LEGISLATIVE COUNCIL

Wednesday 27 October 2010

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:21): I bring up the 11th report of the committee.

Report received and read.

The Hon. R.P. WORTLEY: I bring up the 12th report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

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

Veterinary Surgeons Board of South Australia—Report, 2009-10

By the Minister for Industrial Relations (Hon. P. Holloway)—

Office of the WorkCover Ombudsman South Australia—Report, 2009-10

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

Education Adelaide—Report, 2009-10

30-YEAR PLAN FOR GREATER ADELAIDE

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) (14:27): I seek leave to make a ministerial statement on future growth areas in Adelaide's north.

Leave granted.

The Hon. P. HOLLOWAY: The 30-Year Plan for Greater Adelaide identifies potential areas for inclusion within a 15-year pipeline of zoned-ready land for development. The land identified in the plan includes 869 hectares of land at Dry Creek, encompassing the Cheetham salt fields and 203 hectares at the adjacent Globe Derby Park.

More recently, both Globe Derby Park and the Cheetham salt fields were included in the Housing and Employment Land Supply Program report as potential future growth areas in Adelaide's north to assist in the government's aim of achieving the 15-year land supply target. This land was identified in the 30-year plan process due to its close proximity to the central business district, major transport corridors, including the soon to be electrified Gawler line, and both the northern and Port River expressways and key employment lands in the northern and western Adelaide regions.

Since 2008, the land at Cheetham has been subject to a feasibility study by Ridley Corporation and Delfin Lend Lease to determine the financial viability of a residential redevelopment. The HELSP report will be published annually and updated on the progress on achieving this target, reflecting any decisions that are made from year to year regarding the land identified for potential growth or other changed circumstances that impact on the supply program. As with any other growth area, rezoning is subject to extensive negotiation, which will inform its timing and viability.

The investigations for the 1,072 hectares comprising the Cheetham salt fields and Globe Derby Park were to be considered in conjunction. In my reply to a question from the Hon. Terry Stephens on 14 October 2010, I highlighted this very issue. I can now advise that Ridley Corporation has announced to the ASX its intention not to proceed with the next stage of its redevelopment investigations of the Dry Creek salt fields.

While Ridley Corporation remains confident—and I quote from the ASX release—'that the redevelopment of the land will occur at an appropriate time', this announcement obviously affects the consideration of the land at Globe Derby Park for rezoning. Although the government expects that the land identified at Dry Creek and Globe Derby Park will be rezoned within the 30-year life of the plan, any current consideration of rezoning Globe Derby Park will now be put on hold.

COUNTRY HEALTH SERVICES

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) (14:29): I table a ministerial statement from the Hon. John Hill in another place on the topic of privately run country hospitals.

SCHOOL RETENTION RATES

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) (14:29): I table a copy of a ministerial statement by the Hon. Jay Weatherill on school retention rates.

QUESTION TIME

POLICE COMPLAINTS AUTHORITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Police, a question about the Police Complaints Authority annual report.

Leave granted.

The Hon. D.W. RIDGWAY: The annual report of the Police Complaints Authority was tabled in parliament yesterday. It is a statutory obligation to report as soon as is practicable after 30 June. I am a little surprised that it has taken four months to be as soon as practicable. However, the report uses a new data management program called Resolve. There have been teething problems, as the report calls them, with Resolve. What has not been resolved is the information in the report. Previously, the annual report listed tables and tables of investigations of their outcomes. The report is not going to that level.

There is less than one page of complaints statistics. Previous reports showed how many were assessed, determined, conciliated and completed. This report does not. Previous reports had complaints tabulated by category and headings with examples. This report does not show how many people who made a complaint to the authority were satisfied or happy with the outcome and what action was taken. My question to the minister is: will the minister table a revised report or subsequent report as soon as the data becomes available?

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) (14:32): I will refer that question to my colleague, the Minister for Police, and bring back a reply.

ARKAROOLA WILDERNESS SANCTUARY

The Hon. J.M.A. LENSINK (14:32): I seek leave to make an explanation before directing a question to the Minister for Mineral Resources Development and planning on the subject of 'Seeking a Balance'.

Leave granted.

The Hon. J.M.A. LENSINK: With some form of whimper, the government has confessed that its report 'Seeking a Balance' has been a complete failure. I quote the minister on radio on 22 September, stating that the government accepts it 'was fairly universally rejected, not just by conservationists but by those that support mining themselves'. Further, in the weekend *Advertiser*, a spokesperson was reported as saying:

> There was an expectation that we could do that—

(make a decision about mining)—

before the [Marathon] licence came up for renewal but that hasn't occurred, but they (Marathon) have been advised through the department that they can continue under the current lease arrangements until such time as (the minister) is ready to make a decision.

My questions to the minister are:

1. When will the minister announce a decision on Marathon's lease extension, which expired on 10 October?

2. Is it the minister's intention still to alter the current zoning that applies to Mount Gee and other geologically and environmentally sensitive areas within the Arkaroola Wilderness Sanctuary?

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) (14:34): I thought I had pretty well answered this question, or addressed these matters, when the Hon. Mr Parnell asked me a question on a similar subject some time ago. As I said then, really the government's definitive position in relation to 'Seeking a Balance' was the important one, not whether or not a licence extension was offered because, in fact, even under the current licence, Marathon has not been able to do anything other than airborne exploration and other non ground disturbing activities. In fact, the issue of the licence is really not significant in terms of the activities that would take place on Arkaroola.

I did indicate at the time, and it is still the position, that we are working with the minister for environment in relation to getting a response to the 'Seeking a Balance' report. It was not just on radio that I made comments about it, but also in this parliament. If one goes back and looks at it, I am sure I indicated that there was, clearly, some dissatisfaction in relation to that report. That is not to say that it was a waste of time, because what it has done is brought in a whole lot of submissions that have been extremely helpful in relation to the way forward.

I have already spoken at some length in this place about the submission from the South Australian Museum and others talking about the need for further work to be done. I hope to be in a position where we can announce the way forward soon. We also hope that the mining bill will pass the other place fairly shortly because that has a number of provisions in it which would toughen the penalties that apply under the Mining Act and would also provide greater control to government in relation to managing processes.

I would also remind the honourable member of some of the answers I gave about 12 months ago when the Marathon licence was extended; if one were to require Marathon to take any remedial action, the only way they could have access would be under the terms of the lease. Under the current act, if a lease were not to be renewed and another company were to apply, my advice is that there would be no means to prevent somebody else from taking a licence.

So, there are good reasons, as I indicated 12 months ago—and I refer the honourable member to my answer back then—as to why the licence issue is relevant in relation to Marathon. In terms of the way forward as the government's definitive response to 'Seeking a Balance', I hope to have that fairly soon, but there are a number of issues which need to be addressed and on which the government is seeking further advice.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Burnside council.

Leave granted.

The Hon. S.G. WADE: On ABC radio this morning, Mr Bevan stated:

We put in a request to Gail Gago, really to ask her...could you have managed this better rather than putting in process a train of events that has stretched for a year and spilled over into the election process? She isn't available to talk to us.

Mr Abraham then adds:

...she's not going to talk to us because her media adviser has said that her advice is, the legal advice is that she can't talk about this because it could then become anything she says could then be used in the court case itself, so she's not going to talk about it.

Given the minister claims that she does not have a copy of the MacPherson report, she is presumably not concerned about inadvertent disclosures of any material from that report.

Alternatively, the minister may be concerned about inadvertent disclosures involving her conduct in relation to the process. I therefore ask the minister:

1. Does she understand that the order of the court made yesterday precludes her from making any public comment in relation to the Burnside council or its election?

2. If not, why is the minister refusing to fulfil her responsibility to be accountable for her actions in relation to the Burnside council?

3. If the minister is concerned about disclosures about the process rather than the report, is she concerned that the process she has undertaken is vulnerable or does she intend to be less frank with the court than she would want to be with the public?

The PRESIDENT: The honourable minister might want to respond to the ABC?

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) (14:39): What a series of outrageous questions and assumptions behind those questions. It is absolutely outrageous, particularly coming from the Hon. Stephen Wade, who is supposed to have a legal background and is holding himself up to be attorney-general one day—that will be a long time coming, with the behaviour and conduct that we have seen today, and not just here in this chamber but I read his transcript from the program this morning and it was also a disgrace. He should know better, and it is absolutely disgraceful that he pose the questions as he did today, particularly the last question.

I can see that he is just as embarrassed here in this chamber this afternoon asking these preposterous, outrageous questions as he was on radio this morning. He nearly died of embarrassment on the radio this morning. You should have heard him, Mr President. It was truly an embarrassment to listen to the stumbling and the umming and the ahing. He nearly died of embarrassment on the radio, and that was because he knew that what he was saying was absolutely outrageous.

I was pleased at least to hear the level of discomfort in his voice while he was doing that radio interview as here today. The honourable member knows that this matter is before the court and he knows that I am unable—and what is more, I have been advised as well that it would be most improper and irresponsible of me—to discuss any matter that may relate to those matters before the court.

In respect of that judicial process, I have indicated in this chamber that I have received advice that I should not—and it would be most improper of me to—talk or discuss any matter that may relate to the matters before the court. The honourable member, as I said, knows that and it is an absolute disgrace. It is a disgrace to his former profession that he would come into this place and ask those questions with those particular assumptions, particularly the last question that he asked.

The PRESIDENT: The Hon. Mr Wade has a supplementary question, without an explanation.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:42): If the minister is of the view that it would be inappropriate for her to intervene, why did she allow her spokesperson to speak on her behalf to the media journalists involved?

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) (14:42): I have said in this place before and I say it again: I have been advised that it would be most inappropriate for me to discuss any matter whatsoever that may relate to the matters before the court currently. How thick is the member opposite me that he cannot take in that very simple piece of information when he himself is supposed to have some sort of legal background and hopes one day to be attorney-general? I think he is going to have to wait, given the conduct of his that we have seen here today.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. R.P. WORTLEY (14:43): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding the 30-Year Plan for Greater Adelaide.

Leave granted.

The Hon. R.P. WORTLEY: The 30-Year Plan for Greater Adelaide was adopted as part of a state planning strategy in February this year after extensive community consultation, including feedback from local government and industry representatives. One of the key objectives of this plan is to identify sufficient land supply to meet demand for housing and jobs from the population growth anticipated in the next three decades and to do that in a way that maintains Adelaide's enviable home affordability and avoids market volatility.

Some of the land that has been identified within the plan is in Adelaide's urban fringe such as Mount Barker, Gawler and Roseworthy, prompting accusations that South Australia's food security is somewhat under threat. Will the minister explain how the 30-year plan addresses the issue of protecting primary production and whether these fears about our future food security are warranted?

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) (14:44): I thank the honourable member for his important question. The 30-Year Plan for Greater Adelaide has already been incorporated into the South Australian planning strategy and I believe has broad support within the community for its central aims of locating the majority of new housing within our current urban lands, particularly along transport corridors.

By setting aside a net land supply of 10,650 hectares to create new growth areas, including 14 new developments centred on metropolitan transport hubs within our upgraded rail network, the plan aims to leave 80 per cent of suburban Adelaide largely untouched and protect up to 375,000 hectares of significant primary production areas and 115,000 hectares of land of environmental significance. As part of the process of bringing some of that land into a 15-year pipeline of zoned land ready for purpose supply, the government has embarked on several development plan amendments that, in lay terms, rezone the land for new uses, such as for residential housing and employment.

That does not mean that we have not begun the process of rezoning some of the urban infill land, but as part of the process we have moved initially to rezone areas such as Mt Barker and Gawler East on the urban fringe, and therefore they currently appear to be receiving the most attention from the anti-growth lobby and sections of the media. One of the arguments against rezoning some of this land from rural and rural living to residential and other uses appears to be some concern about a threat to South Australia's food security; that somehow the best farming land is being targeted in a way that endangers our ability to feed ourselves.

One of the plan's policies is to prevent the fragmentation of primary production land by restricting subdivision to maintain viable and productive land use. We are working with local governments, including the Adelaide Hills, Onkaparinga and Barossa councils on how to better protect the productive farmland in the Hills, the Willunga basin, the Barossa Valley and Two Wells-Virginia from being subdivided into smaller, less productive farmlets. The plan also provides opportunities for the expansion of horticultural production north of the Gawler River using recycled water as appropriate from existing sources and new growth areas.

However, we need to be clear about the state of food production in South Australia before we begin giving in to blatantly shallow scare campaigns such as the issue of food security. An undeniable fact in this debate is that the value of food produced in South Australia has been growing at nearly 4 per cent a year during the past 13 years; much faster than the population growth of 1.8 per cent a year. This government continues to work with the food industry to meet domestic and international demand. This productivity capacity will not be impinged on by the land supply pipeline being put in place as part of the 30-year plan. If anything, it will support the adoption of more efficient farming practices linked to secure supplies of water and freight infrastructure.

Growing Australian and world population and demand for food are an opportunity for South Australian food producers. South Australia and Australia are currently large net exporters of food. Australia exports about 10 times the volume of food that it imports. For example, South Australian production of wheat in 2009-10 was 4 million tonnes—and that was not a particularly good year; it will be much better this year with the weather, hopefully—compared with annual Australian human consumption of less than 2.5 million tonnes. So, this state produces almost twice the entire Australian consumption of wheat.

The Food and Agriculture Organisation indicates that Australia is rated equal first among all countries as a net exporter of food and equal first among developed countries as having the highest proportion of consumption from domestically produced food. So, clearly, we are not about to starve due to the rezoning of some less productive land on the Adelaide urban fringes. Neither are we becoming beholden to imports to feed our nation. South Australia imports food for a range of reasons, including consumer demand for products not produced here, such as coffee, tea, chocolate and a year-round supply of seasonable products. South Australian food and wine are sold in local markets, but much is sold in interstate and international markets. If the Australian market demanded more food, much more of the existing production could be sold in Australia.

As I told an estimates committee hearing a few weeks ago, the biggest consumer of agricultural land in South Australia is often subdivision for rural living. These smaller rural living allotments make up an enormous amount of productive land for very little housing output. In the Adelaide Hills, much good rural producing land is consumed for very little housing efficiency, and this is one of the areas we need to address as part of the 30-year plan. I mentioned at estimates the initiative undertaken by the Adelaide Hills Council, which is investigating their own development plan to help protect agricultural land in their council. I am delighted that the Adelaide Hills Council appears to be taking a long-term approach to the issue of protecting productive agricultural land.

I again take this opportunity to compliment them for doing that. Areas outside of the urban growth area identified for Mount Barker need to be looked at to ensure there is better planning in place to protect rural land against subdivision for the smaller allotments. As I announced a couple of weeks ago, we are doing exactly that in conjunction with the Onkaparinga council in relation to the Willunga Basin. It is very important that we do not allow the consumption of agricultural land by smaller rural holdings which, as I said, are really a far greater consumer of good farmland than residential holdings. That is something this government expects to carry out in conjunction with local councils as we continue to progress with implementing the principles and objectives of the 30-year plan.

The Hon. R.L. Brokenshire: Absolute nonsense!

The Hon. P. HOLLOWAY: If the Hon. Mr Brokenshire thinks that a series of two-hectare to five-hectare farmlets are producing viable food for export and production, then I think he is kidding himself. Most of these are hobby farms, where a person might keep a horse or there might be dog kennels or they might have an alpaca or two. If our food security depended on eating dogs, horses and alpacas, that sort of subdivision might be essential, but if one looks at the total number of hectares that have been divided into that sort of holding, one sees that it is hundreds, if not thousands, of hectares, which is much greater than the sort of area taken up by housing.

So I think it is important in this whole debate that we really understand where the greatest threat to our more productive agricultural land lies. That is not to say that there is no role for this sort of rural living development, but Mount Barker is a classic case of where a lot of that housing along the freeway and across the freeway from Mount Barker has been divided into the size of area that is totally unproductive but provides very little housing. There is a role for it, but we need to be much more careful where we allow that type of subdivision to take place, because subdividing land into areas that are non-productive is likely to do much more to threaten our agricultural production than a much smaller area of land for residential.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. M. PARNELL (14:52): Is it correct that, in the 2006 iteration of the planning strategy, the land around Mount Barker and Nairne was specifically excluded from urban development precisely because it was valuable farming land, and what has happened in the four years since then for the government to change its mind?

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) (14:52): There is some land around Mount Barker that has been protected, but to the west of Mount Barker is the Totness national park, which is a national park because no-one ever cleared it, as the land was not valuable. That is why we still have vegetation in that area and why we still have a national park there, but there is land to the east of Bald Hills Road which is used for intensive agriculture, and that land, following the consideration of the 30-year plan, has been retained because there are some areas out to the east of Mount Barker that are still productive.

However, that land is threatened. I have spoken to the owner of that land, who is one of the biggest brussels sprouts producers in the state, and the greatest threat to his production is the rural living allotments opposite his house: very low-density housing, they are all blocks of 1,000 or 2,000 square metres and above, but they are all complaining about spray drift and the incompatibility of it. That was not a development that was permitted by this government, and these are the sorts of issues that going forward and planning we need to avoid.

So, if one looks at the most productive land near Mount Barker, and that includes the area where subterranean clover was first discovered in this state—one can see the commemoration of that on the old highway just near the Bald Hills Road intersection—one sees that that land, which is now used for agriculture and which is still appropriately zoned, is under more threat from that sort of farmlet/rural living type of subdivision than it is from the more dense residential version. So, I think that, if anything, Mount Barker proves the point.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:55): Can the minister explain why the maps in the 30-year plan are not drawn to scale?

Members interjecting:

The PRESIDENT: I do not remember the minister mentioning anything about maps.

The Hon. P. Holloway: I am happy to help him go to a map reading course.

The PRESIDENT: The Hon. Mr Brokenshire.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. R.L. BROKENSHIRE (14:55): I have a supplementary question, given the minister's statement. Will the minister support the right to farm legislation coming into parliament in order to protect farmers, given the decision to bring housing and road corridors into the northern food bowl in the Virginia triangle and further towards Roseworthy?

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) (14:56): I have not seen the legislation the honourable member refers to, and I suppose it will be assessed by government in the appropriate way. I know when I was the shadow minister for agriculture we considered the right to farm legislation. From my experience, it creates almost as many, and perhaps more, problems than it solves. It is not easy to do it.

I think the best way we can protect the right to farm is to ensure there is no intrusion either onto or adjacent to farmland by inappropriate activities. I can remember from my days as agriculture minister that you can often have competing sorts of agriculture—it might be horticulture, and even different types of horticulture—where spraying on one allotment may be incompatible with a horticultural activity. If you are spraying at the wrong time of the year it can impact on, say, a viticulture or vegetable crop. What we have to do is, rather than making legislation which gives absolute rights but they may in some instances collide, try to ensure you have good zoning and clear boundaries, and that you have protection from inappropriate activities that might curtail the operation of farmers.

It is all very well to say, if you have legislation and you let people build adjacent to a farm activity and that farm is spraying and it is drifting and creating a nuisance, that that is an entitlement. It is a bit like saying if someone lives near an airport you do not consider any nuisance. I think it is very problematical when you go into that sort of legislation.

I have a great deal of sympathy for the rights of existing landholders and I have a lot of sympathy for the rights of farmers who have moved into these areas. However, if you speak to many of these farmers, often there are changing economics and, as they see the intrusion of urban land, through significantly higher land values, it potentially gives them the opportunity to shift their farming operations. That is what sometimes happens. I am not saying they should be forced to shift but sometimes that enables that to happen.

I mentioned in my answer to the question how we are looking at a significant amount of land north of the Gawler River. If you provide water to that area it has a great capacity to grow crops. I am told that many farmers with a modern form of horticulture find that preferable and more profitable than farming in more traditional, high rainfall, undulating lands. The market will choose

these things. While I have a great deal of sympathy for existing land use for farmers as much as anyone else, legislation, from my experience, is not always the best remedy and can create these problems where existing farm rights collide.

COURT STATISTICS

The Hon. D.G.E. HOOD (14:59): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about court sentencing statistics reporting.

Leave granted.

The Hon. D.G.E. HOOD: Last year I made a series of 10 freedom of information requests to the Courts Administration Authority inquiring as to the penalties imposed for a range of criminal offences, including the date of each sentence, the penalty and the judicial officer imposing the sentence. No personal identifying information was requested regarding the offender. On 30 July I received a letter from the authority stating that the documents would be refused on the basis that the documents are exempt pursuant to schedule 1, section 11 of the act. That is, it was purported that the documents related to the judicial function of the court.

I formally requested an internal review of the refusal on the basis that I was seeking statistical information only and not information regarding judicial function. Again, I was advised that the internal review denied the request. I then referred the matter to the State Ombudsman. At the outset I note that I had a very similar freedom of information request answered and statistics provided in the past.

I made an almost identical request for sentencing data previously, which was answered and revealed that many magistrates were imposing vastly different sentences for the same offences. During one particular year, for example, one magistrate imprisoned 90 offenders convicted of theft, while another who heard a similar number of cases imprisoned only one offender. The data set was large to smooth out any statistical anomalies. My questions are:

1. Is the Attorney-General aware that the only detailed data available through OCSAR dates to 2006 and therefore is terribly out of date?

2. How on earth can members of parliament (or members of the public for that matter) be expected to know whether penalty outcomes imposed by our courts match the legislature's expectations if data is not available and cannot be obtained?

3. Will the Attorney-General provide me with the information I have sought by freedom of information and inquire into the sentencing disparity that the previously obtained data appears to show?

4. On what basis can such vitally important information be withheld from public scrutiny?

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): I will refer the honourable member's question to the Attorney and bring back a response.

PRODUCT SAFETY

The Hon. CARMEL ZOLLO (15:02): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about product safety.

Leave granted.

The Hon. CARMEL ZOLLO: OCBA does some good work keeping consumers informed of dangerous products, and the Australian government product safety website is also a very handy resource, because it is important that consumers are kept informed as products are identified as being unsafe. Will the minister advise members of recent product safety work undertaken by OCBA?

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) (15:02): OCBA's work on product safety is significant. Over the past 12 months the Office of Consumer and Business Affairs has been faced with a variety of product safety issues that have required several different approaches to ensure that product safety

standards are upheld. The actions have ranged from issuing public warnings and introducing new safety standards to instigating product recalls and declaring product bans. The types of products affected have ranged from children's toys and cots to decorative candle holders and even ceramic cooking pots.

Most recently I issued a media release alerting the public to a product that has been deemed unsafe and which I have declared a dangerous good. The liquid lolly, called Sweetmans Wicked Fizz liquid candy—

The Hon. B.V. Finnigan: Not the Wicked Fizz!

The Hon. G.E. GAGO: The wicked liquid fizz has now been banned in South Australia. The lollies are sold in a deodorant-type container about the size of an ordinary roll-on deodorant, with a roll-on ball at the top. If the child squeezes the container the ball can quite easily be dislodged and propelled into the child's mouth and down their trachea. Children are inclined to hold the product into their mouth, squeeze it and propel this ball down their throat.

Recently the Office for Business and Consumer Affairs was advised that an eight year old child in Queensland choked while eating this lolly, requiring emergency treatment. Very fortunately, the incident was not fatal, but could quite easily have been. However, OCBA's product safety unit assessed this Chinese-made product as being of high risk to children under 12 years, and it will now be removed from the shelves of all South Australian retailers. Lolly shops and general stores have been required to take it off their shelves and to withdraw it from sale. The ban was gazetted on 19 October 2010, and retailers found to be selling the product could face a penalty of up to a maximum of $10,000.

I am advised that South Australia is the first state to ban the product, and it is understood that the Australian Competition and Consumer Commission has been dealing with the distributor in Queensland. On 20 October, a national product recall was issued on the product safety website.

Obviously, any South Australian who has bought this product should immediately take it from any child, and it is recommended that it be disposed of. I must point out that, although the product does carry the warning—in very small print, I have to say—'Not suitable for children under three years,' and 'Do not squeeze'—on a removable wrapper I have to add—we know that young children usually would not look at a warning of that type when they are about to enjoy a lolly; in fact, I doubt that most adults would probably read a warning of that nature. Also, I think—

An honourable member interjecting:

The Hon. G.E. GAGO: Yes. I am advised that, while other brands of similar confectionery are on sale, those that are left on the shelves have more rigid containers so that the container cannot be squeezed and the ball propelled and dislodged from it when squeezed. We are urging anyone who spots these Sweetman's Wicked Fizz liquid candy products for sale in South Australia to notify the Office of Consumer and Business Affairs immediately.

DISABILITY SELF-MANAGED FUNDING

The Hon. K.L. VINCENT (15:07): I seek leave to make an explanation before asking the minister representing the Minister for Disability questions regarding self-managed funding.

Leave granted.

The Hon. K.L. VINCENT: The concept of self-managed funding is that people with disabilities are given their own disability funding to spend in a way they see as conducive to their lifestyle and support needs. In October 2009, the state government commenced a pilot program for self-managed funding of disability services. At that time, there was real hope that the government might be on the right track by offering people with disabilities more control over their life through such a scheme.

While there were—and in many respects still are—high hopes for the project, my office has received letters and emails from people who are dissatisfied and who feel somewhat let down by the government's attempt at self-managed funding. Of particular concern is the very limited scope of the project. For example, participants cannot employ their own support workers and are required to access all personal support services from registered providers. Another issue raised by constituents is the sheer inadequacy of funding offered under the packages. My questions are:

1. How many people registered an interest in the self-managed funding project and, of these people, how many actually signed up?

2. Of those who accepted offers, how many have withdrawn since then and what is their reason for withdrawing?

3. When will new self-managed funding places be available, and will there be places for all those who apply?

4. When will the program be expanded to include people who are not current clients of Disability SA; for example, Novita clients?

5. What is the government doing to ensure that people with disabilities who are not subject to self-managed funding arrangements still have a choice and autonomy in deciding what services are best for them?

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) (15:09): I thank the honourable member for her important questions, and I will refer them to the Minister for Disability in another place and bring back a response.

REGIONAL DEVELOPMENT AUSTRALIA BOARDS

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Regional Development, a question about Regional Development Australia boards.

Leave granted.

The Hon. J.S.L. DAWKINS: I have been advised that state government instalment subscriptions to Regional Development Australia boards, as per a requirement under the partnership agreement between the federal government, the Local Government Association and the state government, have not been paid to the boards since 1 July this year. I understand that, as a result, country councils have been strongly urged to pay their RDA subscriptions on an annual basis rather than by instalments, due to the severe cash flow problems being experienced by the boards, due to this state government non-payment. This unacceptable situation comes on top of the regional development sector having faced several instances of state government funding uncertainty related to resource agreement delays and the Regional Development Australia transition process.

Given that minister O'Brien noted in the estimates process that his federal counterpart, the Hon. Simon Crean, sees RDA boards as a significant avenue of delivery for all the commonwealth wants to do in regional Australia, will the minister, first, ensure that all state government financial commitments to the RDA boards are paid promptly, to comply with partnership arrangements? Secondly, will the minister assure all country local government bodies that they need not budget for annual payments to fill the gap left by the current state government subscription delays?

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) (15:11): I will refer that question to my colleague in another place and bring back a reply.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. B.V. FINNIGAN (15:11): My question is to the Leader of the Government and Minister for Urban Development and Planning. Earlier the minister was kind enough to provide some details about the 30-Year Plan for Greater Adelaide. Can the minister explain how the principles and objectives for guiding growth in the next three decades will influence the plumbing industry?

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) (15:11): I thank the honourable member for his important question. As I said, I am quite happy to help the Leader of the Opposition in a map interpretation course, if he has trouble understanding maps.

The 30-Year Plan for Greater Adelaide is a high-level strategic vision for our city and surrounding townships, and it will guide the planning and delivery of services and infrastructure during the next three decades with the aim of concentrating development along key corridors,

shifting the balance away from development on the urban fringes. We want to put people's homes closer to their jobs, closer to transport and closer to everyday services.

In devising the plan, we have a reasonable expectation that people will want to live and work here in the years ahead and that will inevitably lead to an increase in population, and consequently, a demand for affordable housing and job opportunities. It is only prudent, as a government, that we plan for that eventuality. Under the plan, in the next 30 years we expect a steady population growth of 560,000 people requiring the construction of 258,000 homes, demand for an additional 282,000 jobs and creating about $127.7 billion of economic growth.

In the past, this pace of growth has happened but without a long-term plan to manage it. So we see the outcomes across the city that have led to much of the complaints that we hear about traffic, urban sprawl and inappropriate development. The 30-year plan is a milestone document because we have set ourselves the challenge of addressing these problems as they arise and in a way that improves the liveability of Greater Adelaide, its competitiveness, sustainability and resilience to climate change.

The plan is being updated annually, so that implementation is closely monitored. The 30-year plan guides changes to the way land use is managed to create a more compact city and a city that is more efficient and can better meet the needs of a growing and changing population. Density along major corridors will increase and this will create a new urban form. New urban villages will be developed near transport infrastructure.

