LEGISLATIVE COUNCIL

Wednesday 9 March 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:16 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:18): I bring up the 19th report of the committee.

Report received.

QUESTION TIME

DEVELOPMENT ACT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the minister representing the Minister for Urban Development, Planning and the City of Adelaide a question about the Development Act.

Leave granted.

The Hon. D.W. RIDGWAY: Section 21 of the Development Act requires the minister on or before 31 October each year to prepare a report on the administration of the Development Act during the preceding financial year, and within six days of that report being prepared the minister must have copies laid before both houses of parliament. This is a statutory requirement under the act and is actually the law in South Australia.

There are exactly six sitting days after 31 October 2010. The report for the 2009-10 period was tabled yesterday by the new minister. It came with a covering memorandum from the chief executive, stating that the report had in fact been presented to the previous minister in the final sitting week of 2010—some weeks late. It states the previous minister did not have time to consider and table a report and that the department would put in place procedures to prevent the recurrence of this event.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Well, maybe that procedure was to undermine the minister and get rid of him. The tabled report was therefore considered by the new minister after his swearing in on 8 February. Under the preface, this report was signed off on his name. My questions are:

1. What were the deficiencies in the department that led to the delay and the subsequent breach of the act?

2. When was the former minister made aware of this particular breach of the act?

3. What other statutory obligations has the department overlooked under the previous minister because of these shoddy procedures?

4. What statutory obligations did the former minister not comply with because of the inadequacies now identified within the department?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:21): I thank the honourable Leader of the Opposition for his questions. I will refer them to my colleague in the other place for a response, but I would—

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: I would point out to the honourable members opposite that the Deputy Premier's predecessor in that portfolio, the Hon. Mr Holloway, was universally respected for his diligence and his administration of the portfolio. The Hon. Mr Holloway was very well respected across all sectors that are involved in that area, and I know he is committed to the utmost standards of probity and adherence.

BUILDER LICENSING

The Hon. J.M.A. LENSINK (14:22): I seek leave to make an explanation before directing a question to the Minister for Consumer Affairs on the subject of the review of the Building Work Contractors Act.

Leave granted.

The Hon. J.M.A. LENSINK: Nearly two years ago, on 28 April 2009 I asked the minister a question about the Building Work Contractors Act and the review which had commenced four years earlier in 2005. The minister stated at that time that the review had been 'extended to consider the effectiveness of building indemnity insurance and aspects of that scheme' and further that:

> ...the review has since been overtaken by the Council of Australian Governments' decision in July 2008 to pursue a national trade licensing system, with builders as one of the priority occupations…

As the minister would be aware, the act deals with much more than licensing and covers a great depth of responsibility for this industry. I understand that OCBA has approached industry to consider reviews of this act. My question is: given that it is two years since I asked that question, that we have had the laws passed for national occupational licensing and that the government initially announced a review in 2005, when will the review be undertaken?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:23): I thank the honourable member for her most important question. Indeed, a review had been agreed to be undertaken; however, it was overshadowed by the COAG reform agenda, in which a great deal of activity occurred around a number of areas in line with the pursuit of a seamless economy. It involved a number of consumer areas and other policy areas as well, and we know that our national occupational licensing system is being completely reviewed—our whole credit law and our consumer law—so there is a wide range of major reforms around these policy areas.

The work that had been considered at the time has certainly been overtaken by these events. The COAG work has still not yet been completed—some of it has, but not all of it. I am happy to take the question on notice and find out exactly where this particular project is up to. I know that it is, obviously, still a very important consideration for us, but in the broader context of our COAG agenda things have been overtaken and somewhat overshadowed.

GAWLER COUNCIL

The Hon. S.G. WADE (14:25): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Gawler council.

Leave granted.

The Hon. S.G. WADE: The member for Light in the other place was reported in the *Barossa Herald* of 1 March as having called for minister Finnigan to consider external intervention into the Gawler council. The member was critical of a range of council decisions, including the racecourse DPA court challenge, a rise in sporting club leases, introducing a separate rate for some Gawler East and Evanston Park residents, and the relocation of the RSL Club honour boards. The member claims that recent events raised 'serious questions about the competence of the Gawler council to provide effective governance for the local community'. In relation to the cost of the court action into the racecourse DPA, the member for Light stated:

> The council has either lied to the community or have no idea what they were doing. Either way, the case raises serious questions as to the fitness of the council to govern.

The member said that the state government may need to intervene or appoint an independent administrator. My questions to the minister are:

1. Can the minister advise the council whether he is considering action under the Local Government Act against Gawler council?

2. Does he agree that the council is either lying to its community or is unfit to govern?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:26): It is interesting to note that, again, the honourable members of the opposition obviously have not been speaking to each other. The first question from the Leader of the Opposition was trying to attack the Hon. Paul Holloway and here we have a question from the Hon. Mr Wade regarding a decision which upheld the minister's

process in relation to a development plan. So, again, the left and the right of the Liberal Party over here are not able to speak to each other and coordinate their attack. Within three questions, we have one question attacking the Hon. Mr Holloway and one defending him.

There are a number of issues that have arisen in relation to planning in the Gawler area and one of those is in relation to Gawler East. As I understand it, on 24 February this year, judicial review proceedings were commenced by the Gawler Region Community Forum Inc., and that matter is before the court. In relation to the Gawler Racecourse, which was mentioned by the honourable member, the former minister (my colleague the Hon. Mr Holloway) approved an amendment to the Town of Gawler's development plan through the Gawler Racecourse DPA on 18 February last year, I am advised.

As we know, the Town of Gawler commenced judicial proceedings and that matter was heard in December last year. On 25 February, Justice Duggan handed down his decision which dismissed the judicial review proceedings and found no error in the former minister's decisions regarding the DPA. The Hon. Mr Wade has drawn attention to remarks made by my colleague in another place regarding the Gawler council. I will be meeting with the member for Light from the other place soon and we will listen carefully to what he has to put to me in relation to the Gawler council.

GAWLER COUNCIL

The Hon. M. PARNELL (14:28): I have a supplementary question. Does the minister accept that there would be fewer court challenges to government rezonings if the government behaved more respectfully towards local councils?

Members interjecting:

The PRESIDENT: Order! The honourable member was asking the minister for his opinion.

WORKPLACE INJURIES

The Hon. CARMEL ZOLLO (14:29): My question is to the Minister for Industrial Relations. Will the minister please advise what the government is doing to acknowledge both the efforts of people who recover and return to work after a workplace injury and those who help them succeed?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:28): I thank the Hon. Mrs Zollo for her question. The government is committed to ensuring that South Australians who are injured at work are supported to remain at work wherever possible or, if time off is required, to return to work quickly and safely. The efforts of injured workers and those who assist them to do this should be acknowledged. With this in mind, WorkCover SA conducts an annual awards program that recognises employers, workers, health providers and case managers who embrace best practice in return-to-work management following a workplace injury. The Recovery and Return to Work Awards are now in their sixth year.

Being at work is critical for the health and wellbeing of injured workers. The longer a worker is away the harder it is for them to return. At last year's WorkCover SA annual conference, a highly respected keynote speaker, Professor Sir Mansel Aylward CB, one of the key players in health reform in the United Kingdom, presented results from a range of studies that revealed an increased risk of poorer physical and mental health for individuals out of the workforce for long periods. In particular, Professor Aylward stated that not being at work for a long term is one of the greatest known risks to public health. It has a health risk equivalent to smoking 10 packs of cigarettes per day, as cited in a study by Ross (1995).

In 2011 a new Remain at Work Achievement Award has been added to recognise the collaboration between a worker and employer that results in an outcome of remaining at work or a faster return to work. An excellent example of this was demonstrated in the 2010 awards, when Banner Hardware in Mount Gambier changed the duties of an injured forklift driver so that he could build flat pack furniture. That has since resulted in a new, ongoing production line for that store—a rewarding outcome for the worker and the employer.

The 2011 Recover and Return to Work Awards were launched this morning at the Adelaide Convention Centre. After an extensive nomination and judging process, the winners will be announced on 13 September this year, the evening before the annual WorkCover SA conference. The full list of award categories includes:

- a return to work achievement award for a worker in a small to medium company (one to 50 employees);
- a return to work achievement award for a worker in a larger company (51 or more employees or a self-insured company);
- a remain at work achievement award;
- an employer excellence award for a small to medium company (again, one to 50 employees); and
- an employer excellence award for a larger company (51 workers or more or a self-insured company).

There are also the Health and Rehabilitation Achievement Award, the Case and Injury Management Excellence Award, and the Rehabilitation and Return to Work Coordinator Excellence Award. These awards will play an important part in recognising the efforts of workers and those in the field to ensure better and faster return to work, which, as I said, is so clearly in the interests of both workers and employers.

CHILD PROTECTION RESTRAINING ORDERS

The Hon. A. BRESSINGTON (14:32): I seek leave to make a brief explanation before asking the minister representing the Minister for Police questions about child protection restraining orders.

Leave granted.

The Hon. A. BRESSINGTON: On 28 September last year, I asked a series of questions about the implementation of child protection restraining orders. Those questions concerned the case of a father whose 13-year-old girl had run away to live with her 18-year-old boyfriend and who was told by police that both he and they were powerless to intervene. This is despite child protection restraining orders having come into operation several months earlier. It was not until this father contacted the Leon Byner show on FIVEaa that he was informed of his right to apply for such an order, and he subsequently did so with some success. At the time I attributed the failure of the police to inform the father of these rights to the Attorney-General's Department's failure to fully brief stakeholders prior to the commencement of the act.

Now we have another case. A 15-year-old girl has run away from her mother's home to live with a 29-year-old drug addict. We know from the daughter that he has provided her with drugs and that they are sexually active. I repeat that he is 29, making this a criminal offence under section 29(3) of the Criminal Law Consolidation Act 1935. The desperate mother went to her local police at Golden Grove, where she was told by officers that there was nothing that the mother or the police could do.

It is alleged that the police informed the daughter that she was free to leave home and that her mother could not stop her. The police then drove this young girl to a phone box outside a supermarket, in the middle of the night, where she called the 29-year-old to collect her. Again, this mother was only informed of child protection restraining orders after calling radio station FIVEaa. My questions to the minister are:

1. Does the minister consider the actions of the police officers in telling the daughter that her mother was powerless to prevent her from running away and then taking the girl from the mother's home to a phone box to call this man (who they were told was providing her with illicit drugs and sleeping with her) appropriate?

2. Does the minister concede that this parliament's intent of empowering parents to protect teenage runaways is being undermined by what is clearly police reluctance to acknowledge the existence of parental rights?

3. Has a general order been issued informing front-line officers of their powers to initiate a child protection restraining order and of their responsibilities to inform parents with runaway teens of their right to do so?

4. Given that parents are able to initiate a child protection restraining order without police cooperation, will the government please do a public education campaign to inform parents of their rights?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:35): In relation to those specific cases, I will refer that matter to my colleague in the other place, the Minister for Police, and bring back a response. What I will say is that this government certainly does support our police. We have invested record funding in providing them with the resources to do their job, and we have record numbers of sworn police officers in the state, and more to come, unlike some of the honourable members of the opposition, who seem to be running a bit of a campaign against police, calling into question their integrity and refusing to take their advice in relation to matters pertaining to their work.

The government is very committed to ensuring that children are able to live in a safe environment, and there are a number of legislative tools in that regard, as well as the work that our police and others do, such as the Department for Families and Communities. That is highlighted by further changes to domestic violence legislation, for example, which this government has made in recent times. Certainly, I believe the government is committed to ensuring that children are safe and that, wherever it is necessary, the tools are in place to ensure that children are kept in a safe environment.

I know the police take seriously any new responsibility or change in responsibility as a result of legislative changes and undergo a thorough training program in relation to them. However, in relation to the specific details, I will obtain further information.

CHILD PROTECTION RESTRAINING ORDERS

The Hon. A. BRESSINGTON (14:37): I have a supplementary question.

The PRESIDENT: The Hon. Ms Bressington has a supplementary question.

The Hon. A. BRESSINGTON: Can the leader of the government confirm whether or not a training program actually did happen about this particular piece of legislation, as was promised by the Attorney-General's office nine months ago? Has that actually happened yet, or a briefing at least?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:37): As I said, in relation to the specifics of that matter, I will seek further advice.

EZYREG

The Hon. R.P. WORTLEY (14:38): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about EzyReg.

Leave granted.

The Hon. R.P. WORTLEY: Being able to renew registrations online is a convenient and easy way to make sure one's car is registered on time. Will the minister advise the chamber about new features to EzyReg?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:38): Service SA is the state government's one-stop contact point for government information and services. Service SA offers choice and flexibility to its customers and provides access to government-related services. It also provides information and products and financial transactions through an integrated network of phone, face-to-face and online delivery channels.

Encouraging the migration of transactions from customer service centres to the lower-cost and more convenient online channel has been a core component of Service SA's more recent business strategy. The migration of services to the online channel not only minimises the cost of service delivery but also reduces pressure on queue waiting times that are involved in face-to-face transactions and call centre channels.

Additionally, the community can access these online services from any location with access to the internet, 24 hours a day, seven days a week, from the convenience of people's own home, if they have a computer at home. In accordance with this strategy, 2009-10 online photo licence renewals and online recreational boating registrations were introduced. So far in 2010-11, online registration renewals increased by 14 per cent from the same period in 2009-10, now

representing 48 per cent of all registration renewals. Online licence renewals were introduced in September 2009. As at January 2011, 33 per cent of all licence renewals were completed online.

Service SA manages the South Australian government's single entry point online and the EzyReg website as well. With the EzyReg secure online service centre, a number of transactions can now be completed: you can renew your motor boat, vehicle and boat licence; renew your driver's licence; change your address; check the vehicle securities register; calculate fees; check your joint client number; book your motor vehicle inspection; and perform transactions for the National Heavy Vehicle Accreditation Scheme.

In light of the upcoming elimination of registration labels, Service SA has taken steps to ensure South Australians are able to check the registration status of light vehicles online by utilising this very quick and easy EzyReg online channel. The look-up function is now available (ezyreg.sa.gov.au) and enables drivers to easily type in the registration number of a light vehicle and immediately be informed of the registration status of the vehicle. I looked up my own vehicle, and it probably took me less than a minute to confirm that I was registered, so it was very easy, quite straightforward and very quick.

When searching vehicle details, the look-up function provides vehicles with the plate and vehicle details and the registration expiry date. However, it does not provide any other personal information, so it is quite secure. A core component of Service SA's business strategy has been to promote online services to South Australian licence holders and vehicle and boat owners. As part of this strategy Services SA launched a competition in 2009 to encourage more customers to complete their vehicle registration renewal online or by phone.

I am advised that Service SA has recommenced the SA Shorts holiday promotion, which will run from February 2011 to January 2012. This year, the competition has been extended to include boat registrations and licence renewals where payment is made via online methods, so you might be able to within yourself a nice little prize as well.

SOLAR FEED-IN TARIFFS

The Hon. M. PARNELL (14:43): I seek leave to make a brief explanation before asking the Minister for Regional Development, representing the Minister for Energy, a question about solar feed-in tariffs.

Leave granted.

The Hon. M. PARNELL: Over six months ago, the Premier announced a long overdue increase in the feed-in scheme rate for solar panels, from 44¢ per kilowatt hour to 54¢ per kilowatt hour, as well as obligating retailers to pay an additional minimum rate for the power they receive from the owners of solar panels. Yet six months later the government still has not acted on this commitment. Almost every day I receive correspondence asking me why panel owners are still being underpaid.

This delay means that solar panel owners will be short-changed about $1.5 million by the time the government gets around to legislating the new tariff and it comes into effect. If the government delays beyond June, the amount will be even higher. It is costing solar panel owners collectively about $5,000 per day in lost returns, and individual households will lose about $100 each, directly attributable to the delay.

Of great frustration to the renewable energy community is that the high energy summer season has come and gone with no fulfilment of the government's promise. My question is: when will the government honour its commitment to increase the solar feed-in tariff and force energy companies to pay a fair price for the green electricity they take from solar panel owners?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:44): I thank the honourable member for his questions and will refer them to the Minister for Energy in another place and bring back a response. It is always disappointing to see the whingeing, whining and carping that goes on in this place. Before this government came into power there were, in fact, no wind turbines present in the state and very little solar power at all. In our time we have seen a massive proliferation of wind-powered energy, a massive expansion of solar power also, and a plethora of initiatives to provide incentives to South Australians to green up their energy. There has been no recognition at all. You do not hear anything of that at all from the Greens. There is no recognition of all of that work that has been put in place.

An honourable member interjecting:

The Hon. G.E. GAGO: No, not at all. Not one mention. Not one little bit of recognition of the enormous amount of work that this government has done and the commitment that this government has to continuing to green up our state. Nevertheless, we expect nothing more than whingeing, whining and carping. As I said, I will take those questions on notice and bring back a response.

OFFICE OF CONSUMER AND BUSINESS AFFAIRS

The Hon. R.I. LUCAS (14:46): I seek leave to make a brief explanation prior to directing a question to the Minister for Consumer Affairs on the subject of OCBA.

Leave granted.

The Hon. R.I. LUCAS: On 28 July 2009, Ms Heather Agius, Treasurer of the Kaurna Heritage Board Inc. and the Director of Kaurna Cultural Services Pty Ltd, advised OCBA:

> I believe that there has been fraud, dishonesty or misconduct in a South Australian incorporated association that is a possible breach of the Associations Incorporation Act.

Ms Agius' complaint referred to a significant number of issues and possible breaches of the act, including that the establishment of Kaurna Cultural Services Pty Ltd was not approved or minuted, that she was made a director without her knowledge and that there were no financial reports provided to the Kaurna Heritage Board Inc. Ms Agius also stated:

> The other concern is that they are making financial decisions and seem to be paying themselves exorbitant amounts of money without consulting me.

I have also been provided with a copy of a letter dated 26 April 2005 to the then chair of KACHA (Kaurna Aboriginal Community and Heritage Association) from a chartered accountant who had been hired to assist KACHA in the presentation of its accounts. This particular letter raised a significant number of concerns, including that no BAS return had been lodged since 2001; no GST, PAYG withholding or superannuation payments had been made; and his estimated worst case scenario was that there was some $200,000 in unpaid taxes and superannuation. This chartered accountant concluded in the letter to the chair of KACHA:

> The most obvious conclusion I can draw is that in the unbridled greed to bleed the association of every single cent that it has, people have been paid for work they did not do or for meetings they did not attend, or both. The only other possibility is that people have been paid for work and/or meetings that have either not been invoiced to or not been paid by the organisations involved.

Then further on he wrote:

> I look on it as theft at worst and culpable negligence at best, and I have been on this case since 1999. The committee has done nothing but line its own pockets and those of its friends and relatives, to the extent that KACHA is technically bankrupt because it cannot pay its debts.

My questions to the minister are:

1. What investigations and what actions were undertaken by OCBA as a result of this complaint and any other related complaint?

2. Were periodic returns lodged by these organisations in accordance with section 36(1) of the Associations Incorporation Act if these organisations were prescribed organisations under other provisions of the act?

3. Were accounts kept and audited in accordance with section 35 of the Associations Incorporation Act?

4. Did any OCBA officer use the power under section 10 of the Associations Incorporation Act to require the production of books to investigate this particular complaint? If not, why not?

5. Did any OCBA officer make any inquiries with any person other than the complainants in relation to these particular complaints? If not, why not?

6. How much money was paid to organisations such as KACHA, the Kaurna Heritage Board Incorporated, Kaurna Cultural Services Proprietary Limited, or any other similar body to those three organisations in relation to each of the following projects: the extension of the Southern Expressway, the desal plant project, the aquatic centre project, the Northern Expressway project, the South Road Anzac Highway intersection project, and the Seaford rail project?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:51): Those matters that fall under the Associations Incorporation Act are the responsibility of the Attorney-General, and I will refer those questions to the Attorney for a response and bring back those answers. There may also be aspects of questions that relate to other ministers, including the Minister for Infrastructure, so I will refer the relevant questions to the relevant ministers and bring back a response.

FORKLIFT SAFETY

The Hon. P. HOLLOWAY (14:51): My question is to the Minister for Industrial Relations and it relates to workplace safety issues. Will the minister provide the council with details of South Australia's involvement in a recent national project related to forklift safety?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:52): Members would be aware that forklifts are commonplace in warehouses, factories, shipping yards, freight terminals and other workplaces. However, each year across Australia, forklifts continue to be associated with workplace incidents and accidents. The statistics tell a compelling story about the risks associated with forklift use in Australia.

In the period 2000 to 2007, forklift incidents led to more than 7,400 work-related injuries nationally. In South Australia, I understand that there are more than 74,000 licensed forklift operators. I am advised that in the period 2000 to 2008, South Australia recorded three forklift fatalities, while 23 convictions relating to forklift operations were recorded between 2005 and 2008 resulting in fines totalling $647,525 plus costs. Further, in the period 2005 to 2008, there were 2,800 forklift related claims in South Australia that resulted in a total workers compensation cost in excess of $23 million and more than 67,400 days of lost time.

