LEGISLATIVE COUNCIL

Wednesday 18 May 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:21): I bring up the 24th report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Gambling (Hon. G.E. Gago)—

Codes of Practice Under Acts—Gaming Machines—
Expiations—Notice No. 3
Social Effect Inquiry Process and Principles Prescription Notice 2011

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about the new Royal Adelaide Hospital.

Leave granted.

The Hon. D.W. RIDGWAY: Members will be well aware that the Development Assessment Commission recently gave planning consent to the new Royal Adelaide Hospital but, in doing so, identified 30 issues it would like resolved before progressing. One of the issues was a concern that the building being proposed is a four-star energy rated building, unlike the government's stated policy of a minimum of five stars and, wherever possible, six stars and, in fact, the Premier announced that overseas with much fanfare.

Members will be well aware of my concerns, having been raised for some two months now, about this attempt to, if you like, pick some very low-hanging fruit and build a hospital that is only four-star rated. At the time it was announced the South Australian Executive Director of Service Strategy, David Panter, said that these revisions would not delay the contractual negotiations or affect the cost of the project.

I have spoken to two independent practitioners within the development industry over the past few days and, while they are ballpark figures, the first one said lifting it from four star to five star could be between $500 and $1,000 extra per square metre, which would be somewhere between $80 million and $160 million. The other practitioner said it was a little hard to guess but he thought it could be between 10 and 15 per cent. Given they were not able to get the design brief, they are accurate guesstimates of what the cost could be. That, of course, would include things that need to be changed such as services, electricity, airconditioning, water, heat reflection, windows, insulation, and even fire control.

Members would also be aware that when you sign a building contract, even if it is for just a simple house, and then you have alterations after you have signed the contract with the builder, you are exposed to significant risk when it comes to extra costs. In fact the Macquarie Private Bank document says, on page 37, that the modification process of the South Australian health partnership will be compensated by the state for any modifications that cause an increase in costs. So the full costs will be charged on top of the $2.73 billion that is now the figure that the hospital will cost. My questions are:

1. What is the real cost of these modifications?

2. Will the brief be changed prior to financial close so as to minimise and eliminate the risk of price gouging by the consortium?

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, Minister for Gambling) (14:25): I thank the honourable member for his important questions. I will refer those questions to the Minister for Health in another place and bring back a response. However, in very general terms I would like to draw the chamber's attention to the fact that the Minister for Health, John Hill, has said, in relation to the hospital project, that it will be a very good deal for taxpayers. Minister Hill stated:

> We are absolutely satisfied that this is good value for money and if we compare the overall life cycle costs, the 35-year costs of this contract with what it would cost us as a government if we were to do it, we're getting a [really] good deal.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We know that all members opposite ever do is knock. This government has come up with one good strategy and one good project and program after another to build South Australia into a prosperous state—the tramline extension, the Adelaide Oval, the new Royal Adelaide Hospital—and all the opposition ever does is knock, knock, knock. Our political commentator for *The Advertiser*, Greg Kelton, even wrote an article that talked about the knockers.

If I remember correctly he said, in his press article, that he could not believe that any other state here in Australia, nowhere else in the world, would you find people knocking a brand-new, state-of-the-art hospital, a fabulous tramline, and a wonderful design for our new oval. Nowhere else would you ever find people knocking such fabulous programs. However, that is what the opposition does: it just goes ahead and knocks, knocks, knocks.

The other information I have been advised of, and that I am happy to share with this chamber, is the fact that the SA Health Partnership will design and build, finance and maintain the new Royal Adelaide Hospital and provide non-clinical support services over a 35-year period. I have been advised that the state is currently in the final stages of negotiation over that partnership, but the financial details of that project are obviously confidential until contract negotiations with the consortium are complete, the contracts signed and the financial close reached.

I have also been advised, as the honourable Minister for Health has already mentioned in another place, that, consistent with other PPP projects in South Australia, the government will release the details of the new Royal Adelaide Hospital PPP contract within 60 days of the contract being signed, including the total value of the signed contract. That will provide full information to the public about the final cost of the project over the 35 years.

I am also advised that it will include the construction cost, finance cost, transaction cost, facilities maintenance cost, and equipment lifecycle cost and that the cost of risk will be built into that costing process. The government will release all information that is not financially sensitive and confidential. I am advised that I can assure this place that the government will not pay a single dollar until SA Health deems the hospital is ready for use.

FREEDOM OF INFORMATION

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking the Minister for Public Sector Management a question relating to the Freedom of Information requests.

Leave granted.

The Hon. S.G. WADE: I am aware of an incident where the details of a member in the other place were provided to third parties during an FOI consultation by the South Australian Film Corporation. In addition to revealing the name of the MP making the request to third parties, correspondence sent by an FOI officer at the Film Corporation also speculates as to how the information provided might be used. I am advised that this incident follows a similar experience by another member of parliament. Such revelation of the applicant, together with political speculation, could jeopardise the principal objectives of the Freedom of Information Act, namely, to:

> ...confer on each member of the public and on members of parliament a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are consistent with the public interest and the preservation of personal privacy.

Given there is no legislative requirement to provide the personal details of an applicant to third parties during the consultation process, and it has not been the practice to do so, I ask the minister the following questions:

1. Is it now government policy to release the name of an applicant under the FOI Act to third parties when consulting on the release of documents for every FOI application, or does this policy only apply to MPs?

2. Does the minister consider it appropriate for public servants to speculate about the political intentions of MPs and to distribute that information to the community?

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, Minister for Gambling) (14:31): I thank the honourable member for his important question. To the best of my knowledge, I am not aware of these instances. I invite the honourable member to provide us with those details. I understand, in fact, that our office did receive a copy of a letter from Vicki Chapman, the member for parliament—

The Hon. T.J. Stephens: Try 'member for Bragg'.

The Hon. G.E. GAGO: The member for Bragg, I should say, Mr President. That was sent to our office, and our office has sent that to our agency for response. So, at this point in time, I do not have those details, but I invite the honourable member to provide us with those details, and I will be very happy to follow that up and provide answers to those questions.

However, I would like to note the increase in FOI requests that have gone on in recent years. In fact, the number of FTEs working on FOIs across the state government was estimated to be 41.7 in 2001-02, and it is now 63.8 in 2009-10—an increase of 53 per cent in the number of staff. The total cost of administering FOI for this state government has risen by 282 per cent since this government's first term of office. So, the total cost of administrating FOI: 282 per cent increase since we have come in to government. I am advised the administrative costs were $1.7 million in 2001-02 and were $6.5 million in 2009-10.

This massive increase is caused by a number of factors, but particularly the applications from MPs have increased significantly, and not just in number. It is clear that their breadth and complexity have increased as well. It is obvious that they are massive fishing trips.

The number of MP applications was 48 in 2001-02, and we had 1,816 in 2009-10—a 3,700 per cent increase. What we have to face is sending these FOI fishing expeditions off to the agencies to have more and more staff employed running around trying to collect and find information.

Many of them are just general fishing expeditions. They hope that, if they ask for enough information, they will find something somewhere they can bring back here and whinge about. It is an absolute disgrace that some members abuse this very important public process. It is a very important process in terms of government accountability and transparency, and it is something this government is extremely committed to.

We are a very open and transparent government. It is abuse of these sorts of privileges that really puts the system under a lot of pressure. We could be spending those funds elsewhere. More nurses, more police, more doctors and more services—that is what we could be spending that money on, rather than these wasteful and irresponsible fishing trips.

Having said that, I would welcome the honourable member providing me with those details. I will check the correspondence which we have received from Vickie Chapman which I have sent off to the agency, and I will check the advice I have yet to receive from the agency, and I am more than happy to bring back a response.

FREEDOM OF INFORMATION

The Hon. T.A. FRANKS (14:37): I have a supplementary question. Has the minister noticed a correlation between the unanswered questions on notice and questions without notice in the two chambers of this parliament and the increase in FOIs?

The PRESIDENT: The Hon. Mr Lucas.

The Hon. R.I. LUCAS: But the minister has been asked a question.

Members interjecting:

The PRESIDENT: She doesn't have to.

The Hon. R.I. LUCAS: Oh, she is just refusing to answer it?

The PRESIDENT: I don't know. She didn't rise to her feet. The Hon. Mr Lucas has a question.

The Hon. R.I. LUCAS: I think she is waiting for the answer to come through on the iPhone.

The PRESIDENT: The Hon. Mr Lucas.

The Hon. R.I. LUCAS: I just thought that the answer might be coming through on the iPhone; it's obviously not ready yet.

The PRESIDENT: If you don't want to, you can sit down and I will ask someone else.

The Hon. R.I. LUCAS: Mr President!

The PRESIDENT: Well, move along; we haven't got all day.

GOVERNMENT WASTE

The Hon. R.I. LUCAS (14:38): I seek leave to make a brief explanation before asking the Minister for Regional Development a question on the subject of government waste.

Leave granted.

The Hon. R.I. LUCAS: Members would be aware that there are now almost 300 spin doctors and other ministerial advisers in ministers' offices at the moment. There are also hundreds of public relations experts, communications experts and media management experts embedded in government departments and agencies.

Members would also be aware that there has been, since the March 2010 election, significant criticism of both the public and media performance of many government ministers. The Liberal Party has been advised that the government itself has become so concerned about that and about the media performance of some ministers that the government has ordered some ministers to undergo professional media training from professional media training agencies.

The Liberal Party has received yet another leak from a source with access to confidential information at the highest levels of government. This information shows that the government has contracted a media training company called mediainsider, which is a company run by Mark Aiston, a sports reporter on Channel 10. On 12 August last year, at the State Administration Centre, minister Koutsantonis received four hours of professional media training—

An honourable member interjecting:

The Hon. R.I. LUCAS: I'm not sure whether driving instruction was included—from Mark Aiston 's company, mediainsider, at a cost of $2,000, plus GST. On the following day, minister Rau was ordered to take and took four hours of professional media training from Mark Aiston's company, on 13 August, as I said, at the State Administration Centre, at a cost of $2,000 plus GST.

When one goes to mediainsider's website which is, as I said, the company managed or run by Mr Aiston, part of the information there which outlines the media management packages and media training packages which are available is his commentary, which refers to the change of prime minister when Ms Gillard took over from Mr Rudd. The commentary on the website says:

> Former Prime Minister Kevin Rudd's goodbye speech was hard to watch, he was emotional and obviously extremely upset. Julia Gillard's speech was extraordinary. She was confident, humorous, honest, engaging, articulate and empathetic. She spoke as if she had been the PM for years. It was the perfect template for when YOU make YOUR presentation.

Then there is an advertisement for a media package, which follows, on the mediainsider website. The Liberal Party is also aware that there is significant concern at the senior levels of government about the media performance of the former leader, the Hon. Bernard Finnigan, when he was minister, and also the current leader, the Hon. Gail Gago. So, my questions are as follows:

1. Which agencies paid for the professional media training for minister Koutsantonis and minister Rau in August of last year? In particular, was it the ministers' own agencies, was it the Department of the Premier and Cabinet or was it the Premier's ministerial office budget that paid for them?

