LEGISLATIVE COUNCIL

Wednesday 30 June 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:03 and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (11:04): 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.

In so moving, I indicate that it was originally the government's intention that we do land tax this morning, but I understand there have been ongoing negotiations, and some last minute amendments are being drafted. Therefore, it is the government's intention to do as much private members' business as we can before lunch, and we can come back to the land tax bill and the remainder of private members' business after lunch.

Members interjecting:

The Hon. P. HOLLOWAY: Well, I had two minutes, but one should always be ready.

Motion carried.

OZHARVEST

The Hon. T.A. JENNINGS (11:06): I move:

1. That this council notes—

   (a) the fine work of OzHarvest, a non-denominational charity that rescues excess food which would otherwise be discarded and distributes this excess food to charities supporting the vulnerable;

   (b) that OzHarvest was founded in Sydney in 2004 and has now expanded to Canberra, Newcastle and, as of today, Adelaide, where this exciting philanthropic initiative boasts Maggie Beer as its ambassador and a partnership with UnitingCare Wesley, Port Adelaide;

   (c) that since its inception, OzHarvest has rescued more than 5.4 million meals and saved hundreds of thousands of tonnes of waste from going to landfill; and

2. That this council calls on the Minister for Families and Communities to take a leadership role in supporting this exciting new venture by advocating across state government agencies that undertake catering activities and/or contracts to commit to participating in OzHarvest as a donor agency.

I am happy to stand to speak to this motion (a little earlier in the day than I thought I was going to) in support of the fine work of the OzHarvest organisation. I am sure all members in the chamber would be delighted to hear that OzHarvest is coming to Adelaide, and I had the privilege of attending its launch last week. I note that the member for Bragg was there, as were other members of her party and the Greens.

For those who do not know, OzHarvest is an organisation that was founded in Sydney in 2004. It has now expanded to Canberra, Newcastle and, as of last week, Adelaide; however, its ambassador is indeed a South Australian. Many of you will be familiar with the wonderful Maggie Beer and what a fine ambassador she is not only for South Australians but also for seniors. In her role as Senior Australian of the Year, she had the opportunity to meet the founder of OzHarvest, Ronni Kahn, who is, of course, the Australian Local Hero of the Year.

She has every right to have been bestowed with that honour, having started such a fine organisation as OzHarvest, which is non-denominational and a charity. It rescues excess food that would otherwise be discarded and distributes it to those charities who support the vulnerable, so basically people in need. Ronni describes her organisation as 'merely a logistics organisation'. It is very much about having a refrigerated truck, having staff who know what they are doing in terms of handling food and getting those meals, which would otherwise be put in the bin or sent to landfill—and create more methane and more waste—into the bellies of those who would perhaps not otherwise have a meal, or certainly not have such a nourishing meal that day or that evening.

I note that since its inception OzHarvest has distributed 5.4 million meals that would otherwise have gone into landfill or been unused. This is an enormous achievement for which OzHarvest is to be congratulated. They have saved hundreds of thousands of tonnes of waste from going to landfill.

There are of course environmental reasons for supporting this organisation, but what inspires me the most are the social justice and equity reasons. It not only does fine work in addressing the issues of waste in this country, but it also fulfils the threat that everyone's mother or grandmother or perhaps father made to them: 'If you don't eat that meal I'll send it to the child on the other side of the world'—or the other child who would much prefer to have it. Probably like me, many members here said to their parents, 'Well, why don't you put it in an envelope and send it then?' OzHarvest does indeed put it in that refrigerated truck of an envelope and send it to those children and adults in need, and it is to be congratulated for doing so.

I would like to speak particularly about a woman called Stacey Wright. Stacey has an interesting life, I am sure, as the mother of seven children, not all of whom are biologically hers. She lives down in the western suburbs and I have had the privilege of meeting Stacey twice now. I first met her at the pre-launch which I attended during the election campaign—and I note that the minister for families and communities at the time, the Hon. Jay Weatherill, also attended that meeting.

Stacey is an inspirational, youngish woman who has been doing great work in the western suburbs with raising awareness about healthy eating. In her research, she came across OzHarvest on the web, saw that it existed interstate and thought she would give these people a call and see if maybe it could be set up in Adelaide. To Stacey's credit, from that phone call and the work she has done—simply running a Google search and finding a great idea somewhere else—she has, through her networks with the UnitingCare Wesley Port Adelaide organisation that she had already established, achieved a magnificent thing in bringing OzHarvest to this state. I would like to particularly congratulate Stacey Wright for that fine work.

I would also like to congratulate the UnitingCare Wesley Port Adelaide organisation for taking up Stacey's idea, running with it and bringing it to fruition. I think that the state government could do far worse than have a look at this organisation and commit to participating in OzHarvest as a donor organisation. I have no doubt that, while we have a commitment to Zero Waste—and I note also that the Zero Waste organisation was at the launch—many of our state-funded catering arms, whether they be bodies that are funded to have a cafeteria or run catering in various forms in places like the Convention Centre and the Festival Theatre and so on, could be involved in terms of supporting the fine work of OzHarvest.

I have therefore moved this motion to call on the Minister for Families and Communities to take a leadership role and support the exciting venture of OzHarvest in coming to Adelaide and South Australia—it will, of course, focus its work in the first instance in the western suburbs—and to commit state government agencies to participate in OzHarvest as a donor organisation. I commend this motion to members of the council, and I look forward to fruitful discussion on this issue with members of the government at some time in the near future.

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

SOCIAL DEVELOPMENT COMMITTEE: DENTAL SERVICES FOR OLDER SOUTH AUSTRALIANS

The Hon. I.K. HUNTER (11:13): I move:

That the report of the committee, on an inquiry into dental services for older South Australians, be noted.

In conducting the inquiry, the committee agreed to focus on a range of areas including current and future dental needs, factors that impact on oral health, the broad implications of poor oral health, the adequacy of current and proposed government programs, and funding and possible measures to improve the oral health of older South Australians. During the course of the inquiry, the committee heard and saw compelling evidence about the poor oral health status of many older people and the significant challenges they face in accessing public dental healthcare services.

Before proceeding much further, I would like to take this opportunity to thank former members of the Social Development Committee for their contribution to this inquiry and the report. Firstly, I thank Mr Adrian Pederick, from the other place. From this chamber, I would like to thank the Hon. Dennis Hood, who I note still remains on the committee, and the Hon. Stephen Wade. Two other former members of the committee, and indeed of parliament, also need to be

acknowledged: Ms Lindsay Simmons, who was responsible for initiating this inquiry, and the Hon. Trish White.

While a final draft report was prepared, it was not able to be adopted before the state election in March of this year. On 21 June this year, the newly formed committee of the 52nd parliament passed a motion that the final draft report be adopted and tabled. I thank the new members for recognising the importance of this report: Ms Frances Bedford, Mr David Pisoni, Mr Alan Sibbons and the Hon. Jing Lee.

Inquiries such as this would not be possible without the cooperation and contribution of the many individuals and organisations that came forward to give evidence. We thank all those who presented evidence to the inquiry, whether through written submissions or by appearing before the committee. Last, but certainly not least, I thank the staff of the Social Development Committee for their contribution to this inquiry and the report.

During the course of the inquiry, the committee received 19 written submissions and heard testimony from 10 separate groups of witnesses. The committee commenced hearing public evidence on 15 June 2009 and finished on 9 November 2009. Evidence presented to the inquiry suggested that the oral health of Australian adults is amongst the worse in comparable countries, ranking in the bottom third for rates of adult dental decay. The total economic cost of poor oral health in older Australians has been estimated to be more than $750 million per year.

The committee heard that thousands of hospital admissions could be avoided each year in Australia if early intervention for oral health problems had been available. The impact of poor oral health, however, should not simply be measured in economic terms. The social and health implications are significant. Poor oral health has been linked to a number of serious health problems, including cardiovascular disease, diabetes, aspiration pneumonia and malnutrition. Disturbingly, the inquiry heard that there may be a reasonable percentage of people dying in aged-care facilities from aspiration pneumonia, in which poor oral health is implicated.

The inquiry also heard that poor oral health can have far-reaching effects on a person's social and psychological wellbeing. It can profoundly affect speech, social interaction and self-esteem. The committee heard examples where some people avoid eating particular foods because of oral health problems and, in more severe cases, shun all social interactions because of embarrassment about their dental appearance.

Some witnesses to the inquiry highlighted the changing nature of oral health among older people. Over the years, there has been an increasing trend for people to retain more of their natural teeth, and for far longer. The committee was told that, during the 1970s, only 10 per cent of people living in residential aged-care facilities had most or all of their teeth. Today, this percentage has risen to about 50 per cent. The increasing rate of teeth retention, coupled with an ageing population, means that there will be a strong demand for dental services into the future. There is little doubt that this demographic change will have major implications for the state's healthcare system.

The inquiry was told that older people living in rural areas are more likely to suffer oral health problems and experience greater difficulty in accessing appropriate dental services. Recruiting staff for rural and remote dental health services is a major problem, with the overwhelming bulk of dentists and allied health practitioners employed in urban locations. Older people living in aged-care facilities often have significant oral health problems.

The inquiry heard that some aged-care facilities have been resistant to implementing oral health programs. Although current aged-care accreditation standards require proper care of residents' oral health, the committee was told repeatedly that, broadly speaking, the oral health of aged-care residents is poorly maintained.

The impact of long public dental waiting lists and inadequate public dental health funding was raised in evidence to the inquiry. There is no doubt that lengthy waiting lists act as a significant deterrent to older people accessing public dental care. The committee heard that the public dental service in South Australia is overstretched and unable to meet current demand. The committee repeatedly heard about the limited availability of professional dental equipment in aged-care facilities. Concerns about the dental workforce's capacity to meet future demand were also raised.

Fortunately, the evidence presented to the inquiry was not all bad. Numerous witnesses spoke about the benefits of some of the current dental programs specifically targeting older people. The committee commends the work of the South Australian Dental Service in leading and

developing a range of programs which have been successful in delivering better oral health to older South Australians living in the community and in aged-care facilities.

The committee was also heartened to hear firsthand about the enormous contribution made by a number of dentists and their staff who take time out from their busy practices to provide oral healthcare services to aged-care residents. Nevertheless, the committee recognises that these types of trial programs are typically small scale and fragmented.

The recent announcement by the commonwealth government that aged-care workers will be trained in oral health as part of the Nursing Home Oral and Dental Health Plan was generally well received. The committee considers this an important step forward in improving oral health standards in aged-care homes.

It is certainly apparent that there are a number of positive initiatives in place. Nevertheless, from the evidence presented, it became clear that, if the current approach to oral health for older South Australians remains static, it will not be able to meet future demand. Changes are needed. To that end, the committee was pleased that the state government recently released its seven year dental health plan, entitled 'South Australia's Oral Health Plan 2010-17'. The plan, aimed at improving access to dental health care for all South Australians, was released on 21 June this year.

The committee is also pleased that many of the plan's commitments build on the recommendations of the committee's report. Indeed, the plan's emphasis on health promotion and early intervention, providing dentists with access to portable equipment to enable easier treatment of nursing home residents, and ensuring those who are disadvantaged have access to timely and affordable dental care are entirely consistent with the committee's recommendations.

However, the progress so far needs to be seen as a start, not an end. The committee considers that the implementation of these initiatives, as well as the other recommendations in its report, will lead to further improvements in dental health care.

Finally, the committee recognises that South Australia, like other jurisdictions, faces growing pressures on health funding for a range of reasons, including its ageing population. Nevertheless, it strongly believes that dental services need to be reconfigured in a way that ensures they focus on early detection and intervention. Doing so will help alleviate some of the burden placed on the overall health system by reducing, among other things, the need for surgical intervention and hospital admissions. Most importantly, it will improve the overall wellbeing of older South Australians.

Finally, the committee considers that all Australians have a right to high quality, accessible and affordable dental health care. It considers that delivering services to fulfil this right is a goal to which all levels of government and oral health service providers should aspire. The committee has put forward a total of 20 recommendations covering a range of key areas in support of this important and worthy goal.

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

CROSS-BORDER JUSTICE ACT

Notice of Motion/Order of the day, Private Business No. 1: Hon. R.P. Wortley to move:

That the general regulations under the Cross-border Justice Act 2009, made on 29 October 2009 and laid on the table of this council on 17 November 2009, be disallowed.

The Hon. J.M. GAZZOLA (11:23): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

MENTAL HEALTH (REPEAL OF HARBOURING OFFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 June 2010.)

The Hon. I.K. HUNTER (11:30): I am happy to stand here today and give the government response to this item. The government is fully supportive of this amendment.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. Wortley interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. I.K. HUNTER: The government is fully supportive of this amendment which seeks to remove the offence of harbouring or assisting a patient at large. The penalties for the offence is $25,000 or two years' imprisonment. We, on this side, know why the amendment was originally moved; however, this section of the act (section 105) is not in any way consistent with the philosophy of the act or the contemporary provision of mental health services in a state like South Australia.

The Hon. Tammy Jennings has outlined in some detail the origins of the original amendment which led to the inclusion of this section in the act. She has also discussed why this section should be repealed, and those of us on this side of the council agree with her arguments. Modern mental health law does not equate mental illness with criminality. The Mental Health Act 2009 is about providing the best care and treatment to people who have very serious mental illnesses. These people are not criminals.

Section 105 sits awkwardly in an act which is concerned with supporting those people who often provide the most care to people with a mental illness, their families and other carers and their friends. It is these people who are most likely to be captured by section 105. If a person does leave a treatment centre without permission where they have been detained, where are they most likely to go? Of course it is to their family and friends—people they believe they can rely on to protect and nurture them.

However, under the provisions of section 105 if a family member or friend provides protection and care to that person, they are potentially liable for a $25,000 fine or two years' imprisonment. This achieves nothing while traumatising and penalising individuals who are just trying to help.

Many of the people who may be caught up by section 105 may not even be aware that the person seeking shelter from them is a patient at large. The patient may tell them that they have legitimately been given leave by the treatment centre or have been discharged. The result could be to persecute people who may in many cases be ageing parents just trying to do their best for their son or daughter.

Section 105 is not congruent with the philosophy underpinning the Mental Health Act 2009. It will serve no useful purpose for people with serious mental illness and their families, friends and carers. All it will do is harm both the family and the patient. It is not consistent with the contemporary approach to mental health law and consequently it should be removed from the act.

The Hon. J.M.A. LENSINK (11:32): I will be brief. Clearly, the Liberal Party supports this amendment, as it is one we moved in the first place as one of many amendments we made to the Mental Health Act which were opposed by the government, including to establish a community visitors scheme which I think was welcomed by the sector and by the advocacy community.

I say that as a preface to the rest my comments just to put it in context in case anybody is under any illusion that the Liberal Party would like to see mental illness in any way criminalised, because that is certainly not the case. We believe this amendment was demonstrating compassion towards people with mental illness and the need for them to be in continuing treatment.

It has been stated that this was in relation to a coronial inquiry which was some years ago, so we have the benefit of the passage of time to see whether the government has attempted to address the recommendation of the Coroner in any way, yet it turns out they have done absolutely nothing.

I note that the mover of this bill, the Hon. Tammy Jennings, referred to the Attorney-General and the minister for mental health having been advised that they should undertake discussions and, as they had not, I think she made the assumption that they had deemed it unnecessary. I advise the honourable member that in relation to another very important matter—the retention of body parts illegally, which happened several years ago—we had the Transplantation and Anatomy Act pass this parliament and we sought to ensure that coronial autopsies would be subject to the same scrutiny as health autopsies, and that has failed.

There was an article in *The Independent Weekly* during the election campaign which discussed it extensively. The Minister for Health had written to the Attorney-General and said, 'This is the form that we are using, could you adopt it?' On freedom of information inquiries we

discovered that absolutely nothing has happened as a result of the Minister for Health writing to the Attorney-General, so I think there is form on that front as to the lack of communication between those two ministers.

Be that as it may I do not think that serves as an argument in favour of this bill. I would like to read some of the comments of the Coroner in relation to this. I did not go into it in any great deal of detail when I moved the clause in the substantive bill in relation to it, so I think it is useful to read it onto the record. At paragraph 10.7 the Coroner says:

> Whatever the legal position may be, it is my recommendation that the act of knowingly assisting an absconded detained patient—

I note that the Coroner uses that word 'absconded'; it has been subject to some community discussion recently on talkback radio. The Minister for Health said that he did not like that word 'absconding' and that it is offensive to people with a mental illness; indeed, some of the arguments in favour of this bill moved by the Hon. Tammy Jennings are in relation to language. I think that language is an area of particular concern to the mental health sector, but I would like to put on the record that I think sometimes language can be misconstrued.

Unfortunately, the language that is used by statutes is often quite different to the language that is used within the community and general discussions and it ought not necessarily be a reason to object to particular language being used in acts of parliament. The Coroner continues:

> The legislature might quite understandably be reluctant to criminalise the mere harbouring of a detained patient because the activity might be undertaken for purely compassionate motives—

I think the Hon. Tammy Jennings outlined certain circumstances in which that would be the case—

> and in what are thought to be the best interests of the patient. However, it is difficult to see why the criminal law should be coy about punishing a person who knowingly and deliberately sets out to assist a detained patient to avoid being apprehended and returned to his or her place of detention. Having regard to the underlying reasons that led to a person being detained under the Mental Health Act, one would have thought that such activity ought to be heartily discouraged.
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> As seen from section 23(2) of the Act, a member of the police force may apprehend a detained patient who is unlawfully at large. Although this provision is couched in discretionary terms, it would seem to me that the apprehension of a detained patient and the forcible return, if necessary, to the place of detention would be the norm.

In relation to that, the Hon. Tammy Jennings discussed the issue of the difficulty with police apprehending people who are detained under the act. I agree that it is a pretty traumatic experience for all involved and there are many families that I have spoken to over the years who say that it depends on the level of training and experience of police officers. It is also damaging for those relationships, particularly between parents and children. A child feels some betrayal by their parent and therefore there has been a memorandum of understanding with other agencies to try to address that particular issue.

I do not think that is necessarily a reason for supporting the bill which is before us. I think that is a problem with the system and the system needs to continue to work through that to ensure that people with mental illness are treated with the dignity that they deserve. I continue reading from the Coroner's report:

> There is an implication also that the Act imposes upon the police a duty to seek out patients who are unlawfully at large and not wait until such time as they may next come under police attention. In my view the position of a detained patient at large is to be distinguished from that of a missing person who is not unlawfully at large. Plainly, the level of police resources that might be deployed to locate a detained patient who is unlawfully at large would depend on all of the circumstances. However, what needs to be constantly borne in mind is that a detained patient has been detained for a reason that has a statutory basis, namely the interests of his or her own safety or the protection of the public, or both. One would have thought that this would be the underlying assumption in respect of a detained patient unlawfully at large upon which the police should act.

I think the Coroner has spoken in very strong language that there ought to be some measure which, I would have to say, would be very unusual circumstances for this clause to be applied.

I also refer to the fact that it has been stated that this amendment was brought in late; I acknowledge that. In my own defence, I would just like to say that the changes to the Mental Health Act were very comprehensive. It is one of the most detailed pieces of legislation that I have ever had to deal with in trying to determine the existing parameters for detention compared with the new ones, particularly as the bill related to community treatment orders and the like.

For that reason, as I said, the package of amendments that the Liberal Party sought, mostly successfully, to have included in the bill had been consulted on. I do confess, however, that particular aspect is not one that I had the time or opportunity to discuss with the sector.

I also hope that the sector itself and the Greens Party have not been seeking deliberately to alarm carers and family members. Some of the correspondence I have seen from members of the public, carers and so forth shows some unnecessary alarm. I put that on the record, that I think we ought to be as transparent as we possibly can in dealing with these matters.

One of the other aspects to having some sort of harbouring fallback position, if you like, is that it protects the families in some ways. If somebody is to return when they are supposed to be under a detention order, and they return to the home, at least if a family member is uncomfortable about having that particular person there, they can say that there is a good reason to contact the authorities. It is a way out for them, if you like. Harbouring is also something that we have in child protection legislation, which is also aimed at protecting the vulnerable. With those words I indicate the Liberal Party's position that we oppose this bill.

The Hon. A. BRESSINGTON (11:43): I rise to indicate that I support the Hon. Tammy Jennings' amendment. I did not vote in favour of this amendment originally and I am so pleased that this language is now going to be, hopefully, taken out of this particular bill.

The mentally ill need support. They would go to people they are familiar with if they abscond from facilities like this for a reason. I believe this particular part of the bill puts families in a very difficult position, dealing with very difficult circumstances. I also would like to say that, if a family member does not want a person under a detention order in the family home, they have the opt-in of being able to call the authorities and police and have that person taken back into care without facing penalties that criminalise nothing more than families caring for family members.

I think we are making a big mistake, and the Hon. Michelle Lensink mentioned that, in the same way as the Children's Protection Act, it is there to protect the vulnerable. Well, we fail miserably in that area, too, so perhaps it is time that we took a new view on how we try to protect the vulnerable. Criminalising everybody and everything is not the answer to solving the problems that we are facing with this.