Last year these sorts of figures prompted the Heads of Workplace Safety Authorities (HWSA) to commence a campaign aimed at reducing the rate of incidents and injury from forklift related tasks such as loading and unloading trucks. The Heads of Workplace Safety Authorities group comprises representatives of the regulatory authorities responsible for the regulation and administration of occupational health and safety in Australia and New Zealand.

The national campaign specifically focused on the safety of forklift operations in the grocery wholesalers and fruit and vegetable wholesalers industry sectors. I am pleased to inform the chamber that this state's occupational health and safety regulator, SafeWork SA, coordinated this national campaign. The campaign involved the provision of safety information followed by workplace audits. An information pack was first provided to stakeholders involved in the audit program, followed by audits of targeted sites by occupational health and safety inspectors.

In South Australia, I am advised that a total of 25 worksites were audited, consisting of 21 in metropolitan Adelaide and four regional locations. While a number of compliance notices were issued relating to the condition of the forklifts, overall compliance was found to be good. Most worksites visited had engaged a service provider to maintain their forklifts. A large majority of worksites had safety systems implemented and most worksite environments were found to be in good condition.

Further to the compliance audits, SafeWork SA—with the cooperation of all state, federal and territory jurisdictions—led the way in updating guidance material on forklift safety. This information is now being made available to Australian industries. SafeWork SA is currently distributing a publication called *Forklift Safety—Reducing the Risks*, which aims to improve forklift safety practices in the workplace. I am advised that SafeWork SA is currently finalising a report which analyses the outcomes of workplace audits, and this will be presented to HWSA shortly for its consideration. I look forward to updating the chamber on the outcomes of this important campaign.

DISABILITY PENSION

The Hon. D.G.E. HOOD (14:55): I seek leave to make a brief explanation before asking the minister representing the Minister for Disability a question regarding welfare available to people with disabilities who marry.

Leave granted.

The Hon. D.G.E. HOOD: I have been asked to assist a couple who are staying at the Sunnydale residential facility in Semaphore with a particular situation. The residents, who are middle aged, have special needs. As I understand it, the couple are quite happy at Sunnydale, or have been in the past. The couple married in a simple ceremony on 18 September 2010 and, after a short local honeymoon, they moved back to Sunnydale as husband and wife, residing in the same room where they had previously lived. The family and staff are, of course, very happy for them.

However, in mid-February, the family was contacted by a Disability SA case worker. The case worker told the family that the couple were in threat of being evicted from Sunnydale, as their pension had been reduced by nearly $300 each per fortnight. Due to calculations made by Centrelink, the couple no longer receive enough pension to cover their rent, and their rent relief has also been reduced. They pay something in the order of $627 each per fortnight to share the room.

As a result of the reduction in their benefit, they have no remaining funds for their pharmaceutical needs and personal care needs, and virtually have no spending money at all. In short, they literally cannot survive on the funds they now receive and are relying on family for assistance. The couple is understandably very upset about their circumstances. The only way for them to restore the situation long term is for them to legally separate so soon after being married, and to do so for purely financial reasons, not legitimate reasons A comment made by the female resident concerned is as follows:

> I don't understand why the government is punishing us for getting married! I thought we did the right thing. I don't understand why what we did is wrong—did we do wrong?

She is obviously confused and saddened and, I believe, quite understandably so. My questions are:

1. Will the minister take up this matter with the federal minister to provide a more caring approach to couples with disabilities who marry in these circumstances and who are less able to take advantage of the cost savings other married couples enjoy?

2. Will the minister examine the particular policy at these residences and, in particular, at this residence, for dealing with couples with a disability and determine whether greater discounts can be applied in these circumstances, which would certainly help this couple, not to mention many others?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:58): I will refer the honourable member's questions to the Minister for Disability in another place and bring back a response. Unfortunately, I believe that it is not only those couples with disabilities who are affected by these federal arrangements, which I understand have been in place for a number of decades, where the single pension is at a rate that is greater than a couples' pension combined.

From my limited knowledge of these matters, it is my understanding that it is not just people with disabilities who are captured by this. Whether or not there are any other special provisions to assist those people with special needs, such as people with disabilities, or whether this particular couple have exhausted the investigation into the availability of those provisions, I am not sure. However, I am sure the Minister for Disability will be only too pleased to take up that matter, and, as I have said, I will bring back a response.

REGIONAL COORDINATION NETWORKS

The Hon. J.S.L. DAWKINS (14:59): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional coordination networks.

Leave granted.

The Hon. J.S.L. DAWKINS: Over the last decade, regional coordination networks (or RCNs) have operated in some form or another in most non-metropolitan areas of the state. Indeed, there are some metropolitan areas that have indicated an interest in their formation. The first of this type of group was established by the previous government as a trial in the Riverland and was based around membership by the most senior regional officers of state government departments, as well as local government bodies and the relevant regional development board or boards.

I note the government's intention to match the regional coordination networks to the new common regional boundaries under the chairmanship of senior public servants, including members of the senior management council. I ask the minister:

1. To what extent are local government bodies represented on the regional coordination networks?

2. Are all the new Regional Development Australia boards represented on the RCNs?

3. Will the minister bring back details of each RCN in the non-metropolitan regions, including the chair and other state government personnel involved and the frequency of meetings?

4. Will the minister commit to the future of the regional coordination networks?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:01): This government is very much committed to regional South Australia. We have committed a great deal of resources and other commitments to regional South Australia. My understanding is that, in terms of the current regional arrangements, we have seen that Regional Development Australia, as a federal initiative, is the organisation that now brings together all levels of government to enhance the growth and development of Australia's regions. So it is in fact the RDAs which are the tripartite mechanism to bring those different levels of government together, and it is that which is now the major mechanism to provide that level of coordination.

As we know, a network of these committees has been established, not only throughout South Australia, but right throughout Australia, and their aim is to provide a strategic framework for the economic growth and sustainability in each region. They have been required to put in place mechanisms for regional planning that incorporate economic, social and also environmental matters. That is the main vehicle that brings those levels of government together. In relation to the other specific matters that the member raises, I am happy to take those on notice and bring back a response.

REGIONAL COORDINATION NETWORKS

The Hon. J.S.L. DAWKINS (15:03): I have a supplementary question. Will the minister confirm that the Regional Development Australia boards are actually part of these regional coordination networks and not in the leadership role with senior government agencies as she suggested in her answer?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:03): I am happy to take that on notice. My understanding is that it is now RDAs that have that central focus but, as I said, I am happy to take the rest of those questions on notice and bring back a response.

SHINE SA

The Hon. I.K. HUNTER (15:03): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the 40th Birthday celebration of SHine SA.

Leave granted.

The Hon. I.K. HUNTER: I understand that the minister had the good fortune of recently attending the 40th birthday of SHine SA. SHine stands for 'Sexual Health information networking and education', and I think I am right when I say that, for people of my generation, they used to be known as Family Planning SA.

I was interested to note that SHine is guided by not only the Department of Health's primary healthcare policy, as one would expect, but also several international declarations, including the Jakarta Declaration of 1997, which goes to increasing community capacity, increasing investments for health development, promoting responsibility for health and expanding partnerships; and also the Ottawa Charter of 1986, which is based on building a health public policy, creating supportive environments, strengthening community action, developing personal skills and re-orienting health services. However, my favourite has to be the Cairo 1994 and the Beijing 1995 declarations. Who can forget the Beijing 1995 declaration? It states:

…the rights of individuals to have information, skills, support and services they need to make responsible decisions about their own sexuality consistent with their own values.

I ask the minister if she would not mind detailing to the chamber more about the valuable work that SHine does and the policies on which it bases that work.

The Hon. J.S.L. Dawkins: Is that an opinion?

The PRESIDENT: I am sure that, being a conscience issue, the honourable minister might have an opinion.

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:05): I thank the honourable member for his most important question, and I value his opinion on this occasion. On Sunday, 20 February, I was very pleased to attend SHine SA's 40th birthday celebration. I have been a longstanding personal supporter of SHine SA. My relationship with them goes back to my former role working as a healthcare professional and secretary of the Australian Nursing Federation. I have very much valued and enjoyed the work and support from SHine because I believe that they do very important work.

SHine SA works in partnership with government, non-government and also community groups with the aim of improving the sexual health and wellbeing of South Australians. Members opposite might be interested to know that in 1970 SHine, as the honourable member pointed out, was known as Family Planning SA and worked out of a cottage in Unley. In 1988, it became SHine SA, which reflected the broader and more contemporary role of the organisation in the community, providing a wide range of sexual health services to both men and women across South Australia.

SHine offers a number of extremely valuable services, such as education, promotion and prevention programs, clinical services sexual health advocacy and also therapeutic counselling. Over the years, I have been very impressed with SHine's role in educating South Australians through community education. Some of this work includes providing consultancy on sexual health, running workshops and group education sessions, youth participation and peer education, and also health promotion.

I am also particularly interested in the work that SHine does with young people. I understand that through its youth action teams SHine has developed services and resources that are appropriate for young people using language that they can relate to. In my opinion, young people can be empowered to make decisions that are right for them through education, which is probably one of the reasons that SHine has been so successful over the years in promoting sexual health and positive attitudes towards sexuality. Navigating, understanding and owning their sexuality can be a very difficult thing for young people in particular, and SHine helps this process by providing realistic and factual information and promoting respectful relationships.

SHine is also to be commended for its message of tolerance and inclusion. For example, young gay people in particular can have a traumatic time when they choose to be open about their sexuality. I know that SHine has done a lot of work to help young people realise that there is nothing wrong with being gay and to condemn homophobia in our community. As members can see, I have a great deal of admiration and respect for the important work that SHine does, and for this reason it was a real pleasure to attend its 40th birthday celebration recently.

DISABILITY, UNMET NEEDS

The Hon. K.L. VINCENT (15:09): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about unmet needs.

Leave granted.

The Hon. K.L. VINCENT: A year ago today Dr Paul Collier passed away, leaving my place in this parliament as his legacy. Paul was a tireless campaigner for people with disabilities, and he was particularly passionate about addressing the unmet needs of our community. When Paul died there were hundreds of people with disabilities going without essential services every day in this state and, tragically, this has not changed. In fact, the most recent unmet needs data indicates that the situation has worsened.

This week the government has been engaged in high level talks with the AFL and SACA finalising yet another upgrade to Adelaide Oval, but this time the government has agreed to spend $535 million of our money to fund it. My questions to the Treasurer are:

1. How much will it cost to clear the disability unmet needs list?

2. Does the Treasurer truly believe that that $535 million would be better spent on upgrading Adelaide Oval than on providing our citizens with essential care and support?

3. Will the Treasurer reprioritise the government's budget in order to realise Dr Paul Collier's dream of a society in which everyone is respected and valued equally?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:11): I am sure all honourable members will join me in remembering Dr Paul Collier and the contribution he made to those with disabilities and those for whom he was an advocate. I am sure those who were close to him, as well as those involved in the organisation which the honourable member represents, continue to miss him. In relation to the funding for unmet needs, I will refer that to the Treasurer or the appropriate minister in the other place and bring back a response.

SOUTH AUSTRALIAN VISITOR AND TRAVEL CENTRE

The Hon. T.J. STEPHENS (11:12): I seek leave to make a brief explanation before asking the Minister for Industrial Relations, representing the Minister for Tourism, questions about the impending closure of the South Australian Visitor and Travel Centre.

Leave granted.

The Hon. T.J. STEPHENS: Over the last week my office has received a great deal of feedback from tourism operators and constituents with regard to the SATC's plan to close the South Australian Visitor and Travel Centre. I would like to read an excerpt from an email sent to me and copied to the Hon. John Rau by one of the operators. The email stated:

> Let me say from the outset that we are absolutely 100 per cent opposed to the idea of closing the centre. We are only a small operator in the overall aspect of things but we are owner/operator run and so therefore have a very good idea of what is happening day to day. I believe we are very well respected within the SATC and the respect is reciprocal with the many people we deal with in the commission. However in this case I believe we have a much better idea than the people that made this decision, I would suspect they have no idea of the real needs of an independent voice and service they provide to the travelling public. We do receive substantial bookings through the centre and it is an important part of our business.

As I said, I have received a lot of feedback from people all over the state who are concerned by this decision. My questions are:

1. Can the minister advise the council about the consultation process that the SATC undertook with operators (if any) before arriving at this decision?

2. Did anyone from the SATC discuss with the minister any other possible options to keep the centre open so that it could continue to provide a valuable service and keep some 20 staff members in work?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:13): I will refer those questions to the Deputy Premier in another place and bring back a response in relation to communications with the South Australian Tourism Commission. I would say that the government is certainly supportive of the tourist industry and has done a lot of work over a long period of time to ensure that South Australia has very important events and attractions which bring tourists from interstate and overseas to South Australia.

Those include things like the Tour Down Under, the Fringe, the film festival, WOMAD, Clipsal and a large number of other events that the government supports to ensure that people are attracted to South Australia and spend their money here. In relation to the issues raised by the honourable member, I would point out that it is obviously very important that any investment by the government, any expenditure of taxpayers' money, is done in the most effective way, ensuring that we do what is most appropriate and suitable to attract tourists to our state.

While I do not wish to reflect in any way on the good work that people in the information centre have done over many years, I am sure honourable members can appreciate that there has been a significant change in the way that people approach their travel plans. I am sure most of us have booked flights, hotels or travel online. A lot of us would arrange travel plans very differently from the way we might have done 20 or 30 years ago, when the most common way was through travel agents and for information centres to provide the information that was most necessary.

That is not to say that there is no role for them or that it is always going to be the case that certain facilities are not the best value for money, but certainly the Tourism Commission needs to

make an assessment, as does the government, about the best and most effective way to use government resources in attracting tourists to South Australia, and what is the most effective way to do that will change from time to time, particularly in a climate where technology and the internet are now playing such an important role in the way people book their travel and spend their tourist dollar.

The government will continue to support the tourism industry and the great attractions in this state that are unmatched anywhere else, including the Blue Lake in Mount Gambier, which is a particularly unique South Australian attraction. I cannot think of an equivalent to it anywhere in the world.

The PRESIDENT: The Tantanoola caves.

The Hon. B.V. FINNIGAN: The honourable Mr President does contradict me and say the Naracoorte caves are superior.

The PRESIDENT: Tantanoola.

The Hon. B.V. FINNIGAN: I will acknowledge that the Naracoorte caves are on the World Heritage List, as I recall, but I could be wrong about that, and the Tantanoola caves are certainly worth seeing as well. We do have great attractions all over this state, and they can be in regional areas as well as in the city or the urban fringes.

The Hon. T.J. Stephens: List them all—it would take two minutes, I reckon.

The Hon. B.V. FINNIGAN: The honourable member is asking me to list them all. I certainly could do that, but I do not think it is necessary for me to repeat every attraction the state has, but we do have many. It is important that the South Australian Tourism Commission use its resources wisely and in the most appropriate way to attract tourists to South Australia, and that will change from time to time.

WOMEN IN LOCAL GOVERNMENT

The Hon. CARMEL ZOLLO (15:17): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women in local government.

Leave granted.

The Hon. CARMEL ZOLLO: Women traditionally took up careers in teaching and nursing, and nowadays women of course are moving into diverse areas of work. Will the Minister for the Status of Women advise the house about the progress made by women in the local government sector?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:18): I thank the member for her most important question. Indeed, it is correct that women are increasingly moving to non-traditional areas of work, and this is a change that I am sure we all encourage. Local government is an area where women have great opportunities, both as elected members and employees. That is why on 15 February I was very pleased to host a lunch at Parliament House for newly elected women councillors.

As many of you would be aware, in the last local government elections there was an improvement of 3 per cent of women being elected. It is not a giant leap but, nevertheless, a small step in the right direction. This 3 per cent improvement is worthy of celebration—any improvement is worthy of celebration—but obviously it should not be the only criterion on which we measure success. There were many other benefits that came out of that year, including some very good social networking occasions, useful research commissioned, supportive literature published and some very fruitful public discussions. They are all important outcomes in the scheme of things.

A gathering was held in the Balcony Room of Parliament House. I think it is probably one of the most imposing rooms in the place. It certainly would have been unimaginable, when the building was built, that one day in the future a group of very powerful and capable women would have been here to celebrate their electoral success. Indeed, I would imagine that it would have had a number of the old fellows spluttering into their ports. We can, however, take some pride in the fact that in 1894 South Australian women became the first group of women in Australia to win the vote and to stand for parliament. In particular—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order! The Hon. Mr Wade is continuing his behaviour from yesterday evening.

The Hon. G.E. GAGO: Members would be aware that I firmly believe that it makes good business sense to take every opportunity to utilise all the talents available to us—not just the talents of men but also the talents of women—and we need to be able to tap into what is an under-utilised pool of qualified professional female talent if we are to continue to deliver excellent local government services into the future. I know there is a great deal of commitment and work being done already by many within the local government sector. However, I continue to encourage them to take up the challenge and to support each other and continue the growth of women in that particular sector.

ANSWERS TO QUESTIONS

NOVITA CHILDREN'S SERVICES

In reply to the **Hon. K.L. VINCENT** (22 June 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Disability has provided the following information:

1. The following services and programs are provided to assist young people with disabilities to transition from childhood to adulthood:

- Novita Children's Services has arrangements in place for clients aged between 16 to 18 years to transition to Disability Services for adult services. This may include individual transition plans, information sessions and meetings.
- Disability Services assists with transitioning young people with intellectual disabilities from school to programs such as supported employment and day options.
- The Social Inclusion Board Report's, 'Choices and Connections—A Better Pathways Service Approach for Young People with Disabilities', is now running in the Playford, Port Adelaide/Enfield and Port Augusta Council areas. This program assists young people with disabilities who are at risk of not making a successful transition from school to post school options.
- Disability Services and the Department of Education and Children's Services (DECS) support transition programs located at Daw Park and Prospect through the Community Partnerships Program.
- They also assist young people with disabilities to transition from child to adult services through planning frameworks. A Negotiated Education Plan (NEP) is developed in conjunction with parents or caregivers.
- Information sessions for parents and students are held, by DECS to provide details about post school pathways—including further education through TAFE or University, Disability Enterprise Services or day option programs.
- To assist in the transition to post-school pathways and the development of work readiness skills, students with disabilities may participate in work experience, training packages, structured workplace learning or TAFE courses.
- When appropriate, students are referred to Disability Enterprise Services (DES) to begin some form of supported employment.
- Innovative Community Action Networks, mentoring and Flexible Learning Options programs may also assist students with a disability that are vulnerable or becoming disengaged with education.
- The Disability Transition Program for students provides vocational education and training opportunities for those students in their final year of school.

It should be noted that not all young people who are clients of Novita require adult disability services and may seek support in the mainstream system, particularly for employment and tertiary education.

2. In addition to the provisions already in place, Novita already works closely with numerous adult services to provide ongoing support or assistance to young people with a disability as they enter adulthood.

3. Existing programs are in place to help young South Australians with a disability to transition to the post school environment. These also include recent initiatives resulting from the work of the Social Inclusion Board. Before consideration is given to other transition programs, it will be necessary to evaluate the effectiveness of those already in place.

PLUMBING INDUSTRY REGULATION

In reply to the **Hon. J.M.A. LENSINK** (22 July 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): I am advised that:

1. OCBA seeks to hold Industry Consultation Meetings every six months, with provision for additional meetings to be held as is necessary. In addition to Industry Consultation Meetings, OCBA continually liaises with industry stakeholders on an ad-hoc basis about regulatory matters and other relevant issues.

2. 33 matters were reported to OCBA by SA Water over the past five years.

3. OCBA has used a range of enforcement sanctions in relation to the matters referred to it by SA Water which includes taking court action against three offenders who were prosecuted. In addition, three persons have entered into legally enforceable assurances under the Fair Trading Act 1987 with the Commissioner for Consumer Affairs that they will refrain from engaging in unlawful conduct. 19 persons were issued with written warnings and a further five persons have given written undertakings that they will not re-offend. One person provided a verbal undertaking not to re-offend. Two recent referrals are currently under investigation.

4. The Minister for Water has been advised that:

The Waterworks Act 1932 and the Waterworks Regulations 1995 do not empower the Corporation as the technical regulator for plumbing, to examine books or papers including a plumber's record of certificates of compliance. The Government has committed to repeal the Waterworks Act 1932 as part of a wide-ranging reform of water industry legislation. The key instrument of these reforms will be new water industry legislation that is currently being developed. Included in the reforms will be a comprehensive modernisation of the enforcement powers for the technical regulator for plumbing.

ANTI-POVERTY SERVICES

In reply to the **Hon. A. BRESSINGTON** (26 October 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Families and Communities has been advised that:

1. The amount of funding available for Emergency Financial Assistance payments will not be decreased. The reform of the Department for Families and Communities (DFC) Anti-Poverty Program is about implementing more efficient ways to distribute these funds.

2. The Department has been in discussion with the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), which has provided DFC with a list of all Commonwealth funded financial assistance programs.