The new Bowden Village, planned for the former Clipsal site, will adopt a higher density through a mixed use development that integrates residential, commercial and retail uses in a design that encourages cycling, walking and access to our upgraded and electrified rail services. Bowden Village provides the opportunity to set a benchmark for similar development in Adelaide, setting new standards in urban revitalisation and transit planning, together with world-class design.

Bowden Village will be a liveable community, providing access to employment opportunities, housing choice, open space and connections to public transport. It will also incorporate—and this is the important part of the question—world-class water sensitive urban design.

From a water management perspective, this government has promoted water sensitive urban design as its policy focus. It will help to capture and re-use more water that would otherwise run out to the gulf. We have four water sensitive urban design goals, which are: reducing mains water usage, improving the quality of run-off, managing the rate of run-off and managing the volume of run-off.

I am sure that you are aware of changes that have occurred during the past few years inside buildings with the advances made in dual flush toilets, low flow showerheads, more efficient and effective hot water services, evaporative air conditioners, and so on. The 30-year plan allows the government to move more into the public realm and better manage urban design to capture water.

We need to continue to find ways to reduce our water usage in and around buildings in the future. In the public realm, controlling run-off is particularly important, and there are already many good examples of new development where run-off is well managed. New developments such as Mawson Lakes use recycled water for toilet flushing, gardens and so on.

We want the local plumbing industry to work with water and civil engineers and government to develop new ways to capture, clean and re-use as much urban water as we can. This issue is important to the community. The take-up of rainwater tanks, assisted by generous government incentives, is clear evidence of the public support for this approach to water management. New developments, therefore, will need to show clear evidence of good public water sensitive urban design.

During the coming years, the move to higher density development will inevitably impact on the plumbing industry, and so this form of development will require considerably more complex plumbing solutions than does broadacre housing. That is why we are keen to work with the industry to ensure that we have those skills.

The government has set out ambitious goals for better management of urban water. We will be introducing targets for better urban water management that will require new industry practices from a development, engineering and technical perspective. We will need to work closely

with industry to make sure that our goals are understood and are practically achievable and that there are enough people trained to design, construct and manage these new systems.

These changes will present the plumbing industry with interesting challenges, as well as many opportunities. It is my wish, and that of my colleague the Minister for Water, to work closely with industry and local government to make sure that these important goals for South Australia can be achieved.

O'NEIL, MR ALLEN

The Hon. J.A. DARLEY (15:17): I seek leave to make a brief explanation before asking the Minister for Industrial Relations questions relating to the death of Mr Allen O'Neil, who prior to his death was employed as a steel fixer on the desalination transfer pipeline project.

Leave granted.

The Hon. J.A. DARLEY: Ms Andrea Madeley, founder and president of Voice of Industrial Death, is assisting Mr O'Neil's father, who is obviously extremely distressed, in obtaining answers regarding his son's death. On Monday 30 August 2010, *Today Tonight* screened a program relating to the Adelaide desalination plant. During that program it was claimed that there had been more than one death linked to the desalination project, including that of Mr O'Neil. In response to that program, SA Water issued a written statement addressing the claims made by *Today Tonight* that included the following:

> On 15 February 2010, a 31-year-old steel fixer employed on the desalination transfer pipeline project died in hospital as a result of aspirating diesel at the Meyer Road, Lonsdale, work site on December 12, 2009. Following a thorough investigation, SafeWork SA determined that the fatal injury did not occur as a result of a work activity and that the employer had relevant procedures and systems in place. SafeWork SA will not be pursuing the matter any further.

As I understand it, SafeWork SA have confirmed that their investigation into this incident commenced five days after it actually occurred, whilst Mr O'Neil was in a coma. On 1 September, *The Advertiser* reported that a SafeWork SA spokeswoman had said that:

> ...occupational health and safety regulations require notification of incidents where people are hospitalised "as soon as practicable" and there can be a penalty for breaching that regulation.

However, in this instance:

> SafeWork SA would not be in a position now to prosecute the employer for that five-day delay because our investigation found it was not a work-related accident.

I am advised that, prior to SafeWork SA's investigation commencing, the worksite where the incident happened had been cleared and vital physical evidence, including the vehicle driven by Mr O'Neil and a generator, had been removed from the site. My questions are:

1. Has the minister been briefed in relation to this matter and, if so, what information was provided?

2. Is the minister or SafeWork SA aware of allegations regarding the removal of evidence from the site?

3. How was SafeWork SA able to conclude that Mr O'Neil's death was not work-related, given that the investigation itself did not commence for five days after the incident?

4. How can SafeWork SA claim to have thoroughly investigated the incident if vital physical evidence had been removed from the site?

5. Does the minister intend to pursue this matter further in the light of these allegations?

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) (15:21): I have been briefed in relation to this unfortunate death and was satisfied on the information provided to me by SafeWork that this was not a workplace-related injury. That really answers the question asked by the honourable member as to whether or not this particular incident was required to be reported.

As I understand it, Mr O'Neil was not officially at work. Whereas he was at the workplace, he was not officially at work at the time. This matter has been investigated by SafeWork SA and they have reached their conclusion. I have no reason to doubt that. I think I was asked a question

about this matter in this place earlier this year and I put some information on the record then. I do not have the reports with me now, because it is a matter that I was briefed on several months ago, but there is a possibility, I guess, that there could be a Coroner's investigation into this matter.

That is why I have been very careful about what I have said in relation to this matter. It is probably appropriate, if there is to be an investigation, that all the facts of this case should come out in that particular hearing. I can just say that it is not a straightforward case; there are a number of highly unusual circumstances related to this matter.

If there is to be some investigation, that is the appropriate vehicle for that to happen. Certainly, on the information that has been provided to me by SafeWork SA, I have no reason to doubt that SafeWork SA has reached the correct conclusion in that this was not a workplace accident, given the information that is available to them. But if there is any further evidence that would change the circumstances, then I guess that matter could be investigated. It is probably most appropriate to see whether any further investigation will be undertaken by the Coroner.

CAMPBELLTOWN LEISURE CENTRE

The Hon. J.S. LEE (15:23): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about Campbelltown Leisure Centre.

Leave granted.

The Hon. J.S. LEE: The member for Morialta in another place has informed me of the proposed redevelopment of the Campbelltown Leisure Centre. The Hon. Terry Stephens, in this council, also raised concern in the chamber yesterday. The Campbelltown Leisure Centre is a $17 million project that will bring together local sporting organisations as well as Squash SA and State Swim in one new community sporting facility.

The aim is to service the whole of the eastern and north-eastern suburbs. The project has received a funding commitment of $3 million from the state government, in addition to approximately $7 million from the council and sporting bodies, but it has failed to attract matching funds from the federal government.

My questions to the minister are: does the minister believe this project will become an important community facility for the eastern and north-eastern suburbs; and, if so, what is the minister doing to assist the Campbelltown council in raising the remaining funds from either the state or federal government?

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) (15:25): I thank the honourable member for her important questions. The Campbelltown Leisure Centre is not an issue that I am aware that the council has raised with me directly. It may have gone, obviously, to the infrastructure minister, minister Conlon. The council has not raised the issue with me. I am not aware that they have requested any matter of me, so I have not dealt with this matter. However, I am very happy to take the question on notice and look at what other ministers have done in relation to this matter and bring back a response if it is relevant.

SERVICE SA, MARION

The Hon. J.M. GAZZOLA (15:26): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about the Marion customer service centre.

Leave granted.

The Hon. J.M. GAZZOLA: Service SA provides the South Australian community with a one-stop contact point for government information and services through an integrated network of shop, call centre and online delivery channels. Will the minister advise the council of progress on the customer service centre upgrade at Marion?

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) (15:26): I thank the honourable for his most important question. Service SA provides a single access point to government information and service through an integrated network of phone, face-to-face and online service delivery channels. The Service SA network includes things like regional customer service centres, metropolitan customer service

centres, rural agents, customer contact or call centres, which includes the government switchboard, and also the government services gateway website.

Service SA strives to provide its customers with options for accessing a range of different services, products and information across all government agencies. To deliver this, Service SA continues to look at how it can best present its customer service centres to facilitate the provision of information in a timely and friendly way. To this end, Service SA and DTEI are managing the upgrade of the Marion Service SA customer service centre. The new site is to be located within the new building development at Marion, which is due for completion by 31 March 2011.

The fit-out of the new centre will include nine over-the-counter terminals and six virtual call centre seats. Virtual call centre technology enables staff to shift between serving customers over the counter and providing assistance over the phone, depending on fluctuations in demand, so it affords greater flexibility in service delivery. Not only will this new centre contribute to providing access to government information and services for the local community, it will also be able to field questions from across South Australia as part of that virtual call centre.

The total budget for the initiative is $1.4 million. In 2009-10 the necessary development approvals were obtained and a lease agreement was drawn up for the customer service centre's new location. In addition, I am advised that the concept design for the building fit-out is well advanced and nearing completion. I am pleased to advise that the site works commenced in August 2010 and the project is well on its way to meet the projected completion timetable. It is anticipated that Service SA will relocate the Marion customer service centre to new premises around April 2011, providing customers and staff with upgraded facilities and an enhanced service delivery environment.

MOUNT BARKER DEVELOPMENT PLAN AMENDMENT

The Hon. M. PARNELL (15:30): I seek leave to make a brief explanation before asking a question of the Minister for Urban Development and Planning about the Mount Barker Development Plan amendment.

Leave granted.

The Hon. M. PARNELL: In response to a question that I asked on 14 September about the interaction between the minister, the community and developers on the issue of housing development at Mount Barker, the minister stated that he had met with the developers, saying:

> Of course, if you are going to redevelop land, you will talk to developers. Who else is going to develop the land?

The minister also stated in the same response that he would not be attending any of the unprecedented and historic five public meetings held as part of the formal DPAC consultation, because, the minister said, his attendance would potentially open the process up to judicial review. In response to an angry spray from the Mount Barker Mayor and the media at the end of April about the lack of consultation with the District Council of Mount Barker, the minister did end up finally meeting with the Mayor, but my understanding is that they have not met since.

Tomorrow, there will be a forum in Parliament House with three perspectives on the proposed urban development: the Mount Barker council's planner and two local landowners, one being a farmer. These speakers are very keen to ensure all members of parliament, including the minister, hear first-hand their concerns about the Mount Barker DPA. The minister's attendance at this forum, I would respectfully argue, will not give rise to any judicial review. My questions are:

1. How many times has the minister met with the developers with land interests in the Mount Barker region over the last two years? When were those meetings and who was present?

2. How many times has the minister met with other members of the Mount Barker community who do not want this rezoning to go ahead?

3. Should the minister meet with both sides of this debate before deciding on the rezoning?

4. Will the minister be attending tomorrow's forum at 1 pm in the Plaza room?

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) (15:32): It was not my intention to attend that meeting tomorrow. I have a number of other meetings every day on a whole range of subjects, but it will be

good if honourable members are informed about various aspects of it. In relation to the senior planner from Mount Barker—I think it is Bill Chandler who is going—he has been at a number of meetings that I have had with Mount Barker council down the years. I did at one point ask for a list of all the meetings that departmental officers and I had had with members of the Mount Barker council.

I do not have it with me, but I am very happy to take that part on notice and put it on the record, because a significant number of meetings have been held, and incidentally still are being held. The negotiations on infrastructure in relation to Mount Barker are ongoing matters, and there are very regular contacts with the department. In relation to public discussion, of course, a lot of the public discussion in relation to Mount Barker was to do with the 30-year plan, and I certainly attended a public meeting; as the honourable member would recall, at the Mount Barker town hall in relation to the issues on the plan some time back, and I have met delegations on a number of occasions of members of the community.

In relation to that, I would have had far more meetings with members of the community than I would have had with developers. I did have a meeting with the proposed developer some years ago now. It might well be more than two years ago, but I remember at the time that this whole issue was being broached and the government was considering the urban growth boundary I did have some meetings, but I have had very few meetings with Mount Barker developers to discuss those issues as a group.

I think there is a consortium of a number of developers, and I may meet those people at various functions. There is an awards dinner at the Urban Development Institute on Friday night, for example. It is also the SafeWork awards dinner, I might say.

Often at those meetings I will meet individuals who are involved in that but, whereas I often meet those people in various guises, in relation to these issues I have not had many formal meetings at all with that group, particularly recently. I will look through the diary to see when the last one was, but it would certainly be a long time since I had a meeting with developers from Mount Barker in relation to those issues, specifically because, of course, the whole development plan process is under way. My meetings with those proponents were right at the start of this process, back in 2007 or 2008.

Since that time I have had numerous meetings with community groups, and the council in particular, in relation to those issues. As I said, those meetings are ongoing, particularly with the department, because there are a number of infrastructure issues that need to be addressed and, now that the DPAC hearings have been completed, I will be getting a report from the Development Policy Advisory Committee and looking at that very closely and, if there are further issues coming out of that which need clarification, I will talk to affected parties as necessary.

This is a significant development plan amendment. The honourable member talked about the unprecedented attendance, but it is not often that development plan amendments of such significance are considered. But, then again, in the past we have not really planned very well and it has been unusual that we have had a process where we would consider, so comprehensively, growth over such a significant period of time within a growth district and where we would also consider infrastructure issues. As I said, those negotiations have been going on in a parallel process with the development plan amendment. That is unusual historically; I hope that it will be much more common in the future.

We are now moving towards structure planning where we can look at infrastructure issues concurrently with land use issues. Mount Barker was one of the last of the old-style developments, but we have been continuing infrastructure negotiations concurrently that have involved, as I said, potential landowners, not just developers. There are landowners, the council and also the government. I am sure the department would be able to provide information about those meetings. It has been a very lengthy process—as is appropriate—but the number of meetings I have had with developers specifically in relation to this matter would be only one or two, and they were a long time ago.

ANSWERS TO QUESTIONS

CHARLES STURT COUNCIL

In reply to the **Hon. S.G. WADE** (24 June 2010).

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): I am advised that:

Section 273 of the Local Government Act 1999 sets out my powers to take action on the basis of a report by an investigator appointed under section 272 of the Local Government Act 1999, the Auditor-General or the Ombudsman.

LANDFILL

In reply to the **Hon. J.M.A. LENSINK** (20 July 2010).

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): The Minister for Environment and Conservation has been advised that:

1. The requirements to manage, what has commonly been referred to as 'clean fill' as outlined in the EPA's Standard for Production and Use of Waste Derived Fill (the Standard), have been in place since 1997. 'Clean fill' has always been classified as a waste and since 2003, referred to as 'waste fill' in EPA legislation. This new Standard now enables waste to become a product known as 'waste derived fill'.

2. The EPA have advised that they undertook comprehensive consultation with industry and the community in relation to the draft standard, including with the Civil Contractors Federation and Master Builders Association. The issues of costs and approval timeframes associated with the Standard were raised during the consultation process and these are being addressed by the EPA.

3. The EPA have also advised they are working to provide the Department of Planning and Local Government with guiding documents. This will ensure that requirements outlined in the Standard are highlighted early in the planning process, to allow appropriate forward planning and to alleviate unnecessary delays in the development approval process.

MATTERS OF INTEREST

KOREAN WAR

The Hon. B.V. FINNIGAN (15:38): This year marks the 60th anniversary of the beginning of the Korean War. It is often a forgotten conflict in 20th century history. We tend to think principally of Vietnam when we think about Australia's defence actions since the Second World War and, while the conflict in Vietnam was certainly a large and tumultuous one and very significant in our national life, we must not forget the contribution of Australian service men and women in Korea.

The Korean Peninsula was essentially divided at the Potsdam Conference in 1945, with the north supported by the Soviet union and the south supported by the United States and the West. The Korean War began on 25 June 1950 as a result of an invasion of South Korea by North Korean forces. The South Korean capital of Seoul fell to the North Koreans less than a week after the initial invasion. The United States offered air and sea support to the South Korean government almost immediately.

The United States officially described the war as a police action and the US Congress did not actually declare war on North Korea. The United Nations Security Council requested all its members to assist in repelling the North Koreans and 21 nations responded to the call and provided air, sea and land support. Members of Australia's 77 squadron of the Royal Australian Air Force and the 3rd Battalion Royal Australian Regiment bravely assisted the United Nations multinational force to defend South Korea.

Australia increased its commitment to the war in June 1952, when it sent its 1st Battalion Royal Australian Regiment to join the commonwealth division. The battalion remained in Korea for 12 months and was replaced by the 2nd Royal Australian Regiment in April 1953. The participants in the conflict bore a heavy cost for it. Over the three years of the conflict, 339 Australians were killed in action and more than 1,500 were wounded. Over 33,000 US military personnel and almost half a million South Koreans died. The death toll for North Korea and its allies is unknown.

On 27 July 1953, three years and one month after the war began, an armistice was signed that put an end to the fighting. Australia maintained a presence in Korea, with an Australian peacekeeping force remaining until 1957. As we know, the situation remains a tense ceasefire

between the north and the south to this day. I am sure we are all aware of the continual tension that exists between the two countries, particularly with North Korea and its potential aspirations for weapons of mass destruction.

Like Berlin in the Cold War days, the difference between life in a communist dictatorship and in a free nation is shown starkly by the contrast today between North and South Korea. As members would be aware, the Korean War conflict, in which a lot of Australians served and 399 Australians sadly lost their life, is often not remembered as well. I was fortunate to be in Washington DC about 11 years ago and was able to see the new Korean War memorial that has been put on the mall, as they call it, which is a fitting testament to those who served in Korea. I encourage all members and South Australians generally to remember the sacrifice and valiant service of those Australians who served in South Korea and whose contribution has ensured that it is a free and prosperous nation today.

ABORIGINAL SPORTS TRAINING ACADEMY

The Hon. T.J. STEPHENS (15:42): Today I pay tribute to the staff and students involved in the South Australian Aboriginal Sports Training Academy. On Thursday 21 October the Aboriginal Lands Parliamentary Standing Committee had the opportunity to visit the academy at Para West adult campus. It was my second visit and I continue to be impressed. As shadow minister for both Aboriginal affairs and sport, I take a great interest in anything that advances each of these causes, and this campus is a great thing for both young Aboriginal people and for sport in our state.

The South Australian Aboriginal Sports Training Academy (SAASTA) was launched in 2005, and in 2009 was recognised by the South Australian government as its COAG Indigenous reform of best practice model. The academy seeks to attract young Aboriginal students between 16 and 21 years who demonstrate a commitment to study and a desire to enhance their sporting talents. The aim is to use a sports-focused education and training program to increase the number of young Aboriginal people completing their secondary school education. It also aims to improve pathways to further education and employment, whilst including a young person's family, culture and community in the whole process.

Essentially SAASTA is a centre for excellence in Indigenous sports and learning. SAASTA is an initiative of the government's Social Inclusion Unit that caters for students who want to make a career from their sporting pursuits, either as professional athletes or as professionals working in the sporting area. The academy's vision is learning to play smart. By learning to play smart, young Aboriginal people get the opportunity to achieve their goals and live healthy and successful lives. The academy's objectives have been developed to help what is one of the most at-risk groups in our society: young Aboriginal people.

As a result of being involved in the program, young people will: be supported to improve literacy and numeracy skills; be supported to achieve in sports at their highest level; be supported to enrol in appropriate subjects to achieve their SACE; be supported to access employment; be supported to access further education opportunities; develop enhanced self-esteem; develop leadership skills and become ambassadors for their community; and gain certificates in areas such as first aid, surf rescue and sports coaching.

The academy staff mentor students through the important final years of their high school education by providing a culturally sensitive education, with a strong focus on health and sport. Importantly, the academy provides opportunities for some statewide events and carnivals. One of these is the Aboriginal Power Cup, which I have spoken about in this place before, and it is certainly a wonderful initiative.

This event has wound up for 2010, and I am sure the participants cannot wait for next year's event. The event took place in June this year and had close to 300 students from 17 schools participating. Congratulations to all schools that took part in the competition. Other major events include the National Indigenous Under 16 Soccer Festival, the SANFL under 18 female round, and the AFL Rio Tinto talent development program. The academy is open to Aboriginal students in years 10, 11 and 12 who are committed to achieving their SACE.

Whilst our committee visited the Para West campus, members will be pleased to know that there are 11 academy sites located all across South Australia, in both our metropolitan and regional areas. I pay tribute in particular to all the key staff at the campus we visited. The principal is Colleen Abbott. We met with academy liaison Margaret McClounan, teacher Michael O'Donnell, Program Support Officer Phil Pearce and SAASTA officer, Ian Liddy.

I was certainly impressed by the presentation provided on the day, as I am sure were other members of the committee. These young people are very fortunate to have a group of people who care greatly for their welfare and their future. I expect that they will have a bright future because of the valuable time they have spent at the academy. Not often do we see positive programs for at-risk young people.

The most important thing I want to impress upon members is that not only is this about sport but there is also a heavy focus on education, in particular, numeracy and literacy. It will set up these young people in the years to come. Again, I have to say that it is one of the most positive things I have seen for some time.

Time expired.

BLESSING OF THE FLEET

The Hon. CARMEL ZOLLO (15:47): On the weekend of 7 and 8 September, it was my pleasure to represent the Premier at the Blessing of the Fleet celebrations in Port Pirie. The feast commences with a Mass on the Tuesday prior to the celebration weekend and concludes with a High Mass, a procession from St Mark's Cathedral to St Anthony's Church for the final benediction, with community festivities and lunch at Flinders Park, on the foreshore, and a cruise on the harbour with the statue of Our Lady of Martyrs.

The history of the feast is a fascinating one. A small group of Italian fishermen, who arrived from Molfetta in the 1890s, settled and established themselves in Port Pirie. Others followed in the years to come, particularly post World War II. The Blessing of the Fleet celebrations were commenced some 81 years ago with those Italian migrants who came from the town of Molfetta in the Puglia region of Italy. The welcoming note on the parish newsletter told all that:

> Our Lady of Martyrs, traditionally, veneration has been given to the Blessed Virgin under this title following the refuge given to wounded crusaders in Molfetta in 1188 AD. This care by the Molfettese of the ill had previously seen a hospice established in 1162 AD. The crusaders who died in the seaport were honoured as Martyrs for the Faith.

The fact that those dedicated migrants, all those years ago, wanted to retain and celebrate their faith and traditions makes us as a country all the more fortunate.

The early Molfettese migrants to Port Pirie get a special mention in the book *No Need to be Afraid* by respected Cavaliere Professor Desmond O'Connor, Professor of Italian at Flinders University. The book chronicles the history and contribution of the early Italian migrants to our state and, given their early arrival, includes the Molfettese of Port Pirie. From those early beginnings, beginnings that often included struggle and many prejudices, those of Molfettese heritage are now an important and respected part of the Port Pirie community. One of the places where the procession stopped along the foreshore to pray was at the memorial of early pioneer Italian families of Port Pirie.

A very special highlight of the celebrations is the tradition of the debutante ball, which is held on the Saturday evening. This year, the 12 debutantes and their partners were presented to Bishop the Most Reverend Gregory O'Kelly SJ, Mrs Marie Capurso and Mrs Liz Gadaleta.

One can only describe the debutantes as a credit to their families, friends and the wider community. They were dignified, graceful and beautifully prepared in their presentation and formal dancing. The guidance and support they had received should also be acknowledged. As is the tradition, they took part in all the religious celebrations throughout the entire week. The debutantes and their partners represented a wonderful celebration of faith and family.

I was pleased to be able to share the celebrations with other members of parliament: the federal member for Grey, Mr Rowan Ramsay MHR, who was present at the debutante ball; Mr Geoff Brock MP, the member for Frome from the other place; as well as the Mayor of the Port Pirie Regional Council, Mr Brenton Vanstone.

In his speeches, Mayor Vanstone demonstrated his passion for the regional council as a whole and paid tribute to the contribution in Port Pirie by those of Italian heritage. He announced that the council has agreed on a site to house a restored 18-foot plank boat at the boat ramp site. He told those present that the iconic display will tell the story of the early Italian settlers by stories depicted on the walls of the display.

I take this opportunity to congratulate councillor Dino Gadaleta, the President of the Fleet Committee, and his wife Liz, who is the secretary, as well as past and present committee

members. I make particular mention of Nick and Marie Capurso. Clearly, so many people work hard to ensure the success of the Blessing of the Fleet. Whilst the celebrations are important religious and social events every year in Port Pirie, they hold special significance to all South Australians as well, with visitors coming from all over the state to be part of this wonderful tradition.

COUNCIL FOR INTERNATIONAL TRADE AND COMMERCE SOUTH AUSTRALIA

The Hon. J.S. LEE (15:51): I rise today to speak about the importance of supporting South Australian enterprises in international trade and the role of the Council for International Trade and Commerce of South Australia (CITCSA, as I will now call it for the purposes of the *Hansard* report).

CITCSA is the peak body for some 40 international chambers of commerce and business councils located in South Australia. May I remind the Labor government that it was Lynn Arnold, the former Labor premier, who started the idea of CITCSA. The idea was further developed and implemented in 1994 by the then Liberal premier Dean Brown. Since its inception, CITCSA has been supported by successive state governments.

Today, I would like to speak up for the many industry chambers and associations under the auspices of CITCSA. I have had a long association with CITCSA, dating back to the days when I was working for the Department of Industry and Trade, also as vice president of the Hong Kong Australia Business Association South Australia Chapter, and as president of the Asia Pacific Business Council for Women.

I have witnessed first hand how CITCSA has helped various ethnic chambers achieve outcomes that directly benefited this state. A brief report supplied by CITCSA, dated September 2010, stated that its members facilitated some $70 million worth of business for South Australia. CITCSA has become a nurturing hub for all its 40 member organisations and has a proven model that facilitates trade through the understanding of language, culture, prevailing business practices, local customs and knowledge of the political environment in their country of origin.

Member organisations under CITCSA comprise successful business entrepreneurs who are leaders of their community and possess credentials that command the respect of their respective countries of origin. Members such as the African Chamber, the Australian Asian Chamber of Commerce and Industry, the Australian Indian Business Council, The Italian Chamber, the Romanian Chamber and the French Chamber, just to name a few, all hold the keys to opening doors to many South Australian trading partners. Over a period of 16 years, CITCSA has developed shared experience and knowledge to assist its members to stage outbound and inbound missions.

To take away the financial support of CITCSA in this budget cut, we are looking at an amount of $200,000 per annum. Although that may not be a great amount, this is a demonstration that the Rann Labor government is not serious about helping the small business sector develop export markets. It is a demonstration that this arrogant government does not value the many contributions that the multicultural chambers and councils make to this state.

How can the state government in its SA Strategic Plan on the one hand say that it aims to treble the value of South Australia's export income to $25 billion by 2014 but is now phasing out funding support for CITCSA after 30 June 2011? This government is really out of touch with small business in the export community and international trade.

CITCSA works strategically and independently with each chamber in their respective countries of origin in developing worldwide networks to facilitate market access for the export of South Australian goods and services. It will be a real shame to see it go, and a loss to the export community of South Australia, so I urge the government to review this position.

PEER VEET

The Hon. J.A. DARLEY (15:55): I rise today to speak about PEER VEET, a group training organisation. I first learnt about PEER VEET after attending the National Electrical and Communications Association (NECA) awards dinner as a guest of NECA. During this event, PEER VEET employees were repeatedly nominated for excellence awards, and I subsequently learnt about this organisation and the valuable service it provides to apprentices.

I learnt that PEER VEET was established in 1985 after NECA and the Electrical Trades Union recognised that their industry would face a shortfall of skilled tradespeople unless steps were taken to increase training and education. In particular, a problem was identified when it became

evident that government departments had dramatically reduced the number of apprentices, which subsequently reduced training opportunities.

PEER VEET is a not-for-profit training organisation which trains, educates and assesses individuals who are seeking a career within the refrigeration, air conditioning, electrical, plumbing, data communications, electronics, roof plumbing, and associated industries. By establishing such an organisation, the industry is able not only to ensure the quality of training of their apprentices but also monitor the demand and their ability to meet this demand for skilled workers.

PEER VEET is one of the largest employers in the building and construction industry, with approximately 500 apprentices. People who are interested in entering into a training contract are employed by PEER VEET, which sources host employers who provide on-the-job training. This allows a large number of small businesses to host an apprentice, which they would not otherwise have been able to as they would not have met the requirements in their own right.

Furthermore, by having a variety of host employers, apprentices are able to rotate workplaces, where appropriate. Not only is this a requirement to meet all of the units of competence as outlined by the training organisations, it also gives apprentices the opportunity to gain experience in businesses varying in size and range of work, which broadens their learning experience.

During the apprenticeship, PEER VEET takes care of all financial requirements, such as payroll, superannuation, WorkCover, etc., and the host employer only pays when they have an apprentice. PEER VEET even pays the apprentice when they are undertaking the theoretical component.