Perhaps, if the mental health system were better funded, we would not have half the problems we are having now with this issue. We cannot deny that funding plays a role in this, given that the head of mental health at a federal level resigned, I think last week, stating that our approach to mental health is ineffective and a joke, and I think that leaks down to a state level. I support this bill and commend the Hon. Tammy Jennings for introducing it. I hope it gains the support of the house.

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

LAND TAX (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 24 June 2010.)

Clause 1.

The Hon. P. HOLLOWAY: Could I make some further comments on clause 1? The Hon. Rob Lucas requested some information, and I have supplied him with a copy of the response but I need to place it on the public record. The first question asked by the Hon. Mr Lucas was about a breakdown of the cost to revenue of the proposed land tax changes, in particular, an explanation why the cost of land tax relief was quoted in *The Advertiser* as being $52 million a year for four years.

The answer is that the 2009-10 Mid-Year Budget Review advised that the changes to land tax rates and thresholds to provide broad-based relief to land tax payers had an estimated revenue cost of almost $53 million in 2010-11 and $157 million over the three years from 2010-11 to 2012-13. The Treasurer's media release of 11 May 2010, 'Government delivers promised land tax relief: nearly 75,000 will no longer pay land tax', advised that the relief package is fully accounted for in the state's budget and confirmed the $157 million total cost of the rate and threshold relief package over three years.

The revenue impact from the introduction of the changes to the land tax rates and thresholds as at the 2009-10 Mid-Year Budget Review is as follows. I seek leave to insert in *Hansard* a purely statistical table setting that out.

Leave granted.

	2010-11	2011-12	2012-13	2013-14*
	$m	$m	$m	$m
Rate and threshold relief-from 2010-11	-52.8	-51.6	-52.3	-54.3
Indexation-from 2011-12	0	0	0	-10.8
Total revenue impact	-52.8	-51.6	-52.3	-65.1

*Not published in the 2009-10 Mid-Year Budget Review

The Hon. P. HOLLOWAY: The Mid-Year Budget Review advised that, with interest rates expected to increase in the short term and the cessation of the commonwealth government's first home owners boost in December 2009, a real terms correction in residential property prices was then still expected over the forward estimates. Land value growth assumptions in nominal terms relevant to land tax at the time of the 2009-10 Mid-Year Budget Review are summarised in the table below. Again, I seek leave to have that inserted in *Hansard*. It is a purely statistical table.

Leave granted.

Land value growth assumptions (%)	2010-11	2011-12	2012-13	2013-14
Residential land value growth	9.0	-2.5	1.0	3.5
Non-residential land value growth	7.0	0.0	3.4	3.5

The Hon. P. HOLLOWAY: This very flat outlook for property prices accounts for the flatness in the forward estimates of the impact of the rate and threshold relief measure. On the basis of the property price projections at the time of the Mid-Year Budget Review, there was also only a very limited revenue impact from the introduction of indexation of tax brackets in 2011-12 and over the forward years.

Subsequent to the Mid-Year Budget Review, the Department of Treasury and Finance has revised its projections of property market growth over the forward estimates. These projections will be reviewed and finalised during the budget process. However, Treasury's revised projections no longer factor in a real terms correction in residential property prices. Consequently, the revenue impact from the rates and threshold measure from 1 July 2010, and subsequent indexation of thresholds, is likely to be larger than estimated at the time of the Mid-Year Budget Review. On the basis of current estimates, the revenue impact is as follows. Again, I seek leave to insert in *Hansard* a statistical table illustrating that revenue impact.

Leave granted.

Revenue impact—using current DTF projections	2010-11	2011-12	2012-13	2013-14
	$m	$m	$m	$m
Rate and threshold relief	-52.8	-55.3	-57.9	-60.7
Indexation	0.0	-14.0	-29.6	-47.0
Total revenue impact	-52.8	-69.3	-87.6	-107.8

The Hon. P. HOLLOWAY: The cost of the land tax rate and threshold relief measure by tax brackets as at the 2009-10 Mid-Year Budget Review is summarised in the table below. Again, I seek to have to that table inserted in *Hansard*.

Leave granted.

		2010-11	2011-12	2012-13	2013-14*
		$m	$m	$m	$m
Increase threshold from $110,000 to $300,000		-43.2	-42.3	-42.8	-44.2
Adjustment to tax brackets and marginal rate					
	$300,001 to $550,000[(a)]	-6.0	-5.9	-6.0	-6.4
	$550,001 to $750,000[(b)]	-3.5	-3.4	-3.5	-3.8

(a) Change the $350,001 to $550,000 tax bracket with a marginal rate of 0.7%, to $300,001 to $550,000 with a marginal tax rate of 0.5%.

(b) Change the $550,001 to $750,000 tax bracket to $550,001 to $800,000.

The Hon. P. HOLLOWAY: The second point the Hon. Mr Lucas asked about was the revenue impact in each of the financial years from extending the exemption from land tax to for-profit aged-care providers.

Current land tax arrangements provide an exemption for not-for-profit organisations in respect of land use for residential aged-care facilities. The amendment included in the Land Tax (Miscellaneous) Amendment Bill 2010 ensures that all commonwealth accredited residential aged-care facilities, in particular for-profit aged-care providers, will not be required to pay land tax. The 2009-10 budget advises that the cost of this measure was $6.2 million over the four years from 2009-10 to 2012-13. The cost of this measure is summarised in the following table, and I seek leave to incorporate the table into *Hansard*.

Leave granted.

	2009-10	2010-11	2011-12	2012-13
	$m	$m	$m	$m
Revenue impact of the provision of relief for for-profit residential aged care facilities	-1.6	-1.5	-1.5	-1.6

The revised estimate of the revenue impact of this measure is in the order of $1.2 million in 2009-10. The third question asked by the Hon. Mr Lucas related to information on how the Valuer-General and Treasury will manage the indexation process under the new arrangements. In his second reading speech the Hon. Mr Darley provided an accurate summary of the process the Valuer-General proposes to adopt to calculate the average percentage change in site values.

The Valuer-General and Treasury will manage the indexation process in the following way: upon completion of the general valuation the Valuer-General will, on or before 30 June in each year, determine and publish by notice in the *Gazette* the average percentage change in site values and the index value for the ensuing financial year. On or after the publication of this notice by the Valuer-General, the Commissioner of State Taxation will publish the thresholds that will apply with respect to that financial year.

The Valuer-General has confirmed that he will request from Revenue SA a list of properties subject to land tax at the general valuation gazettal date, which is late May. For example, in determining the change in average site values to apply to thresholds in 2011-12, the Valuer-General will use a dataset of properties provided by Revenue SA that are subject to land tax as at the general valuation gazettal date in 2011. He will then calculate the total site values for those properties for the current financial year, that is, applying in 2010-11, and also the total gazetted proposed site values for those same properties for the impending financial year, that is, to apply in 2011-12.

The Valuer-General will then calculate the average percentage change in site values between the two years and the index value for the ensuing financial year. All properties in Revenue SA's dataset that are liable for land tax at the general valuation gazettal date will be used to calculate the average change. New properties created in the current year that are not captured in this dataset will not be included in calculating the increase until the following year. Correspondingly, if properties become no longer liable to pay land tax for the year ahead, they will still be included in the calculation for that particular year.

The fourth question asked by the Hon. Mr Lucas was: why has the government changed the approach to determining the average percentage change in site values? The information provided in the House of Assembly related to the intentions of the Valuer-General at that stage. The working formula at that time was based on a weighted average calculation of residential and non-residential percentage annual increases where the weights used had regard to the proportion of residential land value that is subject to land tax—that is, rather than all residential land, a large part of which is subject to the principal place of residence exemption.

Additionally, the approach excluded, where possible, all other properties with uses that are land tax exempt, such as primary production, caravan parks, retirement villages, etc. In essence, the formula and the approach sought to reflect, where possible, the property base that is subject to land tax. Following discussions between the Valuer-General's staff and the Hon. Mr Darley, the Valuer-General has simplified the formula by proposing the use of the actual Revenue SA dataset and thereby dispensing with the need for a weighted average model.

The Valuer-General advises that the use of a defined dataset is preferable in ensuring the average increase calculation is not affected by the large proportion of residential and other land not subject to land tax. I can confirm that the underlying principles in this approach and the previously calculated working formula are consistent. I trust that that answers the honourable member's questions.

The Hon. R.I. LUCAS: I thank the minister for the replies. I have a number of questions, but that answers the vast bulk of the questions I put. With a couple of these questions I would be happy, in the interests of trying to expedite the processing of this bill today, if the minister was prepared to give an indication to take them on notice and correspond with me afterwards, because I expect that there may not be an immediate response.

On page 2 of the note the minister has just read from, the second table provides a breakdown of the total cost according to the various components, which was my question, and gives an indication of the cost to revenue of increasing the threshold from $110,000 to $300,000. As I read it, that is a breakdown done at the time of the Mid-Year Budget Review. If I have read it correctly, we now have new estimates, and I wonder whether the minister can take on notice to provide a similar breakdown on the more recent estimates and provide it in writing after the processing of the bill.

The Hon. P. HOLLOWAY: I can, yes.

The Hon. R.I. LUCAS: Again this question the minister will have to take on notice as it is not directly related but is tangential to the whole debate. I spoke in the second reading debate about the fact that the critical point from my viewpoint, and for many in the land tax debate, the non-competitive part of our land tax regime even after these changes is the rate in the dollar above the million dollar bracket, which I think is currently $3.70. Will the minister at least take on notice and undertake to provide in writing an indication of the cost to revenue if that was reduced to $2.50 as opposed to the current $3.70?

The Hon. P. HOLLOWAY: We can do that.

The Hon. R.I. LUCAS: I thank the minister for that as it assists greatly. The final issue is in relation to the revenue impacts. Clearly from a budget viewpoint the revenue impacts are important to the government and, in particular, the Treasurer and of great interest to the opposition. That is the reason I put a long series of detailed questions to the government.

I thank the government for the provision of the response because, on my reading, it would appear that the cost to revenue of these proposals is now significantly greater. Having had a look at this, my quick calculations are that the original estimated cost to revenue over the forward estimates period was $221.8 million, or just over $50 million or so a year—it was obviously increasing towards the end of the forward estimates period—and that total cost to revenue has now significantly increased to $317.5 million, or around about that mark.

I am just seeking clarification that my quick calculations are correct, which are that the total cost to revenue is now almost $100 million higher than was originally estimated and budgeted for, I think probably around about $95.7 million over the forward estimates period.

The Hon. P. HOLLOWAY: The impact of indexation will obviously depend on the actual rate of increase in property values, so I suppose if property values are expected to increase by more than was predicted, obviously, in that sense, the cost to revenue will be commensurately greater, because clearly the impact of that indexation will be greater than one would otherwise get. If one is using the term 'cost to revenue', one needs to take into account that essentially we are talking about something we might have had if inflation and property were at a greater rate. My advice is those figures are correct.

The Hon. R.I. LUCAS: I understand the minister's explanation, but I am just seeking to clarify the information that has been provided to the committee. This confirms the fact that, in essence, the increased cost to revenue of $95.7 million is 43 per cent higher over the forward estimates period than the original estimate. Of more interest, I guess, to the Treasurer, the government and those of us on the other side is that, by the end of the forward estimates period, the cost to revenue per year is now estimated to be $42.7 million higher than the original $65.1 million cost. The cost to revenue in the fourth year of the forward estimates is actually 66 per cent higher than the original estimated cost to revenue and, over the four year period, it is 43 per cent higher.

As I said, I thank the minister for his response to the questions because information provided to me in my preparation for the bill indicated that the cost to revenue may well indeed be more significant than had originally been outlined, partly for the reasons that the minister has stated. I thank the minister for that response.

I will make a comment on page 3 of the four page answer that the minister provided. I thank him again for the detailed response because I put a series of questions in the second reading debate and I was going to pursue them in the committee stage, but I no longer intend to pursue them because the minister has now confirmed this process.

Essentially, my questions were that, if we were going to work out this average increase, when you are looking at the financial year 2011-12, you could not accurately do it until, and after, 30 June, because you do not know the properties to which land tax will apply until after June 30. On June 30 you know whether or not various properties are eligible for various exemptions under land tax because of changed ownership arrangements, or a whole variety of other things. Yet all of these calculations were going to be done in the period between May and June leading up to 30 June.

The minister has put on the record and clarified that we—and I can understand the reasons why—will not be using 30 June as the operative date. It is going to be what is referred to as the general valuation gazettal date, which is in late May. In essence, late May is going to be the cut-off. If you are subject to land tax in a particular property in late May, even if your arrangements change five or six weeks later on 30 June and you are not subject to land tax, for the purposes of this calculation, you will still be part of the calculation that the Valuer-General and Revenue SA are going to have to engage in.

As I said, there was this problem when one looked at the mechanics of how this calculation was going to be done. The answer essentially is that they will obviously not be able to make a judgment as to what properties are actually subject to land tax on 30 June. They will have to do it on the basis of what they are now saying is the general valuation gazettal date, which is in late May.

In the end, there will be no perfect formula, as the Hon. Mr Darley would be the first to acknowledge. Certainly, from my viewpoint, I can understand that. There will be inadequacies and inequities in any formula that we have to use. This will be an inadequacy or an inequity in relation to a proper calculation of the indexation movement, but I understand why it has been done and, in the absence of someone else coming up either to us or the government with a better way of doing it, it is something that we probably at this stage will have to live with and see whether or not it is possible to improve on the process in the future.

With those comments, I thank the minister for having confirmed, clarified and answered the questions that I put in relation to how that process would operate.

The Hon. P. HOLLOWAY: There is just one other point I wish to quickly make on the Hon. Mr Lucas' earlier comments about the fact that the cost of this indexation is now estimated to be greater because of the higher expected increase in prices of property. I should point out that the revenue forgone from indexation will certainly be higher, but the revenue collection would have been higher too, so the net effect on the budget, from the higher estimated cost of indexation is zero. So, in other words, there is no net effect. Yes, it will cost more. If you did not have the indexation, you would have got more money because there is more revenue but, in terms of the budget, there is no net cost.

The Hon. J.A. DARLEY: In my second reading speech, I indicated that I would ask the minister a number of questions. The first of those questions is whether land tax is calculated on Housing SA properties, South Australian Land Management Corporation properties and other state-owned trading enterprises, such as SA Water, in the same manner as private taxpayers' properties, and then debited to each property within the ownership.

The Hon. P. HOLLOWAY: Yes; if the honourable member is happy with that.

The Hon. J.A. DARLEY: The other question is: on how many occasions has the commissioner had regard to minority interests up to 5 per cent, and how many of those has he approved? I understand that the figure is six.

The Hon. P. HOLLOWAY: My advice is that that is correct; it is six.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. J.A. DARLEY: I will not be proceeding with amendments Nos 1 to 5 as originally filed. Instead, I am moving the second set of compromise amendments, dealing with the same issue, following discussions last night with the Commissioner of State Taxation, Treasury officials and the Valuer-General. I move:

Page 3—

After line 23—After subclause (1) insert:

(1a) Section 5(10)—after paragraph (b) insert:

(ba) land may be wholly exempted from land tax if—

(i) the land is owned by a natural person and constitutes his or her principal place of residence (whether or not he or she is the sole owner of the land); and

(ii) the buildings on the land are used for the purposes of a hotel, motel, set of serviced holiday apartments or other similar accommodation; and

(iii) more than 75% of the total floor area of all buildings on the land is used for the person's principal place of residence;

(bb) land may be partially exempted from land tax by reducing its taxable value in accordance with the scale prescribed in subsection (12) if—

(i) the land is owned by a natural person and constitutes his or her principal place of residence (whether or not he or she is the sole owner of the land); and

(ii) the buildings on the land are used for the purposes of a hotel, motel, set of serviced holiday apartments or other similar accommodation; and

(iii) 25% or more of the total floor area of all buildings on the land is used for the person's principal place of residence,

(and for the purposes of the scale prescribed in subsection (12), the area used for the hotel, motel, set of serviced holiday apartments or other similar accommodation will be taken to be the area used for business or commercial purposes);

After line 34—After subclause (3) insert:

(3a) Section 5(12)—delete 'subsection (10)(b)' and substitute:

subsection (10)(b) or (bb)

For the sake of convenience, I will speak to amendments Nos 1 and 2 together. The purpose of the amendments is to ensure that owners of hotels, motels, serviced holiday apartments, or other similar accommodation, are able to seek an exemption from land tax, either in whole or in part, for the portion of the premises that they occupy as their residential premises. It brings hotels, motels and other similar accommodation in line with the exemptions that apply to other premises such as bed and breakfasts. It is my understanding that these amendments are acceptable to the government.

Following lengthy discussions, I think it is fair to say that the Commissioner of State Taxation agrees that the revenue lost would be less than $1 million per annum. In my opinion, the revenue lost would be significantly less than $1 million per annum, taking into account the qualifications required and the increase in threshold of $300,000 as proposed by the government. Once again, the Valuer-General's attitude has been less than constructive on this matter. He has preferred to be part of the problem, rather than part of the solution.

The reason for the amendment is that, as members will recall, during my second reading contribution I outlined a matter concerning the owners of a small country motel whom I have been assisting in trying to gain at least a partial exemption from land tax. The owners of the motel are required to reside at the property in order to retain their AAA three-star rating. The motel is their home. The owners live at the property on a daily basis and use the amenities, including the kitchen, bathroom, laundry, living areas and the yard for their own living purposes.

In this case, the land tax is payable by virtue of the value of the motel site and its commanding views of the harbour, as well as other land owned by the same owners. The owners are not seeking a full exemption: they are seeking a partial exemption for the portion of the motel that they personally occupy.

These amendments will ensure that those owners, and owners like them, will be treated in a manner consistent with the way bed and breakfast operations are treated under the act. I urge all honourable members to support these amendments.

The Hon. P. HOLLOWAY: First of all, I just defend the Valuer-General. My advice is that the Valuer-General was acting under crown law advice, and the Valuer-General has to act in accordance with the law. If he gets crown law advice that the Valuation of Land Act operates in a certain way, then he is obliged to take that into consideration and observe that advice.

In relation to the honourable member's amendments, the original amendments filed by the Hon. Mr Darley last week had the effect of removing the requirement that the premises have a residential character in order to be eligible for a principal place of residence exemption. The response of the government to those amendments is as I read into *Hansard* last week.

However, as the honourable member said, further discussions have taken place between Revenue SA, Revenue and Economics, the Valuer-General, the Hon. Iain Evans and other Liberal Party MPs and the government, and a much narrower exemption is now being proposed by the Hon. Mr Darley. The narrower exemption puts hotels and motels, serviced holiday apartments and other similar accommodation on the same footing as bed and breakfasts for land tax purposes.

The revenue effect of this narrower exemption is as the honourable member suggests: it is not expected to be significant. It is certainly far less than the exemption originally on file from the Hon. Mr Darley. On those grounds, the government is happy to accept the amendments.

The Hon. R.I. LUCAS: My question is to the minister in relation to his advice. I think the minister said that the revenue implications are not expected to be significant. Has the government been given more definitive estimates? I think the Hon. Mr Darley said that it would be significantly less than $1 million a year. Does the government have more definitive estimates in relation to what the revenue impact will be? If it does not have definitive estimates, is it correct to say that it is significantly less than $1 million a year?

The Hon. P. HOLLOWAY: Obviously, the government has not had time to formulate that. My advice is that it would require going through the entire database, so it would be a large exercise. We rely on the Commissioner of Taxation's advice, that in his judgment it would not be significant, but I do not think we would like to put an actual dollar figure on it.

The Hon. R.I. LUCAS: I can understand that. Is the minister prepared to take it on notice then? I assume, with the passage of the bill, there will have to be some estimate done in terms of budget purposes. If it is not specifically reported in the budget (which I suspect if it is small it will not be), is the minister prepared to take on notice what it is and to provide by way of letter the estimated revenue impact, if that is ultimately done by Revenue SA?

The Hon. P. HOLLOWAY: My advice is that to try to make an estimate now would be quite a significant effort. The way that one can best measure this is, by the end of year, when the applications come in for exemption the government will be in a much better position to be able to make that estimate. A lot of resources are involved in making an estimate that may not necessarily be accurate anyway. I suggest the honourable member follow that up later in the year when we have some actual applications.

The Hon. R.I. LUCAS: I accept and understand that, and certainly I will undertake to do that. Again, I request that perhaps at the end of the year, either in a budget document or a Revenue SA annual report, once the government or Revenue SA has that figure, whether it would be prepared to report on that particular figure.

I have not always had great luck with getting answers to questions on notice, so if the minister was prepared to indicate that, in some way or another, having followed the process he is suggesting—which I think is sensible—we look and see what the applications are and then see whether the government is prepared to report after a period of time on that figure.

The Hon. P. HOLLOWAY: The commissioner has agreed to that, and I suggest the honourable member perhaps reminds us of that commitment at the time, but we are happy to give it.

The Hon. R.I. LUCAS: I thank the minister for that undertaking. In relation to the amendments, the Hon. Iain Evans (member for Davenport) was involved in the discussions, and he has indicated that the Liberal Party is supporting the amendments, as is the government. On behalf of the Liberal Party, I thank the Hon. Mr Darley for his assiduous pursuit of this particular issue by way of original amendments and now the more refined amendments, which both the government and the opposition are in a position to support.