DFC has a list of all the non government low income support programs that the Department funds. DFC has also had discussions with the South Australian Financial Counsellors Association Inc., regarding the distribution of anti-poverty services across South Australia.

The implementation of DFC's Anti-Poverty Program reform will be guided by the information compiled on where and who delivers services. Subsequently, DFC will ensure that financial assistance services continue to be available in all areas of South Australia currently covered.

3. Through community consultation on the proposed Anti-Poverty Program reform, DFC will identify specific needs and considerations, in the allocation of financial assistance services across South Australia.

DFC will also work with partner organisations to identify implementation issues and will work with the non-government sector to build capacity for future delivery of emergency financial assistance.

4. Yes. The 2010-11 Budget initiative requires Families SA to restructure its Anti-Poverty program to focus on children, young people and families who are in contact with Families SA, by providing integrated social work and financial counselling. This includes care and protection cases.

EQUAL OPPORTUNITY COMMISSION

In reply to the **Hon. S.G. WADE** (29 October 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Disability has been advised that:

The Department for Families and Communities (DFC) has whole of government responsibility for the implementation of the Promoting Independence: Disability Action Plans for South Australia. Promoting Independence has been a fundamental driver of improvements in relation to access and inclusion of people with disabilities across State Government portfolios.

The Promoting Independence strategy is a reporting framework that tracks actions by Government portfolios and their agencies to address the requirements of the Disability Discrimination Act 1992 (Clth) and the impairment discrimination provisions of the Equal Opportunity Act 1984 (SA). An across-government Promoting Independence Implementation Reference Group is responsible for monitoring progress, collating portfolio progress reports and compiling the results into an annual consolidated progress report. This group has representatives from each portfolio required to report on the Promoting Independence strategy.

The policies contained in the Promoting Independence strategy apply to all publicly funded services and programs of South Australian Government portfolios and their agencies. The object of the policy is to ensure that government services are accessible for people with disabilities and that all practices within government organisations and services that unlawfully discriminate against people with disabilities are eliminated.

Promoting Independence has been operational since 2000. A review of the strategy is currently underway. This is needed to ensure that the Promoting Independence strategy outcomes reflect recent international and national disability reforms. The Review will complement a wider reform plan of the disability sector currently being undertaken by the Social Inclusion Board.

In July 2010, the Premier asked the Social Inclusion Board to develop a reform plan, Activating Citizenship—to set a future direction for the way people with a disability, their families and carers are supported in South Australia across all government departments.

Activating Citizenship will strengthen the care and respect delivered to South Australians with a disability. It will also ensure the South Australian community is well informed about the rights of people with a disability and understand their responsibility to promote participation and inclusion.

To achieve these aims, consideration will be given to:

- Promoting greater understanding across the community about the rights of people with a disability;
- Building the community's capacity to monitor the safety of people with a disability;
- Providing information about advocacy services to people with a disability and the wider community; and
- Developing new and improving existing strategies to ensure people with a disability are safe and protected from violence, exploitation and neglect.

Both reviews are due for completion in mid 2011.

I have also recently announced a review of the Disability Services Act. Part of my motivation behind this decision is to examine ways in which the legislation could be revised to allow for increased opportunities for South Australians with a disability.

The Rann Government also supports the State Strategic Plan goal to increase employment opportunities for South Australians with a disability. The target to double the number of people with

disabilities employed in the public sector by 2014 is within reach. In the last four years alone, the number of people with a disability working in the South Australian Public Sector has increased by 41 per cent.

DISABILITY SERVICES ACT

In reply to the **Hon. K.L. VINCENT** (29 October 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Disability has provided the following information:

1. The Disability Services Act 1993 is currently under review. This review is scheduled to be completed by July 2011.

2. By agreement with the Social Inclusion Unit, the officer undertaking the review has attended the community engagement meetings across South Australia for the Disability Blueprint. There will be targeted consultations with other interest groups as the review progresses. A Steering Committee, chaired by Dr David Caudrey, has been appointed to guide the Review Committee. Members are:

John Brayley	Public Advocate, Office of the Public Advocate
Helen Mares	Proxy
Suraya Naidoo	Social Inclusion Unit
Sanjugta Vas Dev	Proxy
Paul Willey	Disability Services
Jennifer Harvey	Families SA
Anne Burgess	Equal Opportunity Commission
Helen Van Eyk	Department of Health
Ann Pengelly	Proxy
John Brigg	Department of Education and Children's Services
Linda Hale	Proxy
Jackie Beard	Ministerial Disability Advisory Committee
To be determined	Proxy
Rosemary Warmington	Carers SA
Dell Stagg	South Australian Council for Intellectual Disability
John Entwhistle	Proxy
Bruce Becker,	Disability Advisory Network of South Australia
Josephine Judge-Rigney	Aboriginal Disability Network of South Australia
Michael Forwood	National Disability Services (NDS)
Glen Rappensberg	Proxy
David Holst	Intellectual Disability Association of South Australia
Richard Bruggeman	Academic

3. Since coming to Office, the Government's priority focus has been on increasing the capacity of disability services in South Australia. It has increased State spending on disability by 93 per cent from $135.4m in 2002-03 to $261.3m in 2009-10, based on data reported to the Report on Government Services. Priority has also been given to structural and functional reform of disability services. The context is now right to embark on a review of the legislation, given such important developments as the first phase of the self-managed funding initiative, the State and Commonwealth's National Disability Agreement (NDA), the reference to the Productivity Commission for a long term disability care and support scheme and overall changes in community attitudes.

4. In terms of the recommendations from the 1995 review, the Office of the Health and Community Services Complaints Commissioner has been established and handles such complaints. My Disability Advisory Committee is preparing advice on delivering a blueprint for world's best practice on protecting vulnerable South Australians with a disability. The timing of future reviews will be determined once the current review is completed.

MATTERS OF INTEREST

GAWLER RACECOURSE

The Hon. P. HOLLOWAY (15:21): Just over a week ago, His Honour Mr Justice Duggan dismissed the application by the Town of Gawler for judicial review of my decision as minister for

urban development and planning to rezone part of the Gawler Racecourse site. The legal action taken by Gawler council, in particular its Chief Planning Officer, Mr Michael Wohlstadt, has cost the ratepayers of Gawler and the Barossa and Gawler Jockey Club dearly, and has only served to delay an outcome that is favoured by the vast majority of local residents.

The motivation for this action by the Chief Planner of Gawler council is something I will discuss in more detail shortly, but first I wish to address allegations made on 9 February in this council by the Leader of the Opposition that relate to this issue. In answer to a question from the Hon. Russell Wortley on 15 October 2009 about the proposed upgrade of the Gawler Racecourse, I provided a very detailed answer about the upgrade proposal and then outlined briefly the proposal for rezoning the surplus land at the southern end of the racecourse.

I also point out that there were a number of interjections that are not recorded in *Hansard*, but clearly at the end of the answer I refer to comments by Mr Dawkins, so there were clearly a number of interjections. Mr Parnell then asked the following question:

By way of supplementary question, has the minister been lobbied in relation to the future of the Gawler Racecourse by former senator Nick Bolkus?

I replied, 'No, the Hon. Mr Bolkus has not lobbied me in relation to that matter.'

Everyone in this council is aware that standing orders require a supplementary question to be relevant to the answer given to the original question. I have had no discussions with Thoroughbred Racing SA, Nick Bolkus or anyone else in relation to the funding of the Gawler Racecourse development and the discussions that led up to the government decision to support the racecourse development, until I was first requested to rezone the surplus racecourse land some time in July 2008. I subsequently met with Thoroughbred Racing SA in October 2008.

It is clearly on the record that the Minister for Recreation, Sport and Racing announced the government's decision to provide financial support—I think it was some $6 million, if I recall—to the Gawler Racecourse redevelopment on 28 May 2008. I was not involved in that decision—nor would I expect to be as minister for urban development and planning—or any details of the racecourse redevelopment. My role as minister for urban development and planning was to initiate a ministerial development plan amendment which sought to rezone surplus land south of the racecourse.

Mr Parnell's supplementary question did not refer to rezoning or surplus land at the racecourse and referred to the future of the racecourse, and I stand by my answer that I was not lobbied by Mr Bolkus in relation to that matter, that matter clearly being the funding and redevelopment of the racecourse, which I referred to in my initial answer.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Indeed, the interjection, which is not recorded in *Hansard*, clearly referred to it. Now, we have had people like Mr Lucas—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: —and there he goes again, Mr President. We have Mr Lucas, who is a past master at interjecting, interrupting your answer and then going and distorting it to the media. He has done it on repeated occasions and, indeed, he is doing it right now, but *Hansard* probably will not show that Mr Lucas was again shouting out and disrupting as he did on that occasion.

But it is quite clear that my answer was about the redevelopment of the Gawler Racecourse, and I have never discussed that with Mr Bolkus. Indeed, if it came to the actual meeting that Mr Bolkus requested, in fact, the later attendance in my diary does not refer to Mr Bolkus actually being at that meeting, but that is another issue. The fact that someone might have contacted my office to arrange a meeting that was well after the date the Minister for Recreation, Sport and Racing announced it clearly settles that matter.

There are a number of other claims which I do not have time to address today, but there are two points I wish to make. First, the case by Gawler council was supplied by Mr Parnell misusing his capacity as a member to get freedom of information details.

Members interjecting:

The Hon. P. HOLLOWAY: It was supplied to Gawler council. Admit it. He supplied it. Mr Parnell has been trotting around trying to get councils everywhere to seek judicial review of

planning decisions. He has been up at Mount Barker telling people they should do it, and he has told people at Gawler East. He is in league with this planner.

The second matter is that what I have subsequently discovered is that Gawler council has received funding (some $15,000, I believe) from the Ahrens group in relation to this court case. I understand Mr Wohlstadt also has approached other major property owners and developers in Gawler to support their legal challenge. I will take that up further in a later debate.

Time expired.

OFFICE OF CONSUMER AND BUSINESS AFFAIRS

The Hon. R.I. LUCAS (15:27): During question time, I outlined serious allegations in relation to a number of Kaurna related organisations, and the bottom line is that, after a long period of time, it appears that OCBA, having been asked to investigate these allegations, has done nothing.

I hope that we have not seen an example of political correctness gone mad. I hope we have not seen an example of political favouritism towards various groups connected with the Kaurna people. I hope that OCBA and the government will treat all organisations equally in relation to the application of the associations incorporation legislation. If the law is breached, then action should be taken against the particular organisation, irrespective of the nature or background of that organisation.

I want to refer to a number of documents; one is dated 28 January 2005 addressed to the KACHA committee from, as I said, this chartered accountant employed by them to provide them with advice. I quote:

> Status report on financial position...Nothing has been done in this area since the year ended 30 June 2001. It is my understanding that the records for the period 1 July 2001 to 30 June 2002 have 'disappeared' and nobody knows where they are. Copies of the bank statements have been provided. However, some 650 cheques totalling some $200,000 have been issued and there are no details at all of what these cheques were paid for, although from past experience 95 per cent of them will have been paid to individuals (mostly committee members) without any taxation being withheld or superannuation paid. The only avenue short of finding the missing cheque books is to get the bank to provide copies, which will be a very expensive exercise, given the number involved. Without these details, nothing can be done. It's as simple as that.

Further, that letter states, in summary:

> The really scary thing about all of this is that over the past five years alone, I estimate that organisation has generated between $800,000 and $1 million and it has jack sh.t... to show for it.

The other document dated 26 April 2005 addressed to the chairperson of KACHA, again from the chartered accountant, states:

> If indeed the unpaid GST liability is $65,000, and I believe it is considerably more than that, then KACHA has collected $650,000 net of GST since July 1, 2000...I will use an example to explain this anomaly. Let's say four committee members attend a meeting with council and the following day four senior monitors do two days' work each. The committee members receive $150 each for the meeting and the monitors get $300 per day plus $25 travel and $25 lunch money. KACHA invoices the council as follows:

Meeting attendance by four members	$600
Administration fees	$60
Two days monitoring by four senior monitors	$2,400
Administration fee	$240
Travel allowances	$400
GST	$370
Total	$4,070

> Of this amount, approximately $1,520.00 is not supposed to be paid to anybody and is meant to cover administration, PAYG Withholding and GST. This equates to some 37.3% of the invoice. If we apply that formula to the figures above, KACHA should have $242,450 left over. If we take the Mawson Lakes funds as adding an extra $50,000 because it is not invoiced as such, we're pushing $300,000! KACHA has nothing! We know the PAYG and GST have not been paid, so where is it?

The letter continues:

> The most obvious conclusion I can draw is that in the unbridled greed to bleed the Association of every single cent that it has, people have been paid for work that they did not do, or for meetings they did not attend, or both...I'm not sure how Aboriginal culture views these matters, but I look on it as theft at worst and culpable

negligence at best and I have been on this case since 1999! The Committee has done nothing but line its own pockets and those of its friends and relatives to the extent that KACHA is technically bankrupt, because it can't pay its debts.

Further:

I accept that this will come as a huge jolt to some people, but quite frankly, it's about bloody time it did. I understand you wanting to get a handle on it personally, but I hope it is not swept under the carpet as it has been in the past. There has to be a point at which the ignorance of not knowing and understanding the taxation law is overtaken by a planned, clandestine and greed-driven desire to fleece both KACHA and the system of as much money as they can get their hands on.

The letter concludes:

If you ask any of the members who know me, they will tell you that I shoot from the hip and don't skirt issues. This is the stark reality of where KACHA currently stands. You have told me that you don't know where the money will come from to pay $65,000 in outstanding GST. Unfortunately, that's just the tip of the iceberg. Where has the money gone and who is responsible? If people are too busy or don't understand their obligations then they shouldn't be on the Committee, being paid for being incompetent.

I would be pleased to answer any questions you may have.

It is signed 'Regards' with the name of the chartered accountant.

Time expired.

STROKE AWARENESS

The Hon. R.P. WORTLEY (15:32): Just last month I spoke in this place about the 2011 Tour Down Under. At that time I was not aware that three-time Tour de France winner and Adelaide contestant Alberto Contador had survived a serious stroke. I will return to Alberto's story later, but the reference is salient because I rise today to speak about one of Australia's most prevalent adverse health events, the stroke.

A relative of mine recently suffered a stroke and full recovery is expected. I believe it is of vital importance to draw attention to the facts about stroke. My research indicates that stroke is the second leading cause of death for people above the age of 60 and the fifth leading cause of people aged 15 to 59. Stroke also attacks children, including newborns. The source of those statistics is the World Health Organisation.

Each year 15 million people will experience strokes; nearly six million people die from stroke. According to the World Stroke Organisation (WSO), that is more deaths annually than those attributed to AIDS, tuberculosis and malaria put together. The WSO notes, too, that stroke is also 'the leading cause of long-term disability irrespective of age, gender, ethnicity or country'.

Stroke is the third most common cause of death in Australia—40,000 Australians have strokes every year. Of those, 14,000 survive and recover completely. Of the remaining sufferers, 14,000 have some form of resulting disability and about 12,000 do not survive. One in six of us will suffer a stroke. So, what is a stroke?

A stroke happens when there is an interruption to blood flow to the brain, either from a clot or from a ruptured blood vessel. Stroke is a medical emergency and every minute counts. The longer the blood flow to the brain is compromised, the worse the damage can be. There are two kinds of stroke. An ischaemic stroke is caused by a blood clot that occludes a vein or artery in the brain. Within only a few minutes, brain cells in the area of the stroke stop getting the oxygen and glucose they need to do their work and begin to die. If the blockage is not cleared within a few hours, the entire section of the brain which is supplied by the occluded vessel may cease to work properly and permanently.

A haemorrhagic stroke is caused by the rupture of a blood vessel, causing bleeding into the brain or into the area surrounding the brain. Under pressure in the artery, blood escapes and tears at some of the soft brain tissue causing a clot that puts pressure on the surrounding brain. Brain tissue on the rim of, and adjacent to, the clot may consequently die. About one in three people who have a small warning episode known as a transient ischaemic attack (TIA) later have an ischaemic stroke.

The difference between a TIA and an ischaemic stroke is that, with the former, symptoms disappear completely within 24 hours. In three of four episodes the symptoms clear within a few minutes to an hour, because the clot clears before the affected brain tissue dies. However, a TIA is a significant warning that the person is at increased risk of a future stroke. TIAs should always be reported to the doctor.

Although stroke is a disease of the brain, it can affect the entire body. The effects of a stroke range from mild to severe and can include paralysis, problems with thinking and speaking and emotional problems. Patients may also experience pain or numbness after a stroke. Because stroke happens in the brain, the person may not realise that he or she is having a stroke. A passerby might think the person just looks unaware or confused. So, it goes without saying that stroke victims have the best chance if the symptoms are recognised and immediate action is taken.

Being aware of the acronym FAST is an easy way to recognise and remember the signs of stroke: FAST stands for face, arms, speech and time:

- Face—check the person's face. Has the mouth drooped?
- Arms—can he or she lift both arms?
- Speech—is speech slurred? Does he or she understand you?
- Time—time is crucial.

If there are any of these three signs, call the doctor immediately. Exact abilities affected by or lost through stroke depend on the degree of the brain damage and, most importantly, where in the brain the stroke occurred: the right or left hemisphere, cerebellum or the brain stem.

The right hemisphere of the brain controls the movement of the left side of the body, so stroke in the right hemisphere often causes paralysis in the left side of the body. Survivors may also have issues with perceptual or spatial abilities. This may cause them to misjudge distances and fall or be unable to pick up an object, tie shoes or do up buttons. They may also become forgetful or act impulsively, which can be extremely dangerous. A left-hemisphere stroke can cause paralysis. A stroke in the cerebellum can cause abnormal reflexes of the head and torso, but brain stem strokes are particularly destructive. The brain stem controls autonomic—

Time expired.

REACHOUT

The Hon. J.S.L. DAWKINS (15:37): I rise today to speak about two matters important to residents of Mount Gambier and the surrounding area. First, let me focus on the best of efforts on behalf of the local community. Recently, I was contacted by Sarah Nelson, a young, enthusiastic, vibrant and passionate young lady from the Mount, who wanted to speak to me about mental health issues. She sought me out, knowing of my advocacy of the CORES program.

Sarah is a motivated student at Tenison Woods College and a member of the Youth Parliament. I was only too happy to travel to Mount Gambier to meet with her and discuss both CORES and ReachOut, a mental health resource for young people aged between 14 and 25 years of age, of which she is a great supporter.

Reachout.com.au is a website that allows young people suffering from a range of mental health issues to find, explore and connect. Those concepts run as follows: 'find' information and resources about the particular mental health issue; 'explore' allows you to find information based on how you are feeling that day; and 'connect' provides helpful resources and contact information to allow you to interact with others suffering similar problems or to seek professional help and guidance. It is an easily accessible and interactive website, which is aimed at helping young people.

Reachout.com.au was launched in 1998 in response to Australia's rising youth suicide rates. It encompasses facilities such as video blogs and forums where members can talk to one another about problems they may be having. There is also an interactive game called ROC (ReachOut Central), which provides users with issues to solve, giving them multiple choice answers. The most recent user profiling of the ReachOut program, with a total of 2,291 participants, has shown promising results.

After using ReachOut, 70 per cent of users said that they now knew where to go for help regarding mental health issues; 61 per cent of ReachOut users reported that the site made them feel as though they were not alone, providing them with a sense of unity among members of their own age; and 74.6 per cent of participants said that ReachOut was 'straight up and honest', an attribute that any young person feeling depressed or threatened can identify with and therefore feel safe using the site. These statistics show that ReachOut is having a positive impact on those in need of answers, someone to talk to and peers who share their feelings, and I am particularly pleased that Sarah took the opportunity to seek me out to brief me on this project.

In times where youth engagement in politics and current affairs is at an all-time low, and political and community apathy is an all too common notion, Sarah's passion, intellect and genuine interest in helping her community can only be contrasted to the Leader of the Government in this place, the Hon. Bernie Finnigan, who has abandoned his home town and grass roots community in favour of his own political ambitions.

The day the Hon. Mr Finnigan was parachuted to prominence in this place, an estimated 3,000 people and 70 trucks staged one of the more impressive protests I have witnessed in my time in this place. They are, of course, begging the government to reconsider its position on selling up the three rotations of timber. We all know this is a foolish idea and, despite the Hon. Mr Finnigan now taking a senior position in government, he has turned his back on the very industry that underpins the South-East.

Let us be clear that the government has made this decision, despite the fact that we have been told that it depends on a regional statement. That is a farce. People were given about two days' notice when they went down there. I say to the Hon. Mr Finnigan: real leadership requires strength, it requires courage, it requires you to be principled and to lead from the front. He has a choice to do the right thing and go back to his home town and the people he purports to represent, or blindly follow his soon-to-be-gone Premier.

I look forward to going to Mount Gambier tomorrow night to discuss CORES and ReachOut, and I hope that we, in the future, can get more caring, community minded individuals like Sarah Nelson in this place—someone who cares dearly for her region and its future.

