another place and bring back a response.

Again, I take this opportunity to make sure that the record is quite clear about this government's commitment to public transport. DTEI's capital expenditure is $1.1 billion for 2009-10, up $160 million a year from eight years ago. Over the next four years, $3 billion will be spent on transport alone, and that includes: a rail revitalisation program (the government's $2 billion investment to transform our public transport network); the coast-to-coast rail commitment in relation to providing coast-to-coast light rail services (construction has already commenced); additional trams that have been secured to supplement our existing fleet; the rail car depot relocation; the South Road/Anzac Highway underpass; and the Glenelg tram overpass. The list goes on and on. It is an unprecedented commitment of $3 billion over four years.

NORTHERN SUBURBS BUS ROUTES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:18): Can the minister bring back advice as to why the Port River viaduct is only receiving new broad gauge rail lines instead of gauged convertible sleepers and the potential standardisation?

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) (15:18): I doubt that that is relevant. Nevertheless, the Christmas spirit is upon me so, full of Christmas cheer, I will very gladly refer that important question to the Minister for Transport in another place and bring back a response.

ITINERANT TRADERS

The Hon. R.P. WORTLEY (15:18): Itinerant tradespeople who target the elderly and disadvantaged are a menace in South Australia. Their unsolicited work is usually overpriced—

The Hon. R.I. Lucas: Did you seek leave?

The Hon. R.P. WORTLEY: I seek leave.

The PRESIDENT: Leave is granted.

The Hon. R.P. WORTLEY: It is the excitement of your questions that has me dazzled.

The Hon. J.S.L. Dawkins: You have been here for four years, so you should know how to do it by now.

The Hon. R.P. WORTLEY: You sit over there looking like a wing nut; it is pretty easy to get distracted. Itinerant tradespeople who target the elderly and disadvantaged are a menace in South Australia. Their unsolicited work is usually overpriced.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley might want to start again.

The Hon. R.P. WORTLEY: Yes, Mr President.

Members interjecting:

The Hon. R.P. WORTLEY: I have a minister who has an answer and who needs a question. Please, let me ask the question.

Members interjecting:

The Hon. I.K. HUNTER: On a point of order, are we there yet?

The PRESIDENT: Question time is going very fast and, if there is no order in the chamber, no-one else will get any questions in. I think the Hon. Mr Lucas is coming up soon.

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about itinerant traders.

Leave granted.

The Hon. R.P. WORTLEY: Itinerant tradespeople who target the elderly or the disadvantaged are a menace in South Australia. Their unsolicited work is usually overpriced and of very poor quality. Taking money or performing work in this way is prohibited under the door-to-door trading provisions of the Fair Trading Act 1987. My question to the minister is: will she remind members about the fraudulent activities of itinerant traders and advise the council about recent approaches made to elderly residents in the Edwardstown area?

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 most important and timely question. I am sure he is aware that there have been fairly recent reports of groups of itinerant workers back out again, trying to take advantage of vulnerable consumers.

As members would know, there are protections for consumers under the Fair Trading Act in regard to door-to-door selling. These protections are in place to guard particularly the most vulnerable in our community from high-pressure sales techniques. These consumers can be placed under a lot of pressure by those who are very skilled and well versed in taking advantage of people.

A contract to which the door-to-door trading provisions of the Fair Trading Act applies must allow for a 10-day cooling off period, with the consumer being notified of this in writing, and the trader cannot accept any money until after the end of that 10-day cooling off period. Most commonly, the 10-day cooling off period is flouted by many of these itinerant traders offering to do building work, such as roof repairs and painting. The most recent example reported to me involved an elderly resident in Edwardstown who was approached by three men offering to do roof and wall repairs. I am advised that these men have also been sighted in regional areas, such as Murray Bridge. The latest report is that they were driving a late model grey Toyota ute.

The three men approach consumers and tell them that their house needs urgent repairs. The repairs, if they are done at all, are generally substandard, with a token effort made. I believe that these men have been known to follow consumers to their houses to collect money or drive consumers to the bank to make a withdrawal. So, we can see that it is very heavy-handed.

There are many variations of the con that these itinerants employ to rip off consumers. One that is brought to the Office of Consumer and Business Affairs' attention from time to time is what I call the 'leftover bitumen scam'. Typically, a property owner who has a long dirt driveway is approached by a smooth-talking front man posing as a council worker or a road worker contractor, saying that there is some leftover bitumen from a nearby job and asking if the owner would like their driveway paved for a bargain price. The usual high-pressure sales tactics are applied, and the consumer's money is taken there and then, or at least on the same day. The driveway may even look okay for a while but the shoddy job soon shows through and the consumer is left not only out of pocket but often with a dangerous and unsightly driveway.

The last time this was reported was back in January. We give regular warnings about this problem. Consumers need to be aware that they can cool off on these door-to-door contracts if the contract is over $50. The contract needs to be in writing. I urge members to make sure they educate the South Australian public through their links with the community and, if they see or are aware of these traders operating in their local area, to please contact the Office of Consumer Affairs straightaway so that we can put out a warning bulletin.

TRUSTEE ACT

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) (15:25): I table a copy of a ministerial statement relating to draft amendments to the Trustee Act 1936 made by the Hon. John Hill in another place.

SWINE FLU VACCINATIONS

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) (15:26): I table a copy of a ministerial statement relating to swine flu vaccination approved for kids made by the Hon. John Hill in another place.

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

The House of Assembly agreed to amendments Nos 3 and 4 made by the Legislative Council without any amendment; and disagreed to amendments Nos 1 and 2 and made an alternative amendment as indicated in the following schedule in lieu thereof:

Page 6, line 27 [clause 12, inserted section 99AAAC(2)(c)(ii)(A)]—After 'sexual abuse' insert:

Or physical, psychological or emotional abuse or neglect

Consideration in committee.

The Hon. P. HOLLOWAY: I move:

That the Legislative Council do not insist on its amendments Nos 1 and 2 and agree to the alternative amendment in lieu thereof.

The other place disagreed with amendments Nos 1 and 2 passed by the council and agreed with amendments Nos 3 and 4. The other place passed an alternative amendment in place of amendments Nos 1 and 2. I recommend that the committee not insist on its amendments Nos 1 and 2 and agree with the amendment made by the other place.

The reasons the other place disagreed with amendments Nos 1 and 2 are as follows. The advance made by this bill in offering restraint of the predatory adult to protect children at risk of sexual abuse or drug activity is already considerable. Amendments Nos 1 and 2 would have fundamentally changed the nature of this restraining order and allowed it to be used in ways not contemplated by Commissioner Mullighan when he identified the problem this bill seeks to remedy.

The amendments would have allowed a court to make a child protection restraining order against a person on the simple ground that it is not in the best interests of the child to reside with that person. The order could have been made against a person even though there was no evidence that residing with the person put the child at risk of harm.

No other form of personal restraining order under South Australian law or any other Australian law may be issued without a court having to be satisfied, at the very least, of a risk that the person being restrained would, without restraint, harm another person.

If amendments Nos 1 and 2 had become law, how would a court have determined whether living with a person was in a child's best interest? It would have had to evaluate all other possible living arrangements for the child. What if, in that inquiry, it found that neither living with this person nor living with a parent who was seeking the restraining order was in the child's best interests? Where to then? Is this something we want a busy Magistrates Court to be doing?

How would this relate to the Youth Court's jurisdiction in child protection matters? Although the court should make the child's best interests the primary consideration in deciding whether to make a child protection order and in determining its terms (and the bill already requires this in new section 99AAC(3)), the child's best interests should not also be a ground for a child protection order. Making it a prime consideration is enough.

A child who is prey to people who exploit him or her sexually or expose him or her to drug activity is already amply protected by the bill. Under the bill, to make a child protection restraining order against a person, a court simply needs to be satisfied that residing with this person puts the child at risk of sexual abuse or drug activity, or exposure to both. The bill does not require proof of a conviction before an order can be made. The bill deliberately allows the order to be made when there is a risk of harm only without a proof of conviction. If there is a relevant conviction for a child's sex or drug offence, then the risk of harm is assumed, it is a given and there is no need to prove a risk of harm. Proof is on the balance of probabilities and not on the higher criminal standard, as for all kinds of restraining orders.

The grounds for restraint that were proposed in amendments Nos 1 and 2 would have been used by some parents inappropriately, and in these cases would have increased the workload of the courts unnecessarily. Most importantly, if child protection restraining orders can be used against people who offer genuine shelter to troubled run-away children, and who present no risk of harm to them, albeit that the living arrangements do not satisfy everyone, then the only people to whom these children can turn are—guess who? They are the very people who, in the interests of the child, have no importance whatsoever—predators who will exploit that child.

In relation to the amendment made by the House of Assembly, the government was prepared, if amendments Nos 1 and 2 were disagreed to, to broaden the scope of the bill by adding

an additional ground for restraint that is based on a risk of harm. The amendment recommended by the government in the other place, and which was passed unanimously there, will make it an additional ground for restraint that, as a consequence of the child's contact or residence with the defendant, the child is at risk of physical, psychological or emotional abuse or neglect. This would cover the kinds of exposure, other than exposure to unlawful sexual or drug activities, that are already covered by the bill that some members have raised in debate. Importantly, it links the need for restraint to a risk of harm and keeps the best interests of the child as a primary consideration for the court, rather than as a ground for restraint. I recommend that the committee agree to this amendment.

The Hon. A. BRESSINGTON: I am prepared to withdraw my amendment and accept the government's amendment, but I make very clear that I do so reluctantly. I do so basically because of the usual threat of the bill being pulled if the Attorney-General does not get his way. I make very clear from the beginning that negotiations with the Attorney-General about these amendments began in July this year. We reached agreement on the two amendments I put forward that the government is now rejecting. I have the following email, dated 22 September:

> I am following up on suggested amendments to the Child Protection Act. I can confirm that the Attorney-General supports the amendments proposed.

That is amendments Nos 1 and 2. In September he was agreeable to them: it made sense to him to include the term 'best interests of the child'. I understand that he then got hammered by the child protection department of Families SA and workers there, who said that they did not want the words 'best interests of the child' included in these amendments, even though the courts understand 'best interests of the child', the Youth Court uses the term and Ted Mullighan used it. It is through pressure from that department that the Attorney-General has withdrawn his support for these amendments and has watered down this legislation.

The idea of my amendments was to provide parents with a reasonable pathway to the courts, based on reasonable suspicion, which is also terminology used in the Children's Protection Act, in order to be able to protect their children. We now have 'balance of probabilities', which still means that parents cannot go in there based on a reasonable suspicion. They actually have to have proof. Unless they have hard solid proof, they will be required to have evidence that their child is being sexually abused or exploited or is consuming drugs, and that has not worked in the past without solid proof. None of that will change. Tacking on psychological and emotional abuse is just a fluff to make it appear that we are doing something. This bill was intended originally for kids in state care. I tacked on these amendments to this because there are literally hundreds of parents out there whose kids, at that rebellious age, are running away because they simply do not want to live by their parents' rules, not because there is abuse, neglect or anything else going on. They want a free and easy life, and they are promised that kind of life with these people who harbour them.

These parents, who are trying to get their kids back in order to instil reasonable boundaries and bring them up according to their family values, are getting no assistance at all, and that is what my amendments were intended to do. But the Attorney-General obviously has decided to bend under pressure from the department. As I said, the tail is wagging the dog, and I think it is shameful. This will come again, and I will again propose this amendment. From now on, any complaint I get, after the 500 I already have in my office, will go directly to the Attorney-General's email box, not mine, because I am not handling this stuff any more.

It is about time the Attorney-General and the Minister for Families and Communities actually had to deal with this stuff themselves instead of relying on us to raise it in question time, in motions or via select committee inquiries in order to get them to face up to the fact that these laws are not working. During the negotiations, the clear inference was—and this is the last thing I am going to say—that parents have no rights, that they simply have the responsibilities. That is not how it works. This is a final right. Many parents had a lot of hope in this amendment that it would give them a way to get their kids back and get them on track. It is not about kids being abused at home: it is about rebellious teenagers, and we have all been there and done that.

The Hon. S.G. WADE: I ask the minister whether the amendment proposed by the House of Assembly would allow an order to be imposed where a child is exposed to criminal activity.

The Hon. P. HOLLOWAY: With the government's amendment obviously sexual abuse and drug use are covered, but that behaviour would need to relate to physical, psychological or emotional abuse or neglect. I think we should acknowledge that Ms Bressington has not got the

amendments that she might have wanted but, as a result of the alternative by the government, I think she should recognise that she has achieved a widening of the power, and that should come under that title of 'physical, psychological and emotional abuse or neglect' which is pretty broad. It should cover the situation envisaged by the honourable member.

The Hon. S.G. WADE: I appreciate that the minister says the government's amendment does expand it, but I find it surprising that the government has not taken the opportunity to protect young people from what we have clearly seen in recent years, which is where criminal elements try to engage minors in criminal activity. I hope that this council will lead the parliament again in the future in trying to expand protection for young people. This government seems determined to keep this narrowly drawn when the reality is that, in so many other areas of child protection, we want to broaden the scope so that we can have tools available to us to protect children when they need it.

The Hon. P. HOLLOWAY: The honourable member is talking about someone leading them into criminal activity but, I think if you can establish that, I would have thought it would be pretty easy to establish that they were in danger of physical, psychological or emotional abuse or neglect.

The Hon. S.G. WADE: I do not agree. I think the minister is simply wrong. A child, a young person, a member of the gang of 49, for example, might thoroughly enjoy their criminal life. The damage to them, their future prospects and their development may be quite severe. To use the terms of the Hon. Ann Bressington, there is no doubt that allowing a child to remain in a situation where they are engaged with a criminal gang is not in their best interests. I am surprised to think that a court would find that it was emotional or psychological abuse for an adult to allow a child to engage in criminal activity in their company. Again, I think it underscores the wisdom but perhaps not the perfection, as there may be defects in the proposal by the Hon. Ann Bressington.

There is a considerable amount of wisdom in what the Hon. Ann Bressington proposes, and the opposition is willing to acquiesce to her suggestion that we concede on this occasion. However, we will be keen to work with her and other members of this council to try to lift the standard of protection to be offered to children and young people, in spite of the government's reluctance.

The Hon. A. BRESSINGTON: I would like to ask the minister a question, now based on the balance of probabilities of physical, psychological or emotional abuse. What kind of proof will parents now need to produce, under this amendment, to be able to go to the court and get a restraining order? What level of proof will they need?

The Hon. P. HOLLOWAY: They have to provide a level of proof that meets the test of 'on the balance of probabilities'. They would have to provide some evidence. I should say that that is the lowest possible test. No court is going to give an order without any evidence at all, presumably, on anything. As with any order, there has to be a threshold, and the balance of probabilities is the lowest level of that threshold.

The Hon. A. BRESSINGTON: If we are going to base child protection issues on the balance of probabilities and parents are going to require that level of proof but police will not investigate these cases—and they do not investigate these cases—how does a parent, without the child's co-operation (which is highly unlikely) gather that evidence?

The Hon. P. HOLLOWAY: That is not really an issue for the matter we are debating now.

The Hon. A. BRESSINGTON: It is. In fact, that is the point. There are parents like John Ternezis, for example. I do not know if the minister has ever read that chronology but, even when his daughter became pregnant (at the age of 15) to an older man, it was not enough proof to enable him to get his daughter back.

I am asking for a gauge as to how much proof a parent will require even with these two fluffy little bits of psychological or emotional harm added. That does not give parents any recourse as to how they gather evidence when the police and the child protection agency will not investigate and give parents the evidence they need.

The Hon. P. HOLLOWAY: This is covered by the bill. With that young girl, not only is a criminal offence being committed but she would be at risk of sexual abuse. That is the whole purpose, I would have thought, of this bill, in that it will cover that situation. If it does not, then I guess the honourable member has every right to come back here—we probably all would. One would hope and expect that the bill, as a whole, will address those sorts of issue.

The Hon. A. BRESSINGTON: I just want to make the point that it was a crime before this bill and nobody did anything about it. It was already an existing crime that had been committed, involving sexual exploitation and the provision of drugs to a minor. It was already happening. I am asking now where is the difference in the level of proof that parents will need in terms of this amendment compared to the laws that are already there, where crimes were already being committed and were not being investigated?

The Hon. P. HOLLOWAY: The point is that this bill now offers the parents the chance to get a restraining order. That did not exist before, and that is the whole point.

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: I do not necessarily concede that.

The Hon. A. BRESSINGTON: Once more—

The CHAIRMAN: I am a bit—

The Hon. A. BRESSINGTON: I know—I am sick of it, too.

The CHAIRMAN: No, but would there not be evidence in the way of DNA with a pregnant 15 year old?

The Hon. A. BRESSINGTON: Sorry?

The CHAIRMAN: Would that not be evidence?

The Hon. A. BRESSINGTON: They could not even get it investigated, and that is my point. My amendment would have allowed parents access to the courts based on a reasonable suspicion (a 15 year old pregnant while residing with older men) that a crime had been committed and that the child was at risk.

However, they could not get police or child protection workers to investigate the case, even though the child was in the care of the minister. How is that going to change now? Parents will still not be able to have access or gather that evidence for themselves unless, of course, the child co-operates, which is highly unlikely. Parents cannot request a drug test, and they cannot request a physical examination. How do they get the evidence if the police and child protection workers do not investigate?