I place on the record again my thanks to the Hon. Mr Darley for his work in relation to this bill in its entirety and in relation to this particular amendment. It is further evidence of the value of having someone with expertise and knowledge in these areas participating in the debate through the parliament.

Suggested amendments carried; clause as suggested to be amended passed.

Remaining clauses (5 and 6) and title passed.

Bill reported with suggested amendment.

Bill read a third time and passed.

ELECTORAL (PUBLICATION OF ELECTORAL MATERIAL) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (12:21): I move:

That this bill be now read a second time.

I seek leave to have the second reading report and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The *Electoral (Publication of Electoral Material) Amendment Bill 2010* fulfils two commitments given by the Government to amend the *Electoral Act 1985*.

The first was a commitment by the Government to address concerns about the use of how-to-vote cards. This matter was identified and highlighted at the State election and the Government made a commitment to address this concern.

Accordingly, the relevant provision contained in the Government's *Electoral (Miscellaneous) Amendment Bill 2009* is being put forward again in the hope that this time it will be passed without amendment. This provision is found in clause 4 of the Bill.

The second was a commitment before the election by the former Attorney-General, a position supported by the former Shadow Attorney-General, the Member for Bragg, to the effect that section 116, amended by the 2009 Bill, should be amended so as to return the situation regarding internet comment back to the position it was prior to passage of that legislation.

Clause 5 of the Bill gives effect to this intention.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Insertion of section 112C

New section 112C creates an offence relating to the publication or announcement of certain kinds of material relating to a candidate in an election without the authority of the candidate and is based on section 351 of the *Commonwealth Electoral Act 1918*.

5—Amendment of section 116—Published material to identify person responsible for political content

This clause limits the type of publication to which section 116(1) applies by removing journals published in electronic form on the Internet and Internet broadcasts from the scope of the provision. The clause makes

amendments to section 116(2) which are consequential to the amendments to section 116(1). The clause also amends section 116(2)(c) to restore the provision to its form prior to its amendment by the *Electoral (Miscellaneous) Amendment Bill 2009*, except that the term *journal* replaces the former term 'newspaper'.

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

[Sitting suspended from 12:33 to 14:17]

PAPERS

The following papers were laid on the table:

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

Police Complaints Authority—Criminal Law (Forensic Procedures) Act 2007—1 July 2009 to 31 January 2010—Report

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

Aboriginal Lands Trust—Report, 2007-08
Triennial Review of the South Australian Housing Trust Final Report dated March 2010—Report

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:18): I bring up the fourth report of the committee.

Report received.

The Hon. R.P. WORTLEY: I bring up the fifth report of the committee.

Report received and read.

NUCLEAR WASTE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:23): I table a copy of a ministerial statement relating to nuclear waste made earlier today in another place by the Premier.

LOCUST PLAGUE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:23): I table a copy of a ministerial statement relating to locusts made earlier today in another place by the Premier.

QUESTION TIME

ADELAIDE OVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for the City of Adelaide a question in relation to the net gain of Parklands as a result of the Adelaide Oval redevelopment.

Leave granted.

The Hon. D.W. RIDGWAY: In the past couple of weeks there has been an attempt by various sources in the government—I think, minister Foley, in particular, and also the Premier, the Hon. Mike Rann—saying that there would be an encroachment of between nine and 15 metres into the Parklands. This was something that the opposition highlighted during the election campaign, that there would be significant encroachment on the Parklands.

The Hon. P. Holloway: If we build a new oval near the Adelaide High School it would be much more encroachment than that.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I think the minister's interjections are out of order, but I would like to point out that we didn't ever want to build one near the Adelaide High School. It was on the rail yards, not a hospital as your flawed decision does.

The PRESIDENT: Order! The Hon. Mr Ridgway and the honourable minister will not debate.

The Hon. D.W. RIDGWAY: The Deputy Premier has been saying that there will be a net gain of Parklands with the proposed redevelopment of Adelaide Oval. My questions are:

1. How many extra square metres of Parklands are we to see?

2. How many of the existing trees will be removed and what is the fate of the War Memorial Oak, planted by the governor, Sir Henry Galway, in 1914, which is, I think, the only heritage-listed tree in the precinct?

3. Will the new Parklands be grassed, open space with trees?

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 for the City of Adelaide) (14:25): I thank the honourable member for his questions; indeed, I have already put on record answers to questions around similar issues. I have already said in this place that the details of the project are yet to be completed. My understanding is that the Stadium Management Authority has been asked to prepare a plan for the redevelopment, and I am advised that they were anticipating a legally binding agreement between the sporting codes to be signed by 1 July.

Minister Conlon, as the Minister for Infrastructure, has now announced that he will take charge of the Adelaide Oval redevelopment once the Stadium Management Authority has signed off on the project. It is appropriate that the Minister for Infrastructure should take the lead on this very important project because issues such as car parking, where we might site the bridge, and interaction with other elements of the project, will be managed by the state government's infrastructure people. Given that the Minister for Infrastructure is now the appropriate lead minister, I am happy to refer those questions to the appropriate minister in another place and bring back a response.

The PRESIDENT: The Hon. Mr Ridgway has a supplementary question.

ADELAIDE OVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): Has the minister had any briefing at all on the area of the Parklands to be encroached and the area that is likely to be returned, as the Deputy Premier was saying?

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 for the City of Adelaide) (14:27): I am not too sure whether the honourable member is asking whether I personally have received a briefing but, no, I have not received a briefing on this. As I have said, I will refer those questions to the Minister for Infrastructure, who is the lead minister now responsible for this project.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Are you thick? I have already said that I have not received a briefing. I don't know how many more times I can say, no, I have not received a briefing on the Parklands. The honourable member needs to clean out his ears. As I have said, I will refer those other matters to the relevant minister and bring back a response.

BUILDING INDEMNITY INSURANCE

The Hon. J.M.A. LENSINK (14:28): I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about building indemnity insurance.

Leave granted.

The Hon. J.M.A. LENSINK: It is critical that today is the last day of the financial year, in that Vero, which is the insurance brand of Suncorp, which I understand to be the sole insurer to have a deed of agreement with the South Australia government, has indicated that it wishes to withdraw from this market by today's date. I understand that insurers QBE and Calliden would both like to enter the South Australian market, and I understand they have approached the South Australia government to enter into a similar deed of agreement.

Honourable members may have seen a report recently on the Western Australian edition of *Stateline*, which highlights the difficulties some builders are going through in obtaining building

indemnity insurance, which is having an impact on consumers and is stalling a huge number of developments in that state. It has been suggested by the Western Australian MBA branch that the government remove the compulsory nature of the insurance in that jurisdiction. My questions are:

1. Has the South Australian government reached an agreement with QBE and Calliden to enter the South Australian market before Vero exits? If not, who will provide that insurance in South Australia as of tomorrow?

2. Will the minister consider reviewing compulsory building indemnity insurance in light of this near crisis?

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 for the City of Adelaide) (14:30): I thank the honourable member for her important questions. Indeed earlier this year Vero Insurance Limited advised that the government will be withdrawing from the builders warranty insurance market effective from 1 July 2010, leaving only two insurers—QBE and Calliden—remaining in the market from this point onwards.

There has been some concern from the industry that builders may not be insured when Vero exits the builders warranty insurance market, and the state government, I am pleased to say, has entered into a heads of agreement with both remaining insurers—QBE and Calliden—as to the basis on which they would take over Vero clients. A more formal agreement will be negotiated in the near future. The final terms of that agreement with QBE and Calliden are commercial in confidence, so I am not able to discuss those details here in this place.

I can say, however, that the terms are designed to ensure stability in the building industry and to allow the builders warranty insurance market some time to adjust to the significant insurers leaving the marketplace. As a result of the in-principle agreements, QBE and Calliden are now working on the transfer of Vero clients so as to minimise the impact of Vero leaving the marketplace and maximising insurance protection for builders and thereby protecting consumers whose building may not be completed and who may be left out of pocket. This will ensure that builders who were customers of Vero will continue to have cover after 30 June 2010.

I understand that New South Wales, Victoria and Western Australia have dealt with this issue and used different methods in each state, and South Australia believes that the agreements we have put in place will satisfy the industry needs, afford the protections required and provide the stability to the industry that is in the interests of everybody.

BUILDING INDEMNITY INSURANCE

The Hon. J.M.A. LENSINK (14:32): By way of a supplementary question arising from the answer, the minister in particular indicated that clients would be transferred from Vero to other insurance providers. Will she advise whether new clients who may be seeking building indemnity insurance as of tomorrow will also be covered by that arrangement?

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 for the City of Adelaide) (14:33): It may be best if I take that question on notice and bring back a response. I am not absolutely sure of the provisions for new people entering the marketplace. I believe there are provisions there, but rather than speculate I will double-check my facts and bring back a response.

BUILDING INDEMNITY INSURANCE

The Hon. R.I. LUCAS (14:33): By way of a supplementary question arising out of the answer, are the deals the minister just indicated purely commercial arrangements between private sector insurers or have the government and taxpayers made any cash payment, taken on any liability or given any guarantee in terms of assisting the negotiated settlement she has outlined to the council?

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 for the City of Adelaide) (14:33): I would need to seek further advice before discussing any of those details at this point in time. I will take that question on notice and bring back a response. There is a level of commercial in confidence around these matters, and I would need to seek further advice.

ADELAIDE FESTIVAL CENTRE

The Hon. T.J. STEPHENS (14:34): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about licensing compliance at the Adelaide Festival Centre.

Leave granted.

The Hon. T.J. STEPHENS: On 8 June a leaked report on the safety of the Adelaide Festival Centre was discussed on ABC morning radio. The 45 page report highlighted a number of issues, particularly on fire safety. It highlighted problems such as thermal detectors that had been painted over, goods stacked in emergency exit walkways, water-based fire extinguishers where there should be chemical-based fire extinguishers, no audible warning signal in certain parts of the venue, and the list goes on. As the holder of the liquor licence, the venue must comply with certain standards of health and safety. This report would seem to indicate that the safety of the Festival Centre is questionable. My questions are:

1. Is the minister satisfied that the Adelaide Festival Centre is complying with all the conditions of its liquor licence, and when was the last time an inspector from the Office of the Liquor and Gambling Commissioner conducted an inspection of the Adelaide Festival Centre?

2. Is the minister satisfied that the staff and customers of the Adelaide Festival Centre are safe when working at, or attending, the centre?

3. Given the reported noncompliance with acceptable occupational health and safety standards, will the minister or commissioner consider disciplinary action against the Adelaide Festival Centre such as suspension of its liquor licence?

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 for the City of Adelaide) (14:35): Inspections are done periodically by the Office of the Liquor and Gambling Commissioner. They are done throughout the year on an ongoing and fairly routine basis. I am not sure when the Adelaide Festival Centre was last inspected but I can assure members that, if noncompliance came to the attention of inspectors, either through their routine inspection or complaints—that is the other means by which the office follows up issues—there is a process that is put in place to ensure that the operator, or the licence holder, fulfils all its requirements to ensure that it has a place that meets all appropriate standards. I would expect that exactly the same set of principles would pertain to the Adelaide Festival Centre.

As I said, I am not sure when that premises was last inspected. Where issues of concern are identified, inspectors tend to work with licence holders to reach agreement on a plan of action to ensure that full compliance is reached within a reasonable period of time. If there is a failure to do that, then prosecution or action usually follows. That is usually the way matters are dealt with. As I said, I cannot imagine that other conditions would apply to this particular venue. In relation to the other matters raised by the member, I am happy to take them on notice and bring back a response.

The PRESIDENT: The Hon. Mr Stephens has a supplementary question.

ADELAIDE FESTIVAL CENTRE

The Hon. T.J. STEPHENS (14:37): Minister, these allegations are reasonably serious. Given that it was leaked publicly on 8 June, are you telling me that your department has not investigated and either confirmed or found that these are not correct?

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 for the City of Adelaide) (14:38): The commissioner does not report to me on each individual premises that he investigates—that is a routine, operational matter for the commissioner. That is the job that he and the agency get on and do; day in and day out; year in and year out. These are not matters that would routinely be brought to my attention: they are operational matters.

BULKY GOODS RETAIL OUTLETS

The Hon. R.P. WORTLEY (14:38): My question is to the Minister for Urban Development and Planning. Will the minister please outline state government initiatives to provide clarity and certainty to local government, business and residents concerning the development processes for so-called bulky goods outlets?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:39): I recently announced changes to provide local government with clarity and certainty for their treatment of the so-called bulky goods retail outlets. In recent times, councils across South Australia have used different policy definitions for what is described as a bulky goods retail outlet, as part of their development assessment processes.

With a view to providing clarity and certainty concerning bulky goods retailing in South Australia, a review was undertaken last year of the relevant legal definitions provided by the Development Act 1993 and its associated regulations. The independent Development Policy Advisory Committee launched this review by publishing for public comment, in accordance with section 5 of the Development Act, draft amendments to relevant definitions provided by schedule 1 of the development regulations. Having considered the advice provided by the independent Development Policy Advisory Committee in respect of the public comments it had received on this draft set of amendments, I gazetted a new set of definitions on 18 February this year.

On 28 April this year, I initiated the statewide bulky goods development plan amendment to amend those development plans that contain policy that is inconsistent with the new set of definitions. Changes to the development regulations introduced on 1 June this year clarify the definitions for bulky goods outlets or retail showrooms, service trade premises and shops, with more products and services included within the classification of bulky goods retailing. The amended definitions were specifically introduced to respond to the growth of bulky goods retailing in South Australia as distinct from more traditional retail outlets.

Bulky goods retailing has traditionally been associated with the sale of whitegoods and electrical appliances. The expansion of the definition through this policy change means that a range of outlets, commonly referred to as bulky goods outlets, retailing such products as hardware and animal and pet supplies, for example, can also be defined with consistency as bulky goods retailing.

As part of the growing trend in bulky goods retailing in recent years, we have also experienced an increased number of so-called 'homemaker centres'. This segment of the retail sector across South Australia is expected to continue to grow. The policy changes as outlined in the statewide bulky goods development plan amendment are consistent with the recent development regulation changes to ensure more consistent assessment of bulky goods development in councils' development plans throughout the state.

The statewide bulky goods development plan amendment provides changes to ensure all South Australian councils apply the same set of criteria when assessing applications to develop bulky goods retail outlets. The development plan changes have been published for public comment, and the plan is currently undergoing eight weeks of community consultation. Members of the public, industry and community associations, government agencies, local councils, and other interested parties, are invited to lodge submissions on the development plan amendment by 5pm on Monday 26 July this year.

A public consultation meeting is planned on 17 August this year in Adelaide, providing organisations or individuals with the opportunity to verbally present their views to DPAC. With the expected growth of the bulky goods retail sector in South Australia, it is prudent to introduce these common-sense changes before this sector grows and matures further.

WORKCOVER CORPORATION

The Hon. R.L. BROKENSHIRE (14:43): I seek leave to make a brief explanation before asking the Leader of Government Business in the Legislative Council a question.

Leave granted.

The Hon. R.L. BROKENSHIRE: In June, the Hon. Carmel Zollo, Presiding Member of the Statutory Authorities Review Committee, received a letter from minister Holloway. Recommendation 2 of the report states:

> WorkCover establish a more open and consultative management style with injured workers and interested stakeholders such as the Work Injured Resource Centre (WIRC).

In response to the recommendation, the minister advised the Presiding Member as follows:

> This recommendation will be carried out as it is a current practice which will be continued.

WorkCover works with a range of injured worker advocate and support groups to improve return to work outcomes and people's experiences within the workers compensation scheme.

WorkCover holds quarterly stakeholder forum meetings and holds an injured worker stakeholder meeting three times per year to address systemic issues. The ...(WIRC) has been a member of this group for over 10 years.

To assist the minister, the minister concludes:

WorkCover also sends a monthly email update to stakeholders which advises them of current consultation.

WorkCover has a dedicated Stakeholder Relations Unit which manages interaction with all stakeholder groups, including injured worker representatives and... worker support groups such as the WIRC.

He concludes by stating:

WorkCover is meeting the recommendation for an open and consultative management style with stakeholders.

My concern, from evidence given to me, is that WorkCover is doing anything but having an open and consultative management style. I had hoped that there would have been some interest from the corporation to set in place a communication process that would give it access to information that it does not have now, as well as having meaningful ways to alleviate the raft of issues that I am asked to deal with on a daily basis—as I am sure my colleagues are also. My questions are:

1. Is the minister categorically comfortable that WorkCover has a genuine focus and commitment to work with organisations that represent injured workers, such as the WIRC?

2. Will the minister look at funding some of these advocate groups (which Labor traditionally used to do until the Rann government came in) so that they can represent injured workers fairly?

The PRESIDENT: The Minister for Industrial Relations will ignore the opinion in the question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:45): I thank the honourable member for his questions. If I may I will make a general comment about WorkCover's position. As I pointed out last week, a new chief executive of WorkCover has recently been appointed. I am sure that, as well as familiarising himself with the role that WorkCover plays in South Australia, he will be bringing to that organisation the benefit of his significant experience over some years with the WorkCover body in New South Wales. I am sure that, judging from the early contact I have had with Rob Thompson (the new CEO), he will be looking (as a new chief executive should) at the way that WorkCover responds to all of its clients.

There are many issues if one is talking about the interface with injured workers including the relationship with EML (the claims management agent), and I am sure that relationship will be thoroughly reviewed by the board and management of WorkCover itself in relation to these issues.

I am a relatively new minister in this area, with a new chief executive appointed (and, I believe, a new chief executive for EML), but I am sure that it is an appropriate time to review all the practices to ensure that the relationship that WorkCover has with injured workers and the relevant bodies that advocate on their behalf is improved. If the honourable member has particular examples I am always pleased to hear of them and to make sure that they are investigated by WorkCover. I believe it is timely now.

I should also mention that, under the legislation, there will need to be a review of the changes that were made to the Workers Compensation and Rehabilitation Act in 2008. That review is due to be established by the end of this year so, again, there will be another opportunity to look at all the matters associated with those changes. Certainly, with the new management and, as I said, as a new minister myself, I am keen to ensure that all aspects of the way that WorkCover does business and how it relates to injured workers are examined and, if there are possible ways to improve those relationships, then they should be adopted.

LOCAL GOVERNMENT BOUNDARY ADJUSTMENTS

The Hon. CARMEL ZOLLO (14:48): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about boundary adjustments.

Leave granted.

The Hon. CARMEL ZOLLO: The council area in which we live can be a very important issue for some people as it defines who we are and the activities that go on around us. Will the minister update the chamber on recent developments in respect of council boundaries?

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 for the City of Adelaide) (14:49): I thank the honourable member for her most important question. Indeed, council boundaries are a topic that can make some people very hot under the collar, so I am very pleased to inform the council that, following a submission from the Boundary Adjustment Facilitation Panel, I have recently settled a matter between two important councils in the South-East of our state: the District Council of Grant and its neighbour, the City of Mount Gambier.

The Boundary Adjustment Facilitation Panel, which comprises four members appointed under the Local Government Act, is charged with considering and providing advice to me about any proposed changes to boundaries. Two members are chosen by me as Minister for State/Local Government Relations, and I select another two from four nominated by the LGA.

The panel has endorsed guidelines to assist councils and electors in the development and preparation of submissions for a review of a council's external boundary, its composition or representative structures. A submission to change the boundaries in an area can be made by a group of 20 or more electors, and a proposal for boundary adjustment may come from council, electors or jointly from affected councils.

The submission must first be made to the affected councils. If supported, the councils may make a joint proposal to the panel. The Boundary Adjustment Facilitation Panel recently put to me for approval a proposal to transfer five parcels of land from the District Council of Grant to the City of Mount Gambier. The affected area covers approximately 695 hectares and involves over 270 properties comprising a mix of residential, commercial, industrial and primary production land uses.

The boundary change proposal was the culmination of the most strategic and important decisions by both councils to ensure the future development and expansion of the City of Mount Gambier for the next 80 years, and I approved the boundary change on 8 June 2010.

It means that the City of Mount Gambier can be developed in keeping with the Greater Mount Gambier Master Plan while the District Council of Grant can remain an essentially rural council. The new boundary recognises the strong communities of interest between the two councils. This change means that the Mount Gambier TAFE and University of South Australia campus, Bunnings, associated commercial and bulky goods development, a residential estate, a golf course and large areas of land set aside for urban residential development fall within the City of Mount Gambier.

I congratulate the District Council of Grant on initiating the proposal, which is based on the Greater Mount Gambier Master Plan, to extend the City of Mount Gambier by relinquishing some of its areas. I understand that the councils have agreed on an ex gratia once-off payment from the City of Mount Gambier to the District Council of Grant as a financial compensation for the assets to be transferred to Mount Gambier. In addition, Mount Gambier is to implement a rate adjustment program so that rates payable by the new ratepayers in Mount Gambier will be phased in over a period of five years to mitigate any significant differences between the rates.