TS *NOARLUNGA* NAVY CADET UNIT

The Hon. R.L. BROKENSHIRE (15:42): I rise today with my Matter of Interest to congratulate the TS (Training Ship) *Noarlunga* Navy cadet unit. It is a unit that I have been privileged to visit on many occasions over the years, and it is an exemplary unit of the Australian Navy Cadets, with a motto of 'No risk, no win.' In fact, in 2009 the TS *Noarlunga* was the winning unit in South Australia. This comes as no surprise to me because it is headed up by some fantastic leadership.

Time does not permit me to put all the names of the training officers, the unit staff and the unit support committee in *Hansard*, but I am sure that the rest of the hard-working members down there will not mind my particularly mentioning the commanding officer, Lieutenant David Lyas ANC and the president, Miss Kerry White, who have done a fantastic job in leadership with respect to the TS *Noarlunga* staff and the unit support committee. I knew David prior to his retirement as a police officer—and he was also exemplary in that position—who then, as a volunteer, went on to do and continues to do so much work for the young people in the south.

These young people are an absolute credit to themselves, to the southern community and to the TS *Noarlunga*. You see them out volunteering at many different public functions, and they are always well behaved, well dressed and they impress the community they are involved with at those events, particularly at events such as the Australia Day citizenship ceremony at Noarlunga, which is held by the City of Onkaparinga. Most years, at least 100 people receive Australian citizenship at these ceremonies, and it is great to see those naval cadets, both young men and young women, involved in that ceremony. Obviously, we also see them at ANZAC Day and Remembrance Day services, and they do a lot of great work for the community.

The other benefit I see from their being Australian Navy cadets is that they learn very good skills when it comes to teamwork, discipline, pride, growth and development of their ambition. On a regular basis, when I talk to them and ask, 'What are you going to do when you finish school, university or TAFE?' many of them say that they intend to join the regular Navy.

I think it is money well invested, because we often see, when they have not been cadets, that they tend not to stay in the regular services for as long as one would like them to in order to develop their careers, and the investment by taxpayers is diminished to an extent because of that. Having a training and development program like the TS *Noarlunga* Australian Navy Cadets gives them a chance to 'suck and see'—if I can put it that way—just what it is like to be in the navy.

That brings me to my next point. There has been a lot of hype and argument about behavioural problems, bullying and harassment in our schools. I remember that when I went to Urrbrae Agricultural High School I can remember that there was a strong contingent of army cadets there. While some of us were there after school on tractors doing farm work and so on, some of them were involved (those who were not so much into agriculture, probably) with the army cadets.

We never saw those particular young people being involved with bullying and harassment. They may not have been leading sportsmen or women, but they had an interest in and an opportunity for personal development skill improvement, teamwork development and the like. They had opportunities on the weekends to go to the Flinders Ranges and other places where they were able to further develop their skills.

I think it is sad that the army, navy and air force cadet programs were taken out of the schools. Admittedly, there are some opportunities, thanks to volunteers (some of whom I have named in this chamber this afternoon) where we do have outstanding and extraordinary young people being developed through units in the navy, army and air force like the TS *Noarlunga* unit, but in revisiting problems with bullying and harassment, I think it is time that we perhaps consider giving people the opportunity for self-development by allowing cadet army, navy and air force programs to come back into schools.

Time expired.

GENE PATENTS

The Hon. I.K. HUNTER (15:47): Today I rise to discuss the complex intellectual property debate surrounding gene patenting. This is an issue of great significance to the economy, to investors, to medical science and, most importantly, to the public and public health. Patents of human genes are most commonly held by research institutions, biotechnology and pharmaceutical companies and universities.

There are approximately 40,000 patents in the United States that relate to an estimated 2,000 human genes or about 10 per cent of the human genome. The patents cover the isolated genes, methods used to isolate genes and methods used to diagnose a disease based on an association between a gene and a disease. These patents can be very lucrative indeed. Patent holders make their money by charging researchers and clinicians access to their material.

In Australia, patents are administered by a government body, IP Australia, which operates under the Minister for Innovation, Industry, Science and Research. IP Australia grants patents for inventions. Current legislation defines isolated genetic material with known functions as inventions. This is the nub of the debate. Should we classify gene sequences as inventions, or should they be considered discoveries?

How can something that has always existed in nature be an invention? Patenting gene sequences seems to me to be akin to issuing a patent for gravity, water or coal. The legitimacy of gene patenting is now being questioned around the world. In March 2010, the US District Court for the Southern District of New York found several of the patent claims on the BRCA1 and BRCA2 breast cancer genes held by biotech giant, Myriad Genetics, to be invalid. Following this verdict, the US government's Justice Department issued the following statement:

> The chemical structure of native human genes is a product of nature, and it is no less a product of nature when that structure is 'isolate' from its natural environment than are cotton fibres that have been separated from cotton seeds, or coal that has been extracted from the earth.

The Australian federal parliament is also grappling with this issue. In late November 2010 the Senate's Community Affairs References Committee Inquiry Into Gene Patenting was released. The investigation was prompted in 2008 after Melbourne-based Genetic Technologies demanded that eight public laboratories testing for breast cancer cease using their patents or risk legal action.

Genetic Technologies holds the licence for two genes associated with breast and ovarian cancer as well as a licence for the epilepsy gene. The Senate committee's report recommended that Australia's legislation be amended so that removing a human gene from its natural environment was not classified as an invention but a discovery. The Gillard government will respond to this report by the middle of this year, I am told. Two bills aimed at preventing patents being issued for human gene sequences have also been introduced in both houses of federal parliament and referred to the Legal and Constitutional Affairs Legislation Committee for consideration and report by 16 June 2011.

What is worth noting about this current debate is the cross-party support for the banning of gene patents. MPs taking a leading role in this debate include: Labor members Melissa Parkes, Michelle Rowland and Janelle Saffin; Liberal members Dr Mal Washer, Malcolm Turnbull, Bill Heffernan, John Forrest and Peter Dutton; all Australian Greens senators; and Independents Robert Oakeshott and Nick Xenophon. It is these MHRs and senators who are now facing attacks from pharmaceutical lobby groups.

With millions of dollars of profit at stake, it is not surprising that the holders of the gene patents are now actively campaigning against those calling for a ban on gene patenting. Their self-interest is all too obvious. Only last week, drug company lobby group Medicines Australia told a national newspaper that Australia faced 'devastating consequences', in their words, should we ban gene patenting, warning it would cost jobs and stall medical research by pharmaceutical companies. They claimed that removing the profit motive from gene exploration would discourage companies from continuing research into cancer, heart disease, multiple sclerosis, epilepsy, and the list goes on.

However, other scientists and academics argue that to patent a gene restricts further research and testing on that gene. Dr Graeme Suthers, a chair of the genetics advisory committee of the Royal College of Pathologists of Australasia, claims that his college has documented evidence of restrictions on scientific practice due to gene patents. I share these concerns. I would argue that the human genome is a common heritage of all humanity, which we all own collectively. To grant patents on genes to private companies which allow those companies to restrict access to these genes, in my view, is inherently wrong.

DEVELOPMENT PLANNING

The Hon. M. PARNELL (15:51): Today I want to outline the Greens' approach to public participation in decision making, particularly in relation to planning decisions that shape our cities, suburbs, towns and regions. A lot has been said lately about how the state government handles planning. The approach has often been described as 'announce and defend' compared to the alternative of 'consult and decide'. I think the reality is closer to 'announce and ignore', where the government announces what it intends to do, ignores all community opposition or protest, pretends that it is somehow improper or unlawful to engage in debate, and then proceeds to make the decision it always intended to.

To help it maintain this mythical view of reality, the government hides behind lame excuses such as commercial confidentiality or a desire not to influence the independent advice it might receive from bodies such as the Development Policy Advisory Committee. To add insult to injury, the government then has the hide to use titles such as 'Planning the Adelaide we all want'. Well, we actually don't all want an Adelaide that is designed and delivered by private property developers or that perpetuates the myth that access to cheap petrol will continue in perpetuity.

In short, the government hides from debate, it hides from the community, and this fosters a self-serving attitude of 'why bother' that discourages people from participating in our hopelessly inadequate system of submission writing that passes for public engagement. Despite this, I am encouraged that 541 people took the trouble to lodge formal submissions to the Mount Barker rezoning, even though many doubted that it would make a difference.

The recent selective leaking to the *Sunday Mail* of a government-commissioned draft Inner Metro Rim Structure Plan Final Report could and should be the trigger for a real and respectful debate in the community about where our city is heading. Instead, my bet is that the government will simply follow the letter of the law and present us with a final product, pretend to show interest in our submissions, and then gazette the plans with or without community support.

So what would the Greens do? For starters, we would be out there talking with local councils and local communities, and we would leave the doors open. The Greens would make sure that public meetings, information sessions and briefings were two-way processes, where the public had the opportunity to quiz the planners and vice versa. Better still, bring the developers in as well, and let us have a proper debate about opportunities and constraints. What are the barriers to a more sustainable city? If we also ban political donations from developers, there would be less basis for the current suspicion that developers are buying the Adelaide that they all want.

In relation to the inner metro rim structure plans, some of the leaked plans look very exciting, but they are also a recipe for conflict, unless the government makes a real attempt to bring the community along with it. Of course it makes sense to revitalise our inner suburbs with new housing and new public transport, particularly trams along roads such as The Parade or Goodwood Road. I called for this approach nearly 20 years ago in my book *Greening Adelaide with Public Transport*.

The idea of transit-oriented development in the 30-year plan also makes sense, particularly around existing and new train and tram stops. However, it makes no sense to simply crowd more people along busy commuter roads where they are subject to poor air quality from increased road traffic. It will not work unless you change the function of these roads from car commuting routes to

zones of activity dominated by public transport, walking and cycling. The exercise is much bigger than simply zoning areas for increased building heights and mixed use.

The project of revitalising Adelaide, reducing our carbon footprint and preparing for the end of the age of cheap oil requires both vision and leadership. In turn, true leadership requires a commitment to bring the community along with you. Of course you will not get everyone, but that is no excuse for not engaging. I think South Australians are ready for a more consultative and engaging approach to planning. People are sick of being treated like mushrooms. The Greens believe that, if we are committed to treating the community with respect, the project of getting the South Australia we all want will be that much closer.

FEMALE LEGAL PRACTITIONERS

The Hon. S.G. WADE (15:57): I move:

That this Council notes the centenary of the passage of the Female Practitioners Act 1911, the contribution of female practitioners in the 100 years since and the ongoing contribution of women to the State through the legal profession.

I gave notice of this motion yesterday, on International Women's Day. It was an appropriate day to recognise that this year is the centenary of the passage of the Female Law Practitioners Act 1911. The act was passed on 21 November 1911 and received royal assent on 7 December 1911.

South Australia has been a leading jurisdiction in terms of the recognition of women's rights. In 1894, South Australia was the first jurisdiction in the world to allow women the right to both vote and to sit in parliament. New Zealand had given women the right to vote in 1893, but New Zealand women did not have the right to sit in parliament until 1919.

In 1896, New Zealand became the first Australasian jurisdiction to allow women to become legal practitioners. South Australia, however, continued to bar women from the bar. So we had the bizarre situation that women in this state were seen as competent to make the laws but were not competent to interpret them. Women were allowed to enter the legal profession through a series of bills passed by state parliaments during the first two decades following federation, the first state being Victoria in 1903 and the last, Western Australia in 1923.

Unlike the franchise, South Australia did not lead the way. We followed Victoria, Tasmania and Queensland. Only New South Wales and Western Australia followed us. At the time of its introduction, an opponent of the bill expressed the view that 'a woman's place is in the home' and, further, 'women would be far better looking after a home than agitating and pleading in courts of law'. A supporter of the bill expressed the view that he did not think the legal fraternity felt much alarm over the passage of the bill. His assessment is supported by the fact that the act did not even get a mention in the Law Society's annual report of the time.

In response to the concerns that it would be 'inconsistent with the modesty of women that they should be mixed up with objectionable cases', it was pointed out that it 'would not be necessary for women to have anything to do with such matters'. A further supporter of the bill's passage observed that he 'had no belief that the passage of the bill would cause a great rush of ladies to qualify as legal practitioners', and if he thought there was any possibility of that he would seriously have considered whether he should vote against the second reading.

Following the passage of the bill, Mary Kitson graduated from the University of Adelaide in 1916 and became South Australia's first female lawyer when she was admitted to the bar on 20 October 1917. Adelaide University had been open to female students since the 1880s, but few women had enrolled in law subjects, since they could not practise. Mary Kitson practised as a barrister with the firm Poole and Johnstone, and the firm was reconstituted as Johnstone, Ronald and Kitson in 1919 when she became a partner. Much of her early practice was in the children's court and laid the basis for her latter involvement in child welfare law reform.

The next barrier arose when she wished to include in her qualifications the role of a public notary. That role was to that point restricted to male lawyers. Ironically, the matter came to be determined by a former employer of Mary Kitson who was by that time Judge Poole, who considered the matter and declared that 'man' in the context of the relevant act did not include women. Aided by other advocates for equal opportunity, Mary Kitson was able to secure the passage through this place of the Sexual Disqualification (Removal) Act 1921, which stated that 'person' could mean either male or female, and another barrier was removed.

As her partners in the legal firm preferred not to work with a married woman, Mary Kitson needed to leave her firm. She was now known as Mary Tenison Woods, and she took the

opportunity to form a legal partnership with Dorothy Sommerville. Together they formed Australia's first female legal practice in 1925. Having moved to Sydney, Mary Kitson was instrumental in child welfare law reform and was a key player in the establishment of the department of child welfare there.

In 1950, she was appointed chief of the office of the status of women in the division of human rights at the United Nations Secretariat in New York, and during her term two major conventions were adopted: the Convention on the Political Rights of Women in 1952, the first international law aimed at granting and protecting women's political rights; and the Convention on the Nationality of Married Women in 1957, which decreed that marriage should not affect the nationality of a wife. Mary Kitson left the United Nations in 1958 and died in Sydney in 1971, having received a CBE.

Mary Kitson was not only South Australia's first female lawyer but also one of our foremost. Mary was one of three leading South Australian women lawyers educated at St Aloysius College by the Sisters of Mercy. The other two were Clare Harris, whose legal career took her to London where she was involved with the foreign office and post-war reconstruction, and the other, of course, was the much loved Roma Mitchell, who became Australia's first woman QC in 1962, and she later became the country's first female judge when she was appointed to the Supreme Court of South Australia on 25 September 1965.

At Adelaide University, Roma Mitchell excelled as a student, completing the course in one less year than the required five. She was active in student politics and in fact established the Women Law Students' Society when she was barred from the Law Students' Society because she was a woman. She was admitted to the bar in 1934 and became a partner in the legal firm of Nelligan, Angas Parsons and Mitchell in 1935. As early as 1940, Roma Mitchell was instrumental in assisting the drafting of the Guardianship of Infants Act, which passed this parliament. In 1960, she became a part-time lecturer and a member of the Adelaide University Council.

While still a lawyer, in 1962 she was the Australian representative at the United Nations Seminar on the Status of Women in Family Law. In that regard, it is noteworthy that that role took her to the United Nations only four years after Mary Kitson had returned from the UN. In 1962, Roma Mitchell became Australia's first female Queen's Counsel, and in 1965, nearly 50 years after women were admitted to the profession, Roma Mitchell was appointed to the Supreme Court—the first female judge not only in South Australia but in the whole of the British commonwealth. When she retired from the bench in 1983, it was noteworthy that there were still no other women on the bench and she was not replaced by a woman.

In 1981 she became the founding chairperson of the Australian Human Rights Commission and held that position until 1986. With her special interest in women's issues, it was not surprising that she became patron of the Centenary of Women's Suffrage in 1984, and she was a consistent advocate for the rights of working women, for refresher courses for women graduates, and the need for shared housework. In 1991 she was appointed Governor of South Australia, again becoming the first woman in Australia to hold that post.

So the last 100 years have been years of advancement of women in the law, not just the profession. In 1966 women were sworn in for jury service for the first time. Justice Tom Gray highlighted the significance of this development in an address to the South Australian Law Students' Council last August, and I quote him. He said:

> It is to be reflected that a female complainant in a sexual case prior to that time was faced with a court which was almost always an exclusively male environment, complete with a male judge, male associate, male counsel, male court attendants and an all-male jury. That constitution is to be contrasted with a sexual case being heard today, on 6 August 2010, before Justice Nyland, the most senior female judge in this state. The court today involved a female judge, female associate, female counsel for both the defence and the prosecution, a majority female jury and a male complainant. This reflection demonstrates clearly the degree of change which has occurred in the profession over the course of the past 50 years.

I must say I was stunned to hear that women did not serve on juries until 1966.

While the first half of the 100 years saw outstanding women emerge, there were not many of them. In the 1950s only 5 per cent of law graduates were female. Australia-wide, fewer than one in five of all law graduates were women until the 1970s. I entered law school in 1978 and in the decade that followed the proportion of women graduates grew to almost half of some law schools.

The number of women lawyers has increased, but not dramatically. In 1947 only 2 per cent of all practising lawyers in Australia were women, compared with 17 per cent in 1986, and by

1991 it had risen to 25 per cent. Today the total number of graduating law students is around 500 a year, and I understand that 60 per cent of these are women.

The emergence of women's organisations in the law has been relatively slow. The first such association was the Women Lawyers Association of New South Wales, which was formed in 1952. South Australia was the second-last state to follow suit and establish such a body in 1989.

Australian women lawyers are increasingly represented in the top ranks of leadership. The Governor-General and the Prime Minister are both former lawyers and, of course, the Liberal Party in this parliament is led by a woman lawyer and Vickie Chapman, a shadow minister, is also a female lawyer. Female representation has increased in the judiciary also, with three members of the High Court currently being women.

Despite the recognition and greater representation of women in the profession, it is well-known that females are still under-represented in the ranks of senior partnerships and management roles. As far as South Australia is concerned, of the 47 members of the South Australian bar, I understand that 27, which is about half, have less than five years' experience.

The female senior counsel were appointed in 1982, 1994, 1996, 2004 and 2009. In South Australia, 21.9 per cent of barristers are women, and we are the third-highest ranked state; and 11.1 per cent of Queen's Counsel are women, and we are the second-highest ranking state. As at 3 March 2011, 29 per cent of federal judicial officers in Australia are women, and South Australia is lagging only slightly behind that rate, with 27 per cent of judicial officers being women. Having quoted these stats, I do not want to leave the impression that equity is simply reflected by statistics.

In 1997, the Hon. Justice Mary Gaudron, the first female High Court judge, delivered a speech to launch Australian Women Lawyers where she said:

> We are all different, with different talents and virtues, having different circumstances, different ethnic, social and economic backgrounds, and different needs. Equality is not blind to those differences; nor is it antipathetic to excellence, individualism or, even, the desire to be different. On the contrary, equality involves the recognition of genuine difference and, where it exists, different treatment adapted to that difference...Surely, it is not too much to hope that it will soon be the reality, if for no other reason than the failure to acknowledge and tolerate difference is, in truth, cruel oppression.

Similar assertions of the distinctive contribution of women were made at the recent Advocacy Conference at the University of Adelaide on 4 February 2011. One of the sessions at the conference was called 'Gender evolution and revolution, marking the centenary of the Female Practitioners Act 1911'. One of the women barristers participating in that session was Elise Holmes, who commenced her presentation with this Timothy Leary quote: 'A woman who seeks to be equal with men lacks ambition.' Ms Holmes summarises her argument in the following terms:

> My central point is that in my view we should be very careful about expecting or enforcing 'equal outcomes'. For one thing, it's only statistics; for another, there might be reasons which aren't necessarily founded in anything immoral or bad or wrong as to why women might choose different careers to men. Thirdly, the 'interests' of women as a group, the legal profession and the justice system might not necessarily correspond. Finally, focus on 'equal outcomes' might be counterproductive to achieving the kind of cultural shift which may be required to ensure women are not disadvantaged by the mere fact they are women.

Of course, the goals of women (individually and as a group) are a matter for women, but I do think that Ms Holmes' comments highlight that statistics alone may be too thin to reflect the aspirations and the diversity of women.

In conclusion, I will quote from Shelley O'Connell, President of the Women Lawyers Association of South Australia, who wrote to me recently reflecting on the progress for women lawyers in the 100 years since the passage of the act:

> From the perspective of the Women Lawyers Association of SA, there is no denying that the position of women in the legal profession has progressed and improved tremendously in the last 100 years, and especially in the last few decades. We are honoured in South Australia to call Dame Roma Mitchell our own, and many remarkable women lawyers have followed in her footsteps, some achieving similarly high judicial appointments.
>
> However, whilst 100 years on there are now more women graduating from more schools than men throughout Australia, it is a very small number of women in proportion who make up the judiciary, Senior Counsel, corporate partnerships, senior government posts, and other high level positions in the profession, both public and private.
>
> There are still many challenges facing women in the profession such as retention and promotion, pay equity, access to flexible work arrangements, sexual harassment and bullying, and equitable briefing of female

counsel. We must continue to work to promote awareness of the valuable contribution that women make to the practice and development of the law and to meet the challenges that are preventing women attaining true equality at all levels of the profession and in other areas of the community.