2. Has minister Gago been directed to receive professional media training since the March 2010 election? If so, what was the cost of the training and which particular department paid for it?

3. Did the former leader of the government in this chamber, the Hon. Bernard Finnigan, receive professional media training since the March 2010 election? If so, what was the cost and which particular agency paid for the cost?

4. Which other ministers in the current Rann government, since the March 2010 election, have received professional media training from mediainsider or any other professional media management company? What has been the cost of that particular media training and which agency, in each case, paid for that media training?

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, Minister for Gambling) (14:43): I thank the member for his question. Indeed, I am not surprised at the sort of pathetic calibre that the member stoops to. When people go into public life, it is not an unusual or surprising thing that they may attend training and other educational courses and programs to assist them to develop or hone the skills they might need in their public life.

I am absolutely sure that the Liberal opposition, when it was in government in particular, would have done exactly the same thing, so it would be very interesting to go back and ask the former Liberal government for their records in relation to media training. This is not an unusual thing, and I am quite confident that the former Liberal government would have done exactly the same thing.

It takes the Hon. Robert Lucas to try to read into this something evil and sinister, which is completely outrageous. As I said, it is not an unusual thing. The former Liberal government would have done it, and probably its members do it even in opposition to assist them to develop their skills. In relation to the training that the honourable member has referred to, any training that they have had or whether they have been directed—

The Hon. R.I. Lucas: Have you had any training—no: you?

The Hon. G.E. GAGO: The honourable member has asked me a number of questions relating to the Hon. Tom Koutsantonis and the Hon. Bernie Finnigan. He has asked me a series of questions and now that I am answering the question he is so frustrated that he does not now want to hear the answer about those other members. He does not want to hear the answer to that question, so he now wants to completely disrupt my answer so that I cannot answer that question about the members that he has named in this place.

He is not prepared to listen to the answer, but I will press on. In relation to the honourable members that he has referred to, other than myself, in relation to whether they have been directed to receive training from, what was it, mediainsider, or any other company, and how much they have spent, I, obviously, do not have those details. I will refer those questions to the relevant ministers in another place and they may be prepared to bring back a response.

In relation to myself, I was asked whether I had been directed to receive training since the March election, or whether I had received training. The answer is quite simple: no, I have not. Therefore, there was no expense incurred in that. Just in case the honourable member has trouble connecting the two: no, I was not directed (since the last election) to receive training, therefore, there was no cost in relation to that non-event.

As we see in this place, the honourable member comes in here and he puts people's names out; he makes allegations, snide allegations—

An honourable member: Snide.

The Hon. G.E. GAGO: Very snide allegations—and all sorts of innuendo of wrongdoing. Time and time again he comes in here with completely unsubstantiated allegations. He never tables any support for his allegations. He never presents any evidence, not an FOI or something that he has gained that he can get up and read out. No, not that, not even a dodgy document. He just stands up in this place and uses the names of honourable members and, as we know from the past, other members of the Public Service, besmirching their names with all sorts of snide innuendo, ruining people's reputations with completely unsubstantiated claims.

He has no supporting evidence and no documentation, and we know that time and time again he does that. It is despicable and cowardly behaviour, I have said that in this place before, as he cowers under the protection of these privileged walls. This place provides a privilege for us to be

able to speak frankly and fearlessly, but there is an onus of responsibility relating to that privilege; that is, that we should not misuse that, and the Hon. Rob Lucas does that time and time again.

GOVERNMENT WASTE

The Hon. R.L. BROKENSHIRE (14:49): I have a supplementary question. If the allegations are correct that ministers have been instructed to seek media training, can the minister advise the council why they sought outside training for ministers and did not use their ministerial advisers, most of whom are paid more than a member of parliament and should be trained to look after their ministers, if they are qualified journalists?

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, Minister for Gambling) (14:49): I wonder if the Hon. Robert Brokenshire, when he was a minister, received any media training during his term in office, or when he was a member of the former government. It is highly likely that he did.

GOVERNMENT WASTE

The Hon. T.J. STEPHENS (14:50): Supplementary question. Did the minister receive any public relations or public speaking training prior to 2010 at taxpayers' expense, and how much was the cost?

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, Minister for Gambling) (14:50): I would have to check my records. It has been many years. I have been in parliament now for nine years. I did some media training very early in the piece; I have no idea what the cost was. I am happy to look at those costs. I am fairly confident that I would have paid for it, but I am happy to double-check that and bring back a response.

VISITORS

The PRESIDENT: It is nice to see the Hon. Mr Gilfillan in the gallery today.

Honourable members: Hear, hear!

QUESTION TIME

WILD N FRESH PTY LTD

The Hon. R.P. WORTLEY (14:50): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about Wild n Fresh Pty Ltd.

Leave granted.

The Hon. R.P. WORTLEY: The Minister for Regional Development has spoken in this chamber previously about the iconic status of the Riverland and her previous visit to the area to hear first-hand of some of the opportunities and challenges for the region. The area is one of Australia's most important agricultural regions and has long been an area producing an enormous quantity of fruit, but the effects of the recent drought have highlighted the need for diversification and the need to seek ways to strengthen the economy of the region. Will the minister advise the council of a recent development which may contribute to the economy of the Riverland?

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, Minister for Gambling) (14:51): At last a good question, a relevant question. When I visited the Riverland recently, I was indeed very happy to meet with the local community and hear about their vision for the future of the region. Members may recall that, to help guide our response to the effects of the prolonged drought in the region, the government established the Riverland Futures Taskforce and, since my visit, I have been very pleased to have the opportunity to meet with Ms Ruth Firstbrook, the Chair of the Riverland Futures Taskforce, for an update on the progress of the task force since the end of the drought and what they see as being the next steps.

Ms Firstbrook and other members of the task force have been very generous in making themselves available not only in terms of providing me with information but generally in terms of their work for the community. Ms Firstbrook is very passionate and enthusiastic about the future of

her community, and I would like to take this opportunity to thank her for her input, commitment and hard work to date.

The Scholefield Robinson report, which was commissioned by the task force, identified that one potential area—of a number of areas—for economic development was the diversification into crops other than grapes or citrus and, in particular, it highlighted the opportunities presented by covered or greenhouse production.

Today I am very pleased to announce that I have approved a grant of more than $447,000 from the $20 million Riverland Sustainable Futures Fund to a Loxton company, Wild n Fresh Pty Ltd, to produce and market a range of chemical and insecticide-free fruit and vegetables. I am advised that the funding from the state government's Riverland Sustainable Futures Fund will enable Wild n Fresh to diversify into new markets by producing some fruit and vegetables previously not grown in South Australia, so it will enable them to really branch out into a brand-new market.

The company has built up its business from scratch since 2006, and I understand that it is now a sizeable operation. The grant will meet up to 50 per cent of the estimated project cost—which is around $895,065—associated with the upgrading of the company's main irrigation system at its Derrick Road, Loxton, facility, as well as extending its warehouse, shed and packing facility, and constructing a new 2,400 square metre greenhouse building, including climate and water control systems.

The project will deliver a significant boost for the Riverland community as a whole as it involves introducing new and innovative production practices to the region's large horticulture industry and could lead to the creation of nine new jobs at the Loxton site. The company aims to introduce counter-seasonal produce and has targeted strawberries in particular and as well plans to bring new products to the market. I understand that it proposes to bring a number of exotic vegetables such as gem squash and rainbow silverbeet to the market.

These new products are fabulous and will help provide some off-season production as well, which will assist in providing a competitive advantage to the Riverland region's produce, and that is a really important and exciting prospect. The Riverland Sustainable Futures Fund was established obviously to assist with industry restructuring and to promote sustainable economic and social development in the Riverland, and this project is an example of the quality proposals this fund will support. The $20 million fund is accessible by industry and businesses to fund projects that improve infrastructure, support industry attraction and help grow existing businesses, which can benefit the region.

OLYMPIC DAM

The Hon. M. PARNELL (14:57): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development on the release of the Olympic Dam expansion supplementary environmental impact statement.

Leave granted.

The Hon. M. PARNELL: On Friday BHP Billiton realised its preferred model for the creation of the world's largest open pit mine at Olympic Dam. The company's model overwhelmingly involves the export of our uranium infused copper concentrate for processing in China. As the long-term job-rich component of the project is in the processing, BHP Billiton's preferred model will mean the export of significant numbers of South Australian jobs and flow-on economic benefits.

In 2007 Premier Mike Rann, clearly concerned about the enormous negative impact on South Australia of BHP Billiton's 'China option' preference, put out a media release headlined, 'BHP Billiton's "China option" is not South Australia's option'. The first line of this release reads:

> Premier Mike Rann has told BHP Billiton that the South Australian government will strongly oppose any moves by the company to do most of the processing of minerals from the expanded Olympic Dam mine overseas.

The issue of domestic versus overseas processing of minerals featured heavily in many of the 4,000-plus submissions from community, economic and scientific experts on the original Olympic Dam EIS. Yet, in all of the reported 15,000 pages of the supplementary EIS released by the world's richest mining company on Friday, this option is dismissed in just four short dot points, with the explanation that this option was assessed but rejected because the additional cost of building a new processing unit on site would 'not provide the optimal return on investment'.

This cursory dismissal is surprising, considering that the Premier, in his ministerial statement yesterday, said that he and other key ministers were negotiating with BHP Billiton about maximising the amount of minerals processing in our state. Considering the strength of the Premier's rhetoric four years ago, one would assume that the government is still trying to maximise the amount of regional jobs in South Australia arising from this development by strongly pushing BHP Billiton to process our minerals in our state rather than treat the project as a gigantic quarry. My questions of the minister are:

1. As Minister for Regional Development, with a keen interest in regional jobs, what modelling has been done by the South Australian government, contrasting the jobs impact of processing the ore from Olympic Dam in South Australia compared with BHP Billiton's preferred model of sending the ore to China?

2. Has the government now abandoned its previous strong commitment for most of the processing to be done at Olympic Dam?

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, Minister for Gambling) (14:59): I thank the honourable member for his important questions. Although the Hon. Kevin Foley is the lead minister for matters to do with the Olympic Dam expansion, I am happy to make a few very general comments in relation to some of the comments and questions asked.

The Olympic Dam project faces some of the toughest environmental tests that we have seen, and if it meets those tests it will create thousands of jobs in this state. That is a very strong commitment from this government and myself, as well, as Minister for Regional Development. The Olympic Dam, as we know, is the world's largest uranium deposit and the fourth largest gold resource. It is also the world's fourth largest copper deposit which, under the expansion, I am advised, will increase fourfold. I am advised that the supplementary environmental impact statement (EIS) for the proposed Olympic Dam expansion was released publicly by BHP Billiton on 13 May 2011, and the supplementary EIS addressed the issues raised in more than 4,000 public and government submissions on the draft EIS.