Here we have a very good example of the councils being proactive and taking a cooperative approach that achieves a positive and strategic outcome for the region. It is a good thing for the area that these two councils have got together and worked on this proposal, and they should be congratulated on achieving agreement to the benefit of both councils and their residents.

FAMILIES SA

The Hon. A. BRESSINGTON (14:53): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about Families SA.

Leave granted.

The Hon. A. BRESSINGTON: On 4 and 24 March 2009, I asked a series of questions of the Attorney-General and the Minister for Families and Communities about the abuse of public office, lack of enforcement of court orders and the lack of compliance with policies and procedures

of Families SA by caseworkers, arising from the detailed chronology provided to all members of this place and the other place by Mr John Ternezis concerning his daughter's case.

On 22 September 2009, I received what I consider to be a wholly insufficient answer to my questions from the former attorney-general, which in part stated:

> The minister, the Ombudsman and the Crown Solicitor's Office do not agree with Mr Ternezis and the honourable member about the facts, or that the law does not make them guilty of these allegations.

This follows a long history of ministers and public officials denying any wrongdoing on the part of the state in this case, despite irrefutable facts to the contrary.

Simply, the facts are that Mr Ternezis's daughter ran away from home at the age of 13 and subsequently came under the control of the minister via a Youth Court order, which included a residency order and a curfew which the state was responsible for enforcing.

Despite the state having effective control, Mr Ternezis' daughter ended up at the age of 14 engaging in prostitution and living with three men who were supplying her with drugs resulting in a serious drug habit. She then got pregnant to one of the adult men at the age of 15 and had a baby. This all occurred while Katrina was under the supervision of the minister and with the department's knowledge as is detailed in the chronology provided by Mr Ternezis.

Yet, it is these facts with which the former attorney-general disagreed. Worse still, the former attorney-general—like other ministers, the Ombudsman and Families SA before him—has failed to provide any rationale for this denial. My questions, which were previously asked of the former attorney-general on 1 December 2009 but went unanswered and are now being redirected, are:

1. Of the facts that Mr John Ternezis and I provided, which facts in particular did the attorney-general disagree with? Does the current Attorney-General hold the same opinion?

2. Does the Attorney-General agree that this 15 year old child was engaged in prostitution and drugs and became pregnant to an adult while under the supervision and control of the minister? If so, what facts does he have to support any disagreement with these facts?

3. Given that the attorney-general in answering my question also spoke on behalf of the Crown Solicitor's Office and the Ombudsman, will the Attorney-General now inform the council of which facts they disagreed with and inform the council of any advice that they have been provided?

4. On what basis would the current Attorney-General say that the law does not require the department to comply with the requirements imposed by the Children's Protection Act 1993, its own policy and procedural guidelines, and orders made by the Youth Court of South Australia set out in the chronology provided?

5. Does the Attorney-General now agree that the law is so deficient that it does not hold the state accountable for a breach of duty of care to a child under the control of the minister?

6. Given the liability of the state in this case, will the Attorney-General concede that the previous answer is just another example of this government putting its own interests before the children and the truth? Will the Attorney-General please undertake a review of this case and give it the attention it deserves?

The PRESIDENT: There are a couple of questions there asking the Attorney-General for an opinion.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:57): Yes, Mr President, but I will refer the question to the Attorney-General. I will just make the comment that, for those of us who have had teenage children, if only it was that easy that one could get them always to do what we wanted them to do, and I am sure that applies to whether it is parents or foster parents or whatever. I think anyone who has had any involvement in this sort of area with these sorts of issues will know how difficult it can be and, while it might be, one can understand the frustration of parents where things may not have turned out the way they wanted. I guess most of us who have had teenage children could well understand that. Nevertheless, I will refer that question to the honourable member and bring back a response.

DUBBO

The Hon. J.S.L. DAWKINS (14:58): My question is directed to the Leader of the Government. Given the leader's dismissive comments about the New South Wales regional city of Dubbo in this council last week, will he accept the invitation from the local mayor and Independent state MP to visit that city?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:59): It wasn't Dubbo that I was dismissing: rather, it was the South Australian Liberal Party. I said their vision was—and I used Dubbo as a representative of a smaller, perhaps larger, regional town. I was very happy to speak on 2DU Dubbo the other day to explain it and I was able to say to them that in actual fact Dubbo has a very progressive 20 year plan. I was able is to say to them that I just wish that we, in Adelaide, had the sort of support that exists in Dubbo where I believe the local community does not have the knockers, whingers and all these others who continually knock progress and that they don't obviously have opposition within the council over there that is completely anti-growth and anti-development like we appear to have with the opposition here. In fact, if one looks at Dubbo, it is growing fairly rapidly.

It is a thriving city, and that is why I have to apologise to the people of Dubbo—because, in fact, they are far more progressive than the South Australian opposition. I should have picked an example of a town that was going backwards, that was declining, that did not wish to embrace new ideas or new growth or that does not want people from overseas to come and help them. I admit that I was wrong to compare the Liberal opposition with Dubbo because it is, I acknowledge, much more progressive than the members of the opposition in this parliament.

DUBBO

The Hon. J.S.L. DAWKINS (15:00): As a supplementary question, given that Dubbo mayor Allan Smith said, 'It is very poor form for a minister of the Crown, but what I would do is invite that minister to our fine city of Dubbo to see what forward planning is all about,' will the minister visit Dubbo?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:01): As I said on the radio station, when I was asked almost exactly the same thing, I did go through Dubbo many years ago and, of course, many South Australians, if they drive up to Queensland, go through Dubbo. I said that if I had the opportunity sometime in the future I would be delighted to go to Dubbo. Perhaps we should ask the people from Dubbo to come here to this parliament to see a case of what not to do in relation to—

Members interjecting:

The Hon. P. HOLLOWAY: If they wanted to progress, they would have a very good example here about what not to do.

SAFEWORK SA

The Hon. J.M. GAZZOLA (15:01): My question is to the Minister for Industrial Relations. How is SafeWork SA promoting workplace health and safety to young people?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:02): I thank the honourable member for his important question. This government firmly believes that young people who have just entered or who may be just about to enter the workplace should learn and have access to the knowledge they need to help them look after themselves and their work colleagues in the workplace. This is why SafeWork SA has partnered with the Equal Opportunity Commission in 2010 to run the Rights, Camera Action! video competition.

Rights, Camera, Action! seeks the views of young people towards rights and responsibilities at work, at school or in the community. The competition is designed to encourage students to think about discrimination, bullying and unfair treatment. Students entering the video competition will be required to produce a video or animation clip of up to 2½ minutes about occupational health, safety and welfare, discrimination or harassment and their impact on young

people. Prizes will be awarded to the winning individuals or groups and their schools. Entries close on Friday 1 October 2010.

We know that young people respond well to messages from their peers, so the winning entries will be available on the Youth@Work, Passport to Safety, and Equal Opportunity Commission websites. The Youth@Work website and the Passport to Safety program are both initiatives of SafeWork SA to target young people on matters concerning safety and fairness and work. The Youth@Work website was launched in May 2009 to provide young South Australians with ongoing information and advice on what safety systems should exist at work, how to understand and receive their proper pay, conditions and entitlements, and what to do if they are bullied or harassed.

The Youth@Work website was developed after consultation with focus groups with young people at secondary schools and local council youth advisory committees across metropolitan Adelaide and regional South Australia.

Passport to Safety is a web-based, self-paced learning and test program aimed at young people who are preparing to enter the workforce for the first time for work experience, work placement or part-time/full-time work. Successful participants are awarded a 'passport to safety' certificate. These can be attached to resumés to demonstrate their basic awareness to workplace health and safety. This basic level of awareness becomes the foundation on which to build further knowledge on safety at work.

I urge all members to encourage secondary school students within their communities to find out more about the video competition by looking up the Youth@Work and Passport to Safety websites, where entry conditions and competition details can be found. I look forward to updating members on important initiatives to promote safety at work for our young workers.

OLYMPIC DAM

The Hon. M. PARNELL (15:05): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Environment and Conservation, a question about radiation exposure of workers at Olympic Dam.

Leave granted.

The Hon. M. PARNELL: I received an email recently from a person who worked as a subcontractor underground at the Olympic Dam mine. In his email to me, this worker says:

> I was aware of radiation monitoring equipment that other staff were issued but for the 13 months that I worked there I was not issued with one. I never questioned the reason why but after I had finished working there I discovered that I should have in fact been issued with one. It was when I was applying for another mining job that in the application it asked about previous radiation exposure and the levels. I can't remember who I spoke to, I think a friend who used to work at Olympic Dam, but I found out that all underground employees should have been issued with this monitoring device.
>
> I then asked SafeWork SA about this. They said it had nothing to do with them and referred me to the EPA. I found it interesting that SafeWork SA didn't have any control over this as it is effectively a safety item. The EPA advised me that I should have been issued one. The EPA followed it up with BHP Billiton and after a couple of weeks, I received a report in the mail showing my exposure levels. I thought it was interesting as I wasn't issued with a monitoring device, and there were no accurate records kept of my time underground, so the information supplied could not have been accurate.
>
> I am happy to speak with you further on this if it helps you with your push to make the companies up there more accountable for the safety of the employees.

I spoke to this worker this morning, and he has agreed that I can pass on his name and contact details to the minister to assist in verifying his particular account. However, the issues raised are of general concern and may relate to other workers. My questions are:

1. Can the minister confirm that all underground workers at the Olympic Dam mine, whether employed by BHP Billiton or subcontractors, are required to be issued with radiation monitoring devices?

2. If that is the case, how does the EPA verify and enforce this requirement?

3. Is it the EPA's practice to issue radiation exposure reports to workers, based on information other than personal radiation monitoring devices. If so, on what basis are such reports issued?

4. How are radiation levels monitored and reported to the EPA and how does the EPA verify the completeness and accuracy of these reports?

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 for the City of Adelaide) (15:08): I thank the honourable member for his important questions. I will refer his questions to the Minister for Environment and Conservation in another place and bring back a response.

MAGILL TRAINING CENTRE

The Hon. J.S. LEE (15:08): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Magill youth training centre site.

Leave granted.

The Hon. J.S. LEE: The state government has decided to move the Magill youth training centre to a different part of metropolitan Adelaide. There is a very large block of land available in that area to build residential homes for the surrounding communities, but it has been recognised by the people who want to live there that it will require open space.

The member for Morialta in the other place and his constituents have serious concerns about the state government's decision to close down the Black Hill Pony Club, which is an open space at the Magill youth training centre. I was informed by the member for Morialta in the other place that the Black Hill Pony Club, which was built from scratch 30 years ago through the hard work of volunteers in the community and with their own money using recycled materials, will be closed. They have been told that they have to leave by November.

The member for Morialta and his constituents feel strongly that open space will be required as part of a new housing development and that it ought to incorporate the Black Hill Pony Club. The club caters for the mums and dads, the single parent families, and the young women and men of the area. It is not by any means an elite pony club. Most of the children who go to the pony club and use the facilities do not pay for the horses or saddles because they cannot afford to do so. They have been cross-subsidised by wealthier families in the area for 30 years. Losing a community facility is heartbreaking for those members of the pony club and the local residents. My questions are:

1. Has the minister received advice as to what sort of development the government expects could take place on land currently occupied by the Magill youth training centre when the government sells the land over the next two years?

2. If the small six hectare block occupied by the Black Hill Pony Club were to be excluded from the sale at the Magill youth training centre, has the minister requested or received any advice as to how much money would be realised from the sale?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:10): If I recall correctly, within this parliament a couple of years ago there was a great level of agitation about the government replacing the Magill youth training centre because of the fact that that facility was built back in the 1960s and was clearly becoming inadequate for the sort of purpose needed in this day and age. There was a lot of agitation, including by the Hon. Stephen Wade and others, demanding that the government do something about this. Given the financial situation that always faces—

Members interjecting:

The Hon. P. HOLLOWAY: Here they go again! They always have a list of money—billions of dollars—that you can spend it on. The government worked out a solution about how we could provide the very necessary facilities needed to detain youth offenders. One of the ways we could do that was to sell off the site that houses the current youth centre, and that is what we did. We decided that, yes, we could; we did some work and said that we could fund a brand-new youth centre site, which had been clamoured for by members opposite.

The Hon. Mr Wade and others were demanding we provide this facility, so we decided to fund it through the sale of the site. That is why it was determined that that site, which is now used for the Magill youth training centre, would be closed and the land sold to help fund a new facility so that we could bring it forward in budgetary terms by having that money available for it.

Obviously with any new development where there is a land division there has to be some provision of either open space or contributions made to the Planning and Development Fund, and so on, in relation to that. As to the specifics of the question, I will have to look through and see exactly where any rezoning of this land is at. I am not sure what is the current zoning: I assume it is some sort of special institution zone. I will make inquires and bring back a reply in relation to where the zoning is in relation to that.

In relation to the Black Hill Pony Club, I am aware that a lot of government land around the place, from the parklands downwards, is used by facilities. There are a lot of areas provided. When this would have been provided 30 years ago, it would have been clearly on the understanding that at some stage in future that land might be required for other purposes of government. This happens quite a bit. If you are reserving land (and our 30-year plan will reserve a lot of land for government purposes for the future), and you are not going to use it for 20 or 30 years, it makes sense to allow community groups and others to use it, but there is always the understanding that ultimately that land may need to be used for other purposes.

In relation to that club, governments do what they can to help those organisations find new sites. I will make inquires of my colleagues as to what assistance, if any, can be given or has been offered to that group in regard to finding alternative accommodation, but it needs to be understood that, where community groups are using public land, it is always on the understanding that that land may be required for other purposes at some stage in future.

As to the sort of development that could go there, I understand that the site is currently zoned residential. I believe part of that land, from memory, is fairly steep, which would mean that some of the blocks will have to be of a larger size than others to allow for the terrain and so on, but those matters would be handled by the government land selling agency, presumably the LMC.

Normally, when government land is sold to provide funding for other purposes, the LMC is the government agency which would handle that sale and they would, consistent with their charter, seek to get the highest price for that land. They are taxpayers' facilities after all and, if we are to pay for good youth detention facilities, we need the income from it, which would be the work of the LMC. I will take that part of the question on notice as well and see what information I can provide for the honourable member.

INDIGENOUS CONSUMER STRATEGY

The Hon. I.K. HUNTER (15:15): I direct my question on national Indigenous consumer strategies to the Minister for Consumer Affairs. Will the minister advise members what is being done to assist Indigenous consumers?

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 for the City of Adelaide) (15:15): I thank the member for his most important question. Trading practices, housing and consumer literacy will be the key priorities in a new national consumer protection strategy designed to assist Indigenous consumers.

The newly refined national Indigenous consumer strategy, called Taking Action Gaining Trust, will run from mid-2010 until 2013. Fair trade agencies throughout Australia understand that the needs of Indigenous communities are unique when it comes to consumer protection. Unfortunately, factors such as geographic isolation, low literacy levels and fewer choices of what is available for purchase can, at times, leave Indigenous consumers in remote areas open to exploitation.

This is why, for the next few years, Taking Action Gaining Trust will focus on three core priorities: trading practices, housing and consumer literacy. These areas tend to have the most adverse impact on Aboriginal consumers, so fair trading agencies across the nation will work with Indigenous communities, traders, landlords and utility companies to attempt to address this disadvantage.

While New South Wales fair trading agencies took a primary role in producing the strategy, fair trading agencies in all other jurisdictions assisted with this development. Under the plan, commonwealth, state and territory consumer protection agencies are committed to the promotion of basic consumer rights—recognised by the United Nations—for Aboriginal and Torres Strait Islander people, improving market outcomes for Aboriginal and Torres Strait Islander consumers, and ensuring that Aboriginal and Torres Strait Islander consumers have equal access to the services each agency provides.

All state and territory consumer protection agencies will work together to implement the strategy and will regularly review progress and further refine the plan accordingly. Many other stakeholders make significant contributions to improving Indigenous consumer affairs performance and I invite traders to take every step possible to make sure they are doing the right thing when it comes to goods and services being provided to Aboriginal consumers.

I would also like to see Aboriginal legal and medical services, land councils and housing providers adopt this action plan and put forward suggestions on how improvements in other areas of Indigenous people's lives can also be achieved. Further information relating to the national Indigenous consumer strategy can be found on its website.

BABY BOTTLES

The Hon. D.G.E. HOOD (15:19): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the safety of baby bottles containing the chemical bisphenol A.

Leave granted.

The Hon. D.G.E. HOOD: Approximately half of the baby bottles sold in South Australia are made of plastic that contains the chemical known as bisphenol A, commonly called BPA. In January this year, the US Food and Drug Administration reversed its long-held stance that BPA is safe for food contact applications, noting recent research to conclude that it now has, and I quote from the report:

> ...some concern about the potential effects of BPA on the brain, behaviour, and prostate gland in foetuses, infants, and young children.

Bans on the sale of baby bottles that contain BPA have now been imposed in Washington, Wisconsin, Connecticut, Minnesota and Maryland, as well as Denmark and Canada. Since the FDA determination, the US Senate is now considering a ban across the United States, and urgent consideration of bans on this type of bottle is now before the parliament in Belgium and France. Due to overseas bans, Family First is concerned that baby bottles containing BPA are now being dumped in South Australia and other Australian states. My questions are:

1. Will the minister look into this issue and immediately remove these baby bottles from sale in South Australia if there is even the slightest risk?

2. Will the minister draw parents' attention to the availability of alternatives such as BPA-free plastic bottles and glass bottles?

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 for the City of Adelaide) (15:20): I believe that we have looked into the prevalence of these products here in South Australia in terms of baby bottles and that I was advised at the time that these products were uncommon here in South Australia. However, I am happy to take those questions on notice and bring back a response. If my memory serves me correctly, I believe that it was, in fact, considered very low risk here in South Australia, but I will double-check those details and report back to the council.

WORKCOVER CORPORATION

The Hon. R.I. LUCAS (15:21): I seek leave to make a brief explanation before asking the Leader of the Government a question on WorkCover.

Leave granted.

The Hon. R.I. LUCAS: Each year in about late May or early June, the WorkCover Corporation receives the results of market research into primarily injured workers, but also employers, about their views on the performance and satisfaction levels with WorkCover and its sole provider, claims agent EML, and a variety of other things.

As I said, in about late May or early June, these research reports—the executive summary and the final report—are provided to the WorkCover Board. Over the last three years, the injured workers' satisfaction levels with the claims manager have declined significantly from 6.6—on a scale of 10—to 6.2, to 6.1. There have been similar concerns regarding perceptions in relation to WorkCover's performance. The Statutory Authorities Review Committee recommended that the executive summary of these surveys should continue to be published on the WorkCover website and, on request, a full report should be supplied.

Last week, we contacted WorkCover—we are almost into July now—and it indicated that the reports were not available and it was expected that they would be available at some stage in July. Has the minister been briefed by WorkCover on the results of the latest market research in relation to the views of injured workers on WorkCover and the claims manager and, if so, does it show a further decline in satisfaction levels from injured workers? Further, will the minister indicate on what date in 2007, 2008 and 2009 the executive summary of this research was published on the WorkCover website?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:23): Obviously, in relation to the latter question, I will have to go back and get that information, and I will undertake to do so. I have not had any detailed briefing or briefing with any significant level of detail. I am aware that surveys are due, but I have not had any briefing on the details. Again, I will take that and the other part of the question on notice and bring back a response.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:24): I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the appointment of a member to the Social Development Committee.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:24): I move:

That, pursuant to the Parliamentary Committees (Membership of Committees) Act 2010, the Hon. K.L. Vincent be appointed as the additional member of the Legislative Council to the committee.

Motion carried.

MATTERS OF INTEREST

ROSTRUM VOICE OF YOUTH

The Hon. B.V. FINNIGAN (15:25): Last Saturday I was privileged to represent the Premier at the Anderson Planners 2010 South Australian Rostrum Voice of Youth South Australian final. The final was held at Parliament House in the other place. In attendance was Ms Rachel Sanderson, the member for Adelaide in the other place; the chairperson, Andrew Downing; chairperson of adjudicators, Roger Stanning; Terry Anderson from Anderson Planners (the major sponsor); and a representative of Flinders University, Professor Phyllis Tharenou.

The competition featured a junior and senior section for the Rostrum Voice of Youth final. Coincidentally, it turns out that all of the contestants on that occasion were young women. I did point out in my short address at the beginning that it was perhaps a momentous week to be having the event since we had seen the first woman Governor-General swearing in our first woman Prime Minister, something that the suffragettes depicted in the tapestry on the wall of the House of Assembly would have thought quite inconceivable. I congratulate the sponsors and organisers of the event, particularly Rostrum, but most of all the contestants and particularly their families and teachers who were so supportive of their participation.

In the junior section, there were four contestants. Antonia Kolovos from Immanuel College spoke on 'The turning tide', which she linked to increases in organ donation and particularly in relation to the Hookes Foundation. Hannah Kovilpillai from Seymour College spoke on the 'Best of times' and about advances in modern medicine, including those we can expect in the future and also the advances that we, as a society have made, in combating racism. Freya Harding from Birdwood High School spoke on the topic 'How far will we go?' which was in reference to Asian languages and the importance of their study. Sophie Quinn from Cardijn College was the successful contestant who spoke on the topic 'United we stand', about reconciliation between Indigenous Australians and non-Indigenous Australians. It's lucky the Hon. Mr Lucas isn't here.