I commend the motion to the council.

Debate adjourned on motion of Hon. I. Hunter.

DUCK AND QUAIL SHOOTING

The Hon. T.A. FRANKS (16:14): I move:

That the Environment, Resources and Development Committee inquire into and report on duck and quail shooting in South Australia with particular reference to:

1. The extent of the practice and statistical information about:
   (a) the prevalence of kills and wounding of targeted animals;
   (b) the prevalence of kills and wounding of non-targeted animals; and
   (c) the prevalence of kills and wounding of protected or endangered species;
2. Whether the declaration of an open season for duck shooting contravenes the Animal Welfare Act 1985;
3. Whether strong community support exists for abolition or continuation of open seasons for duck and quail shooting; and
4. Any other related matters.

I rise to speak to this Greens motion for an investigation into the practice of quail and duck hunting in this state. It is not a new issue; it is an issue that many members of this chamber have probably debated more than once. But I certainly think that there is a need for a better informed debate, and that is the purpose of this motion before us.

This week on Monday evening another group that believes this issue needs further investigation, the South Australian Coalition Against Duck and Quail Shooting—which consists of the RSPCA, Animals Australia, Birds SA, Fauna Rescue and Animal Liberation South Australia—organised a community meeting in the Henley Sailing Club. Members of that coalition have long been opposed to the recreational shooting of ducks, and they believe that there is a high level of cruelty involved.

As we know, each year, during a government-declared open season, when they are declared, many thousands of ducks are shot in the name of this sport. Some are killed outright, but others are wounded, brought down and killed on retrieval and others are wounded and never retrieved by the hunters. Those ducks often die a slow, painful and prolonged death over several hours or even days.

Western Australia, New South Wales and Queensland have all banned duck hunting, and in the ACT it has never existed. One must wonder why South Australia persists with this archaic practice. South Australia is one of the last remaining states in Australia to allow these open hunting seasons, and the state government does have the power to end this cruelty. That is why the meeting was organised on Monday night. The meeting was emceed by Sheree Sellick, who is the RSPCA President, and the meeting featured speakers Geoff Russell of Animal Liberation and David Harrison, who is a veterinarian.

Dr David Harrison has had experience with treating wounded ducks at Bool Lagoon, and he gave a moving first-hand account of his time on the front line as a veterinarian treating injured animals and these injured ducks. While he said that many of the ducks did recover to fly again, quite a substantial number did not. David used the analogy of a car ploughing into a flock of birds to demonstrate how arbitrary and callous this method of hunting is. Of any given number of birds, some will be killed outright, some maimed and some are destined to die a lingering and painful death.

Jed Goodfellow, who is the RSPCA's legal officer, also addressed the meeting. He raised a question that I do not think has been canvassed adequately in this parliament before. Jed's presentation clearly identified that duck hunting causes excessive pain and suffering and that as such it contravenes the Animal Welfare Act. If it were not for the National Parks and Wildlife Act, duck shooters would be able to be prosecuted by the national park rangers under the Animal Welfare Act. So, there is a clear conflict between these two acts that needs to be addressed and

removed, and the best way of doing that, I believe, would be to stop open seasons. However, a good first step would be to have an inquiry and have all the facts on the table.

An invitation was also extended to the Minister for Environment and Conservation, the Hon. Paul Caica, and he was ably represented at the meeting by Brenton Grear, the Director of Natural and Cultural Resources in the Department of Environment and National Resources, and also by senior ecologist Paul Wainwright.

As I said, this is not a new issue. There certainly have been two previous attempts in this parliament to ban duck and quail hunting: the first was in 1998, when legislation was introduced by the Hon. Mike Elliott of the Democrats, and the second was when my colleague Mark Parnell introduced the national parks and wildlife bill in 2009.

Both of these bills to ban the hunting failed in this place, but I believe that a call for an inquiry is somewhat of a new event, although I note that it is not even the first time an inquiry has been called for in this particular session of parliament. I note that Steven Marshall, the member for Norwood, recently addressed this issue in the House of Assembly and similarly attempted to have it referred to the Environment, Resources and Development Committee, but the motion failed.

While I say that I oppose duck hunting, and I certainly believe that I have an awareness that supports that view, I am open to a debate—I am open to hear all sides of the debate. I think it would be a healthy process for our parliamentary democracy to investigate the terms of this reference to the ERD Committee.

As we also know, we are currently in the middle of an open season, and that season was declared on 3 February and started on 19 February this year. This season will last longer and has an increased bag limit from the previous year's season, but it is still a restricted season. We are also seeing seasons declared in other states, including Victoria. Not surprisingly, we are seeing strong opposition to those seasons.

In Victoria, there seems to be more access to areas in that state where the practice of the hunting is more transparent to the public. While Bool Lagoon was available for public scrutiny on the opening weekend of the current duck hunting season, a large part of this season will be conducted on private properties. My greatest concern is for the animals that are wounded and die needlessly cruelly. I have said that it is the lucky ducks that are shot by enough shotgun pellets to come straight down and have their lives ended quickly. It is the ducks that suffer needlessly that are of greatest concern. Also of great concern are the ducks which should not have been shot at all and which are not approved targets, and yet they have been killed.

I also note that there is a process for applying for a hunting permit. I am a little concerned at the Victorian department's and our South Australian process for testing for a licence for duck and quail hunting, duck hunting, or specifically quail hunting (there are several categories). The process involves 22 multiple choice questions. The applicant sees a bird for five seconds and then has 20 seconds to respond on a sheet by crossing a box. It is not really what I imagine a hunter would encounter in real life. I note also that you only require a score of 75 per cent or above to pass. In fact, in Victoria, they receive a special AA Badge if they get above this score, and I wonder what that special badge looks like.

Apparently, there are at least 2,300 licensed duck hunters in South Australia, although this figure itself is also contested. Animal Liberation believes that, in 2010, there were 1,100 hunters; and, in 2009, there were 807 licensed hunters. According to DENR, as of 7 February this year, there were 1,320 permits issued for the 2011 open season for ducks and quails, and 89 just for quails.

It would be advantageous to the debate to acquire the yearly totals for the number of newly issued and annually renewed open season permits for the past two decades, in order to clarify the number of people who are affected and who participate in this activity. I would point out that we do have on record the number or registered voters in South Australia, which, in December 2010, was 1,106,892. That means that licensed duck hunters, if you are being generous with the numbers and taking the top level, make up approximately 0.21 per cent of the voting population. Therefore, about one in 481 voters would be adversely affected by the ban.

The ducks that are included in the current open season are the grey teal, the chestnut teal, the hardhead, the wood duck, the pink-eared duck, the mountain duck and the Pacific black duck. Stubble quail are also on the list of prescribed animals that are able to be shot out of our skies. The Australasian (blue-winged) shoveler duck is not included. Of course, there are many ducks that are

not on the prescribed list, but we have no way of knowing whether those animals are being unlawfully shot and in what numbers.

We do know that it is unlawful to use a pump action or self-loading shotgun for the purpose of this hunting, and that duck and quail may only be taken with a smooth bore firearm that has a bore not exceeding 1.9 centimetres (or 12 gauge firing shot), no larger than BB (4.1 millimetres in diameter). It is also mandatory (and this is to be welcomed) to use a non-toxic shot, such as steel or bismuth, when hunting duck in South Australia; so we do know that we are certainly not talking about lead here and that the effects of the toxicity of lead are no longer an issue.

Currently, the bag limits are 12 ducks per day per person, except for the Pacific Black Duck (which has a limit of six ducks per day per person), and also 20 quail per day per person. We also know that shooting is not permitted on any other reserve, other than a game reserve, and in 2011 this includes Lake Robe, Currency Creek, Mud Islands, Poocher Swamp and Tolderol game reserves, which are open throughout the entirety of the season. Chowilla, Moorook and Loch Luna are partially open, but Bucks Lake and Bool Lagoon are, in fact, closed. As I say, these are the two particular sites that might open this practice up to more public scrutiny.

There is a lot of conjecture about this, and one of the first things people say to me when I start talking about shooting and hunting ducks and quail is, 'I love duck.' They say, 'I love a good duck roast or a duck à l'orange'—if you were around in the seventies; that is what my mum used to cook. I will put on record that I like to eat duck, as well. I like a good duck dinner. I am not talking about stopping people from eating duck. While many in the coalition are of a mind that they would not themselves personally eat meat of any sort, I am certainly not trying to stop people from eating meat. I am certainly not trying to stop hunters from hunting animals.

I am saying that if you are arguing with me and telling me that you need to kill 12 ducks or 20 quail per day with a shotgun, then you must have a very large freezer or some good recipes for your whole town or whole extended family, who would be well fed. I imagine that there are many better uses of your time in your hunting practice, such as undertaking to rid this country of feral animals. I am certainly not advocating in this particular motion an end to all hunting. I am saying that we should investigate a practice that I believe contravenes the Animal Welfare Act, with the particular mechanics of the machinery of a shotgun inflicting unnecessary cruelty on animals, both targeted and non-targeted.

I also think that concern should be raised when people say that this is an argument about conservation and that the hunters and shooters claim to be supporting the conservation of the habitat of these birds. Under the current structure, I note that fees from these open season permits go into a wildlife conservation fund. That sounds all very well and good, but in 2009 these fees were worth $48,420—if you have 807 shooters with permits worth $60 which, I would say, is at the top of the range; in 2010, they bought in $66,000, with permits again at the $60 level; and in 2011 we are probably looking at about 1,300 shooters so, if that permit stays at the same price, that will bring in about $78,000.

If open season permit fees to the value of that 2011 level purely funded the $14.7 million announcement by the minister in December 2010 for wildlife conservations funds, I would be wondering where the government was banking that money to get such a great interest rate. It would actually take over 188 years for the amount that is currently coming from these permits to be collected and for that $14.7 million figure to be reached to address the needs of the wildlife conservation fund, so I would say that this is just a drop in the pool of the revenue for the fund.

It certainly does not address issues of having the hunters engaging in this wetland environment. No doubt they are very well intentioned in their protection and management of it, but I am certain that not a single one of us can say that when we enter an environment we leave it exactly as it was found. I am sure some of the costs they create are not even addressed by the amount they currently contribute to this fund. I also urge the parliament to ensure that we have an investigation of the results we collected from the 2010 season survey, which had already been conducted by this government.

That survey asked the hunters about their activities on the opening weekend of the 2010 season; it asked them about the number of each duck species caught, the number of quail caught and the number of days their daily bag limit was reached. Of course, it was a survey entirely based on taking on face value the response of those who participated, but I note that we do not even have the results of that survey made public. Surely that should, at the very least, be something this parliament is expecting if we are to see this particular cruel practice continue.

I believe this is recreational cruelty, and it is a particularly inhumane form of hunting. It is not overwhelmingly popular in the South Australian community. There is a vocal minority, but I note that when the Hon. Mike Elliott's bill was debated the petition signed in support of that bill was one of the largest ever seen in the South Australian parliament. Yet over two decades later we persist with this archaic practice. I urge the old parties, the Labor Party and the Liberal party, to take a fresh look at this issue and, as I said, get all the information on the table.

There are a lot of disputed figures in these debates and, while I am certainly of the opinion that we should not declare open seasons, I am happy to have evidence presented to me and to take that evidence on board, with further investigation of this issue. I hope that members of all parties and the Independents would also consider that we need the best possible evidence in this debate to inform an appropriate way forward. I also think the pressing issue of whether or not declaration of an open season by the minister actually contravenes the Animal Welfare Act needs to be addressed. With that, I commend the motion to the chamber.

Debate adjourned on motion of Hon. Carmel Zollo.

MILK PRICING

The Hon. R.L. BROKENSHIRE (16:33): I move:

That this Council:

1. Notes with concern the impact on the dairy industry of the Coles milk pricing strategy and that—

   (a) dairy farmers around the country are today seriously questioning their future having suffered through one of the worst decades in memory, including droughts, floods, price cuts and rising costs of input such as energy and feed; and

   (b) unsustainable retail milk prices will, over time, compel processors to renegotiate contracts with dairy farmers and the prospect that these contracts will be below the cost of production may force many to leave the industry; and

   (c) the fact that supermarkets are now selling milk cheaper than many varieties of bottled water will be the straw that finally breaks the camel's back for many dairy farmers; and

   (d) the risk of other potential impacts include:

      i. decreased competition as name brands are forced from the shelves; and

      ii. the possible loss of fresh milk supplies to some parts of the country as local fresh milk industries become unviable.

2. Calls upon the Federal Government to:

   (a) ask the ACCC to immediately undertake an investigation into the big supermarkets and milk wholesalers after recent price cuts to ensure they do not have too much market power and are not uncompetitive in their behaviour; and

   (b) support the new Senate inquiry into the ongoing milk price war between the country's major supermarket chains.

This is a very important motion to me personally as a dairy farmer, to Family First, and to the state and national economy, as well, I am sure, as to my colleagues in this council.

In no comparable economy is there a supermarket duopoly with the market power equivalent to that possessed by Coles and Woolworths. All farmers have been through a terrible drought, and dairy farmers have also been through a major restructure of the industry, including deregulation, and managed to get through all those. Yet this latest price war, an initiative of Coles, puts farm gate prices and the future of dairy farming at considerable risk. We are talking here about a $10 billion value-added industry to our nation, and South Australia is an integral part of that industry.

Of all the things I have seen put before us in the years I have been in the industry, this is the most significant potential risk factor to the demise of a very good industry. My son is a fourth generation dairy farmer, and he is currently breeding his great-grandfather's cattle. I would like to think that if my son had a son or a daughter one day they would come home and breed the genetics from the cattle their great-great-grandfather initiated all those years ago. Farmers seem to have seen off the drought, and for that they should be congratulated and cheered in the cities; instead, they are now getting a kick in the teeth from Coles.

I want to explain the current price war. First of all, 'loss leader' is trading terminology that supermarkets use, using a good that everyone needs to buy, that is either hard to stockpile or is

perishable, such as dairy products, and is often positioned at the back of a store so that you have to walk past a host of other products with higher margins before leaving the store. This milk price war is classic loss leader behaviour.

Seeing milk sold in supermarkets for less than the price of water does no justice to the nutritional benefits of milk and has an impact on devaluing all dairy products, and that is where this senseless initiative of Coles has huge ramifications. We have already seen major reductions in sales of private brand milk as consumers give up the motivation they had to buy private-branded milk.

Sales have rocketed for the Coles own brand, and there will be a positive injection into Coles' balance sheet. Of course, that flies in the face of Coles claiming it is helping families with their staple purchases by driving prices down. How can you be benevolent when you are profiting from the exercise? We all know that when they get 100 per cent of home-brand products on the shelves they will dominate completely and, rest assured, consumers will be paying much more than they are now. We are seeing that in Europe at the moment.

Woolworths and others have reduced their prices to match Coles' price, but they have all acknowledged that it is unsustainable. The only retailer who has said that it is not unsustainable is Coles, and their arguments are flawed and full of spin. Woolworths was smart in its marketing by giving a percentage of sales for a time to the dairy industry in Queensland, which had been affected by natural disasters. That was a welcome gesture and follows on from its drought relief efforts for farmers; in other words, at least the other duopoly player, Woolworths, does show some corporate moral values.

I do not see any corporate moral values with Coles and its initiatives, and it is not just on milk. It started on milk, last week it was bread, this week it is eggs, and they tell me it is about to occur with meat as well. Economics commentator, Steve Bartholomeusz, said recently about the Coles price war:

> The slashing of the price of its home brand milk has been described as a stunt but it is part of a far broader attempt to reposition perceptions of Coles' pricing which is proving very effective in generating momentum in its sales and earnings while slowing the growth of its competitors. It has produced significant economy-wide deflation in supermarket prices.

First reports on the impact at the farm gate are that some Queensland prices are down 14¢ a litre. That has happened in just a few weeks, and I can tell you that there is no 14¢ a litre profit in the farm gate price—and it is little wonder, as they are more exposed on the liquid milk domestic market in Queensland, particularly with the contractual arrangements they have with their processor with respect to home brand sale of milk.

Coles Chairman, Ian McLeod, in a strident defence of his company's actions published in the rural media on 2 March, said, 'Despite claims to the contrary, Coles is not out to hurt dairy farmers by cutting retail milk prices.' I am sorry, but when you behave in a selfish and destructive manner, whether you intend harm or not, you are responsible for causing harm. Coles may say it is not out to hurt dairy farmers—fine—but we are not talking about commodities that exist in a vacuum; we are talking about an industry with family farmers in regional communities attached to them and lots of city jobs, including in our own state of South Australia.

Whether you intend harm or not, if you cause it you are responsible. It is an accepted principle in law, and I believe it is accepted in the community. Processors I also want to touch on. Mr Bartholomeusz also said:

> Over several decades the dairying processing sector, and particularly the liquid milk segment of it, has been rationalised and heavily consolidated to the point where there are now only four major players. They are regarded as efficient, which means there is limited scope to offset the competitive pressures Coles is exerting on their own brands through cost cutting.

Tomorrow, with the pair that I have (about which I have spoken to minister O'Brien—and I put on the record that he was pleased that I will give evidence at the Senate inquiry tomorrow), I will highlight particularly the potential ramifications of this outrageous decision of Coles in South Australia with respect to dairy, especially because through that rationalisation we have both the Murray Bridge and Jervois plants being reviewed by their owner right at the moment.

Whilst there may be an opportunity to bring new players into the South Australian dairy industry, the problem now is that, with this cloud hanging over the head of anybody looking to

expand in processing, thanks to Coles those two factories at Murray Bridge and Jervois could be mothballed and we will see lots of regional and value-added jobs lost from there.

Coles has paid Western Australian processor Brownes 5¢ a litre more for its milk during this price war. That is equivalent to an admission that the price war will hurt farmers at the farm gate. I understand that 5¢ a litre has not been passed on to farmers at the farm gate in Western Australia for reasons Mr Bartholomeusz pointed out.

I commend this and the former government. Soon after Premier Rann came in he signed off on some work being done under the former government and finished that work, so we have Liberal and Labor here both endorsing and supporting the 2010 South Australian dairy industry strategic plan, which was published soon after the Rann government came into office in 2002. This plan sees South Australia move from being an exporter of raw milk interstate to a net importer for processing in this state as manufacturing capacity is developed.

I am saying, in summary, that the government, to its credit, had a dairy plan that was going to build the industry. I want to list a few of the points the government was building with its plan. It wanted to see milk production in South Australia go from 700 million litres to 1.5 billion litres; it wanted to see the state herd go from 105,000 to 200,000 cows; it wanted to see processing capacity from 480 million to 1.6 billion litres; and it wanted to see in the plan the wholesale value of industry go from $318 million to $1 billion in South Australia.

Part of the government's dairy plan over that time was to see employment grow from 3,000 to 6,500 people and exports from $47 million to $570 million. Whilst not all those results have occurred thus far in the dairy plan, I am pleased to say that a lot of the government's dairy plan for South Australia has achieved commendable targets. Whilst the dairy plan would now be up for review, all the effort by government, agencies, farmers and industry sector associates, like the processors, is all being put at risk by this unsustainable and outrageous Coles milk war.

I want to highlight the impact this is already having on others. Baristas, the coffee sellers, have come to the dairy farmers' aid in a sense because they have now said that home brand milk does not froth as well as branded milk. We know that, because home brand milk is generally not the quality of the private brand labels. They ask whether it will take an increase in prices for latte and cappuccino for people to realise how silence now on the duopoly's actions will hit consumers in the hip pocket in the long term.

I can tell members anecdotally that I have spoken to people who are in the vendor delivery business. I have spoken to people associated with convenience stores, and they are already being hurt by what is happening with Coles. They are starting to fear for their jobs, too. So it is not only farmers: it is the truck drivers, the people in the processing plants and the printing industries, and the list goes on.

I want to highlight a few of the submissions to the Senate inquiry. As at 2pm yesterday, Coles had not made one, nor appeared to give evidence. I understand since then they have said that they will be putting forward a submission, but I think initially Coles was ignoring the power of the Senate inquiry. I can tell members that they had better not ignore the Senate inquiry because, from all sides of parliament so far, as I understand from the briefings I have had in the inquiry, senators are very concerned about not only the ramifications specifically for the dairy industry but also further ramifications for the economy.

Referring to some press comments, I note the Editor of *The Australian* newspaper entitled a story 'Stop Crying Over Cheap Milk' and was basically critical of dairy farmers in this debate—unfairly so, I feel. I do not believe the editor of *The Australian* really understands the ramifications and how tight farm gate prices are with increasing input costs day in and day out. However, they did say that there was strength in the call by the Dairy Farmers Milk Cooperative for greater transparency in the milk supply chain, and that is something I have raised previously and will raise tomorrow in my evidence to the Senate inquiry—that is, we need regulation to have transparency from paddock to plate.

The editor does seem to think that more regulation will curb competition. I do not believe that is so. Greater regulation will bring more competition, because at the moment the free market approach is only working for the monopoly players. I heard an immigrant on the radio the other day saying how hard she has been working in her corner store but, as a corner convenience store, the drawcard for her in the long hours she put in was milk and dairy products sales and, at $1 a litre at Coles, she said she is struggling to keep open the doors. This impact has occurred in just a month.