The Hon. P. HOLLOWAY: Criminal defence investigation is a matter for the police. What has changed with this bill is that parents can put their case to the court. I hope that, in cases such as that mentioned by the Hon. Bressington, it will work and prove successful, but time will tell.

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: Given the amendment is broad enough, they just have to show that it relates to physical, psychological or emotional abuse or neglect, in addition to the existing grounds of sexual abuse and drug offences, which have already been agreed to in discussion on the bill. One would expect that, in cases such as the one the honourable member mentioned, it would be broad enough and not impossible for parents to establish a case to the court.

They can do that on the balance of probabilities—they do not have to get the DNA evidence—to show that the young person would be at risk of physical or emotional abuse. Obviously, it will depend on the judge but, if a prima facie case could be established that the person had been impregnated while in that situation, if I were the judge I know what conclusion I would reach. The parents now have the capacity to bring that before the court in terms of getting an order.

The Hon. A. BRESSINGTON: Does that mean that, under this bill, if parents can have access to the courts and achieve a restraining order, if on the balance of probabilities their child is at risk of harm, they can now request through the courts that their child take a drug test, a psychological evaluation, a physical examination or a pregnancy test? Will parents have the right to gather their evidence via the courts?

The Hon. P. HOLLOWAY: The order would be directed against the predator, so the parents would go to the court and seek an order to remove the young person from the predator. Essentially, that is the issue.

The Hon. S.G. WADE: I want to pick up on the point the minister made in relation to the balance of probabilities being the lowest burden of proof.

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: I appreciate the distinction the minister is making between beyond reasonable doubt and the balance of probabilities but, considering we are not talking about a criminal jurisdiction, my understanding is that the reason we are talking about the balance of probabilities in this case is that restraining orders across the criminal jurisdiction have that balance. However, I cannot see why we do not make a special provision in special circumstances. Our responsibility to protect the most vulnerable members of our society is surely higher.

The Hon. Ann Bressington's formulation of the best interests of the child leads us, if you like to use criminal terms, towards words such as that the court has a reasonable suspicion of these negative behaviours and so forth. I do wonder why the government is persisting with the balance of probabilities, which I suppose in layman's terms might be 50 per cent plus 1, rather than a phrase that the minister has already used in his comments, namely, a prima facie case; a reasonable suspicion. We are not talking about protecting an adult's right not to be falsely accused: we are talking about the state's responsibility to be pro-active in protecting children from harm.

The Hon. P. HOLLOWAY: My understanding is that reasonable suspicion is a higher test than the balance of probabilities.

The Hon. A. BRESSINGTON: If that is the case, why are we not amending the Children's Protection Act? The department can remove children from their parents based on reasonable suspicion, but parents cannot go to the courts to get their children back in order to protect them themselves based on reasonable suspicion: they have to prove balance of probabilities. The state here has all the power: the parents have none. I believe this was a direct intention in the amendment of this bill: to make sure that the parents do not have equal rights to those of the department.

The Hon. P. HOLLOWAY: All I can suggest is that the honourable member look at amending that act. We are talking about a different procedure here; we are talking about a different change. If the honourable member wishes to deal with that, that is obviously something the 52nd parliament can look at and maybe address. I would suggest that it is not an issue that we can address here in the context of this bill.

The Hon. S.G. WADE: I agree with the minister that it is worthy of consideration in the next parliament. On whether or not the term reasonable suspicion means more or less than balance of probabilities, I take the minister's advice, but my point is still that it should be possible for the state to put a lower threshold for the protection of children, because we have a higher responsibility.

Motion carried.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

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

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R 18+ FILMS) AMENDMENT BILL

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

VICTIMS OF CRIME (ABUSE IN STATE CARE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4312.)

The Hon. R.P. WORTLEY (15:56): The government opposes this bill, although it commends the sentiments behind the proposal put forward by the honourable member. It is recognised that the honourable member hopes to serve victims of abuse in state care, and that the goal of this bill is to recompense a group of victims who have endured incomprehensible injustice and suffering. The government praises this intention and also wants to ensure that this group of victims experience justice. However, the government is of the view that this bill does not appropriately deal with the extensive issues surrounding this subject.

The government is committed to responding to the needs of victims of sexual abuse in state care and has carefully deliberated on how to respond to this group in addressing the harm suffered by victims in state care on a number of levels. These include: the initiation of the Mullighan inquiry, the move to carry 49 of the 54 recommendations of the Mullighan Report, the increased

funding of $2.24 million to the Director of Public Prosecutions to prosecute alleged perpetrators of sexual abuse, and the massive financial commitment ($190.6 million over four years) dedicated to improving the safety of children under the Children in State Care Inquiry.

Also, most importantly, in 2003 the government took up the former honourable member Pastor Evans' initiative and changed the law to remove the statute of limitations that prevented sex offenders from being prosecuted for offences that occurred before December 1982. This has seen about 40 offenders being found guilty of over 150 offences, including indecent assault, unlawful sexual intercourse, carnal knowledge and rape.

In further investigating the need to compensate victims in state care, the government reminds this council that it has also recently committed more than $7 million in additional resources to administer claims for compensation by alleged victims of abuse in state care compassionately and efficiently. This includes taking a sympathetic approach to applications for extension of time for litigants who wish to pursue their claims at common law where the state would not suffer insurmountable prejudice as a result of doing so.

The ex gratia payment system under the Victims of Crime Act provides an alternative avenue for claimants who cannot (due to the burden of proof) or choose not to bring their case before a court. Finally, the government has publicly apologised to victims in state care.

In turning to the bill, the government notes that it resembles that which was recently introduced by the Hon. Mr Brokenshire MLC, with some notable exceptions. The government opposes the bill for reasons similar to those raised in the course of debating the Brokenshire bill.

The effect of the Bressington bill is to introduce a dedicated compensation scheme under the Victims of Crime Act for victims who have been abused or neglected in state care. Whereas claims for victims of crime, including claims for ex gratia payments by victims of abuse in state care, remain capped at $50,000 under the act, this bill proposes to allow for a payment of up to $80,000 for victims who have been abused in state care.

Does this amount represent a cap where people are assigned a place on a scale similar to that which exists under the Victims of Crime Act, or is it an absolute amount where people who can establish an entitlement for $80,000 (for pain and suffering) are entitled to it? The government notes that under this bill it will also be required to compensate victims for costs and expenses associated with an application for an ex gratia payment, as well as costs associated with any other civil proceedings. The scheme also prohibits any requirement that victims sign confidentiality agreements and requires the government to make an apology to victims in state care that refers to the circumstances of the abuse or neglect as well as acknowledges that it is in breach of its duty of care.

The government opposes the bill on the basis that there are comprehensive legal mechanisms in place for victims of crime and on the basis of recent steps taken by the government to deal with the important issues of an apology and compensation to victims of abuse in state care.

The Premier has delivered a public apology on behalf of the parliament and previous parliaments to victims of abuse in state care. This apology was gracious and genuine. We believe that the apology by the Premier is more important than any statutory apology to victims of abuse. No argument has been put forward to suggest why such an apology would not suffice in the present circumstances, given its obvious importance to victims. Indeed, a statutory apology in the terms framed in the present bill has the potential to be fraught if special care is not taken, notwithstanding the best intentions of the drafter to frame the apology in a way that may not cause further distress to a victim. This is because of the bill's requirement to refer to the circumstances of the abuse.

There is also the difficulty that the apology, if it goes into detail about the alleged abuse, could expressly or implicitly identify a known person, including other victims or an alleged abuser, even though such a person had not been found guilty of any offence. This not only has the potential to cause distress to potential innocent third parties but it does not protect the government against liability and defamation by alleged perpetrators. We believe that the Premier's apology has achieved its objective. It was appropriate, sincere and magnanimous and afforded a further opportunity for healing.

The bill proposes to raise the compensation cap in some way to a maximum payment of $80,000. It also allows a claimant the right to pursue separate proceedings before a civil court. This is because a claimant will not be obliged to sign a waiver for damages or compensation that exist

apart from the Victims of Crime Act. Furthermore, the government will be obliged to pay the costs associated with each of those claims. While the government expresses its deep concern about the costs of these proposals, which require virtually an open cheque-book, there is a dearth of information about how the compensation scheme will be funded. The source of revenue for these measures has neither been identified in the bill nor clarified by the Hon. Ms Bressington.

The government is sympathetic to the idea of generously compensating victims of crime, including victims of abuse in state care. It also recognises its obligation to the community to be economically responsible, particularly in this new era of fiscal austerity faced by governments worldwide in the wake of the global financial crisis and its own budgetary imperatives. In balancing these interests, the government believes that it has achieved the right balance in generously compensating victims in state care either through an ex gratia payment from the Victims Of Crime Fund or in responding to litigation compassionately.

The flexibility of the various compensation systems in this state mean that victims still have the right to pursue alternative remedies before a civil court. The design of the government's proposal to assist victims in state care under the ex gratia system, however, will give a helping hand to those who may experience genuine difficulty in proving their claims to the requisite legal standard; those who may be statute barred; those who may not receive adequate compensation under the Victims of Crime Act for a very old offence; and those who simply wish to have their claims resolved quickly.

The Attorney's ex gratia system is both flexible and generous in this regard. It provides for a maximum payment of $50,000, which compares very favourably to other schemes in Australia. The Attorney-General's comments in providing a sympathetic approach to the processing of ex gratia claims by alleged victims in state care also need to be noted.

The government is puzzled by the bill's proposal to eliminate the need for confidentiality under the ex gratia payment system. This bill precludes a claimant from being required to enter into a confidentiality agreement regarding the amount or the reason for payment. The interests of the parties, especially the victims of crime, stand to be protected by confidential proceedings. Confidentiality clauses are common and appropriate conditions of such payments. The preservation of confidentiality is also important and integral to the promotion of frank and open dialogue in the resolution of claims.

The government's response to the revelation of abuse in state care has been understanding and sensitive but still measured and responsible. The government's response has not been knee-jerk but based on a careful assessment of the needs of victims and responsible government. Although the sentiment of this bill is commendable, these matters are already being very appropriately addressed by the government. Therefore, the bill is opposed.

The Hon. A. BRESSINGTON (16:05): I thank all honourable members for their contribution on this most important bill. I understand very well why the government would not want to see a redress scheme set in legislation, but I remind members in this chamber and the government that it was the Premier himself who said that this payment would come from the Victims of Crime Fund; it was not my original idea. I am just providing a passage for the Premier to be able to keep his promise and to be the model litigant and make sure that these people do not suffer any more at the hands of the courts or anyone else. The state acknowledged its responsibilities to these people and it acknowledged that the abuse happened, and it was all very sincere.

I disagree with the Hon. Russell Wortley when he says that the apology should be enough. For example, if I ran over his child in a car and simply apologised, would it be enough? These people's life has been absolutely ruined. They have extensive medical costs, and they are unable to access the specialist care. Internal damage has been done to these men that has not been repaired or dealt with. Their digestive system has been completely screwed because of homosexual sex being forced on them when they were five, six or seven years old—at the hands of the state.

So, we can all sit back and say, 'Well, it's all been nice and fuzzy and warm, and we've apologised and we've said sorry; everybody should get on and heal now', but it is just not that easy, I am afraid. I am very pleased that the Liberal Party has indicated its support for this bill; even if it is just on principle, it is still a start. This government needs to be aware that this issue will not go away. These people need money from the government to be able to get on with their life. Some of

them do not have a family, some of them do not have a home, and some of them live in cars—all because they were removed from their families and abused at the hands of the state.

We have a lot of catching up to do. I would much rather that we did not have to legislate this. I noticed that the Attorney-General was busily preparing guidelines for people to be able to access this money through Victims of Crime. They are still not released, so no-one actually knows what those guidelines are. We know now that the majority of people who were victims of abuse in state care will not be able to apply for money from this fund. It excludes the majority of those victims—something this government, in its responses over time on a number bills, has chosen to just ignore. Sweep it under the carpet!

This bill will at least put the matter on the map. It will at least send a message to the victims of abuse in state care that members in this place do care about them and their future—they do care about the abuse that happened and care far more than can be possible with just cheap words—sincere words but cheap.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: Very briefly, I mention to the committee that I think the Hon. Ann Bressington raises a very good point: the Attorney-General has done guidelines on these matters. The guidelines should be a bill. We should have a dedicated statutory redress scheme, reviewable by this parliament, so that we can get justice for victims.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

The Hon. A. BRESSINGTON (16:11): I move:

That this bill be now read a third time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:11): The government does not support the bill, but we will not waste the time of the parliament by dividing on the third reading.

Bill read a third time and passed.

WATER ACTION COALITION

Adjourned debate on motion of the Hon. M. Parnell:

That this council—

1. Notes the formation in South Australia of a Water Action Coalition of community groups and individuals calling for ecologically sustainable water management in this state;

2. Notes the proclamation issued by the Water Action Coalition in a rally on the steps of this parliament on 10 October 2009; and

3. Agrees with the request made in the proclamation for an urgent public inquiry into water management in South Australia and calls on the government to implement this inquiry without delay.

(Continued from 28 October 2009. Page 3741.)

The Hon. J.M.A. LENSINK (16:12): This motion has three separate parts. The first two parts we support, but we cannot agree with the third part of the motion. The motion notes the formation of the Water Action Coalition and its proclamation in a rally on the steps of parliament on 10 October this year and, thirdly, seeks to have an urgent public inquiry into water management. We support the first two parts and our water spokesman, Mitch Williams, the member for MacKillop, spoke at that meeting, as did a number of other members of parliament. I also attended the rally to demonstrate some support for the organisations that attended, and there were a great number of them, including people from the Lower Lakes and along various parts of the Murray River, the Save Our Gulf Coalition and a number of other groups, which have a good history in terms of making representations on water management.

The Water Action Coalition itself was launched by Mr John Caldecott on 19 July 2009, and the mission of the WAC is to ensure a sustainable future for South Australia. There are a number of water and conservation organisations, experts and others involved, so it represents a significant cross-section of the community and is a very credible organisation with the number of people who offer their expertise to its cause.

As I stated, the Liberal Party does not necessarily support all the motion, and the coalition has stated that it has been calling for an inquiry with the powers of a royal commission, although it would be interested to have such an inquiry to see whether we can get to the truth of many matters. The person whose comments I am paraphrasing here states:

> I think the people of South Australia are being misinformed at best, or misled at worst.

The Liberal Party does not agree with that item because we believe that the actions which need to be taken on water management in this state are very clear and that an inquiry will not assist in advancing that matter; in fact, it may slow things down.

We have had a significant drought in South Australia and across the south-eastern part of Australia, most notably in the Murray-Darling Basin, for several years now, which has restricted flows from the Murray-Darling Basin into South Australia. A number of organisations have also published documents, many from academics, and I note that the organisation Business SA has just recently released its publication entitled 'A Greenprint for the Future—Creating a Sustainable South Australia'. The first aspect to that is water, including a number of policy positions that it has in relation to the River Murray, SA Water (including third party access), and references to the commonwealth government taking over the Murray-Darling Basin, which is something we all believe in. We would like to see a genuine takeover rather than this mickey mouse nonsense that all the Labor states and the federal government have adopted.

Indeed, the Liberal Party has been very much on the front foot in terms of water policy. As early as August 2007, with Mitch Williams as our spokesperson, we released a 19-point plan for waterproofing South Australia. We have documents that are available on our website.

The Hon. P. Holloway interjecting:

The Hon. J.M.A. LENSINK: John Howard, I think, had a genuine plan and you guys have just welshed on it.

The Hon. S.G. Wade interjecting:

The Hon. J.M.A. LENSINK: Absolutely! It has more guts than Kevin Rudd will ever have.

The Hon. P. Holloway: So, no—the answer is no.

The Hon. J.M.A. LENSINK: No, the answer is not no. That is what we had planned. We had $10 billion on the table and your Premier played politics so that the agreement would not be signed. What a cynical thing to do!

The PRESIDENT: Order! Let's just move on.

The Hon. J.M.A. LENSINK: I am sorry, Mr President. It is out of order for me to respond to interjections but when the government provokes me I just cannot help myself. So, a document is available on our website which has been out for well over two years now, and it is entitled 'Waterproofing South Australia—A Framework for Action'. I think that those actions are well known. As I have said, we support the first two aspects of the motion but not the third and we commend the work of the Water Action Coalition and will continue to support it and its efforts into the future.

The Hon. B.V. FINNIGAN (16:18): I rise briefly—and the government will not divide on the motion—to indicate that we are opposed to the motion in that it is calling for an inquiry. I do not doubt personally the sincerity and motivation of a lot of the people involved in the Water Action Coalition. I am sure they are people who have a sincere concern for water security in South Australia but, as we know, the reality is that we have been investigating and considering this matter for a long period of time. Having gatherings on the steps of Parliament House, frankly, is not going to add much to whether or not we are able to provide water security into the future.

The government has launched, as everyone knows, the Water for Good plan, which is very much about providing for our future water security. We have participated in the national Murray-Darling Basin agreement and the legislation that has flowed from that. Of course, we are investing in a major desalination plant at Port Stanvac, so the government very much has a plan to address

our water security. We are implementing that plan and we do not consider that another inquiry will add to the security of water for the people of this state.

The Hon. R.L. BROKENSHIRE (16:19): I will be brief because there is still a lot of work to do in our chamber, unlike the situation in the other house. Family First has had a comprehensive water policy now in a public document for over 12 months. We understand the reasons why the Water Action Coalition got together: it did so because this government has failed to have a comprehensive water plan for the state.