In the senior contestant group, Jenny Inverarity from Immanuel College spoke on the topic 'Circle of influence'. She spoke about ethical consumerism and, much to the delight, I am sure, of the Hon. Mr Hunter, she spent some time talking about fair trade coffee and fair trade chocolate, and about how all of us, as consumers, could exercise some influence in improving ethical behaviour around the world.

Magdalene Keji from Mary MacKillop College spoke on the topic 'A hollow victory', about democracy in Africa and particularly that we have to have hope that what may appear to be hollow victories will be overcome, ultimately, by hope and progress. Georgia Hick from Westminster School spoke on the topic 'A paperless media' and talked about immunisation and concerns that she has about immunisation. She talked about things like thalidomide and so on and suggested that immunisation was not something that should be routinely practised.

Finally, and most importantly, the winner of the senior section was Chelsea Dickins from Mount Gambier High School, who also spoke on the 'Circle of influence', particularly about advertising and the local, national and international implications of the Google company and the information it is able to gather on people through its searches. I congratulate particularly Chelsea Dickins from Mount Gambier, whose elder sister, Sarah, won a similar competition a few years ago and has since gone on to become quite active in the community in representing young people.

As I said on the evening, I think it is a great opportunity for those involved in the Voice of Youth program to learn skills that will stand them in good stead in the future in being advocates for their community and for people in the community in a positive way. I congratulate all the contestants, the winners and all those who got to this point.

KEEPING THEM SAFE ON THE ADELAIDE PLAINS WORKSHOP

The Hon. J.S.L. DAWKINS (15:30): I was pleased to attend the recent Keeping Them Safe on the Adelaide Plains workshop which was sponsored by DrinkWise Australia. This road safety event took place in Two Wells on 8 June at the local community centre. Wakefield Regional Council and the District Council of Mallala joined forces to present the seminar, having invited local sporting clubs to attend. About 55 young players and officials from the majority of clubs in the Adelaide Plains Football League and the Adelaide Plains Netball Association participated.

Leading the forum were key members of the community, including the District Council of Mallala community development officer, Lynette Seccafien, who initiated the event with assistance from the Wakefield Regional Council community development officer, David Woodroofe. As well as being the MC on the night, David made a presentation about his experience as a volunteer ambulance officer based at Balaklava.

Sergeant John Illingworth, Traffic Training Officer of SAPOL, gave a speech about the consequences that taking risks, peer pressure and showing off can have on those around us. Mark Forgie from Taylor and Forgie Funeral Directors in Gawler also made a presentation. Those in attendance included Brad Busch, the APFL President, and Josie McArdle, President of the APNA, Mr Robin 'Nobby' Symes, President of the Barossa, Light and Gawler Football Association, as well as the member for Goyder in another place and the respective deputy mayors, Yvonne Howard of Mallala and Barry Nottle of Wakefield.

Keeping Them Safe on the Adelaide Plains, whilst being a workshop regarding drinking within sporting clubs, did not discourage drinking completely. It focused on being aware of the decisions made whilst under the influence and the impact that a wrong decision such as getting behind the wheel of a vehicle can make in the long term.

Jason Austin, a 30 year old father of two and a former amateur league football premiership captain, had the attendees riveted to their seats with the story of his harrowing experience of his own road accident and his recovery and the aspects of his life that have now changed permanently as a result. For example, as a partial paraplegic, he is now unable to kick a football with his own young son. After spending a year recovering in various hospitals, Jason felt the need to share his experience with other young members of the community and has since begun working closely with the Metropolitan Fire Service on their Road Accident Awareness Prevention Program which entails him accompanying them to local high schools to share his story.

His personal experience is a valuable resource when educating young people who think such a thing could never happen to them, which in Jason's case proved the exact opposite. Certainly, his story resonated with those young people from football and netball clubs. Jason reiterated the fact that a bad decision can change one's life in a split second, using his own story

as concrete proof of such a matter. Visual aids were also used to get the message across to those in attendance. A short film detailing the trauma that affects families upon losing family members in such devastating circumstances was shown at the conclusion of the night. The function was also supported by the Good Sports program which aims to encourage safe, healthy and family-friendly sporting clubs.

I am most pleased that the seminar went ahead as it did, as I believe it is highly important to have our young people well informed of the risks they face when getting behind the wheel, whether fatigued, under the influence of drugs or alcohol, or just being an inexperienced driver. It follows the previous road safety forums that I have attended which were organised by the Barossa, Light and Gawler football and netball associations, which also took the initiative to arrange such forums to make their local community aware of the impacts that motor vehicles can have on us as a population. I reiterate my congratulations to all involved in putting on this event.

While I have a short time left, I should also mention the 75th anniversary of the District Council of Mallala which was celebrated with a dinner held at Mallala on 28 May. That night was very well organised by the mayor, Marcus Strudwick, and the CEO, Charles Mansueto. It celebrated 75 years since the Port Gawler, Grace and Dublin councils were amalgamated.

MARLESTON TAFE

The Hon. CARMEL ZOLLO (15:35): Last week on Tuesday 22 June I was pleased to represent the Hon. Jack Snelling in his capacity as Minister for Employment, Training and Further Education on the occasion of the visit of His Excellency Dr Jose Ramos-Horta, President of the Democratic Republic of Timor-Leste, to the Marleston College of TAFE.

As honourable members would be aware, South Australia has a close relationship with Timor-Leste and continues to play an important role in providing targeted development assistance over a number of years. This relationship was formalised during the President's visit to South Australia with the signing of a Memorandum of Understanding to underpin cooperation between the two jurisdictions on strengthening Timor-Leste's public service, providing assistance in the areas of vocational education and training, and in sustainability and climate change. These include projects undertaken in partnership with the Australian Agency for International Development (AusAID) and bilaterally with various state agencies.

Since 2008 South Australia has been in partnership with AusAID on two capacity-building programs in Timor-Leste: the East Timor Basic Skills Training Project and the East Timor Public Sector Capacity Development Program. As the Premier recently told the parliament:

> In partnership with AusAID, South Australia is midway through a three-year capacity-building program to help with the development of vital infrastructure and employment in Timor-Leste.
>
> Our basic skills project, designed to train approximately 600 young people in basic construction skills, has already graduated about 120 young people with work-ready basic trade skills in such areas as concrete laying, bricklaying, metal fabrication, carpentry, joinery, masonry and plumbing. Each graduate received, as well as their diploma, a toolkit equipped with the tools of trade to their particular trade area. Over 40 per cent of these graduates are already employed in local jobs. This is being accomplished by first up-skilling selected Timor-Leste trainers in construction industry training delivery and then transferring the skills to others through a 'train the trainer' process.
>
> Both Aus-Training International and TAFE SA are key elements of this training effort and, for that reason, the Timor-Leste delegation visited our TAFE SA facility at Marleston to meet with some of the educators that are involved.

There is also a curriculum development component to this project which ensures that the training curriculum is responsive to local emerging industry needs as well as the needs of young unemployed people including those who may be more vulnerable.

Another important aspect of the project is establishing, through industry and the community, work experience training and employment placement opportunities. Throughout the duration of the project, TAFE advisers will provide ongoing mentoring and support to ensure that the momentum is maintained. The model is widely acknowledged as very effective, and an extension to the AusAID contract has been sought to enable scholarships for disadvantaged students, to include skills training in the finishing trades—for example, painting and plastering—and also to extend training opportunities to young people in regions outside Dili which do not have vocational education and training facilities (Oecussi, Ainaro and Suoi).

Acting as the nominated project manager, TAFE has released five TAFE SA lecturing staff as technical advisers for the purpose of conducting the Timor-Leste Basic Skills Project construction training courses. TAFE staff members Paul Klepczynski, Educational Manager, along

with Brian Gepp, Terry Dolman, Gary Stewart and Grant Kinsman, have visited Timor-Leste in their capacity as technical advisers.

I am told that, given his previous technical and associated familiarity with the operations of Dom Bosco Technical Trade School, TAFE SA International has nominated Paul Klepczynski as its preferred nominee to undertake the Timor-Leste Basic Skills Training Project Phase 2 Mentorship on behalf of DFEEST.

It was a pleasure to hear and then find reported the President saying that, while he had 'argued' for several years that Australia should help with vocational training, it was the South Australian Premier who listened and set up the skills training project with funding from both the state and federal governments. It is heartening, not just for us as politicians but also for committed public servants, to hear the comments made by the President that it is one of the best, most practical contributions Australia and, in particular, the state of South Australia, can provide. It was a pleasure to represent minister Snelling at the visit of the President of Timor-Leste to the Marleston College of TAFE.

SOUTHERN GATEWAY COMMUNITY CHURCH

The Hon. R.L. BROKENSHIRE (15:40): It gives me pleasure to put on the public record through the *Hansard* my appreciation of the opportunity last Saturday afternoon to be one of the guests at the Southern Gateway Community Church at Victor Harbor for the dedication of their new church building and other facilities.

I want to commend Pastor Rob Moores, his wife, Maureen, and all the dedicated members of the congregation on the effort they have put in not only to the church but also to the wider community. For many years, the history of the Southern Gateway Community Church was that they rented school facilities on Sundays to conduct their services. Unlike some sectors of the church—although all are struggling to have enough money to do what they need to do—Southern Gateway Community Church started with very little financial support. They have now managed to purchase a property that allows for a lot of expansion in the future.

It was a pretty derelict property, with what appeared to be about three classrooms bolted together and some very ordinary sheds at the back. With the great work of the congregation and others supporting the church, they managed virtually to strip it completely and turn it into something that is a very modern, practical building facility that will be fantastic not only for members of the Southern Gateway Community Church but also for other organisations, particularly those involving young people looking for a place to meet in the Victor Harbor area.

The Southern Gateway Community Church is a very vibrant church, and I was pleased to meet many of the congregation on Saturday afternoon. They focus particularly on young people, with Pastor Rob Moores' wife, Maureen, being a longstanding chaplain at the Victor Harbor Primary School. Having friends who teach there, I know how much they value her dedicated work. In fact, her chaplaincy in Victor Harbor is very much valued by the teachers throughout all the schools, public and private.

I had occasion to speak at a fundraiser at the Lutheran Church several years ago. It was absolutely packed and included a number of teachers who were prepared to support the fundraising for the chaplaincy program. It was great to see two of the principals whom I have worked with over the years attending the service on Saturday to recognise the great work done by the Southern Gateway Community Church, particularly by Pastor Rob Moores and his wife, Maureen.

Another thing I found exceptional was that the church was able to buy and build this facility with a minimum amount of debt and turn it into a significant financial asset that will give strength to the church going forward. The Southern Gateway Community Church, like many of the churches in the Victor Harbor area, does a lot of work with young people. They are very generous with the way they go about direct support and in-kind support for the community right along the seafront towns of Port Elliot, Middleton, Victor Harbor and the rural surrounding districts. They are also committed to assisting the community more broadly in South Australia and have a focus on some national projects. I was also pleased that Pastor Rob indicated that he wanted to see his church grow in its outreach work to some less fortunate nations overseas, far from our fortunate nation of Australia.

With those few remarks, I congratulate Pastor Rob and Maureen Moores, his fantastic wife, and all the community in that congregation who have been so diligent and committed to this

project. It is a success story and one that will pay enormous beneficial dividends to a large number of people in the Victor Harbor area and surrounds.

WORLD DAY AGAINST CHILD LABOUR

The Hon. I.K. HUNTER (15:45): Today, I rise to once again to talk about fair trade, and specifically the issue of child labour. Saturday 12 June marked World Day Against Child Labour. When we talk about child labour, we are not talking about children who do (or do not) do chores for their parents at home or teenagers who help with the family business outside of school hours. Rather, the term 'child labour' is defined as work that deprives children of their childhood, potential and dignity and is harmful to physical and mental development.

On 3 May this year, I watched with great sadness a *Four* Corners/*Panorama* report entitled 'Chocolate: The Bitter Truth'. The program highlighted the use of child labour in Ghana's cocoa farms. Of course, child labour is not isolated to the cocoa farms of West Africa, but the one million children employed on farms in Ghana and the Ivory Coast are part of an estimated 215 million children around the world who are being employed and exploited in this way. That is 215 million children who are forced to work in abusive and dangerous conditions, some of whom are trafficked and moved from country to country to work illegally.

Child labour is a complex problem with many causes. Despite the efforts of the UN, UNICEF, the International Labour Organisation, local governments, NGOs and businesses, child labour is widespread in developing nations.

Many consumers who choose to purchase fair trade certificated chocolate believe that the fair trade logo is a guarantee that products have not been sourced from farms that exploit children. However, while Fair Trade Australia & New Zealand adopts a zero tolerance approach to child labour, the organisation is realistic and owns up to the fact that it cannot guarantee 100 per cent that its products are free from child labour.

In response to the *Four Corners* program, Mr Steve Knapp, Executive Director of Fair Trade Australia & New Zealand, said:

> Poverty is always the underlying problem that causes unacceptable forms of child labour. By tackling poverty, fair trade is part of the solution.

So, what exactly is Fair Trade doing to address these issues of child labour and exploitation? As detailed in the Fair Trade labelling child labour position paper, Fair Trade works closely with leading children's rights organisations to ensure that its child protection policy and procedures reflect the UN Convention on the Rights of the Child guidelines and the relevant ILO conventions.

Fair Trade has developed its standards, compliance criteria and audit tools in accordance with ILO convention 138, concerning minimum working ages, and ILO convention 182, which outlines the worst forms of child labour. Prior to certification, Fair Trade works with local producers to ensure they understand the implications of these standards. If needed, producers are advised on how to make necessary changes. Once certified, local farmers must comply with Fair Trade's rigorous audits.

FLO-Cert, an independent certification body, conducts regular unannounced audits to ensure that the Fair Trade standards, including those relating to its child protection policy and procedures, are being met. Audits take place when seasonal workers are most likely to be hired, and FLO-Cert auditors communicate with workers in their own language.

Should auditors suspect producers are using child labour, the producer organisation is suspended until protective measures are put in place, and the situation is immediately reported to the relevant child protection authorities. Fair Trade follows up on the wellbeing of the children to ensure that they are returned to safety. In the worst cases, Fair Trade decertifies the farm until protective measures are put in place. Before the suspension can be lifted, FLO-Cert ensures that the protective measures have been put in place in follow-up audits. While the producer organisations can reapply for Fair Trade certification, they will once again undergo an initial audit, which will ensure conformity with all Fair Trade standards but focus specifically on the use of child labour.

As the *Four Corners* program concluded, Fair Trade can take such action only because its farms are open to scrutiny. Non-certified farms avoid such scrutiny. Fair Trade asserts that the only real way of addressing child labour in the long term is by paying farmers a fairer price for their

products. By empowering Third World producers and alleviating poverty, Fair Trade is playing its part in preventing child labour.

Significant progress is being made worldwide in combating child labour. However, with 215 million children still at risk, a strong and sustained global movement is needed to provide the extra push towards eliminating the scourge of child labour. As individuals we can do our bit by supporting such organisations as Fair Trade. While Fair Trade certification does not guarantee that products are child labour free, it is fair to say that the Fair Trade system of regular audits means that certified products are one of the best options available to consumers who want to make ethical choices.

WORRALL, MR L.

The Hon. R.I. LUCAS (15:50): Members will be aware that Mr Lance Worrell was a long-term economics and political adviser to the Premier. Members will probably recall that the thesis for his original degree at the University of Adelaide Department of Politics went under the title 'Marxist Theory and the State'.

In the middle of 2008 he was appointed chief executive of the Public Sector Performance Commission. I asked a series of questions back in 2009 about that appointment—on 30 April and 3 July 2009. Unsurprisingly, the minister and the Premier have refused to answer those questions as of this day, in particular the details and length of Mr Worrall's contract.

Having instituted an FOI in 2009, amongst many interesting details we established that he was never an applicant for that position: he says he was asked to apply. But term 3.5 of his original contract has the very interesting provision as follows:

> If the executive [that is, Mr Worrall] is not reappointed to the position at the expiry of this agreement, it is noted that the Premier intends that he will return to his substantive position of senior adviser, economy policy, in the office of the Premier.

So Mr Worrall had organised a fallback position as ministerial adviser with the Premier should he not be reappointed to the position of chief of the public sector—

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

The Hon. R.I. LUCAS: Well, it was about half the amount of money: instead of $300,000-plus, it would have been around $150,000 in that particular office. A range of questions I put, in particular as to whether or not he had been appointed to a five-year or three-year contract in that position, have never been answered by the Premier and the minister. Yesterday I indicated in a question to the leader that the Premier and the government were currently involved in negotiations with Mr Worrall to find him a new position in the public sector, I believe for a contract term of up to five years and at an annual pay of $300,000 a year or higher. It is interesting to note that, when asked for a comment by the *The Advertiser*, the Premier's office refused to make any comment about the claim I put on the public record in the council yesterday.

Further information provided to me today indicates that one of the positions being considered currently is as the chief executive officer of the Department of Trade and Economic Development. Certainly, if that is the case and they continue to appoint persons to chief executive officer positions like that without going through some sort of advertising and public process, the Premier and the government should attract great criticism.

Given the history of this department, when in its early days the government appointed to the position rampaging Ray Garrand, a former economics adviser to premier Bannon and a very close Labor associate not only in this state but also in Queensland, subsequently the government appointed Mr Brian Cunningham. Without criticising Mr Cunningham in relation to his political affiliation (because I do not know it, and make no claim), he certainly had a Port Adelaide affiliation, which is of course shared with the Premier and the Deputy Premier. He was appointed to the department known as DFEEST (or whatever was its acronym at the time), and when that was unsuccessful he was appointed to the Department of Trade and Economic Development (DTED); and when that was unsuccessful, earlier this year he indicated that he would not continue in the position.

The history of this most important position—chief executive officer of DTED—has been a sad one in terms of the government's record of managing the department. There is no doubt that there is significant criticism in the business and trade community about the poor performance of this department, and certainly, in my very strong view, it should not be continued by the appointment of Mr Lance Worrall, if that is one of the positions Mr Rann is contemplating. We seek

a public assurance from Mr Rann that he will not be appointing Mr Worrall to this position, certainly without advertising and merit selection. We want Mr Rann to start answering the questions that we asked in this house back in 2009 about the appointment of Mr Worrall to previous positions.

FREIGHT TRAINS

The Hon. M. PARNELL (15:55): For some time now, residents in the Adelaide and Mitcham hills have complained about the noise, inconvenience and bushfire safety risk from freight trains travelling through the Hills. This issue has been exacerbated by the increasing trend towards longer trains.

In the Mitcham Hills, residents are angry about the increasingly loud wheel squeal noise coming from freight trains. Wheel squeal is a significant engineering problem globally. There is no scientific consensus on exactly what causes wheel squeal or how to minimise it, but several local studies have shown that wheel squeal is worse in cold weather than in hot weather, and it is louder on curves than on straight rails.

Although noise restrictions apply to air and road transport, and even to public entertainment and residential dwellings, there is no noise restriction on trains. There is also no public authority monitoring the noise levels or working towards minimising them. In fact, the recently released EPA draft guidelines for the assessment of noise from rail operations specifically exclude existing operations such as the Adelaide Hills freight route from the new standards.

To make matters worse, trains are getting longer. In 2009, the federal department of transport granted an application from freight train operators to extend the length of trains on the Belair freight line from 1,200 metres to 1,800 metres. As well as exacerbating the wheel squeal problem by adding more rolling stock, longer trains mean adding extra locomotives to pull the cars up through the Adelaide Hills. These longer and noisier trains will be travelling on a track alignment that was designed over 120 years ago for steam trains.

According to a 2009 GHD engineering report, commissioned by the federal government, the curves on the line, particularly in the Mitcham to Belair section, are far tighter than industry standards and the track is one of the steepest conventional rail tracks in the world. The average speed of trains through the Belair section is currently 35 km/h. In short, the line was never built to take modern rail freight. Even a train of 1,200 metres puts enormous strain on a rail that was originally built in 1883 for steam trains. The track has been completely rebuilt several times, of course, but no amount of rebuilding can alleviate this problem.

In recent memory, residents have awoken to find rail cars at their back door as a result of derailment. This is not an acceptable risk of living near a rail line: it is a side effect of a lack of government attention to the risks of the line. Another concern relates to bushfire risk, which results from both a failure of managing vegetation, particularly grass along the track, and also the tendency of trains to throw hot brake shoes, which could easily ignite a major bushfire. Another possible scenario is a broken down or derailed train, on a catastrophic fire danger day, that manages to block two or three road crossings at once in the Hills, thereby sealing off exits from high bushfire danger areas that already have limited escape routes.

Mitcham council has been particularly vocal on this issue, and it set up a rail freight task force to push for alternative freight options. In 2007, during the election campaign, both Liberal and Labor supported an investigation into rerouting the freight trains through a new northern bypass. A $3 million study was commenced to investigate this, and a scoping report was produced last year; however, a final report is now well overdue.