Lainie Anderson in the *Sunday Mail* on 27 February wrote what I thought was a very good opinion piece. It was entitled, 'You were about to save a whole 75c a litre. But you were also falling for one of the dirtiest tricks in supermarket history.' That is right because, when you look at the staple product of dairy, $3.50 for two litres of quality milk, as good as you will get anywhere in the world, is not an exorbitant price in the supermarket anyway, and this was deliberately driven down just to get people through the doors. I am sure that, with the tens of thousands of products that Coles sell, a couple of cents here and a couple of cents more has been a factor in improving its profitability at the expense of consumers.

Returning to the comments on greater transparency in the supply chain, this price war has exposed a new ally in this debate. Coles Chairman McLeod, in the statement I referred to earlier, said:

> There is a lack of transparency about what the multinational milk processing companies pay Australian dairy farmers at the farm gate.

This is welcome support. I think, of course, the intent was to deflect attention from Coles to pretend the villains are multinational milk processors, but we will take it—the dairy farmers will take it—and the campaign for paddock-to-plate transparency continues. I look forward to Coles, Woolworths and others leading the way by showing their profit margins on milk.

In concluding, I have a few points. Thus far, I am extremely disappointed with the ACCC. I wrote to the ACCC asking it to inquire into predatory pricing. I think it is scared of the duopoly Coles and Woolworths, and the response I got was very pathetic—it had no substance at all—and I will be further writing to it asking for a more detailed response specific to sections of the Trade Practices Act. I also note that just less than an hour ago the ACCC has come under fire over its milk war stance, and senators in the inquiry (including Nick Xenophon, whom I congratulate for getting this particular inquiry up) have been very critical—and rightly so—of the ACCC.

We do have friends in Canberra. Nola Marino, a Liberal MP in the federal seat of Forrest in Western Australia, spoke passionately for the dairy industry. Senator Bill Heffernan from the Liberal Party (a senator I work with a lot on agricultural matters) has his head right around this and is doing what he can to get some common sense and fairness back into this milk price matter. Bob Katter, Independent member for Kennedy in North Queensland, opposed dairy deregulation and still does to this day. He has argued for union-like protection for dairy farmers.

I have mentioned Senator Nick Xenophon. I have written to Senator Ludwig, the federal minister. I am hoping to meet with him in the coming weeks with a South Australian delegation to argue again the impact this will have specifically on South Australia because, at this point of time, having spoken to minister Ludwig's dairy adviser, who I thank for giving me prompt attention, it is fair to say that minister Ludwig does not realise the specifics of South Australia as opposed to some of the other states because we are very much reliant on the domestic market. We are not like Victoria which relies mostly on the export market.

In conclusion, I am not here crying tears for farmers just for the sake of it. I am concerned about this trend of the duopoly, particularly now that Coles does not seem to have the moral values that you would expect from a corporate. Coles is prepared to pull down other industries and other businesses simply to get their bottom line up. I want to say in this conclusion that I am extremely disappointed with Wesfarmers and its CEO for the comments that he made in their half yearly report.

Wesfarmers was built by farmers for farmers and for Australia, yet now in a desperate attempt to just look at their best interests' bottom line, they are supporting this Coles initiative. In fact, I understand they hand-picked a few people from the United Kingdom. I am advised that the CEO of Coles, for his contract period, is on $22 million and I am further advised that, if he gets certain thresholds in his profit lines before his contract finishes and he goes back to the United Kingdom, he gets a $38 million bonus. Good on him for having the capacity to negotiate a contract like that and that is good for his family.

But what about all the other families? The families that came out 170 years ago like my own family from the United Kingdom—in fact, I think it was from the same country of Scotland as Mr McLeod comes from—did not have anything like Mr McLeod has been offered. Those families, together with hundreds of thousands of other families that have come from other nations to build this country, are staying here to continue building this country, and all they want is a fair go.

They want free trade but they want fair trade, and what Coles is doing here is certainly not fair trade. It is certainly not in the long-term interests of agriculture and jobs in Australia. When Mr McLeod goes back to England with his lovely big multimillion dollar contract, it will be those of us still remaining in Australia and South Australia who will be picking up the pieces and trying to rebuild industries that are decimated simply because they are driven by one thing only, and that is a bottom-line profit with no consideration for the corporate moral values that we traditionally know in Australia.

I want to finish with this point: when GJ Coles and Co. Pty Ltd was started, it was started with the good intent of creating long-term jobs and supporting other industries as they built their business. I think the founders of GJ Coles would turn over in their graves to see what Coles is now doing to decent Australian families out there who simply want a fair day's pay for a fair day's work. I commend the motion to the council.

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

YOUTH VIOLENCE

The Hon. J.S.L. DAWKINS (16:55): I move:

That this council—

1. Expresses its concern at the recent number of unprovoked violent attacks in South Australia;

2. Congratulates organisations such as the Sammy D. Foundation for proactively seeking to discourage youth violence by empowering young people to make safe and positive life choices; and

3. Urges the Rann government to implement a public awareness campaign targeting all forms of youth violence modelled on the One Punch Can Kill or Step Back Think campaigns operating in Queensland and Victoria.

On 17 November 2009, I asked the then minister for state/local government relations, representing the Minister for Substance Abuse, whether the Rann government would consider funding a public awareness campaign to combat the rise in youth violence. I asked the government to consider this action after reading the research of Professor Paul Mazerolle, Director of Griffith University's Centre of Ethics, Law, Justice and Governance, into youth violence.

Professor Mazerolle's study looked at youth violence in New South Wales, Victoria, Queensland and South Australia. The study found that violent crimes such as homicide, assaults, sexual offences, robbery and extortion by offenders aged 10 to 19 had increased from 17,944 in 1996-97 to 23,382 in 2005-06. The proportion of violent young offenders who are female rose from 23 per cent to 26 per cent and, alarmingly, it rose even sharper for females aged 10 to 14, where the corresponding percentage increased from 30 to 37 per cent.

Professor Mazerolle concluded that the impact of websites such as Facebook and YouTube was generating competition and encouraging young offenders to look at ways of 'gaining status'. He said:

Young people want to demonstrate superiority and toughness. That's why we've seen a proliferation of things like videotaping of violent confrontations.

Around the time of reading this report, I also heard about the 'One Punch Can Kill' public awareness campaign in Queensland and the 'Step Back. Think' initiative in Victoria; both had been established and funded by state Labor governments. Both of these programs won the praise of former prime minister, the Hon. Kevin Rudd, who used their success to launch and partly fund the AFL Players Association's 'Just Think' campaign for the 2009 September AFL finals series. The 'One Punch Can Kill' campaign continues to receive support from the Bligh government in Queensland, and that campaign has been funded to $1.7 million in total.

The most recent instalment in April last year was $700,000. In the first two years of the program in that state, the website received more than 130,000 visits since going live, and more than 20,000 posters, 80,000 coasters, 50,000 wristbands and 50,000 button badges have been distributed statewide. The campaign has since evolved on the internet with a much stronger pictorial message and has included social media and cinema advertising as well. In the middle of last year, while I was in Brisbane, I had the opportunity to meet with officers of the Queensland police service, as well as officers of the minister's agency.

They were very pleased to present to me a very comprehensive summary of the way in which the program had worked and the way in which people who had been affected by losing family members to violence had become involved (in many cases, in a voluntary capacity) in

spreading the message around Queensland and particularly in Far North Queensland. They were intrigued to have a member of the Liberal opposition from South Australia come to see them about it, because the government in this state had apparently shown no interest.

In response to the referred question in this house in November 2009, the Hon. Jane Lomax-Smith in her then-capacity answered to the effect that the Rann government would consider three campaigns as models for a future campaign. When I followed this up with the Hon. John Hill in his capacity as the new substance abuse minister in 2010, he committed the Rann government to the 'Drink too much, it gets ugly' campaign,' which 'aims to reduce public acceptance of drunkenness because of its serious consequences, such as violence'.

Not only do I think that the 'Drink too much, it gets ugly' campaign has failed to make an impact on public intoxication and drunken violence but groups such as the Sammy D Foundation are critical of it because it only focuses on one form of violence. The Sammy D Foundation was established by Nat Cook and Neil Davis after the death of their 17-year-old son, Sam Davis, who was king-hit at a house party in 2008. This foundation, which has recently gained tax deductibility status, is doing great work in this area in the memory of their son. They have a powerful story which resonates in their low budget, 30-second ad on YouTube, using Flinders University students as actors, and sends a much more powerful message than the government's chosen campaign.

I should add that I think it is such an admirable thing that Nat Cook and Neil Davis are doing, in a voluntary capacity, leading that foundation. Most of us just cannot imagine what it would be like to lose a child in the circumstances in which they lost their 17-year-old son. Some people would go into their shell, but these people have decided that they want to do everything they can to prevent other people from experiencing what they have experienced, and it is a great credit to them.

Whilst alcohol is a major factor in violence, it is not the only factor. A case in point is the Craigmore High School student, Marcus Abraham, who suffers from Asperger's Syndrome and who was allegedly assaulted on 4 and 7 February this year in school bullying incidents. The vision of the second assault was posted on YouTube and Facebook for others to see. We must be proactive in sending a message that violence like this is not okay in any form.

We all know the way in which modern social media works and the way in which images and messages about people can be put about so quickly. I think we were all alarmed that such a physical bullying episode could be put onto those avenues of social media and distributed far and wide. It is quite frightening, and it is something that worries me. My children are relatively grown up compared with many, but it does concern me that a lot of young people are using a very physical form of bullying that is then put around into the social media so quickly.

I seek the support of members for this motion, particularly in urging the current government to implement a public awareness campaign targeting all forms of youth violence, modelled on the 'One Punch Can Kill' or 'Step Back. Think' campaigns that have operated successfully in Queensland and Victoria. I would appreciate all members' consideration of that. In conclusion, all I can say is that one punch can actually kill.

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

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT

The Hon. T.A. FRANKS (17:05): I move:

That this council condemns the government for its failure to—

1. Act in a timely and appropriate manner to proclaim legislation passed over 15 months ago, namely the Building and Construction Industry Security of Payment Act 2009;

2. Allocate responsibility for this legislation to a particular minister;

3. Acknowledge the hardship and human consequences that its failure to act has created, including protracted and expensive litigation undertaken to recover monies owed that would not have been necessary had this legislation been active; and

4. Provide this council with details of—

   (a) which government department will be responsible for administering the act and its regulation;

   (b) when the industry will be able to access information and details, including a public point of contact within government to obtain further information when, and if, this becomes available; and

(c) how the government intends to urgently inform the industry in regards to this end; and

(d) when the people in the industry who have been seeking answers from the Premier and attorney general's office will actually get a response to their correspondence.

I rise today to raise the issue of inaction by this so-called action Labor government, a Labor government that claims to be investing in the big build in this state and yet seems to be leaving the small builders out on a limb. I was first alerted to this issue by a string of correspondence that had been unanswered by the government. However, I will step back before venturing on to say that I rise today to talk about the Building and Construction Industry Security of Payment Act. I acknowledge the Hon. Nick Xenophon, who did an enormous amount of work to progress it through this parliament and, in particular, Connie Bonaros from his office at the time. I also acknowledge the work of John Darley in keeping the issue on the agenda of this parliament.

The Hon. Nick Xenophon pushed for this legislation, which is an important piece of legislation for South Australians who work in the construction industry. It was a redress to the state that saw South Australian construction subcontractors, contractors and suppliers less well off in terms of being able to secure payments than their interstate colleagues. We were lagging far behind the rest of the country already in 2006, when the Hon. Nick Xenophon lobbied the then minister Michael Wright for some action in this area.

I note that, at the time, in 2006 minister Wright said that he would undertake to consult with the construction industry about a security of payment scheme but yet, a year later, he had not even written to the key stakeholders. So, being slow to action is not new on this particular issue, and it should almost be of no surprise. However, it is a disappointment and a disgrace that this legislation has not been progressed by the Rann Labor government. Since that time we have seen the Building and Construction Industry Security of Payment Act pass very slowly through parliament.

It is a very important piece of legislation for the construction industry because, in effect and in a nutshell, it ensures that suppliers, subcontractors and people who ensure that the big build of this state continues to churn along, can secure payment for their work, their labour, their goods and supplies without suffering the hardship caused when someone further up the chain does not pay for that work or for those supplies, and without resorting to an expensive and protracted litigation process which, of course, sees many small businesses go to the wall as they cannot afford to sustain such a course of action.

It also destroys lives. It destroys the lives of those who are affected and who are not paid, so it is a necessary piece of legislation. To the government's credit and to this parliament's credit the Building and Construction Industry Security of Payment Act was passed in December 2009. However, here we are in March 2011 and we have yet to see the act proclaimed. We have yet to see any action from this government to speed up—

The Hon. J.A. Darley interjecting:

The Hon. T.A. FRANKS: No, it has also not been proclaimed. We have yet to see regulations, and we have yet to see appropriate consultation with the industry. We have yet to see a minister allocated to take carriage of this act. So, when we ask questions in this parliament about why nothing is happening to protect the very workers and contractors who are fuelling the big build of this Labor government, we do not even know who we should address our questions to in order to hold them to account.

Both myself and the Hon. John Darley (and, potentially, other members) have raised questions in this place—the Hon. John Darley within just these last few weeks, in fact. We have been told that OCBA is focusing on it, although I understand that the Attorney-General's Department currently has some carriage of it. That has been a recent development, but I cannot guarantee it for a fact because we cannot get a straight answer out of this government on the issue.

Other people who cannot get a straight answer out of this government on this issue include Edward Sain and Associates. Edward Sain has written to the Attorney-General and the Premier seeking clarity on this issue. He has some interest because he works in representation of those who work in the building and construction industry; in fact, he has many cases before the courts at the moment. I point out that had the regulations been developed and this act proclaimed in a manner befitting its importance to our state, not over a year since it was passed in December 2009, many of the cases Mr Sain is currently dealing with would not be before the courts. We are looking at small business people going to the wall, needlessly and unnecessarily being put through financial and emotional pain by this government.

Mr Sain has written to the Premier seeking clarity about the progress of this act on 21 April 2010, 17 May 2010, 3 June 2010, 18 June 2010, 23 July 2010, 13 September 2010 and 7 October 2010. He has also subsequently contacted him, but I think honourable members get the picture that we are not getting a great deal of response from the government on this issue.

If this legislation were in place, many of the issues regarding payments to contractors Mr Sain has represented—or, more specifically, non-payment to contractors—on publicly funded projects like the desalination plant, the Adelaide Oval and the Adelaide Aquatic Centre would be currently being handled in an expeditious and affordable manner, reducing the huge financial and human burden these contractors are carrying.

I note that I have reports—as I said, many of these cases are before the court at the moment, needlessly and unnecessarily—related to the jewels in Premier Rann's big build crown, that is, the desalination plant, the Adelaide Aquatic Centre and the Adelaide Oval. This government is happy to squeeze into power on the back of the working class and the worker, but when it comes to ensuring that workers actually get a fair day's pay for a fair day's work it seems that it is certainly not happy to meet that obligation. It is certainly not happy even to meet the standards we currently see in every other mainland state in this country.

It should be of concern to all members in this place that we have people in this state who have to resort to expensive litigation simply to recover the moneys they are owed. Where there are big contracts that this government loves to have press conferences on, loves to have media opportunities about, it should be doing everything it can to ensure that these workers are getting a fair day's pay for a fair day's work. This government is doing far from that; it is actually not even proclaiming or enabling legislation that this parliament has passed well over a year ago. In doing so, it is derelict in its duty to the workers of South Australia. I commend this motion to the chamber.

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

NATURAL RESOURCES COMMITTEE: UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT REPORT

Adjourned debate on motion of Hon. R.P. Wortley:

That the 46th report of the Natural Resources Committee be noted.

(Continued from 23 February 2011.)

The Hon. J.S.L. DAWKINS (17:16): I rise to speak very briefly about this report. This was a report of the Natural Resources Committee that was completed by the previous committee and the report was brought down under the auspices of the current committee. Mr Acting President, you will understand that the election period and the changeover in staff caused that to happen. I was not a member of the committee during the time that this report was done, but I do understand that the committee spent some time examining the area. I think it is relevant to say that we are keen, as a new committee, to do more work and get to understand the enormous complexity of the drainage system in that area and its relative importance to the communities that make up that part of South Australia.

I do not intend to say a great deal more, other than that I would refer members and readers of *Hansard* to the comments made by the Member for MacKillop in the House of Assembly *Hansard* on 23 February 2011 at page 2,572. Anybody who wants to know a bit more about the network of drains in the Upper South-East would be well advised to read the comments of the member for MacKillop, who I think has probably forgotten more about that aspect of South Australia than most of us will ever know. I refer members to his contribution on that day, because it does give a quite comprehensive coverage of the need for and the impact of those drains. In saying that, I commend the motion to the council.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. R.P. Wortley:

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

(Continued from 23 February 2011.)

The Hon. J.S.L. DAWKINS (17:19): Once again, Mr Acting President, I get to speak to and support a motion that you have put to this council. The annual report of the Natural Resources

Committee covers a period of time that was largely taken up by the previous committee. As I said in the previous motion, the portion of time with the new committee was occupied somewhat by waiting until after the parliament resumed following the election, and there was also a transition period for staff appointments and another transition period while the committee was expanded from seven to nine members.

It is appropriate to mention that some of the changes in the staffing of the committee resulted from the retirement, following the election, of Mr Knut Cudarans, a man who has served committees of the parliament for a number of years. He served the Environment, Resources and Development Committee when I was on that committee some years ago. He is someone I knew many years ago as a fellow traveller on the train from Gawler to Adelaide. I note the service to the parliament and to various committees of the parliament by Mr Cudarans.

I note that the Hon. Steph Key, the new chair of the committee, and the Hon. Mr Wortley (the current Acting President) are the only ongoing members of the committee, and I note their continuing commitment to the work of the Natural Resources Committee of the parliament. It is worthwhile mentioning the efforts of the former chair, the Hon. John Rau, who has now moved up to the lofty heights of Deputy Premier, and other former members of the committee who are no longer serving in the parliament: the Hon. Graham Gunn AM, the Hon. Caroline Schaefer, the Hon. Lea Stevens and Mr David Winderlich, formerly a member of this house. The work they undertook on a wide range of inquires took them not only within the boundaries of South Australia but right up and down the Murray-Darling Basin.

The very latter part of the reporting period saw the increase in the size of the committee, as I mentioned earlier, from seven to nine members, and that includes six members from the House of Assembly and only three from this house. While the committee is working very well together, it is of concern to me that we have now created a precedent where a joint house committee has two-thirds of its numbers from one house and only one-third from this house, and I hope that is not something that is repeated.

There are some of our number who do not like joint house committees, but the strength of joint house committees is exemplified when there are equal numbers from each house. While I do not think that the Hon. Mr Brokenshire, the Hon. Mr Wortley and I feel that we are being outnumbered at all, I regret that we have gone down in that manner on the membership of such a large committee.

Having said that, I commend the former committee for doing almost all the work covered in this report and certainly look forward to the continuing work of the committee in a range of areas. I must say that one of the most enjoyable committee trips I have ever done was the one the committee did last year into the arid lands. It was very informative, and I commend the South Australian Arid Lands NRM Board for the way in which they gave us every opportunity to see the work they are doing in that very sensitive and important part of the state. I support the motion.

The Hon. R.P. WORTLEY (17:25): I thank all the contributors to this motion, in particular the Hon. Mr Dawkins. I will say this: the committee works in a way so that we try to reach a consensus and it is not politicised, and we seek good outcomes. I endorse the motion and seek the endorsement of members.

Motion carried.

GRAIN INDUSTRY

Adjourned debate on motion of the Hon. R.L. Brokenshire:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon elements of the grain industry in South Australia and in particular:

   (a) The capacity of the market to ensure a vigorous and competitive marketplace for grain growers;

   (b) Grain classification and standards and whether internationally approved grain testing options, e.g. falling number machines, should be available to growers on request;

   (c) Service delivery, including human resources, operating hours and storage capacity of grain receival points;

   (d) Export and shipping arrangements, including port access and associated costs;

   (e) Grain quality management, including receivals and outturn;

   (f) Open and transparent information on all grains, including stock disclosures;

(g) Adequacy of road and transport infrastructure for the grain industry; and

(h) 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.

(Continued from 9 February 2011.)

The Hon. J.S.L. DAWKINS (17:26): On behalf of the Hon. R.L. Brokenshire, I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

CRIMINAL INTELLIGENCE

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

That noting the recent decision of the High Court in the case of State of South Australia v Totani and Another, the Legislative Council refers the following matters to the Legislative Review Committee for inquiry and report:

1. The extent to which South Australian legislation includes the concepts of criminal intelligence, declared organisations or control orders;

2. Any concerns about the constitutional validity of such provisions;

3. The consistency of such provisions with established legal principles;

4. The impact of such provisions on the civil liberties of South Australians;

5. The effectiveness of such provisions;

6. The desirability or otherwise of expanding or contracting the use of such provisions in legislation;

7. Whether any amendments to any Acts are necessary or desirable; and

8. Any other relevant matter.

(Continued from 23 February 2011.)