Host employers are under no obligation to host an apprentice for a set period of time, which allows workplaces to host an apprentice only for periods when they are required, or is convenient. These flexible arrangements have seen an increase in the number of host employers, which results in a greater number of apprentices receiving training, which, in turn, grows the number of skilled people in these industries.

As an equal opportunity employer, PEER VEET not only caters for stereotypical apprentices, that is, 16 to 25-year-old males, but also provides opportunities for out-of-trade apprentices, women, Indigenous people, the long-term unemployed, people with disabilities, mature age persons and those from a non-English speaking background. The training offered allows these groups, who may have previously found it difficult to gain employment, to build their confidence and skills within their relevant industries and, more often than not, leads to full-time employment at the conclusion of their apprenticeship. Further to this, PEER VEET has been extremely successful with their female apprentices, with several winning excellence awards at both a state and national level.

The outstanding training provided by PEER VEET recently saw two of their apprentices receive awards at the prestigious National Electrical and Communications Association awards dinner, an event which I attended. In three categories for outstanding apprentices, PEER VEET apprentices received 10 nominations and won two awards. I was very impressed with the calibre of skills which we have in this state and the wide variety of projects that were nominated.

More recently, a growth in the defence and mining industries may see a shortfall in skilled tradespeople. It is very important that this company is supported to ensure there is no deficiency in skills and employees, as this could stifle the growth of the state, which will lead to South Australia falling behind other states.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:00): I rise, not on a matter of interest, but a matter of regret, a sadness. A mark of civilisation is that we look after each other. We stand up for each other: for the elderly, literally, when they need his seat on public transport. A civilised society looks after the ill and the sick. Australia's 100-year history of public hospitals, of making medical treatment available to people who need it, not just those who can afford it, has been an honourable and compassionate tradition. So it is with melancholy that I bring to the attention of the parliament the story of how South Australia—a state with a proud tradition of social justice—has put illusion and chimera ahead of honour and compassion.

The story starts with the *Buffalo* in 1836. Historians say that, while South Australia was a planned colony, the selection process for the early colonists—well, it lacked rigour is the official account. A small but significant number of elderly, poor, chronically ill and those suffering from

mental illness arrived in the colony. As a result, the governor and the representatives of the government found themselves required to care for the sick, the destitute and the mentally ill. That was in 1836 and the people with mental illness—lunatics as they were called—were among the first guests of the newly built Adelaide Gaol.

A special ward was set aside for the insane, and in 1841 a government board of pauper lunatics was set up. By 1846, the government had rented a house with eight rooms and a small cottage in Parkside, and nine inmates were transferred from the Adelaide gaol. It was a start but not a finish. There was a government commission; that is how seriously the colonial government treated mental illness. There is a lot to do in the young colony: railways to build, ports, whole suburbs to be carved from the bush but still, in 1864, a civilised government appointed a civilised commission to look into the management of the Adelaide Lunatic Asylum on North Terrace.

It was too crowded and inadequate, so a new one was built, and it was a proud moment for the colony of South Australia when the Parkside Lunatic Asylum opened in 1870. Of course, we know it now as the Glenside Psychiatric Hospital. Over almost a century and a half, thousands of sick South Australians were given help here at public expense. They were sick surely as people with an infection are sick. There is no difference between physical illness and mental illness except one is easy to see and the other is impossible to bear alone.

But civilisation is being stripped aside in today's South Australia. In September three years ago, South Australia redefined the word 'culture'. It would no longer being caring and treating and, where possible, curing the mentally ill. That was expunged from this uncivilised government dictionary. Now 'culture' would mean 'a cultural precinct'. The Glenside Psychiatric Hospital was an asset to be stripped. Nearly half the hospital grounds have been sold. The grass and lawns where patients regained their health and their strength are being replaced with shops, commercial development and private housing and a cultural precinct.

One of those developments is the so-called Film Hub, a $45 million delusion of grandeur. South Australia is building this monument—this Spark de Triomphe—right now, and it is nearly finished. Meanwhile, the replacement medical treatment facilities (the hospital for the mentally ill) was delayed for almost two years as a budget measure.

It is our land; public land; land which was handed onto this generation by the previous generation and the one before that, being sold by an uncivilised state which devalues our children and the next generation, and it devalues the mentally ill. In fact, it devalues us all. This is the third anniversary of that fateful decision. This is a time to remember the *Buffalo*, the old Adelaide Gaol and the Parkside Lunatic Asylum, and a government that cared. This is a time to regret.

Time expired.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (TERMINATION OF PREGNANCY) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:07): Obtained leave and introduced a bill for an act to amend the Consent to Medical Treatment and Palliative Care Act 1995. Read a first time.

The Hon. D.G.E. HOOD (16:07): I move:

That this bill be now read a second time.

This Family First amendment to the Consent to Medical Treatment and Palliative Care Act 1995 will require doctors to provide women who are seeking an abortion information with respect to the alternative options of adoption and foster care. I submit that adoption and foster care are natural—indeed, superior in many cases—alternatives to abortion, and it is important that women seeking abortion have the information regarding these alternatives made available to them. In jurisdictions where laws like this one have been introduced, the abortion rate has dropped substantially.

Members know where I stand in terms of life issues; I do not think there is any mystery about that. I am squarely in the so-called 'pro-life' camp, just as I realise that other members here may be in the so-called 'pro-choice' camp. I acknowledge that abortion is a truly difficult subject to discuss for many people. Few people will ever change their mind on the rights and wrongs of abortion. However, there is common ground that can generally be found, and that common ground is that most people can agree that it is good public policy both to reduce the numbers of abortion and also to reduce the numbers of so-called 'unwanted' pregnancies.

I say so-called unwanted pregnancies because, indeed, there is actually no such thing in my view. A particular woman may not want to be pregnant or may not want to have the child, but I

can assure this chamber that there are literally thousands of South Australian couples who would move heaven and earth to adopt that child if it were to reach the stage of birth; potential mums and dads who desperately want a child. There is no such thing as an unwanted child, in my view; only a child that might unfortunately be unwanted in that particular circumstance.

So, I say to members, whether you sit in the pro-choice or pro-life camps, that I hope we can agree that it is good policy to reduce the number of abortions being carried out in South Australia. We currently perform approximately 5,000 abortions per year in this state, and Family First believes that this number is far too high—20 every working day.

Last year, in a seminal speech on the abortion issue at the University of Notre Dame, President Obama (who is hardly a bastion of conservatism) spoke of the common ground between the pro-life and pro-choice movements. With his usual eloquence, he said this:

> Maybe we won't agree on abortion, but we can still agree that this is a heart-wrenching decision for any woman to make, with both moral and spiritual dimensions. So let's work together to reduce the number of women seeking abortions by reducing unintended pregnancies, and making adoptions more available and providing care and support for women who do carry their child to term.

I wholeheartedly agree with that sentiment, Mr President, and in forming part of that common ground that President Obama mentioned, I acknowledge that this bill is not solely a pro-life bill, even though I hope it will reduce the number of abortions carried out if it is enacted. Nor is it pro-choice, even though I would like to think that groups that promote a woman's choice to terminate her pregnancy would also want women to be fully empowered with all the information necessary about that choice.

The proposal is, I hope, one that bridges the divide between both camps and would be—in President Obama's words—a bill to reduce the number of abortions and a bill to make adoptions more available and simpler and easier for all involved.

Australia has a birth rate of 18.4 births per 1,000 teenage women aged in the 15 to 19-year-old bracket, and that rate is significantly higher than in some developed nations, for example, Korea, Japan, and Switzerland, with rates respectively of 2.9, 4.6 and 5.5 births per 1,000 teenagers. Australia has a marginally higher rate of unintended pregnancy than is found in similar countries within the OECD. As we are all aware, unintended pregnancy has been dealt with in recent decades in large measure through abortion, and to some degree that number explains the 20 or so abortions carried out in South Australia every working day. I believe this is indeed tragic.

That abortion figure is on one hand. On the other hand, tragically, we have plummeting adoption figures, despite declining fertility rates, somewhat ironically. In fact, today one in six couples is considered infertile. Women are just as likely to be infertile as males, according to recent statistics. In approximately 10 per cent of cases, both partners are infertile, and in another 10 per cent of cases, no cause for infertility can be determined.

The sad fact is that, despite the large number of couples who are unable to conceive a child, for whatever reason, the number of local adoptions in South Australia has fallen dramatically in recent decades. I say it is a sad fact because adoptive families provide children with the permanence and security that they need to develop and thrive, and I know how many parents are desperate to adopt and give children the parents that they so desperately need—a mum and dad.

Indeed, as members are probably aware, my own wife and father are the product of adoption. If they had been born under the current legislative arrangements, it is quite likely, certainly possible, that they would have been aborted and would not exist at all. In 1970-71 there were some 879 children legally adopted in South Australia. In 2008-09 there were only 35 finalised adoptions, down from 879, and only one—just one—local child was placed for adoption in South Australia. There are currently 5,000 local abortions, but only one local adoption. Just one. The vast majority of the few adoptions now occurring are from overseas and are prohibitively expensive for many prospective parents involved. I am told that parents who want to adopt from overseas often need to find upwards of $40,000 just as part of the application process, and that does not ensure success.

So when this bill requires a specific pamphlet outlining adoption and foster care options to be given to every expectant mother seeking an abortion, we are achieving two beneficial objectives. On the one hand, we have seen from figures overseas that the abortion rate will drop, and I will deal with this shortly. On the other hand, parents who wish to adopt will have the opportunity to do so—something that is all but impossible at the moment.

Certainly, there is an economic benefit to the state and the nation in promoting childbirth. It is worthwhile to note that in the early 1970s, 31 per cent of the population was 15 years old or younger. Now it is approximately 22 per cent. Over the same period of time, the percentage of those aged over 65 years has climbed from eight to 13 per cent, and is projected to reach 25 per cent of the population before 2040. This has profound economic implications. Indeed, I understand that our health budget is nationally increasing by around 7 per cent per annum at the moment, largely due to the ballooning costs of our aged population. Certainly, more babies and fewer abortions are part of that solution.

This bill is not unusual or radical. Informed consent laws, as they have been called (as I would consider this) are incredibly common worldwide. In fact, I believe South Australia would currently be in an absolute minority of jurisdictions in not mandating the information required to be provided to mothers seeking abortion.

In Germany, counselling is required by law and is, in fact, designed to protect the unborn life. Although it is, to a degree, a politically left leaning country, in Germany a counsellor is required to inform the woman seeking an abortion that the unborn have a right to life and, in fact, will try to convince the mother to continue with the pregnancy.

In France, a physician must inform the woman about the risks of the abortion procedure. Women are also provided with a guide to the types of government and community assistance provided to mothers and their children. There is also a section in the guide informing the woman of the adoption process should she decide to proceed with the pregnancy.

In Belgium, again, there is similarly mandated information that must be provided to women seeking an abortion, detailing assistance and benefits guaranteed by the law to families and children, as well as information on the possibility of adopting the child. Belgian doctors are also required to provide assistance and advice to assist in the resolution of any psychological or social problems being faced by the mother seeking an abortion.

In the United States, 32 states have rules requiring various levels of informed consent, starting with unbiased information to be provided by some alternatives (such as my proposal), all the way to providing ultrasounds to the mother of the unborn child and providing detailed information regarding the risks inherent in the abortion procedure. Five states even require doctors to inform women that the state favours childbirth over abortion.

This bill does not contain that requirement, however, as I am aware there is not support for such a provision in this chamber. My aim here is to present a bill that has a prospect of actually passing and becoming law. In 1992, the US Supreme Court ruled in favour of informed consent laws in the case of Planned Parenthood of Southeastern Pennsylvania v Casey, with the court noting that the laws were permissible providing that the information provided to the woman was truthful and not misleading.

In fact, in several US states, details of the methods used to perform the abortion must be described to the women. These are horrific techniques. In one commonly used technique an apparatus like a pair of scissors is thrust into the baby's head and the baby is dismembered in utero. One could argue that abortion is one of the only operations to be performed on a woman in which the procedure used is not often explained, or at least it is rare that the woman will be given any level of detail regarding the abortion procedure.

It may be legitimate to argue that a woman seeking an abortion must also be provided with this information. However, again, I realise there may not be support for such a measure in this place, and the provision of such information does not form part of this bill. Under the bill I have introduced today, the information that would be provided to women, which is limited to information regarding adoption and foster care options, will be prepared by the department.

I stress that the information will not be prepared by either pro-life or so-called pro-choice groups. In fact, I have specified the department will provide this information, as I am aware that members will insist on the information being impartial from that perspective. Data from Europe certainly appears to demonstrate that safeguards such as the ones I have mentioned do result in lower rates of abortion.

One comparison has shown that the countries with informed consent laws, among other measures, had an average abortion rate of 11.9 per 1,000 women of child-bearing age. The countries that had no requirement for mothers to be provided with further information had a rate of 18.1 per 1,000 women, a substantially higher number.

One very troubling statistic that I have come across from research in the United Kingdom carried out in May 2008 is that over 50 per cent of British women felt they had, in their own words, 'no choice' in deciding to have an abortion. A similar proportion said that the views of the child's father were very important in making this decision; that is, there appears to be a high risk of coercion in making such a decision.

Many abortions, it seems, are due to women being pushed into the process by someone, whether it be a partner or some sort of conveyor-belt type mentality in some institutions, or simply a lack of knowledge of the alternatives. Members may complain about this proposal and say that, of course, women would be aware of the alternatives already. The fact that 50 per cent of women in the UK thought they had no other alternatives I believe completely rebuts that argument.

Certainly, we cannot place ourselves easily in the shoes of a young woman perhaps from overseas and perhaps facing coercion from the father of the child who is not keen on having a child or not keen on paying child support. A remedy for that—or, at least, a partial remedy—is found in this bill because now, for the first time, doctors will be required to provide information to the mother about the alternatives, specifically, adoption and foster care.

My submission is that the very act of providing information about alternatives can open a valuable dialogue between the doctor and the woman during the process, and any coercion or other unfair influences on the woman can be addressed, discovered and dealt with.

To those who oppose this measure, despite the fact that similar measures are supported by those such as President Obama and are common practice in almost all western countries throughout the world, I ask on what grounds do you oppose women being given more information before making a decision that literally deals with life and death. I commend the bill to members and indicate that I hope to raise further issues and introduce more bills in the future regarding this important issue. This is a first step; it is an important first step and one that I sincerely hope members will consider carefully and allow to pass this place.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT 2009-10

The Hon. CARMEL ZOLLO (16:21): I move:

That the report of the committee, 2009-10, be noted.

This is the 15th annual report of the Statutory Authorities Review Committee and my second as presiding member. It provides a summary of the committee's activities for 2009-10. Throughout the year the committee met on 20 occasions, tabled four reports and currently has one ongoing inquiry. The committee heard oral evidence in the reporting year in relation to its inquiries into the WorkCover Corporation, Office of the Public Trustee and the Teachers Registration Board.

Apart from the 2008-09 annual report, the committee tabled three reports prior to the state election in March 2010, namely: first, the inquiry into the Land Management Corporation, which commenced in October 2006, received 20 written submissions, heard oral evidence from 39 witnesses and made seven recommendations; secondly, the inquiry into the Office of the Public Trustee, which commenced in March 2008, received 29 written submissions, heard oral evidence from 14 witnesses and made 13 recommendations; and, thirdly, the inquiry into the WorkCover Corporation, which commenced in November 2007, received 18 written submissions, heard oral evidence from 48 witnesses and made seven recommendations.

The chamber has had the opportunity to debate all the reports other than the WorkCover inquiry report. The committee conducted the inquiry into WorkCover between late 2007 and early 2010. As such it was published out of session and formally tabled rather than being noted at the commencement of our new parliament this year. I will make some comments in relation to this report. The terms of reference related to WorkCover's financial position, the decision to engage a single claims manager (Employers Mutual), WorkCover's exposure to the subprime mortgage market, and the 2007 actuarial report.

As already mentioned, the committee conducted a number of hearings and the major topics included: the contract 2006 process to engage a single claims agent; the scheme performance; Employers Mutual fees; redemptions; and alleged conflict of interest on the WorkCover Board. On 9 February 2010 the committee published its final report, which contained seven recommendations, three of which were supported by the whole committee. The Hon. Ian

Hunter and I did not agree with recommendations 4, 5, 6 and 7, and a separate minority report was prepared. The Hons Terry Stephens and Rob Lucas also attached a minority report.

The Minister for Industrial Relations responded to the report on 9 June 2010. This was tabled in parliament on 22 June 2010 and is also included in the annual report, as are the other responses. I will, however, note some of the comments of the Minister for Industrial Relations. The minister indicated that WorkCover would continue to conduct satisfaction surveys of workers and employers, as recommended by the committee. The executive summary of the satisfaction surveys will continue to be published on its website, and on request the full report of satisfaction surveys will be supplied to interested stakeholders or individuals.

The minister advised that WorkCover will continue its open and consultative management style with injured workers and interested stakeholders, such as the Work Injured Resource Centre (WIRC). The minister also advised that WorkCover will ensure its survey results identify workers who return to work and ensure that this information is collated on a nationally consistent basis, so long as this does not unlawfully or improperly release injured workers' personal details or impact the integrity of the survey results.

In relation to the number of claims agents, the minister indicated in his response that WorkCover would increase the number of claims agents to only two or three at the next tender if there was evidence that it would deliver the best outcome for the scheme, based on factors such as cost, value for money, ability to deliver on the benefits realisation plan and any transition risks.

In a ministerial statement in relation to the WorkCover annual report on 30 September 2010, the minister told the chamber that the WorkCover board had decided to extend the Employers Mutual contract for the provision of claims management services in South Australia for a further 18 months. The extended contract will run from the current expiry of 1 July 2011 until 31 December 2012.

The Hon. Paul Holloway advised the chamber that at the current time the scheme is experiencing significant change in the areas of work capacity reviews, medical panels, the cessation of redemptions and the introduction of new technology. The board's decision to extend the claims management contract reflects a desire to maintain certainty in service delivery during this period of change. The minister said that the board will continue to monitor Employers Mutual's performance and will reassess its position in 2012.

The government decided not to adopt the recommendation that WorkCover annually report the level of claims savings in legal costs under its sole provider contract as extensive information is already provided.

The final recommendation of the review suggested that the independent review to be conducted in 2011 of the impact of the recent change to the legislation should also review the performance of the WorkCover board and management in implementing these changes. In particular, the review should consider WorkCover and EML's performance in the critical area of claims management.

In response, the minister noted that he is required, under the Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008, to appoint an independent person to carry out a review and, in doing so, the reviewer will properly consider the performance of WorkCover and Employers Mutual.

The minister also placed on the record, when recently tabling WorkCover's annual report, that WorkCover SA's results for the financial year reflect a profit of $77 million and an unfunded liability of $982 million. This is a considerable improvement on the previous financial year, when the corresponding figures were a loss of $75 million and an unfunded liability of $1.059 billion.

At the commencement of the new parliament, the Statutory Authorities Review Committee was re-established on 6 May 2010 and, coincidentally, retained the same five members. I take this opportunity to thank the staff—Mr Gareth Hickery, the committee secretary, Ms Lisa Baxter, our research officer, as well as Ms Cynthia Gray, our administrative assistant—for their work throughout the year.

I am obviously very pleased to have been reappointed to the committee and elected as the presiding member. I thank all honourable members for their ongoing work as members of the committee: the Hon. Ian Hunter, the Hon. Rob Lucas, the Hon. Ann Bressington and the Hon. Terry Stephens. I look forward to continuing to work with them.

The Hon. R.I. LUCAS (16:30): I rise to support the motion. However, I understand that the member who spoke before me made some controversial remarks in relation to issues that relate to WorkCover.

The Hon. Carmel Zollo: According to you.

The Hon. R.I. LUCAS: Well no, not according to me; according to one of my colleagues. I was called away for an urgent five-minute meeting and was unable to listen to the honourable member's contribution. So, in the light of the advice from my colleague, this was just going to be a 60 second 'Hail fellow well met' to congratulate all of the staff and the hard work of the committee. If the chair of the committee has incorporated an element of controversy and vitriol into the debate on the motion, then I would obviously need to respond in my normal temperate manner. I will do so at a later time, so I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SUSHEELA, DR A.K.

The Hon. A. BRESSINGTON (16:32): I move:

That this council recognises the research and treatment delivered by Dr A.K. Susheela PhD, in the area of fluoride toxicity and fluorosis and urges the minister to facilitate Dr Susheela coming to Adelaide for a seminar to train medical practitioners, gynaecologists and obstetricians in the early detection of fluoride poisoning.

I would like this council to acknowledge the research and the 35 years of hands-on treatment that Dr A.K. Susheela has delivered to people who have been diagnosed with fluoride poisoning. Dr Susheela has a clinic in India and she is actually the first medical professional to develop a test that will identify fluoride poisoning at an early stage before it goes on to become a serious health issue.

Dr Susheela's treatments have not been done on people who have only been consuming water that has a high natural content of fluoride. In many of her case studies, she has been treating people who have been consuming only one part per million of fluoridated water. Dr Susheela has identified and has written, I might add, 80 scientific publications in leading western and Indian journals on the topic of the harms of fluoride.

She has been doing this, as I said, for around 35 years now and has spoken at scientific meetings in Japan, Denmark, Switzerland, Kenya, the United States and Hungary. She was actually invited to the UK for 10 days back in 1998, I think it was, when they were planning on extending the fluoridation program in the UK from Birmingham to, I think, Brackenshire. She went over there and spent 10 days speaking with health ministers, which is more than she can get in SA, by the way. That fluoridation program was suspended indefinitely, and still has not been forwarded to this day, because of the evidence that Dr Susheela provided to health officials and to the minister for health and the shadow minister, on what she had found in her scientific studies.

Dr Susheela is not just known in India: she has studied at Harvard University and has also done post-doctoral training under Lord Walton, a neurologist in the UK, and Dr Ade Milhorut of the Muscle Institute, New York, USA. She is also a visiting professor at the Allan Hancock Fraternity at the University of Southern California.

She has quite an extensive eminent history as both a scientist and a treating physician, and she has seen the link now between the ingestion of fluoride and what they call skeletal fluorosis. Of course, it stands to reason that in highly fluoridated areas in India skeletal fluorosis is much more prominent but, as I said earlier, it is still being detected in areas where water fluoridation is reading at only one part per million.

One of the most disturbing findings that Dr Susheela has found, and it lines up with other studies as well, is the harm to unborn babies and the cause of stillbirths—these are full-term babies that are stillborn. Over 85 per cent of stillbirths at Dr Susheela's clinic, she claims, and scientific studies prove, are linked to fluoride intake at one part per million or 1.2 parts per million.

We all have to understand that our fluoride intake in the water we have at one part per million, or 0.9 parts per million, leaves absolutely no room to move. That is the absolute total amount that a person should be taking in on a daily basis. We are not allowing for the fact, as they did not in India, that if you eat a can of tuna you are ingesting fluoride at about 0.6 parts per million; if your kids like to eat Froot Loops for breakfast they are ingesting 0.8 parts per million of fluoride; if they are drinking milk that is taken from cows that are drinking fluoridated water, it can be up to 0.3 parts per million that they are ingesting—or if they are eating baked beans, which are a very

popular kids' meal or snack, or even Heinz baby food, which contains fluoride at high levels. The recommended dose for children under five, set by the EPA safety guidelines in America, is zero.

Dr Susheela was being referred many patients from gynaecologists and obstetricians in India—patients who were carrying very underweight babies, and this was not because of poverty or poor nutrition. The gynaecologists and obstetricians could not work out why these women's babies were so small and had a very small chance of survival at birth, even though they were going to full term.

The doctors decided that it must be poor nutrition, so they started giving these women iodine tablets and fish oil tablets to try to boost their immune system and get better nutrition to the babies, but it was making no difference. The conclusion these doctors came to was that the women were not taking their tablets. So, they referred about 30 women, at first, to Dr Susheela's clinic. She monitored that these women were taking their iodine and fish oil tablets but it was making absolutely no difference at all. They were complaining of skin rashes, nausea, loss of appetite, being tired or fatigued, and she recognised the early signs of fluoride poisoning and tested them. They had accumulated only one part per million in their urine and they were fluoride toxic.

When she removed the fluoride from the women's diets, identified in the food intake as well as water and fruit and vegetables that they were eating that were sprayed with pesticides that contained sodium fluoride, the babies started to gain weight and the women started to feel better. She continued on with those studies until she was able to actually write a couple of scientific papers about the harms that fluoride does. Also, autopsies done on stillborn babies showed that their blood levels of fluoride were off the charts, and that was why the stillbirth occurred.

This study is also backed up by another study done in the United States by Dr Blaylock, who has been a neurosurgeon for some 24 years. He conducted studies on 'Fluoride neurotoxicity and excitotoxicity/microglial activation: critical need for more research'. That was his preliminary paper and he went on to do a study. This is what Dr Blaylock had to say about the findings:

> Since baby animals exposed to fluoride develop high levels of free radicals in their brains, it makes one wonder what happens to human babies. Unfortunately, it is the same damage. Researchers examined the brains of aborted babies five to eight months into a pregnancy who were from areas having naturally high fluoride levels in the drinking water. What researchers found was alarming.
>
> The brain cells of the babies were grossly abnormal and nerve fibres were not even compatible with typical human nerve fibres. The brain cells in the babies were grossly abnormal and the nerve fibres were misplaced and swollen. These brains were mis-wired.

It said earlier 'naturally high fluoride' but it then states:

> Keep in mind the fluoride levels in the drinking water were within the 'safety guidelines' established by the EPA—

which is one part per million—

> and no other causes for this damage were found

So 23 scientific studies have been done since Dr A.K. Susheela's initial research on the harms of fluoride to our children and to our unborn babies.

Dr Susheela also did an affidavit for a lawsuit in the state of Wisconsin where she lists 63 known effects of fluoride on the human body and the effects it has on children. I am not going to go into all of that today. I am waiting patiently for the Hon. Mr Wortley's response to my last motion on fluoride.

What I would like to tell members is that Dr Susheela is here tomorrow. She is making herself available for one hour at the building over the road. I think my personal assistant has circulated an email. She is very keen to see that South Australian members of parliament are interested to hear the science and the medicine on fluoride that is quite different to the information that we are getting from our health department, which was the same as she faced in India 20 years ago when she started her fight to get their water defluoridated.

She feels it is very important that members of parliament be well informed and she has kindly offered her time tomorrow to share the information of her research and her practice with members of parliament. I hope that there will be some interest shown in this because, I promise you, this fluoride issue is not going to go away.

Regardless of what Dr Cunliffe and his lackeys in the health department want to put in the name of the minister, there is now ample science and ample research to show that we have this

wrong. We have this wrong and there is only one worse than making a mistake and that is not having the courage to stand up and admit that, 40 years ago when we fluoridated South Australia's water supply, we only knew what we knew.

However, now, and especially since 1995, the research has been rolling in and there are some 3,175 healthcare professionals who have signed a petition, as I mentioned in my last speech, to ban water fluoridation. These are not lackeys. There are: 543 registered nurses; 454 doctors of chiropractic, which includes masters of chiropractic; 408 PhDs, including doctors of science, doctors of education and doctors of public health; 353 MDs and surgeons; 284 dentists; 138 naturopathic practitioners, which I know would probably be scoffed at by some in here; 73 lawyers; 70 registered dental hygienists; 70 pharmacists; 51 acupuncturists; and 30 doctors of osteopathic medicine, just to mention a few.

These people have all participated in research studies of one kind or another that are showing skeletal and brain damage and fluoride to be the cause of many cancers, including bone cancer in young boys especially, and the early onset of puberty in young girls, because of the calcification of the pineal gland, which prevents the production of serotonin and melatonin and disrupts our endocrine system. I am asking all members to look at this with an open mind. I do not expect that I will be believed just because I am saying this; there is plenty of research out there.

However, when we have a world-class expert in our midst who is making herself available to share the knowledge and the science that she has accumulated over 35 years, which is verified by the scientists, researchers and healthcare professionals that I mentioned, we should not allow ourselves to pass up that opportunity, because, as many pro-fluoridationists who have gone over to the other side and spoken out against fluoridation—and there are many—say, water fluoridation is almost treated as a religion within the dentist and medical associations. They know now it is because it is big money.

When they were able to go in and do their own research and find out about the research and the toxicity of fluoride to the human body—because, let us face it, we are more than our smiles—they were horrified, and they have spoken out publicly on why they have changed their mind on fluoride. All this information is available, and not because it is tacky internet information either, because these guys have made sure that this information is widely available and easily accessible by anyone who would care to look into this issue and take an interest in it.