The best solution, and one supported by the Greens, is a northern bypass that avoids the Mitcham Hills completely. This would involve a new line north from Murray Bridge, around the Barossa Valley to Two Wells via Truro. This option has a number considerable advantages: it causes no disruption to freight during construction; it will travel through sparsely populated terrain; it will require relatively inexpensive land acquisition; the land is relatively flat and straight, which would allow for faster trains; it will be cheaper to build; there will be less risk of derailments; and, importantly, it will save up to two hours of travelling time between Melbourne and Perth. This is important because much of the freight that currently passes through Adelaide is destined for these other destinations.

The new route would also allow containers on trains to be double stacked. The Adelaide to Belair line is the only rail freight line in Australia that does not allow containers to be double stacked, which is now a practice around the country to shorten train lengths and reduce

maintenance on rolling stock. If the northern bypass were to be adopted, it would also create significant opportunities for innovation on the Belair line. First, it would enable a resumption of double track running. At present, Belair uses a single track with passing loops, and this results in delays and disruption. It also caused the closure of several suburban stations, including Clapham, Hawthorn and Millswood.

With the freight being bypassed, we could resume dual track running and we could reopen services. We also would not need to build the overtaking loop at Balhannah, which is so controversial in the local community. For all these reasons, the Greens support the campaign for the proposed northern rail freight bypass.

The Hon. J.M. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

CRIMINAL LAW (SENTENCING) (MANDATORY IMPRISONMENT OF CHILD SEX OFFENDERS) AMENDMENT BILL

The Hon. A. BRESSINGTON (16:02): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. A. BRESSINGTON (16:02): I move:

That this bill be now read a second time.

Earlier this year, I spoke on FIVEaa about the mandatory imprisonment of child sex offenders. The then attorney-general was not supportive of the move and he actually stated, 'Imagine how many people we would have in prison if we were to do this.' The calls came in thick and fast, stating that we need to get these perverts out of circulation for as long as possible and that, if there are that many, we need more prisons.

The public are sick and tired of having the safety and security of their children threatened. While it is the common view that parents are overreacting to the threat, as a parent, I can tell you that the one thought that stays with a parent who may well be considered to be overprotective is, 'What if this should happen to my child?'

I am often amused with the opinions of various psychologists whose children have grown up and who advise parents to loosen up with younger children. I have a grown family and I also have an eight year old, and I do parent my youngest child differently to the older ones who have left home and are making their own lives. We are not the only parents who have become more protective over time.

I talk with other parents at school and their anxiety levels are just as high as ours. The feedback is that their anxiety is justified because it seems that those who do harm to our children rarely get what they deserve, and a suspended sentence or home detention for such crimes is unacceptable to all those in our community who want to see justice done.

Another aspect of dissatisfaction is the plea down to less serious offences. These deals should not be done when a child has been sexually assaulted—a crime which will change a child's life forever and which ensures a loss of innocence and the loss of their childhood. When we are talking about serious sexual crimes against children, I am all for an 'eye for an eye' approach.

Child protection and every aspect of it, from Families SA to drug cultivation, manufacture and distribution, are a high priority for me. Changing a dysfunctional culture requires a strong and unwavering approach in order to deal with those who see our children as nothing more than objects to gratify their sick and perverted appetites. These people do not deserve to walk in our community; they are beings of a subhuman category, in my view. In fact, they would not even hold a place in the animal kingdom, because animals protect their young at any cost.

Let me be very clear that I am always supportive of people being able to access rehabilitation programs rather than being criminalised for conduct that may be the result of life experiences or trauma that has happened in their life. However, we know that child sex offenders are the least rehabilitatable people, and Professor Freda Briggs has stated openly and publicly that a child sex offender has probably committed 300 to 400 crimes against children before being caught. So, it is with that information and research in mind that I approach this particular topic.

The Rann Labor government boasts a tough on crime approach and, as I recall, it makes no apologies for this stance. So, I am asking the government to support a bill that will put true criminals, who are known to have a small chance of rehabilitation, behind bars with no chance of

parole and with no chance of the judiciary misunderstanding or misinterpreting the intent of this bill for these offences.

As the short title states, this bill seeks to introduce mandatory minimum sentencing for those who commit the most heinous of crimes—sexual offences against children. It does so by requiring that a minimum of one-third of the maximum penalty for prescribed offences be served as a nonparole period, except where the maximum penalty is life, for which the minimum of 10 years must be served.

The offences prescribed include all those that one would expect, including rape, unlawful sexual intercourse, incest, procuring a child to commit an indecent act, use of a child in commercial sexual services, and the production and dissemination of child pornography, amongst others. So that members can gain a clear understanding of the ambit of this bill, I seek leave to insert a statistical table in *Hansard* that lists the prescribed offences and mandatory minimum sentences for each.

Leave granted.

Section of the Criminal Law Consolidation Act 1953	Offence	Minimum Penalty
48	Rape	10 years
48A	Compelled sexual manipulation	5 years
49	Unlawful sexual intercourse	3 years and 4 months
50	Persistent sexual exploitation of a child	10 years
56	Indecent assault	10 years
58	Acts of gross indecency	1 year for first offence and 1 year and 8 months for a subsequent offence
59	Abduction of a male or female person	6 years
60	Procuring sexual intercourse	3 years and 4 months
63	Production or dissemination of child pornography	4 years
63B	Procuring a child to commit an indecent act	4 years
66(1)	Compelling a child to provide commercial sexual services	10 years
66(2)	Unduly influencing a child to provide commercial sexual services	10 years
67	Deceptive recruiting for commercial sexual services	4 years
68(1)	Use of a child in commercial sexual services	10 years
68(2)	Asking a child to commit commercial sexual services	3 years
68(3)	Profiting from a child's commercial sexual services	1 year and 8 months
72	Incest	3 years and 4 months

The Hon. A. BRESSINGTON: In addition to these offences, the bill prescribes corresponding offences that were previously in force, meaning that where a defendant faces charges for a crime committed prior to the enactment of the tabled offence they, too, will be subject to a minimum. This is of particular importance given the relatively recent deletion of the limitation of action provisions on such offences by a former member of this place, the Hon. Andrew Evans. Additionally, as is consistent with section 267 of the Criminal Law Consolidation Act 1953, a person who aids, abets, counsels or procures the commission of a prescribed offence will be subject to a minimum mandatory sentence.

I seek to make it clear at the outset that I appreciate that mandatory sentences make many in the judiciary, the legal profession, and perhaps even politics, a little uneasy. This is evident from the legal profession's criticisms of attempts at mandatory sentencing in other states for property

offences, drink driving and assaults on police. However, the bill I introduce today is restricted to only one category of offender: those who prey on children. While minimum sentencing in relation to other types of offending may well produce unintended consequences, and many of the criticisms may be well founded, few are relevant to child sex offenders and, where they are, I have included several safeguards in the bill to ensure that it only applies to those intended.

Firstly, and most importantly, the bill will only apply to offenders who committed the offence when over the age of 18 and offended against a child who was, at the time of the offence, aged 13 years or younger. This is intended to prevent the bill capturing cases, known colloquially as 'young love', between, say, a 14 year old and a 15 year old.

The latter requirement is consistent with the Criminal Law Consolidation Act 1953, which already treats sexual offences against a victim under the age of 14 as an aggravating circumstance. The law rightly recognises that children aged 13 years and younger are at their most vulnerable and that to offend against a child so young is repulsive and deserving of a lengthier sentence.

My bill expands upon this by ensuring that such offenders serve, as a minimum, a term of imprisonment that reflects the severity of the crime. As an additional safeguard, the bill also provides that, where the Director of Public Prosecutions agrees that the imposition of such a sentence is inappropriate given the circumstances of the case, the court will not be bound by the requirement to impose a mandatory minimum sentence.

While the bill does not set out the process by which agreement may be sought, it is presumed that the prosecution, defendant or even the presiding judge or magistrate may request the Director of Public Prosecutions to review the case. Additionally, by establishing a mandatory minimum sentence, the bill simply shifts the sentencing scale so that it commences at one-third of the maximum, meaning that the usual sentencing considerations, such as the seriousness of the offending, an early guilty plea and the prospects of rehabilitation, will still apply in determining the actual sentence imposed.

I introduce this bill because it is my belief, and that of many of my constituents, that current sentencing practices simply do not reflect the severity and monstrous nature of sexual offences against our children. We have all read newspaper articles decrying lenient sentences in which they quote victims who, I would argue, rightly state that justice has not been done. While I do not propose to parade victims or name and shame all offenders whom I am aware have received lenient sentences, I will mention a few publicised cases as examples.

On 21 January 2007, Mr Simon Boxall, a former youth leader in a small Baptist church, was sentenced to a 12 month nonparole period after pleading guilty to two counts of inciting or procuring the commission of an indecent act, one count of indecent assault and one count of gross indecency against a young girl aged only six years. Despite describing his offending as a gross breach of trust, the judge suspended Mr Boxall's sentence on the condition that he enter into a $500 good behaviour bond, reportedly due to his rehabilitation prospects.

The mother of the victim was later quoted in *The Advertiser* as saying, 'It's too light. He has gotten away with it,' and adding, 'It's like my child's innocence was worth a $500 bond but not payable unless he stuffs up again.' She was also quoted as saying that her daughter 'has panic attacks, she wets the bed, she picks at herself, but hopefully the counselling starts to help'. The mother of the victim, clearly exasperated and disempowered by the sentence, took to the streets and letterboxed her community with flyers warning of Mr Boxall's offending so that 'this does not happen to any other family and they don't have to go through what we've been through'.

Another example is that of David Mills (also known as Mr Bubbles after his character when performing his busking act) who was sentenced in 2001 to 10 months' imprisonment for the indecent assault of a nine year old girl. Again, the sentence was suspended on the condition that he be of good behaviour, do community service and participate in a rehabilitation program. However, Mr Mills absconded to the Northern Territory, where he again performed his busking act until he was extradited in 2005 to serve his sentence.

Between 2004 and 2005, Neil Thomas Spurr repeatedly abused two young boys after befriending their parents, resulting in his conviction for eight counts of indecent assault. Despite having prior convictions for similar offences in 1991 for which he received a suspended sentence on condition he enter into a bond, showing no contrition and Justice White stating that he could not extend him any leniency, Mr Spurr was sentenced to a head sentence of six years and a nonparole period of only three.

Mark Marshall, who is presently indefinitely incarcerated under section 23 of the Criminal Law Consolidation Act 1953, is another. In 1996 he received a three month suspended sentence for 13 counts of indecent assault. This was the start of over a decade of offending by Mr Marshall which he promptly resumed after his sentence.

With examples such as these, is it any wonder that the community holds the perception that paedophiles too often receive nothing more than a slap on the wrist? While these are admittedly extreme examples, and sentences have to my understanding increased slightly in recent years, child sex offenders are still receiving sentences well out of proportion to the gravity of their offences; by this, I mean three year nonparole periods for offences for which this parliament has imposed a maximum sentence of life imprisonment.

As stated, my primary motivation in moving this bill is to ensure that child sexual predators, when convicted, firstly serve a time of imprisonment and, secondly, serve a duration that fits with community expectations. However, in taking paedophiles out of circulation, this bill may also serve to prevent reoffending. It would seem that there is a consensus among some treating professionals, lawyers, and most certainly more broadly in the community, that child sex offenders are a category of offender for whom recidivism is common, if not expected. While there is some evidence to suggest that this fear is overinflated, reading through the court histories of numerous offenders, it is clear to me that many were afforded too great an opportunity to reoffend and unfortunately did so.

One such example is Mark Trevor Marshall who has a long history of child sex offending as detailed in the 2009 judgment of the Hon. Justice Nyland in R v Marshall. On 15 June 1987 Mr Marshall was sentenced for 13 counts of indecent assault, all of which involved children, to a three-month suspended sentence. In just over two years, Mr Marshall was back before the courts for seven counts of indecent assault against girls between the ages of five and seven for which he received a 16 month nonparole period on 4 April 1990. He was again convicted of three counts of indecent assault against a girl aged 11 and a boy aged six in 1992 and again in 1996 to one count of indecent assault and one charge of procuring a child to expose her body for which he received nonparole periods of four years.

If this bill were to pass, Mr Marshall would have been convicted for a minimum of 10 years in 1987, preventing the subsequent offences mentioned and more. While this will understandably come at a great cost, if it saves just one child from being molested or raped, then it is money well spent. I have no compassion for child sex offenders and, while I have no desire for them to be harmed, neither do I wish to see them set free to reoffend, and I believe the community supports that view.

It is also interesting that, when I did a slot with Leon Byner on FIVEaa on mandatory minimum sentencing for child sex offenders, a person who had just been released from prison actually rang in. He stated in that interview that we are kidding ourselves if we think that, while these people are in prison, they are not every day thinking and planning for the day that they get released to reoffend. He said that people would be shocked to know exactly what their thought processes were and the lengths that they would go to plot and plan this for their day of release and that it does not matter how long they have been incarcerated, this is the one thing that is on their mind while they are in there.

He spoke from firsthand knowledge and firsthand contact with child sex offenders, and he believed that mandatory minimum sentencing should not just be one-third of the sentence: it should be the whole sentence. That has come from somebody who has spent time in prison with people who have offended against children, and he said it was quite sickening to hear them talking among themselves when they were outside doing whatever they do outside in prison but it was quite sickening to people who were not involved in those sorts of crimes to hear how they would still be fascinated about their offences against some of these children.

With that, I commend the bill to the council and ask all members to consider all of those children who have seen the absolute worst of human nature firsthand and who then saw their offenders receive what many agree is the minimum punishment. What message does this send to those children and the value of their life and, more importantly, what message does it send to child sex offenders?

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

AUTISM SPECTRUM DISORDER

Adjourned debate on motion of Hon. A.M. Bressington:

That this council calls on the Minister for Disability as a matter of urgency to—

1. Increase funding to Autism SA and any other similarly funded non-government organisation to enable them to provide services and support for people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified commensurate to those available to people with autism and Asperger's Syndrome; and

2. Implement measures to—

   (a) address any disparity in services and support provided by Disability SA between people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified and autism and Asperger's Syndrome;

   (b) ensure a single definition of Autism Spectrum Disorder that encapsulates Pervasive Developmental Disorder—Not Otherwise Specified is used universally throughout government departments and agencies;

   (c) improve access to and expedite diagnostic services for Autism Spectrum Disorder; and

   (d) increase awareness of this condition so as to aid early identification, community acceptance and decrease the associated stigma.

(Continued from 23 June 2010.)

The Hon. S.G. WADE (16:21): I commend the Hon. Ann Bressington for bringing this motion to the council to draw to the attention of the Legislative Council some issues in relation to our community's response to autism spectrum disorders (ASD). It is true to say that autism spectrum disorders are one of the burgeoning areas of the disability community. It has been quite extraordinary over recent decades to see the increase in ASD diagnoses. For example, in 2009 there were 720 new people diagnosed with an ASD by Autism SA, and that is an increase of 13 per cent on the 2008 numbers. My recollection is that there is a 50 per cent increase in ASD diagnoses in the last five years. This is providing a particular challenge to our school system. One in 160 school children between the ages of six and 12 have an ASD, and currently there are 3,370 school children with an ASD registered for Autism SA's school program.

For many of them, school is a challenging experience. A 2009 study showed that 96.6 per cent of 16 to 18 year olds with ASD have experienced verbal abuse and 86 per cent have experienced physical abuse across their lifespan. They are extremely high statistics for abuse, and indicate that, whilst ASD children and their parents aspire to mainstream education, that often involves having to deal with significant abuse threats.

Services across a range of areas providing for people with an ASD are proving to be inadequate. In that regard, earlier this year, as the Liberal disability spokesperson, I visited Mount Gambier, Port Lincoln and Port Pirie to meet with parents of children with ASD. Rather than detail the issues raised in all three places, I thought I might use the comments that I made in relation to my visit to Port Pirie to highlight some of the problems that families with children with ASD experience, even within the current service set.

On that occasion I spoke about the challenges parents have in accessing both diagnosis and early intervention. To get a diagnosis for ASD, you have to have two separate professionals confirm that the child meets the criteria for ASD. For some country South Australians—for example, if you live in Port Lincoln or Mount Gambier—that means waiting for the child development unit from the Adelaide Women's and Children's Hospital to come to your city. That may happen once a year. That will often involve parents at their own expense making the trip to Adelaide to get a second diagnosis.

Port Pirie, even though it is closer to Adelaide than Mount Gambier and Port Lincoln, has the double disadvantage in that it does not get outreach service visits from the Adelaide Women's and Children's Hospital, so parents from Port Pirie may be required to make the trip to Adelaide twice.

We might think that a trip from Port Pirie to Adelaide is an inconvenience but not a challenge. That is often not the case for families with children with ASD. ASD often involves a sensitivity to stimuli and a road trip can involve significant amounts of stimuli. For example, even a car flashing past and even the colour of the car flashing past—a red car as opposed to other colours—can be a trigger for particular children.

One of the mothers in Port Pirie highlighted that, in a recent trip to Adelaide, she had constant troubles with roadworks. People who have travel that route would know that there is a lot of roadwork happening. A jackhammer on a roadwork site can be a very strong sensory stimulus for a child with ASD. The point I am making is that not only are parents faced with the inconvenience and cost of travelling to Adelaide, but the trip itself can be a traumatic experience for the children and the family.

I make those comments by way of introduction to highlight the fact that, whilst the Hon. A. Bressington's motion concerns the problems for people with a PDD-NOS diagnosis, let us not kid ourselves to think that services to people with ASD who are being recognised by this government are in any way adequate. I acknowledge that the Hon. Ann Bressington and the Hon. Kelly Vincent both specifically made that point.

It was in the context of that inadequacy of services that in the recent election the Liberal Party gave a commitment to establishing an ASD-specific school. This is not groundbreaking, if I can be frank. We were, in a way, playing catch-up. Most other states and territories have ASD-specific schools. In fact, the commonwealth is establishing ASD-specific preschools right around Australia, including here in Adelaide at Prospect.

However, that was not going to be the approach of this government and it ridiculed the idea up hill and down dale. In that context, I was pleased to see a press release from Autism SA released during the election campaign which said:

> Autism SA welcomes the recent announcement of the state Liberal Party's policy on quality education for children with an autism spectrum disorder.

In that release it went on to make a general comment about the prevalence of ASD, as follows:

> As the number of diagnoses in South Australia increase, the demands placed upon our education system will also increase. We often see high rates of exclusions, suspensions and part-time schooling for children with Autism Spectrum Disorders and this needs to be addressed through the provision of appropriate educational programs and services.

An ASD parents group also issued a press release in March entitled 'Autism school parents dismissed', which reads in part:

> The Labor Party's new $14.1 million package for new behaviour centres of children with behavioural problems is a reactive policy which offers bandaid solutions, argue parents of children with Autism Spectrum Disorders.
>
> The founders of ASDschool.com, a lobby group which has been advocating for autism-specific education change, believe that the new behaviour centres will offer no new solutions for children with behaviour management problems, and may target children with Autism Spectrum Disorder, many of whom are regularly suspended or experience school breakdown as a result of their disability.
>
> Narelle Clarkson, co-founder of ASDschool.com, says, 'There is a sharp contrast between Labor and Liberal over this issue. The Liberals have taken the time to listen and look at what is working elsewhere while Labor continues to bury its head in the sand. The government has lost touch with the people on the ground and seems to prefer to punish disabled kids for behaviour they cannot help rather than work with parents and professionals to ensure these kids have access to educational options.'

I reiterate the point that, while services are inadequate for people currently diagnosed as eligible for services, it is much worse for those who are denied access to even these inadequate services by their diagnosis.

We need to remember that ASD is an emerging set of diagnoses. It is only in the last 15 years that Asperger's has emerged as a distinct diagnosis within the ASD spectrum, so we should not be so arrogant as to close our mind to the fact that science and related disciplines would see emerging diagnoses. That is the case of PDD-NOS.

It is recognised as part of the ASD spectrum and it is included in the Diagnostic and Statistical Manual of Mental Disorders, Edition IV. Autism SA has made statements that PDD-NOS is one of five conditions known by the generic term 'pervasive developmental disorders'; autism and Asperger's are merely the best known, but PDD-NOS is recognised by the disability community as the autism spectrum disorders.

The reality, too, is that the commonwealth recognises PDD-NOS as part of the autism spectrum, and South Australians are able to access commonwealth-related services in South Australia. So, a person with PDD-NOS will be able to access services such as the Autism Adviser Program and the early intervention funding package provided as part of the Helping Children with Autism package provided by the commonwealth.

In this context, I would like to highlight the contrast between the commonwealth approach and the state approach to this issue, with reference to correspondence to which I have had access in the last year. On 16 August 2009, Jennifer Rankine, writing to a constituent, who I know is known to the Hon. Ann Bressington, said:

> However, the Hon. Bill Shorten, the federal Parliamentary Secretary for Disability, requested a representative from the Department of Families, Housing, Community Services and Indigenous Affairs...state office meet with John Martin, Chief Executive of Autism SA. I understand that they discussed the potential benefits of services provided by Autism SA for meeting the needs of people with PDD-NOS and, in particular, your daughter's requirements.