The Hon. S.G. WADE (17:27): Criminal intelligence is a substantial departure from the principles of evidence under our legal system. As Steven Churches, a senior lecturer in law at the University of South Australia, put it, 'Our legal system is based on a 700-year tradition that the parties get to test the evidence, but how can you when you don't know what it is?' He was referring to criminal intelligence. Criminal intelligence is secret evidence in the sense that it is not available to the parties to the proceedings. The Attorney-General in the other place acknowledged that in referring to criminal intelligence as a breach of procedural fairness and natural justice.

The government has asserted that the opposition should accept statutes in relation to criminal intelligence without amendment because the police seek the opportunity to use secret evidence and do not want the bill amended. I certainly have no doubt that the leadership of the South Australia Police and the Police Association do support criminal intelligence. Both parties have made that very clear to me.

The opposition has accepted the advice of the police and the Police Association that lawlessness amongst serious and organised crime groups is so severe in our community that special powers are needed to protect the administration of justice and that secret evidence is necessary against serious and organised crime groups. But we consider that the case is yet to be made as to why, after 700 years of legal experience, ordinary citizens and ordinary criminals can no longer be dealt with in the normal rules of investigation of evidence.

Ordinary citizens and ordinary criminals who do not take part in the particular lawlessness of serious and organised crime, we believe, should be treated to the normal standards of procedural fairness and natural justice. Now the motion from the Hon. Mark Parnell that is before us does give us an opportunity to look at the issue afresh. I make it clear on behalf of the opposition that we are open to being persuaded, and that is why we will be supporting this motion.

The Legislative Review Committee inquiry proposed by the honourable member's motion will enable the police, lawyers and a range of other people with relevant perspectives on the need for criminal intelligence to make a case to the committee so that the community and the parliament can be better informed.

The opposition holds that we need to be very cautious in this area, we need to have a considered and balanced approach to law and policy, and we particularly assert that being true friends of the police means taking a cautious, considered and balanced approach to these proposals.

I would like to briefly state why I believe that to be the case. I believe that criminal intelligence increases the risks of miscarriage of justice and I believe that no friend of the police would lightly allow for an increase in the risk of a miscarriage. Criminal intelligence can be highly relevant and highly prejudicial, but untested it could be completely wrong and prove to be the basis for a miscarriage of justice. The raison d'être of our police, the reason they exist, is to deliver justice. Undermining the reliability of evidence undermines the police.

Criminal intelligence, secondly, increases the risk of corruption, and no friend of the police would lightly allow for an increased risk in corruption. We have a highly reputable police force in South Australia but corruption can also occur in the private sector. It is not hard to imagine a scenario where, say, a liquor licence holder is faced with the prospect of a person applying for a licence in their area. Concerned about their commercial viability, they concoct a false story and claim fear of intimidation so that this false story can be treated as criminal intelligence and, therefore, not be subject to rebutting through the normal processes.

Thirdly, I assert that criminal intelligence undermines standards of police investigation, and no friend of the police would lightly reduce investigation standards. It is conceivable that police will rely on criminal intelligence and it may undermine the quality of evidence. For example, a witness may, in good faith even, give information about a person having been seen in the company of a known gang member. It may in fact be a case of mistaken identity but, without the opportunity for the other party to know the claim that is being made against them, the police are in no position to be able to test the veracity of the evidence and the police position is undermined.

Fourthly, I assert that criminal intelligence undermines public trust in the justice system. No friend of the police would take lightly the risk of undermining trust. The fact of the matter is that a lack of transparency and accountability in any public institution is the seed of doubt as to whether people are being treated fairly. We believe that open courts, open evidence and open processes of justice are vital and we, therefore, are very concerned that any diminution of those rules of evidence is limited to the extent necessary.

After nine years it will not take members long to know what the government position will be when it takes the opportunity to respond to this. I am sure we will get a sermon about being tough on crime, we will get a sermon on police, but we will also get a sermon about urgency. On the point of urgency, I remind the council that the central case which is causing us to focus on criminal intelligence was a judgment of the High Court in February 2009 (two years ago). The government had two years to bring this in as a matter of urgency. It has not.

The House of Assembly was offered criminal intelligence legislation in October last year. I was told in a briefing that it was both routine and urgent—it had to be in by 4 December last year—yet this government last brought this matter to the consideration of the house on 26 November 2010; that is three months when it has not apparently been urgent enough to bring before the house. Still, anticipating the government's response, the opposition wants to underscore the fact that this should be a focused, expeditious inquiry. Therefore, I move the following amendment to the motion standing in the name of the Hon. Mark Parnell:

After 'refers the following matters to the Legislative Review Committee for inquiry and report' insert the words 'within two calendar months'

Amendment carried.

The Hon. D.G.E. HOOD (17:36): Although this motion is about referring the bill, not about the bill itself as such, our position, and I think it is fair to say the position of other members, comes down to a philosophical decision on whether or not people agree with police having these quite extraordinary powers.

The Family First position is that we do reluctantly agree with police having what are indeed extraordinary powers, and we acknowledge that. It is not desirable that a police force in a modern

society has such powers, but we do not live in a perfect world. We are concerned about the sorts of measures that are being sought but, on balance, we think that there is a need for them. The police should be given the benefit of the doubt in seeking those extraordinary powers.

As the Hon. Mr Wade has said, we have had communications from Mark Carroll, President of the Police Association, and most of us would have had meetings with Assistant Commissioner Tony Harrison and, in our view, they have put their case to us persuasively enough for us to fall on their side of the argument in this case. I must say that I do so with some concern; these are extraordinary powers. As the Deputy Premier himself has said, this is not an ideal situation, but the reality is that we are not dealing with an ideal situation, and for that we need to bring ourselves to a situation where we make distasteful decisions, and that is where we stand at this time. That gives our general position.

In turning to the specific motion before us, the mover of the motion said that criminal intelligence laws are a 'dog's breakfast of inconsistent measures' and that some of the measures are legally invalid. The motion refers to the High Court case, which has been outlined by a number of members and which quite famously resulted in several aspects of our serious and organised crime act being struck down.

I note that Family First was and remains disappointed at the messy implementation of this law. Taxpayers spent vast sums of money defending the initial law and ended up having to pay costs to the Finks motorcycle gang as a result. It certainly would have been a quicker and cheaper route simply to amend the law appropriately when the wording was first brought into question by our Supreme Court. That being said—and this is a significant point—the K-Generation case has provided us with wording and a scheme that we now know is constitutionally sound.

Despite the various cases and discussions, now over several years, regarding criminal intelligence, the honourable member, in his introductory speech, said that now was the opportunity for 'a thorough analysis of the pros and cons of criminal intelligence in all its forms', with the opportunity for groups such as the Law Society and the Bar Association to give evidence and answer questions before a committee.

I am certainly not opposed to reviewing matters, but in this particular case there really is no question about what the Law Society's position is on this bill. In fact, we all have a letter from the Law Society, which outlines its position in some detail. To put it in very simple terms, I think the horse has already bolted on this issue, and that is really what it comes down to in many ways.

In fact, there are already 10 acts of parliament that use the concept of criminal intelligence. For the record, they are the Serious and Organised Crime (Unexplained Wealth) Act 2009, the Serious and Organised Crime (Control) Act 2008, the Security and Investigation Agents Act 1995, Liquor Licensing Act 1997, the Hydroponics Industry Control Act 2009, the Gaming Machines Act 1992, the Freedom of Information Act 1991, the Firearms Act 1977, the Criminal Investigation (Covert Operations) Act 2009 and the Casino Act 1997. It is true: there are various interpretations of the term within those acts but, nonetheless, the principle applies in each of those acts.

Perhaps the most appropriate time for an inquiry along the lines proposed today would have been when those bills were being considered or introduced. Further, the Statutes Amendment (Criminal Intelligence) Bill is currently before us, and I suspect that it will pass this council, albeit possibly amended, in the near future. The bill will modify the definition of criminal intelligence in a number of bills following extensive consultation with police and other stakeholders.

The committee stage of that particular bill, in my view, is the appropriate time to discuss many of the issues that this motion seeks to move, if you like, to the Legislative Review Committee. I am not criticising the member for seeking to do that; he has every right to seek that, however, I disagree with the intention.

As I said, I have met with the Assistant Police Commissioner about this issue and have discussed it with him in some depth as has, I am sure, almost every member in this place. The police—and this is very important—were very clear to me that they particularly want certainty, they want a criminal intelligence regime that is solid, and they want a definition that is certain to hold up against a court challenge, as the new proposed definition already has (in the K-Generation case).

Further uncertainty and confusion regarding the concept of criminal intelligence is the last thing that our hardworking police need. Family First supports the work of our police force in reining in organised crime. I am not suggesting that other members in this place do not.

I am sure that other members would be aware that there were shots fired at a Salisbury home just this morning in what seems to be an increasingly common event that is regularly linked with bikie gangs and organised crime centred on drugs and other illegal activity in our state.

I certainly do not want to argue that we must always give police every single thing that they request. We should not. I want to be clear about that. Our job, of course, is to weigh those requests against the important need to maintain personal liberty and also community safety. However, the issue to Family First is a clear one: police do need power to tackle the very sophisticated manner in which crimes are committed in our current day and age, but they do not need those powers clouded or made uncertain by an unnecessary inquiry that, in my view, is too late in coming, given that these principles apply in other legislation.

Family First will not support this motion. We will continue—as I am sure other members will agree—to support our police in the fine work they do in this state.

The Hon. K.L. VINCENT (17:43): I wish to place on the record that I will be supporting the motion of the Hon. Mr Parnell. I believe that it makes sense for the Legislative Review Committee to inquire into the effectiveness, validity, impact and desirability of the criminal intelligence provisions which are currently on our statute books.

The concept of criminal intelligence does not sit well with me generally. I believe that it is an affront to the concept of procedural fairness, which is—or at least was once—at the heart of our legal system. I believe that we, as citizens, have a right to know what evidence has been presented against us when decisions are being made. I therefore consider that we, as a society, must be very wary about the use of criminal intelligence.

I understand that we in South Australia use criminal intelligence more widely than any other state in Australia, and this is of great concern to me. So, I am very interested to know about the effectiveness of such provisions and how they impact on our civil liberties. There is also the issue of the constitutional validity of such provisions. Let's face it, it is pretty important for us to get them right, or the laws mean nothing.

At the moment, we have two bills on our parliamentary agenda which deal with criminal intelligence in seven different acts. I believe that we, as responsible parliamentarians, have a duty to get this right, and the inquiry proposed by the Hon. Mr Parnell provides us with the opportunity to do so. Such an inquiry will provide an open forum in which interested parties can make submissions so that we as a parliament can give informed and proper consideration to this issue. It therefore seems timely for our Legislative Review Committee to enquire into this important issue before any further debate on the aforementioned bills.

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (17:45): This motion before the house this afternoon illustrates very clearly the problem that we have with the approach that a lot of honourable members here take to legislation generally, and particularly to the criminal intelligence legislation. That is, whenever any item comes before the chamber on any topic, honourable members seem to then try to cast the net so much wider and look at a whole range of issues which were not under consideration in the context of the bill that is being moved.

There are so many examples where the government puts forward a fairly sensible and reasonable piece of legislation, and then honourable members opposite or on the crossbenches decide, while we're about it, let's start doing a whole range of other things that really weren't conceived of or taken into account in what that bill is all about. It is a bit like having a MasterChef episode with all the chefs and only one dish, because everybody wants to take part in it.

I do not dispute that we are here to legislate. People have a right to move amendments, to consider what the government is putting forward and to pass amendments if they believe that that will make the legislation better. This is yet another example where, if the government puts forward the Blue Sky Bill, a range of members in this place would say, 'Well, now that you mention "skies", there are 12 other related issues that we want to talk about right now.'

The idea that, because we put forward a bill that is about criminal intelligence in one context, we should stop and look at criminal intelligence in a wholly different context (that is, in the context of a High Court decision while there are other High Court decisions pending) and to turn that whole thing into an examination of the question more broadly rather than even dealing with the bill that is before the house is an extraordinary approach to legislating. It basically says that, rather than dealing with the legislation before us and rather than dealing with the committee stage as we

do, that we should stop all that and just step back and take a look at the whole question and a lot of unrelated matters that are not relevant to the bill that is actually before us. That is what has happened on this occasion.

There is a very material difference between the provisions being proposed in the bill the honourable members have referred to and the serious and organised crime legislation which is referred to in this motion. One is about asking the government for a licensing of some sort, as opposed to the context of control orders being placed on them. So one is a person asking the state for a privilege—asking the state to give them something—as opposed to their losing a simple right, that of their civil liberties and, potentially, the right to free association and so on.

As there is in many areas of the law, there is a vast difference. Different thresholds apply in different circumstances, and there is a vast difference between people who are asking for some sort of licensing from the state and people whose liberties are being infringed because they are considered to be involved in serious and organised crime. So there is really no link between the Totani decision and serious and organised crime, and the provisions of the bill which were before the house and which members are now saying they cannot deal with.

We know that we are awaiting a decision from the High Court regarding a New South Wales case that is dealing with similar issues. I acknowledge that the Hon. Mr Hood has mentioned the K-Generation, and there have been other decisions which are relevant, but there is particularly a New South Wales case that is similar to the Totani matter. The oral argument is being heard, so a decision is expected fairly soon on that. When we have taken that decision into consideration, as well as the Totani decision, we will be able to provide an appropriate response (which the government will do) in relation to the decision the High Court has made in the Totani case.

This is really about restricting criminal intelligence in bringing matters in relation to matters that restrict civil liberties. That is a vastly different proposition to the criminal intelligence legislation, which we were dealing with yesterday. It is simply not comparing apples to apples. I understand the Hon. Mr Parnell is opposed to the use of criminal intelligence in relation to serious and organised crime. It is his right to take that point of view, but to link that, as a lot of honourable members have done, to the criminal intelligence legislation, suggesting that that is what is actually at issue here and that is what we need to look at, I think simply confuses the legislation entirely.

The shadow attorney-general, the Hon. Mr Wade, has continually said that the government will not talk, will not negotiate. It appears that his notion of negotiation is capitulation, that unless the government agrees to what he wants in the form he wants it then there is nothing to talk about. That is not negotiation: that is simply holding to ransom, and that is what the Hon. Mr Wade seeks to do.

The reason we have not agreed to the Hon. Mr Wade's amendments is that we do not agree with the policy perspective that he is coming from. We have seen in the Liberal Party, the Liberal opposition, that the wet faction is reigning supreme at the moment when it comes to law and order issues. We have the Hon. Mr Wade and Mrs Redmond, the Leader of the Opposition in the other place, very much taking a small 'l' liberal approach to law and order issues which distrusts the police, calls into question their integrity and does not listen to what they have to say. We are seeing that played out very clearly here.

We notice the Leader of the Opposition is not here, because he knows he has to go back to the police, he has to go back to the Police Association, and justify why his party, which purports to want to be the government of this state, is running away from the fight against organised crime. Members of the Liberal Party—and we have seen this in the past with Mrs Redmond—are nailing their colours to the mast when it comes to crime issues and law and order.

They are saying they do not trust the police. They are making snide remarks about the police's integrity and suggesting that they are politically motivated or that they are not following the standards of integrity and probity we would expect. Here they are saying that the police have no judgement when it relates to the criminal intelligence legislation. That is the approach that the Liberal Party is now taking.

The Hon. Mr Ridgway knows—he is smart enough to know—that you cannot go to an election being soft on crime and expect the people of South Australia to put at risk their safety by voting for him. That is the approach that the Hon. Mr Wade and the Leader of the Opposition in the other place want to take: to surrender in the fight against organised crime. That really is an extraordinary position for an opposition that wants to govern this state to take.

We do not agree with that perspective. That is why we are not negotiating on the Hon. Mr Wade's amendments. It is not because we do not want to negotiate or we do not want to talk. He is saying, 'Here it is; take it or leave it.' We do not agree with what he is proposing. The government opposes this motion, because there has been a complete confluence of these issues. We have here a motion about the Totani decision, which in itself we contend is premature, given that the High Court has not handed down its New South Wales decision.

When that happens we will need to look at the New South Wales decision; we will need to look at the Totani decision, the K-generation and all the relevant decisions; and we will need to weigh up how we are going to respond in relation to serious and organised crime legislation. That will be a serious and open debate, one that will require quite a bit of discussion with all the honourable members here and in the community more generally and with legal experts and so on.

No-one is suggesting that we should just ignore the Totani decision. Of course we need to review our response to fighting serious and organised crime, and that is what we should do once the New South Wales decision has come down. However, to then confuse the whole matter of Totani and the organised crime legislation with what the government was proposing in relation to the criminal intelligence bill is a complete confusion of the issues.

A bill which seeks to address the government licensing, giving some sort of privilege to people, is not the same as the government trying to stop people from exercising their liberty because they are believed to be involved in serious and organised crime; they are very different things. To simply say that because the words 'criminal intelligence' are used, let's lump them all into a basket, halt the legislative process, not have the committee stage of the bill, and instead throw it off to the Leg Review Committee and just let everything else wait until that is determined is not a sound approach to legislation.

It confuses the two issues; one is responding to the Totani decision, looking at our serious and organised crime legislation, and the other is the criminal intelligence legislation that we had before the house. To confuse those issues—to put them together, to halt the whole legislative process, to send it off to a parliamentary committee—is not, in my view, the appropriate approach to legislation.

I understand that the Hon. Mr Parnell wants to examine the Totani decision and what implications it has, and that will certainly be done. There will be a significant debate on that, most properly after the New South Wales related case in the High Court comes down. Then we will have before us, as much as possible, a clearer Idea of what the High Court is thinking across a range of cases in this area and we can move forward from there.

What we do not agree with is confusing that with the criminal intelligence legislation we had before the house and insisting that that legislation has to stop stone dead while this process takes place. So, for those reasons, we oppose the motion.

The Hon. M. PARNELL (17:56): In summing up, I would like to first of all thank the Hon. Stephen Wade, the Hon. Dennis Wood, the Hon. Kelly Vincent and the Hon. Bernard Finnigan for their contribution. I want to make some brief reflections on some of those contributions. I particularly thank the Hon. Stephen Wade for his thoughtful contribution, when he made the point very clearly, as I tried to do earlier, that this is not about whether you are a friend of the police or not. It is not about whether you are tough on crime or soft on crime.

We all agree that we want our police force to have adequate resources and the appropriate tools to do their job, and they are going to do that job in the context of the civil society that is South Australia. It is inevitable that they will never get every power that they want. I do not criticise the police for asking for wide-ranging powers, but our job as legislators is to make sure that the powers that we do give the police are appropriate, that they acknowledge civil liberties, that they acknowledge human rights and that we give our police every back-up, in particular in relation to resources, but we are not going to give a legislative blank cheque to law enforcement officers.

Criminal intelligence, as I see it, is a trend that has developed over a number of years and will continue to develop. It will develop in the absence of a proper and reasoned debate because we look at it on a case-by-case basis and with a piecemeal approach as each bill comes before parliament. I might just say at the outset that the Hon. Stephen Wade predicted that we would get the 'soft on crime' attack if members supported this—and we got that. That is not the way to look at this—if members are starting to think that by supporting this motion they will somehow be soft on crime.

I will acknowledge now, in case I forget later, that the Greens support the honourable member's amendment, which is that this committee inquire with all haste and, in particular, within two months. The Hon. Dennis Hood's contribution included a reference to the fact that the Family First party is not opposed to reviewing matters but feels that the horse has already bolted. That might well be the case, but it has never held much weight with me as a reason for not looking into something. Because we have done something in the past and because a practice has developed that somehow it makes it immune from further inquiry and debate does not work with me.

The honourable member said that we should have looked at this earlier. Well, we should have looked at it earlier. I do not doubt that. I have done what I could ever since I have been here, whether it was in relation to the serious and organised crime bill or even some of the civil measures that have come before us. I have tried to get the debate happening. We all know that debates in this place are inadequate compared to the type of debate that we can have in a parliamentary committee, because there is no opportunity for varying points of view from experts directly to be presented to us. You can do that in a parliamentary committee.

I would want the police to attend and give evidence to the Legislative Review Committee. I would expect that the Law Society and the Bar Association would do so as well, and we would get on the public record of this state a thorough range of arguments for and against. But to suggest that somehow we have been doing this for a few years now and it is therefore too late to look at it, I do not accept. I understand that the police want certainty, but I do not agree that having an inquiry into something equals a lack of certainty.

In fact, one of the purposes behind this motion—and members can read it in the terms of reference—is the fact that current measures are inconsistent. If anything, a successful inquiry by the Legislative Review Committee would lead to more certainty, not less. The Hon. Bernard Finnigan's response on behalf of the government I found somewhat confusing. He makes a great deal of the fact that legislation dealing with the rights of liberty of the individual are very different from some of the other pieces of legislation where criminal intelligence is used.