I have been communicating with all of these healthcare professionals for the last three months, and they are what they are. Some of them are the head of a preventive dentistry institution in their own country. Some of them are not just ordinary, everyday dentists: they are head of their field, and they are saying we have it wrong. So, I am asking members to make themselves available tomorrow at 12 o'clock to hear what Dr Susheela has to say and to consider whether perhaps it is time that we review our policy on water fluoridation in South Australia.

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

PARKS COMMUNITY CENTRE (PRESERVATION OF LAND AND SERVICES) BILL

The Hon. R.L. BROKENSHIRE (16:50): Obtained leave and introduced a bill for an act to make provision for the preservation and use of the Parks Community Centre for the benefit of the community and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE (16:51): I move:

That this bill be now read a second time.

It is very sad indeed that I am moving this bill today. I believe that many members of the government, I would assume including you, Mr Acting President, and the President, consider that this budget has brought some sadness in its slashing of public servants' leave entitlements, and the Parks Community Centre is another issue that has brought great sadness amongst the Labor-voting western suburbs; and now there is an amazing backflip. This bill is about helping Labor to walk the walk instead of just talk the talk on the Parks never closing. The Parks Community Centre was a project of the Dunstan government. The Parks was opened sometime in 1978 or 1979. It cost $16 million to build and was funded jointly by state and federal government, with the former Enfield Council contributing to the cost of constructing the swimming pool and library.

After the victory of the Tonkin Liberal government, the new opposition leader, the Hon. John Bannon, who was also the local member at the time that the Parks opened, said in a media release in late 1979 that the Parks was, 'one of the most notable community projects in the

whole of Australia and one which has attracted international interest', and that he would 'always be happy to use whatever influence I possess to safeguard the Parks Community Centre'. The Hon. Mr Bannon also said on that occasion the only danger faced by the Parks was 'that it will continue to attract visitors from other areas, people who come to gape and admire'.

I strongly agree with what the Hon. John Bannon said in those remarks and, in fact, with other parliamentary colleagues at the rally a few weeks ago, on that Sunday morning, I actually said that instead of closing the Parks and downsizing services the government could make money out of the intellectual property and the concept if it were to develop this across the regions and then market it throughout Australia and indeed overseas. If you talk about real social inclusion and you mean what you talk about, then this is a model—an international model—of best practice. The then opposition leader, John Bannon, later told the other place on 9 December 1980:

> It is no accident that the Parks Community Centre is established where it is. I remember seeing a survey some years ago in which people in Adelaide were required to list suburbs in descending order, from the most desirable to the least desirable, and about 120 suburbs were involved. Those suburbs which were at the bottom of the list, that is, those which were perceived (I might add this is a perception rather than reality—it was a citywide survey), were all of those suburbs [that] were centred around the Parks area, and this was a recognition of the tremendous social problems that had arisen in the area.

We are talking here of a significant number of catchment suburbs for the Parks, being Angle Park, Mansfield Park, Regency Park, Woodville Gardens, Athol Park, Wingfield and Ottoway. The Hon. John Bannon went on to state:

> It was a dormitory suburb established very rapidly at the time of an acute housing shortage shortly after the war. Most of the houses were built by the Housing Trust on a standard duplex double unit model, which was cheap in all respects. It was not well designed, and the houses were not particularly well built either. They were built in a hurry to alleviate a crisis. Into that area were pushed all the people who were in desperate need of housing. Many of them had problems with employment, many of them with family and other social problems, and so on. One of the most notable features of the area was that it had absolutely no facility.

That is where the radical and brilliant social innovation of the Parks came in, and I applaud the Dunstan Labor government's initiative. It is truly, along with perhaps the Chaffey Theatre in Renmark, one of the Dunstan government's last legacies to South Australia. The Parks Community Centre now features a swimming pool, library, gymnasium, cinema, theatres and facilities for community assistance, woodwork and craft courses. There have, at times, been a health clinic and dental clinic at the centre also, and of course a school, which I will return to in a moment.

The Parks is also home to several government offices, including Housing SA, that operate out of the precinct and provide, amongst other services, food vouchers. English language classes and financial counselling are also offered from the site. There is a community legal centre there. The Parks has hosted a multicultural festival, family holiday crafts, plays, discount movies for families in school holidays, and kids' concerts. Both the soccer pitch and cricket oval are on the land, as well as a driver training and go-cart track, and extensive car parking and an electric model car racetrack. We found the venue excellent for staging a rally on 10 October, with great car parking and open space. Perhaps future community concerts and the like could be staged there.

It is an excellent community asset. Considerable numbers of gum trees that would arguably be significant trees are also on the site. For the sake of chronological order, I will put briefly on record that, due to problems with funding availability, the parliament in 1981 created the Parks Community Centre Act, which purely created the administrative structure of the board of the centre, its chief executive and a fund so that the Parks management had a legal and financial structure on which it could conduct its business. So, there is precedent for legislation specific to the Parks, even though that act was subsequently repealed.

You cannot retrace the Parks history without examining the now puzzling strategy of the Labor opposition in 1996 when the former government closed the Parks high school on the site. The Parks high school originally opened as the Parks community education centre, replacing the former Angle Park boys' and girls' technical colleges. Former premier Dunstan attended a rally at the Parks attacking the decision. Then a young-faced opposition leader launched a scathing attack on the government for considering shutting down anything at the Parks. I recall seeing the footage, I think from the ABC's archives, but there is some suggestion the then opposition leader and now Premier made strong commitments at that rally that his government stood forever behind the future of the Parks site, as indeed had one of his predecessors (Hon. John Bannon), as I have previously outlined.

I want to touch on the recent history of the Parks Community Centre under Labor. It is worth noting that, since it came to office in 2002, Labor has done virtually nothing to upgrade the Parks facility. They have, eight years later, in 2010, spoken about how it is ageing, crumbling and what-have-you. Whose responsibility was it over those eight years to maintain it? Having said that, the fact of the matter is that it still looks like a great structure and quite modern. It may need some painting and basic maintenance but it would be easy to get it back to excellent order.

I have on file a document called *Parks Talk* from November 2005 which has a picture including local members Hon. Jay Weatherill and Hon. John Rau previously looking at ways of improving the Parks. That is a good thing and good work for local members to be doing. In the *Parks Talk* newsletter in November 2005, heading towards the 2006 election, they said:

> The South Australian government wants to get it right in the Parks. That is why we've been talking with many of you over the last few months. You've told us the Parks is a great place to live and you've also told us that certain things need to get better. Those of you who grew up here and worked and raised children in the area remember the days when people knew each other and looked out for their neighbours. The Parks Community Centre was a hub of community activity. Today we know we need to get unemployment down and improve community safety.

Then they said:

> We have to make sure that the Westwood project is finished as soon as possible so that the people in the Parks can be confident about the future. At the top of our list of what we want to do in the Parks is the completion of the Westwood project. We now have an agreement with the developers, Urban Pacific, to speed up the project.

As I said, I give credit to the local members and congratulate others for engaging with the local community who are associated with the government or the direct community there. Cabinets are where the decisions are made, and at times, as with this government, there are a select few in cabinet who seem to really have the power to say whose community centre stays and whose community centre goes.

It must have been frustrating then for Monsignor Cappo that the 2010 razor gang, on which he sat (and perhaps the Monsignor was a lone voice of dissent on the Parks, having previously strongly supported the Parks), sadly recommended the bulldozing of the Parks. The recommendation of the Sustainable Budget Commission, this razor gang, to bulldoze the Parks was taken up, we are told, with unanimous support from cabinet, though one rumour did the rounds during the fallout of the backflip that I will outline later—a text message to Matt and Dave's 891 ABC radio morning program—that the Premier was the only one to have expressed concern on this issue. I would think that would probably be the case because, if there is one person who has a strong political sense in the cabinet it is the Premier.

They were happy to bulldoze the Parks, even though the bikie fortress across the road remains standing to this day. I thought when I was in parliament and they brought in the legislation with respect to the bikies that the fortress would have been the thing that the cabinet moved to knock down, not the Parks Community Centre.

The budget said that funding for the Parks would be cut by March 2011. This decision affects at least 30 full-time staff and 50 casual staff who have lived under a cloud of uncertainty over their contracts, and this uncertainty and angst is continuing to this day. I may have more to say on this in summing up, but there are still some very concerning rumours going around about the future of the pool, given its alleged concrete deterioration, and staff contracts. This government is good at divide and conquer, and this bill's protection for services is quite intentional to ensure that services are not siphoned off one by one.

I will touch on open space losses. I put in context that this Parks closure, as the government wanted in its budget, comes as the surrounding community area loses 8.1 hectares at Enfield High School, 11.3 hectares at Ross Smith, 3.6 hectares at Kilburn Primary and Ferryden Park Primary, respectively, and 3.24 hectares at Mansfield Park Primary—a total loss of open space in the western suburbs of 29.84 hectares. Add to that Cheltenham at 49 hectares and St Clair possibly also going into housing at 10.5 hectares, and you get a total of about 90 hectares.

Notwithstanding the loss of close to 90 hectares of open space in the inner north and northwest of Adelaide, this Labor government wanted to take away a further 14 hectares at the Parks. Their hunger for land development is amazing. We have nothing against land developers and we are not opposed to land development if it is done properly—we support it—but in the western suburbs, where we are already so much under pressure when it comes to open space, there has to be a halt somewhere so that people can actually enjoy lifestyle. Cheltenham reportedly sold for $85 million, so at 49 hectares that is a $1.7 million per hectare figure.

That is a rough calculation, I know, but by that rough measure this government stood to yield $23.8 million from selling The Parks, and the proceeds from all those schools, close to $50 million—short-sighted decisions for the sake of a budget bottom line, while community services suffer.

I want to talk about the Port Adelaide Enfield council and The Parks. It seems that, when it comes to funding sources, both the razor gang and the Rann government believe there is nothing special about The Parks and that it should be funded mostly, or entirely, by the council. It is a weak excuse to cut a community service.

I do not know whether this was a game of brinkmanship that went horribly wrong with the council, but it was perhaps what in sport terminology would be called a brain-fade moment. Channel 9 political reporter Tom Richardson, in his *Independent Weekly* column, described the decision as follows:

> …perhaps the worst this Labor government has made in eight years of office. It was certainly among the nastiest.

Tom Richardson also said:

> It shouldn't have to take Cappo's intervention, public rallies, earnest pleas, Facebook petitions or parliamentary inquiries for Labor to realise this was a dud decision.

Mayor Gary Johanson, who has been elected unopposed, has been excellent in fighting for the community. In the media and when speaking at the rally on the steps of Parliament House, he has been strongly opposed to the closure of The Parks.

I want to touch now on the subject of the backflip. By Twitter update to his 10,000-plus followers, many of whom seem to be from overseas or otherwise of dubious origin, the Premier stated on 5 October:

> Reports that The Parks centre has already been sold are completely false. The Parks will NOT be closed.

The government followed that Twitter update with a press release by minister Rankine, dated Tuesday 5 October 2010 and headlined: Parks future assured: It will not close. How? Well, they had met with Mayor Johanson and put a process in the hands of Monsignor Cappo. I congratulate Monsignor Cappo on all the work he is doing but, boy, is he under some pressure with the amount of work the government has him actively pursuing.

Monsignor Cappo allegedly told the minister that he 'would like the future plan to be an integrated one that fits with the whole of the western region of metropolitan Adelaide'. That is good work by the monsignor, given the scores of hectares of open land and the schools in this region alone flogged off by this government.

However, despite what the media accepted pretty readily as a backflip, on the ground community members told me (and are still telling me today) that they remain sceptical. It is no surprise that they remain sceptical when you look at the rally on the steps of Parliament House today by country people, people who are very dear to me. They had the government's mark 1 country health plan, which would have decimated country health and cut 43 hospitals. Being a country person myself, I know the importance of these local hospitals.

With public pressure, the government backflipped on that plan and it came out with country health plan mark 2. In fact, the government said that there would be no closures and that there would be only improvements to public health in country South Australia. Well, of course, those people were at the rally today because of the broken promise contained in that press release. A closure is a closure if the government pulls Public Service contracts away from those hospitals by stealth and then forces the closure of those hospitals. That is why country people were out there rallying today. In other words, a press release, twitter or any media comment saying that something will never close is simply not good enough, and that is why they remain sceptical

Staff are in the dark. The caretaker period of the council is not helping. Hopefully, the timing of the announcement of the closure in the budget will be instructive to governments in the future. I have great sympathy for the staff and volunteers who have been hanging by a thread after this announcement, wondering whether their jobs and community functions will continue. This bill is about giving them that permanent certainty. This bill is about the major parties signalling their intentions, should they form government, beyond this current electoral cycle. This bill is about putting the stoppers on a future razor gang making the same foolish, number-crunching recommendation that it did this time around.

I turn to the structure of the bill. The Parks is zoned policy area 61 in the council's development plan, and that is a specific parks neighbourhood centre zone. Yet, as we know, major development status can override that. As we know with Cheltenham, special protections can be pulled away by this government very easily, so that is why we are proposing this legislative model today.

The initial inspiration comes from changes made to the Local Government Act—and this highlights the precedents—that gave special protection to seven parks, being Beaumont Common, Glenelg amusement park, Klemzig Memorial Garden, Levi Park in Walkerville, Reynella Oval, Lochiel Park and Frew Park in Mount Gambier. All of those, barring Lochiel Park, are specifically described as 'community land and the classification is irrevocable'. That was our starting point with this bill.

However, given community concern about continuity of services, and given the numerous ways any government could undermine the centre through cuts, we have also put provisions in this bill to say that services must not be cut without proper community consultation. Now, some may say you do not need to put that in a bill, but people are losing trust in this government. They talk about consultation, and we have seen their consultation. You could write or show their consultation on the back of a Mintie wrapper. There is virtually no consultation and we need to start to protect, in my opinion as a parliament, the best interests of our community.

Likewise, the government cannot get clever and lease out the Parks land to developers, or others, to get around the bill banning sale of the Parks land. Lastly, the Parks cannot be used for residential purposes, so we are absolutely clear that the Parks will remain as a community centre. Quite frankly, this is a 14-hectare beacon of open space and community services in an ocean of housing, where once there were 103 hectares of more open space and community buildings in this region of metropolitan Adelaide.

Family First supports the concept of TODs and urban infill, but you have got to have open space. If kids can't play, if communities and families can't get out and enjoy recreation, you are on a slippery slope to bad community environs.

I want to touch on petitions. I have here petitions that ran in the Messenger Press that have not been tabled, and I seek some advice from you, sir, and the Clerk, as to whether there is a way that I can include these in *Hansard*. Some 800 or more people signed this form of petition, which unfortunately could not be tabled as an official petition. I acknowledge the work of the Messenger Press. It was so concerned that it actually printed the petition in the newspaper, but obviously a commercial paper cannot leave the back page unprinted, so there was a technicality as to why it could not be tabled. So 800 more people signed the petition that has been tabled in the parliament.

I want to give credit to some other people who have been involved in this issue of saving the Parks. I pay tribute to the *Weekly Times* and the *Portside* Messengers, and indeed all of the News Limited press who have been vigilant on this issue for some time. The *Weekly Times* ran an article back on 24 February this year, by Michelle Etheridge, saying, 'Parks users were calling on their candidates to commit to saving the Parks'—bearing in mind that was before the election.

The *Weekly Times* noted in that article that the Parks had been receiving $2.1 million per annum, but in the 2009-10 budget had already suffered a 17 per cent cut in funding. So, when you look back, the government was already signalling that it was on the way to exit its responsibilities from this iconic Parks Community Centre.

I want to recount what our Family First candidate for Enfield, Brett Dewey, said in response to the pre-election question on the issue, as follows:

> I have worked with youth in the area as well as in my own youth years doing Scout Shout performances at the Parks. Given the need of that community, it would not be in the community's best interests to shut down the Centre or even subdivide the land for other purposes. The Parks Community Centre is a pivotal pillar of the Parks' identity.

On that, one of the lines that the government has given is, 'Well, things have changed now. Former premiers, the Hon. Don Dunstan and the Hon. John Bannon, were right then about the importance of the Parks, but it has all changed, because with the Westwood development and all of the public housing that we are knocking down, we have a new community coming in there and they are not going to engage with the Parks Community Centre.' They are wrong. There are a lot of people who are generational in the western suburbs.

Those new people might take a little while to find out the benefits of the community centre, but they will need it, just as people needed it in the seventies and the eighties when the Labor government was showing good initiative and building this centre. The News Limited Press, through *The Advertiser* and the *Sunday Mail,* was consistently raising public awareness about this issue in recent months, to the point that they were running a public forum at the Parks in the week leading up to the community rally of 10 October, and they actually ended up pulling out after the government's backflip.

The Leon Byner program and the Bevan and Abraham program also pushed this issue very hard. I pay tribute to Sonya Feldhoff in her 891 ABC afternoon Drive program, who took a very keen interest in this issue from the beginning and reported on its progress a number of times. For instance, I recall speaking to the program on that afternoon of the government's backflip, at which time I committed to moving this bill.

As I said earlier, I give a lot of credit to the FIVEaa morning program of Leon Byner and his listeners. Leon, like Sonya, but even earlier in the piece, was like a dog with a bone on this issue. It was Leon Byner who interviewed Monsignor Cappo to get him to commit to action on this issue and, arguably, that set into collapse the deck of cards that was this brain fade of a budget decision. I believe Monsignor Cappo's strength helped immensely to see this backflip.

I want to honour the residents of St Clair and Cheltenham. It is sad for them that the government is saying that the Parks is safe but that their reserves are not. It is a tragedy of St Clair that that is at serious risk of housing and the Cheltenham residents that they have lost their battle to protect their open space, but I pay tribute to them because I believe their battles on open space in the west of Adelaide had an influence on public opinion and media interest when, yet again, this Labor government eyed off another public space in the western suburbs.

I know that the action groups on these issues sent messages of support to us and some attended the 10 October rally. Again, I pay tribute to Monsignor Cappo who, in late September, gave the government a good telling off about the Parks. Perhaps he had found the voice he could not raise on the razor gang—good on him. His comments, arguably, played one of the biggest roles in the decision being reversed. Our own supporters in the Parks area who got in touch with us about this issue and are users of the facility, to them I say: well done. You have been heard and you will continue to be heard on this issue.

I thank again those who spoke at the 10 October rally, being Isobel Redmond, Leader of the Opposition, the Hon. Tammy Franks of the Greens—I know that there were apologies on the day from the Hon. Ann Bressington, the Hon. John Darley and the Hon. Kelly Vincent due to other commitments—Mayor Gary Johansen, Peter Christopher of the PSA (you would be interested in this, Mr President; the union movement that you support so strongly actually came along to protest this decision) and representatives from this new phenomenon of the roller derby and from the seniors groups at the campus.

I deliberately left one person out of that thank you list for the rally because I want to conclude by acknowledging her excellent work: Lauren Francis and a very dedicated group of her friends and community volunteers, Bianca, Christine, Claire, Kelly, Mickey, and members of staff who I will not name for their employment safety but who were extremely helpful in fighting for their community and their concerns for the best interests of the community.

These are mums and dads, members of staff, community members and volunteers with great affection for their community centre. They worked incredibly hard circulating petitions, letterbox dropping, telephoning, organising, etc. Lauren herself started the Save Parks Community Centre Facebook group that at last count had 6,667 members, not a bad effort from the young lady. The group was the rallying point for the community's activity on this issue, and we had a remarkable rally on Tuesday 5 October on the steps of Parliament House that was as spontaneous as it was powerful.

The Facebook group started talking about having a rally and it happened, and it is a fantastic example of a community-driven campaign that brought a government to its knees. Perhaps the new film studio at Glenside could do a dramatisation of the whole episode! I must add that Lauren and her family are looking forward to the birth of her baby. She was so annoyed about the Parks that she put all that extra energy into getting that Facebook success. Congratulations to her.

In conclusion, this bill is about protecting the Parks for future generations. If it is good enough for six other metropolitan parks and community facilities, it is good enough for the Parks.

We need to bear in mind how scarce the availability of open space and community facilities is in the western suburbs. If there has been a backflip—if, as the Premier said in front of the television cameras on Sunday 10 October that the Parks would 'never, ever close'—what does the government have to fear from this bill? It is time to walk the walk, not just talk the talk. I commend the bill to the council and look forward to its swift passage through this chamber and then into law.

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

DESALINATION PLANT PROJECT

The Hon. T.A. FRANKS (17:21): I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon the Lonsdale-based Adelaide desalination plant project including the following matters:
   (a) the management and administration of the project;
   (b) the procedures and practices with regard to workplace safety;
   (c) the related matters of worker deaths and injuries; and
   (d) any other relevant matter.
2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion, as members may be aware, if they have been watching *Today Tonight* or have seen the front page of *The Advertiser*, moves for a select committee of the Legislative Council to be appointed to inquire into and report upon the Adelaide desalination plant project. That inquiry would look specifically at the management and administration of the project, the procedures and practices with regard to workplace safety and, in particular, the related matters of worker deaths and injuries. I am sure members would agree that that would be a very worthwhile inquiry indeed.

I raise this issue because I and other members here have had drawn to our attention many issues from a variety of sources with regard to the Adelaide desalination plant. Some of those issues go to worker safety, and I will say from the outset that those worker safety issues are my primary concern. Allegations have been made regarding deaths and injuries that have taken place on the site and questions raised as to whether or not there have been adequate measures in place to minimise the chances of these deaths and injuries occurring or whether in fact there has been adequate reporting of those injuries or deaths.

Members would be aware of one particular death on the site that caused the site to close down for some time. I refer to Mr Brett Fritsch, whose death was associated with the use of the controversial soft slings. I and other people have raised in this place concerns about soft slings, and members would be aware as well that the CFMEU has long campaigned against their use. There have also been allegations and concerns raised regarding simultaneous construction and installation of electrical wiring, overly tight scheduling, vehicles being driven inappropriately and without escorts, and inadequate security on the site, including potentially a non-functional CCTV equipment set-up.

Also, concerns have been raised as to whether injured workers have been forced to return to work early or face dismissal or discrimination if they do not. We would like to know whether, in the event that these injured workers have lodged a workers' compensation claim, their employment has been terminated. There were, working in the tunnels, 216 tunnelling crew whose lives, it is alleged, were potentially at risk through substandard tunnelling procedures and standards that perhaps did not comply with what we would expect in this country. Specifically, the degrading of the specifications of the tunnel boring machinery, the quality of the ring welds and the increase in barometric pressure above safe levels have been raised as grave concerns.

There are also questions around lost time injury frequency rate (LTIFR) figures and whether they are an accurate reflection of the safety standards applying on the site. One particular concern that was raised by the Hon. John Darley earlier today was why SafeWork SA was not informed about the death of a worker. That worker was offsite, but it was connected to the site, and

we still do not know whether or not that death was in fact an industrial accident. I am sure that Mr O'Neil and his family would appreciate some answers and some more respectful treatment of that particular death.

I have also had concerns raised with me with regard to whether or not explosives sheds are compliant and within Australian standards; whether they have always been stored in a compliant way or whether that has only been a more recent occurrence; and, if so, whether or not this is putting any lives at risk in Adelaide both in the general community and also with the workers.

On another note, there have been many concerns raised with regard to probity and possible corruption: whether or not AdelaideAqua is indeed a properly constituted entity and whether its affairs as the desalination plant joint venturers have been structured in a certain way to perhaps avoid any negative ramifications, financial consequences or legal liabilities. We certainly heard about that in this morning's Public Works Committee where questions were asked by the opposition. We have a long way to go before we get some real answers. I certainly know that there are many more questions to be asked, and the Public Works Committee will be resuming in a couple of weeks time, because we did not even get past the tip of the iceberg—sorry to make the water pun.

We also need to know whether or not harassment, bullying and victimisation of whistleblowers is occurring. Certainly those who have stood up and been whistleblowers have been subject to allegations of improper behaviour. As we know, whistleblowers are vital to our democracy. We are all here because we believe in a democratic system, so I would hope that we would believe in the protection of whistleblowers.

I have had concerns raised with me with regard to whether or not penalty rates have been used to pressure workers to cut corners on safety and to meet deadlines, and whether moneys have possibly been inappropriately spent for an unnecessary tower crane. I understand that tower crane was named Favco. The accusation has been made that it has been placed on the site because it can be seen from far away and used to publicise the project for political gain. Whether or not that is true, I do not know; however, I think the South Australian people and certainly this parliament deserve answers.

The Hon. R.P. Wortley interjecting:

The Hon. T.A. FRANKS: When SA Water responded to that accusation, they said that Favco had been placed there to eliminate the need for ground cranes. Now, I have pictures of the site over a period of time and I am willing to share those with members who would like to have a look. It certainly did not eliminate the ground cranes. There are dozens of ground cranes there at any stage during the project. We are doing a count to see whether perhaps it minimised the ground cranes, but it certainly did not eliminate them. We look forward to getting some answers.

We would also like to see whether there have been alleged breaches of the Fair Work Act and whether correct information has been provided all the way along with regard to the delays. We heard today in the Public Works Committee that the reason that the 'first water' timeline has been put out by some many months is because of Mr Fritsch's death. It was stated categorically that that was the reason today in the Public Works Committee. I find that offensive, and I know that members of Mr Fritsch's family and his colleagues and co-workers do too.

We would like to see whether or not there has been proper scrutiny of financial arrangements that this state has entered into with such a major project. I am not saying that all of these allegations are true. I do say that they go some way to reducing public confidence in this project, and certainly, if the responses to the media reports and the correspondence and calls to my office are anything to go by, then public confidence is not as it should be in this project and in this government.

I would think that the government would in fact welcome this opportunity to see its project put out to public scrutiny and to come through it with flying colours. I would imagine that the opposition will welcome the opportunity to scrutinise those claims. The Greens are putting this forward because we think that South Australians deserve some answers on this project and that we deserve full and comprehensive democratic processes in our society, so we commend this motion to the chamber.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

The Hon. T.A. FRANKS (17:31): Obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

The Hon. T.A. FRANKS (17:32): I move:

That this bill be now read a second time.

This bill is a long overdue measure, and it seeks to capture the minority—and I do say the minority—of employers who cruelly put workers through unnecessary risk. The intentions and the implications of this bill will in fact apply only in the event that an employee tragically dies. Putting people's lives at risk on site for the sake of cost cutting or other reasons is unacceptable, and the statistics speak for themselves. On average, one person every three days dies in our country from a work-related incident. Last financial year, to my count, five of those work-related deaths occurred here in South Australia.

For every death, of course, there are many more who lose part of their lives: their children, who live a life without a father and mother; the wife or husband struggling to keep a shattered family together; the parents trying to come to terms with having to bury a child; and brothers, sisters, grandparents, uncles, aunts, cousins and also, of course, friends and colleagues, who battle to understand a needless death. There are scores of workmates who witnessed these tragic deaths, and also we should not forget the emergency services personnel who attend these often horrific workplace incidents.

Companies must, and can, continue to do all that they reasonably can to prevent workplace injuries. This bill will help to ensure that culpable employers are held responsible for workers' deaths. If they do not take responsibility, then they will be aware that a stick will apply. The penalties would be high, with up to 20 years' imprisonment or up to $1 million in fines. This bill introduces important reforms to increase safety in our workplaces in South Australia and includes a principle of corporate criminal responsibility.

The primary issue that this bill seeks to address is to ensure that culpable employers are held responsible for workers' deaths and that responsibility is something that they will take seriously. Every single workplace death is a tragedy and results in a lifetime legacy of tragedy for those who are left behind.

Under our existing laws, when an employer is responsible for an employee's death, the penalties they currently face, I believe, and the Greens believe, are woefully inadequate. This is a serious and real problem but, sadly, the seriousness of this is not reflected in our current legislative framework. This is unacceptable. I note that my Greens colleague Alison Xamon MLC (and she is very honourable) has moved a similar bill in Western Australia based on Safe Work Australia's model work, health and safety legislation. This model law, of course, came out of the national review of occupational health and safety and intergovernmental agreement to harmonise work, health and safety laws across Australia.

If an employer is reckless or negligent about exposing workers to serious risks to their safety and an employee dies as a consequence, this should be recognised as a criminal offence. The offence, of course, now exists in other jurisdictions in our own country, such as the Australian Capital Territory; and, of course, members may be aware that there now exists a corporate manslaughter law (although with a different framework to that before us in this bill) in the United Kingdom. As legislators, it is beholden on us to ensure that there is a genuine incentive for employers to ensure that they provide safe workplaces and, of course, we provide many carrots. This is Safe Work Week, and we do reward those great, wonderful, safe workplaces, and that is as it should be. However, as I say, this measure would be a stick.

It should be more cost effective to ensure that your employees return home from work safe, sound, in one piece and alive than to risk facing a minimal or, in fact, non-punitive fine for that employee not returning home from work that day. The bill, of course, increases the penalties that we currently have when a worker dies in a workplace.