I understand that the supplementary EIS identified changes to the project, including to the desalination plant, landing facility in the Upper Spencer Gulf, road access to the Olympic Dam tailings storage facility and proposed transport for ammonium nitrate. The South Australian government is working collaboratively with the Australian and Northern Territory governments on the assessment of the proposed expansion. The government is obviously strongly committed to ensuring that all aspects of the expansion project meet the very strict environmental standards. It is encouraging to see that BHP Billiton is committed to several sustainability measures, including renewable energy for the desal plant, water pipeline and solar hot water systems as well.

The benefits of the Olympic Dam development to the state's economy and its communities will be immense and long term, and that is very important to this government. The state government is expected to make a decision on the adequacy of the supplementary EIS before the end of the year. In relation to any specifics around modelling in relation to jobs or any other modelling, I am happy to refer those questions to the Hon. Kevin Foley in another place and bring back a response.

SERVICE SA

The Hon. CARMEL ZOLLO (15:02): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about accessing government information and services.

Leave granted.

The Hon. CARMEL ZOLLO: A key focus for the Service SA website Ask Just Once is to improve service delivery through encouraging people to use the internet to access government information and services. I understand that by encouraging people to use online delivery modes it will allow front-line staff to focus their attention and their service on areas where they can add the most value, enhancing customer satisfaction and savings for the state Rann government. Can the minister outline how Service SA is making the online experience of Service SA more efficient and customer friendly?

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, Minister for Gambling) (15:03): I thank the honourable member for her question. Mr President, as you may be aware, Service SA is the state government's one-stop contact point for government information and services. Service SA is a leader in offering choice and flexibility to customers and manages the South Australian government's single entry point online.

The site has been recognised nationally by state governments and in a paper to the international Organisation for the Advancement of Structured Information Standards for its ability to deliver significant benefits to the public sector. It provides access to government-related services, information and products, while also providing a gateway to performing financial transactions through an integrated network of phone, face-to-face and online services and most recently via mobile devices.

In line with the Ask Just Once strategy Service SA, in conjunction with the relevant departments and agencies, is constantly maintaining and updating the information available on this site. The key initiative of the strategy was the development of a single entry point online and the restructuring of online service delivery around the needs of citizens and businesses. I am advised that at the end of February 2011 there were nearly 2,000 pages of published content on sa.gov.au, with the site currently attracting an average 4,600 visits per day; that is for February.

It is incredible; 4,600 visits per day. I am advised that visit numbers are 25 per cent higher than for the same time last year, with visitors viewing almost 16,000 pages per day. I am pleased to inform members that Service SA has recently upgraded the look and feel of sa.gov.au using visual interest without introducing clutter or compromising usability.

The modern new design elements reflect the four seasons, and the site remains customer-focused, with topics of interest organised to bring together information from across government in simple, plain English, enabling users to find what they need quickly and easily. The site will enable flexibility to enhance key pages, whilst retaining a logical and consistent overall look and feel to the site. The refresh of the site will retain the connection with the existing design while enhancing the requirement for it to be informative and also credible and reliable.

The site update uses the graphic device of an arrowhead from the sa.gov.au logo in new ways to enhance key features, such as the top five links and the main subject heading on the home page, and the approach to writing the content for the site has been informed by leading global research and experts in the field. Customer feedback continues to reflect a growing level of satisfaction amongst customers, and I would like to take this opportunity to congratulate Service SA for its consistent, helpful and user-friendly approach to customer service.

SERVICE SA

The Hon. J.A. DARLEY (15:07): I have a supplementary question. Can the minister advise how many government agencies have call centres operating independently of Service SA? Does this move intend to incorporate some of those call centres within Service SA?

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, Minister for Gambling) (15:07): I thank the honourable member for his important question. Indeed, there have been significant developments to consolidate a range of government information services through Service SA services; for instance, the coordination of the online site is just one of those. Service SA is now taking responsibility for a number of agencies and for the management of their online information services. That has been consolidated, and we believe it is a very effective and efficient way to do things.

Service SA is an agency that has the skill and expertise to do these things extremely well, and it has a very good customer focus in terms of its overall services. There are a number of services that have now been channelled through Service SA; some of those are online and some revolve around the managing of transactions, the payment of various licenses, registration, the filling out of forms, and such like.

There are a large number of services that are now being channelled through Service SA but in terms of the actual number, I am happy to try to get those details and bring the information back. I can assure the honourable member that many services have now been directed through Service SA, and we continue to explore opportunities with agencies right across government to improve efficiencies and effectiveness. Where there is the potential to do that, we continue the negotiations with those agencies.

TRUMPS

The Hon. D.G.E. HOOD (15:09): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question regarding the TRUMPS computer system used by Transport SA.

Leave granted

The Hon. D.G.E. HOOD: I have been contacted by a constituent who has been dealt with quite unfairly, in their view and in mine, by Transport SA. In December 2008, this constituent should have received a letter reminding him to renew his car registration, and that letter never came. I understand a warning notice is usually sent seven days after failure to pay, but this warning notice was also never sent, and the registration renewal was therefore not paid.

My understanding is that Transport SA has actually agreed with this scenario and taken full responsibility for not sending the reminder and the warning letters, blaming technical issues on their part; however, it is maintained that the driver, nonetheless, is responsible for ensuring their car registration is maintained. As members will be aware, the risk of driving an unregistered and uninsured vehicle is that the driver may be liable to pay for any personal injury suffered as a result of their driving.

Indeed, in March 2009, the car was involved in an accident in which a pedestrian wearing earphones walked into the path of the driver as he was reversing, resulting in injuries. In June 2000, the driver was contacted by Allianz (the insurance company) to be informed that, given there was no personal liability insurance, the costs claimed by the pedestrian will be recovered personally from the driver and that those costs will be very substantial indeed. Although the department has admitted that no renewal letter was sent, it is refusing to take any responsibility whatsoever.

My question to the minister is: will the minister do the right thing in this circumstance, given that it was the department's fault, and it has agreed that it was its fault, and ensure that this individual has coverage by the insurance scheme so that these costs can be met?

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, Minister for Gambling) (15:11): I thank the honourable member for his most important question. I would be very pleased to receive the details of the individual the honourable member refers to, and I certainly give a commitment to look at those details in as sympathetic a way as I possibly can. But, the bottom line is that, as with all our liabilities, if you like, the onus is in fact on the individual.

For instance, if we allow our house insurance policy to lapse, or our fire, theft or health insurance, or if we don't pay our electricity bill; if we fail to fulfil our responsibilities—even if there is a very good reason, a very good excuse why we might not be able to do that—nevertheless, if we fail to renew our insurance, our house is left uninsured, and if it burns down then we have to suffer the consequences.

Other agencies, like insurance, the electricity, utilities etc., and many organisations send reminders, and so too with car registration. The car rego agency sends out an invitation to renew (it is usually a standard practice) a number of weeks ahead, and then, I believe, if I recall correctly, if the renewal is late they send out a notice again to say to that person, 'Your renewal is late. It is due on such-and-such a date.'

However, if something goes wrong—whether it is the individual's fault or not—they may have been run over and be unconscious in a hospital somewhere—it is the same outcome. The liability and responsibility fall on the individual, not the utility or the agency to remind and follow up that person. In this instance, as I said, I will follow this up and do whatever I can, given those parameters.

We have put online a new car registration checking program, and there is also a telephone hotline so that you can ring in or go online at any time of the day, seven days a week, enter your plate and registration information online, and check whether the car is registered. The information will also let you know when that registration is about to expire. That pertains not only to your own vehicle but any registration number you want to put in so, if you are looking to buy a car or your spouse's car or whatever, you can check that as well.

That is available to everyone. No personal information is given on that data screen, so it does not say who owns the car or provide any other personal information; it simply lets the person know whether or not the car is registered and when that expires. As I have said, if the honourable member is prepared to give me the individual's details, I will check to see whether there is something I can do. I cannot promise, but I am prepared to have a look at it.

BUILDING SAFETY

The Hon. J.M.A. LENSINK (15:16): I seek leave to make an explanation before directing a question to the Minister for Consumer Affairs on the subject of structural building safety.

Leave granted.

The Hon. J.M.A. LENSINK: Since the April 2002 collapse of the Riverside Golf Club building, which caused the death of two people, there has been concern for buildings built between 1970 and 1997 where the nail pads of prefabricated roof trusses have been shown to have the potential to structurally fail. The opposition has been made aware that OCBA has been contacted by relevant industry associations since the collapse of the building, and they have raised concerns about the safety of people who may be inside those buildings if they were to collapse. The suggestion has been made that OCBA should implement a program whereby potential buyers of building structures with such a prefab truss are provided with this information at point of sale. My questions are:

1. Has any progress been made on these requests and, if so, will the minister detail them?

2. Is the minister concerned with safety risks posed by these structural types and what does she intend to do about it?

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, Minister for Gambling) (15:17): I thank the honourable member for her most important questions. Indeed, in 2006, the Minister for Urban Development and Planning established, I am advised, a ministerial task force to respond to the Coroner's report to look at ways of preventing future roof collapses like the one we recall at the Riverside Golf Club that collapsed.

The final report of that ministerial task force on roof trusses, which sets out a range of changes to the design and manufacture of roof trusses in South Australia, is available on the Department of Planning and Local Government website. I am advised that the Department of Planning and Local Government has taken several steps to provide information about roof trusses to the industry and consumers, and the department has been doing this for some time.

It includes a building advisory notice, which was issued to the building industry, about faulty trusses. I am advised that that was in December 2004. I have also been advised that that has since been re-issued. It also includes explanatory information regarding an online check which was developed and which is available, I am advised, on the Planning SA website.

There is also an online check tool, which enables building owners to easily determine what action, if any, they should take regarding the roof of their building. The prefabricated roof truss check can be found on the planning.sa.gov website. I am advised that OCBA is now working with DPLG on a proposal for developing information booklets, which will be sent to builders, plumbers and electricians. So, members can see that quite a deal of information has been out to the industry for some time.

I understand that these modifications have been used right throughout the nation in various other states and jurisdictions. The advice I have received is that very few other states have gone to the lengths that South Australia has to inform and advise people of these matters. I hope that does reassure the honourable member.

BUILDING SAFETY

The Hon. J.M.A. LENSINK (15:20): Can the minister advise whether, firstly, there has been an audit done of where all of these structures may exist and, secondly, whether there is any point of sale information that has been put in place and, if not, why not?

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, Minister for Gambling) (15:20): My general understanding is that,

and I will double-check this to make sure that it is correct, an audit would not have been done. The use of these roof trusses was quite commonplace over a period of time right throughout Australia. They have ceased to be used now in the industry for quite a considerable period of time and, because they are not currently sold or used any longer, point of sale information is not relevant or appropriate.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION

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

Leave granted.

The Hon. I.K. HUNTER: Active since 1880, the YWCA of Adelaide is considered one of the leading voices for young women in South Australia. The YWCA provides advocacy, support and leadership opportunities for young women through services, programs and campaigns. Will the minister tell the chamber about the latest valuable YWCA project, the Positive Self Image Projection 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, Minister for Gambling) (15:21): I thank the honourable member for his most important question. The YWCA of Adelaide acknowledged international No Diet Day on Friday 6 May with the launch of the Positive Self Image Projection Project.