I do not see that they are that different, because the concept that binds them all is this concept of evidence that can be used to your disadvantage will be held against you with no right for you to even know what it is, let alone respond to it. Now, sure, the consequences are different. Maybe in criminal and organised crime you go to gaol.

[Sitting suspended from 18:02 to 19:45]

The Hon. M. PARNELL: Before the break I started to talk about the Hon. Bernard Finnigan's contribution. He said that he felt that the two uses of criminal intelligence—namely, in the criminal law with criminal sanctions and in other types of laws, such as licensing laws—were so fundamentally different that it was improper, if you like, to confuse the two. I reject that analysis.

We know that where criminal intelligence is used in a criminal law context then, certainly, the outcome can be the deprivation of someone's liberty, or it could be restrictions on a person's movements or freedoms of association. The use of those laws in licensing arrangements may well be equally serious for an individual. It may be that a person is denied their livelihood—for example, the livelihood of someone working in the liquor industry who requires a licence to work, or someone who works in the security industry who requires a licence to work. So I do not accept that the two situations are so fundamentally different that it somehow invalidates an inquiry into the overall topic of criminal intelligence. The minister says that we are confusing the issues: I do not think that is a reason not to look at it in detail.

The minister also referred to his disappointment about what we in the Legislative Council describe as negotiation and wanting to have a thorough debate on an issue; somehow he translates that as capitulation, that it is 'my way or the highway'. He used the words that we would be 'holding the government to ransom'. I think that the Legislative Council, in fact, gives the government possibly far more rope than it needs in terms of legislation. We often do not inquire thoroughly into legislation; there are so many bills that we could—and I think we should—have referred either to select or standing committees, but instead we allow an inadequate, incomplete debate, and we pass the legislation.

I think the Legislative Council does its job best when it picks fundamental issues of importance to the community and, in this case, fundamental legal issues, fundamental

infringements of civil liberties that have been developed over centuries. I think it is most appropriate that this topic be referred to the Legislative Review Committee.

Much of the contributions to date have been around the reference of particular bills to this committee. When I first put this motion on the *Notice Paper*, it was shortly after the Totani decision, last year. I formally moved the motion last month, but when I originally put it on the *Notice Paper* it was not with any particular bill in mind; in fact, it was in relation to the fact that generally, as a parliament, we were considering more and more criminal intelligence in more and more pieces of legislation. I just put that historical aspect on the record.

I would urge all honourable members to support this motion. The Hon. Stephen Wade's amendment, as I have said, which the Greens do support, provides that it will be a timely inquiry. It is not designed to be time wasting but is designed to make sure that this parliament does its duty properly and has a thorough inquiry, albeit a short one, into an issue that we have not properly debated on any of the occasions that it has been brought before this chamber.

Amendment carried.

The council divided on the motion:

AYES (10)

Bressington, A.	Dawkins, J.S.L.	Franks, T.A.
Lee, J.S.	Lucas, R.I.	Parnell, M. (teller)
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES (9)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V. (teller)
Gazzola, J.M.	Holloway, P.	Hood, D.G.E.
Hunter, I.K.	Wortley, R.P.	Zollo, C.

PAIRS (2)

Lensink, J.M.A.	Gago, G.E.

Majority of 1 for the ayes.

Motion as amended thus carried.

CHILDREN'S PROTECTION (REPORTING OF SUSPECTED CRIMINAL OFFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September 2010.)

The Hon. K.L. VINCENT (19:56): I wish to briefly place on the record my support for the Hon. Ms Bressington's bill. The Hon. Ms Bressington must be commended for introducing what is a simple yet pertinent bill. It is the role of Families SA to look after our children, and this is evident by its mantra, which is, funnily enough, 'keeping them safe'.

As Families SA's role is to keep children safe, then it is perfectly reasonable for us to expect its employees to report matters to the police if there is a reasonable suspicion that a criminal offence is being or has been committed in relation to a child. It seems to me that there are too many children out there who slip through the cracks, so to speak, and that we as parliamentarians must do all we can to ensure their safety.

All too often we hear stories on the news and, indeed, in this place where the authority should have said something to the police about suspected criminal behaviour but did not. Sometimes this lack of action results in dire consequences. Frankly, this is not good enough, although I am sure I do not need to tell anyone in this place that. Our children deserve our protection and I will therefore be supporting this bill.

The Hon. T.A. FRANKS (19:57): I rise to speak on behalf of the Greens to indicate our support for the Children's Protection (Reporting of Suspected Criminal Offence) Amendment Bill, put before this house by the Hon. Ann Bressington. This bill seeks to insert a requirement within the Children's Protection Act 1993 that the CEO of Families SA report to the Commissioner of Police any case in which it is reasonably suspected a criminal offence has been committed against a child.

Based on our consultations with constituents, numerous examples where Families SA have had knowledge or evidence of sexual or other offences occurring against a child and have not referred the matter to an appropriate authority such as the South Australia Police, and our dealings with the department of Families SA itself, we support this amendment. Under current legislation, Families SA are not legally compelled to refer such offences to police and the decision is in fact left to the department's discretion. The Greens note that, based on the advice we have, this has created many problems in the past and no doubt will continue to create problems into the future.

We have been contact with a constituent over the past few months whose case has shown that Families SA systematically failed to notify police of instances of alleged child abuse where there appears to be harm caused to the child. This woman provided Families SA with reports written by an impartial third party at a children's contact centre who recorded conversations where the woman's child indicated that that child had been abused, yet this information was never passed on to police. In instances like this, mandatory reporting is an essential ingredient that could help prevent further child abuse.

This poor mother has had to go through the rigmarole of reporting the incident to the police herself, despite this compelling evidence at the children's contact centre and also after reporting it to Families SA. This case is, of course, ongoing and I will give no further details, but it is just one of many cases that highlight the need for greater transparency within Families SA.

In introducing the bill before us, the Hon. Ann Bressington referred to a further example in the case of Mr John Ternezis and his daughter who ran away from home at 13 and by the age of 14 was living with three adult men, falling pregnant to one of them. As the Hon. Ms Bressington stated then, this all occurred with the department's knowledge. These are far from isolated cases and the parliament must act to do everything in its power to ensure all allegations of child abuse are adequately and appropriately investigated by a body that has that power to bring perpetrators to justice.

I would like to take this opportunity to express the Greens' frustration with Families SA more broadly on the issue of child protection. Just last week, Leon Byner had a mother, and the Hon.—

An honourable member: It must be true then.

The Hon. T.A. FRANKS: —Ann Bressington mentioned this case earlier on this morning. The mother—

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

The Hon. T.A. FRANKS: —who I imagine would not appreciate jokes being made about her, given she has a 15-year-old daughter who is living with a 29-year-old man who has been providing the girl with drugs and is himself a drug addict. This woman called Leon Byner in absolute desperation, saying that her daughter had not attended school for the past three months, despite her best efforts to implore her to, and that the daughter had had a miscarriage two months ago, which suggested to her that the pair had engaged in illegal sexual activity.

This mother was told by SAPOL and Families SA that she needed to prove that her daughter was in a sexual relationship with the man before the police could intervene. It later came to light on that radio program that the mother could apply for a paedophile restraint order and domestic violence intervention order, but as Leon Byner put it:

> Neither Families SA or any other government authority have actually given mum that information...she had to come to a radio station and plead for help before somebody would lift a finger.

Of the department, Mr Byner said, 'You're as useful as an ashtray on a motorcycle.' These are just three examples but these are not isolated cases. While the Greens remain frustrated by the department's consistent inability to protect children, this is nothing compared to the frustration felt by mothers, fathers, aunts, uncles, grandparents and friends in this state who report abuse, do the

right thing and blow the whistle, only to learn that the matter has not been, and in some cases will never be, investigated by police.

Members interjecting:

The Hon. T.A. FRANKS: I propose that there is much to be done in the area of child protection in this state before any of us in this place can feel satisfied and make such jokes during discussions of this most serious issue. The department must be properly resourced and also properly directed to fulfil its duty of care and its responsibility to protect the children of this state.

Returning to the amendment proposed by the Hon. Ann Bressington, which effectively extends the mandatory reporting requirements to Families SA and, indeed, mirrors the wording of section 14(2) of the Queensland Child Protection Act, it will go some way towards addressing child abuse in this state. In cases where a parent has been falsely accused, this legislation will help to ensure allegations are investigated by police and that those who are falsely accused, whether or not they are a parent, can be absolved. That also is a very important part of the puzzle here.

More importantly still, it will ensure that perpetrators who abuse children—whether it be physically, sexually or emotionally—will more likely be investigated and brought to justice. Families SA should not be granted the discretion to report child abuse. They must report all cases where harm is happening to a child to the police. The Greens wholeheartedly support the bill and commend the Hon. Ann Bressington for putting it before us.

The Hon. S.G. WADE (20:04): I rise to speak on the Children's Protection (Reporting of Suspected Criminal Offence) Amendment Bill, a private member's bill brought to this council by the Hon. Ann Bressington. In addressing the bill, I want to acknowledge the advocacy of the honourable member.

As a former shadow minister for families and communities, I am acutely aware of the huge challenges facing child protection systems in Australia and nowhere less than in South Australia. There is goodwill in this parliament for things to be done better, but the Hon. Ann Bressington consistently reminds us of the urgency of addressing these problems. The Hon. Kelly Vincent similarly, is a champion of issues for people with disability.

Considering the hectoring that the Hon. Ann Bressington has been getting this evening from government members, it behoves those parties that are in government, or seek to provide the alternative government in South Australia, to take a bit of humility and to realise that, whilst governments cannot make the world perfect, crossbench MPs who are reminding us about urgent social challenges do a service to this house and to this parliament. They do not deserve to be mocked.

This bill highlights the interface between the child protection framework and the criminal law. The bill would require the chief executive of Families SA to report to the Commissioner of Police any case in which it is reasonably suspected a criminal offence has been committed against a child. The bill is based upon the wording contained in section 14(2) of the Queensland Child Protection Act. Families SA are often the first government agency to discover information that could amount to an offence. The Hon. Ann Bressington asserts in her second reading speech that there have been numerous examples that demonstrate that Families SA has not referred cases that warrant further investigation to the police. She in particular brings to the attention of the house the case of Katrina Ternezis.

Another recent example, of which I am sure honourable members are aware, is the South Australian school which recently had a bullying incident, which clearly amounted to an assault, yet it was not referred to police for investigation and possible charges. It is disputed whether the chief executive of Families SA is currently required to report such incidents to police, but I think the Hon. Ann Bressington's bill is to be welcomed because it ensures that the law will be clear that the chief executive of Families SA is under a duty to report.

Section 11 of the Child Protection Act 1993 currently requires government employees and a range of other community organisations to report suspected abuse or neglect as defined in section 6 of the Children's Protection Act 1993. Those reports are made to the Department for Families and Communities. A key difference between the bill brought before this house by the Hon. Ann Bressington and the Queensland Child Protection Act is the use of the term 'reasonable suspicion' by the Hon. Ann Bressington rather than the Queensland expression 'reasonable belief'.

My understanding is that this would broaden the application of the provision to include hearsay or other material, and so it would make the task of the chief executive easier in that they

would be able to accept that the circumstances are true. Of course, it then is a matter for the police as to how they handle that evidence.

Other persons contracted or employed by Families SA are required to mandatorily report any suspected offence against a child to Families SA. The bill before us aims to extend the mandatory requirements of Families SA itself. In the case of Families SA the reporting would be to the police.

I reiterate that the opposition supports the second reading of the bill and the spirit of the proposal. We look forward to the summing up and the further consideration in committee. In that context, we would seek advice from the Hon. Ann Bressington and the government as to what is likely to be the cost of this proposal, if any. Secondly, we would appreciate the Hon. Ann Bressington and the government's interpretation of 'suspected criminal offence'. Basically how wide will the net be cast? With those few words, I indicate the opposition will support the second reading of the bill.

The Hon. CARMEL ZOLLO (20:08): The government opposes this private member's bill. In doing so, I place on record that members of the government have sat here quietly without any mocking, so we certainly do not appreciate the Hon. Stephen Wade placing that kind of nonsense on the record. The Hon. Ann Bressington introduced the Children's Protection (Reporting of Suspected Criminal Offence) Amendment Bill for an act to amend the Children's Protection Act 1993 in the Legislative Council on Wednesday 29 September 2010.

As has already been mentioned, the bill seeks to insert in the act the requirement for the chief executive of Families SA to report to the Commissioner of Police any case in which it is reasonably suspected that a criminal offence has been committed against a child. Of course this government strongly supports the importance of reporting criminal behaviour, in relation to children and young people, to the police. That is why this government already has in place legislation and policy not only to achieve this but to do so sensibly and, most importantly, in the best interests of the child or young person. On behalf of the government, I thank the honourable member for her recognition of the success of these measures in many instances.

In introducing this bill, the honourable member raised two examples to support the bill, stating that in neither case were the matters referred to police. The Department for Families and Communities (DFC) has advised that the police were notified in both instances. Nonetheless, I will outline the current situation. The Children's Protection Act establishes the safety, wellbeing and best interests of a child or young person as paramount considerations, and the act carries an implicit obligation to report an offence in relation to a child to police where necessary to enable an appropriate protective response.

To enable this connection, the South Australian government has in place the Interagency Code of Practice: Investigation of Suspected Child Abuse or Neglect, which provides a clear framework for managing information regarding criminal abuse or neglect, reporting criminal abuse or neglect and working collaboratively when investigating suspected child abuse or neglect with the emphasis on the best interests of the child and the most timely and effective intervention.

If this proposed legislation were to come into effect, it would unreasonably lower the bar for intervention. If this proposed legislation were to come into effect, it could put at great risk the possibility of a family being assisted to stay together and, oddly, if this proposed legislation were to come into effect, it would be likely to be criticised for being over the top, prescriptive and lacking in common sense—criticisms that generally come from the honourable member.

In her proposed amendments, the honourable member calls for referrals to the police to be made based on reasonable suspicion. To say that a suspicion is reasonable does not necessarily mean that it is well-founded or that the grounds of suspicion have to be factually correct. It also does not require that harm is being caused. Potentially, this means that the proposed amendments could lead to a range of matters being referred to the police for criminal investigation that are not assessed as requiring child protection intervention.

Such proposed legislation could also result in a great deal of duplication. For instance, someone may phone Families SA and their call could be assessed as not warranting a statutory child protection response. However, because it constitutes a reasonable suspicion, then the chief executive would be compelled to advise police. For example, a child playing outside in winter without shoes and socks may constitute a reasonable suspicion of child neglect. Available information may not indicate that statutory child protection intervention is required, but referral to police for criminal investigation will now be mandated.

As explained, where there is a risk to a child, there is already an obligation on the department to intervene and notify certain concerns to police. Also, there is a reasonable suspicion, it may not always be in the best interests of the child to involve police. For instance, referring a family to counselling and appropriate services will sometimes help more than a police investigation which would only cause more distress to the family and, in particular, the child. Forcing an investigation could potentially lead to a range of other issues and possibly the breakdown of a family that could otherwise be kept together.

We must also remember that it is police who assess information reported to them against relevant legislation, determine whether an offence may have occurred, whether (and, if so, what) further criminal investigation may be required and whether there is sufficient evidence to proceed with prosecution. The simple fact that Families SA has reported a suspected crime in relation to a child or young person to police does not guarantee that sufficient evidence is available to warrant or support further police action. This decision, rightly, rests with the police, not the DFC.

While I have already addressed the two cases presented by the honourable member, I feel it is also important to highlight that this proposed legislation would not be likely to help those situations, either. We all have empathy for parents whose children are living with them, including situations where their teenage children have left of their own accord. However, there is no legislation that sets out when a child should leave home, and introducing this legislation is unlikely to give parents the outcome they are wanting.

For instance, in such circumstances engaging a family with mediation services is more likely to assist in resolving a family's problems than instigating a criminal response that is more likely to escalate the conflict within a family. Reporting to police is not an end in itself under the Children's Protection Act. The safety, wellbeing and best interests of the child should always remain the priority. Therefore, I encourage all of those present not to support the proposed bill on the following grounds:

- It would not alter the current legal obligation of the department.
- It does nothing to further the best interests of the child. In fact, enacting such legislation could lead to a wrong, damaging response being applied in some situations.
- It would duplicate work undertaken by police and DFC and divert police resources to cases where there is insufficient evidence to support allegations.
- It would not improve the whole-of-government and non-government approach to addressing criminal offences relating to children and young people.

For those reasons I have outlined, I urge those opposite, and those who have already spoken, not to support the legislation.

The Hon. A. BRESSINGTON (20:17): I have to say that the Hon. Carmel Zollo's response is so typical of the government's response to a sensible bill that deals with situations that we hear about every day. We are talking about criminal offences being committed against children, and those offences should be brought to the attention of the police. I could give the council a dozen examples (but I will not) of cases where children have been exposed to the most horrendous of situations in which Families SA has been involved and it has never been brought to the attention of the police for a prosecution.

One of those cases involved a young girl who was given to a paedophile father by the Family Court and reported herself from the age of eight being sexually abused daily by her father, her brother and her brother's criminal friends. The mother reported this. The young girl reported this, herself, to social workers and never once was it brought to the attention of the police. That young girl is now 14 years old and a drug addict. You cannot tell me that early intervention would not have changed that little girl's life forever.

I can give the example of the family at Brahma Lodge with three children who are constantly being abused. A little girl eight years of age has been kicked across the front yard and kicked in the stomach by her father. The middle kid who is aged 10 tried to hang himself because he just did not want to be in that situation any more. These children are being abused and neglected, but none of this is reported to the police as offences. You cannot tell me that Families SA does not know that this crap is going on and they do not take the easy way out and not report it to police.

We can go to the other side of the coin where fathers and mothers are falsely accused—based on the equivalent, I might add, of criminal intelligence, nothing but gossip and hearsay—that they have abused or neglected their children. One mother this week took her little toddler to the hospital because he fell off his bike and bumped his head. She was reported for child abuse and that child was taken away from that mother. There was no proof and no evidence.

So, do not tell me the refusal of this government to pass this bill is about making things better for our children, in the best interests of our children, because we have this upside down and back-to-front. Children are being removed who should not be removed, and children who should be removed are being left in intolerable and untenable situations.

People who are perpetrating against these children deserve to feel the full force of the law. The only way we can make that happen is to ensure that a thorough investigation is undertaken based on evidence; not on hearsay, not on gossip, not on nasty people reporting their next door neighbour because they do not like the way they hang the washing out.

This is serious stuff. We have a department that is lacking in resources and struggles to answer the calls of tier 1 and tier 2 reports. We are expecting them to undertake almost a criminal investigation to prove their case when it is not their job. The backlash is that these children, these reports, go unattended to. We heard in the inquiry that sometimes they wait for a tier 1 report to go around three, four or five times before they will act on it. They leave it because they know it is going to come back around. They know but they let it go and they let it go.

This is about taking the pressure off Families SA and handing these investigations over to the proper authority, which is the police. We are talking about criminal behaviour, crimes being committed against our children, and coming up with the facts and taking the action.

I cannot believe that the Hon. Carmel Zollo said that, in some of these cases where we are talking about criminal offences against children, sometimes counselling would be better than police intervention. I cannot believe you said that. I cannot believe you would think that counselling is going to fix a problem where children are being abused and neglected, and we will refer them to a counselling service, for goodness sake.

This government needs to get a grip. This is a serious problem in this state. I have some figures here about the number of cases that were referred to Families SA. There were 1,220 tier 1 imminent risk notifications; and the majority of tier 2 and nearly all tier 3 notifications were closed, no action taken. Approximately 5,000 notifications were investigated out of approximately 21,000 reports. There were 21,000 reports, 5,000 investigations, meaning the majority of tier 2 and tier 3 notifications were closed, no action taken.

That is not because Families SA do not care. That is not because Families SA do not know that these children are at imminent risk. It is because they do not have the training and the resources to undertake the investigations that are necessary. I am asking this government to relieve the burden on Families SA.

It is a win-win situation: relieve the burden on Families SA having to do what they are not trained to do, what they are not qualified to do, and hand it over to the relevant authority. In the meantime protect our children, help clear the names of people who are being falsely accused and prosecute people who are perpetrating against our children. Who loses here? Those children who are being abused, neglected and referred to counselling sessions? Give me a break.

So, I condemn the government for its response to this bill. It is typical of a government who just does not get it, who just does not care, and at any cost would oppose a crossbench or opposition bill because it did not come out of their own little thought circle, therefore it cannot be good enough.

Members interjecting:

The Hon. A. BRESSINGTON: And, by the way, I just—

The PRESIDENT: Order!

The Hon. A. BRESSINGTON: Sorry; I do not want to continue—

The PRESIDENT: We are not turning the place into a circus. You sat down. Do you want to put the second reading? It is probably best that you let the President run the show, and we will all get on very well.

Bill read a second time.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

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

MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL

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

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

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

At 20:29 the council adjourned until Thursday 10 March 2011 at 14:15.