Those employers engaging in best practice will experience no additional financial, administrative or legal burdens. Indeed, this bill seeks to capture only that minority of employers that are either indifferent or careless or, at worst, callous towards the safety and lives of their employees. It will provide a further incentive to ensure workers' safety. Industrial manslaughter being seen as an offence with a significant penalty is a long-overdue move for this state. It will

capture only the worst of employers and, even then, only in the tragic event of an employee's death.

As I say, the bill will create an offence where an employer breaches their duty of care, or knows or is recklessly indifferent or creates a substantial risk of serious harm to a person and that breach causes a person's death. That is the only time that this penalty will apply. The penalty is imprisonment of up to 20 years if that person is a natural person, or a fine of up to $1 million may be applied. I believe this is a fitting penalty. It will not bring a single person back from death but it will go a long way towards showing that we are serious when we and workplaces say, 'Home safe every day.'

I thank the people who work on this issue day in and day out. They include: VOID (Voices Of Industrial Death), who would be familiar to many members of this house, and Andrea Madeley, in particular; the officers, of course, of SafeWork SA and of the many unions around our state; people such as Andy Alcock, who is well known to many members here but particularly to the Greens; and the SA unions—our local heroes who defend workers' rights day in, day out.

I also note that Senator Nick Xenophon has previously moved a bill to introduce the offence of industrial manslaughter in this place, although that was quite a different bill from this measure. I commend the Hon. Alison Xamon for the great consultation that went into producing her bill, which I looked to in terms of producing this bill.

I would like to think that the families of those who lose a loved one, have lost a loved one or who may lose a loved one in future because they went to work one day, will be comforted that this chamber took this issue so seriously as to prioritise debating this issue and ensuring that, if we do not move to implementing this offence into our state regime, we are certainly working for it at a national level as well. I commend the bill to the chamber.

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

DEVELOPMENT (CROWN DEVELOPMENT) AMENDMENT BILL

The Hon. M. PARNELL (17:41): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. M. PARNELL (17:41): I move:

That this bill be now read a second time.

This bill has the sole purpose of ensuring that private development projects are assessed under the Development Act in a consistent manner and that private projects cannot take advantage of special fast-track provisions designed for approving government projects. The rationale for this bill comes from a number of cases over the years where projects that are clearly private in nature are being assessed under section 49 of the Development Act rather than under the normal or general scheme for development assessment.

Three cases that have come to light over the last few months all involve the export of iron ore. These exports are from privately operated mines over privately operated railway lines taking iron ore to privatised wharves, yet they will all be assessed as crown development. These cases involve export of ore from Port Lincoln, Port Pirie and Port Adelaide, and all have been locally controversial. Other cases have included the further industrialisation of the Point Lowly Peninsula near Whyalla and also the subdivision of Torrens Island for private industry.

In order to explain why this is a problem that needs to be fixed, I need to briefly outline the differences in the assessment method for normal development and for crown development. Part 4 of the Development Act deals with development assessment. Division 1 of part 4 sets out what is called the general scheme. This is the scheme most of us are familiar with, if we have ever lodged a development application for a new home or a building extension. In the vast majority of cases it is the local council that is the relevant authority and either the council's development assessment panel or a delegated officer will make the final decision. If you are not happy with the decision, you can go to the umpire, being the Environment, Resources and Development Court, and in some cases third party objectors can also appeal.

Division 2 of part 4 is major developments or projects (and that is not affected by this bill). Division 3 of part 4 is crown development and public infrastructure. This division only contains one section, that is, section 49, and that is the section this bill seeks to amend. The amendment is to the eligibility criteria, in other words, the type of development that can be assessed under

section 49, and as a consequence what types of development should be assessed under the normal process. When I say 'type of development', there are two components.

First, there is the nature of the development, what is it that is proposed to be built (and I am not proposing any change to those rules). My amendment relates to the provision of public infrastructure, and I am not proposing to change that definition but will come back to it in a moment. The second component is the identity of the developer, and that is the matter I seek to amend. Under the act there are three situations where these special crown development assessment rules apply. The first is where the developer is a state agency undertaking any form of development and doing so in their own right. That is a fairly straightforward provision, and I am not proposing to change it. That would include a government department building roads or other facilities.

The second situation is where a state agency, either by itself or as a joint venture with private interests, is constructing public infrastructure. Again, I am not proposing any change to those rules. The third situation, which I do seek to change, is where the developer is a private developer—they are not a state agency—a private company for example, but a state agency is supporting the development and gives a special endorsement to the project. Then it can be assessed using the crown development mechanism if the development relates to public infrastructure. That is the provision I am seeking to remove from the Development Act. It is a provision that applies only to private development that is not undertaken by a state agency or even a joint partnership.

The question that then arises is: what is the difference between the section 49 mechanism and the normal mechanism such that this bill seeks to change the eligibility criteria? In short, does it matter whether something is assessed under section 49 or under the normal provisions? I say it does. I will give you three areas where it is important. First of all is the decision-maker. In normal forms of development, the decision-maker is the local council or maybe the Development Assessment Commission, or maybe it is the umpire, the Environment, Resources and Development Court. Under section 49, the minister is the decision-maker and there is no right of appeal to any umpire.

The second issue is what must be taken into account when making a development decision. Normally, the predominant document is the local development plan. The obligation on councils is to not make any decision that is seriously at variance with that plan, and that includes the zoning and the principles of development control. The council or the DAC must also take into account public submissions and agency comments. When it comes to section 49, it is a very different regime. First of all, the minister must get a report from the Development Assessment Commission, and that report would include whether or not the project was consistent with the development plan.

But the minister is not obliged to take anything into account and is freely able to make a decision that is seriously at variance with the development plan. If the minister does make such a decision, the minister is obliged to inform parliament, but parliament has no right to overturn that decision. In relation to public participation, under normal development approval or assessment regimes, the level of public participation will depend on the characterisation: is it a category 1, 2 or 3? Where a development is inconsistent with the planning scheme (the development plan), it is likely to be a category 3 development, with full consultation and appeal rights, and the decision-maker is legally obliged to take those public submissions into account.

Under section 49, there is no public consultation, unless the development is over a certain size (presently $4 million), in which case, there is a public advertisement and a call for submissions but there are no appeal rights. Interestingly, the Development Assessment Commission is obliged to take public submissions into account in preparing its report to the minister, but the minister, as the final decision-maker, is not obliged to take those submissions into account; in fact, the minister is not even required to be given a copy of those submissions. The submissions from the public, if they exist, are effectively filtered through the mechanism of the Development Assessment Commission report.

In relation to the involvement of local government, normally it is local government that will be the decision-maker. If it is not, it will be fully consulted by the Development Assessment Commission. The regime under section 49 is that that the council is consulted but it has no rights. If the council is not happy with the proposal, that advice will be passed on to the minister. The minister is not obliged to take any further action on receiving that advice but, if the minister does go against the council's advice, a report must be tabled in parliament but, again, no consequences flow from the tabling of such a report; it is for information only.

I think there is a place for ensuring that genuine public infrastructure projects provided by the government should go through a slightly different process from normal development. I have no problem with the underlying philosophy of section 49. I am not proposing to change that regime at all, but what I do want is to stop the practice of private developers attaching themselves to the coat-tails of government in order to get their development fast tracked against the opposition of local communities and without giving primacy to the planning schemes that should be governing development in this state.

Now the trend as I see it, having worked in this area for many years, is very clear; that is, that opportunities for communities to engage meaningfully in the future of their towns, suburbs or regions have been steadily eroded over time and they continue to be eroded. I think it is now time to reverse this trend. I think we should err on the side of more community involvement rather than less. I think we should ensure that our planning schemes are adhered to as often as possible. If the planning schemes are not up to task then they can be amended.

Support for this bill is support for a very small reform that helps restore our planning system to a more transparent and predictable planning system that is less open to abuse. This bill ensures that special government concessions apply only to genuine government projects, including projects in collaboration with the private sector, but this should not apply to purely private projects. I commend the bill to the house.

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

DEVELOPMENT ACT REGULATIONS

The Hon. M. PARNELL (17:51): I move:

That the miscellaneous regulations under the Development Act 1993, made on 16 September 2010 and laid on the table of this council on Tuesday 28 September 2010, be disallowed.

This is a motion to disallow regulations under the Development Act that were gazetted on 16 September and tabled in the Legislative Council on 28 September. The aspect of these regulations which I find objectionable and which is the main reason for my seeking disallowance, relates again to section 49 of the Development Act, that is, Crown development and public infrastructure.

Earlier today, in speaking to my bill to amend section 49, I went through the eligibility criteria for the use of section 49. In fact, one additional piece of information that I want to give to the council now is to actually go through the definition of public infrastructure because that is one of the threshold questions for the operation of some aspects of section 49.

What we are talking about in relation to public infrastructure is what most of us would imagine is public infrastructure. It is things such as works in relation to the supply of water, electricity, gas or other forms of energy, drainage, treatment of waste water, sewerage, roads, ports, wharves, jetties, railways, tramways, busways, schools, hospitals, prisons and in fact, as it says in section 49, 'all other facilities that have traditionally been provided by the state (but not necessarily only by the state) as community or public facilities'.

So, that is the definition of public infrastructure. Members would appreciate from that list that, yes, last century almost all of those things would have been overwhelmingly provided by the state. These days, many of them have been privatised and I gave the example earlier of ports and wharves, many of which are subject to a 99-year lease to Flinders Ports and have effectively been privatised.

The Hon. P. Holloway: Are you going to include electricity as well in those changes?

The Hon. M. PARNELL: The minister asked if I am including electricity. In fact, electricity, as I understand it, is the next section which is 49A, I think, in relation to electricity infrastructure, and that is not included in my bill. Now, the most significant change brought about by—

Members interjecting:

The Hon. M. PARNELL: I will ignore the interjections, Mr President—

The PRESIDENT: Good on you.

The Hon. M. PARNELL: —because, in fact, the purpose of this disallowance does not actually relate to ports or to electricity, but it does relate to a large number of other projects which I am sure members will be appalled, as I am, to realise will henceforth go through no assessment

process whatsoever. That is because the most significant changes brought about by these new regulations are substantial additions to the lists of the types of government or government-supported development that do not require any development approval at all under the Development Act. In other words, there are substantial additions to the types of development that can simply be approved by the government with no need to consult with the local council or community, no right of public comment and no formal development approval.

The Hon. R.I. Lucas: Name them.

The Hon. M. PARNELL: I am going to name them. Under the changes that were introduced by these regulations, local councils must be notified of the proposed development but they have no further right to engage in the process. I see this as yet another erosion of community rights in relation to development. Section 49(3) provides that no approval is needed for certain types of crown development that are listed in the regulations—this is the mechanism. Section 49(3) provides:

> No application for approval is required (either under this section or any other provision of this Act), and no notice to a council is required under subsection (4a), if the development is of a kind excluded from the provisions of this section by regulation.

Development regulation 67 provides:

> Pursuant to section 49(3) of the Act (but subject to this regulation), the various forms of development specified in Schedule 14, when carried on by a prescribed agency, are excluded from the provisions of section 49 of the Act.

That means that, whilst they are government projects, they will not require approval under section 49, or under any other section at all.

Why have I moved to disallow these regulations? What is on this list? What are the new things on the list that do not need approval? Boat ramps is the first one. In a previous life, as an environmental lawyer, I spent a considerable amount of time with the people of Beachport, who were arguing about the proper location and construction of their boat ramp. These can be locally controversial issues. Tramway extensions do not need development approval. Local desalination plants will no longer need development approval.

The Hon. R.I. Lucas interjecting:

The Hon. M. PARNELL: The Hon. Rob Lucas asks whether a new tramline—

The PRESIDENT: Order! The Hon. Mr Parnell did suggest a while ago that he would ignore interjections.

The Hon. M. PARNELL: I will ignore the interjection, but I will just make a comment in relation to tramways. If a tramway is being constructed by a government agency then by virtue of these new regulations they do not need to go through the section 49 process. Local desalination plants—for instance, the one that was controversial on the foreshore at Port Hughes—will not need development approval.

Developments in national parks: until recently, when these regulations came in, developments in national parks could occur if the development was something that was envisaged by the management plan for that park, and that makes sense because the management plan went through a public consultation process. What these new regulations provide is that, even if there is no management plan for the park, development in a national park no longer needs to go through the development approval process—you just build it.

Probably my favourite of all—and I will not go through the whole list—is alteration to existing dams for the purpose of increasing capacity. The first thing that you have to think of is Mount Bold, a $1 billion-plus project, an ill-conceived project, that would flood vast quantities of some of the last remnant bushland left in the Mount Lofty Ranges. According to my understanding of these regulations, you would not need approval under section 49. Maybe the minister would declare it to be a major project and require an EIS, but as members know there is no formal trigger for an EIS, other than the minister's opinion that an EIS might be required.

The principle that I apply in these matters is that all development, other than the most minor sorts, should go through at least some process of assessment and consultation, but under these regulations these forms of development do not have to comply with local planning schemes, they do not have to comply with zoning and they do not have to fit in with existing surrounding developments.

Section 49, as I said earlier, originally dealt only with government projects. It has now been extended to semi-government and even private projects, but in these cases here, even if it is the government that is proposing the development, the new additions to schedule 14 of the regulations provide that they will not need to go through any process at all.

To finish up, members should note that support for this motion should not be, and I will not be taking it as, support or opposition to any particular form of development. Some of the things that I have talked about are possibly very good ideas and should go ahead. What I think we need to think through is whether or not we have sufficient checks and balances to make the system work. It is not about whether these projects are a good idea, it is about how they are assessed and the rigour of the process that they need to go through.

My experience over many years is that if we put in place appropriate checks and balances we increase the chance of getting good outcomes. I think these regulations take us in the wrong direction and I urge members to support their disallowance.

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

[Sitting suspended from 18:01 to 19:48]

LEFEVRE PENINSULA

The Hon. M. PARNELL (19:48): I move:

1. That a select committee of the Legislative Council be established to inquire and report on the relationship between industrial and residential land uses on the Lefevre Peninsula and adjacent areas, with specific reference to:
   - (a) the risk to health, safety and amenity of existing residents and potential new residents;
   - (b) the impact of new residential development on existing and potential future industry;
   - (c) the adequacy of existing laws, policies and guidelines;
   - (d) the role of the following agencies:
     - i. Land Management Corporation;
     - ii. Environment Protection Authority;
     - iii. Port Adelaide Enfield Council;
     - iv. Development Assessment Commission;
     - v. Development Policy Advisory Committee;
     - vi. other referral bodies under the Development Act; and
     - vii. other relevant agencies; and
   - (e) any other matters that the committee considers relevant.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be acquitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion is for the establishment of a select committee of the Legislative Council to look into the issue of industrial and residential land uses on the Lefevre Peninsula and adjacent areas.

It would come as no surprise to members that the revelation this week that the Environment Protection Authority has recommended against housing development in the newest stage of the Newport Quays development has caused a great deal of concern in the community. In fact, what this revelation has done is to confirm many long-held concerns by people in that region in relation to airborne pollution, contaminated land, risk of fire and explosion and other concerns.

It has also reinforced what many people have thought for many years; that is, the Dock 1 location is a poor location for new housing development. The issue of residential-industrial interface has come to a head this week. Some questions have been raised in the media and

elsewhere in relation to this issue, and people certainly want to know who knew about the EPA report recommending against housing in this location, when people knew and why the council was not informed, given that the primary communication from the EPA to the Development Assessment Commission was back in July.

People have questions, as I do, about the extent of the Land Management Corporation's involvement. People want to know why the EPA's advice has changed considerably over time in relation to separation distances between heavy industry and housing. Residents at Port Adelaide want to know what the current risks are and what is being done to improve the air quality in their neighbourhood. Questions have been raised, in particular on talkback radio this week, about why prospective purchasers into the Newport Quays Dock 1 development were not told about the EPA's report and the current and possible future health risks of the location of that development so close to heavy industry.

Another question is whether the developers should have been obliged to inform prospective purchasers that the assessment of the development application was actually put on hold because of these pollution concerns. However, it is not just people moving into Newport Quays. Other people are moving house; they are buying and selling properties in Port Adelaide, Birkenhead and other parts that are within the danger area for pollution that are not part of the Newport Quays development.

Importantly, we can lose sight of the question around whether we are being fair to existing industries by allowing housing to encroach on areas where they currently operate. In fact, in one of the early pollution cases that I was involved with, in relation to a foundry at Torrensville, the foundry operators went to great lengths to try to prevent the rezoning of land for housing in close proximity, because they predicted that that was where the complaints would come from. As it turned out, the land was rezoned, subdivided and houses were built, and that is exactly where the complaints came from, and the foundry eventually moved out.

This is an issue that has statewide or metropolitan-wide application, but the terms of reference are fairly narrowly focused, and I will go into some of them shortly. The Dock 1 controversy this week is really only a small part of the total problem, but it has lifted the lid on a much bigger question, and that is: how are we going to reconcile the needs of industry and the rights of residents on the Lefevre Peninsula to live in a clean environment?

In my experience, working in this jurisdiction over many years, these are some of the most common and some of the most difficult issues to resolve. I think that it is precisely this type of issue where a parliamentary select committee is best placed to get to the bottom of it. I have drafted terms of reference for this committee broadly enough so that it covers all aspects of the industrial/residential interface but, as I said, it is narrow enough so that it focuses on the Port Adelaide area.

It is also worth stating that this inquiry, as well as dealing with the rights of residents to a clean environment, would look at issues such as Adelaide Brighton Cement and its future on its current site. We know that it has a desire to expand. Is that possible? How can it do it? Should it be able to do it? Should heavy industry be responsible for its own buffer zone, or should other landholders bear the cost of meeting the EPA's separation distance guidelines?

There is a long and strong tradition of heavy industry in the Port Adelaide area. If that is to change with the influx of new residences in former industrial areas, then so too must our planning rules and processes change to accommodate that. I want to put on the record some of the contents of the documents that I have obtained recently in relation to this matter. I turn first to the report of the Environment Protection Authority dated 15 July 2010, which is addressed to the Development Assessment Commission and relates to the Dock 1 development. It is a lengthy advice of some 14 pages, but I will go to a few extracts.

The first issue I want to raise relates to Adelaide Brighton Cement, because that is the industry that has been given the most attention in terms of its proximity to the Dock 1 development. The EPA put in two separate pieces of advice in relation to Adelaide Brighton Cement, and their later advice replaced their earlier advice. It states:

> Adelaide Brighton Cement (ABC) is exempt from the requirements of clause 4 and item 1 of Schedule 1 of the *Environment Protection (Air Quality) Policy 1994*, relating to the emission of particles from the operation of the cement kilns during certain approved situations. These circumstances (such as during power failure and maintenance procedures) are intrinsic to the process.

That means that not only do Adelaide Brighton have a licence to pollute but they have an exemption from state pollution standards. So, it is acknowledged up front that they cannot and will not—and in fact are not required to—meet the pollution standards that other industries are obliged to meet. The advice goes on:

The EPA requires weekly stack monitoring data from ABC—

that is, Adelaide Brighton Cement—

to assess compliance with the *Environment Protection Act 1993*, relevant regulations and conditions of its Licence and Exemption. ABC is also implementing an EPA approved Environmental Improvement Plan (EIP) to ensure continuous improvements to processes on site to reduce noise and dust levels (both exhaust stack and fugitive emissions). Whilst improvements in noise and dust emissions have been made and the approved EIP will result in further improvements on site, the operation of a cement works facility is recognised as an environmentally significant activity. Potential air quality impacts may be caused by fugitive dust from unloading of limestone at the wharf, from stockpiling of raw materials and from truck movements on the site (over 400 truck movements per day). Air quality also has the potential to be impacted by emissions of odour, particulate, waste heat and oxides of nitrogen (NOx), oxides of sulphur (SOx) and carbon dioxide (CO_2) via the exhaust stacks. The risk of impact is further increased given that ABC operates seven days a week 24 hours a day.

The EPA *Guidelines for Separation Distances (December 2007)* recommend a separation distance of 1,000 metres between a major cement manufacturer of the scale of ABC and a sensitive land use (eg residential). However, on the basis of site-specific data (including air quality modelling of fugitive and stack emissions by Katestone Environmental Pty Ltd) the EPA recommends that a minimum separation distance of 800 metres from the southern stockpiles to sensitive uses (including residential) may be sufficient to achieve an acceptable level of amenity and health protection. However, it should be recognised that there is potential for occasional impacts beyond this distance due to abnormal particle emissions from the main kiln stack and pre-calciner stack during calibration testing, a combustible trip, kiln light up, purging and power failure. ABC has been issued with an exemption under the *Environment Protection Act 1993* (as mentioned above) from the need to comply with air emission standards during such short-term events.

The advice concludes:

The proposed site of the land division is approximately 629 metres from the activity boundary on the ABC site.

In other words, the standard generally applied is one kilometre or 1,000 metres. The EPA have said, 'Well, maybe 800 metres might be enough.' Dock 1 is 629 metres away, which is well inside the separation guideline distance. Secondly, the EPA have given advice on the Incitec Pivot plant. As members would know, this is a fertiliser facility which is located very close to Dock 1. The EPA advice states:

The EPA's Guidelines for Separation Distances (December 2007) recommends a separation distance of 500 metres between a chemical storage and warehousing facility and a sensitive land use. The site of the proposed land division is approximately 250 metres from the activity boundary of Incitec Pivot, which is licensed by the EPA for chemical storage and warehousing and chemical works.

At the site, Incitec Pivot undertakes concentrated acid unloading, concentrated acid dilution, solid and liquid fertiliser storage and handling and aluminium sulphate solution manufacturing. Up to 80 chemicals, including fertiliser, are stored on site. Potential air quality impact may be caused by fugitive dust from storage and handling fertilisers, acid mist from storage tanks and fugitive alumina as dust from aluminium sulphate manufacturing.

These impacts are strongly affected by weather conditions. At the EPA's most recent site inspection, visible dust could clearly be seen at the site. Given that the separation distances between the proposed land division and Incitec Pivot is significantly less than what is recommended in the EPA's Guidelines for Separation Distances...the likelihood of offsite air quality impact on future residents of the land division is relatively high.

The advice goes on to talk about a third problem industry, that is, the storage of petrochemicals, especially fuel and bitumen. Under the heading 'Fuel storage facilities', the advice reads:

There is a number of fuel storage facilities located in the Wills Street/Elder Road vicinity at Largs Bay/Birkenhead, just north of the Adelaide Brighton cement facility. These facilities receive large shipments of petroleum products (including bitumen) via ship for storage and distribution via trucks. The EPA Guidelines for Separation Distances...recommends a separation distance of 1,500 metres between a petroleum production storage or processing works or facilities and sensitive land use, which is based on the potential for odour impacts.

Whilst all facilities have undertaken EPA facilitated improvement activities to minimise odour impacts on the community with very positive results, the separation distance stipulated in the guideline should be adhered to when considering new development in order to minimise the potential for impact on sensitive land uses. The nearest facility to the proposed land division is Shell Bitumen, which is approximately 1,190 metres from the proposed land division, which is less than what is recommended in the EPA Guidelines for Separation Distances.

There are three industries where the EPA has advised that they are too close to the proposed housing subdivision. In terms of the air quality problem, I will read just a few comments from the EPA in relation to air quality monitoring. What the EPA says is:

The EPA has been monitoring particles of the LeFevre Peninsula since December 2004. The location is approximately 1,000 metres to the west of the proposed land division. In both 2008 and 2009 the EPA site at the LeFevre Primary School recorded six exceedences of the 24 hour National Environment Protection (Ambient Air Quality) Measure (NEPM) standard for particles 10 micrograms (PM10) or smaller. This exceeds the annual NEPM goal of five exceedences of the 24 hour standard in a year.

The NEPM standard was set with the desired environmental outcome of ambient air quality that allows for the adequate protection of human health and wellbeing. Possible health effects related to exposure to particles may include increased respiratory systems, aggravation of asthma, irritation of mucous membranes and allergic or hypersensitivity effects. The risks are highest for sensitive groups, such as the elderly and children.

Factors that influence the health effects include the duration of exposure, the mass concentration of the airborne particles and the size of those particles. Whilst monitoring indicates that there has been an improvement in particle pollution, the annual NEPM goal is still being exceeded. Any additional development in this locality has the potential to produce further dust emissions. Apart from the potential health effects, existing monitoring and modelling data suggests that the level of particulates (including cement dust) in the greater Port Adelaide centre zone could pose significant nuisance to new residents.

Apart from the general nuisance of dust settling on outdoor furniture or surfaces and clothes, some of the particulates generated in the area are caustic (e.g. oxides of potassium, calcium and sodium) with effects including etching of glass windows.

Mr President, if you had been to any of the houses near the cement works you would see that the windows are all etched. The advice goes on:

This recent monitoring confirms the EPA concerns raised in the response to the Port Waterfront Development Plan Amendment in July 2003, where the EPA expressed concern regarding the suitability of locating sensitive uses within Dock One Policy Area 28, based on the findings of the Katestone modelling discussed above.

That means that the EPA has, for the last seven years, consistently said that this is an inappropriate location for housing. So, it was no surprise to me to get this report, dated July 2010, under freedom of information, showing that the EPA's position is very similar. The report in relation to air quality concludes:

Given that separation distances between the proposed land division and EPA licensed sites are significantly less than those recommended in the EPA's Guideline for Separation Distance and the air quality monitoring at Le Fevre Peninsula indicates that the annual NEPM goal of 5 exceedences of the 24-hour standard in a year that the PM_{10} is being exceeded, the EPA considers that potential for amenity impact and health risk is high.

This is the crux of it: the conclusion of this lengthy detailed advice from the EPA is, as follows:

The EPA has significant concerns with regard to potential environmental nuisance and health impacts on future residents of the proposed land division as it is situated within an intensive industrial area on a working port with uses such as cement manufacturing, chemical storage and warehousing, chemical works and fuel storage.

Notwithstanding some improvements that have been made, the EPA goes on to say:

…there are limits to the improvements industry can make to reduce their emissions given that some emissions are inherent from their operation. This reinforces the need to maintain those separation distances recommended in the EPA's Guideline for Separation Distance from sources of emissions.

The crux is this:

On this basis, the EPA does not consider the site to be suitable for residential development and is therefore unable to support the proposed land division.

If this select committee is established, the EPA is one of the agencies that I am sure the committee will want to hear from. They are often referred to as the 'independent' EPA. My concern, however, is, as I am sure it is happening now and will happen in the future, that the EPA will be leant on, that they will be urged to change their mind, to reconsider whether one kilometre down to 800 should perhaps be reduced to maybe 628 metres to accommodate this development.

Minister Holloway said in his lengthy press conference on Friday that it was up to the EPA to close industry down if they were causing problems. What the minister said was, 'Go and take it up with the EPA. Go and ask the EPA why, if it is true, they are not taking action to shut the plant down. If it is dangerous to health, then let the EPA shut that existing plant down.' The minister would well have known that that was not going to happen.

In fact, the EPA well knows that in the past, when it has taken tough action against a polluting industry, that the government has stepped in on the side of the polluter. The experience of Whyalla at OneSteel is the crowning glory of that approach. The EPA issued a tough pollution licence in order to protect residents from what were known to be harmful levels of dust emissions. OneSteel went crying to the government, saying it was all too hard and the EPA was picking on them.

The government then cancelled the EPA licence; it removed the EPA as the regulator and reinstated a brand-new licence, written by the company and the government in cahoots. I have to say that I still get angry when I think about how justice was not done in that case. The EPA put their head over the parapet to do their job and they were shot down by the government, and the minister has the nerve to say, 'Blame the EPA for not shutting down industry.' I can tell you exactly what would happen if the EPA made any attempt to restrict the operations of some of these heavy industries; so, I do not blame the EPA.

In relation to our current laws, in relation to pollution and planning and separation distances, the processes we use to assess applications, the guidelines that are followed, the standards that are set, all of these need to be reviewed, and I think this parliamentary committee is the right vehicle to at least start off that process. It makes no sense to me that the EPA has the power to ban industry moving next to housing, but has no authority over housing moving close to industry; but the net result is the same in either case. We need to revisit why it is that we do not allow the EPA to solve problems regardless of how they are created. Was it industry moving, or was it housing moving? The result is the same. We need to question whether the trigger points for the intervention of agencies such as the health department or the EPA are adequately triggered.

The EPA letter, which I obtained under freedom of information, certainly sparked off this debate. However, since obtaining that, I have obtained a couple of other submissions that were made by government agencies to exactly the same process by the Development Assessment Commission of the Dock 1 development. I have a submission from the Department of Health and I have a submission from SafeWork SA. I will just read a sentence or two from the Department of Health's submission. Basically it states:

> The Department shares the concerns expressed in the submissions of the EPA and SafeWork SA regarding the application's proposal to locate medium density residential development in relatively close proximity to a number of significant existing industrial operations (particularly Incitec Pivot and Adelaide Brighton Cement).
>
> Key concerns relate to the immediate safety of potential residents in the event of a significant industrial incident (e.g. fire or explosion at Incitec Pivot storage facility) and longer term health concerns related to potential poor air quality in the area arising from industrial emissions such as fine respirable dust generated through the operation of these facilities. On this basis, the establishment of a medium density residential area in the location and manner currently proposed is not recommended.