The Hon. I.K. Hunter interjecting:

The Hon. G.E. GAGO: The honourable member was not in attendance; however, I understand that the Hon. Tammy Franks was.

Members interjecting:

The Hon. G.E. GAGO: I beg your pardon. I understand the member for Adelaide attended. Unfortunately, I was not able to attend, although I would very much have liked to have gone, but I did receive some wonderful feedback about the project and I want to share some of the details of that with honourable members. Members may have seen for themselves the projection of more than 100 Polaroid images of young women onto the wall of the Target building on Rundle Street.

I am advised that the YWCA worked with young women across Adelaide, Victor Harbor and Tea Tree Plaza to ensure that the project included a very broad range (a cross-section) of images of young women. The images represent positive statements by young women celebrating their diversity and send a powerful message to the community, challenging people to question the narrow view of women often portrayed in the media and encouraging them to stop and think about what they like about themselves.

I am advised that young women participating in national surveys are continually looking at issues around body image. Research shows that body image is one of the top concerns of young women, and young men as well. That can lead to eroded self-esteem, as we know, due to the exposure of mass media images and the supposed ideal. We see that that can lead to all sorts of problems in young women: body dissatisfaction, eating disorders, depressive effects and low self-esteem.

Feelings of dissatisfaction and low self-esteem also impact on a wide area of peoples' lives. I was pleased to be informed recently of the work undertaken by my colleague the Minister for Youth, the Hon. Grace Portolesi, in the area of body image. The state government commissioned research last year to better understand the issues affecting young South Australians.

The 'SA Young People: Emerging issues and priorities' report, which can be viewed on the Office for Youth website, was produced. This report found that issues of poor body image, weight and obesity emerged as significant concerns for young South Australians. This is why the state government has committed to hosting a body image summit.

The YWCA's Positive Self Image Project can be viewed every night from 6pm to 11pm, and I encourage members to go down and have a look.

ANSWERS TO QUESTIONS

APY LANDS, HOUSING

In reply to the **Hon. T.J. STEPHENS** (23 February 2011).

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, Minister for Gambling): The Minister for Housing is advised:

1. Houses were allocated on 25 January 2011 and tenants moved in within three days of allocation.

SAVE THE RIVER MURRAY LEVY

In reply to the **Hon. R.L. BROKENSHIRE** (8 March 2011).

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, Minister for Gambling): The Minister for the River Murray has been advised:

1. The Save the River Murray Levy was established as part of the Water Works Act 1932. The Save the River Murray Levy raises an estimated $25 million indexed per annum and enables a range of significant programs to be undertaken. The programs funded by the levy are detailed in the Save the River Murray Fund Annual Report 2009-10 which was tabled in Parliament on 9 November 2010. These programs do not represent a cost shift to pay for consultancies.

2. All activities undertaken using revenue raised by the Save the River Murray Levy are compliant with the requirements set out in the Water Works Act 1932.

3. The Save the River Murray Levy was established to enable activities to be undertaken that enhanced the long term environmental sustainability of the River Murray system. As this is a long term initiative, no triggers were defined for the abolition of the levy.

4. & 5. While South Australia is currently receiving good inflows into the River Murray system after many years of drought, this does not mean that the long term future health of the River is assured. The Save the River Murray Levy is an extremely worthwhile, long-lasting contribution to restoring and maintaining the River's health. The money raised through the Levy is vital in ensuring the long-term sustainability of the waterway and therefore, the government does not currently have plans to abolish it.

SOLAR FEED-IN TARIFFS

In reply to the **Hon. M. PARNELL** (9 March 2011).

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, Minister for Gambling): The Minister for Energy advises:

1. The Electricity (Miscellaneous) Amendment Bill 2011 has been introduced into Parliament.

The Bill will seek approval for an increase in the solar feed-in tariff to be paid by the electricity distributor from 44c/kWh to 54c/kWh for electricity exported to the grid, capped at 45 kWh per day.

The Bill will also seek to legislate for the Essential Services Commission of South Australia to determine a minimum rate to be paid to customers from electricity retailers for the power they receive from owners of solar panels.

MATTERS OF INTEREST

VILLERS-BRETONNEUX

The Hon. P. HOLLOWAY (15:25): Several weeks ago, it was my privilege to officially represent the South Australian government at the 2011 ANZAC Day service at Villers-Bretonneux, France. This visit to the Western Front of World War I was personally significant to me as both of my grandfathers served on the Western Front, one of them being seriously wounded there.

The ANZAC Day service at Villers-Bretonneux recognises one of the most important events in Australia's military history and a key turning point in the outcome of the First World War. The daring night-time battle that took place on 24 and 25 April 1918 to recapture Villers-Bretonneux has been described as perhaps the greatest individual feat of the war. The capture of Villers-Bretonneux represented the high watermark of the German Spring Offensive and its speedy recapture by Australian forces on ANZAC Day 1918. It was soon followed by a new allied counteroffensive which led to the end of the war seven months later.

To commemorate the 19th anniversary of the battle, in 2008, a dawn service was held at the Australian National War Memorial at Villers-Bretonneux, the first official dawn service at the memorial. The Australian National Memorial is located at the back of the Villers-Bretonneux military cemetery, which contains 2,144 graves, 780 of which are Australians. The memorial itself commemorates the 10,771 Australian casualties who died in France and who have no known grave.

An estimated 5,000 visitors attended the 2011 commemoration, including hundreds of school students from all over Australia. They are part of the growing Australian pilgrimage to the Western Front to pay tribute to the troops (in many cases their relatives) who demonstrated such heroics, but at great cost in human life.

Nine of those students attending Villers-Bretonneux were recipients of this year's Premiers Anzac Spirit School Prize: Cassandra Roccisano of Charles Campbell Secondary School; Nick Falcinella of Loxton High School; Edward James of Loxton High School; Maggie Rutjens of St Marks College Port Pirie; Monique Champion of Immanuel College; Joseph Chu of Glenunga International School; Clair Coat and Jade Pass of Loreto College; and Alison Wilson of Pembroke College.

The ANZAC Spirit School Prize was established in 2007 by the South Australian government in association with the SA branch of the RSL. Applications for the prize each year are open to all year 9 and 10 students in South Australia. To enter the competition, students tell the story of a South Australian who served on the Western Front and discuss what the experience means to them today.

Those shortlisted are then interviewed by a panel. The selected students travelled to Canberra in January to learn more about Australia's wartime history before departing on their tour of World War I battlefields in Belgium and France. There they visited and were involved in a ceremony, with the support of the RSL, at the graveside of the service person they researched as part of their application.

The students were very ably supported by Jock Statton, the President of the Returned and Services League of Australia (South Australian branch); Claire Forsyth, a teacher from Aberfoyle Park High School; Paul Foley, a teacher from Loreto College; and Bev Smart, the Acting Chief of Protocol in the Premier's department and tour coordinator.

I greatly enjoyed meeting with these students and teachers in Amiens. It was evident that these students are exceptional young people who are outstanding ambassadors for South Australia. Our state can be proud of them. It was also evident that the students had learnt much from their travels, gaining a broader outlook and world vision. One of the students (Monique Champion) had the honour to be selected to read at the ANZAC Day ceremony.

My relatively brief encounter with this party of school students was sufficient to assure me that the Premier's ANZAC Spirit School Prize is achieving its objective for young South Australians to recognise, connect with and maintain the Anzac spirit. Having confronted the scale of human sacrifice which forged that spirit, one can only agree with the comments of the then Governor of South Australia, Sir Alexander Hore-Ruthven when he unveiled our own national War Memorial in Adelaide. Back in 1931, he said:

> It is not only for ourselves that we have erected this visible remembrance of great deeds, but rather that those who come after us and have not experienced the horrors of war, or realise the wanton destruction and utter futility of it all, may be inspired to devise some better means to settle international disputes other than by international slaughter.

Time expired.

REMOTE AREAS ENERGY SUPPLIES SCHEME

The Hon. T.J. STEPHENS (15:30): In March, I asked a question without notice of the Leader of the Government about an increase in the tariff under the remote areas electricity scheme

significantly affecting the price of electricity to residents of Coober Pedy. Yesterday, I finally received a response to this question. I am not bitter or twisted; however, I am aware that it is called question time and not answer time.

The minister confirmed my concern that the district council and residents were not consulted prior to the increase. The Leader of the Government stated on 22 March that domestic customers were paying less than the equivalent on-grid consumers and that essentially this increase was to correct this discrepancy. If this were true, then surely this new scheme should not have been that tough to sell, because even the locals agree that it costs more to supply electricity in remote areas.

Rather than inform residents that it was in fact an initiative of the government via the Department for Transport, Energy and Infrastructure, the minister advised me that the independent operators were informed of the increase and provided with a suggested letter for their use in communicating with their customers regarding the tariff changes, essentially trying to shift the blame from themselves and onto the local power operators, perhaps to prevent voter backlash in the Labor electorate of Giles.

However, it seems that the tariff increase was not as simple as just correcting the discrepancy. Instead, it goes way beyond that, so much so that it threatens the viability of Coober Pedy as a township and not just a few businesses within its limits, as the government seems to think. Minister O'Brien has advised that the increase will only lead to a 4 per cent rise in electricity costs for domestic customers, yet high consumption customers, such as supermarkets and the desalination plant, will be expected to pick up much more of the cost of its energy.

As a result of these increases, water will now be $6.38 per kilolitre, compared with $1.29 in Adelaide. The businesses will, of course, have no choice but to try to pass this added cost onto customers, which then effectively hits residents twice. How will this extreme spike in living costs attract others to live, work or travel to Coober Pedy? It will not. The impact on tourism cannot be understated, and Coober Pedy relies on tourism to ensure its long-term future.

The minister stated that the government will be looking into alternatives to the scheme, including connecting Coober Pedy to the national grid. I suggest that the government should be looking into all alternatives that lower the cost of electricity in the town and create equity between Adelaide and regional areas such as Coober Pedy. I for one would like to see equity in energy prices between Coober Pedy and Adelaide. I know a number of my Liberal Party colleagues share the same view. I know the member for MacKillop, our shadow minister for energy, is working on a policy in this area, and I know that it will actually assist people of Coober Pedy and other parts of regional South Australia, unlike the current government's policy.

The government has recently announced that it would phase in the changes over three years for larger consumers. This has the effect of delaying the devastation, not stopping it. However, the Premier was happy to congratulate himself, the government and the member for Giles on stepping in and saving the people of Coober Pedy. I am sure that the people of Coober Pedy do not see it this way. The government is so aloof on this issue that the locals are having to turn to the commonwealth in order to get assistance and action on this. A former honourable member of this place, now Senator Nick Xenophon, attended a town meeting on the weekend—something the minister should have done. It seems this government is making brutal budget cuts without any thought for the implications of its decisions.