In fact, whichever way you look at it, it is unfortunate but true that all we have seen is ad hoc water planning management from the government or knee-jerk reaction water planning from the government. Desalination was a no-no. It was all going to be recycled water, stormwater harvesting and that type of thing. All of a sudden, we then saw a massive backflip into desalination. Now it is all about desalination. We very much saw a lack of commitment to stormwater harvesting and, whilst I acknowledge that there has been more commitment made particularly by the federal government in recent weeks (thanks to Senator Wong), the fact of the matter is that we are still way behind where we should be as a state when it comes to stormwater harvesting.

In my opinion, we should have embraced Colin Pitman as the Commissioner for Water and not Robyn McLeod, who comes from Victoria. It should have been our own South Australian, Colin Pitman.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: I do not care whether Colin Pitman is a former ALP candidate or—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: I take that back. What the honourable member said was that Robyn McLeod was an ALP candidate. Well, jobs for the boys and girls, I guess.

The Hon. B.V. Finnigan: A conflict of interest requiring a royal commission.

The Hon. R.L. BROKENSHIRE: I gather that the Hon. Mr Finnigan thinks there should be a royal commission into the conflict. We could also have a royal commission on water. To be serious—

The Hon. B.V. Finnigan: And climate change.

The Hon. R.L. BROKENSHIRE: And climate change. He may be the minister for that one day and we will put him to the test. He has the capacity to do some of that work. To be serious about this, we support the intent of the Hon. Mark Parnell's motion. John Caldicott, and other people who have the intestinal fortitude to stand up and say we need a Water Action Coalition, at least could see that we had to get a sustainable situation for water.

If you go back 15 years, all the hard work was done with recycled water in the Virginia Green Triangle from Bolivar. All the work was done in 1997, 1998 and 1999 for the Willunga Basin, thanks to the late Vic Zerella in particular. I was saddened to see that he passed away recently. I spent a lot of time with Vic Zerella working with minister Armitage on how that recycled water project could occur.

I have seen the government try to claim credit for those projects. Even though it is desperate, It cannot claim credit for them because it did not have a proper water allocation and sustainability plan for South Australia. Whilst there have been some improvements in some areas, when I was invited to stand on the steps of Parliament House on behalf of Family First and other colleagues with the Water Allocation Coalition, one of the things I said was that we need a bipartisan, totally focused and dedicated supportive plan of action for a permanent, sustainable water supply for this state.

At the moment, we do not have a permanent sustainable water supply for this state. We do not have the satellite desalination plants around Eyre Peninsula and the Upper Spencer Gulf that were promised. Instead, we have a massive 100 gigalitre desalination plant at Port Stanvac. People in the south, where I live, are concerned about what that will do to the environment. They also wonder where the energy will come from. With 150,000 more people moving down to Victor Harbor, and more in the Onkaparinga area, they are going to be pumping a lot of energy into that desal plant.

We need to commend community initiatives that stand up. We need to do something permanent about ecologically sustainable water management. Unfortunately, we have seen the demise of the Riverland due to the government's slowness to act on the River Murray and to give a proper handover. Personally, I do not have a problem with supporting initiatives that say to the government of the day, 'Let's get committed to sustainable water.' I will finish on this point because—

The Hon. R.I. Lucas: Hear, hear!

The Hon. R.L. BROKENSHIRE: Mr Lucas grabbed a fair bit of time when he spoke. Twelve months ago I wrote to the Premier to say that there was nothing more important in this state than water. I said, 'How about setting up a dedicated action committee of the parliament, chaired by you, as Premier, and co-chaired in a bipartisan way by the Leader of the Opposition with cross-bench members involved, and let's fast track initiatives and stop the nonsense so that we can get something happening about sustainable water?' I am still waiting for an answer.

The Hon. DAVID WINDERLICH (16:25): I rise to support the motion and commend the Water Action Coalition for taking on this issue. It is very important that we have active community involvement in issues like these, and it is particularly important when the governments and authorities of the day are failing so badly. I do not mean that in a partisan sense, as governments of all stripes have completely failed to come to grips with this issue.

Despite Water for Good, and various historic Murray-Darling agreements, we seem to be no closer to a solution, and it really does not matter which front you look at. In terms of irrigation, allocations have increased to around 46 per cent, and that is good for the time being, but in January they were 15 per cent.

Although we have had good rain in the Hills, the storages in the Murray-Darling Basin are at about the same levels they were at this time last year, yet allocations are much higher. That causes people to ask: what is the plan? Will allocations be just run down again after the election? We do not see a long-term solution, and we do not see a plan.

Below Lock 1, irrigators cannot get funds for infrastructure. Irrigators who depend on the backwaters say that the river level has dropped, but they cannot get funds for infrastructure to reach where the river is now, so they are stuck in an inequitable situation. In terms of environmental issues, the weir has been roundly condemned by a range of experts and local people, and there is visible proven success of low impact strategies, such as bioremediation, yet the government has built one weir and is still considering proceeding with another.

The environmental cost has been made apparent by a whole range of South Australian, Australian and international experts, but it is not just the environmental cost; it is the very question of securing Adelaide's drinking water. Associate Professor Keith Walker warns that Pomanda Weir would lead to lower quality water for Adelaide and a greater likelihood of algal blooms as a stagnant ponds built up behind the weir.

A sign of this was the algal outbreak on the Victoria and New South Wales side of the Murray in March and April this year, when there were 800 kilometre long algal blooms in the Murray. Professor Mike Young said that we nearly lost the Murray, so that shows how critical the situation is and how far we are from really facing up to the threat.

We have a series of mini Murrays. We have overallocation of rivers such as the Finniss and the Bremer, and locals in those areas can tell you how the those systems have degraded and declined over the recent years. On the Fleurieu Peninsula, the pine plantation virtually ruined Deep Creek and, in the South-East, blue gum forest stopped water coming up through Mosquito Creek and was said to be responsible for the almost permanent drying out of Bool Lagoon, which has apparently been dry for years.

Desalination was put forward as an option, but that has implications for the coastal environment. Even in the narrow terms of whether it is a solution to our drinking water problem, the desalination plant was doubled, but the government is pushing ahead with plans to increase population without first working out where the water will come from, thus almost pushing us back to square one in terms of the extent to which desalination will be an answer to the water problem.

There are reports about the declining levels of the Great Artesian Basin, which is, effectively, a finite resource upon which we are drawing more and more. Companies such as BHP Billiton draw on this water for free, and that is another fairly fundamental problem with water management in this state.

As I said, it is certainly not just this government, as governments of all stripes have failed to come to grips with the water problem over generations. The chickens are now all coming home to roost, and whichever front you look on you see huge problems mounting and current problems not being resolved, and it is hard to see a plan for how they will be resolved in the future, so we do have a fundamental problem with water management in this state.

As I have said on previous occasions, if you cannot manage water, you cannot manage South Australia. The question for this government, or any intending government, is whether or not it can manage water, whether it has plan for how to get through the current crisis and whether it has long-term plans to address some of these issues.

I congratulate the Water Action Coalition on its efforts to push for a public inquiry and place this issue at the forefront of the coming election because there is no more a critical issue in the driest state in the driest continent.

The Hon. I.K. HUNTER (16:30): The government opposes this motion. As all members of this place are well aware, water is our most valuable resource. It is fundamental to our health, our way of life, our economy and our environment. In March this year South Australia's Economic Development Board issued a statement indicating that water is the most important environmental issue facing the state. It also indicated that population growth is critical to enable economic prosperity and that agriculture and mining will play important roles in the future economic prosperity of the state.

South Australia's population is expected to reach 2 million by 2027, 23 years earlier than the South Australian Strategic Plan target. Thus, water underpins whether population and our economic growth targets are achieved as well as the protection of our environment. Like most of the south of our continent, South Australia is experiencing unprecedented dry weather patterns; drier than at any other time in our recorded history. These patterns have significantly impacted two of South Australia's and certainly Adelaide's major water supply sources: the River Murray and the Mount Lofty Ranges.

Future climate projections are for the Murray-Darling Basin to become warmer and drier, bringing more extreme events such as bushfires and droughts. Inflows and water levels are likely to become more variable, with less water available likely to become available. The government is dealing with these unprecedented circumstances quickly and with foresight, seeking and achieving reform at a national level and putting in place a range of immediate actions within the state. In addition, the government has implemented the comprehensive reforms outlined in Water for Good.

On 29 June 2009 the state government released Water for Good, a plan to ensure our water future to 2050. Water for Good details policies and actions to secure sustainable water supplies for South Australia, taking into consideration population growth and the impacts of climate change. These policies and actions were influenced by investigations into a variety of water supply options. Strategies include diversification of water supplies through capture and use of our stormwater, rainwater and waste water, and desalination to provide a secure water supply and reduce our reliance on the River Murray.

Water for Good also included various measures to improve the way our communities and businesses use water, building on current initiatives such as permanent water conservation measures, the business water saver program and building regulations and rebates for water efficient devices. Further information on Water for Good, if members have not already looked at it, is available at waterforgood.sa.gov.au.

As mentioned previously, Water for Good clearly articulates that stormwater harvesting and reuse will play a crucial role in providing a secure water supply, along with other measures. The most detailed investigation of urban stormwater harvesting opportunities on a metropolitan scale in any Australian city was undertaken during the development of Water for Good. The urban stormwater harvesting options study identified that up to 60 billion litres per annum could be harvested in large scale stormwater harvesting schemes, which is more than 50 per cent of the total median catchment runoff.

As a result of this study, Water for Good includes a target to harvest 50 billion litres per annum of stormwater by 2050 in the Greater Adelaide area. A number of projects are already under way to progress this action. In addition, the state government will partner with the Australian government and local government to construct seven stormwater harvesting and reuse projects at a cost of approximately $150 million. Through current and planned stormwater projects, South Australia will capture and store approximately 20 billion litres of stormwater by 2014. The study

estimates it would cost $600 million to $700 million to capture and store the additional stormwater required to reach our target of 60 billion litres per annum.

In addition, the state government is committed to providing the community with a secure water supply, and desalination is an important, non-climate dependent water source, which is being constructed to add an additional 100 billion litres per annum to Adelaide's water supply. The state government and SA Water are committed to the highest possible environmental standards for the Adelaide desalinisation plant. Critical environmental studies have been undertaken, and we have environmental performance measures for every step of the project, including managing and mitigating any risks to the marine environment. In addition, the state government is committed to using renewable energy to power the Adelaide desal plant.

Current problems in the Murray-Darling Basin, including the Lower Lakes, are due to ongoing unprecedented dry conditions combined with over-allocation. As a result, less water is reaching the Lower Lakes area, and there is concern that this will expose the acid sulphate soils in that area. If these soils are exposed to air they can acidify and potentially release toxic heavy metals from the soil. The Goolwa Channel, Currency Creek and Finniss River are part of nationally important RAMSAR wetlands and support valued plants, animals and ecosystem. Failure to protect at least some of these wetlands could result in important plant and animal species becoming locally extinct and would severely limit the potential for these freshwater communities to re-colonise a region when conditions improve.

To rehabilitate this important area, the South Australian government has identified that urgent works are required to help acidification and the irreversible ecological collapse of the Goolwa channel and wetlands near Currency Creek and the Finniss River. After extensive investigations and community consultation on a number of options, the most feasible solution identified is to construct a temporary environmental flow regulator in the Goolwa channel in the vicinity of Clayton and at the end of the Finniss River and Currency Creek.

The flow regulator at Clayton was completed on 13 August 2009, and the pumping of 27 billion litres of water from Lake Alexandrina was completed on 9 November 2009. Construction of the temporary environmental flow regulator across Currency Creek has also recently been completed. It has been designed in such a manner to allow for easy removal should suitable and sustainable inflows be returned to Lake Alexandrina from the River Murray prior to May 2011. While the regulator is in place, intensive monitoring and investigations will be conducted to determine its ongoing need.

In South Australia, rights to access water are granted administratively under the Natural Resources Management Act 2004, and it is only these rights that are tradeable. Since 1994, the Council of Australian Governments has promoted water trading as a fundamental element of the National Water Reform Agenda. While recognising the substantial social and economic gains that can be achieved through more open and efficient markets, COAG also recognises the need for robust safeguards to protect the environment, the resource base and features of special indigenous and cultural significance.

Trade restrictions are permitted where they are used to manage potentially adverse impacts on the environment, water quality, hydrology and assets of indigenous cultural heritage or spiritual significance. Water trading allows the water received pursuant to a water right to move to its highest value use. This, in turn, enables the economic benefits derived from the use of the limited resources to be maximised, underpinning communities and regional economies.

South Australia, as a signatory to the National Water Initiative intergovernmental agreement of COAG in 2004, continues to advocate for the benefits that can be derived from water trading. Indeed, just this week the South Australian government issued proceedings in the High Court to force the Victorian government to lift its restrictive 4 per cent cap water trade barrier along the Murray River system. The High Court challenge forms part of the South Australian government's campaign to return healthy flows to the River Murray and to help save the Murray, the Lower Lakes and the Coorong. It is also a trade barrier that severely hinders the ability of governments to purchase water for the environment and critical human needs.

The South Australian government has a comprehensive plan in place to provide water security for the state, and that plan is predicated on the sustainable management of our natural resources. The way forward includes continued engagement with the Australian government and other states to develop and agree a basin plan to ensure a healthy, working River Murray that will

continue to provide critical human water needs for greater Adelaide and regional South Australia, irrigation requirements and water for the environment.

It is clear that the South Australian government has in place a comprehensive strategy to ensure South Australia's water security. The government therefore opposes the motion.

The Hon. M. PARNELL (16:38): I thank all honourable members for their contributions. I am disappointed, but not surprised, that government members oppose a public inquiry into water. They believe they are doing enough and they believe they have a plan. The Water Action Coalition certainly does not agree, and neither do I.

I understand that the Liberals are sympathetic but, again, they are not supporting a public inquiry. I do not accept that such an inquiry will slow down the progress of reform. I think that for genuine reform to succeed it must engage the community, hence the call for a public inquiry.

I thank the Hon. David Winderlich and the Hon. Rob Brokenshire for their support for the motion. All members would have received from the Water Action Coalition its suggested terms of reference for this inquiry. That is how seriously this group is taking it. I am not going to read the seven pages of the terms of reference, but the draft terms set out the purpose of the inquiry, as follows:

> …to determine the systemic causes of the environmental, social and economic damage and of other problems resulting from current water policies and management processes in South Australia and to determine the changes that need to be made by all levels of government, including by their departments and corporations, to safeguard the public's interest in water as the common property of all Australians, and the utility and amenity of all waterways (freshwater and marine) under the 'public trust doctrine'.

I think we owe a debt of gratitude to the Water Action Coalition. In moving the motion, I named the various groups and individuals who were involved. I will not do that again, but I want to thank them for the way they have pursued this call. They have not just put up an idea and then walked away; they have gone to a great deal of trouble to draft terms of reference that are sensible. Their terms of reference cover governance arrangements; the issue of water privatisation; the ecological health of our waterways (fresh and salt); the way we use water; the implications of climate change and population growth on our water resources; water conservation measures; and a range of other important initiatives, some of which may have been dealt with in the SA Water select committee, but only a very small number of them. The vast majority of these matters need further inquiry.

I am appreciative of the dedication of the Water Action Coalition members who, as members would have noted, were in the gallery most of yesterday waiting for this matter to come to a vote. Representatives are here today; that is how seriously the community takes this issue.

The government has indicated that it will not divide on this motion, given that this is the last sitting day of the year. I suspect that this motion may pass on the voices but, if it does not, I will certainly be dividing, because I think the people of South Australia have a right to know where their elected representatives stand on this most important issue.

The council divided on the motion:

AYES (6)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Hood, D.G.E.	Parnell, M. (teller)	Winderlich, D.N.

NOES (12)

Dawkins, J.S.L.	Finnigan, B.V.	Holloway, P.
Hunter, I.K. (teller)	Lawson, R.D.	Lensink, J.M.A.
Lucas, R.I.	Ridgway, D.W.	Schaefer, C.V.
Wade, S.G.	Wortley, R.P.	Zollo, C.

Majority of 6 for the noes.

Motion thus negatived.

LAND VALUATION

Adjourned debate on motion of Hon. J.A. Darley:

That the regulations under the Valuation of Land Act 1971 concerning fees and allowances, made on 27 August 2009 and laid on the table of this council on 8 September 2009, be disallowed.

(Continued from 28 October 2009. Page 3743.)

The Hon. J.A. DARLEY (16:47): As I indicated previously, I will move to disallow these regulations as I believe that review valuers are grossly overpaid as a result of these fees, especially when consideration is given to the task they are asked to undertake.

Prior to moving my motion for disallowance, I had been in discussion with the Valuer-General's office in an attempt to come to a compromise position on the fees in order to more adequately reflect the duties required of review valuers. At the time, we had been unable to come to a mutually agreeable position.

Discussions have continued and have often been long and frustrating, especially in relation to additional fees given for complexity. Whilst I still hold concerns as to the application of these fees, the Valuer-General has assured me that these complexity fees will be applied only in exceptional circumstances and that the vast majority of reviews will attract the base fee. Therefore, I am pleased to indicate that, with the assistance of the Minister for Infrastructure and the minister's office, the Valuer-General and I have been able to come to a compromise position, which has the support of two nominating bodies: the Real Estate Institute of South Australia and the Australian Property Institute (SA Division). I therefore move:

That this order of the day be discharged.