Mr President, if the select committee was established we would want the Department of Health to come and give evidence.

Probably the one that has frightened most people has been the submission from SafeWork SA. The SafeWork submission—and I will not read the whole thing—points out that the area being considered for development is 380 metres from Incitec Pivot at its closest point. Interestingly, the EPA, I think, have it at 250 metres; so we do need to get to the bottom of how close these facilities really are. The SafeWork SA submission states:

> Incitec Pivot stores large quantities of a material containing 80 per cent ammonium nitrate. This material has the potential to mass explode (accidental contamination with other chemicals, in a fire situation, or through malicious action where other energetic materials are used to initiate such an explosion).
>
> Although the company has developed a safety and security management plan for factory activities such an explosion still has the possibility of occurring. Under current operating conditions such an incident could involve up to 160 tonnes of ammonium nitrate exploding as a single event.

Anyone who has followed the history of terrorism in the world over the last several years would realise that quantities stored in a boot or a minivan are enough to decimate large areas—160 tonnes of ammonium nitrate going up in a single event does not bear thinking about. It continues:

> The explosion would produce a peak blast wave overpressure of 14 Kpa at the closest point of the proposed building development to Incitec Pivot, and not less than 7 Kpa at the most distant point.
>
> The quantitative risk assessment criteria of *Hazardous Industry Planning Paper No.4*, (Department of Planning, New South Wales: 1990)...suggests that an explosion overpressure of 6 Kpa is the appropriate cut-off level above which significant effects to people and property damage may occur.

The whole of Dock 1 is within that range. Some of it is up to twice that level of risk. It continues:

> As the development site lies in an overpressure area between 7 Kpa and 14 Kpa, and the probability of such an incident cannot easily be inferred, this office is of the view that a residential development within the proposed area would create an inappropriate level of risk and is not supported.

It concludes by saying:

It is also worth noting that ammonium nitrate in a 'fire only scenario' (i.e. burns but not to the point of explosion) would produce a large volume of toxic gas, necessitating the immediate evacuation of persons within an area that would include the proposed development site.

Thousands of people would need to be evacuated if there was a fire at that plant.

The role of the Land Management Corporation is crucial, and this select committee, I think, would want to hear from them. It seems that the LMC is no longer just the land bank for government but now very much the developer as well through its contractual relations. I would like to know the nature of its contractual relations with the Newport Quays consortium and Urban Construct. What is its exposure—by that I mean our exposure as taxpayers—to financial consequences if the Dock 1 development does not go ahead, whether it is as a result of EPA, Department of Health or any other advice?

Interestingly, in some of the media debate on this issue, Bryan Dawe weighed in. He is known to people as a television regular. He is an old Birkenhead boy who grew up a stone's throw from Adelaide Brighton Cement. He said on radio yesterday, 'It seems to me they've got to stop the development and start again'. This is the bit I like. He said, 'Get everybody's hands up on the table where we can see them.' I think that is at the heart of what a parliamentary select committee can do.

In conclusion, times have changed and community expectations have changed, but are current assessment and approval regimes meeting today's needs? I do not think they are. We have a responsibility to current residents. We have a responsibility to new residents in Port Adelaide and surrounding areas to ensure that they live in an environment that does not harm their health. We also have a responsibility to provide a level of certainty to current industries so they know if they can operate and expand or whether their days are numbered.

So the question posed by this motion is: will this parliament stand up for the people of Port Adelaide and for the businesses of Port Adelaide? Will we provide a forum for these issues to be explored and for recommendations for change to come forward? I commend the motion to the house.

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

WORKERS REHABILITATION AND COMPENSATION

The Hon. R.I. LUCAS (20:18): I move:

That the general regulations under the Workers Rehabilitation and Compensation Act 1986 concerning revocation of regulations, made on 24 June 2010 and laid on the table of this council on 29 June 2010, be disallowed.

This motion has a long history, and I do not intend to speak at length repeating the arguments for the motion. The arguments have been well and truly heard, other than perhaps in the corridors of power of this government and WorkCover management. On two separate occasions, the first in November 2009 prior to the last state election, the Legislative Council, by an overwhelming majority, voted to disallow the WorkCover regulations which sought to introduce an extraordinarily large increase in fees for those companies that wanted to self-insure in South Australia.

We then had the ensuing state election and in July 2010—so, under the current parliamentary composition since the state election—all members in this chamber voted again on this issue, and I think all members other than government members voted again on the substance of this argument to disallow the regulations.

This chamber has spoken clearly to the government and to WorkCover management on two separate occasions. The arguments are exactly the same. However, on this occasion, what the government and WorkCover have sought to do is rewrite all the WorkCover regulations, and they have incorporated in that rewrite this particular regulation again, which seeks the massive increase in fees for those companies that wish to self-insure.

I have therefore given notice to disallow the regulations consistent with the two previous decisions of this chamber. In doing so, I indicate to the government and to WorkCover management that it is the intent to overturn only the regulations that relate to discontinuance or exit fees for self-insurers. However, as has been discussed before, the Legislative Council has only one option: it can either accept or reject all the regulations that have been made.

The options for the government are that, if this is rejected, the government can come back with just the complete rewrite of regulations minus the bit with the discontinuance fees; or, of

course, if it wanted to create difficulties for itself, it could rewrite all the regulations again if this one were dismissed.

The sensible course of action, from the point of view of WorkCover management and the government, would be to separate the arguments; that is, this council is not seeking to disallow the overwhelming majority of the WorkCover regulations: it is only seeking to assert its position in relation to an issue on which it has clearly put its view to the government and to WorkCover management on two previous occasions. I think everyone in the industry following this particular debate is aware of and has heard the position other than, obviously, the government and WorkCover management.

As I indicated, I do not propose to repeat all the arguments: they are exactly the same as they were when the council voted in November 2009. More particularly, they are exactly the same as they were just a few months ago, in July 2010, when the Legislative Council voted to disallow the regulations. I seek members' support for the disallowance again of these regulations.

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

BRITISH ATOMIC TESTING

Adjourned debate on motion of Hon. T. Franks:

That this council—

1. Notes—

    (a) that the British atomic tests in South Australia in the 1950s and 1960s caused significant health problems for those people affected and environmental problems in the areas of Emu Fields and Maralinga;

    (b) that English courts have ruled that military personnel from all over the world were able to bring a personal injuries action against the United Kingdom Government in the UK courts;

    (c) that a legal opinion commissioned by the Australian Aboriginal Legal Rights Movement from Cherie Booth QC confirmed that civilians are entitled to bring suit against the UK government;

    (d) that this case will need extensive funding to commission expert witnesses, conduct investigations and collate information;

    (e) that the success of these strong legal claims will help alleviate years of suffering for both Aboriginal and non-Aboriginal South Australians in addition to easing the burden of considerable medical costs associated with illness related to the nuclear testing; and

    (f) that Premier Rann acknowledged in 2009 in an ABC report that 'the British Government has an absolute responsibility to do the right thing by its and our service personnel and of course our Aboriginal people'.

2. Calls on the Premier, who has acknowledged that compensation should be paid, to contribute to the legal costs of the case being supported and launched by the Aboriginal Legal Rights Movement here in South Australia so that Aboriginal and non-Aboriginal South Australians can have the opportunity to seek redress for injuries suffered by them during the British atomic testing in South Australia

(Continued from 29 September 2010.)

The Hon. B.V. FINNIGAN (20:23): I wish to speak fairly briefly to this motion. While the government is sympathetic to the sentiments being expressed, particularly in relation to the need for justice for Aboriginal people and those South Australians who may have been affected by nuclear testing in our state, we, unfortunately, do not agree with the call made in the second part of the motion for the government to fund the ALRM in relation to the legal costs of the case.

I think we all accept that it is very regrettable that parts of the state were used for nuclear testing and that that has had an impact on Aboriginal and non-Aboriginal communities over a long period of time; however, in relation to funding the Aboriginal Legal Rights Movement cases against the British government, we do not believe that that is the appropriate course of action. The ALRM has never been funded through the state in respect of legal aid. The state government is, of course, a significant funder of the Legal Services Commission, which also receives money from the commonwealth, and the commission provides legal aid to all eligible clients, including Aboriginal clients.

The commonwealth government provides funding to various non-government organisations, including ALRM, to improve Aboriginal Australians' access to high quality and

culturally appropriate legal aid services through the Legal Aid for Indigenous Australians program. As part of this program the commonwealth government has funded the ALRM until 30 June 2011 to deliver legal aid services to Aboriginal Australians in South Australia. The amount of funding the ALRM receives from the commonwealth is determined by a funding allocation model.

To reiterate, while we all agree that it is very regrettable and unfortunate that nuclear testing was carried out and that it has had impacts on Aboriginal and non-Aboriginal South Australians, and while not disagreeing with the sentiments that the Aboriginal communities may wish to seek legal redress from the United Kingdom government, the government does not believe it is appropriate for the state to provide funding to the ALRM for the purpose of pursuing a case. The ALRM has not been funded by the state in respect of legal aid: it is the commonwealth government that funds various non-government organisations, including the ALRM, to improve Aboriginal Australians' access to legal aid.

With those few words, I put on the record that the government does not support part 2 of the motion, but I do not propose that we will divide on it or seek to amend it. However, I put on the record that the government does not support funding the ALRM for the purposes of running a case in the UK with respect to nuclear testing by the British government in South Australia.

The Hon. S.G. WADE (20:27): I rise on behalf of the Liberal opposition to support the motion put forward by the Hon. Tammy Franks. I would like to put the motion in context. With the agreement of the Commonwealth of Australia, the government of the United Kingdom undertook atomic testing in South Australia from 1953 in the Emu Field area and from 1956 in Maralinga. Testing concluded in the area in 1963. About 25,000 British personnel, 8,000 Australian personnel and many civilians, including Aboriginal Australians, were exposed to radiation through the testing. In 1993 the commonwealth received $35 million from the British government to clean up the Maralinga site. None of this has been provided to victims.

In 2006 the Howard Liberal government committed to paying for the cancer treatment of all surviving Australians who took part in the tests. A 2009 decision in a British court is read to have opened the door for British service personnel and international citizens to pursue claims against the United Kingdom government for compensation in relation to atomic tests in Australia. I understand that this case is on appeal and that an outcome is expected shortly. In the context of this case, and in anticipation of a favourable outcome on the appeal, an action is being mounted by UK-based law firm Hickman and Rose working on behalf of the Aboriginal Legal Rights Movement.

I wanted to give that context because it was the context in which the Premier made the following statement on 8 June 2009 on ABC radio:

> After a big campaign we managed to get the clean-up, but we didn't get the compensation. I think the British government has an absolute responsibility to do the right thing by its and our service personnel and, of course, our Aboriginal people.

I ask the council to reflect on those words: 'After a big campaign we managed to get the clean-up, but we didn't get the compensation.' The implication clearly is that the Premier is standing shoulder to shoulder with the Aboriginal people and other claimants pursuing compensation. It was in the context of a highly contentious and much-awaited legal decision in Britain. The Aboriginal people and other claimants had every right to interpret that as a statement from this Premier that he was standing with them.

The British government, then a Labor government, was not negotiating an out-of-court settlement. This was not a behind-closed-doors process. The government was in the court, the Premier knew that, and he gave that statement in the context of those legal proceedings. The Aboriginal Legal Rights Movement sought funding from both the state and federal governments, particularly, in its words, to help fund the initial investigations. The state government has recently written to the Aboriginal Legal Rights Movement, not merely to decline to fund the proceedings but actually to refuse to even meet.

The Premier is so committed that his Attorney-General cannot even spare a slot in his diary, as a courtesy to the head of the Aboriginal Legal Rights Movement, to meet on the issue. In a letter to the Chief Executive Officer of the Aboriginal Legal Rights Movement, dated 4 June 2010, the new Attorney-General, John Rau, said the following:

> You have asked to meet with me to discuss the potential for the state to provide financial support to undertake initial investigations into potential claims for compensation for injuries incurred as a result of the British nuclear tests in South Australia in the 1950s and 1960s. Given that the issue at hand was caused by an

arrangement between the Commonwealth and UK governments, this is a matter which should be managed by those governments.

I find that an appallingly disrespectful response. First, the Premier is the one who raised expectations that the government was standing with the Aboriginal claimants in this case—and, for that matter, non-Aboriginal claimants who may have come forward. Not only was that all but one line of the letter, the Attorney-General also refused to even meet with the people involved.

The Liberal Party supports the motion to hold the Premier accountable for his public statements in support of victims of the testing to pursue their legal rights, Aboriginal and non-Aboriginal. Over the years, Aboriginal Australians have, all too often, been the victims of hollow words, but hollow words are the stock-in-trade of this government. We support this motion to highlight the hypocrisy of this Premier.

Unfortunately the Hon. Bernard Finnigan chose to stand up tonight and join with those hollow words by trying to suggest that this was somehow an ordinary legal aid claim. We know how appalling this government is when it comes to trying to deal with the Aboriginal situation and the justice system. They are grossly overrepresented, but this government refuses to engage with the Aboriginal Legal Rights Movement on improving that situation. So, we had the hypocrisy of the Premier being multiplied by the hypocrisy of the Hon. Bernard Finnigan.

The Liberal Party believes that it is the responsibility of this house to hold the government accountable. Like the Hon. Tammy Franks and other members of this house, we have seen the government make a statement on the public record that could reasonably lead the Aboriginal claimants to believe that they would get support from this government. They were hollow words, and we want to expose them as such.

Motion carried.

DEVELOPMENT (ADVISORY COMMITTEE ADVICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September 2010.)

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) (20:34): The Hon. Mr Parnell introduced the Development (Advisory Committee Advice) Amendment Bill, and this matter was raised in this place back on 14 September this year. The provision of advice to me on a development plan amendment comes from a wide range of sources, including local government, state government agencies, and the community through the call for submissions regarding the proposed planning policy changes.

The Independent Development Policy Advisory Committee provides advice, where appropriate, and this advice is only one piece of information that I use as part of my decision-making process. The purpose of this advice (and it is clearly set out in the act) is to assist me in my consideration of changes to development plans in accordance with the provisions of part 3 of the Development Act in addressing the planning strategy of the day.

The integrity of the process is very important; the process reflects the very foundation of good governance. DPAC members provide a wealth of knowledge and experience, which they are required to do under the act. They have expertise in urban and regional planning, local government, building design and construction, environmental conservation, commerce and industry, agricultural development, housing and urban development, planning or providing community services and experience in utilities and services that form the infrastructure of urban development. The members of this independent committee are appointed by me.

If the advice of the Development Policy Advisory Committee is subject to public scrutiny before a decision is made by me as part of this process, it would essentially mean that an independent source of advice would no longer be available to me, and I think that is very important. This chamber, unfortunately, in recent days has shown a habit of trying to be a second parallel government before decisions are even taken by government to try to have select committees and other processes to double guess and have this sort of parallel decision-making process.

If the advice of a group such as the Development Policy Advisory Committee is subject to public scrutiny before the decision is made by government (in this particular case, it is the minister), it would essentially mean that independent source of advice would no longer be available to me.

The independence of this committee is an important element in our planning system. It has been in there for a long period of time, and it ensures that a broad ranging level of advice is available to me. Having the committee's advice to me published prior to any decision does not assist the proper functioning of the committee, which is not part of the political process associated with changes to development plans.

Committee members are in place for their impartial, expert opinion. As minister, I take very seriously the advice of DPAC and the submissions from members of the public. However, as minister I must consider the entire picture, including such things as the planning strategy and the broader implications of the DPA, whether or not it proceeds, and the considerations of the government as a whole. So, the correct accountability is with me as the responsible minister; it is the way it should be. I am accountable, accordingly, to the parliament. It is not DPAC that needs to be accountable; it is just the one source of advice.

As well as being accountable to the people of this state, I am also accountable, in this role, to the Environment, Resources and Development Committee of parliament. The committee receives a copy of every development plan amendment approved, with a report that outlines the process and the decision. A complete copy of the development plan amendment is also provided to the Environment, Resources and Development Committee members. The ERD committee can question any decision made and even table the DPA before both houses of parliament if it disagrees with my decision.

I agree that people need to be better informed about the planning process. People do need to have a better understanding of decisions made. While I am required under the act to gazette decisions, I appreciate that the *Government Gazette* may not be a widely read document. To that end, my office will publish press releases regarding my decisions on ministerial DPAs, which may include an outline of the reasons for a particular decision. With respect to council development plan amendments that are sent to me for approval, I also encourage councils to do the same thing for their communities and ensure open and transparent decision-making.

Therefore, the government cannot support the bill for the following reasons. Publishing advice before a formal decision will undermine the integrity of the process. The Development Policy Advisory Committee (or DPAC, as it is known) is not a decision-making body and people cannot rely only on DPAC's recommendation as the complete basis of a decision I might make.

DPAC's role pursuant to section 25 (this is regarding council DPAs) is where the development plan amendment is not in accordance with the planning strategy or where the minister requests the advice. This advice is not sought regularly for council DPAs and it is sought only in circumstances where a council has departed from an agreed statement of intent.

DPAC's role in section 26 for ministerial DPAs is to 'consider any representations made and to provide advice in respect to those submissions'. I hasten to say that it does so in the context of compliance with the planning strategy, and I have made some comments in this parliament in relation to DPAC's role in relation to the Mount Barker development plan amendment.

In summing up, the difficulty with placing greater emphasis on only one part of the process is that it can become misleading and will often not accurately or fully reflect all of the factors in the decision-making process. In relation to DPAC advice, it certainly has not been the tradition in the past that this advice would be made available. The Freedom of Information Act applies in relation to such advice as it does in relation to any other government documents.

We have just seen a case this week, and the Hon. Mark Parnell is revelling in the situation, in relation to an incomplete development process at Port Adelaide and, in the process, he is doing enormous damage to companies that is not justified. In fact, the Hon. Mr. Parnell's behaviour reminds me of the person who goes into a crowded picture theatre and yells, 'Fire!' I think his behaviour has been quite scurrilous in relation to that, and I will address some of the matters in relation to that when we resume the debate on the earlier motion in relation to that area.

You can see in relation to that previous situation that, when you start having a government process that is not complete—it is still going through the process—and when you start having members such as the Hon. Mark Parnell throwing stuff around in the public domain, it is designed to create political scaremongering, not to get a good outcome to a planning decision. A good planning outcome to a decision is one that will sensibly address the issues, not sensationalise them.

As to the Hon. Mr Parnell's behaviour in relation to Port Adelaide, the purpose is quite clear. There is a local government election; he wants to help a couple of Green candidates in it, and he is not in any way concerned about any damage that he might do or scaremongering he might create among individuals in relation to that area. I just use that example about how, if you release information prematurely before the process is complete, it can totally distort government decision-making.

There has been a tradition in this parliament—in government generally throughout this country and most of the Western world—that, yes, you should have close government scrutiny of government decision-making. But if you are going to run a parallel process before decisions are even complete, then it really does call into question why we have government at all. It will make it completely impossible if we have situations where every step of the way there is a process running parallel to government. As I said, what is the need for government decision-making in the first place?

Of course, the political attractiveness is far too tempting, unfortunately, for some. I would hope that at least there would be some people in this parliament who might actually be concerned with such issues as public interest and good governance. By all means, of course, governments should be held accountable. Ministers should be held accountable for decisions, but let's at least get to the stage where we make the decision first before we start having a parallel decision-making process that, in many cases, is just designed to politicise the whole event and to create unnecessary scares among the community.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:44): I thank the minister for jumping in and speaking ahead of me while I was racing upstairs to get my notes. I rise on behalf of the opposition to speak to this bill. The state Liberals have constantly been critical of this government and its failure to consult. I think we have seen a number of examples, and the future leader of the Labor Party, Jay Weatherill, has made comments that their current strategy is to announce and defend, and maybe even decide and defend. I think the issue raised by this amendment bill strikes at the heart of some of the government's failures when it comes to consultation and fully taking the community with them on a number of decisions.

Because of the legislated DPA process, the government may appear to be engaging with the community, but I think all the evidence suggests that the decisions are treated with a decide and defend approach. This bill, I think, probably provides an opportunity to take a step in a direction that is making sure that this government's decisions are possibly more evenly weighted in the community and so more evenly balanced. It is an opportunity to create a more substantive community consultation process rather than having a situation of public meetings and submissions that are perhaps merely a facade of public engagement.

I have been to a number of the DPAC hearings. As the shadow minister, I have been to some in Mount Barker and Gawler East. I have not been to the Gawler racecourse, but I went to some of the hearings at Cheltenham. It is interesting to note that some of them were quite extensive. Even at Mount Barker, which is one of the most recent—and on which, of course, the minister is yet to make a decision—I think there were some 500-odd submissions. The advice is still being prepared by the Development Policy Advisory Committee for the minister.

I think, at the time of this bill being introduced, to put it into context, there had been meetings at Mount Barker that collectively had been running for some 15 hours, so there is significant community or public interest in the process. It has certainly demonstrated a great desire by the community to be involved in that process.

All four ministerial DPAs really have been embroiled in what appear to be criticisms about the effects of rezoning on the local economy and the demand on existing infrastructure. It is interesting to note that the Gawler East DPA was going before the ERD Committee, and I do thank the minister for allowing the chief executive for the department for local government and planning at the time to brief both the Hon. Michelle Lensink and myself on the arrangements put in place to provide road infrastructure and on the trigger points for infrastructure.

During the state election, and in that whole process, the opposition was always critical of the lack of infrastructure and, sadly, at that time critical of the lack of a clear direction from the government about how they would deliver that infrastructure and what mechanism would be put in place to do so. I appreciate the opportunity provided to me, as shadow minister, and the Hon. Michelle Lensink, as a member of the ERD Committee, to have that discussion to get a better understanding of what the government is trying to achieve.

I think it is a bit sad that you almost have to reach the eleventh hour. Certainly, the opposition did not necessarily oppose the Gawler East development, but we would have opposed it unless the government was prepared to demonstrate that it was able to provide a mechanism to deliver the appropriate infrastructure, because the residents of Gawler, I am sure, will benefit from having a bigger collective mass. They will probably get better services, but at the end of the day, if the Gawler township as it exists today is severely impacted and the main street becomes severely congested, then in the end it is probably not a good outcome.

Of course, we saw some of the other announcements that the government has made, such as the one involving Buckland Park, which is outside the urban growth boundary. There are questionable issues about the delivery of infrastructure, and there is nothing in the budget or the forward estimates to deliver any infrastructure to that area. I know the minister will say to the developer that there will be shuttle buses to railway stations and the like, but at the end of the day, unless there is significant infrastructure, it will be—

The Hon. J.S.L. Dawkins: It's a long way from the closest railway station.

The Hon. D.W. RIDGWAY: Exactly. In the end, I suspect that it will not be the Labor government that we see today, it will be a future Liberal government that deals with trying to provide the infrastructure to that area.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I expect that after 2014 we will be in government for 25 years, and I look forward to that. Infrastructure and the delivery of public transport to Mount Barker is an issue—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister is saying that it is not part of development plans but, clearly, it has to be a consideration because there is plenty of space and plenty of opportunity in Mount Barker. The minister said earlier today in answer to a question that it was the good land, the agricultural land, that was cleared. The hilly stuff that is still national park was not suitable for agriculture, so the clear land was cleared for agriculture, and, of course, the clear land is the stuff that is easy to develop. If the minister and the government were wanting to rezone the national park then I am sure that the Hon. Mark Parnell would be even more agitated than he is.

I understand what the government is doing and, when you look at the 30-year plan, public transport is about a lower carbon footprint, it is about being more connected, it is having a society that does not have to use the motor car as much. When you speak to Mark Goldsworthy, Isobel Redmond and Iain Evans, the members who are up there, there is no easy way to provide public transport to that area.

The minister spoke the other day about a dedicated bus lane on the freeway. That is a great idea but unless you spend probably $1 billion widening the freeway from where it is three lanes all the way up to Mount Barker, and provide another interchange or two, you do not have the capacity. As I think I mentioned in a question recently, we all know the freight task is going to double.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I think I just heard the minister interject with 'the railway line'. There is a rail corridor but we all know—

The Hon. P. Holloway: No, I said that adding a lane to the freeway would be a lot cheaper than a railway line.

The Hon. D.W. RIDGWAY: The minister just said that adding an extra lane on the freeway would be a lot cheaper than fixing the railway line, and it probably would, but it is still $1 billion—well, who knows, it would be a lot of money to make an extra lane on the freeway for buses. We only have two tunnels, so it is one up and one down.

The Hon. J.S.L. Dawkins: They've had the NExy open for weeks and they can't open both lanes at the bottom end of the NExy.

The Hon. D.W. RIDGWAY: My colleague, the Hon. John Dawkins says that they cannot even open both lanes on the NExy. I know that I should ignore interjections because they are out of order, Mr President. Mount Barker will present future governments with significant problems. I expect that the minister will sign off on the DPA at some point in the future, but it will produce

significant problems for a future government and, sadly, it will probably not be the honourable minister because he will be retired, but there will be a number of members on the other side—

The Hon. P. Holloway: It will have infrastructure.

The Hon. D.W. RIDGWAY: The minister is interjecting that it will have infrastructure. The public transport component is extremely difficult to deliver. It will have an interchange, I am sure, and there will be easier access. The Mount Barker township will access the freeway, Callington might access the freeway, but in the end it all has to come down the freeway, through the tunnels and the tollgate. So, I can see some significant problems into the future.

Public engagement, I think, should serve a much more important purpose in this DPA process. The minister should be taking the representations from the community into account at the point of making decisions and I think be a little more accountable. The process we have at the moment is not particularly transparent.

It is fair to say, and I probably speak on behalf of the Hon. Mark Parnell, that the government's 30-year plan—I think all of us broadly support a 30-year plan. Whether we support the 30-year plan that the government has proposed, I think that, generally, all of us in this parliament, and probably in the state, would say, 'Yes, a 30-year plan is a very good thing to have.' It still disappoints me, and I raised it again today in question time—

The Hon. Carmel Zollo: The maps.

The Hon. D.W. RIDGWAY: The maps, and the Hon. Carmel Zollo laughs, the Hon. John Gazzola groans and the Hon. Russell Wortley does not pay any attention at all because he is not interested. At the end of the day, everybody laughs but, when you have a document with something as simple and as fundamental as a map that is not accurate and not drawn to scale, it brings into question everything else that is of a much more technical nature.

My 11 year old can measure the maps (in fact, he is probably smarter than me so I probably should not say that) and they are not accurate. Where else in that document is just a 'rough enough is near enough' approach? The thing that frightens me with the 30-year plan is not the principle—yes, we all agree.

The detail is something that you can measure and quantify on a page with a ruler and say, 'Hang on, actually this isn't what it says it is,' then in all the text in that plan, what is smoke and mirrors? What is, 'This will be rough enough, it will look good, we will be able to get the spin doctors to make a particular press release and we will be able to roll the whole plan out. It will look good, it will look like we are doing something'?

I will continue to raise that until the minister gives me an answer as to why the maps were not accurate. What they could have done, but chose not to, was to put on the bottom of the maps two little words, 'not to scale'. I raised this when it was in its draft form before the last election; the minister laughed at me, the rest of the government ridiculed me and they continue to do so.

It was not until after the election when I actually went to the newspaper and said 'This is not to scale,' and put a story in the paper. As the minister would know, because I am sure he is in contact with the industry—

The Hon. P. Holloway: They probably print yours; they don't print mine.

The Hon. D.W. RIDGWAY: Well, probably because they trust me a little more. As the minister would know, the development industry contacted me. They were outraged because I had criticised the 30-year plan, saying things like, 'Don't you support the 30-year plan? You said during the election you did.'

I had a meeting with a number of them, and I took along the maps, drawn to scale, that I had done and my staff had done. A couple of the senior people who were involved in the planning review and in consultation with the government over the 30-year plan said, 'Oh, we have a problem here, haven't we? I see what you mean.' Even the people involved in the planning review and in the development of the 30-year plan admitted that. The point I am making is the maps are inaccurate and that, if they are inaccurate—

The Hon. P. Holloway: What about the HELSP plans? Are you happy with those?

The Hon. D.W. RIDGWAY: I have not actually measured the HELSP plans ones yet, but I will do and be warned: if they are inaccurate, I will be back to you about them. This whole process of rezoning has a minister and a Premier who stand up and sign and say, 'This is our great vision

for 30 years, and the rezoning is a part of that 30-year plan,' but when the maps are not accurate, I get a bit concerned that the rest of the plan is a 'rough enough is near enough' approach.