Regional South Australians have been sold down the river by this government and its budget. I recently met with locals Yanni Athanasiadis and Robert Coro of Umoona Opal Mine and Desert Cave Hotel respectively. These gentlemen are extremely concerned about the viability of not only their own businesses but the town in general, and I commend them for their courageous efforts in speaking out against the extortion this government is committing. Their campaign, along with that of the Mayor, Steve Baines, has led to significant attention being drawn to this issue in Adelaide. Too often has this government ignored the interests of regional South Australia.

The minister and the government have really lost it on this issue. They have failed to grasp the concerns of the community and the impact of their decisions. I call on the minister to meet with locals in Coober Pedy and see the real impact of his flawed decision-making. That way he may come close to reversing his decision and relieve the good people of Coober Pedy, whose livelihoods and wellbeing are certainly at stake.

JUVENILE DIABETES RESEARCH FOUNDATION

The Hon. R.P. WORTLEY (15:34): Once again, I rise to bring to members' attention a cause that is of special interest and concern to me, and that is the vanquishing for all time of type 1 diabetes in children. As members will be aware, I have been associated with the Juvenile Diabetes Research Foundation for a considerable period now as a supporter, advocate and fundraiser. My extended relationship with the foundation means that I have been able to keep a watching brief on some exciting research developments that I would like to outline today.

First, let me consider the impact of type 1 diabetes on children, their parents, their siblings, their schoolmates, teachers, friends and others with whom they interact during their daily lives—lives that are punctuated with a relentless and unremitting obligation to test and retest blood sugar levels, to calibrate insulin dosages and inject or use an insulin pen or manage an insulin pump; how to deal with their dietary intake; the effects of exercise; social events such as sleepovers with friends, school camps and a host of other activities of daily life; and when testing might be required during sleeping hours as well as waking ones.

As I have pointed out previously in this place on this topic, the effects of the disease on quality of life are not absolute: they are cumulative. Indeed, I take this opportunity to repeat just a couple of remarks from a former address to this chamber. Over time, blood vessels and the tissues and organs they supply sustain permanent damage from chronically high levels of blood glucose. Because it necessarily affects almost every organ in the body, diabetes can result in major complications include diabetic kidney, eye and nerve diseases, among others, and cardiovascular disease.

Because type 1 diabetes impacts on children and young people at the beginning of their lives rather than in later years, many face such serious complications while they are still only young adults, and I would like everyone in this chamber to consider that carefully. Type 1 diabetes could affect any of our children. About 80 per cent of people diagnosed with type 1 diabetes have no family history. The incidence of type 1 diabetes in Australian children is on the way up, and there are more diagnosed every year.

A cure is the sole way by which people with type 1 diabetes can achieve not only quality of life but also the lifespan that their non-diabetic contemporaries expect. Of course, there can be no cure without research. The Juvenile Diabetes Research Foundation is the world's leading non-profit NGO with regard to funding for diabetes research. In fact, the foundation has been involved with nearly every development in research for some 40 years.

In the 2008-09 financial year, the JDRF invested in excess of $14 million into 63 research projects around the nation. Its research focuses on related areas of cure therapies (beta cell and immune therapies) and treatment therapies (glucose control and complication therapies). Today I can tell you about two very encouraging recent developments. According to the foundation's website, the beta cells of diabetic mice have been successfully encouraged to reproduce themselves. This is real progress. As the head of research development for JDRF in Australia, Dr Dorota Pawlak commented:

> Beta cells are the victims of the auto immune attack that causes type 1 diabetes. In combination with stopping that attack, regrowth or transplant of beta cells using techniques like this will be the key to restoring health and curing this disease.

At the Garvan Institute in Sydney researchers have found a drug that might negate the need for immuno-suppression following islet transplantation. By fighting the body's own killer immune cells the drug acts to prevent the destruction of transplanted islet cells. If successful, this would revolutionise diabetes research, because patients would only have to take the drug for a short period after islet transplant surgery. After that period the transplant would be fine for life. These are fantastic developments but, as always, more time and funds are needed before we can say that juvenile diabetes, or any diabetes, is a thing of the past.

Once again, I invite members to dig deep and participate in JDRF's jelly baby month this month. Jelly babies can save lives, the lives of diabetics. This month jelly baby merchandise will be available in supermarkets, pharmacies, schools and workplaces right across Australia. JDRF's goal for 2010 is to raise over $1 million to fund and support vital research into this terrible condition. I have said this before when speaking on this topic, and I will say it again for as long as I am in this place: when it comes to the welfare of our children, we are all on the same side.

MULTICULTURAL COMMUNITIES

The Hon. J.S. LEE (15:39): I rise today to speak about the unsung heroes in our multicultural community. To me, one of the most rewarding jobs of being a member of parliament is that we have the opportunity to meet with so many inspiring people from all walks of life. South Australia is a great place to live because we embrace our diversity, and we have, in return, benefited greatly from that. Today I want to pay tribute to four distinct migrant communities in South Australia who have recently celebrated significant milestones.

Their long-term commitment to supporting their fellow countrymen and women migrants to settle in this country, their endeavours to enrich our state, and their contributions to making South Australia a better place to live, work and bring up the next generation must be acknowledged. It is wonderful that they are all very proud of their heritage and continue to keep their language skills, cultures and traditions alive in South Australia.

I want to specifically acknowledge four community organisations today; the first is the Overseas Chinese Association, which celebrated its 30-year anniversary in April this year. From a humble beginning, the organisation is now one of the most progressive and important welfare organisations to serve the Chinese community of this state. The establishment of the Overseas Chinese Association Chinese School began with only 10 students but has now expanded to 600, a remarkable journey thanks to the hard work and commitment by Chinese community leaders, teachers, staff and volunteers over the last 30 years.

The next community I want to talk about is the Latvian community. I attended the Latvian Chamber of Commerce and Industry annual leaders' luncheon as their guest speaker earlier in May, and it was such a pleasure to meet its President, Dr Valdis Tomanis, the Honorary Consul of Latvia, as well as other high calibre Latvian community leaders. One legendary pioneer amongst them is Mr Bruno Krumins AM, the former lieutenant-governor and the President of the Latvian Society of Adelaide. While the community is small, it is very active.

It set up the Latvian Association of South Australia in 1949, more than 60 years ago, and purchased property in 1968 to set up the Latvian Hall, the Latvian Relief Society, the church and the Latvian Saturday school—such remarkable achievements, thanks to their dedicated leaders and volunteers in the Latvian community.

Thirdly, I want to speak about the Sikh Society, whose annual dinner I attended last Saturday. The Sikh Society of South Australia is the oldest Sikh organisation in this state. It recently celebrated its 30-year Vaisakhi, which is the Sikhs' holiest festival and coincides with their harvest festival, and I would like to congratulate the President, Mr Balwant Singh, and the Sikh Society for achieving that important milestone. The Sikhs date their arrival in South Australia as far back as 1850, coming as labourers, hawkers and farmers. Starting from humble beginnings, their community has grown tremendously and today comprises entrepreneurs, business-owners and professionals. The community works very hard and makes a significant contribution to our society.

The last community I would like to mention, but not the least, is the Greeks of Egypt and Middle East Society of South Australia. This society celebrated its 60th anniversary last Saturday, and it was such a proud moment for the Greek migrants from Egypt and the Middle East. I was privileged to be a guest speaker, representing the Leader of the Opposition, Isobel Redmond. The society was established in 1951 by four Greek men from Egypt, and it was a blessing and a cushion of comfort for many Egyptian-born Greek migrants in the 1950s and 1960s and thereafter.

What is most remarkable, in terms of continuity with this society, is that today's president is also the daughter of the first president of the society when it was set up some 60 years ago. This demonstrates the strength of the organisation and its commitment to keeping traditions alive and the flame burning year after year as the torch is passed.

I congratulate all the community organisations I have mentioned today on their achievements. They are the unsung heroes in our community for reaching important milestones in their respective communities. Their contributions are not widely known or recognised by the general public but, through their hard work and achievements, these remarkable Australian migrants inspire us to do more for South Australia.

REMOTE AREAS ENERGY SUPPLIES SCHEME

The Hon. J.A. DARLEY (15:44): I rise today to speak about the problems that outback communities, particularly Coober Pedy, are facing with regard to rising electricity prices. In 1996, the South Australian government established the Remote Areas Energy Supplies (RAES) subsidy

scheme, as a result of the major review into the management of the off grid electricity subsidy scheme.

Under this scheme, domestic customers within communities who meet the eligibility requirements receive a subsidy on their electricity tariff. This is to ensure that they pay no more than 10 per cent above the main electricity grid standing contract price. Eligibility requirements for the scheme include: minimum usage for the town, general infrastructure in the town and a stable or growing population. In addition to setting and administering the subsidy, the South Australian government also sets the electricity tariffs for RAES communities.

The RAES scheme is administered by the energy division of the Department of Transport, Energy and Infrastructure. I understand that, previously, prior to any increase in electricity tariffs, the energy division would discuss the proposed increases with the Coober Pedy council and negotiate an increase that was reasonable and acceptable to both parties. I am told this usually occurred well in advance of the proposed date the increase would take effect and that the tariff would be set by both state government three energy division and the Coober Pedy council.

However, I understand this process was not followed with the latest increase in electricity tariff and that the Coober Pedy council was notified by email that the electricity tariffs would be increasing 10 working days prior to the date they were to take effect. No negotiations were entered into, and I understand the council and the community are particularly disappointed that these increases were merely dictated to them.

Whilst customers who consume less than 8,000 kilowatt hours per annum will continue to receive the subsidy that ensures they will pay no more than 10 per cent above the regulated on-grid tariff, larger domestic customers and all commercial customers will face enormous increases in their power bills. In a town which relies so heavily on tourism, these increases will cripple the town and cost jobs.

The local supermarket has seen their bill increase from about $9,500 to nearly $20,000. The Desert Cave Hotel—the world's only four-star underground hotel—has seen their electricity increase from about $12,500 to over $28,000. These businesses will not be able to absorb these increases and therefore will have no other choice than to pass the cost on to tourists and consumers, resulting in a price increase for all goods and services in town. Further to this, the desalination plant which services the town expects their account to increase from just over $16,000 to over $35,000. So, not only will residents be paying more for their goods, services and electricity, they will also be paying approximately 25 per cent more for their water.

In response to the community concern, the minister has announced that the tariff increase will be phased in over the course of three years rather than one. This is only prolonging the pain of the Coober Pedy community, which already feels cheated, as South Australia is the only Australian state which does not have equalisation for electricity prices. In addition, the minister has announced that the government has engaged KPMG to undertake a review of the RAES scheme and to analyse and identify long-term solutions, such as connection to the grid and renewable energy alternatives.

I understand the Coober Pedy council has already explored possible renewable energy alternatives, including solar and wind power; however, it discovered these options were not viable. From this, it would appear that connection to the electricity grid would be the most viable option. It would be worthwhile for KPMG to familiarise themselves with the outcome of the council's investigations before undertaking their own review, rather than wasting their time and taxpayers' money to conduct their own analysis.

Time expired.