So, the commonwealth minister had clearly approached the state in response to concerns from consumers. The dialogue continued when a letter was received from Monsignor Cappo. Part of that letter states:

> You will be pleased to hear that PDD-NOS has been raised as an issue for discussion at the next Council of Australian Governments (COAG) South Australian Autism Group meeting, which was held in Adelaide on 14 September. Representatives examined the important issue that you have raised: that people diagnosed with PDD-NOS in South Australia are not eligible for autism spectrum disorder funding under the current eligibility criteria, unlike some other states.
>
> The Department for Families, Housing, Community Services and Indigenous Affairs advised that they are seeking clarification about how the various states treat PDD-NOS in terms of eligibility for disability funding. It was noted that South Australia is the only state that does not fund in some form PDD-NOS for disability services. The commonwealth will discuss consistency of eligibility further.

So, having announced a specific program, which included pervasive developmental disorders such as PDD-NOS, in 2008, clearly, we have the commonwealth and, for that matter, Monsignor Cappo within the government raising concerns about this exclusion.

I note that Monsignor Cappo says that South Australia is the only state that does not fund in some form PDD-NOS for disability services. Minister Rankine has on different occasions claimed that our eligibility criteria are not unique and that they are shared by either three or five other states. One such claim was made in correspondence, and the other claim was made on *Stateline*. Either everyone is merrily changing their eligibility criteria or the minister cannot get her facts right. I prefer to take the one source who is not changing his story, and that is Monsignor Cappo, who says that South Australia is the only state that does not fund in some form PDD-NOS for disability services. That is reprehensible.

I would make this challenge to parliamentary secretary Shorten, who is in Adelaide today to speak to the disability community: it is his responsibility, as the commonwealth parliamentary secretary, to make sure that people who are recognised as having a disability receive their fair share of state and commonwealth funding. The fact that he has not insisted that the South Australian government liberalise its eligibility criteria is a reflection on him, as is, in my view, the fact that he has failed to enforce the commonwealth/state disability agreement as it relates to advocacy services. South Australia is the only state that is breaching its obligations under the commonwealth/state agreement to fund advocacy services.

That brings me to the last piece of correspondence in the series I want to highlight, and it is a letter to me—so I can be full and frank about who it is to and what it is about. The minister, in her letter to me dated 13 November 2009 after I had raised the PDD-NOS issue, said:

> State-funded disability services are made available to people with an eligible diagnosis on the basis of assessed need. People with a single diagnosis of PDD-NOS do not meet threshold eligibility requirements for accessing the full range of services provided by Disability SA and Autism SA. People with a dual diagnosis of PDD-NOS and intellectual disability with complex needs are eligible for services from Disability SA.

The minister goes on in this letter to say that there are three other states and, as I have said, she also claimed in another place that there are five other states. Monsignor Cappo says there are zero. In that regard, I think it is worth reflecting on the comments the Hon. Ann Bressington made in her speech when moving this motion. She made the point that PDD-NOS clients are told, 'Well, you are eligible for the info line and the library,' which I think are the two services. I presume that is what the minister refers to when she talks about their not having access to a full range of services. However, I think they are weasel words, because information and the library are accessible to anybody who rings: they are accessible to the whole public. So, to say that a PDD-NOS person is entitled to services is like saying that any South Australian can ring the info line and go to the library. In the June statement, 'The provision of disability services—June 2009', we see the following:

> Where a person contacts Disability SA with a need that can be addressed by the provision of information or brief assistance, this is provided immediately without the person having to be placed on the waiting list or having to meet any eligibility criteria.

That is a member of the public. So, what the minister is telling us is that, 'Gee whiz, we regard people with PDD-NOS as just as entitled to services as any other member of the public.' I am sure they will be glad to hear it.

Referring back to the minister's letter of 13 November, I also find it highly offensive that the government is reintroducing diagnostic-based rationing of services. The reason is that in 2006 the ill-conceived Disability SA reforms were constructed by this government, and one of the major selling points by this government was that we would get away from a diagnostic-specific focus in service provision. In that regard, let me read from 'The provision of disability services in South Australia—June 2009', published by Disability SA. In its recounting of the history, it states:

> In 2006 this government established Disability SA from the amalgamation of the former...(IDSC), Julia Farr Services and Independent Living Centre as part of a major reform process. Disability SA is now the single government provider of disability services.

It goes on and asks itself:

> What has Disability SA done to respond to the nation-wide increased requirements for disability services?

It answers that by saying, in part, that a single entry point for services has been established. Shortly thereafter, it says this:

> Eligibility is now determined more on the basis of a person's functioning, with less emphasis on the need to meet specific diagnostic criteria, and consequently fewer people are falling through service gaps. Across-disability focus rather than a diagnostic-specific focus, now one where service providers can work with a family with different needs rather than multiple co-ordinators as a result of different diagnoses.

So, the government was promising, and continues to promise, that it was moving away from a diagnostic basis for eligibility and towards that based on need.

In that regard. I draw members' attention to the fact that people with PDD-NOS may have just as acute needs, in terms of support needs and other needs, as a person with any of the other pervasive developmental disorder categories or, for that matter, any other disability. I strongly support a needs-based focus for disability services and not a diagnostic-focused eligibility, and that is what the Hon. Ann Bressington is trying to push. We want to focus on need and not on whether the government recognises this label for eligibility.

In that regard, in the context of the similarity of the needs no matter what the label, I quote the head of Autism SA, who in *Stateline* on, I think, 16 April, said the following:

> In essence all those five categories falling under pervasive developmental disorders are characterised by the same conditions, the same needs, the same issues. The needs of individuals who have pervasive developmental disorders are really no different to the needs of people who have autism, who have Asperger's syndrome.

The opposition agrees with that and is horrified that the government continues to ignore its own reform agenda and backtrack on its commitments to the South Australian community—that it would focus on the need of the person and not on the diagnosis.

As a footnote, I express my disappointment that the next edition of that publication I just quoted, 'The provision of disability services in South Australia—June 2009', interestingly drops that paragraph. To a significant extent it is identical from the June 2009 version to the December 2009 version. The fact that the government has chosen to stop talking about needs-based eligibility rather than diagnostic-based eligibility I think raises concerns it is backing away from a reform that I believe was well founded.

The Hon. Ann Bressington mentioned (and I have received representations to the same effect) that what we are seeing under this belligerent approach by this government is that people with PDD-NOS or their carers are actually seeking rediagnosis as people with autism or another pervasive developmental disorder. That is extremely unfortunate. It is a distortion of the therapeutic diagnostic role of clinicians. There are other reports that clinicians are tempted not to label appropriately and to make a diagnosis that fits within the eligibility criteria of the government.

For the sake of people with PDD-NOS and their carers, it is time for the government to focus on the needs of people with disability and not on the label that they might carry from time to time. On behalf of the opposition and on behalf of the shadow minister for disability, Ms Vickie Chapman, I indicate that the opposition will support the Hon. Ann Bressington's motion.

The Hon. T.A. JENNINGS (16:43): I rise on behalf of the Greens to support this motion moved by the Hon. Ann Bressington. The Greens commend the Hon. Ann Bressington for bringing this matter to the attention of the council. We are happy to put on record our support also for the increase of any focus on the issues of disability in this state. I note that in this motion we are looking to broaden the definition of autism spectrum disorder to encapsulate 'pervasive development disorder—not otherwise specified', which from here on in I shall call PDD-NOS, not least because it is quite difficult to say but also because obviously it is clearly difficult to get any money for.

I point to the problems with a concept of social inclusion, where a society seeks to make those who do not quite fit—the square pegs—fit into the round hole of society. I think that it is society that should be including those people who are currently excluded. Currently, those with PDD-NOS are excluded, whether it is in our funding or recognition of their diagnosis.

One of the most frustrating things must be to be tempted to get an incorrect diagnosis which, of course, serves no great purpose for anyone. We need to realise that our knowledge in this area has moved on and that PDD-NOS is diagnosed when the criteria are not met for more specific disorders. It is recognised around the world, and, indeed, I believe, in most other states and certainly the commonwealth of this country, that PDD-NOS is an autism spectrum disorder. I commend Ann Bressington again for raising this matter and indicate that the Greens will be supporting this motion.

The Hon. I.K. HUNTER (16:45): I say at the outset that members on this side of the house recognise the Hon. Ann Bressington's desire, as expressed in her motion, to improve the lives of people affected by pervasive development disorders. We welcome her concerns and her efforts in raising the issue. I am going to lay before the council some facts, which are much needed in this debate—facts that have been garbled by the Hon. Mr Wade in his presentation—which I think we all need to have access to.

We all know that the incidence of autism spectrum disorder is on the rise across Australia. Here in South Australia, both Disability SA and Autism SA have reported steady increases in young people being diagnosed with an autism spectrum disorder and requiring support services of the government. In 2001 and 2002, there were about 1,500 children that we know of with an autism spectrum disorder registered with Autism SA. Now, there are around 4,600 children, which represents an increase of about 200 per cent in the demand for their services over the past eight years.

Disability SA reports a similar increase and this represents as many as 10,000 South Australian parents who are faced with very difficult circumstances every single day. The government acknowledges that this rise has placed pressures on the demand for a range of services and has also increased the profile of the incidence of pervasive development disorders and autism spectrum disorders, both locally and nationally.

It must be said from the outset that the state government does provide services to children with PDD-NOS. It must also be said that we do not stand alone in our policy position. I can advise the chamber that I have been told that Western Australia, Tasmania, Queensland and the Northern Territory have similar eligibility criteria to South Australia for people with PDD-NOS, which is that people with PDD-NOS must also have an intellectual disability or a developmental delay to access services from Disability SA.

The government takes the view that, with the large demand for services, clients should be assessed for their overall need, not just a single definition or diagnosis. I am advised that the government assesses their needs in relation to their disability, whatever the label of that disability is, and that it will supply services in relation to that need, scaled to the level of that need.

The Hon. Mr Wade seeks to muddy his presentation with, I think, essentially support for the government's decision, but having a whack at the government on the way through. Mr Wade supports a needs-based focus for the provision of services—that is what he said—not one based on a single diagnostic label. We agree with you, Mr Wade. He is saying that he agrees with the government's focus on overall need. That is the government's position and it appears to be the opposition's position—we are united in that.

I can also advise that a range of services are available to South Australian children with PDD-NOS, aged up to 15 years, through the federal government's Helping Children with Autism package. This is available to children with PDD-NOS in the same way that children with autism or Asperger's syndrome can access this package. The Helping Children with Autism package

implemented a number of initiatives, including autism specific learning packages and care centres, playgroup programs, training for teachers and school staff, and workshops and information sessions for parents and carers.

A range of new Medicare items have also been made available. These Medicare items provide additional opportunities for assessment and up to 20 additional services, in total, per child, up to the age of 15 years. I am told that autism advisers are also funded to assist families to access the services funded by this package, including up to $12,000 in commonwealth funding, or up to $14,000 for those in regional areas, to purchase early intervention services, until the age of seven.

The state government has almost doubled funding for disability since coming to office—from $124 million to $224 million, I am advised. Just last year, we injected more than $31 million in additional funding for disability services over four years for increased respite, in-home support and therapy services for priority families. During the election commitment, an additional $17.5 million for equipment was pledged, and an additional $1 million per year will be provided for autism assessment and early intervention services, including increased access to local diagnostic services, which aim to assist with early identification and support.

The Department for Families and Communities and the Department of Health are developing these additional autism services, which will be provided through the Department of Health and Autism SA. I am advised that the state government will continue to monitor issues as they arise, regarding South Australians living with PDD-NOS and is actively working with the commonwealth Department of Families, Housing, Community Services and Indigenous Affairs on this issue.

I can also advise that officers reporting to the Community and Disability Services Ministers' Advisory Council is currently looking at this issue. For this reason, I move an amendment to the Hon. Ms Bressington's motion. I move:

Paragraph 2(b): Leave out the words 'that encapsulates "Pervasive Developmental Disorder—Not Otherwise Specified".'

The motion then reads:

2(b) ensure a single definition of Autism Spectrum Disorder is used universally throughout government departments and agencies.

The reason is so that the hands of the government are not bound when they are dealing with other states, territories and the federal government in coming to a national, uniform code of conduct in dealing with these issues. South Australia will play an important part in this work, but the government is determined that services will be provided on a priority basis to those who need them most, as the Hon. Mr Wade indicated they should be.

The Hon. A. BRESSINGTON (16:52): First of all, I would like to thank all members for their contribution on this motion. At the end of the day, I guess it comes down to your interpretation of whether we have a needs-based or diagnosis-based provision of services. I certainly do not see any evidence in this issue of disabilities that we are anywhere near requiring a needs-based assessment of people with a disability of any kind, let alone PDD-NOS.

I would also like to thank Mrs Andrew for coming forward and making her private situation known. This was not at all easy for her to do; she is a very private person. I believe she is a fierce lobbyist behind the scenes for PDD-NOS sufferers but, publicly, she is a very private person. It has taken a great deal of courage for her to allow us to discuss her personal issues in this chamber, in quite a specific way, I might add. I would like to read a paragraph of a letter from the Hon. Jennifer Rankine in relation to Mrs Sheralee Andrew and her situation. The letter states:

I understand that Autism SA has advised the Andrew family that they can access a number of general Autism SA services. These include the telephone information line, specialist workshops, resource centre and relevant consumer-led support groups. Autism SA has further advised the Andrew family that they can offer a full range of relevant Autism SA services on a fee-paying basis.

The fact of the matter is that the circumstances of most people who are dealing with children with a disability—especially autism and Asperger's, which are very difficult behaviours to deal with—are such that these families scratch for every dime. I find it condescending and patronising of the minister to say that services are available on a fee-for-service basis when there is no hope that these people would be able to pay the fee to actually access those particular services. I remind the government of what I have said in many other speeches: if we cannot look after our sick and vulnerable and meet their needs, then I question what purpose we serve.

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

The Hon. A. BRESSINGTON: Thank you. It is true. I think we can deal with all the big issues, and I think we do that quite well in this place. However, when we get down to the nitty-gritty of individuals and their suffering and distress, their trying to cope with daily life and trying to keep their family together, for those people who live on meagre resources, a sentence like, 'They can access services on a fee-paying basis' is offensive, to say the least.

The Hon. Ian Hunter said that the Hon. Stephen Wade was garbling some of the figures. I would like to make the point that the Hon. Stephen Wade was talking about school-age children when talking about the number of people with children suffering with autism spectrum disorder. I believe that the Hon. Ian Hunter's figures included that of preschool-age children as well. So, that would give a bit of an explanation as to the disparity in the figures.

I am not quite sure about the amendment that the Hon. Ian Hunter has put forward because, as usual, there has been no consultation and no discussion about how, what, where, when and why we have the need for this, other than a two-sentence explanation at the end of his speech. So, on that basis alone, I would be inclined not to support this amendment.

This motion was put forward to encapsulate pervasive developmental disorder—not otherwise specified, and to point out the issues that sufferers of this disorder—and their families—have to deal with. Given that I have had no consultation about this amendment—and I do not believe anybody else has—if it is not important enough to consult on, then it is certainly not important enough to include.

Amendment negatived; motion carried.

FAMILY RELATIONSHIPS (PARENTAGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 June 2010.)

The Hon. T.A. JENNINGS (16:59): I rise to conclude my comments on this bill. I note briefly that South Australia was the first state to legalise homosexual behaviour; however, we were the last state in Australia to recognise same sex couples. We will, again, be the last to recognise parental rights for same sex families. I do hope that we will not hold the title of being the only state not to recognise same sex families for much longer.

Once South Australia was a progressive state at the forefront of social change and inclusion and we took radical measures to extend equality to minority groups suffering discrimination. As I said earlier in my comments on the second reading, this bill is not radical: it does not do anything; it does not create any families that do not already exist. It simply recognises those families already living here in South Australia who are already part of our community.

I urge members to put aside prejudices (if they hold them) towards people who choose to be in same sex partnerships, and to think of the children. They are the same as children around the world. They are children who are happy, naughty, engaging and amazing. They and their families deserve security and protection in the law so that their lives are not marked by discrimination from a government whose role is to provide for them. I commend the bill to the house. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Clauses 1-3: these clauses are formal.

Clause 4: this clause amends section 5 of the Act to insert a definition of 'co-parent', which is defined as being a person who is taken to be a co-parent of the child under Part 2A of the Act, as amended by this measure. The clause also inserts new subsection (2) into section 5, which provides that a reference in this (the Family Relationships Act) or any other Act to the mother, father or of a child will, unless the contrary intention appears, be taken to include a reference to a co parent of the child. This is consequential upon the amendments made to Part 2A of the Act that allow a child to have a co-parent instead of a father, and for the co-parent to have the same status as the parents of a child currently have in respect of those Acts.

Clause 5: this clause amends section 7 of the Act to clarify that a person cannot be recognised as the father of a child under that section if some other person is taken to be the father or co-parent under the Act, including where both the mother and co-parent of the child are women.

Clause 6: this clause amends section 8 of the Act to include a qualifying relationship, as defined in Part 2A of the Act as amended, in any reference to a marriage.

Clause 7: this clause amends section 9 of the Act to enable a co-parent of a child to be subject to a declaration of parentage. This is consequential upon the amendments made by clause 11 of the Bill, and confers the same rights in respect of the declaration on co-parents as are currently available to fathers.

Clause 8: this clause makes a consequential amendment to section 10 of the Act.

Clause 9: this clause amends section 10A of the Act to insert the definition of qualifying relationship, which is defined to be a marriage like relationship between 2 people who are domestic partners (whether of the same or opposite sex). Current section 11A sets out who is a domestic partner. The clause also inserts new subsection (3) which provides that the domestic partner of a person in respect of a qualifying relationship means the domestic partner comprising part of that qualifying relationship. This subsection clarifies which domestic partner is being referred to in the case where a person may, due to the definition of domestic partner in Part 3 of the Act, have more than one.

Clause 10: this clause makes a consequential amendment, the contents of section 10B(4) (inserted by the Statutes Amendment (Surrogacy) Act 2009 but which has not yet commenced) being relocated to new section 10C.

Clause 11: this clause substitutes new section 10C for current sections 10C, 10D and 10E, setting out all rules relating to the paternity of a child conceived and born as a result of a medical procedure. The primary changes are those found in new subsections (3) to (5), where a domestic partner in a qualifying relationship is taken to be the father or co-parent of a child (depending on whether the domestic partner is male or female), conferring on such domestic partners the same presumptions as to parentage as are currently applied to a husband in a marriage.

Clause 12: this clause makes consequential amendments to section 10EA of the Act (which itself is inserted by the Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009 but which has not yet commenced). It also corrects an accidental omission in subsection (6)(a) of that section.

Schedule 1: the Schedule makes a transitional provision conferring immunity (should there be liability) on a person was not previously the father or co-parent of a child, but who, because of the operation of this measure, will now be taken to be such and who may be in breach of the Births, Deaths and Marriages Registration Act 1996 for not providing his or details in respect of the birth of the child. Similarly, any other person responsible under that Act for providing information in relation to the father of the child is protected.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

TORRENS ISLAND QUARANTINE STATION

The Hon. A. BRESSINGTON (17:02): I seek leave to move Notice of Motion: Private Business No. 6 in an amended form.

Leave granted.

The Hon. A. BRESSINGTON: I move:

That this council calls on—

1. The Minister for Environment and Conservation to—

   (a) conserve the heritage value of the Torrens Island Quarantine Station and the remaining pristine environment on the northern end of Torrens Island by taking steps to prevent any further industrial development of these sites;

   (b) take steps to restore the Torrens Island Quarantine Station buildings on the South Australian Heritage Register and ensure sufficient funds are available to do so;

   (c) engage in negotiations with the Treasurer with the objective being for the Department of Environment and Heritage to take control of the northern end of Torrens Island, including the site of the former quarantine station, from the Generation Lessor Corporation;

   (d) take steps to provide tourist access to the Torrens Island Quarantine Station and surrounding historical sites and engage in consultation with all relevant parties with a view to facilitating regulated tourism; and

2. The Treasurer to—

   (a) release details of the application before the Development Assessment Commission and of the proposed commercial uses of the proposed allotments; and

   (b) cease moves to further develop Torrens Island and cease negotiations with commercial parties seeking to do so.

I move this motion today in response to concerns raised by constituents about the proposed development of Torrens Island. As some members may be aware, for some time there have been rumours to open up Torrens Island for industrial development. Understandably, this has led to many constituents and interest groups claiming that the unique heritage value of the former Torrens Island Quarantine Station and the pristine environment at the northern end of the island will be destroyed.

While details of the proposed development are at this stage sketchy, it is my understanding that an application by the South Australian Government Financing Authority (a division of Treasury) is before the Development Assessment Commission to subdivide a large section on the northern end of Torrens Island.

It is my fear, and that of numerous stakeholders such as the National Trust of South Australia, the Port Adelaide Historical Society, the National Conservation Society of South Australia, and others, that this is the first step towards the further development of Torrens Island. It is my understanding that Torrens Island, as it falls outside the boundary of the Port Adelaide Enfield Council, is currently under the control of the Generation Lessor Corporation, an agency of Treasury. This would explain why the Treasurer has been the one negotiating with Maritime Constructions and other commercial parties for access to the land.