Motion carried.

CONSTITUTION (FIXED SESSION PRECEDING ELECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November 2009. Page 3999.)

The Hon. S.G. WADE (16:48): This bill would require that the parliament meet in February before each state election in March. It applies to this parliament and requires that, whether or not we sit any further days this year, the parliament must resume in February 2010.

I will briefly reflect on the requirements of the Constitution Act in terms of the sittings of this parliament. Section 7 (Sessions of Parliament of the Constitution Act 1934) provides:

There shall be a session of the parliament once at least in every year; so that a period of 12 calendar months shall not intervene between the last sitting of the parliament in one session and the first sitting of the parliament in the next session.

A section in similar terms has been in the Constitution Act of this state since the first Constitution Act 1855.

Section 28 of the Constitution Act 1934, the current constitution, requires that an election be held on the third Sunday of March every four years. My understanding of the combined impact of sections 7 and 28 is that constitutionally the parliament could have adjourned as early as April 2009, as long as it meets again by April 2010.

On the other hand, if the parliament rises at the end of this week, it would not constitutionally need to sit again until 3 December 2010. However, that is not the expectation on a modern Westminster parliament. It is certainly not the expectation of the South Australian community. The normal sitting pattern of this parliament is that it sits until late November or early December and resumes in February. This bill seeks to require the parliament to sit in February in accordance with that normal sitting pattern.

The Hon. Robert Brokenshire outlined to the council the relative performance of recent governments in terms of the sitting hours of parliament. I appreciate the point he was making. Another point to be made is the gap between sittings. A government may arrange for parliament to sit a lot of days in blocks and have large gaps between them, but parliament is more than a legislature on call to the executive to deal with proposed legislation. Parliament has the responsibility to keep the government accountable on an ongoing basis. It has a range of tools at its disposal to pursue this duty: question time, matters of interest, petitions, the capacity to disallow regulations, committees, and so on. Even if this government does not have legislation it wants to have considered, parliament has responsibilities that it needs to discharge.

The arrogance of the government was demonstrated again on this matter by the transport minister Pat Conlon, who is reported this week as saying, 'A bad government sitting every day of the week is still going to be a bad government.' I agree that that is certainly what I observe, but the concern is that this bad government will be even worse if parliament is not able to keep it to account.

The Leader of the Opposition, Isobel Redmond, has described the long break as absolutely appalling and said that it is not accountable government. The University of Adelaide political lecturer, Dr Clem McIntyre, said that '130 days is too long for any government to go without answering its critics on the floor of the house'. I agree with the comments of the Hon. Robert Brokenshire that it would be better not to need to move this bill. One would have hoped that the government itself would choose to maintain regular sittings. However, that has not happened and this parliament, or at least this council, in this bill has the opportunity to make clear that it accepts community demands for parliamentary accountability. The opposition is willing to do so and we support this bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:52): The government obviously will oppose this bill. It is rather interesting that the Liberal opposition is opposing it. One is almost tempted to let it go through and have it hanging there for the future so that they would be hung by this, because it really is a very silly idea. One should look at history, going back right to the very early days of this state and look at what has occurred whenever there has been an election. Sir Thomas Playford used to hold the election in early March every three years, and that went on for years. Right through from the 1960s and 1970s, the usual practice has been to have long recesses around election time, as indeed there should be.

Could one imagine what would happen if this parliament had a sitting in February? What would we do? We saw Mr Lucas yesterday—on the second to last day—and his priority was to speak for over an hour on matters that went back to 2003-04.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: That is the sort of reason that members of the opposition would want us back: so that they could discuss these vital matters of the day, such as the stashed cash affair that happened back in 2003, which has been debated ad nauseam in this place.

One only has to look at the pairs taken in this place. I do not believe I have missed a single question time in the eight years this government has been in office. I have had some pairs in the evening when I have had functions to attend, but I do not believe I have missed any—or at most only one—question time. The minor parties and others have far more pairs than the government has. When this place is sitting the track record is that those members are least likely to be here. I dare say that the Hon. Mr Brokenshire, who has moved this bill, is right at the top of the list in terms of the number of pairs he has had. He is out there campaigning to get re-elected.

We saw with Mr Winderlich the other day, when discussing a really important piece of legislation to hand over powers to the commonwealth government in relation to IR, that he was down at the Burnside council. That is where his priorities are! These people say that we need parliament back and we need to be here, but their track record is that they are rarely if ever here. One can imagine, the closer we get to an election, if we came back for two weeks how few members would be here. They would be at community meetings and the like. If Burnside or Charles Sturt councils were to have a meeting, that would be the end of Mr Winderlich—we would not see him. These are the people who want us to have some statutory sitting, notwithstanding the fact that there is no legislative reason to do so. The principal purpose of the legislature is just that: to pass legislation. We have met the government's legislative program for this year.

The Hon. R.L. Brokenshire: You've run out of ideas, have you?

The Hon. P. HOLLOWAY: No, we have not run out of ideas. We have introduced a few bills for consideration, as I did today, in relation to mining. You can imagine what would happen if we did come back in February: we would find that none of these members would want to turn up because they would want to be out there campaigning in their seats. Could you imagine the lower house two months from an election? Which of the marginal members would want to turn up in parliament? You would probably not get an opposition in the lower house to turn up.

The excuse is that this is to keep the government accountable. I would have thought that, as we get closer to an election, the voters of South Australia would want to see and hear the policies of the two main parties, and hopefully the minor parties as well. In terms of accountability, I can tell you that, if you are out there trying to explain your policies, and if you have a team of journalists asking you questions, that is likely to keep the main players (ministers and shadow ministers) much more accountable than this parliament. I do not think standing in here listening to Mr Lucas speak for an hour and a half on the stashed cash affair—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I remind the minister that it is the Hon. Mr Lucas. You know that.

The Hon. P. HOLLOWAY: One only has to look at this, the last scheduled day of the parliament, and the time we are spending here today and the matters we are dealing with. Is this providing accountability for the people of South Australia? Is this what they want? I am sure that the people of South Australia will, when it comes to the election, want answers from the government and the alternative government of this state to a whole lot of policy issues. They certainly would not be getting it from members opposite if we were sitting here.

We do not want to take up too much time on these sorts of issues, because we know that they are purely to score points before the election. That is okay; they are the games we play in this place. Sure, the honourable member wants to move it, so we will deal with it. I am sure he will get the numbers, but we all know that it will not go anywhere.

Just for the record, I think we should have a look at the number of sitting days by session. I have a list here. In 1994, the Legislative Council sat for 30 days, the House of Assembly for 28. In 1994-95, the Legislative Council sat for 72 days, the House of Assembly for 70. In 1995-96, both houses sat for 55 days and, in 1996-97, both houses sat for 51 days. In 1997-98, the Legislative Council sat for 46 days, while the House of Assembly sat for 42. In 1998-99, the Legislative Council sat for 49 days and the House of Assembly for 46. In 1999-2000, the Legislative Council had 44 sitting days, while the House of Assembly had 46. In 2001-02, the Legislative Council sat for 69 days and the House of Assembly sat for 66. In 2002-03—and there was a change of government, as members will recall—the Legislative Council sat for 91 days, while the House of Assembly sat for 85. In 2003-04, the Legislative Council sat for 63 days and the House of Assembly sat for 65. In 2004-05, the Legislative Council sat for 90 days and the House of Assembly sat for 91. In 2005-06, the Legislative Council sat for 56 days and the House of Assembly sat for 58. They are all significantly greater than in the 1990s. That trend has continued.

The historical record is that under the Rann government we have sat more days (with, therefore, more question times) by a significant margin than was the average under the previous government. This government has a track record of providing more parliamentary accountability through the sittings of the parliament than was the average in the previous eight years.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: In addition, just find a statistic that suits. We all know, as I said, why honourable members opposite and the minor parties want this bill. They just want to have more circuses. They are not really interested in accountability to the people of South Australia because the people of South Australia, come next February, will be starting to focus their attention on the next government of South Australia.

They will want answers about the parties. They will want to know who can deliver economic growth and record low unemployment, as this government has done. They will want to know who has the plans for the future in dealing with infrastructure, public transport, health systems and all of those things. They are the issues that the people of South Australia will be focusing on next February. They will expect their members of parliament to be out in the community, not locked away in this place, and providing answers to them in relation to the direction of the government.

Let us waste no more time with this. We know the bill will be carried. We will not bother dividing on it. Let us get it over and done with and move on to something important so that we can get out of this place and start dealing with some of the real issues in this state. The tragedy is that, as we have seen from the track record of members opposite, with the sort of questions they ask, in the past eight years, sadly, very few of the real issues of the day have been dealt with by members opposite in this parliament.

The Hon. A. BRESSINGTON (17:01): I am rising to briefly put my thoughts on the record because I imagine I will be the only cross-bencher who does not support and will not vote for this bill. I believe that we have a job in here to deal with issues on their level of importance and on the expectations of the people of South Australia.

We know that pollie bashing is a favourite pastime of people who do not get a taste of this and do not understand the responsibilities that we have in here. My concern is that this is a politically motivated bill, as we all know, and that it is being supported for political motivations only. There is no benefit in our coming back here in February. We are dealing with the legislative agenda this week. What are we going to do if we come back in February? If the lower house is not sitting over this period are the cross-benchers and the Liberal Party going to have a mountain of legislation developed over the Christmas break for us to work on in February? I have also heard whispers that this bill is probably not even constitutional.

Never let the truth get in the way of a good story. It is a disgrace for other politicians to be out there doing this. It reminds me of the Hon. Nick Xenophon and his favourite pastime of making out that nobody works as hard as he does and nobody even wants to work as hard as he does. Now we have somebody else stepping into his shoes and carrying on with the same crap.

We all work hard in here and we all do our very best to do the job that we have to do. To put up a bill that someone thinks is going to get the public on side because we are going to come back in February I believe is an abuse of our position here. Surely, we should all just grow up, get on with the job and do what we are paid to do. If you do not have enough policies to lobby and campaign on before the election, then for God's sake, don't run.

An honourable member interjecting:

The Hon. A. BRESSINGTON: It is cheap tricks. I am all for working harder. I am all for meeting the needs of the people of this state and bringing up the debates that need to be had and putting up legislation that needs to be discussed—but this is a nothing. I think we should be ashamed of ourselves for using this cheap trick to try to get a bit of media coverage and perhaps grab one or two votes from it.

The Hon. J.S.L. DAWKINS (17:04): I rise to support this bill. I had not intended speaking but a couple of things mentioned by the Leader of the Government need to be addressed, and I will do that very briefly. The Leader of the Government talks about this government's number of sitting days. Certainly, there was a very moot point made by the cross-benchers and other members that the number of sitting days should be qualified by the number of hours in each day. We know that, when this government came in and we had four sitting days a week, the number of sitting hours were fewer than when we sat three days a week, but it came to its senses on that issue.

This leads me to other comments made by the Leader of the Government about pairs. He goes into dangerous territory because he talks about the number of pairs taken by crossbench and opposition members as greater than those of the government, but I have some statistics on that. You cannot compare apples with oranges because some of the applications for pairs are for as little as a quarter of an hour, some are for a whole day and some are for an evening—and that might be a Tuesday evening when we eventually do not sit. How does that work out?

You have to go through and work out all the hours and minutes you might have been here if you had a pair, so I think the minister is in dangerous territory when he brings up that issue. As someone who, with my colleague, administers the pairing, I think we have a very sensible arrangement in this place—much more so than in the other place, and I think the Hon. Mr Brokenshire, who has served in both chambers, would agree with that. I think it is unfortunate that the matter has been brought up in this debate.

The Hon. R.L. BROKENSHIRE (17:06): I will be brief, but I do want to sum up and put a few things on the public record. I thank all honourable members for their contribution for or against the bill, and I have reflected on this issue for some time now—in fact, before I had the privilege of coming into this place.

Kris Hanna did a good job in getting fixed terms, but two clear mistakes were made. First, from the point of view of accountability, which is a major consideration when people determine who they will vote for at the next election for government or opposition, the four year term should have come up in November and not in March. It was wrong, and it was a mistake from the point of the view of democracy for it to be set in March.

For a government to make a decision to shut down the parliament for 130 to 150 days is wrong for democracy. This bill cannot pass through both houses now, although it could had we been able to debate it here last night; however, it cannot now get up in the other place. Notwithstanding that, it is important to show the South Australian community where the democracy sits with respect to this matter in this chamber, this upper house, this people's house. I will introduce a bill in which we consider having it in November because that it is a fairer time but, if that is not to be, we need to bring back the parliament for a two week period.

In 2005, in Britain, there were only 34 days from when the Labour government prorogued the parliament until it returned after the election; here, it will be something like five months. The people need to know what is happening with the Mid-Year Budget Review, but they will not have transparency and honesty once this council is up.

In both chambers, just over 100 bills and private member's motions have not had a chance to be debated, and 10 government bills have still not gone through, including bills on native vegetation, which the government said were so important in relation to fire prevention.

The Premier leads the charge when it comes to South Australia (the mining and defence state), and today we saw the minister introduce a complicated bill into the council. If we were to sit in January and February that bill could be debated and passed if it is important for the protection of Arkaroola, for the royalties and rehabilitation and those sorts of things.

The Hon. J.S.L. Dawkins: What about the native vegetation one that is been there?

The Hon. R.L. BROKENSHIRE: I have mentioned that. Those sorts of things could have been debated.

I want to touch briefly on pairs. I know the government has had a go at me in the media about pairs. If the government chooses to withdraw pairs (some of the pairs I had were for just an hour or two, and sadly two of those pairs were for funerals), then it should bring that up in the parliament. If it wants to amend this bill and say there will be no pairs for the two weeks in January and February, fine; I am happy to be here without a pair. It is about two key things: the contribution that any member makes while they are in here—and members do work hard in here—and the fact that parliament is open for business even when someone is paired for a while.

I have always respected the fact that the Premier in particular should be paired off, because he heads the state. It is right that he be paired; I have never attacked the Premier or anyone at a senior level when they are out paired regularly, because we respect the fact that they have to do other work, but that does not mean the parliament cannot go on.

The final point I want to make is that the leader of government business said that it is only some cross benchers. I understand and respect the rights of my colleague with her comments and the opposition, but there have been polls on this, and the fact is that 89 per cent of the people want so see the parliament sitting over that period. This is about shutting down the parliament and taking away democratic process and opportunity to put the government of the day under pressure for a period leading up to the election. That is how you get your best consideration. That is not occurring, and all we will see is a massive void where opportunities for the state of South Australia are shut down for a five month period, so I commend this bill to the council.

Bill read a second time and taken through committee without amendment.

The Hon. R.L. BROKENSHIRE (17:14): I move:

That this bill be now read a third time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:14): The government does not support the bill, obviously, but, given its limited prospects in the lower house we will not waste time by dividing.

Bill read a third time and passed.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

Second reading.

The Hon. S.G. WADE (17:15): I move:

That this bill be now read a second time.

The bill was moved by the Leader of the Opposition in the other place, and I thank the council for its forbearance in bringing on the consideration of this bill so quickly. We certainly appreciate that it is not normal practice, but this is the last day of sitting. This is a matter that has received the support of both the government and the opposition, and we thank the council for its consideration.

The bill refers to the power of the commonwealth in financial matters relating to de facto partners arising out of the breakdown of de facto relationships. To highlight the need for this bill, I will highlight how the status quo impacts on people. Property matters are dealt with differently if the partners involved are married than if they are not married.

Families may be in identical circumstances, they may have children, with both families held together by love, compassion and respect, but under the current laws they are dealt with differently. If married parents decide to end their relationship their child related issues will be dealt with by the Family Court and their family matters will be dealt with by the Family Court, whereas when unmarried parents end their relationships their children's matters will be dealt with in the Family Court but, bizarrely, their property matters will be dealt with by the state courts.

This situation has perverse and unfair results. The unmarried parents' family will have their separation supervised and decided by two different jurisdictions. This raises the cost of the action, the length of the action and the complexity of the action. The family will be denied full access to the specialised jurisdiction of the Family Court.

Family Court judges are specialists in this area, knowledgeable and wise about the issues involved. The rules of the court are tailored to the particular needs of family law and are moving towards a less adversarial system. Splitting a family action between multiple jurisdictions prevents a more considered holistic settlement of disputes. When the court makes property orders about the married couple it will consider the orders made about their children too.

Finally, there is a greater range of remedies available to the Family Court than the District Court. The unmarried family could not have their superannuation considered, and this is particularly perverse given that superannuation is often the most valuable asset held by a household. This denies the family the remedies available in the Family Court.

There are significant cost savings available for the state by doing this. Instead of the state courts, particularly the District Court, being involved with family law matters, they will be able to concentrate on their court business. This reduction in the case load of the state courts will be valuable in speeding justice in others.

Nothing in this bill should deny the support of the Liberals for the institution of marriage. Marriage is a key institution upholding the social fabric. However, in my view, it is no detriment to marriage for other relationships to be treated fairly. The referral of the de facto relationship power to the commonwealth is supported by the Law Society of Australia, the Law Council of Australia and family law practitioners operating across the state. In supporting this bill, the council will help end the injustice inflicted on families and create a fairer and more equitable South Australia.