GOVERNMENT PERFORMANCE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:49): I rise today to urge John Rau and Jay Weatherill—the two pretenders to the Premier's crown—to relieve themselves of the burden or, as Richard Nixon said to Dwight D. Eisenhower, 'Get off the pot.' The Labor government is no longer tearing itself to shreds: it is already shredded. It has lost the state's confidence, and it has betrayed its public's trust.

The former deputy premier—that failed treasurer, Kevin Foley—makes a fool of himself and therefore the government. Every month, there is a new outrage, another new embarrassment. Yesterday, he sank to lows so low that even the barometric pressure over Parliament House dropped. I have never before seen a man accused in the Magistrates Court come into parliament

and use the cover of parliamentary privilege to make a statement about a personal matter that properly belongs in the court. No other citizen in South Australia would behave in such a dastardly and, to my mind, despicable way.

The President of the Law Society, Mr Ralph Bonig, said this morning that ordinary victims and ordinary accused do not have the ability to attack other people in parliament. As to Mr Foley's dual exposure as a supposed victim and as police minister, here is what Mr Bonig said:

> As police minister, you would assume that he has nothing at all to do with the investigation of this or, in fact, the other complaint which was withdrawn last week. But there is sometimes a difference between actual conflict and the perception that the general members of the public may have about whether or not there's a conflict.

Mr Foley should stand aside. If he does not stand aside by the end of the week, he should be sacked. He is a wolf in wolf's clothing who said he was ready for the job of premier. The man who was once the future now belongs to the past. His only redeeming feature is his back—if he lets us see the back of him as he leaves this building for the last time.

If Mr Rann does not have the guts to kick this embarrassing failure out of the ministry, Mr Rann himself must go. The job of premier must go to somebody else. Mike Rann knows that, if the member for Port Adelaide walks the plank, the sword will soon turn to the captain. The Premier is too scared to act against Mr Foley.

Mr Rau and Mr Weatherill have to take on the Premier. They must challenge for the job. The aspirants must act. Between elections, only the Labor caucus can appoint a premier. Parliament cannot do it; the opposition cannot do it. Ministers Rau and Weatherill can if they have what it takes, but they do not. They are cowering in the corner, watching Kevin Foley flail his arms, obsessed, depressed and morose.

However, neither Mr Rau nor Mr Weatherill are blameless. As ministers in the Rann government, they have sat around the cabinet table as the $2.73 billion Royal Adelaide Hospital fiasco has unfolded. They have watched and complied with the Labor Party bruisers as questionable planning decisions have been approved by the cabinet in which they have served. They have approved cost blowouts in the desal plan; they have voted collectively to sell our forests and close our country hospitals, and stalled an independent commission against official crime and corruption. They agreed to Mr Foley's rack 'em, stack 'em and pack 'em and refused to make him accountable for forgetting how much Adelaide Oval would actually cost.

John Rau might say that he has been in cabinet for only 18 months, but Mr Weatherill has weathered the lot, the full catastrophe. Of course, he is the man for all seasons. Even 18 months is long enough to have collected some grime from Labor, and minister Rau has plenty of grime upon him. However, Kevin Foley's time is up, so the alarm bells are ringing. It is now time for Mr Rau and Mr Weatherill to ask not for whom the bells tolls. They must risk a challenge to Mike Rann because, as the old saying goes, only cowards threaten when they are safe.

ONE AND ALL

The Hon. A. BRESSINGTON (15:54): I rise today to remind honourable members of the excellent work being done with South Australia's vulnerable youth by the crew of the *One and All*. Based on an 1850s brigantine rig, the *One and All* was built in South Australia by shipbuilder W.G. Porter & Son, with the assistance of a dedicated group of volunteers, who saw the potential and carried it through from conception to its launch in 1985. Many are involved to this day. Youth training was the intention and remains the main business of the *One and All* today.

The *One and All* has been instrumental in youth development in this state and beyond, with its unique voyages where trainees learn basic sailing skills and social skills by operating a traditionally rigged sailing ship. Over the years, the crew of the *One and All* have provided memorable experiences and influenced the lives of more than 6,000 young South Australians, many of whom came from disadvantaged backgrounds or had a troubled past.

Through the guidance of the crew, trainees learn to work together in an isolated environment where the objective is personal development with enjoyment. The shipboard environment contributes to personal development as trainees learn the importance of teamwork and problem-solving. The trainees ultimately gain the confidence to work the ship together, which provides them with a great sense of satisfaction and achievement. While participants no doubt find life aboard challenging, particularly if seasickness sets in, the testimonials of these youth reveal the enjoyment, camaraderie and their own sense of potential.

It saddened me to learn recently of the financial hardships currently faced by the *One and All*'s parent body, SA Tall Ships. While the ship the *One and All* is owned by the South Australian government, she is managed, operated and kept afloat by the dedicated team at SA Tall Ships, who are expected to be largely self-reliant from year to year by this government.

While the *One and All* may be a replica of an age gone by, under the deck she is a modern ship, fully compliant with the current standards of the Australian Maritime Safety Authority for open seafaring vessels. Additionally, the nine paid crew are each professionals, with competitive wages paid. In short, she is not cheap to operate and maintain.

While they do raise funds through hosting corporate functions, twilight sails and making the ship available for charter, they have come to rely upon the donations from organisations such as Variety and White Lion, as well as other fund-raising activities. They are also forced to charge for youth development voyages, although many participants are sponsored by other organisations, such as Variety or the Port Adelaide Enfield council.

Seeking to increase philanthropic donations, SA Tall Ships recently applied for deductible gift recipient status through the ATO. I note the assistance provided to them by Mark Butler MHR, the federal member for Port Adelaide. It is my hope that the regulator acts with urgency and donations follow swiftly. There is no doubting that the *One and All* is a worthy cause.

It is my hope, in speaking on this today, that all members will assist me in raising awareness of the great work that the crew of the *One and All* have and, hopefully, will continue to do with the youth of this state.

Time expired.

SELECT COMMITTEE ON MATTERS RELATED TO THE GENERAL ELECTION OF 20 MARCH 2010

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

That the interim report be noted.

I will highlight in what sense the report is interim. On 26 May 2010, the Legislative Council of South Australia appointed a select committee to inquire into matters related to the general election of 20 March 2010. This report covers all of those matters and is the final statement of the committee on those matters.

On 23 February 2011, the Legislative Council amended the terms of reference of the committee to deal with matters coming out of the local government elections. Our second and final report will deal with the local government elections. In that sense, this report is interim.

The committee is the first parliamentary committee that I have chaired, and I thank the members of the committee for that opportunity. On behalf of the committee, I would like to thank our secretary, Mr Guy Dickson, and our research officer, Ms Melrose, for their invaluable contribution to the inquiry.

The committee consisted of myself, the Hon. Mr Darley, the Hon. Mr Finnigan, the Hon. Mr Hood and the Hon. Mr Wortley. I would sincerely like to thank members for the positive and constructive way they engaged with the proceedings of the committee. The issues that we were asked to deal with are, and were, politically sensitive and we knew from the start that we were unlikely to agree.

We expected that there would be a dissenting statement, but in the end I must admit that I am surprised that 18 of the 20 recommendations of our committee received unqualified support. The other two recommendations were not in the more contentious part of the report. In the end, this constructive engagement has enabled us to produce some recommendations that I hope will help deliver a better electoral system for South Australia.

The key task that this council set for the committee was to inquire into the use of bogus how-to-vote cards and other election day material considered to be misleading to electors and to identify measures that may be necessary to ensure that electors are not misled in the future.

In four electorates at the 20 March 2010 election, the ALP distributed bogus how-to-vote cards. They used Family First's light blue colours and it included the statement, 'Put Your Family First'. The cards named the individual House of Assembly electorate and identified the respective Family First candidate as first preference, with an arrow and the words, 'start voting here', which suggested a preference vote flowed, placing the ALP candidate above the Liberal candidate.

In all four seats the Family First authorised how-to-vote cards recommended that their support placed the Family First candidate first with preferences to the Liberal candidate before the Labor candidate. Formal complaints were laid by the Liberal Party and Family First. In response, the Electoral Commissioner advised that, in her view, there had been no breach of the act. In any event, the cards were broadly condemned as misleading by academics, journalists and the wider community. *The Independent Weekly* on 26 March quoted Flinders University political scientist, Professor Dean Jaensch, as describing the cards as:

> ...the worst example of its kind I've seen in a 40-year career...It is deceitful, deliberately designed to mislead voters. No doubt at all.

The *Sunday Mail* of 28 March published an editorial which read in part, 'Vote cards a betrayal of trust'. It reads:

> The appalling behaviour of the Australian Labor Party in the state election has damaged the relationship between citizens and the government far more than it appears to realise or care.
>
> Let's be clear about what Labor did in their dodgy document scandal—they had their own followers disguise themselves as rival party supporters in what appears to be a cynical, cold-blooded and calculated plot to trick voters into believing they were from Family First, and then dupe them to steal their preference vote away from the Liberals...
>
> Labor's candidates who participated in this naked grab for power by allowing voters to be deliberately tricked should consider their victories forever tarnished, if not illegitimate. While they enjoy the fruits of office, the damage that has been wrought on our political system is horrendous. The public's faith in those who seek office has been enormously eroded, and the price on that trust is beyond measure.

Unsurprisingly, the Australian Labor Party failed to appear before the committee to justify its behaviour. The majority of the committee found:

> The distribution of bogus how-to-vote cards by the Australian Labor Party in selected marginal seats of the 2010 general election fell short of community expectations of the standards of a political party and undermined public trust in the democratic processes of the state.

The fact that the dissenting report demurs from that finding raises questions as to whether the Labor Party has listened to the people. The community has made it clear that this behaviour does fall short of community expectations. The public has made it clear that the incident has undermined its trust in the democratic processes of the state.

To reinforce Labor's belligerence on these issues, I was concerned to see that, at the recent New South Wales election, Labor Party volunteers were stopped by the New South Wales Electoral Commission from using dodgy how-to-vote cards which falsely claimed to be a Liberal card. This incident and the placing of allegedly unauthorised posters and claims of people double voting are currently the basis of a challenge in the New South Wales Supreme Court to Labor's win in Wollongong.

The select committee considers that the use of bogus how-to-vote cards in the 2010 election did not change the outcome in any seat at the election. However, as there is a real risk that bogus how-to-vote cards could determine a seat in the future, or even a government, action needs to be taken to minimise the risk of a recurrence at future elections.

The government has already tabled a bill which it claims will address the problem. It seeks to enact a provision rejected by this council in its consideration of the Electoral (Miscellaneous) Amendment Bill 2009, which included provisions in relation to how-to-vote cards. This council supported two sections of the Electoral Act, sections 112A and 112B, which the government said would deal with bogus how-to-vote cards.

In the bill, under a separate heading, 'Publication of matter relating to candidates', a new section 112C was proposed. This proposed new section was based on section 351 of the commonwealth Electoral Act. In the Legislative Council, section 112C was removed from the Electoral Act amendments at the initiative of Family First.