I know that the minister and the Minister for Infrastructure took a trip overseas last year to look at TODs, and they are a key part of the 30-year plan and will be a key part of what the minister was talking about in the last couple of days about growth corridors.

The Hon. P. Holloway: You should go next year.

The Hon. D.W. RIDGWAY: I would love to go next year. I have expressed my interest in going next year, but these trips are expensive, and we only get a small travel allowance and I like to spend it on a range of things, not just on one trip overseas with the minister.

The PRESIDENT: Do you want to move that it be larger?

The Hon. D.W. RIDGWAY: Well, I would love a larger travel allowance, thank you, Mr President. I thought you would agree with me.

The PRESIDENT: I am glad you got that on the record.

The Hon. D.W. RIDGWAY: It is interesting, though, in the information I have been able to pick up, that you really have to take the community with you on all of these changes. I think the St Clair land swap was a classic example; I think probably what the government will end up trying to do will probably be a good outcome from the little bits I have heard from councillors and other people. In the end, it may be a reasonable outcome, but it was never argued properly in the first place.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: No, it has nothing to do with racing. It is about the St Clair land swap. It is about the way the government made the decision with the City of Charles Sturt—a council the Hon. Michael Atkinson has significant influence over—with almost an arrogant approach towards the community. If the government had taken some time to explain it to the community, I expect that it may have had a better community reception. Of course, we have local government elections happening in the City of Charles Sturt. Clearly, some St Clair candidates are running, and I wish them every success for the simple reason that the council and the government deserve a good spanking for not taking the time to explain it. TODs are very important. The Liberal Party supports them and I know the Hon. Mark Parnell supports world-class TODs.

The Hon. P. Holloway: You should probably call them something else.

The Hon. D.W. RIDGWAY: Perhaps TODs is the wrong name. The Bowden one on the old Clipsal site is a classic example. It should be a demonstration site and one where world's best practice exists so that when people get out of a train—and it has to be an underground train line so that the development goes across the top. I think there are serious concerns as to whether this government has the money. Whether the federal government has the money to fund it for them, I do not know, but unless that happens—

The Hon. P. Holloway: They funded Subiaco—the feds.

The Hon. D.W. RIDGWAY: The minister says that the feds funded Subiaco, and I do hope the feds stump up the money for this. At the end of the day, unless it is a world-class TOD—that is, people catch the train from the city, get out and walk around and say, 'Wow, I wish I could live in a place like this; this is great; it has everything I want'—it will fail and every other TOD will fail.

It is important to take the community with you. It is a journey. We all broadly support the 30-year plan and I think we all broadly support a smaller carbon footprint and more density in the city. All of the things that the government is trying to achieve in its bulldozer type of approach, we all broadly support. Getting back to the bill, because I have been a little—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: No, I think generally—and I cannot speak for the Hon. Mark Parnell; he is probably saying, 'No, don't you dare speak for me any more'—at the end of the day, the principles in the 30-year plan are things that we all support. I will get back to the amendment bill because I have been a little bit distracted.

The minister can instigate a DPA and it is the statutory authority of DPAC to provide that advice accordingly. In the case of a council DPA, the minister's obligation to seek advice from

DPAC is subject to his or her opinion on whether the proposal is in accordance with the planning strategy. In other words, the minister arguably does not have to seek that advice at all.

In the case of a ministerial DPA, the advice from DPAC must occur after the consultation phase and again when the minister is deciding on any subsequent amendments to the draft DPA. This bill proposes that the advice provided by DPAC be published on a website and made publicly available for inspection, and that anyone who has made representations be notified in writing of the availability of that advice. This has to be done within two days of receiving the advice.

The Hon. Mark Parnell has stated that there should be opportunities for DPAC to provide confidential advice to the minister, his justification being that DPAC has the power to advise the minister of its own volition and not subject to any statutory duties outlined above. For that reason, he says he has confined his amendments to the advice relating exclusively to the statutory process where DPAC assesses public representations.

Recently, I took the opportunity to ring a well-respected former minister for urban development and planning (Hon. Diana Laidlaw) to obtain her view. She absolutely supports transparency. She thinks some of the decisions that have been made by this government and some of its relationships with some developers leave her sick in the stomach, especially considering some of the things she sees and hears. However, she is not certain that publishing this advice is the right approach. She wants more transparency and she thinks that is something that we should have.

I have taken the opportunity to speak to a couple of expert planning lawyers and ask for their advice. I am not a lawyer and the only one we have here is the Hon. Mark Parnell. While I am sure that, 95 per cent of the time, he would give us frank, fearless and unbiased advice, he is probably not the right person to speak to about this issue, and so I have asked a couple of planning lawyers for advice. In particular, if the minister receives advice that is published and he makes a decision contrary to that advice, what is the legal standing of the decision the minister has made? Is that challengeable legally? I have raised that question. I do not know, I am not a lawyer, and so I have asked for some legal advice.

Isobel Redmond has publicly stated her support for changes to the system. She absolutely wants more transparency. She wants a better process, and I think people in her office—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister interjects to say, 'This may not do it.' I think that is a matter for the parliament to decide rather than for the minister to decide. I think people from Isobel's office have provided information to the public that indicates that she supports the Hon. Mark Parnell's bill. I am not entirely convinced that that was the message that Isobel portrayed to her staff but, nonetheless, at the end of the day there are some emails circulating that say Isobel supports this bill.

What she does support is a better process and a new process. That is something that the opposition is looking around the world for: a structure that provides us with a much more transparent approach to rezoning. As I said earlier, it is about taking the community with you. We have seen a range of the decide and defend approach to the decisions of this government through the budget and a whole lot of other things, over the last four years in particular.

The Treasurer summed it up last night in relation to the ambulance officers. When Iain Evans asked him a question about the lack of payment of salaries over a period of time to the ambulance officers, I think it was, the Treasurer said that in big organisations 'shit happens'. I do not think in planning shit should happen; we should actually try and get it right.

The crux of this bill is transparency, and I think it is a positive move. However, there are a few amendments that I am contemplating under the scope of transparency, and I think we should actually look to deal with them as a package. I note the Hon. Mr Parnell's important comment. In fact, we had a briefing with the LMC earlier this week. Again, I appreciate the opportunity—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: No; but I appreciate the opportunity. It was interesting to look at some of the things that are happening at Port Adelaide and, in particular, Newport Quays. At that meeting the Hon. Mr Parnell said he was a great supporter of 'taking the community to the umpire'. I think they were the words he used, and he has used that in this—

The Hon. M. Parnell: Occasionally.

The Hon. D.W. RIDGWAY: He says 'occasionally'. He is a great supporter of making sure the community and the umpire interact, and I certainly agree with that. I would like to see locals at the public meetings being given something of a priority. The Hon. Mark Parnell knows of my disgust at the Gawler DPA meeting prior to the last election. The meeting started at 7.30, and I wanted to go and listen to the locals. I wanted to hear from people who were directly affected, but the Hon. Mark Parnell was the first person who spoke, and I was a bit surprised. I have been to a number of other meetings and he has spoken during the process, but he was not the first speaker.

The next day, I think, parliament was sitting and I said, 'Mark, how come you spoke first?' He said, 'Well, it's easy; if you put in a submission, the general rule of thumb is that politicians speak first.' I contemplated that, and I think I may have said to him in the corridor, 'Well, if we're fortunate enough to win the next election and I am the minister, that won't happen again.'

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

The Hon. D.W. RIDGWAY: Exactly.

The Hon. P. Holloway: And I will support your amendment!

The Hon. D.W. RIDGWAY: I thought you might be attracted to it. That meeting went till 12.30 at night. I have no problem with the Hon. Mark Parnell speaking, or anybody else who goes to the meetings but, at the end of the day, if it is about community consultation or bringing the community to the umpire, surely it should be about the community speaking first. So, I have actually had some discussions with parliamentary counsel and I have asked them to try and draft some amendments so that the chair of DPAC is instructed to actually allow the people—and they have not come back to me, so I am speaking from the thoughts I have had with parliamentary counsel.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister said, 'We don't need an act of parliament', but I went there to listen to the locals. It started at 7.30 and at quarter to 10 I heard the first local speak. I beg your pardon, a couple of the councillors spoke; I guess they are the elected local representatives. We had the Hon. Mark Parnell, a number of interest groups—

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

The Hon. D.W. RIDGWAY: And the developers and the proponents. Yes, the developers spoke. If you are going to have genuine community consultation that goes to 12.30 at night, why not let the locals speak first, followed by the Hon. Mark Parnell and the developers? At the end of the day, what you need is an outline of what the rezoning means, whether that is done by the council or the developers, but probably the local council because that is the organisation intimately involved with it; put up a picture to the community of what it is and then hear from the locals.

I think that a lot of these public meetings get a little hijacked by people who are not directly affected. They are not locals, they do not live in the council area and they do not live in the local community. They are, if you like, a bit of a 'rent-a-crowd' who are very well skilled at speaking publicly and who are a forum for—

The Hon. J.S.L. Dawkins: And it's creating a very loose chairmanship.

The Hon. D.W. RIDGWAY: The Chair of the Development Policy Advisory Committee, Mr Mario Barone, is, I think, very tolerant and very lenient, and I think that also means that things drag on because he does not want to cut people off. I suspect you will find that the locals will not be long-winded. They will have an issue they want to raise, and they will sit down, because they are not well skilled in public advocacy and not well skilled at going to public meetings.

I have asked parliamentary counsel to try to draw up perhaps some sort of speaking order. Richard Dennis is the person we all respect. He is the boss of parliamentary counsel. He wrote the Development Act, I suspect, when it was revisited in the last two parliaments. He is someone who well understands what I am trying to achieve, so I am looking forward to getting some feedback from him.

Further to that, on Monday I wrote to the minister requesting a meeting with the Chairman of DPAC in an official capacity. I know that I could pick up the phone and say, 'Mario, what do you think?' But I said, 'No, I'd rather do it in an official way.' I might even say to Mr Mario Barone, 'If it's possible, how many members of DPAC are available?'

I know that there are quite a number of them and that not all of them attend the meetings. I would like to sit down with them in a bit of a forum and say, 'Well, what do you want, because you are the people who are at the coalface of the interaction with that community?' They are an important group of people to speak to, and it is important that I have that opportunity to consult with them.

The opposition has always supported more transparency. As I indicated earlier, we are looking at some policy options to come up with a better, more transparent process. Given the form of this government in taking ideas from the opposition, we will not be releasing that policy for some time. I remind members that, when Martin Hamilton-Smith was leader, we spoke about a city oval. I have copies of letters that the Premier wrote to people in electorates saying, 'We will never build or put any money into football ovals. Our priorities are schools, hospitals, health and education. We will never waste money on a football oval.'

The Hon. J.S.L. Dawkins: He was dead against Hindmarsh until Adelaide United started getting 15,000 people there.

The Hon. D.W. RIDGWAY: Exactly. The Hon. John Dawkins reminds me, Mr President—

The PRESIDENT: Interjections are out of order.

The Hon. D.W. RIDGWAY: I know that he is out of order, but he does jolt my memory that the Premier was absolutely opposed to Hindmarsh Stadium until, of course, Adelaide United started playing well. I am reminded of the first soccer match I went to with some 15,000 people. The Premier was also there, and I think that all the 15,000 who attended provided him with a Bronx cheer when he walked out onto the ground.

Nonetheless, in the interests of transparency, I indicate that the opposition is prepared to support the second reading of this bill. I hope that the Hon. Mark Parnell is gracious enough to give me the opportunity to consult further with the planning lawyers I have spoken with and DPAC, as well as an opportunity to sit down and talk with parliamentary counsel about putting together a structure that allows the community to speak first rather than the politicians.

The Hon. M. PARNELL (21:14): I will sum up briefly, Mr President. Thank you. First, I thank the minister for his contribution and I thank the Leader of the Opposition for his wide-ranging contribution on a number of topics, which included the bill. I must say that I am at a bit of a loss at the reluctance of the opposition to grasp the nettle, bite the bullet and support this bill outright.

We are seeing some procrastinating happening here, but, in the interests of seeing this bill progress successfully (even though I did advise all members that I would be bringing this to a final vote tonight), I am prepared to accept a second reading vote. We will come back in a fortnight and we will deal with the committee stage then.

To jog the Leader of the Opposition's memory, and to urge him to keep the faith with the people of Mount Barker, for example, I remind him of some of the headlines that the Liberal Party has managed to obtain in the pages of the Mount Barker *Courier*. This is one from a couple of weeks ago: 'Libs would back report's release', with a lovely photo of Isobel Redmond, Leader of the Opposition. The quote from Isobel is, 'It just beggars belief that they say we are not going to make this public (Opposition leader and Heysen MP, Isobel Redmond)'. The article by Lisa Pahl commences:

> The leader of the state opposition would back legislative changes to force the independent body investigating a growth plan for Mount Barker and Nairne to release its final report and recommendations. Isobel Redmond, whose seat of Heysen adjoins the Mount Barker region, said she would 'absolutely support changes to the system' that currently keep the Development Policy Advisory Committee's (DPAC) advice under wraps.

It does not get a whole lot clearer than that. I understand that the Leader of the Opposition sees the wisdom of this method and has come up with a few other ideas that he thinks might make the system even better. I would love to see a Liberal private member's bill with some of these other amendments in them, and I would look forward to supporting that. As I say, I am happy to hold off another two weeks, but I would urge the Leader of the Opposition not to mess too much with this bill and certainly not to water down its prime purpose. So that is the leader of the Liberal Party's position.

I would also like to put on the record my thanks to some of the federal MPs who have weighed into this. Our former colleague the Hon. Nick Xenophon has weighed in, and I thank him. Jamie Briggs, another member of the Liberal Party, has taken it one step further. He has actually

written to minister Holloway, and again there is a very favourable headline in the Mount Barker *Courier*: 'MP joins push to release advice'. That article reads:

A federal MP has added his voice to calls for the state government to release the independent advice it will receive on its plans to double the size of Mount Barker. Member for Mayo, Jamie Briggs, has written to urban development and planning minister Paul Holloway, urging him to make public the advice he will receive from the Development Policy Advisory Committee.

The quote from Mr Briggs reads:

Given the overwhelming chorus of disapproval within the community regarding the DPA, I strongly urge you to publicly release the Development Policy Advisory Committee's report.

As members would appreciate, the minister has made it very clear that he does not intend to do it. If it is to happen, we need to legislate for it to happen. My bill is the one that does that.

The Hon. P. Holloway interjecting:

The Hon. M. PARNELL: The other thing I will say is that I am also appreciative of Isobel Redmond for another reason. As the Hon. Ridgway said, she has been writing to constituents. One email that was forwarded to me from last Friday is written by one of her staff, her researcher and assistant, and it says, 'Yes, the Liberal Party will support Mark Parnell's bill next week.' It does not get much clearer than that, but again, I am happy to give the opposition a little bit longer.

Members interjecting:

The Hon. M. PARNELL: So we will hear some other positive suggestions the Hon. David Ridgway has when we see this bill back in two weeks' time, but I cannot let the minister's comments go without a brief response. The first thing the minister said was that, if this bill gets up, the independent source of advice will no longer be available to him. That is wrong, wrong, wrong. Just because someone else gets to see it does not stop it being independent, it does not stop it being advice, and it does not stop it being available to the minister. The only thing it stops—

Members interjecting:

The Hon. M. PARNELL: The only thing it stops is its being secret advice. It is still independent advice. The minister said that he takes a lot of advice from a lot of different sources. There is nothing in this bill that prevents the minister from taking whatever advice he wants from whoever he wants. My bill says that if we want to keep faith with the people of this state who, in many cases, go to the trouble to lodge comprehensive submissions with the Development Policy Advisory Committee, they take the trouble—as the Hon. David Ridgway did, as I did in the case of Gawler East, and as I did on four out of the five meetings at Mount Barker—to participate in the process, to sit and listen through 15 hours, in my case, of overwhelmingly resident concerns about rezoning, we need to honour their contribution by at least letting them know how their submission was treated, how it was summarised, how it was reported back to the minister, and what advice flowed.

If we take Mount Barker as an example, from memory there were 451 submissions: 95 plus per cent of them against the rezoning, and 100 per cent of oral submissions at the five DPAC meetings against the proposal. I would love to see the DPAC advice. How is it going to reflect the mood of that community? What advice is it going to give? The minister—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: —will take that that advice, and he will do with it what he will.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: The minister says that we are distorting the situation.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The honourable minister will come to order, and the Hon. Mr Parnell will refrain from responding.

The Hon. M. PARNELL: Mr Barone, the chair of DPAC, has been pretty consistent over the 15 years that I have been asking him to release his advice. He should just tape-record it; I will tape-record my question and he can tape-record his answer. Whenever I ask him, 'Are you going to

release your advice?' he says, 'Our job under the act is to advise the minister. It is up to the minister what he does with our advice and whether he releases it.' That is what Mario Barone says at these meetings.

The bill I have drafted does not put any obligation on the Development Policy Advisory Committee. It does not oblige Mario Barone to do anything; it obliges the minister. After he receives the advice, after DPAC have washed their hands of it—they have given their advice—the minister should then come clean with the people who went to the trouble of writing submissions and tell them what that advice is. What the minister wants is to hide behind a series of secret, behind closed doors, advice and information, so when he makes—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: —his decision the community will not know on what basis the minister made this decision. I wonder whether it was—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! We have turned this into a debate. The Hon. Mr Parnell will wrap up the second reading.

The Hon. M. PARNELL: I will wrap up—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: You're debating it, too.

The Hon. M. PARNELL: I will wrap up very quickly, Mr President, and thank you for your sage guidance. There are two other things that the minister said that I want to respond to. First of all, he pointed out the regimes of parliamentary scrutiny. The minister well knows that, under section 27 of the Development Act, never once since this regime came in in 1994 has this parliament ever exercised its power to throw out a rezoning, and it is certainly not going to do it now. I know the Hon. Carmel Zollo stays awake at night wondering whether she should throw out her ministerial development plan amendment; the Hon. Michael Atkinson—I am sure that it keeps him awake—and the Hon. Gay Thompson wonder whether they should throw out the ministerial DPA—

The PRESIDENT: Order! The Hon. Mr Parnell will stick to the bill.

The Hon. M. PARNELL: It does not happen, and it will not happen, certainly, under the current system.

The PRESIDENT: There might be a Green thrown out in a minute.

The Hon. M. PARNELL: The final thing the minister said, which I do need to take objection to, is that he referred to the fact that I have released the freedom of information report at a time that coincides with the local government election. What I say is that I received those freedom of information documents on Wednesday of last week, and I released them as soon as possible because I thought they were in the public interest.

The fact that it timed with the local government election was just that the EPA is a bit more diligent about responding to freedom of information applications than the minister's department. I will just say that—and this is something that is very important to me and is a response to the minister's statement that this is scaremongering—I taught public health law for many years. One of the things I taught at Flinders University was the origins of the community right to know provisions of the legislation throughout the world.

In the United States, they had awful laws that were all about secrecy, and you could not find out anything about polluting industries, chemicals or anything. What happened was that Union Carbide's plant in Bhopal exploded. It killed thousands of people, and the American population said 'Gee, we have these sorts of facilities in our neighbourhood as well.' So the origin of community right to know laws in western democracies, including the United States, dates back to those thousands of deaths in Bhopal.

So it is not scaremongering for me to say that the people of Port Adelaide have a right to know when their health department, their environment protection agency and SafeWork SA, all singing from the same hymn sheet, are saying, 'This is a dangerous situation. We need to deal with

it.' Why is the minister not convening a public meeting next week in Port Adelaide? Why do the Greens have to do it? I think it is outrageous for the minister to suggest that this is scaremongering.

In conclusion, I will be pleased if this chamber supports the second reading of this bill today. I think it warrants approval at the second reading stage, and I look forward to our concluding the committee stage of this bill on the next Wednesday of sitting.

Bill read a second time.

WASTE AND LANDFILL POLICIES

The Hon. J.M.A. LENSINK (21:27): I move:

That the Environment, Resources and Development Committee inquire into and report on the Environment Protection Authority's Environment Protection (Waste to Resources) policy and the standard for the production of use of waste derived fill.

As honourable members may be aware, the first part of the EPP, which has come into effect on 1 September this year and will progressively come into effect in subsequent years, relates to waste and, in particular, its recovery before it is sent to landfill. I think, overall, there is bipartisan support for much of this. However, the implementation of it is to be done by the council sector, recyclers and the waste sector, and some concerns have been raised which I think merit further investigation.

The landfill bans which come into effect from 1 September 2010 include: hazardous waste, lead acid batteries, liquid waste, medical waste, oil, whole tyres, aggregated cardboard and paper, aggregated glass packaging, aggregated metals, aggregated PET or HDPE plastic packaging and vegetative matter collected by councils. From 1 September 2011 it will include: vehicles, PP or LDPE plastic packaging and whitegoods; and on 1 September 2012, PVC or PS plastic packaging, fluorescent lighting, computer monitors and televisions (that is, e-waste) and whole earth mover tyres.

I note the government has set diversion limits of 75 per cent of materials not to go into landfill and trials which have been undertaken, I think at most, have yielded in the order of 60 per cent to 65 per cent where there is best practice. The issue of food trials has been discussed at length in this place and that is part of the issue of how to manage that particular part of the process.

In terms of local government, there are certainly some within the local government sector who are very concerned that this is going to be a significant cost to them. We have also seen recently in the budget the increase in the solid waste levy, which is going to have a direct impact on local government's ability to manage to reduce the amount going to landfill and to implement recycling practices.

The other issue that council is very concerned about is the increase in illegal dumping, which is a direct result of this policy and also a direct result of the increase in the solid waste levy. This is particularly an issue for country councils, which have the tyranny of distance. It was discussed on ABC 639 on 2 September. Anita Crisp, who is the chief executive of the Central Local Government Association, was interviewed particularly in relation to e-waste. What she had to say in relation to the e-waste collection round is that they are particularly reliant on external funding.

It is not just an issue for the Central Local Government Association; it is an issue for the Eyre Peninsula as well. They have the same problems, where they need to be able to collect a critical mass before they are able to make it worthwhile to transport a load of that material to the metropolitan area where these processing facilities are. I also note that the annual grants for country councils were cancelled in 2009, and that has had a detrimental impact on country councils' ability to continue to implement these policies.

A consultant by the name of Janet Binder reported at a forum organised by the LGA and Zero Waste on 6 July this year, which I attended. Ms Binder reported on her findings, and this is just a taste of some of what she had to say: there was a lack of investment of levy into regions and there is concern about the dollars for waste transfer stations and the legislative requirements through DAC, which has delayed some of those developments, and also the licensing requirements of the EPA.

The application process itself for some of these developments requires data about waste diverted from landfill, which is difficult to provide if the transfer station itself has no weighbridge. So, clearly, there are issues in implementing the government's policy. So, while the government has

laudable aims, I think some of these other areas need to be investigated more closely. Zero Waste or the EPA—I forget which agency it was—also stated at that forum that there have been some prosecutions for illegal dumping, probably about half a dozen in the last few years, but without significant penalties. So, they have not been able to police that as well as they would like.

The lack of policing of illegal dumping is a regular complaint from the waste management industry. I think the views that are expressed in relation to that is that the EPA does not actually track or record waste. There are sites which are not licensed by the EPA. In effect, someone can set up a shingle, say that they are running a recycling industry, and the levy is not applied. Obviously, they would have concerns about the increases in the waste levy increasing that sort of activity.

I note from Zero Waste's most recently available report, which is 2008-09, that it is looking at implementing a system called the Zero Waste SA Environment Users System (ZEUS), which is designed to allow the electronic capture, storage and reporting of waste and recycling data across metropolitan and non-metropolitan areas, and at a state level for South Australia. It is due for completion in 2009-10 and will collect data on annual surveys of recycling, audits of landfills, transfer stations, and so forth. If that is implemented, it will assist a great deal, but I wait with bated breath to find out how far that has progressed. It certainly has not been implemented, and there has been a problem in that the EPA has not been able to monitor what is going on. That is the EPP issue.

The other issue is the standard for the production and use of waste-derived fill, which is a relatively new policy that will require excavated fill to be reused rather than go to landfill, and a risk-based approach to soil contamination means that a testing process may be required prior to land redevelopment. The Civil Contractors Federation has raised this issue with a number of Liberal members, and some of its concerns are that it was not consulted, that the terminology is confusing and that increased red tape is required of its members.

CCF members are generally the first professional group on a construction site, yet they had no input into the planning and formulation of the standard. In addition, they have said that the way in which the standard has been written is a move away from current industry language: for example, no longer is the term 'clean fill' used (which is something most people would be familiar with), but instead it must be referred to as 'waste-derived fill'. The CCF believes the standard will be a very costly process and will impact on residential and commercial development.

I asked a question of one of the ministers here on 20 July and received a reply today that is in contradiction to the information the CCF has been provided. I will not read it out as it is available in *Hansard*, but I note that the language used in this reply from the government is that 'issues of costs and approval time frames associated with the standard were raised during a consultation process and these are being addressed'. Further it states:

> The EPA have advised they are working to provide the Department of Planning and Local Government with guiding documents.

It sounds like that process is in train but has not been finalised, yet this is something the industry is having to deal with as it is at the moment.

The CCF has run information sessions, including with EPA advisers who were able to answer questions and so forth, and published information in its magazine, which certainly indicates that it sees that greater community information needs to be provided. To quote from its *Down to Earth* magazine of autumn 2010, where they talk specifically about this measure, it says:

> Of particular interest to members is the classification of the 100-tonne rule of waste soil from a site where no potential contaminated activity has occurred being classified as waste and therefore requiring authorisation (an EPA licence) to receive, store, treat or process.

It is in plain English. Part of the problem is that soil, which is to be moved, if over the 100-tonne rule, means that it needs to be tested. If it had been uncontaminated previously, that is quite over the top. This will directly impact not just on civil construction but things like swimming pools could well cost an extra $3,000 just because of this rule. With those comments, I commend this motion to the council and look forward to further contributions from members in due course.

Debate adjourned on motion of Hon. I Hunter.

DISABILITY (MANDATORY REPORTING) BILL

Adjourned debate on second reading.

(Continued from 21 July 2010.)

The Hon. S.G. WADE (21:40): In rising to speak on this bill on behalf of the Liberal opposition I would like to take the opportunity to pause and reflect on the fact that this bill is the first private member's bill of the Hon. Kelly Vincent. The Hon. Kelly Vincent has made a solid start to her parliamentary career. She has settled into her role with ease and established herself as a firm advocate for disability issues within this parliament and beyond. I consider that Kelly is poised to have a profound impact on the disability sector. In fact, having a young woman with a lived experience of disability as its Joan of Arc is giving people in the sector renewed hope and energy.

Referring to the first Joan of Arc, historian Stephen W. Richey explained that when the Dauphin Charles granted Joan's request to be equipped for war and placed at the head of the army, his decision must, in large part, have been based on the knowledge that every orthodox and rational option had been tried and had failed. That was very much the state of mind of people in the disability sector. The appointment of a young female with a disability as a member of this council is similarly unorthodox, and defies three of the entrenched stereotypes of this place.

I do not want to overdraw the analogy of Joan of Arc—after all, Joan was burnt at the stake at 19 and Kelly is comparatively elderly at 22—however, I believe that she is a rallying point for the sector and is already winning battles.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The member needs to be careful when mentioning a lady's age in *Hansard*!

The Hon. S.G. WADE: I am sure that the budget treated people with disability better than it would have had it not been for Kelly's presence in this chamber. This is not Labor expressing its social justice heritage; it is politics at its crudest, as Labor knows that without a mandate it needs the honourable member's support in this chamber. The Hon. Kelly Vincent has huge goodwill in her crusade, but let us remember that even Joan of Arc did not fight alone. I urge the disability sector to continue to use the opportunity to build unity and develop strategies that pursue shared goals.

In addressing this bill more directly, I do so in two capacities: first, as the Liberal shadow minister responsible for disability matters in this chamber, supporting the member for Bragg in another place, our spokesperson on disability issues; and, secondly, as shadow attorney-general. This bill is about much more than quality assurance in the disability sector; it is about the rights of a whole community of South Australians, rights that deserve to be protected by legal processes. Abuse that is liable to be reported under this bill may well be a crime under the criminal law, for example, assault, rape, abuse or neglect.

The Liberal Party welcomes the bill and will support it in principle, as well as its passage through the council. We appreciate that it may not be perfect, but we are keen to work with Dignity for Disability, the government and crossbench MLCs to make the bill better and to develop the scope and operation of the scheme in the context of finite resources and a broader suite of measures necessary to maximise the citizenship, protection and wellbeing of people with disability.