The Hon. I.K. HUNTER (17:18): As outlined admirably by the Hon. Mr Wade, this bill seeks to refer powers to the commonwealth over de facto relationships, when they have broken down, as to property settlements and other things. Both the Labor government and Mrs Isobel Redmond from the other place have prepared a bill to effect this change. Those bills were slightly different but, in effect, aimed to do the same thing. The government decided to support the Leader of the Opposition's bill, with some amendments, and I am happy to say that we now have it before us.

I am grateful to my colleagues in this chamber for agreeing to conclude the debate on this bill today. Government members will be supporting the bill. Can I say how pleased I am with the bipartisan, or should I say 'multipartisan', support that we have for this legislation. I put on the record my thanks to the Leader of the Opposition in the other place, Mrs Isobel Redmond, and the Attorney-General, the Hon. Michael Atkinson, for working together to bring this bill to fruition.

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

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from14 October 2009. Page 3530.)

The Hon. I.K. HUNTER (17:25): No-one will be surprised to hear me say that the government opposes this bill. The bill seeks to amend the Subordinate Legislation Act 1978 to prevent regulations from being reintroduced immediately after they have been disallowed; to allow either house of parliament to disallow part of a regulation; to vary or substitute regulations; and to replace the current tests necessary and appropriate for a certificate of early commencement of the test of exceptional circumstances.

The Subordinate Legislation Act 1978 sets out the processes for the making of regulations and the expiry of regulations. Pursuant to section 10 of the act, a regulation must be laid before each house of parliament within six sitting days after it has been made. Either house of parliament may pass a resolution to disallow the regulation. Regulation 6 is to have effect when disallowed. Section 10AA of the act covers the commencement of the regulations. As a general rule, regulations will come into operation four months after the day they have been made. However, regulations may also come into operation earlier than the four-month period, provided the minister responsible for the administration of the act certifies that it is necessary and appropriate for the regulations to come into operation on an earlier date.

The bill seeks to make a number of amendments to the act. The government is concerned about the consequences and practical implications of these amendments. Clause 3 of the bill does two things. It amends section 10(5a) of the act, so that either house of parliament has the capacity not only to disallow regulations but also to disallow part of a regulation. It also inserts new subsection (6a). So, where a house disallows a regulation in whole or in part, the executive cannot make a regulation of substantially the same effect as the disallowed regulation within six months after the disallowance unless that house resolves to allow the making of the regulation.

There are several concerns about these proposed amendments. First, there are difficulties with either house being able to disallow part of a regulation merely because one provision or certain words may cause concern. Without background information or experience in the practical application of the regulation, the disallowance of one provision or even one or two words could radically change the effect of the regulation or even render provisions of the principal act ineffective. The government may then have to make another regulation to repeal the changed one, which could again be disallowed. This is a catch 22 situation and obviously not a desirable outcome, which leads me to the second part of clause 3.

If a regulation is considered to be of substantially the same effect as a disallowed regulation, it cannot be remade for six months. This could have unforeseen consequences where regulations are required before the principal act can come into force or for the principal act to operate effectively. It is particularly problematic for regulations which are due to expire under the automatic revocation of regulations program. If these regulations are disallowed and cannot be remade for six months, it is likely that there will be an act in operation without supporting regulations.

Further, if the regulation is disallowed because of one offending provision yet the rest of that regulation is appropriate, it would be six months before the regulation could be remade, as any new regulation would be likely to have substantially the same effect as the disallowed regulation. Such an approach is impractical.

The Hon. Mr Lawson has also suggested that, because there is similar legislation in the commonwealth, New South Wales and Tasmania, South Australia should adopt the legislation here. However, I note that there are also jurisdictions that do not have this requirement. Just because some jurisdictions take this approach does not mean that South Australia should automatically do the same. Indeed, I can well recall the Hon. Mr Lawson lecturing this chamber time and time again that, just because other jurisdictions in the country have a similar legislative program, there is no reason South Australia should follow the same line.

Indeed, the commonwealth also has a provision for double dissolutions of the Senate, which South Australia does not have. Yet when we tried to introduce just such a provision, the honourable member opposed it vigorously. So much for his professed desire for matching legislation in this situation. He supports the argument when it suits him and discards it the next day when it does not.

Clause 5 of the bill proposes to amend the test in section 10AA for the use of a certificate of early commencement. At present, a minister must certify that it is necessary and appropriate that a regulation come into operation on an earlier date or at an earlier time. The honourable member proposes to change this so that the minister is required to certify that there are exceptional

circumstances that require early commencement. This is because he says that almost every regulation that is made is certified by the relevant minister as requiring early commencement. I do not know whether or not this is actually the case, but I do not see how changing the test to a requirement of exceptional circumstances will have the desired effect.

If a minister believes that early commencement is necessary, why would they not argue that their case is an exceptional circumstance and sign a certificate of early commencement to that effect? You would also have to ask the question: what exactly is an exceptional circumstance for the purposes of early commencement?

Is the fact that the regulations are required before an act can be brought into force, or that certain penalties may not apply if regulations are disallowed enough to be considered exceptional circumstances? I can foresee difficulties where the Legislative Review Committee's idea of what constitutes an exceptional circumstance is markedly different from the view of the minister, who has responsibility for the regulation. Administratively there are already a number of requirements about what information should be included in the report to the Legislative Review Committee. These requirements to ensure ministers provide their reasons for early commencement are sufficient. If a house is not happy with the reasons, it has the choice to disallow.

Finally, clause 6 inserts a new section 10B into the act to give either house the power to vary or substitute regulations. Although the government agrees with the sentiment behind the argument that the ability for a house to make a minor amendment to a regulation could cure defects without resorting to disallowance of the regulation, we cannot support it. The same problems exist with allowing either house to vary or substitute a regulation, as with the amendment allowing disallowance of part of a regulation.

Without proper understanding of the principal act under which the regulation is made, or the policy reasons as to why particular wording was used in the regulation, a small variation to the regulations could markedly change the effect of the regulations and possibly the principal act. Either house feels that, if regulations should be disallowed, the whole regulation should be disallowed and not parts of it. The responsible minister can then amend the regulation to address those concerns and remake it. For these reasons the government opposes the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: I make a brief contribution on this clause as the mover of the bill. It was suggested by the Hon. Ian Hunter that I referred to legislation in other states and that we should follow them merely because they had a good idea. My point in referring to the fact that the commonwealth and other jurisdictions have these laws is to indicate that the laws in those jurisdictions have not resulted in the roof falling in in the manner in which the Hon. Ian Hunter suggested it would fall in if we were to adopt these provisions.

The second point I make to illustrate the necessity for this bill is that, during the last sitting week, this council disallowed certain regulations made under the WorkCover Act and the minister arrogantly and without any announcement promptly remade the regulations. He chose not to table them again and proposes, no doubt, to table them in the next parliamentary sitting. He did not want to give us the opportunity to once again disallow the regulations. The government is treating the parliament with contempt, because a measure of this kind is one way to hold the executive accountable.

Clause passed.

Remaining clauses (2 to 7), schedule and title passed.

Bill reported without amendment.

The Hon. R.D. LAWSON (17:35): I move:

That this bill be now read a third time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:35): Again, in the interests of time, although we strongly disagree with this bill, we will not delay the chamber any longer in dividing on it.

Bill read a third time and passed.

REFUSE CONTROL

Adjourned debate of motion of Hon. S.G. Wade:

That the General Regulations under the Public and Environmental Health Act 1987 concerning Control of Refuse, made on 17 September 2009 and laid on the table of this council on 22 September 2009, be disallowed.

(Continued from 23 September 2009. Page 3292.)

The Hon. S.G. WADE (17:36): I foreshadow that I will move to discharge Notice of Motion No. 21 standing in my name. I want to make some comments to put my motion in context. I moved this notice of motion to highlight the failure of the government to uphold the Public and Environmental Health Act's general regulations requiring owners to ensure that refuse on their premises that is capable of causing an insanitary condition is disposed of at least once a week. By promoting fortnightly rubbish collection, the government was putting owners and occupiers at risk of breaching these regulations.

The Hon. Dennis Hood introduced a bill to highlight the government's failure to enforce these regulations, and it was supported by this council. On 30 June this year the Minister for Environment and Conservation advised of a backdown by the government when he said on radio, 'We will be enacting a law which makes sure there is weekly collection of waste.' Then in September it was revealed that the government had merely amended the regulation, adding a new subregulation, which placed a mere expectation on metropolitan councils to provide a weekly kerbside waste collection. Having committed to legislate to require weekly waste collection, the government has put forward this amendment to regulation with a mere expectation and, in our view, it is a failure to deliver the promise of a better law.

I moved the motion to disallow this amendment to the regulations primarily because the amendment did not meet the government's own commitment. Disallowing the regulations would have allowed us to get on with the job of getting a better bill. I thank the Hons Dennis Hood and John Darley, in particular, for their opposition to fortnightly waste collection. In the face of this united opposition, the government was forced yet again to back down and make more genuine attempts to make a legally enforceable obligation.

Initially, the government was talking about putting amendments to the Hood bill or even introducing its own bill. I indicate my disappointment that neither the minister nor his office made any attempt to consult with the opposition. The fact that the minister did not engage the opposition on an opposition motion reeks of politics and game playing. Nevertheless, I am glad that a way forward has been found. To that end, what the government is proposing is that the obligation for councils to collect insanitary waste weekly be included in an Environment Protection Authority policy. The minister has issued a ministerial direction to the Environment Protection Authority requiring the preparation of such a policy. For the sake of the record, I quote from that letter. It is addressed to Ms Cheryl Bart, the Presiding Member of the Environment Protection Authority, and it reads:

I am writing to you regarding the draft Environment Protection (Waste to Resources) Policy. Under the power vested in me by section 11 of the Environment Protection Act 1993, I hereby direct the EPA to include a provision in the draft Environment Protection (Waste to Resources) Policy that will impose an obligation on all metropolitan councils to provide a weekly kerbside waste collection service in respect of residential premises within their areas to ensure that residents may have their residual waste (i.e. waste other than green waste, recyclable waste, hazardous waste, etc.) collected weekly.

I do not anticipate that mandating weekly collections will cause a draw on the enforcement resources of the EPA as Councils already undertake weekly collections for residual waste and are not currently proposing any change to this practice.

For the same reason that provision will not add to the regulatory burden imposed on councils. Local government has already been consulted on the mandating of weekly collections and so the requirements of the State-Local Government Agreement have been met.

I understand the EPA will provide me with the draft Environment Protection (Waste to Resources) Policy, including this requirement, following its 14 December Board Meeting.

I understand that I will then be in a position to consider my approval of the policy, and, once it is approved, I will then refer the policy to the Governor for the relevant declaration for fixing the date upon which it is to come into effect.

It is signed by the Hon. J. Weatherill, Minister for Environment and Conservation. Of course, the words of the policy will be crucial. Given the government's repeated attempts to facilitate fortnightly

collection of waste, the opposition insists that the government release a completed policy as soon as possible. Under section 27 of the Environment Protection Act, environment protection policies may be made in accordance with this division for any purpose directed towards securing the objects of this act.

Once the EPA has finalised the policy, it is a subordinate legislative tool under the Environment Protection Act 1993 and it may set out requirements or mandatory provisions. Section 34 of the act makes it an offence to contravene a mandatory provision of an environmental protection policy. Under section 30, a draft environmental protection policy must be laid before both houses of parliament and is subject to disallowance by either house.

The opposition considers that the policy produced in response to the ministerial direction should be clear and, under the provisions of the act, will be reviewable and enforceable to require councils to collect unsanitary waste weekly. We note that the minister expects that the draft policy will be finalised in mid-December, and the opposition is keen to see it released soon after. A failure to release the policy would indicate that the government is not sincere in its claim that it is no longer promoting fortnightly waste collection.

In conclusion, I thank the Hon. Dennis Hood and the Hon. John Darley in particular for their support in maintaining pressure on the government. Perhaps, at last, we will see the government uphold the public and environmental health regulations. I therefore move:

That this order of the day be discharged.

Motion carried.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

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

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

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

No. 1. Clause 27, page 14, lines 5 to 40, page 15, lines 1 to 18—Delete subclauses (2), (3) and (4)

Consideration in committee.

The Hon. P. HOLLOWAY: I move:

That the House of Assembly's amendment be agreed to.

This amendment deletes subclauses (2), (3) and (4) of clause 27. These three subclauses are not only flawed in concept but also unworkable in practice. They invite council ratepayers to take up a petition to prevent a council from revoking the community land status of a parcel of community land. The clause goes on to describe how a petition might trigger a poll of electors, but it is obvious from the structure of these three subclauses that a poll of electors would never be held.

Under the amendment, it is the receipt of a petition itself that stops any proposal to revoke community land status. A poll of electors is not required; the petition alone thwarts any previous decision of the elected council to revoke community land status. A poll of electors is an option the council might in theory choose to pursue to restart the process. However, if a council were to receive a petition with more than the prescribed number of signatures, it would be an exercise in futility then to conduct a poll of electors to try to overturn the demands of the petitioners.

Under voluntary voting, the results of any simple majority poll will be skewed towards rejection, opponents being more motivated to vote than those who agree or who do not have an interest. There is no minimum turnout figure for the results of the poll to be valid. Any poll, therefore, would predictably endorse the position taken in the petition.

The cost of a poll varies according to the size of the council, but the LGA has estimated that, even for a small council, a poll of electors would cost at least $26,000. For a large council, a poll could cost as much as $200,000. The cost of the poll would, in most cases, outweigh any financial advantage to the community of any proposed dealing with the land.

It is difficult to imagine any circumstances in which a council would choose to hold such a poll. Therefore, these three subclauses create a dangerous and unworkable situation, whereby a mere petition could overturn the decision of an elected council, and that is why I seek the support of the committee to agree to the amendment to delete the subclauses, as received from the House of Assembly.

The Hon. J.M.A. LENSINK: On behalf of my colleague the Hon. David Ridgway, I indicate that we will be agreeing to the amendment.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (INCOME MAINTENANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 3291.)

The Hon. R.D. LAWSON (17:48): I indicate that Liberal members will not be supporting the bill. It seeks to reverse changes made by the parliament recently in relation to the WorkCover scheme. Those changes were made with some reluctance, but they were caused by this government's mismanagement of the scheme which, at that stage, was headed to an unfunded liability of over $1 billion, which sum has now been reached because of the global financial crisis and other matters. We do not believe that we can now reverse those changes, and we will not be supporting the bill.

The Hon. B.V. FINNIGAN (17:50): The government does not support the bill. As we know, a substantive legislative reform package was introduced by the government and passed by the parliament with the Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008. That program of legislative reforms passed by the parliament is still being implemented. The bill would introduce amendments to the scheme which are inconsistent with that package of reforms based on the recommendations of the Clayton review. The bill would ameliorate last year's legislative reforms and undermine the mechanisms put in place to achieve improved return to work rates, the future return of the scheme to a fully funded position and a reduction in industry levy rates.

The Hon. Ms Bressington's proposed amendments would have a negative impact on our efforts to reduce the scheme's liability. The 2008 amending legislation requires that an independent review of the legislative amendments be conducted as soon as practicable after 31 December 2010. To put it briefly, the parliament has passed the package of reform legislation. Having done that and put in place certain reforms to improve the future liability of the scheme and ensure that it is viable and able to meet the needs of injured workers into the future, it would seem rather incongruous to then come along before we have even reviewed how it is operating and make reversals, and for that reason the government opposes the bill.

The Hon. M. PARNELL (17:52): I thank the Hons Bernard Finnigan and Robert Lawson for their contributions, which are not unexpected. This bill is back before us because I promised the injured workers I would give the government and opposition one more chance to rehabilitate themselves and revisit some of the harshest changes that were made to WorkCover last year, including the step downs that result, in the case of the lowest paid workers, with people being paid well below minimum wages. I will not re-agitate debate here, but I want to put on the record the names, especially of those Labor Party members who come from the unions, who voted last year to do the dirty on injured workers and who, we have every indication now, will do the same again. I urge honourable members to support this bill.

The council divided on the second reading:

AYES (5)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Hood, D.G.E.	Parnell, M. (teller)	

NOES (12)

Dawkins, J.S.L.	Finnigan, B.V. (teller)	Holloway, P.
Hunter, I.K.	Lawson, R.D.	Lensink, J.M.A.

NOES (12)

Lucas, R.I.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	Zollo, C.

Majority of 7 for the noes.

Second reading thus negatived.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (PARENTAL CONSENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 3297.)

The Hon. M. PARNELL (17:59): I rise to oppose this bill. All members of parliament would have received correspondence from the Youth Affairs Council of South Australia and from the Sexual Health Information Network, and those submissions set out in detail the great harm that would be done to young people by the passage of this bill. I will not detain the council at this late hour by going through those submissions in detail, but I want to thank those organisations for writing to me. I agree entirely with their assessment of this bill; it is bad for young people and does not deserve support.

The Hon. J.S.L. DAWKINS (18:00): I rise on behalf of Liberal members to indicate that we will be supporting the second reading of this bill. The premise of this bill, as described by the member, is simply to reinstate parental rights. He goes on to talk about the area of medical procedures, and this bill rearranges the priorities so that families are put first in non-emergency situations. According to the Hon. Mr Brokenshire, parental rights and the integrity of the family are restored by this bill. He also indicates that the bill is simple in its import and merely harmonises with what this parliament has said about other procedures on children. As I said, the Liberal Party will support the second reading; however, our joint party room is yet to determine a position on the ultimate passage of the bill, but we are happy to allow the bill to pass the second reading stage.