Section 351 of the commonwealth Electoral Act was enacted in 1940 following concern that the Communist Party had issued material that suggested electors should vote for a particular Labor candidate with their own candidate as number two. Section 351 has been in the commonwealth act for 71 years, yet there has never been a successful prosecution under it.

In fact, the Australian Electoral Commission has recommended that section 351 be considered for appeal as 'it does not apply to the second preference how-to-vote cards increasingly

being distributed at federal elections, and does not appear to have any relevant contemporary application'. Further in the submissions it says:

> In the light of the unusual historical origins of section 351, its lack of application to contemporary circumstances and the current difficulties about its interpretation for those who are endeavouring to understand and apply the law, the AEC restates its view that section 351 should be considered for repeal.

The select committee has recommended that the government's 2010 Electoral Amendment Act not proceed in its current form. Labor has shown yet again that it cannot be trusted. The bill the government put forward to deal with the dodgy how-to-vote cards is itself dodgy. The Attorney-General, John Rau, put forward the bill saying that it would deal with dodgy how-to-vote cards. It will not.

The committee unanimously supported a full disclosure approach to try to avoid dodgy how-to-vote cards in the future. Under the proposal only how-to-vote cards or second preference how-to-vote cards that have been lodged with the Electoral Commission at least seven days before election day would be allowed to be distributed in the vicinity of a polling place on polling day. In my view these proposals would significantly reduce the risk of unfair behaviour, without making electoral administration or electoral campaigning overly complex and burdensome.

The committee dealt with a range of other matters. At the election there was widespread concern at delays in relation to postal votes. Country Liberal members were active in expressing their concern. The member for Stuart made a submission to the committee in his own name. The committee makes recommendations to increase transparency in postal vote applications and in making the electoral time frame clearer and more fixed.

Another recommendation is that in the year leading up to each general election the Register of Declaration Voters should be actively promoted in the regions so that those with distance-based eligibility are able to reduce the risk that they miss out on a postal vote. There are a series of recommendations that relate to improving electoral services for people with a disability. We recommend that the Electoral Act be amended to increase the flexibility available to the Electoral Commissioner in terms of recording a vote so as to afford people with disability an independent, secret and verifiable vote.

That phrase 'independent, secret and verifiable vote' reminded me of a report I read recently out of the 2008 Ghanaian election. The commonwealth Human Rights Initiative did a report on the Ghanaian election from the perspective of people with a disability, and I will quote a section of that report. The references to the constitution clearly are to the Constitution of Ghana, and it states:

> The constitution also covers voter assistance. Section 31(4) states:
>
> (4) A person who has undertaken to assist a blind voter to vote, or a voter who is incapacitated from voting by any other physical cause to vote, shall not communicate at any time to another person information as to the candidate for whom that disabled voter intends to vote or has voted, or as to the number, if any, on the ballot paper given for the use of the disabled voter.
>
> It should be noted, however, that this method does not necessarily comply with the convention [United Nations Convention on the Rights of People with Disabilities] as it does not necessarily guarantee the right to a secret vote.
>
> An article by blind man, Nicholas Halm, conveys some of the problems with the use of voter assistance. In the article he stated how he lived under the illusion that his wife and stepson supported the same political party as he did, but gradually became aware through comments that their political loyalties had shifted. He queried what would have happened had he used one of them as a voting aide in the election, thus confirming the need for an added protection of the right to a secret vote.

I quote that section to indicate the universal nature of human rights and the similarity of the challenges faced by people with disability, no matter where they live. That statement by a Ghanaian person with a disability could almost be, word for word, comments that our committee received. There is definitely significant concern amongst people with disability that what we perceive as an adequate provision—for example, voter assistance—is not enough. They want to have the opportunity to keep their vote completely secret, and there is emerging technology that would make it possible for people with a range of disabilities.

At a personal level, I indicate concern that there seems to have been a faltering of investment in innovation for technology to support people with disabilities to exercise a secret and verifiable vote. The committee certainly highlights the opportunities for the state to work with the commonwealth, particularly the Australian Electoral Commission, to explore opportunities. However, I think it behoves both the state and federal governments to see that as a priority.

There is also concern that the development of voting options for people with disability should not be at the expense of efforts to ensure the broad accessibility of polling places. I must admit I was surprised at the high level of accessibility that the Ghanaians have managed for their polling booths. In a different part of the report, it stated that 136 of the 158 monitored polling stations were accessible to people with disabilities. I suspect that is probably higher than our rate. Considering a Third World country can manage such a high level of accessibility, that is a challenge for us.

The message that we, as a committee, received from people with disability was that they did not want alternative voting options to be at the expense of accessibility. People with disability are already at risk of being invisible within our community, and it is important that we give them every opportunity to express their civil rights in the way of their choosing, whether that be alternative voting methods or in an accessible mainstream voting method. The committee considers that we should improve the process of elector identification at polling booths. We need to make sure that this is economical and practical, but it is important that we have a high level of confidence that only enrolled voters vote and that electors only vote once.

Our final recommendation is that a joint select committee be established after each general election to undertake a review of that election. We considered that the select committee was a useful exercise and that there would be value in such a committee after each election. My understanding is that not only does the commonwealth have a standing committee but that the Victorian parliament also has a standing committee in relation to electoral matters. Our committee felt that we did not need a standing committee but that there would be value in a joint select committee.

I commend the motion to the council and, in doing so, express the hope that the report will make a contribution to giving South Australia a better electoral system and, in turn, a more vibrant democracy.

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

PRIVATE FINANCE INITIATIVES

The Hon. M. PARNELL (16:13): I move:

That this council notes—

1. The escalating use of private finance initiatives, including private-public partnerships, to fund major new public capital investment, including school upgrades, the Port Stanvac desalination plant and the new Royal Adelaide Hospital;

2. The privatisation of public assets in the state's South-East through the forward sale of timber harvesting; and

3. That this privatisation by stealth is in clear breach of the 'no privatisation' rhetoric of the Premier and other members of his government;

and calls on the government to initiate an independent review to compare the financial performance of private finance initiatives with alternative public infrastructure financing methods.

Private financing initiatives of various types have been around for many years. They are often referred to as public-private partnerships or PPPs, and they are being used increasingly or are being proposed for a range of public infrastructure projects, including school upgrades, the Port Stanvac desalination plant, the new Royal Adelaide Hospital and even the new prison, if that project ever comes back to life.

Governments are attracted to the idea of funding new public infrastructure with private investment because they do not have to borrow and thereby raise public debt levels, and they do not have to raise taxes. What is driving this trend is the illogical fear of debt. The latest incarnation of this trend, which Professor John Spoehr has described as a 'third wave of privatisation', probably has its origins back in Margaret Thatcher's Britain. Under prime minister Thatcher, the UK government embraced PPPs as a means of moving debt off the balance sheet and giving the illusion that public sector debt was declining.

The government payments to private companies under these PPPs could be regarded as expenses rather than debt; as many economists have noted, it was all about smoke and mirrors that confused the public. So, what is the alternative? Well, the simplest alternative is direct financing of government projects. That means the government taking control and the government financing infrastructure.

What we must not forget is that governments have the capacity to attract the best rates of interest for their borrowings and, whilst those savings vary over time, they have traditionally been in the range of 1 to 3 per cent. Private companies, on the other hand, have more expensive debt and also need to build in a net profit component for their shareholders.

So when it comes to essential public infrastructure, the government is never really off the hook because, even if a private developer is involved, these projects cannot be allowed to fail. The buck stops with the state, in any event. No government would put up with a half or three-quarter built project. Just because the private developer got into financial difficulty does not mean that the state would not be obliged to step in and finish the project. Like the recent bailouts of banks around the world, these projects are simply too big to fail.

Of course, one of the ironies of the current government approach is that sensible economic policy is being sacrificed on the altar of the AAA credit rating. The main value to this state of the AAA credit rating is that it enshrines our ability to borrow at the lowest rates, yet the government refuses to capitalise on this advantage and uses private sector investment instead of government borrowing. That is truly ironic.

A large amount has been written over many years in relation to public-private partnerships, but one document well worth reading is entitled 'The Myths of PPPs', subtitled 'Paying for Private Profit: A review of the public-private partnership models in the provision of community infrastructure and services' by Graham Larcombe and Paul Fitzgerald. This paper, which is published on the Evatt Foundation website, explodes 10 of the main myths surrounding public-private partnerships. I will not go through all 10, but I want to refer to three in particular.

The first myth the paper exposes is the myth that by reducing the call on public funds through PPPs the amount of funds available for other essential services is increased. The authors' analysis of that claim shows that it is not based on any assessment of reality; in fact, many commentators have pointed to the higher cost of financing through PPPs compared to the traditional public-sector debt financing. For example, Kenneth Davidson, the noted economics writer, pointed out that the private sector requires a rate of return of about 9 per cent on its projects compared to about 6 per cent for the public sector.

Davidson suggests that, using those rates, a project that would cost $4 billion through a conventional public sector financing model would cost $5.6 billion if it were financed through a PPP. That difference, that $1.6 billion, could have been used to finance new schools or health services, for example. So we can use that analysis and apply it to the PPP projects either in train or planned for South Australia to show that we are not getting a great deal for our taxpayers.

Another myth that is exposed is that the private sector is inherently better at providing services. That myth, I think, is born out of ideology, and it is an ideology that says that the government sector cannot possibly do anything properly and that the private sector is inherently able to do things better. Clearly that is rubbish, but if you are looking for the actual evidence you could look at studies done in the UK that analysed the performance of hospitals that were constructed and operated under public-private partnerships.

The UK experience showed that those PPP hospitals were desperately short of beds, there was great pressure on staff to get patients out of the hospital as quickly as they could, all the finances were under severe pressure in those hospitals, there were serious concerns about the poor quality of the design of the buildings—including poor ventilation, lack of space, inadequate fittings and materials—and overall the quality of health care had declined. That is the experience of the UK. The South Australian government model is to follow down that path.

Another myth in relation to PPPs is that somehow private sector involvement reduces the level of financial risk to government. As I have said, the difficulty with that approach is that the projects are too big to fail. Even if on paper it looks as if the risks are being borne by the private sector, in reality they are sheeted back home to the public sector.

Whilst the public sector balance sheet might look better in the short term, in the long term, when you find that projects run into financial difficulty, the state has to step in. A classic example was the Sydney Airport Rail Link contract: when the private operator falls over, the public sector is forced to act as guarantor. At one level, we could say, 'Let's cut out the middleperson and do it properly from the start, using public finances.'

Another commentator who has been vocal on this issue for over more than a decade here in South Australia is Dr John Spoehr, and he has done many analyses of this topic over the years,

including one that goes back to 2002 in which he points out what all of us here know: privatisation in the public realm is always unpopular. When asked questions about whether public assets should be privatised, Australians overwhelmingly say no. What governments have done to try to fudge the situation is that they have simply removed the word 'privatisation'—they have erased that word—and they have replaced it with the word 'partnership', but they continue to advance the privatisation policies under the new banner. John Spoehr says:

> The role of the 'partnership' rhetoric is to hide the unpopularity of privatisation behind a term that implies relationships of equality. There are places for genuine partnerships within government, but it is misleading to characterise PPPs as partnerships when they represent a transfer of wealth and power from the public to the private sector. In the end, PPPs allow select private firms privileged access to market and political intelligence. They represent the hollowing out of government, drawing no distinction between public and private interests.