I regret that the bill is not a more thoroughgoing review of the Disability Services Act. At the election, and since, the Liberal Party has consistently urged a rewrite of the Disability Services Act. I urge the Hon. Kelly Vincent to use her moral authority to promote a root and branch review of the act, not as an end in itself but as a key foundation to a shift to a quality and outcome focus.

In considering this bill I sought the views of the Julia Farr Association. The Julia Farr Association is an independent, non-government entity based in South Australia that fosters innovation by sharing useful research, evaluation and information to promote policy and practice that supports people living with disability to access the good things in life. The association has provided me with two detailed responses, and I understand that it is making copies of these submissions available to each parliamentary group in the chamber. Given the quality of the research, this speech unashamedly relies on those submissions and substantially summarises the information and perspectives provided by the association. While I directly quote the submission only once, this speech is fundamentally a restatement of the thoughts that have been shared with me so that those key thoughts can be shared with the public.

The Hon. Kelly Vincent's second reading explanation and the Julia Farr Association's submissions both rightly focus on the foundation of this bill being the citizenship rights of people with disability; both reference the United Nations Convention on the Rights of People with Disabilities. Three clauses of the convention, in particular, highlight the importance of safeguards in that they state that every person living with a disability has a right to the following: to be safe from

torture and inhumane, cruel and degrading treatment or punishment (Article 15); to be safe from exploitation, violence and abuse (Article 16); and to have his/her physical and mental integrity protected and respected on an equal basis with others (Article 17).

While the Liberal Party generally does not consider that codification of rights is the best way to protect rights, universal human rights principles understand and inform our understanding of quality of life. As well as acknowledging individual rights, we should ensure that people with disability are fully included in the South Australian community and afforded citizenship. Promoting citizenship for people with disability is not merely the declaration of esoteric rights; it is a fundamental strategy to prevent abuse. When people are excluded and dependent, they are more vulnerable.

Julia Farr Association highlights that people living with disability, because of circumstances, are often at greater risk of diminished personal networks of family and friends when compared with their non-disabled peer citizens. Their dependence on their relationships with professional support providers or unpaid carers presents a further barrier to speaking up because the few relationships they may have may consequently be lost.

The absence of regular visits from and time with family and friends means that there is none of the natural service monitoring that takes place through such relationships. Additionally, people may fear that they will be subject to physical reprisal if they report abuse and neglect or that this abuse and neglect will intensify as a result.

Julia Farr Association highlights that, with service arrangements that place power with the helper, rather than the helped, people with a disability face severe restrictions on choice, with the recipients seen as less active citizens and 'more as the embodiment of a collection of tasks that need to be performed by support staff'. This can create dependency, passivity, restriction, even abuse, neglect and oppression, all of which maintain and deepen cycles of disadvantage.

Mandatory reporting arrangements such as those proposed in this bill, and all elements of the system, must uphold people having genuine opportunities to have and retain choice and control in their life, remain active and included in their community and be supported in ways that lead to citizenship. To this end, earlier this year the Julia Farr Association published its model of citizenship support, and I commend it to members of the house.

So, with civic rights and citizenship as the bedrock, what is the situation? What is the incidence of violence and abuse against people with disability? The Julia Farr Association highlights available research evidence, which estimates that sexual assault is experienced at some point in their life by somewhere between 50 and 99 per cent of people with intellectual and psychosocial disability, but such assaults are three times more likely to be violent or severe and they are much more likely to be of a repeated or continuing nature. Other studies suggest that up to 75 per cent of all elder abuse cases involve the abuse of an older person with a cognitive disability.

People living with disability and their associates typically report extensive experience of abuse, neglect and exploitation in the daily life of people living with disability—abuse which involves emotional and psychological abuse and neglect, physical and sexual abuse, sexual and other harassment, victimisation, vilification, financial and sexual exploitation, and neglect of basic survival-related needs.

They also report the abuse of a range of treatment interventions frequently used upon people living with disability, including physical, mechanical and chemical restraint, seclusion and other restrictive practices. In that context, I acknowledge the work done by the South Australian Council for Intellectual Disability to encourage the disability community in South Australia to consider reform opportunities in the area of restricted practices. They particularly highlight the work of the senior practitioner in Victoria and the success that office has had in reducing the unreasonable restraints on people with disability.

In relation to the identification and reporting of violence and abuse, Australian and international studies referred to by Julia Farr Association (JFA) suggest that current institutional responses to abuse and neglect of people living with disability are entirely inadequate. For example, one international study concluded that 40 per cent of crimes against people living with mild to moderate developmental disability and 71 per cent of crimes against people living with more severe developmental disability went unreported to the police.

Many crimes against people with cognitive disability go unreported because victims and their associates do not recognise the evidence of abuse. After all, people living with cognitive

disability may be socialised to expect a certain level of personal indignity, mishandling, violence and neglect as a feature of service delivery. That is likely to be particularly true if somebody has had a long experience of supported or institutional care. They effectively become desensitised or resigned to such conduct. In more extreme cases they may have come to believe that abuse, neglect and exploitation are 'deserved' because of their disability, the 'burden' they represent others and their lack of social value.

I think the relevance of mandatory reporting is particularly important to these people because they are not in a cognitive situation or a socialisation situation to be able to name the evil. Professionals who are working with them should rightly be expected to name it for them. Associates in that context, too, may take the view that abuse and neglect of people living with cognitive disability is inevitable and unavoidable, and what the Hon. Kelly Vincent and Dignity for Disability is doing with this bill is saying that abuse and neglect of people with cognitive disability is not inevitable, not unavoidable, and this parliament will not accept it.

The Julia Farr papers also look at the problems with investigation and prosecution of violence and abuse. They highlight a range of problems that people with cognitive or psychiatric disability face in terms of policing or prosecution. People with disability are often not believed by police officers when they complain about abuse, neglect or exploitation, particularly if they have a psychiatric disability. Even if police are inclined to believe the victim, they may not be confident that the justice system will give their client, the victim, the credibility they need to be able to come to successful conclusion.

Police may see the issues involved as matters for the social service system to deal with, rather than what they are—criminal matters. People with disabilities often face stereotypically negative views about the ability of people with cognitive disability to provide cogent, consistent and credible evidence in court. People living with cognitive disability in particular are also disadvantaged by the adversarial system and by techniques of cross-examination which may confuse and intimidate them for reasons related to their impairment and disability.

The bill before the council is clearly striving to address this very disturbing context. The bill proposes a regime where certain professional groups will have a mandatory responsibility to report to the department a person living with a disability who they suspect on reasonable grounds to be subject to abuse or neglect. Julia Farr Association raised a question about the definition of abuse. They highlight the fact that the definition is, in their words, a compound definition. In other words, it starts with a general definition of abuse, and that reads:

> Physical or emotional abuse of the person, or neglect of the person, to the extent that the person suffered, or is likely to suffer, physical or psychological injury detrimental to the person's well being.

JFA highlights that this is followed by a clarifying statement that arguably could serve to narrow the meaning of the preceding words:

> [that] abuse and neglect 'includes a reasonable likelihood of the person being killed, injured, abused, neglected or sexually abused by another person'.

I would hope that the Hon. Kelly Vincent could provide the council with clarification on her advice as to how that definition is expected to operate.

The Julia Farr Association suggests that the bill's definition of abuse and neglect may benefit from being broadened. For example, it questions whether the definition would sufficiently incorporate physical, sexual or financial exploitation. The JFA also asks whether the definition only covers actual abuse and neglect, and whether it should also cover the risk of abuse and neglect.

This ambiguity also potentially compromises the immunities that attach to notifiers. Additionally, it is arguably inappropriate to require a notifier to assess if there is a reasonable likelihood that the person will be, or is being, killed, injured or sexually abused by another person. I understand that the JFA is suggesting that that may require a level of investigation that would more appropriately be undertaken by a protection agency.

The JFA suggests that it may be preferable for intervention to be triggered when a notifier suspects—I stress that word—that a person is subject to actual harm or to significant risk of harm, where harm includes all forms of exploitation, violence, abuse and neglect. So, as I understand it, they are suggesting that the threshold should be 'suspects', rather than 'reasonable likelihood'.

The bill focuses on people living with disability who are unable to communicate a complaint to another person that they are being abused or neglected, or who are unable to understand the nature of abuse and neglect in order to make a complaint about it. It does not require mandatory

reporting in relation to people whose disabilities would not prevent them from recognising or reporting their own abuse. I welcome that distinction. I think it is important not to take away from people their privacy, dignity or choice. It seeks to protect the dignity of people with disability who cannot report abuse and neglect themselves.

The bill does not specify the agency to which reports will be made; this is to be determined by regulation. The chief executive of the agency must ensure the report of each notification is made and referred to an appropriate authority of the state for further investigation and action. The JFA considers that there could be a potential conflict of interest in situations where a reported incident of abuse or neglect relates to another public service related to the department, or the government of South Australia, such as Disability SA or Housing SA.

The JFA suggests that there would be value in the introduction of an independent safeguards commissioner to oversee the bill's provisions, investigate and resolve reported cases of abuse and neglect, be responsible for overseeing the community visitors scheme and ensure best practice safeguarding a policy and practice that aligns with the UN's CRPD. According to the JFA, such an independent officeholder would reduce the risk of potential inconsistency between the bill and human rights principles.

If the agency responsible for the bill were to be a social service agency, the JFA highlights the risk that abuse and neglect to people living with disability may not be treated as criminal acts when they are criminal acts, but rather as welfare related concerns and that that may serve to undermine the rights of people with disability. I stress again that the Hon. Kelly Vincent's bill does not suggest that it be a welfare agency, but I think the JFA rightly highlights concern about how important it is that the agency that is going to receive the complaints is not in a conflict of interest situation. Thinking on the run, if you like, one office that may well be a good recipient for those complaints might be the Office of the Public Advocate.

The JFA suggests that it is essential that the legislation is appropriately harmonised with South Australian criminal law, and this may require the specification of additional specific offences related to the exploitation, violence and abuse of people living with disability. The bill is focused on the outcome of ensuring that members of specified professional groups notify suspected abuse and neglect to an appropriate authority. The JFA considers that the assumption underlying that mandatory obligation—that is, that members of these professional groups currently fail to make such notifications on a voluntary basis—is in fact supported by research evidence.

A mandatory reporting obligation, with its concomitant risk of prosecution for failure to report, has the potential to raise awareness of abuse and neglect of people living with disability among these professional groups and to ensure that such abuse and neglect are better recognised and responded to. Julia Farr does, however, sound a word of caution. At this point I will quote JFA directly:

> The proposed introduction of a system of mandatory reporting does, in our view, warrant careful consideration. Mandatory reporting is now an almost universal feature of child protection systems around Australia and comparative jurisdictions. However, it remains one of the most controversial elements of child protection policy. There are numerous reasons for this, including its significant financial cost, its propensity to generate reports which are incapable of being properly investigated due to their sheer volume (mandatory reporters tend to take a 'just in case' approach to reporting), and its potential to stigmatise children and families. This raises the question about whether such resources would be better directed towards other endeavours that are likely to ensure a more comprehensive framework of safeguards is in place for people living with disability as highlighted in our previous communication.

Mandatory reporting will not, of itself, do anything to protect people living with disability from harm; this will depend upon what happens after a notification is made. Above and beyond the scheme itself, the introduction of mandatory reporting is likely to draw out need for additional resources and challenge the system to respond to reported incidents of abuse and neglect. We need to make sure that each additional allocation of resources could not be better directed towards other endeavours likely to have a more direct positive impact on people's lives.

The Liberal Party appreciates the wisdom of JFA's observations and is keen that we tailor mandatory reporting to the specific needs of the disability sector in South Australia and that we develop it in the context of a broader suite of protection. The Liberal Party agrees with JFA that the mandatory reporting regime needs to be developed as part of a broader suite which maximises protection within available resources. Such a broader suite is important to support people with disability who are not intended to be subject to mandatory reporting; for example, people able to speak up for themselves.

JFA suggests that a broader suite could include a range of elements, including: mandatory reporting arrangements; an independent community visitors scheme; better funded, more coherent and cohesive independent advocacy arrangements; access to supported decision-making; and a procedure to promote, uphold and advance known best practice in safeguarding policy and practice. As an aside, I note that a number of these elements were foreshadowed in the Liberal disability services policy at the 2010 election.

The bill needs to be accompanied and supported by an effective legislative and institutional framework for the investigation and assessment of reports, for the provision of necessary support and assistance to vulnerable people, and for the prosecution of these harms. While Julia Farr says it believes that mandatory reporting should be looked at as an adult protection option amongst a suite of measures, it also says that it would not support mandatory reporting as a stand-alone option. JFA suggests that its strongly preferred approach would be for the South Australian government to develop, in consultation with the sector, a progressive, high level, multi-agency 'vulnerable adult harm prevention strategy'.

Such a strategy ought to mandate work on a wide range of measures, including: the establishment of an effective vulnerable adult protection system comprising comprehensive legislation and a designated institutional capacity; awareness raising and sensitisation of human service and justice agency personnel in relation to abuse, neglect and exploitation of vulnerable adults; agency capacity building initiatives; guidelines for inter-agency cooperation to prevent and respond to abuse, neglect and exploitation of vulnerable adults; strategies to support vulnerable adults to escape violence and abuse, including service system based violence and abuse; and increased availability of individual and systemic advocacy for people living with disability.

In conclusion, I thank Dignity for Disability and the Hon. Kelly Vincent for putting the issue of mandatory reporting on the table. I thank the Julia Farr Association for its thoughtful reflections on this bill. We in the Liberal Party are pleased to support this bill because we think that mandatory reporting, within the context of finite resources and a broader suite of options, would improve the lives of people with disability in South Australia.

The Hon. Kelly Vincent's approach in putting this bill before this council contrasts markedly with that of the government. Kelly Vincent has tabled the bill and she has allowed the council to engage in the debate. The Julia Farr Association accepted my invitation to provide input on the bill and the Hon. Kelly Vincent and other members are able to engage in an open and inclusive dialogue. In contrast, the Minister for Disability Services, in response to a Dorothy Dixer this afternoon in the other place, advised that the Ministerial Disability Advisory Council, a closed-door council which provides advice to the minister and her alone, as it is not normally provided to the public, has been asked to look at protection of vulnerable people.

I suspect that this is in response to the gathering momentum for change. Not only is there the D4D bill on mandatory reporting, as I said the Liberal Party has been calling for a review of the Disability Services Act and our policy at the last election had a range of quality assurance measures in it. SACID, as I said, has been calling for a restrictive practices regime to be established in South Australia. As usual in disability services, the government continues to fail to show any real insight into disability. It has engaged yet again in catch-up. So be it. The Liberal Party stands ready to continue to engage D4D and the broader disability sector to improve the lives of people with disability in South Australia, and we support this bill.

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

NEW MIGRANTS

Adjourned debate on motion of Hon. J.S. Lee:

That the Social Development Committee inquire into and report on 'New Migrants' with particular reference to—

1. The number of new migrants settled in South Australia in the last ten years;
2. Their countries of origin, cultural background, religion and language;
3. The types of visas granted to them at the point of entry (e.g. refugees, skills migrants, business migrants, international students, etc.) and circumstances they choose to migrate to South Australia;
4. Their age groups, family structures, education/qualifications, skills levels, English language proficiency;

5. The types of support currently available to help the new and emerging communities understand their rights and obligations—whether new educational curriculum, training and employment pathways should be considered to help them acquire suitable skills for employment;
6. Their level of integration and adjustment to life in South Australia—identify which groups of new migrants are most vulnerable and at risk and how they overcome their personal and social barriers so that they can achieve greater social, education and economic participation in the mainstream community;
7. The suburbs or townships they reside and duration of their stay in South Australia and if they move, which state do they go to;
8. The overall social and economic impact of new migrants in South Australia;
9. Any other relevant matters.

(Continued from 21 July 2010.)

The Hon. T.A. FRANKS (22:08): I welcome the motion that is before us, seeking to refer to the Social Development Committee a reference to inquire into and report on new migrants, with particular attention to those who have settled in the last 10 years, the various countries from which they have come and also the types of visas that they have been granted, whether they be refugees, skilled migrants, students and so on. I think it is very timely reference for our Social Development Committee because, as we have seen in recent weeks, there has been great controversy over one particular group of soon-to-be new arrivals in our state, with asylum seekers who will be coming soon to make their temporary, if not permanent, home in South Australia in Woodside.

Members will be familiar that this has been met with some degree of trepidation, fear and, I would say, racism from some quarters of our community. I would also point to those wonderful people such as the Hills Circle of Friends (who have stood up and said that they welcome these people with open arms and look forward to supporting them), the church groups, the community groups and the NGOs, who will in fact bear the brunt of ensuring that these people make a smooth transition into our community.

One thing that I wanted to highlight today is that having refugees come to Woodside is not, in fact, a new idea. While it may have more recently in our past been an Army centre, Woodside began as an immigration centre. Just after World War II, the Woodside Immigration Centre (also known as the Woodside Migrant Hostel, the Woodside Holding Centre, the Woodside Migrant Camp or, for those who apparently lived there, 'the camp') was located just outside the town of Woodside. In 1949 it was opened and, at its peak, it held about 3,000 migrants—women, children and men. They called it home, and many of them, of course, have gone on to make great contributions to South Australia.

Not being a native South Australian, I stumbled upon this information, and I did not realise that this was part of Woodside's history. I congratulate the UTLC which, in fact, did an oral history project on Woodside some years ago, when they recorded the stories of the people who had lived in 'the camp'. Many were taken to Germany from their countries of birth and, after the war, they were sent to Woodside for a new and safe life.

Many South Australians cannot claim to be Indigenous Australians. In fact, the vast majority of us, if we look back in our histories, have come from some other place at some stage at some time—some of us more recently than others. I think those of us who came at some earlier stage have a duty and a responsibility to welcome those who come after us and not pull up the ladder or shut the drawbridge, if you like, but share the wealth and the joys of the wonderful democracy that we enjoy in Australia and, in particular, what South Australia has to offer.

We would be much poorer without our migrant communities. When I worked for Amnesty International, I took great joy in standing up for the rights of asylum seekers and refugees in this country at a time when I believe that the dog whistle of racism was being blown very strongly. I also took great joy when somebody who had been accepted into our country as a refugee came into the office and met the people who had lobbied and campaigned for them. They would join Amnesty International because they wanted to help out with human rights abuses across the globe. These people were fresh out of detention centres in Woomera and Baxter, yet they still had the compassion to help fellow human beings across the globe.

Through the process of working in the NGO sector, I have worked with African communities. I have worked on women's human rights projects, and I know that these people can come from any walk of life. You do not have to be poor; to be a refugee, you simply have to have

been persecuted. You may actually be quite wealthy or you may be quite poor. You may vote Liberal or you may vote Labor—I hope that they might vote Green—but you can vote and participate in our community, and I think that is something to be welcomed.

The diversity and the richness we gain as each wave of different new arrivals comes through can only add to the wonderful tapestry that we have in South Australia. I commend this motion to the chamber.

The Hon. I.K. HUNTER (22:13): The government is pleased to support the honourable member's motion with some amendments. I move to amend the motion, as follows:

Paragraph 7—Leave out this paragraph.

Paragraph 8—Leave out the paragraph and insert new paragraph as follows:

> The research agenda of national bodies such as the Research Advisory Committee of the Department of Immigration and Citizenship (DIAC) in relation to the overall social and economic impact of new migrants in South Australia; and

The honourable member's motion and her speech demonstrate, I hope, that immigration and fostering our multicultural society are issues that have bipartisan or multipartisan support in this place. This government supports Australia's migration program and values the contribution that new arrivals make to our economy and the fabric of our community. This is a view shared by most other South Australians. The household survey undertaken as part of the measurement of targets for the SA Strategic Plan indicates that 90 per cent of South Australians believe that cultural diversity is a positive influence in our community.

It is important to remember that South Australia receives about 10,000 skilled and business migrants each year. These groups make up the vast majority of our new arrivals as, by comparison, we receive about 1,500 refugees and about 1,500 family reunion migrants per year.

There have been many studies on the positive impact of immigration and the contribution that new arrivals, who come from all corners of the world, have on our society and, in particular, on our economy. Multiculturalism is one of the most successful social policies of the modern era. It allows for all citizens to be respected for who they are, no matter where they were born, what language they speak, what religion they follow or what cultural traditions they value or practice. As a multicultural society, we aim to be cohesive and harmonious in that diversity. Our society thrives on that diversity of its citizenship: on the ideas, the initiatives, the desires, the hopes, the boldness and the enterprise that are driven by the multitude of cultures that define our society.

It also means that we share common goals about our country and society and that we value the contribution each and every one of us makes to our nation's prosperity. If I can borrow the words of the Hon. Chris Sumner from about 20 years ago, 'We are all Australians.' We share a common commitment to this country, to its democratic institutions and to its economic growth, prosperity and wellbeing. However, within that commitment everyone has a right to his or her individuality and unique heritage. Our aim should be to achieve a situation where that diversity is accepted as a natural part of our daily lives.

I am heartened to see that this motion which will direct the Social Development Committee to inquire into the experience of migrants and the contribution they make to our community will focus on the positive impacts of immigration and provide us with more information about the challenges, opportunities and issues crucial to ensuring that migrants find their rightful place in the Australian community.

In relation to the specifics of the honourable member's motion, I understand that the data sought in clauses 1 to 4 are readily available. In relation to clause 5, it is important that we have a full picture of how new arrivals are assisted to gain employment. Given the vast majority of migrants are skilled and business migrants, it might be assumed that their access to employment is largely unproblematic. However, we know from work undertaken by Multicultural SA that one of the four biggest issues for refugees is the inability to gain employment, and this inquiry will be able to look at the services available to assist this group, such as those provided by the Department of Further Education, Employment, Science and Technology. Clause 6 will provide the committee with the opportunity to find out more about the experience of members of new and emerging ethnic community groups and also the service providers that work with them.

The government has proposed amending the motion to remove clause 7. We believe that the information being sought is not available as, for privacy reasons, the movements of migrants once they have settled in Australia is not collected. There seems little value in pursuing this angle

when the data is not going to be available to the committee. The proposed amendments to clause 8 simply link the committee's investigation with the valuable work the commonwealth has done on these matters. There is a good deal of existing research, particularly on the economic impact, with Professor Graeme Hugo a leading researcher on this topic.

The government's amendments do not seek to restrict the terms of reference in any way; they simply tidy it up somewhat. If the government's amendments are unsuccessful, we are not going to die in a ditch for them, simply because, in reality, the Social Development Committee will find out for itself that the data sought in clause 7 does not exist and that the information required in clause 8 comes from the bodies mentioned in the government's amendments. I commend the motion with amendments to the council and I thank the honourable member for bringing forward this motion.

The Hon. J.S. LEE (22:18): Firstly, I would like to thank the Hon. Tammy Franks for her understanding, her compassion, her important contribution to the debate and for supporting the motion. I would also like to thank the Hon. Ian Hunter for his contribution, especially the bipartisan approach to developing a very vibrant multicultural South Australia in terms of supporting the motion. However, I wish to oppose the amendments and will outline my reasons for doing so. I know that, as Presiding Member of the Social Development Committee, the Hon. Ian Hunter will understand my views and agree to keep the full terms of reference as put forward without amendments.

The reason I oppose the amendment of deleting No. 7 is that the government is making an assumption that such data is not available. Whether or not this data is available will be determined during the independent inquiry process when the whole Social Development Committee has the opportunity to investigate whether or not this type of data can be obtained. I am sure the Hon. Dennis Hood and the Hon. Kelly Vincent in this chamber, who are also members of the Social Development Committee, would like to be given the option to explore whether or not this data is available.

Item No. 7 of the terms of reference is important because the locations of significant community groups in a suburb or township can impact on the social, economic and environmental dynamics of that area. It can also affect the level of services, such as schools, transport and community and service facilities available in that area.

The second part of the reference is there to help us track the destination data. I noted the privacy issue the Hon. Ian Hunter mentioned; however, we know that people migrate to South Australia and then, for whatever reason, migrate out of our state, but we do not know where they end up. Have they gone back to their country of origin or into another state? We do not know. It would be prudent to know why they come here and why they do not stay here.

I must admit that this could be a very difficult task to track, but let us give this reference the benefit of the doubt. Let us be open about calling for submissions to confirm whether or not this data is available. Perhaps someone, a federal agency or a research centre out there is already starting to develop a suitable model for tracking down destination data.

Deleting No. 7 as a reference is denying our right to explore and seek information that could be very important to changing government policies for a data collection framework. I ask for the support of all members in this council to oppose this amendment.

In relation to amendment No. 8, while I agree that the Research Advisory Committee of the Department of Immigration can provide some useful research data to the inquiry, we should not be restricted to seeking advice or submissions from only this department. We must not rely solely on one source and not open our minds to look at who else and what department—what other agency—can be called upon to make valuable contributions in this area. On that note, I hope that members of this chamber will also oppose that amendment.

I just want to make a few concluding remarks, Mr President. As members of parliament we have a duty of care to all South Australians, and this responsibility includes new migrants. I was very pleased to hear the Hon. Tammy Franks and the Hon. Ian Hunter supporting this motion. I am very grateful for that, as well as recognising that the cultural and linguistic backgrounds of migrants have provided a significant contribution to South Australia.

South Australia remains a gateway for newly-arrived migrants either by choice or through difficult circumstances—for example, asylum seekers or refugees. Most new migrants are very

competent and resourceful when they land in South Australia, but other emerging communities might not be; therefore, this motion is timely, as the Hon. Tammy Franks pointed out.

I believe that members of this council will recognise that it is a priority for politicians, government departments and community groups to understand the level of integration and adjustment to life for new migrants in South Australia. For the healthy and robust development of a multicultural society, and for new migrants to achieve greater social, educational and economic participation in mainstream Australian community, I urge members to support the motion without amendment. Thank you.

Amendment negatived; motion carried.

INDEPENDENT MEDICAL EXAMINERS

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

That this council—

1. Calls on the Minister for Industrial Relations to initiate an inquiry into—

    (a) the improper use of interstate independent medical examiners, including allegations of—

        (i) the use of interstate independent medical examiners in preference to South Australian medical practitioners who are suitably qualified and available;

        (ii) interstate independent medical examiners being engaged by claims managers because they are likely to provide a report more favourable to the claims manager's interests; and

        (iii) interstate independent medical examiners engaging in unorthodox practices designed to intimidate injured workers;

    (b) the allegation that Employers Mutual Limited case managers are intentionally deterring South Australian medical practitioners from working as independent medical examiners by, amongst other things, paying them less than that paid to interstate independent medical examiners and by delaying payment for work completed;

    (c) the allegations that Employers Mutual Limited and other claims managers are 'doctor shopping' by engaging multiple independent medical examiners until a report considered favourable is received;

    (d) the number of independent medical examinations conducted by interstate independent medical examiners each year over the last four years; and

    (e) the number of independent medical examinations conducted and how many injured workers have been required by their case managers to have an assessment by an independent medical examiner each year over the last four years.

2. Requests the minister to table the report on the findings of the inquiry.

(Continued from 15 September 2010.)

The Hon. R.I. LUCAS (22:25): I rise to support the motion, albeit we will be moving one very small amendment. I move:

Paragraph I(a)—Leave out the word 'improper'

The Liberal Party intends to support the motion of the Hon. Ann Bressington. Her contribution some weeks ago clearly and eloquently outlined the reason for the motion. It is calling for the Minister for Industrial Relations to initiate an inquiry into a series of allegations that have been made to the Hon. Ms Bressington, some sections of the media and others. I have to say, from the viewpoint of one member of the opposition, I am obviously at this stage not in a position to know the accuracy or otherwise of some of the allegations that have been made and, of course, that is one of the reasons why the Hon. Ms Bressington is calling for the Minister for Industrial Relations to initiate an inquiry to establish the truth or otherwise of a range of serious allegations that have been made in relation to the use of interstate independent medical examiners.

I place on the record that whilst these allegations, or some of these allegations, are quite serious in relation to the practices of either companies or some individuals involved in the workers' compensation process and business here in South Australia, we accept the seriousness of the allegations but, as I said, we are not in a position to be able to establish the accuracy or otherwise of some of the allegations made on this issue. Our position is that we are prepared to support the motion.

The only amendment we are moving is that in paragraph (a) we leave out the word 'improper', so that it will read 'calls on the Minister for Industrial Relations to initiate an inquiry into the use of interstate independent medical examiners, including allegations', and then the motion proceeds to outline all the allegations. It is our humble view that the use of the word 'improper' puts us in a position of having to make a judgment as to whether or not the use of interstate independent medical examiners has been improper. As I said, we are not in a position to make that judgment at this stage. We certainly think the allegations are serious enough to warrant an inquiry. We are prepared to support the motion of the Hon. Ms Bressington and, with the amendment that we have moved, we would be prepared to do so.

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

At 22:29 the council adjourned until Thursday 28 October 2010 at 11:00.