I have been able to procure a copy of the proposed plan of division submitted to the Development Assessment Commission which essentially details the allotments to be created if approval is granted. Of concern, it would appear that the two areas of significance—the Torrens Island Quarantine Station, which is to become allotment 205, and the northern end of the island which is largely untouched and in pristine condition—are both going to be victims of the carve up.

As I said, details are sketchy, but apparently allotment 205 is earmarked for Maritime Constructions, a maritime infrastructure contractor currently located at docks 1 and 2 in inner Port Adelaide. If allowed, this will entail the dredging of 150 metres of pristine grey mangrove habitat, the removal of the heritage listed jetty (on which new migrants once disembarked) and the destruction of tidal low and mid-marsh zones across the front of the quarantine station. Although I have been unable to confirm it, looking at maps of the island I also suspect that some of the buildings of the Torrens Island Quarantine Station, which are heritage listed, are also under threat.

While greatly under-appreciated, the Torrens Island Quarantine Station moved to its current location in 1909 and is a significant part of this state's history. Reflecting the widespread fear of smallpox and other infectious diseases, all new arrivals to South Australia were required to disembark and reside on Torrens Island until they had been medically cleared. While I am sure that new arrivals were keen to begin their new lives as quickly as possible, the necessity of being quarantined was reportedly generally accepted and the new arrivals found relief in the comforts not available at sea, such as laundry and bathing facilities.

As mentioned, the quarantine station is heritage listed and has been since 21 October 1993. For the benefit of members, I will read into *Hansard* the Quarantine Station Statement of Heritage Value found on the South Australian Heritage Register. It states:

> Torrens Island has been the site of the continuous practice of animal quarantine since the early 1850s. Animal quarantine was moved to the present site in 1909 from the south end of the island.
>
> The station also represents South Australia's origins as a separate colony and records the development of medical practices in controlling infectious diseases as related to the relevant parliamentary acts for quarantine in South Australia and the commonwealth, which assumed responsibility after Federation.
>
> The site of the first Quarantine Station, now occupied by a power station, was used as an internment camp during the First World War, but there are no obvious remains of those activities.
>
> The complex includes an 1870s prefabricated timber cottage, the only survivor of the original 30, which is quite rare.

The buildings on the site, the bulk of which are still very redeemable, are of extreme importance to our history. Some of the buildings of note in the quarantine station are Refshauge House, which was the home of the station doctor and the administration office. Other buildings on the site include the hospital, linen store, nurses' quarters, morgue and general living quarters.

Constituents are also concerned that the vital section of pristine and ecologically important land on the northern end of Torrens Island, which will become allotment 206, will be lost to development. I have been informed that this fear is well founded, as it is apparently the intention of the Department of Primary Industries and Resources to use this land for a biodiesel prototype.

While again few details have been released publicly, it is my understanding that the biodiesel plant is of a type that has already been trialled and found not to be commercially viable in the United States. However, if the plan is to proceed, I am reliably informed that alternative sites such as Bolívar would be not only suitable but ideal. Considering the pristine environment that would be lost if it were to proceed on Torrens Island, why consideration has not been given to this alternative site is beyond me.

While the environment in the more southern areas of Torrens Island has been significantly impacted on by humans over the years, the northern end of the island has largely remained untouched. As such, it has become a safe haven for many types of local and migratory birds, such as the Pacific gull and sooty shearwater, which use this area during their long journey to and from Japan. It is also a refuge to many species of local birds, seabirds and wildlife varieties because of its isolated position on the island. Many species, such as banded stilts, Australian white ducks, sooty oyster catchers and sandpipers rely on this habitat for foraging and breeding. It is my understanding that 11 of the sea and shore birds that frequent the area are registered under international treaties.

As an intertidal waterway, the area also supports life forms that rely on sand marsh and saltbush colonies, including microorganisms and macroinvertebrates. This section is also one of the very few areas of untouched coastline in the Port River estuary, and supports many rare plant varieties, and it is heavily clad with mangroves, which are of extreme importance for local fish stocks. These in turn support the growing Indo-Pacific bottlenose dolphin population, which also uses this area as a vital training tool to teach young dolphins how to catch and herd fish for their survival.

This section of the island is also the site of the heritage listed cemetery. We are aware that some of those buried there include Mr Alexander Still, Mr Robert Earnshaw and Mr L. Dickson, who died in the quarantine station between 1892 and 1919. I am also led to believe that a World War I digger is buried there as well. The sheer ecological and historic value of this northern end of Torrens Island alone is reason enough not to develop the area further. There are so many other areas of coastline that could be used for a development of this nature without destroying the flora, fauna and the historical value on offer.

When combined with the fact the heritage value of the quarantine station is also under threat, I hope it becomes clear to all in here, as it did to me, that we simply cannot allow this to happen. I was fortunate enough to visit Torrens Island recently with Mr Aaron Machado, President of the Australian Marine Wildlife Research & Rescue Organisation Inc., and I assure honourable members it is well worth the effort. From the moment one arrives, it is clear that the quarantine station and its surrounds are something special and worth protecting. If there is sufficient interest from members, I am willing to organise a group tour of Torrens Island with Mr Machado, which is likely to be after the public meeting I am hosting on this issue in the Balcony Room on 6 July.

Mr Machado has long campaigned for the protection of the northern end of Torrens Island and has even offered to purchase proposed allotment 206, not for development but to preserve it in its current pristine condition. However, while I was fortunate enough to visit Torrens Island, not all are presently able to enjoy what I have, as access to the public is currently restricted due to having to pass through the power station to gain access to Torrens Island. While this has in part spared Torrens Island from the illegal dumping, familiar to Garden Island, and the quarantine station from vandalism, it has also denied the public the ability to appreciate the unique heritage and environment on offer.

While restricting access may have helped preserve the land, one of the great tragedies of restricting access to Torrens Island and, in particular, to the quarantine station is that, now, with development on the cards, only but the lucky few who have been able to visit the site are aware of the heritage value under threat. This point was captured in a letter from Tim Walsh, a member of the Port Adelaide Residents Environment Protection Group, to the Chief Executive of the Department of Planning and Local Government and relevant ministers, in which he states:

> ...such scrutiny [of the proposed development] would require reasonable access to the island, or organised tours that allow for public appreciation as to what is at stake in developing Torrens Island.

The other great tragedy, as I see it, is the failure to explore the tourist potential for Torrens Island, both for ecotourism and for tours of the quarantine station. As mentioned, the northern end of Torrens Island is a pristine habitat for numerous varieties of rare and migratory birds and a rare example of sand dune ecology, which, provided it was done responsibly, could be a major drawcard.

Additionally, the quarantine station with its rich history in the lives of our ancestors could be restored and incorporated into existing tours of the Port River and would be a major drawcard for South Australia and the Port Adelaide region. Interest has been expressed by various tour operators over the years to have this site incorporated into their daily tours of the Port River; however, to date, it is yet to come to fruition.

On the other hand, in Victoria, the Port Nepean quarantine station has been fully restored and protected and is now available for public access. Tours of that site are popular and enable visitors to develop an understanding and connection with the station's historical role and value to the state. The fact that something similar is not available here, and never will be if the Treasurer is allowed to carve up Torrens Island for industry, is indeed a tragedy.

We simply cannot afford for this development to proceed. In the words of Aaron Machado, President of AMWRRO:

> the Torrens Island environments that will be affected as a consequence of any development will be nothing short of environmental terrorism that would be allowed to proceed by a money hungry government that has no consideration for local and international environmental concerns.

I would repeat the same for the quarantine station.

I ask members to reflect on the pictures that we have seen on television of the BP oil spill in the Gulf of Mexico. The big concern is that the marshes and the mangroves there are at grave risk of never being able to be restored. We have the largest collection or spread of grey mangroves in the entire world in South Australia and the ecological benefit of those mangroves to our fishing stock and as a breeding ground is not able to be measured in dollar terms. We simply cannot allow this little-known island to be devastated.

I note that we have two press releases from premier Mike Rann today on environmental issues and one, of course, is nuclear waste. In a ministerial statement he said that a nuclear waste dump would jeopardise South Australia's clean green reputation and that we are prepared to fight again in the future if any government tries to put a nuclear waste dump in South Australia because, unlike the members opposite, we will always put the interests of the state above party. I would like to challenge the Premier to state publicly that the history of this state and the ecology of Torrens Island is not in the best interests of this state to be preserved.

We have the other ministerial statement of the war on locusts. A paragraph here states that, if left unchecked, there are wide ranging ramifications beyond the agricultural sector, including damage to football and cricket ovals, bowling greens, golf courses, parks and gardens. Putting this into perspective, if football and cricket ovals, bowling greens, golf courses, parks and gardens require attention and our protection, then I am sure that members here would agree that Torrens Island requires at least that amount of consideration.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (PARENTAL GUIDANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May 2010.)

The Hon. T.A. JENNINGS (17:19): I rise today to support this bill on classifications and, specifically, on parental guidance classification in relation to teen magazines, which has been put to the council by the Hon. Michelle Lensink.

The Greens are happy to support this bill because we supported the call for such a classification during this recent state election. I will note that I had the privilege of attending a YWCA forum on 114 reasons why young women should be interested in voting, which highlighted a range of issues that were of concern to women, particularly young women, in South Australia and, indeed, this was one of the key issues.

I will note that the Minister for the Status of Women (Hon. Gail Gago), former member the Hon. David Winderlich and the Hon. Robert Brokenshire were also present at that forum. We listened with great interest to the voices of young women as represented by the YWCA, who had done a survey regarding the sexualisation of girls. The survey found that 96.9 per cent of those surveyed thought that the number of sexualised messages that girls are exposed to is increasing; 88.1 per cent had seen a sexualised message which concerned them in the week prior to completing the survey; and 38 per cent believed that girls are first exposed to potentially harmful sexualised images prior to the age of five. That is quite concerning and I am sure that the bill before us is just one of the many things that can be done to address that issue.

As we know, teen magazines are currently unclassified and self-regulated, and the age groups that these magazines target are often far below what magazines state as their target age. As a young teenage girl once myself, I know that it was a great cachet to be reading *Dolly* when

you were in primary school and to be reading *Cosmo* once you were in high school. The stated target age of those magazines does not fit into those particular categories, and yet I know I was not alone in that reading at both of those school levels.

Parents have a right to know what is in the content of the magazines that they purchase for their children, as do guardians, but I think it is important to give those parents an indication of what the content is without their having to go scouring through their children's schoolbags or drawers to see what it is that they are reading. I think that this PG rating would give an indication of the content of the magazine and how age appropriate it is, so the parents can be forewarned.

It will not stop young girls or, indeed, young boys, from reading these magazines, and they will do so for a range of very positive, educational and informative reasons. It will, however, give parents and guardians some support in knowing whether the magazine that their daughter or son is having access to may be worthy of having a conversation about or their investigating its content. The messages in these magazines are often related to self-image and body image, and things that are very important to teenagers; that is, whether they are attractive to members of the opposite or the same sex, and, of course, their emerging sexualities.

I would stress that the Greens do not support this bill as any form of censorship. We congratulate these magazines for often doing a great job in providing information to young girls and boys who often read their girlfriend's or sister's magazines. I have been reading *Girlfriend*, *Dolly* and also a UK-based magazine, *Bliss*. I also make particular mention of a magazine called *Deadly Vibe* which is aimed at Aboriginal Australian teenage girls. The content of these magazines is not so dissimilar from what I remember as a teenage girl.

Not only is there the issue of 'What happens if I kiss a boy, will he then not go out with me?' and all those sort of issues, which, no doubt, will remain the mainstay of these magazines, but also we have progressed a little way since I was a teenager. There is a lot of information about cyberstalking, about how to be safe on Facebook or other internet social networking sites, and things that I did not have to worry about as a younger girl.

It is great information. They have psychologists in here, doctors in here; of course, I grew up with the *Dolly* doctor, as countless Australian girls did. In fact, there is a sealed section in this month's *Girlfriend* magazine, and on the front cover of that sealed section I note that a reader survey says that 50 per cent of their readers are a little worried about getting an STI. So, clearly the information in here is valuable to those young people who are exploring their sexuality. In terms of the advice offered in here, it is very much about safer sex practices and not risking certain behaviour if you do not need to, and it is very much about building up their self-esteem.

There is just one other factor that, I think, applies a lot more in our culture than existed when I was a teenage girl; that is, of course, the issue of body image and self-esteem. I want to commend all the magazines I previously mentioned for having wonderful information about body image and self-esteem.

The one I have in front of me, *Girlfriend* magazine, has an untouched, au naturel picture of one of the current *Eclipse* stars. In fact, in this piece they go to great pains to have a little self-respect and reality check note on it, indicating that in the movies she stars in she wears particular coloured contact lenses which she is not wearing for this particular photo shoot, and also that they have not airbrushed or photo shopped the image in any way.

These magazines have done a lot to educate and raise awareness and media literacy in young women and boys about how other parts of the magazine industry often airbrush and photoshop images to make people feel inadequate. Of course, the advertising industry, particularly, goes to great lengths to make people feel as if they need to change their behaviour or purchase a product in order to have better self-esteem. It would be a wonderful thing if that issue did not exist, but I commend those magazines for addressing it.

I also point to the fact that this is not a new issue for parliamentary debate. The Senate inquiry of 2008 focused on girls' magazines; indeed, that senate committee recommended that publishers consider providing reader advice, based on the Office of Film and Literature systems of classification and consumer advice, on magazine covers indicating the presence of material that may be inappropriate for children. So this is not a radical suggestion that has come from both the YWCA and the Hon. Michelle Lensink.

The committee goes on to say that it considered parts of the material contained in the aforementioned *Girlfriend* magazine (of course, not the one I have in front of me), and considered

that material to be sexually explicit. A number of examples of such material were, as it noted, also from sealed section advice columns and, as the Hon. Michelle Lensink noted in her second reading contribution on this bill, included advice on oral sex and anal sex, and questions about whether or not oral sex could be performed if someone had braces, and so on. These matters may seem trivial to us in this chamber, but they are issues of great importance to young people. If members can cast their minds back, they would at least be able to say that their brothers and sisters, or friends, may have had similar concerns when they were young people growing up and exploring their sexuality.

As I said, the recommendation that a PG classification be looked at for magazines is not a radical one and it is certainly not a new one, and I hope that this bill goes some way towards kick-starting a process where we see it come into effect. These magazine classifications would act as a guide for parents and guardians. It would make them more aware of the content that children are consuming, and allow them to be prepared to discuss the issues with their children at a crucial point in adolescence.

As I said, forewarned is forearmed, so if you know what these magazines have in them, and you have been alerted to the fact by the PG rating on the cover, you will be ready for those difficult questions when they come, or will be able to create a safe and supportive environment in which to have those conversations. With those comments, I indicate that the Greens support this bill and look forward to the continuation of the debate.

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

MENTAL HEALTH (REPEAL OF HARBOURING OFFENCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The Hon. T.A. JENNINGS (17:31): In summing up the debate, I would first like to thank those members who made a contribution, the Hon. Michelle Lensink and the Hon. Ian Hunter. As was noted in the speeches of both members and, indeed, in my second reading explanation, the issue here is a long history of language and attitudes regarding mental illness which have connected mental illness with criminality.

The amendment of the Mental Health Act contained in this bill will go some way to cutting that nexus and move us forward with a culture that does not see the mentally ill as criminals and certainly does not punish carers for taking care of their family and friends who may have a mental illness. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

The Hon. I.K. HUNTER: Very briefly, because of the truncated debate, I rise to remind the committee that the Labor government members support the bill.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

LAND TAX (MISCELLANEOUS) AMENDMENT BILL

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

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly notified its appointment of the Hon. R.B. Such to the committee.

NATURAL RESOURCES COMMITTEE

The House of Assembly notified its appointment of Mr Brock and Mr Pegler to the committee.

RAILWAYS (OPERATIONS AND ACCESS) (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:38): I move:

That this bill be now read a second time.

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

Leave granted.

In February, 2006 COAG signed the Competition and Infrastructure Reform Agreement (CIRA) to provide a simpler and consistent national system of economic regulation for nationally significant infrastructure, including ports, railways and other export related infrastructure. The agreed reforms aim to reduce regulatory uncertainty and compliance costs for owners, users and investors in significant infrastructure and to support the efficient use of national infrastructure.

The agreement commits South Australia to review the State rail access regime and to make certain amendments, where necessary, to include consistent regulatory principles aimed at ensuring efficient and timely investment in infrastructure and effective competition in the provision of rail services (CIRA, Clause 2).

In 2009, the Government directed the Essential Services Commission of South Australia to review the access provisions of the *Railways (Operations and Access) Act 1997* and provide advice on:

- any amendments to the rail access regime that would be needed to comply with certain parts of clause 2 of the CIRA;
- any other changes to the access regime that may improve its overall effectiveness.

This review identified a number of areas where the *Railways (Operations and Access) Act 1997* could be modified to provide both greater consistency with the CIRA and improvements to provide greater certainty to access providers and seekers and reduce the red tape burden on the rail industry.

Amendments to achieve greater national consistency

The Bill provides for the adoption of regulatory principles consistent with those to be employed in all third party access regimes nationally. These principles include:

- an objects clause to promote economic efficiency and effective competition;
- 6 month time limits for conciliation and arbitration decisions made according to the conciliation/arbitration framework in the Act to provide greater certainty to business and to reduce the time and costs associated with settling access disputes; and
- pricing principles to be taken into account by an arbitrator.

Other improvements to the access regime

Other improvements to the access regime include:

- inserting a definition of private sidings in the Act to clarify when a private siding falls, or does not fall, within the scope of the access regime;
- inserting a confidentiality provision to protect the confidentiality of information provided by an access seeker to an access provider during commercial negotiations;
- limiting the extent to which access contracts require notification, so as to reduce the administrative burden on railway operators;
- repealing section 21 of the Act as an unnecessary restriction on operators' business activities, taking into account other provisions in the Act requiring segregation of business activities.

These amendments will provide greater regulatory certainty, reduce business red tape and increase consistency with other rail access regimes.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Railways (Operations and Access) Act 1997*

4—Amendment of section 3—Objects

This amendment broadens the objects of the Act to provide for the facilitation of competitive markets in the provision of railway services through the promotion of the economically efficient use and operation of, and investment in, those services.

5—Amendment of section 4—Interpretation

This clause amends 2 definitions—

- *pricing principles*—this definition is amended as a consequence of the amendments to section 38. The definition clarifies that the term pricing principles is used in different contexts in sections 27 and 38.
- *railway infrastructure*—the amendment excludes private sidings from the scope of the definition of railway infrastructure, other than a private siding prescribed by the regulations to be railway infrastructure for the purposes of the Act.

6—Repeal of section 21

This clause repeals the requirement that an operator must not carry on a business other than an authorised business.

7—Amendment of section 22—Segregation of accounts and records

This clause inserts new subsection (1a) into section 22 to require an operator whose railway service business includes providing (or providing and operating) railway infrastructure for another industry participant to keep accounts and records of that part of its railway service business so as to give a true and fair view of that part of the business distinct from the remainder of its railway service business.

8—Amendment of section 31—Access proposal

This clause inserts new subsection (3a) into section 31 to relieve operators of the requirement to give notice of an access proposal to the regulator in relation to proposed access contracts of an annual value of less than $50,000 or for a term of less than 2 months.

9—Insertion of Part 5A

This clause inserts new Part 5A

Part 5A—Confidential information

33A—Confidential information

The proposed section provides that certain information received under section 29 or Part 5 of the Act is to be regarded as confidential information.

The provision provides that a person must not disclose confidential information other than in the circumstances set out in the proposed section.

The provision also prohibits unauthorised use of confidential information, including use of the information for the purpose of securing a personal or competitive advantage.

The provision permits the regulator to disclose confidential information to the Minister or the public if the regulator considers that it is in the public interest to do so.

The provision requires operators to develop and maintain a policy aimed at ensuring that confidential information obtained by the operator is not disclosed or used except as authorised by the provision. A copy of the policy must be provided to the regulator and to any other person who requests a copy from the operator.

10—Amendment of section 38—Principles to be taken into account

This clause adds to the principles to be taken into account by the arbitrator by including reference to the following pricing principles relating to the price of access to a service:

(a) that access prices should allow multi-part pricing and price discrimination when it aids efficiency;

(b) that access prices should not allow a vertically integrated operator to set terms and conditions that would discriminate in favour of its downstream operations, except to the extent that the cost of providing access to others would be higher;

(c) that access prices should provide incentives to reduce costs or otherwise improve productivity.

11—Insertion of section 50A

This clause inserts new section 50A

50A—Time limit for arbitration

Proposed section 50A provides that an award must be made within the period of 6 months from the date on which the dispute is referred to arbitration (the *standard period*).

However, if after the commencement of the standard period the arbitrator exercises a power under Part 6 in relation to the provision of information or documents, any period between the date of the exercise of the power and the date of compliance is not to be taken into account when determining the end date of the standard period.

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

At 17:39 the council adjourned until Thursday 1 July 2010 at 14:15.