The Hon. A. BRESSINGTON (18:01): I rise to also indicate that I will be supporting the second reading of this bill based on my long-term efforts to have parents empowered to have the right to oversee their children and determine what is in their best interests as well as work with those kids. Just on the letters we received from YACSA, sometimes councils and committees and such do not actually hold family unity and parental rights as a God-given right and they somehow believe that they sometimes know better than parents. I think that is where we are falling down in this state and in this country: we have professionals who believe that they know better than parents and that the family unit comes last.

The Hon. I.K. HUNTER (18:02): The government will not be supporting this bill. It is very bad legislation but, given the reasons advanced by the opposition in terms of supporting the second reading, and by other members, we will not be dividing on this measure. If the bill comes back another day, I will make my second reading speech then.

Bill read a second time.

NATIONAL PARKS AND WILDLIFE (BAN ON HUNTING PROTECTED ANIMALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November 2009. Page 4010.)

The Hon. I.K. HUNTER (18:04): The government opposes the bill, introduced by the Hon. Mark Parnell, which seeks to amend the National Parks and Wildlife Act to prevent the minister from declaring the hunting season open. The government believes that the National Parks and Wildlife Act already provides a strong framework to prevent the legal exploitation of protected wildlife.

The act appropriately regulates existing activities associated with legal recreational hunting. This is evident in previous decisions that have been made by the government for heavily restricted hunting seasons for both duck and quail in 2009. In 2007 and 2008, the duck hunting season was closed altogether, based on the evidence available at the time. These decisions are

based on sound advice about climatic conditions, wetland conditions and local and national waterfowl abundance.

Data has to be available that shows that there is a sufficient number of waterfowl in certain locations and habitats before any hunting can proceed in a season. A number of stringent licensing conditions are enforced, including a waterfowl identification test, compulsory use of non-toxic shot and knowledge of firearms legislation and standards.

The act and its regulations also permit there to be various conditions placed on any season. In 2009, these included the exclusion of wetlands within the Chowilla Game Reserve, while Bool Lagoon and the Bucks Lake game reserves were also excluded due to ongoing dry conditions. These conditions were put in place so that the critical habitat was still available as a refuge for waterfowl.

Studies conducted after the 2009 season found that there was a low level of hunting activity and a high level of compliance with the National Parks and Wildlife Act hunting regulations and licence conditions.

Past practice has shown that the current legislative framework controls the illegal exploitation of protected wildlife and regulates activities associated with legal recreational hunting. So, provisions are already in place to protect waterfowl and their habitat under the National Parks and Wildlife Act. Any conditions imposed are stringently enforced, and decisions about an open season are made with careful consideration. The government will not be supporting the bill and the Hon. Mr Parnell's attempt to ban hunting.

The Hon. M. PARNELL (18:07): I thank the Hon. Ian Hunter and the Hon. Terry Stephens for their contribution, but I am very disappointed that they, on behalf of their parties, are not willing to enter the 21st century in relation to showing compassion to wildlife species and to preventing the cruel slaughter and injury rate that we know occurs in all our wetlands.

The only additional contribution I would make is to respond very briefly to the contribution of the Hon. Terry Stephens. He cited at some length an email he had from Mr Matthew Godson of the Sporting Shooters' Association, which included a claim that my party 'is aligned with extreme animal rights groups'. Well, let me just refer to one of those extreme animal rights groups, and that is the RSPCA, the group that is responsible for administering the animal welfare laws in this state. Effectively, the only private police force in South Australia enforcing the animal protection laws of our state is the RSPCA. I will read to members the first two sentences of its press release:

> The RSPCA has thrown its full support behind a bill before Parliament today that will end the recreational shooting of native water-birds in this state. This legislation will bring SA into line with Western Australia, New South Wales and Queensland which banned this controversial sport in 1990, 1995 and 2005 respectively. Green's MP Mark Parnell is presenting the bill and the RSPCA is urging every member to support it.

I urge all members to support the bill, and I will be dividing on it if it is not successful.

The council divided on the second reading:

The PRESIDENT: There being only the teller and nobody on the other side, I call off the division.

Second reading negatived.

WORKERS REHABILITATION AND COMPENSATION (CHANGES TO SCHEME REVIEW PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February 2009. Page 1335.)

The Hon. R.D. LAWSON (18:13): Opposition members will not support this bill, which seeks to unwind the government's workers rehabilitation compensation package that the opposition reluctantly supported previously—a bill forced upon us by the mismanagement of the WorkCover Corporation and the neglect of the government and the minister.

The Hon. B.V. FINNIGAN (18:13): Government members will oppose the bill. I draw members' attention to the remarks I made a few moments ago in reference to a very similar bill moved by the Hon. Mr Parnell.

The Hon. R.L. BROKENSHIRE (18:14): It is with disappointment that I hear that the opposition and the government will not support this bill. I thought they may have had a change of

heart for the workers. I have heard the Hon. Bernie Finnigan, a man for whom I have a lot of time, say how important—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Should the government be returned, I foreshadow that he will be a minister, sitting on the front bench in the Legislative Council, and I hope that does not work against Bernie. The present situation is wrong and unfair for workers. I cannot believe that the legislation was ever introduced by the government. Whilst we introduced amendments similar to the Hon. Mr Parnell's amendments of about 12 months ago, our bill also contained amendments about self-insurers. The rip-off that WorkCover is charging people who want to get out and self-insure is unbelievable. We moved a disallowance on that. In case members have not seen the *Gazette*, that is back on. Having said that, I will not be dividing because I can see that there has been no change of heart by either of the major parties. I think that our crossbench colleagues understand that, if you are injured (not even severely) to a point where it is 13 weeks before you can get back to work, your family suffers as a result of this government's very disappointing legislative amendments to WorkCover that it brought in last year.

Second reading negatived.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

MEMBERS' CONTRIBUTION

Adjourned debate on motion of Hon. D.W. Ridgway:

That this council recognises the contribution of the Hon. Caroline Schaefer and the Hon. Robert Lawson to the parliament and the community of South Australia.

(Continued from 28 October 2009. Page 3999.)

The Hon. R.L. BROKENSHIRE (18:16): I could speak for hours on both the Hon. Robert Lawson and the Hon. Caroline Schaefer because I have had the privilege of working with them in various capacities, whether as local members in the same party or as cabinet ministers. Both Caroline and Rob have made a great contribution in the time that they have been here. This is Rob's 16th year and Caroline I think is in her 18th.

The Hon. C.V. Schaefer: About 16.

The Hon. R.L. BROKENSHIRE: About 16—but you came in a little earlier. I also speak on behalf of Dennis Hood and Family First. All members know that you put in an enormous contribution when you put your hand up for public office. Caroline, in particular, originally grain growing on Eyre Peninsula, went over to Clare and then, with Roy, got into viticulture, but she always had a total focus on the rural and regional issues.

I believe that we do not have to go too far across the state to see the road sealing programs and lots of other initiatives and support for country South Australia that Caroline was involved in; she has always been dedicated to the people she has been duly elected to represent. She had a real heart and passion for primary industries and made a very good fist of it for the months she had a position as cabinet minister for primary industries. I know that the whole of the primary industries sector in this state was pleased when she was announced as minister.

I am sure that she will have plenty of work to do up in Clare; in fact, she is retiring at about grape harvest. I do not know whether she thought about that when she decided that she was going to retire. Both of them have put in an enormous amount of family work over the years and also a lot of public work. She gets a fair bit of her skill, ability and passion for South Australia and the parliament from her father. To Caroline, Roy and the family, we wish you all the best for a long, healthy and happy retirement. If we are up the Clare way, which we will be from time to time, we will make sure that we contact you and catch up. It will be your shout. I do not know how good your wine is but I hope we get a chance to have a glass.

I also want to speak about the Hon. Rob Lawson. Rob Lawson has been a great person to work with. I worked with Rob in the justice system, and I would have liked the opportunity of being able to work with Rob for a longer period in justice, because I believe the plans and all the strategy that was put in place was well-balanced when it came to the issues of justice, and particularly well-balanced when it came to the punitive side of the legal system and also the rehabilitation and

prevention side. We did a lot of policy formulation together leading up to the 2002 election. Rob Lawson, had he had time to make more of a mark as attorney-general, would have been an incredible contributor to the justice system in his position of attorney-general. I have always admired Rob's intellect, particularly with respect to legal matters. When Rob first came into this place, his family was a lot younger (a bit like mine). They have grown up over the years but they were always alongside him.

The final point is that, from time to time, I went to visit Rob to seek his wise counsel because, as a Queen's Counsel and with all his legal knowledge (whether it was police portfolio or other matters), Rob was a person who gave good advice. He would think things through and when he finally came up with the advice it was very solid and well put together. Rob, thank you very much for the time I shared with you. Rob's wife is a brilliant cook (as well as an academic) so I am confident that now he will be able to get into the kitchen and give her a hand, with no more excuses.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: He can pour her a glass of wine or pack the dishwasher. I know that it will probably not be long before he is right back into performing legal duties, one way or another. I also know that there will be a lot of people wanting to contact Rob to see what capacity he will have to contribute to the ongoing wellbeing of South Australia. On behalf of Dennis Hood, Family First and myself, I wish Rob and his family all the best for the future.

The Hon. S.G. WADE (18:21): I rise to support the motion of my leader. I associate myself with the contributions already made by members of the Liberal team and by the Hon. Robert Brokenshire. Those contributions have ably recounted the illustrious careers of the two members involved, so I seek simply to add some brief personal reflections.

First, I would like to pay tribute to the Hon. Caroline Schaefer. Before I entered parliament I often encountered Caroline in party activities throughout the state. I was impressed by her energy, knowledge and passion. From the complexities of international agricultural marketing to the challenges faced by isolated families in getting an education for their children, the Hon. Caroline Schaefer understands and has long been a passionate and effective advocate for rural and regional South Australia. However, it was upon entering this council that I had the opportunity to come to appreciate more deeply the other qualities of the honourable member.

The Hon. Caroline Schaefer is an active contributor to the deliberations of the parliamentary Liberal Party, often offering commonsense perspectives which focus on the best interests of the state, not what is merely popular. The Hon. Caroline Schaefer struck me as a calm and steady politician who focuses on the issues and not the person. Caroline is a committed parliamentarian, particularly in terms of the role of legislator and through her involvement in committees. Time and time again I can recall Caroline in the party room affirming our duty as legislators to make legislation the best legislation that we can. She strongly holds the view that it is the duty of an opposition to improve legislation not just oppose it.

Similarly, the Hon. Caroline Schaefer is consistent in her values. She brought the Liberal values of freedom of thought and conscience to the life of the party room. She has been a passionate advocate for the freedom of members of the parliamentary Liberal Party to vote against the advice of the party. This is a freedom that relates not just to conscience or free votes but also to party votes. Caroline has always been a committed and loyal member of the team who actively promoted team decisions. However, the bottom line is that she consistently supported the right of any member of the parliamentary Liberal Party to reserve their position on a matter.

I am confident that as she takes this passion and her principles into future endeavours she will enjoy continued success. I wish the Hon. Caroline Schaefer and her husband, Roy, and her long-serving and loyal staff member (Francesca French), a long and happy future.

Secondly, I pay tribute to the Hon. Robert Lawson, whom I first got to know when I worked in a ministerial office in the 1990s which supported him. I certainly concur with the observations of the Hon. Michelle Lensink, who spoke of his attention to detail: few draft letters escaped his editor's pencil. These changes tended not to be mere pedantry; overwhelmingly they reflected the honourable member's determination to pay respect to a correspondent by directly engaging their concerns.

In highly sensitive areas, such as disability and ageing, the honourable member is widely regarded as a compassionate and progressive minister. I must admit that, like so many others, I

have often been bemused by the Hon. Robert Lawson. He is an enigmatic character, and I think that he likes it that way. He is a very intelligent person, but he does not seek to belittle lesser beings; in fact, he has a remarkable capacity to make complex ideas accessible to the common man—often displayed on Adelaide's radio airwaves.

The humility of the man is shown in how often he feigned ignorance in technological matters to seek my advice from time to time. A voracious reader and a squirrel of information, he his assistant Raelene tells me that he often went missing and, nine times out of 10, he would be missing in the library.

The Hon. Robert Lawson is always measured in his advice, even to the point of understatement and so much so that one can be in the middle of a conversation and silence descends. After a torturous pause, he offers his advice or makes his comment. The Hon. Robert Lawson is not one who feels the need to use noise to fill a silence.

He has extraordinary legal skills. Those skills are uncommon enough, but he blends them with a sound political judgment, and I had the privilege to see him in action before the Electoral Districts Boundaries Commission. His dry sense of humour is legend, and he often uses it to defuse tension, to offer respite from boredom and very often to deliver an incisive comment. Let me offer a piece of Lawson advice: every parliamentarian should have their bookshelves filled with *Hansard*. Its volumes give away nothing that visitors could use to plumb your mind.

The Hon. Mr Lawson has been a mentor to many members in this place, both generally and specifically. Personally, I thank him for his support and teaching of me. He is not inclined to flattery, or at least I did not stimulate that in him. He has high standards, and he intends that others aspire to them, too.

The Hon. Mr Lawson is an outstanding lawyer, and there is no doubt that he would have served with distinction in the judiciary. His time as attorney-general of this state was all too short. However, the state and this council have been very fortunate to have him as a legislator. There are many statutes on the books of this state that carry the fingerprints of the honourable member. One of the challenges facing the chamber in the next parliament is how we develop our legislative skills and processes going forward in his absence.

I wish Robert and Delysia all the very best, and I hope that they have a long and happy time ahead. To his personal assistant, Raelene Zanetti, I also offer my thanks for her friendship and support and best wishes for the future. I commend the motion to the council.

The Hon. J.S.L. DAWKINS (18:27): I rise to support the motion and, acknowledging the time of the day, I will be brief, but I will also make an appropriate acknowledgement of the service of my two colleagues both within this chamber and outside. It is interesting that the Hon. Caroline Schaefer's father and my father served together in this place, but I do not think that I met Caroline until after my father had retired and her father continued on a few years after that.

[Sitting extended beyond 18:30 on motion of Hon. P. Holloway]

The Hon. J.S.L. DAWKINS: Despite the fact that our fathers served together for a long period of time, I do not believe that I met Caroline until after my father had retired. We met when we both served on the executive of the rural council of the Liberal Party. Caroline might correct me, but I would say that that was in the early 1980s. I became aware of her commitment to Eyre Peninsula and, particularly through local government on the District Council of Kimba, her work as the person in charge of the census on Eyre Peninsula and her work with the then cooperative bulk handling, which has had a number of identities and name changes in the time since. Of course, I also learnt of the high regard in which she was held around this state for her abilities as a judge and participant in equestrian events and at shows around South Australia.

In the parliament, when I came here she was a great help to me. I was the new boy and she was the government whip, and I was very grateful for her guidance. We heard from other members about the work she did with the food industry and in particular the food for the future council and the issues group that was associated with it and her chairmanship of that body. Can I say that the regional development issues group, which was developed some time later and which I chaired, was modelled entirely on the food for the future issues group and modelled by the Hon. Rob Kerin on the work that was done under the leadership of the Hon. Caroline Schaefer.

I acknowledge the work that Caroline did both as a member, albeit for a period which we on this side would like to have been much longer, and also as shadow minister in the area of primary industries right across the gambit which that portfolio covers. She also had the portfolio, at least in opposition, of regional affairs, and I know Caroline had great mirth in going around a number of regional areas and having a bit of a laugh about the title that the Hon. Rob Kerin had given to that portfolio—and I will not go into anything more about that, but I think she still has a bit of a laugh about that from time to time.

What is clear is Caroline's passion for regional communities, and I think she demonstrates that in this council on every occasion that we have listened to her speak. I think that will always continue, and long may she do that, because it is something that I believe in, I hope as strongly as she does. Another thing I must say is that, in the time that I have been here, the Hon. Mrs Schaefer and I seem to have alternated on a number of what we in our party call 'pairing relationships' with seats that the party does not hold, so a number of those have been with me and gone to Caroline and come back or vice versa, so we share that aspect as well.

I do value the fact that the friendship I have had with Caroline has been a strong one, and that has been the case despite the fact that there are a couple of conscience issues on which I know she does not agree with me, and I think she probably frowns at what the hell Dawkins is doing, but that has never got in the way of our friendship, and I will always appreciate that. I extend my sincere best wishes to Caroline and to Roy, who has also become a friend to Helena and me. I extend my best wishes to both of you on your retirement and in the years to come, and obviously we look forward to seeing as much of you as we can around the state.

The Hon. Robert Lawson I first met, I believe, in about 1992 when he was running around South Australia, as we do in the Liberal Party, on a Legislative Council preselection going to see candidates all over South Australia. At that stage I was working part time at the Gawler office of the then member for Wakefield, the Hon. Neil Andrew, and that is where Robert came to see me, after hours, I believe it was, and we had quite a chat about his ambitions. It does not seem that long ago, but a bit of water has gone under the bridge since then. I had previously been aware of Robert's eminent legal career and I was obviously well aware of his role in relation to the many issues in relation to the State Bank collapse.

Robert became a minister very shortly after I came to this place. As the Hon. Michelle Lensink said, his abilities as a minister saw him given more and more varied responsibilities over time. One of the early responsibilities he had was for the HAC scheme. I remember that one of the first things I did as the member responsible for the Riverland was to go up to Barmera with Robert for the launch of the community transport scheme in the old Barmera council chambers. I think that was one of the first things he did as minister for the ageing.

For the past eight years Robert's personal assistant and my personal assistant have shared an office, and he has had the unfortunate experience of having to dodge my larger and clumsier frame as we go in and out of our assistants' offices.

I remember the debate we had in this chamber when I moved, successfully, to legalise surrogacy. I think anybody who has moved a private members' bill knows the experience you have to go through if there is some complexity to the bill when you do not have the luxury that a minister has of having an adviser next to you, and I know that colleagues here will attest to that. The Hon. Robert Lawson asked me one or two ticklish questions that day, and I think he had many more in his head, and I will always appreciate the fact that he left most of them on his desk, because I would have struggled significantly with that.

I will say, and I think this was alluded to earlier, that the Hon. Mr Lawson will go down as one of the great disappearers of this parliament. The Whip's job is to make sure that people are here at the right time, and only yesterday I knew that Robert was here and then all of a sudden he was not. He did come back fairly quickly, but he has an ability to vanish, which has probably been helpful to him at times. I would like to extend my best wishes to Delysia, Robert and the family for the future.

Before concluding, I think it is appropriate to mention the staff of my two colleagues. I think all of us here would agree that the work we do is assisted greatly by our staff. I think it is important to put on the record that Mrs Francesca French, I believe, has worked for the Hon. Caroline Schaefer for her entire career, and I think that is a tribute to both Caroline and Francesca. I also understand that Mrs Raelene Zanetti has worked for the Hon. Mr Lawson for all but about the first

10 months of his career. I think that is a tribute to both of my parliamentary colleagues and to their very loyal, dedicated, hard working staff, and best wishes to all of them in the future.

The Hon. CARMEL ZOLLO (18:40): I also rise to support this motion and wish both members many long years of happy retirement from this place. Whilst I am a member of another political party, I recognise the commitment and hard work that both members have brought to this place. For one reason or another, my path has crossed with the Hon. Caroline Schaefer's on a number of occasions, particularly prior to my becoming a minister. We were both whips at the same time at one stage, and I followed the Hon. Caroline Schaefer as convener of the Premier's Food Council and also chair of the Food and Wine Issues Group after the 2002 election—two very diverse responsibilities, but both very interesting.

The agrifood industry in this state and regional South Australia has a good champion in the Hon. Caroline Schaefer. I was pleased to see that she was a judge at the Premier's Food Awards about a month ago, I think. The Hon. Caroline Schaefer has been described as someone with enormous common sense, and I agree entirely. She brings just that—common sense—to the debates on which I agree with her and, in particular, those of conscience. I am certain that her experience will serve her well in whatever role she chooses for herself when she leaves this place.

Both the Hon. Caroline Schaefer and the Hon. Rob Lawson are members with whom, whilst one might not always agree with their point of view, one can nonetheless agree to disagree. By that I mean that their manner is not generally personal, but they generally go to the heart of the matter. Having said that, I think that at this time of the year, with the electoral cycle in particular, sometimes we can all stray from that principle.

The Hon. Robert Lawson is clearly someone who is respected by his party. It would surprise no-one to learn that I do not often agree with what he has to say, but I nonetheless recognise that he is a thinker and he provides, and has provided, a thorough analysis of the legislation that comes before this parliament. Both members were ministers for a time—from the Hon. Caroline Schaefer's point of view, far too short a time. I remember leaving a message on her mobile phone to congratulate her on her appointment, saying that of course she would understand that I could not, obviously, wish her longevity in her position. I hope she understood my sense of humour.

The experience and knowledge that we gain in this place, at whatever level we serve—whether it be at a ministerial level, the committees on which we serve, analysing legislation or performing community and constituency work—I believe provides us with a reservoir of talent. I am certain that, in the case of both members, once they have a good break outside of this place, they will be ready for some service of their choice to the community. Again, I wish them both a very long and happy retirement together with their families.

The Hon. A. BRESSINGTON (18:44): I would also like to support this motion. The Hon. Caroline Schaefer was the very first person from this council that I laid eyes on when I was elected in 2006—at a lunch with Senator Jeannie Ferris. I would like to forward my appreciation to both the Hon. Caroline Schaefer and the Hon. Robert Lawson for the times they have given me advice of a non-political nature. As everyone else in here has said, they have always shown common sense when I could not make sense of stuff that was going on.

Also, I had the privilege to sit on the Families SA committee with both the Hon. Caroline Schaefer and the Hon. Rob Lawson for two years or more. It was a humbling experience, actually, to have two people with the time behind them in this place sitting on a committee like that and for me to see them handling that committee. the evidence and the distressed people coming through, and then work to put together the report that we did.

As I have said, I cannot say anything but thank you to both of them. Their doors have been open up the hallway, and they have never given me a bum steer, so to speak, when I have sought their advice. I appreciate that because, in this place and with the work we do, it would be quite easy for people to do that, but they have been honourable in the dealings I have had with them. I am actually going to miss them a great deal. I wish them both well, and I hope Caroline does not end up in a wheelchair, dribbling!

The Hon. I.K. HUNTER (18:46): I hope the fact that a Labor member says some nice things about a retiring Liberal while they are still alive is not going to be taken the wrong way—I wouldn't want my comments to ruin the reputations of the Hon. Robert Lawson or the Hon. Caroline Schaefer. What I am about to say may be completely apocryphal, somewhat blurred in my memory

perhaps, or otherwise a gross exaggeration. Whatever is necessary to protect their reputations in their retirement, I am happy to own up to.

My first memory of the Hon. Mr Lawson was from another life, when I would see him every four years in the gladiatorial arena known as the State Electoral Boundaries Redistribution Committee. The Hon. Mr Lawson represented the Liberal Party at the commission. I remember at one hearing where the Labor Party advocate (it might have been Tim Stanley or perhaps John Rau) had totally demolished the Liberal Party's submission. The submission was a litany of mathematical errors and flaws in every calculation on electorate size or on effects of moving boundaries one way or the other.

We led our evidence, and the Hon. Mr Lawson had to respond. He responded eventually. There was a lengthy pause. He folded his arms, moved forward slightly on the balls of his feet, his gaze focused in the middle distance, and I thought, 'This is stretching into an eternity.' But eventually he did speak, and he said to the commissioner (and I am paraphrasing here), 'Your honour, we don't believe we've made the errors the ALP claims.'

He paused again for what seemed like for ever. Then he said, 'But if the commission finds that there are errors in our submission, we submit that we don't believe they are as serious as the ALP claims.' Then he paused again before saying, 'Or, in fact, if the commission, when it checks the data, finds any errors approaching those claimed by the ALP'—pausing once more—'we say that those calculations and errors are not critical to our submission anyway and do not in any way diminish our arguments.' That was a tour de force of his lawyerly skills. He certainly earnt his fee that day as a leading silk, which I think was about nothing! I was very impressed and always have been since.

I have not known the Hon. Caroline Schaefer for nearly as long, but that has been my loss. However, I did get to see her in action on one of the select committees, an inquiry into pipis and cockles, which was a fascinating inquiry. I came to enjoy her acerbic, usually sotto voce, comments on the nature of some of the evidence we heard from time to time. I will not divulge any of those comments to the chamber, because that would not be appropriate.

She has always been a staunch supporter of our primary industries, but she can always be relied on, particularly after a drink or two, for some colourful stories about some of the characters prominent from time to time in some of those industries and how much veracity we should give their evidence. She and the Hon. Mr Lawson share a very dry wit, and I will miss their occasional wicked grin and wink from across the chamber.

The Hon. B.V. FINNIGAN (18:49): I have not had the opportunity to listen to all the contributions in this place, but I will take a bold gamble and associate myself with all of them. I offer my congratulations and best wishes to the Hon. Mr Lawson and the Hon. Mrs Schaefer on their retirement. Like the Hon. Mr Hunter, I did come across the Hon. Mr Lawson once in my previous life, when I was at the STA and represented the union at I think the retail or shop hours advisory committee or something when he was the minister. Apparently I was not as brilliant an advocate as he was as he did us in on that occasion. I cannot remember what it was about; it may have involved Easter or Christmas hours.

However, I remember that the Hon. Mr Lawson went out of his way to introduce himself when I first got here and, as the Hon. Mr Lucas said the other day, it is important that we have people of his character and intellect putting themselves forward for parliament. He is a talented jurist and served with distinction as a Queen's Counsel. I thought, when recounting his life story the other day, that he must have been in his late 30s when he became a QC, but I have since discovered that I was underestimating his age somewhat, so I congratulate him on bearing up so well.

I have known the Hon. Mrs Schaefer since I got here. She has made a strong contribution. The Hon. Ms Zollo alluded to the fact that there may have been a regret that she was not able to serve longer in cabinet, but she certainly has demonstrated a very clear commitment to rural and regional South Australia and to the needs of women living in those communities. I suspect that the Hon. Mrs Schaefer and I would have seen eye to eye over the years on a number of issues of conscience, and I admire her forthrightness and commitment on those sorts of matters as well. I wish both members all the best in their retirement.

One of the advantages of picking your own retirement date is that people will say nice things about you, whereas if you stand and lose you might not get that opportunity. I also congratulate and thank members of the other place who are retiring: the members for Stuart,

Flinders, Mount Gambier, Taylor and Little Para. The Hon. Graham Gunn has served almost 40 years, which is extraordinary and, along with Mrs Liz Penfold and the Hon. Rory McEwen, has served a country electorate. All have made a big difference in serving their country constituents, which is not always easy when most of the population is centred in Adelaide.

The Hon. Trish White and the Hon. Lea Stevens I congratulate on their retirements and wish them all the best into the future. I have known them for many years as they have served with distinction in parliament and in cabinet and were an important part of rebuilding Labor after the rather shattering defeat of 1993. I wish all members a merry Christmas and best wishes for the future. I do not wish all members contesting the election electoral success, but wish them all the best, particularly the Hons Mr Lawson and Mrs Schaefer and their families: may they enjoy their retirement and have many years of happiness. I am sure they will contribute to public life in ongoing ways.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (18:53): I briefly associate myself with this motion and acknowledge the enormous contribution that both the Hon. Caroline Schaefer and the Hon. Robert Lawson have made to this parliament. As I noted in question time today, it will be the first time in a long time that the Legislative Council will not have someone who has practised at law for a lengthy period, when you think of the legacy that goes back to people like Trevor Griffin, Chris Sumner, and so on.

As the minister who has had a handle on most of the Attorney-General's bills for the past eight years, I am well aware of how broad is the Hon. Robert Lawson's knowledge of the law. There have been many occasions when he has picked up flaws in legislation and, as a result of the issues he has raised, he has made a huge contribution in relation to the betterment of the law, and I acknowledge that contribution.

The Hon. Robert Lawson has always been very fair and is broadly respected throughout the parliament. The Legislative Council will be the poorer for his absence, as indeed it will for the absence of the Hon. Caroline Schaefer. Following on from the brief period when the Hon. Caroline Schaefer was minister for agriculture, I am probably more aware than most of the enormous contribution she made in that area over the years.

To give a couple of examples, in aquaculture on a previous occasion I was fortunate to be the minister coming into government when there was a brand new Aquaculture Act that was easily the best in the country. It was the work of the Hon. Caroline Schaefer, who initiated and worked through that legislation. It really has helped to put this state at the forefront of aquaculture. Indeed, one could name some other areas of agriculture as well, particularly the food area and so on, where the Hon. Caroline Schaefer has made a huge contribution, as she has to the country generally.

I also acknowledge the significant contribution she has made to the future of Eyre Peninsula in her role as chair of the Eyre Peninsula Committee which achieved funding for the Eyre Peninsula Rural Partnership program. This program is jointly funded by the South Australian and commonwealth governments and has provided many millions of dollars to fund innovative programs designed to assist in the revitalisation of this important region of the state. Of course, that is an area where the Hon. Caroline Schaefer has come from, and I know she is a passionate supporter of that region.

I believe that Mrs Schaefer would well remember, as part of this program, a very long charter flight which included the late Senator Jeannie Ferris to Charleville in south-east Queensland to investigate rural partnership programs. Some very memorable moments occurred during that visit. My chief of staff, Mr Kevin Gent, who was also closely involved with this program, expressed to me that it was a result of Mrs Schaefer's great leadership and enthusiasm for the region that led to the success of this program. Kevin has also asked me to express his best wishes to Caroline for her future endeavours.

I guess it is a sad day for the council as we are losing two members who have made such a significant contribution over so many years. In fact, apart from the Hon. Rob Lucas, I think they are the only two members in this place who have not been around quite as long as I have. They have made a huge contribution over the years and, as I said, they have both been members who are very highly respected on all sides of the parliament. I wish them all the best during their retirement. I am sure that retirement is the wrong word because, knowing both of them as we do,

we expect that they will continue to make a significant contribution to this state in a number of ways once they leave this council.

The PRESIDENT (18:57): Before I call on the Hon. Mr Lawson and the Hon. Mrs Schaefer, I will make a short contribution. I also do so on behalf of the Hon. Mr Gazzola. I know that the Hon. Ms Schaefer and he were very close. They always insisted on sitting next to each other at the President's dinner so that they could swap a few stories and a few yarns, I think, more than focusing on what else was going on.

I have also had the pleasure of sitting on committees with the Hon. Caroline Schaefer. I know that, on those committees, we always came out with reports that were totally agreed on by both sides of politics, and she was a very good committee performer. She asked the tough questions of witnesses and normally extracted an answer out of them. Of course, I have also served on a few committees with the Hon. Robert Lawson. I think that where the Hon. Mrs Schaefer is much better at the law than the Hon. Mr Lawson it is because she spent some time in the shearing shed. I always argue that all lawyers should spend 12 months at least in a shearing shed so that they have that bush lawyer knowledge as well.

I really appreciated the Hon. Mr Lawson's very dry sense of humour on committees. It takes a lot to get him stirred up or have him raise his voice when you are debating him or having a bit of a go at him. He keeps his cool. He has that dry sense of humour that he comes out with every now and again that is much appreciated, and it reminds me of characters I have met in the shearing industry over the years.

As President, I can say that they have both been a pleasure to have in the council. They both respect the standing orders very much and always have done. I really appreciate that. I think we will greatly miss them both. On behalf of the Hon. John Gazzola and I, as he has not had the chance to make a contribution, I wish them all the best for a happy and healthy retirement with their families. I know they will have a busy future. I know that Roy has a lot of jobs waiting for Caroline, come harvest. All the best from the Hon. John Gazzola and me.

The Hon. R.D. LAWSON (19:00): When I heard that I was to be the subject of a substantive motion, my thoughts immediately ran to standing order 193. Members will recall that 193, if you read it in a positive rather than a negative sense, specifically encourages objectionable and offensive words only if uttered in relation to a substantive motion. However, when I saw that my name was to be associated with that of the Hon. Caroline Schaefer I thought that perhaps I would be spared beneath the accolades which she alone so richly deserves.

In any event, I have not been spared: we have not been spared. I am rather embarrassed to be the object of kind words from you, Mr President, and from other members. I do appreciate deeply the kindnesses expressed by members, by the Leader of the Government and members on all sides. There was a time when I would have been tempted to send the *Hansard* of your over-generous comments to everyone on my mailing list—well, at least, to some of them—but I now have the fortitude to resist that temptation. If one learns only one thing in 16 years in parliament, it is this: just because a postal item has a postage stamp, it does not signify that it is not junk mail!

I do thank members of the Liberal Party for giving me the opportunity to represent the party in the parliament. As this is the last time I will address the council, I do seek the indulgence of members to make a few parting remarks. I have had a fulfilling parliamentary term. The years have passed quickly and I can only hope that I have discharged the trust of those who were responsible for my election. My term has been fairly neatly divided into four quarters. However, unlike most football matches, the only time that we were kicking with a strong wind behind us was around about the time of the 1993 election. There have been a lot of challenges since then.

My first quarter was as a government backbencher, presiding officer of the hardworking Legislative Review Committee and serving as a parliamentary secretary assisting premier Dean Brown; the second quarter as a minister in the Olsen government in various portfolios all of which were both challenging and interesting; thirdly, in opposition, as the shadow minister and deputy leader with various responsibilities; and my last quarter as an opposition backbencher hopefully fulfilling a supporting role and returning to committee work.

I have enjoyed all those stages of my parliamentary career. You often hear members, especially members of the other place, express the view that parliamentary life in opposition is misery. They say that if one is not in government holding a portfolio, or some lucrative office, life is unremitting frustration and tedium. I do not agree with that view. I happen to believe that the work of opposition and crossbench members is both important and fulfilling. It is undoubtedly hard work

but it is valuable, and without a conscientious opposition and members who are not associated with the government, the parliament cannot serve its intended purpose.

Believing as I do in the value of the Legislative Council, I was delighted when the recent attempt to downsize and emasculate the council was defeated. The so-called constitutional reforms were an attempt to reduce the power of the electorate and more widely to influence the parliamentary process. If passed, they would have enhanced the power of the executive and undermined the power of the parliament. I do believe that this council, in the years that I have been here, has been both effective and responsible in its approach to the government of the day.

I must admit that there was one lapse in my undying loyalty to the Legislative Council: in 1997, I attempted to abandon the red leather and seek the green carpet, but I am grateful to Liberal preselectors in the seat of Waite who passed the baton to Martin Hamilton-Smith instead. At that time I was displeased with those delegates who told me that they had not voted for me because I was more valuable in the Legislative Council. However, I now see the wisdom of their decision.

There have been some highlights, and you will be glad to know that I will not regale the council with all of them, but I do want to mention a couple, because they are important to me. The first is the disability services portfolio. In political circles this is often talked about as a tough and thankless appointment and one that no ministerial aspirant would seek. However, I found it otherwise. It is undoubtedly tough, because funds are always limited, but the people with disabilities that I got to know in that portfolio and their families are amongst the most inspiring you could ever meet, as are those who advocate for them. Also, the people in the sector are great to work with, and that was a particular assignment which I greatly appreciated.

I also regarded my experience in working generally with the Public Service of South Australia as a highlight. The Public Service is a much maligned group and often overlooked in parliament and certainly in public discourse, and its work is insufficiently acknowledged. I especially appreciated working with chief executives like Ray Dundon, Graham Foreman, Anne Howe, Christine Charles and Kate Lennon and many other highly professional officers working under them.

A third highlight has been the many debates in the council. Many of them have been memorable. The best, in my recollection, was the debate on the consent to medical treatment and Palliative Care Bill in 1995—admittedly a long time ago and admittedly a conscience issue, but one which involved all members and produced a fine reform of the law: advanced medical directions, advanced medical powers of attorney and other provisions which clarified the law. It was a terrific debate and one which I fondly recall. It is a pity that we do not more often have debates about issues of that kind which lead to an improvement for our society.

Not all that happens in parliamentary life can be called a highlight. I will mention only one lowlight, to my mind. When I was a child and as a parent, I enjoyed nothing more than a fireworks party in the backyard. As a minister, I had the grim task of banning fireworks, something I did not relish. That was a grim decision in the sight of many, but perhaps it did save the sight of some children and certainly the sanity of many dogs.

I will finish with one other highlight, and that is serving on both standing committees and select committees. The work of parliamentary committees is important. Despite the groans of government members, select committees of the Legislative Council, I believe, are a great feature of our parliament. I have enjoyed them all, none more than the Aboriginal Lands Standing Committee, which was put on a different statutory basis some years ago. I served on the first new committee under the chairmanship of the late and much lamented Terry Roberts. It was a terrific committee with a committed chairman, and it enabled me, as a member of parliament, to have my eyes opened to issues with which I was previously unfamiliar.

I thank my colleagues over the years: those in my own party and fellow members from all other quarters. I have always sought to maintain productive relationships with members, and I like to think that, by and large, I have succeeded in that endeavour. So, I thank all members for their friendship and their cooperation.

I should like on this occasion to give special thanks to the Hon. Rob Lucas, the father of this house, who was the leader of the opposition for the greater part of my term and a senior minister for all the years of the Brown, Olsen and Kerin governments. I came into the parliament after a career in the law and I acknowledge that I am something of an amateur. In stark contrast, Rob Lucas is a true professional, a master of the art of politics, a master of parliamentary practice and a master of public administration. I wish to acknowledge his wise counsel over the years, his

unfailing good humour, his balance, his common sense and his humanity. He will be an invaluable member of a formidable government to be formed after March next year.

Without disrespect to all my other colleagues, I wish to mention only one other, the Hon. Michelle Lensink. Michelle left the practice of physiotherapy to join me as a ministerial adviser many years ago, and it is a matter of both delight and pride to me that she is now a valued member of the Liberal Party team.

I now express thanks to a number of parliamentary officers. I begin with Jan Davis, our highly professional and competent Clerk, to whom all members are indebted for her knowledge and her integrity. Members come and go, but, fortunately for this institution, Jan Davis has remained. Her knowledge of and her devotion to this council is exemplary, and I wish personally to thank her for her assistance over the whole of my time here.

Chris Schwarz is the Deputy Clerk and he is graced by the title 'Gentleman Usher of the Black Rod', surely the most auspicious title in the parliament. Chris took over the role following the untimely death of Trevor Blowes, and he has filled those shoes admirably. I believe Chris has been here for most of the time that I have been here and he is an exemplary officer. To Guy Dickson, Chris Neale and Anthony Beasley, the parliamentary officers, I express my thanks. To the administrative staff, Margaret Hodgins and Claire Seret, and to the messengers, Todd, Mario, Tony and Karen, I express my appreciation. I think in the Legislative Council we have a friendly and efficient team.

I want to place on record my thanks to my personal assistant Raelene Zanetti. Raelene is highly competent, reliable, cooperative, patient, ever smiling and has been a wonderful assistant, and she keeps smiling, despite the frustrations of working with a disorganised gadfly. Finally, and most important, I want to place on record my appreciation of my wife, Delysia, who agreed to support my parliamentary aspirations at a time when our children, Cordelia and Charles, were young. Without her love and support and theirs, I would not have had the opportunity to be here. You have all had to suffer by my presence; now her time has come.

In farewelling members, I am reminded of a great farewell which I put in the best spirit possible: I wish each and every one of you just a little bit more luck than you might deserve. I regret that modesty prevents me from voting for this motion, but I dare not call a division on it.

The Hon. C.V. SCHAEFER (19:14): What an amazing thing to have happen—very few people have the opportunity not only to listen to their own eulogy but to contribute to it as well. One of the few things with which I have been at odds with the Hon. Rob Lucas ever since I have been here is that I firmly believe that we should have time limits on speeches, and so perhaps tonight is the time for me to set an example.

In thinking about what I would say tonight—and I am even more disorganised than the Hon. Robert Lawson, so I have not written very much—I am struck by the one emotion, that is, what an enormous privilege it is to serve the people of South Australia in the parliament, and what an enormous personal privilege it has been for me to be a legislator. I think probably only in a democracy such as Australia could a female who did the first seven years of her education by correspondence and who has no degree be allowed to reach the heights that I have reached.

I have endeavoured to treat my colleagues always with respect and I have endeavoured to be a good legislator. If I had a word of advice for anyone here (which, of course, would not be listened to if I did) it would be that we must protect our duty as legislators and that we must honour the difference between governance and government and between the institution of the parliament and party politics, and I think that the upper house does that considerably better than the lower house. However, in the latter few months of this dying parliament I have certainly noticed personalities and party games being played in this place, and I think it will be to the detriment of the parliament and of the Legislative Council if that becomes worse.

I would like to pay tribute to my colleague the Hon. Robert Lawson. As so many others have said, I am in awe of his intellect and his ability to cut to the chase. I am even more in awe of his ability to read complex legislation quickly and actually understand it. It takes me a very long time. I have to go backwards and forwards many times to make sense of something that the Hon. Robert Lawson can do in a few short minutes.

I would love to recount some of the highlights and lowlights of my career but, as I have said, at a quarter past seven it is probably sensible not to do so. I have enjoyed very much the committee work that I have done. I like to think that I have contributed to the committees I have

been on. I think that every committee one serves on one learns something new. I have very much enjoyed my time on committees. I have also enjoyed the opportunities to learn new things and to fight for causes that, prior to learning about them, I probably did not know existed.

Certainly, my work regionally and with primary industries has introduced to me facets of primary industry that I knew very little about. Now, after having had numerous rows with them over the years, I think I have probably a better than average working knowledge of the fishing industry, and I enjoy the company of many of the personalities within that industry. Dairying is not something that someone who grew up on the edge of the pastoral country and who then married a grain farmer has much knowledge of.

I could milk a cow by hand, but I got the honour at one stage under the Olsen government to judge the dairy farm of the year, thankfully with two people who actually did know a little about dairying. At the first dairy farm finalist we went to, I simply got out of the car and said, 'Well, I know something about your pasture and what you are doing there, but I am the one out of the three who is here to ask the dumb questions.' The dairying industry, also since that time, has been very kind to me, very tolerant of me, and, again, I have learnt a great deal from those people and about those people. A number of people have mentioned my work with the food industry. I certainly enjoyed that work and that time, and I still enjoy the associations I have made within that industry.

I would like to thank the various sections of the party that have stood by me and helped me through my career, and the Kimba and Clare branches, in particular—the Kimba branch for, I suppose, backing me into this task and continuing to support me even after I left Eyre Peninsula, and the Clare branch for welcoming me as one of its members. I have also had a long and very enjoyable association with the Rural and Regional Council of the Liberal Party and have, I think, many friends within the realms of that section of the party.

I too would like to pay tribute to Jan Davis, the Clerk of this place, who has always given completely non-partisan and very expert and informed advice and who has, I think, from time to time gently chided each and every one of us for perhaps not performing as we should. She has kept us all, I think, functioning particularly well. I do not intend to name all of her staff for fear of missing some out, but I thank all of them for their efforts within the chamber and also their efforts in supporting the many select committees that we have had.

I want to pay tribute to the catering staff. I think that, for most people, the catering staff are simply there to give you a cup of coffee, or whatever. However, for those of us who live outside the city, going back to an empty flat at all hours of the night is sometimes a fairly lonely and soul-destroying thing to do, and the idea of having to cook a meal or buy enough food to cook a meal and then have most of it go rotten in the fridge before you get back the next time is not terribly attractive. I think the catering staff have always managed to make most country members feel as if they are part of a large family in here. They must be very sick and tired of us, but they always manage to make me feel as if it is a pleasure for them to serve me. So, I thank the catering staff.

I would also like to pay tribute to parliamentary counsel, particularly Richard Dennis. During my time as a shadow minister, in particular, they were unfailingly helpful to me in developing amendments and, indeed, walking me through various bills and acts so that I had the background to be well prepared when I came in here. So, I thank parliamentary counsel. I thank the library staff, who as late as last night were more than happy and helpful in assisting me with a little bit of research at that time.

I would also like to thank the caretakers. I suppose I have developed the habit over many years of flying to all sorts of places and quite often leaving my car and my keys here, and it never seems to be any trouble for the caretakers to open up and greet me at some odd hour of the day or night, with a case behind me, and make it seem as though it is a pleasure for them to be woken up to do so.

I would like to thank my family, of course, both immediate and extended. I was thinking about it today, and I remember when I decided to go for preselection my son Tim said 'Oh, forget it mum. That's not the game for you. You're not tough enough.' Nearly 17 years later, he was right, but I have managed to fool most of you most of the time.

I would especially like to thank Roy for supporting me in what I have wanted to do for, as I said, 17 or 18 years. I guess it is his turn now—as long as he does not think I am going to start ironing and cleaning!

The Hon. R.I. Lucas interjecting:

The Hon. C.V. SCHAEFER: The Hon. Rob Lucas supports that; I did not realise that he knew what a bad ironer and cleaner I am. Again, I thank all of my colleagues on all sides of the council. I would like to think that I have not made many enemies here. Like the Hon. Robert Lawson, I will single out the Hon. Rob Lucas because he has been a mentor and friend, and although not senior to me in years is certainly senior to me in this place. I think the thing that I can thank him for most of all is that he is probably the one person on earth I know who if you tell him something in confidence it remains in confidence.

I have many other people to thank. Some of you in here have become personal friends, and I sincerely hope that that friendship continues. Most of all, I would like to thank Francesca French, who started with me in September 1993. I began here in August 1993 and she started with me in September 1993. I first of all shared her services with the Hon. Jamie Irwin and the Hon. Bernice Pfitzner. We then got even luckier and I only had to share her with the Hon. Legh Davis, and eventually we were allowed one assistant each.

We have travelled a long and sometimes bumpy journey together and I am sure that when she left Berkshire in England many years ago she had no idea that she would one day be a personal assistant to a bushie who had all sorts of very strange ideas and very strange places to travel. She has been an amazing assistant to me. It would be easy to say that I would not have managed without her; I guess I would have but I certainly would not have managed as well.

In latter years we have also had the luxury of a trainee, and I have had some very good trainees, but I think of two exceptional trainees in Tom Rayner and Felicity Hennessy, both of whom were with me when I was a shadow minister, and both of whom had research and political skills well above their years, and who were amazing assistants to me at the time.

With that, I do not know what else there is to say. I do not know whether what I did while I was here was good enough, but it was the best I could do. Thank you all and, as the two Ronnies said, it's goodbye from me and it's goodbye from me.

The PRESIDENT: Before the Hon. Mr Ridgway sums up, I think it should be recorded that on behalf of Jan and the staff I pass on their best wishes to you both in your retirement, and also on behalf of the rest of the staff of Parliament House, because I am sure they would want to wish you all the best in retirement as well.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:28): I thank all of you for the wonderful warm words you have said about our two good friends and parliamentary colleagues as they enter the next phase of their lives. I know they have made a significant contribution here, both in a political sense and in a parliamentary sense, and in a friendship sense to all of us. So, I thank you all for your warm words of support and encouragement.

The Hon. C.V. Schaefer: I missed *Hansard;* can you put them in?

The Hon. D.W. RIDGWAY: Caroline has just asked me to thank *Hansard* for all their wonderful work. She said she looked up and realised that she had missed *Hansard*, and I do thank them on behalf of Caroline. Thank you all very much for your words about Robert and Caroline; they will be missed. It will be a different place after the election. Regardless of the election result, it will be a poorer place because they are no longer here. Thank you all very much for your generous words, and I know you will all support me in supporting the motion.

Honourable members: Hear, hear!

Motion carried.

PLANNING AND LOCAL GOVERNMENT DEPARTMENT

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:29): I move:

That the annual report of the Department of Planning and Local Government for 2008-09 be published.

Motion carried.

ADJOURNMENT DEBATE

VALEDICTORIES

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:29): I move:

That the council at its rising adjourn until Tuesday 12 January 2010.

In so doing, I thank everyone involved with the 51st parliament. I thank you, Mr President, for your conduct of the chamber over the past four years and, indeed, all members of this place for their contributions. We have just noted the contribution of our retiring members, but I would like to mention retiring members from the other place: Graham Gunn, Rory McEwen, Trish White, Lea Stevens and Liz Penfold.

I acknowledge the contribution of the whips, John and John, to this session. I particularly want to recognise today the work of the table staff. Today was a marathon effort. I cannot think of a day when we passed as many bills in this chamber. How Jan, Chris and Guy coped with it, I am not sure, but they did it and it was an absolute marathon effort.

I thank the messengers (Todd, Mario, Karen and Antony), the office staff (Margaret and Claire), parliamentary counsel, Hansard staff, kitchen and dining room staff, library staff, building staff and everyone else who works in this place.

Finally, on behalf of all members I thank our respective staff for their contributions during the year in keeping us well informed and keeping this chamber working smoothly. Given it is also the end of the year, as well as the end of the parliament, I wish those people involved with the parliament in any way the compliments of the season. Quite properly, our fate now rests in the hands of the people.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:31): On behalf of Liberal members I second and support the motion. I also wish all members here the very best for the festive season and the robust election campaign into which we enter—probably tomorrow morning—as we start the journey towards 20 March.

Mr President, I thank you on behalf of the Liberal team for the way in which you have kept us in order and been very fair and even-handed. I thank you very much for that. I think the whips have done a fabulous job to keep us all corralled and organised so we knew what was happening. Certainly, I thank the staff who have been mentioned, certainly Jan and Chris and the other boys, the messengers and Hansard. I know I am one that Hansard looks after quite a lot. They make sure that what I have said makes sense the next day. I also thank the catering staff and all the staff in Parliament House. This place would not function if they did not go beyond the call of duty most days to make the place function.

Certainly, the Liberal members have a great team of staff and supporters around us. Robert and Caroline have talked about the wonderful service of their two personal assistants, but we all enjoy wonderful support from our staff. I wish all my parliamentary colleagues, in particular the Liberal members, the best for the festive season.

I also pay tribute to the retiring members, especially Graham Gunn for the marathon effort of 40 years—I suspect that Bernie Finnigan is the only one in this place who is likely to outlast Graham Gunn because he started at such a young age—and the other retiring members Lea Stevens, Liz Penfold, Trish White and Rory McEwen. I do not think I have ever seen eye to eye on anything with Rory, but I wish him all the best. I wish them all the best on behalf of the Liberal team. I look forward to seeing members back here next year—hopefully on the opposite side of the chamber.

The PRESIDENT (19:33): I wish all members of the Legislative Council a happy and healthy Christmas and a prosperous New Year. I thank you for your support during the past 12 months and the past four years. I also thank Jan and Chris and the staff for their great assistance to me as President. You all can appreciate how important our relationship is. It must be a good one or things do not work properly—and it certainly is a good one.

I thank the rest of the staff who have worked with the Legislative Council and its members and wish them a happy and healthy Christmas. I want to give a special thank you to the members of the JPSC for their hard work throughout the year—the Hons John Dawkins and John Gazzola and Mrs Robyn Geraghty—and I make special mention of the Hon. Graham Gunn who will be missed on JPSC. He was a wonderful supporter—representing both houses, not just his—of the provisions that members look forward to. He was a great protector of members' rights. We will miss Graham on that committee.

I want to thank the whips and make special mention of the JPSC minutes secretary, Liz, who does a wonderful job. I thank you all. I wish all those other members who are retiring in the other house all the best. I wish everyone a very merry, happy and healthy Christmas.

Honourable members: Hear, hear!

Motion carried.

At 19:35 the council adjourned until Tuesday 12 January 2010 at 14:15.