> The PPP policies have effectively been created from an unholy alliance between the irrational economics that underpin the zero public debt policy and the special pleading of the vested financial interests. There are no mysteries about why the lobbyists are pushing so hard for the policies. Private consortia will always seek to purchase the benefit of a very secure income stream, with risk characteristics similar to a government security, but higher returns. Who can blame business for chasing the security of government contracts as they always have? For business, self-interest is the focus and PPPs are recession-proof forms of corporate welfare. For business, the nanny-state is to be deplored, unless it is business that's being nannied.

There is little doubt that in South Australia successive governments have underspent on infrastructure—particularly in areas such as public transport and water—but the private sector does not have all the answers to this problem. In fact, fairly recently, commenting on the global economic crisis, John Spoehr said:

> The role of government in infrastructure provisions has been transformed by the (global economic) crisis, with public investment becoming the only viable short-term option for financing infrastructure. While PPPs are likely to be a feature of the infrastructure development landscape in the future, they will not be viewed as uncritically as they often have been by governments. They are not a panacea for government underinvestment.

In terms of the current government's performance, many people have noted and been disappointed by the government's 'no privatisation' rhetoric being confined to the waste bin. The government talks about no privatisation, but that talk is not matched by practice. The forward-selling of publicly owned forest rotations in the South-East is privatisation, pure and simple.

The communities in the South-East are devastated by this decision, and they do not believe the government or its report that downplays the social and economic impacts of the sale on local communities, not least of which is this breach of trust, especially those who trusted the government's rhetoric that it would not privatise state assets.

So, the privatisation goes on. The PPPs for the desalination plant and the new hospital, as I have mentioned, are cases in point. Whether it is the sale of an existing asset or the private development of a new community asset, it is still privatisation. In fact, reports in the media of a $500 million profit for the private developers of the Adelaide Desalination Plant show how lucrative these contracts can be.

The Premier has broken his no-privatisation promise. It is up to this parliament to hold the government to account. So, what is needed? What the Greens believe is needed is a serious inquiry into how we fund important public infrastructure. John Spoehr said recently:

> It would be prudent for state government, in conjunction with other states, to initiate an independent national review into the PPP experiences so far.

That brings us to the Greens' motion. We do need an independent and serious inquiry. The current models of financing important public projects are flawed. We must do better. We must move away from this myth that all public debt is bad and that all private profit is good. Public infrastructure, at every stage of development, must focus on the public interest because, after all, that is the proper role of government to advance.

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

SOCIAL DEVELOPMENT COMMITTEE: SAME-SEX PARENTING

The Hon. I.K. HUNTER (16:27): I move:

That the final report of the committee, on same-sex parenting, be noted.

In May 2010, the Social Development Committee resolved to establish an inquiry to examine how current South Australian laws impact same-sex parents and their children. The terms of reference of the inquiry were advertised on 5 June last year. In addition, the committee wrote directly to a

number of individuals and organisations with a known interest in the subject matter, inviting them to provide a submission.

The inquiry generated a significant amount of community interest. In total, 680 written submissions were received. Submissions came from lobby groups, academics, religious groups and the general community. Importantly, the inquiry also heard direct evidence from same-sex couples who have children or who are hoping to establish their families in the future.

In relation to the first term of reference, the committee did not receive any reliable data on the number of same-sex couples with children living in South Australia. The Australian Bureau of Statistics began collecting data on same-sex couples only as part of the 1996 census. Prior to this, no statistical information was gathered on how many people lived in a same-sex partnership in Australia.

Indeed, the committee heard that what data does exist should be treated with some caution as it is likely to underestimate the actual number. In some ways, it is not surprising that the number of same-sex couples in South Australia cannot be easily quantified. Evidence from the inquiry suggested that some people are reluctant to identify that they are in a same-sex partnership, due to community prejudice and discrimination.

Notwithstanding the difficulties in data collection, the committee commenced its inquiry on the premise that some South Australian same-sex couples already have children and others are planning to do so. It might be an appropriate time for me to take the opportunity to thank the other members of the committee for their contribution. First, from the other place, Mr David Pisoni, Ms Frances Bedford, Mr Alan Sibbons and the Hon. Dr Such. It should be noted that the motion to establish an inquiry was moved by Mr Pisoni.

From this chamber, I thank the Hons Ms Jing Lee, Ms Kelly Vincent and Mr Dennis Hood. The committee is a diverse one, and the spirit of cooperation shown by members made it possible to work through the issues in both a reasoned and sensible way. I thank them all for that. I also acknowledge and thank the staff of the Social Development Committee for their contribution. Most of all, on behalf of the committee, I thank those individuals and couples who were prepared to provide intensely personal stories about the challenges they face as same-sex parents.

Children come into same-sex led families in a number of different ways. Some children were born of a previous heterosexual relationship, others through assisted reproductive treatment services or the use of donor sperm in private arrangements. The committee heard that while same-sex parents face similar challenges to other families, the lack of legal recognition of the non-biological parent creates additional difficulties for children. This was one of the main areas of concern raised during the inquiry.

At present, under South Australian law, if a married woman becomes pregnant through the use of assisted reproductive treatment with donor sperm, her husband is treated, in law, as the father of the child and his name is placed on the child's birth certificate. This is despite the fact that he does not have any biological connection to the child. In other words, in the context of a heterosexual relationship, the law recognises that biology is not a pre-requisite for parental status.

There is no similar presumption of parentage for same-sex co-parents. In South Australia, the partner of a lesbian woman who has become pregnant through the use of donor sperm is not recognised, in law, as a parent, even though she may be in a committed long-term relationship with her partner and have consented to her partner having the procedure and have expressed a clear intention to co-parent the child. South Australian law does not permit the female co-parent's name to be listed on the child's birth certificate. On this matter South Australia lags behind every other Australian jurisdiction.

So, what does this lack of legal recognition actually mean in people's lives? It may mean that the same-sex co-parent will find it difficult to enrol the child at school or approve school excursions. Far more concerning, however, it may mean that they will be unable to legally give permission for the child to be treated in a medical emergency. It may mean, in the event of the death of a biological parent, that the co-parent will struggle to retain custody of her child, or if the co-parent dies intestate the child may have no claim on that parent's estate.

The committee was told that one of the only ways a same-sex co-parent can establish a legal relationship with their child is by obtaining a Family Court parenting order. Obtaining such an order can, however, be a costly and complicated process. For those same-sex couples who have

used parenting orders to provide some legal protection, evidence suggests that this protection is not comprehensive.

Moreover, the committee heard that parenting orders are generally used when couples separate and there is a conflict in the relationship about where and with whom a child should reside. As such, parenting orders were neither intended nor designed to be used by couples in stable and committed relationships.

The committee has called on the government to introduce legislation as a matter of urgency to amend current parentage laws to recognise the female partner of a birth mother as a child's parent. Such a change would bring South Australia in line with other Australian jurisdictions and prevent the need for lesbian couples to give birth interstate in order to have the co-parent legally recognised and placed on a child's birth certificate.

In addition, it would help resolve inconsistencies in federal and state legislation, which at present mean that in the event of a relationship breakdown a non-biological same-sex parent is liable to pay child support at the federal level but remain without parental legal status at the state level.

While some witnesses argued that non-biological same-sex parents should not have their name placed on a child's birth certificate because this would introduce inaccuracies (so-called) to birth certificates, the committee does not accept this argument. As mentioned previously, South Australian law already recognises that a biological link to a child is not a pre-requisite for legal parenthood, and such 'inaccuracies' are currently mandated by law in this state.

Another issue to emerge in the course of the inquiry concerns the eligibility criteria for access to assisted reproductive treatment. In South Australia, laws governing access to assisted reproductive treatment require that a person must have a diagnosis of medical infertility. To date, infertility has been interpreted in a narrow sense within a medical framework. This interpretation has significant implications for same-sex couples in that it specifically excludes those couples who may not have any medical impediment to achieve pregnancy but whose sexual orientation prevents them from conceiving without some form of assisted reproductive treatment.

The committee heard that some lesbian couples who have been denied access to assisted reproductive treatment in South Australia have travelled to other jurisdictions where laws are far less restrictive, often incurring unnecessary expense and stress. The committee also heard that limited access to assisted reproductive treatment in South Australia may mean that some women will choose to self-inseminate outside of regulated clinical settings.

The committee notes that this may place a woman and her child at risk of disease because the donor is not thoroughly screened for genetic diseases or sexually transmitted infections. Furthermore, the use of self insemination in private arrangements may mean that a child born through such arrangements will be denied information about the full circumstances of their birth and genetic background. On this issue, the committee has recommended that current legislation governing assisted reproductive treatment be amended to incorporate a broadening of the criteria used to define infertility consistent with provisions contained in Victorian legislation. The committee has also called on the government to improve the capacity for children conceived through the use of donor sperm in private arrangements to access information about their genetic heritage.

The committee received very little evidence in relation to surrogacy. What evidence was received, however, suggests that surrogacy is not an intervention that will be widely used by same-sex parents. The committee notes that, in November 2009, the South Australian parliament passed the Statutes Amendment (Surrogacy) Act 2009 legalising altruistic gestation or surrogacy in South Australia. This act permits altruistic gestation or surrogacy, but only to those who are legally married or have been in a heterosexual de facto relationship for at least three years. The committee does not support the restriction of surrogacy based on this discriminatory criteria and has recommended that the law be amended to allow same-sex couples access to this medical intervention subject to proper assessment.

In relation to adoption laws, same-sex couples are eligible to adopt a child in Western Australia, New South Wales, the Australian Capital Territory and, in limited circumstances, Tasmania. In South Australia, however, same-sex couples are prohibited from adopting children, yet they are able to foster children. To allow same-sex couples to foster care and then deny them an opportunity to adopt children is not only manifestly unjust, it is entirely hypocritical.

The committee has recommended that same-sex couples should be allowed to adopt, subject to the same stringent eligibility criteria that apply to opposite sex couples. The committee acknowledges that this recommendation is little more than a symbolic gesture, except in one particular situation: that of step-parent adoption. The reality is that the number of people who wish to be adoptive parents far outweighs the number of children who require adoption. For example, in 2009-10, 23 children were adopted in South Australia. Of these, only two were local adoptions. The remaining 21 were inter-country adoptions.

Even if legislation is amended to allow same-sex couples to be eligible to adopt under local adoption criteria, inter-country adoption will most likely remain closed to them because the countries that participate in these schemes do not allow children to be adopted by same-sex couples. Nevertheless, the ability for same-sex couples to apply to adopt the biological child of the other party to that relationship is an important right, and a change to legislation to allow this to occur is long overdue.

For those who may continue to argue that the current state of play is perfectly fine and requires no change at all, I pose the following questions. Is it fair for the law to deny a child the right to have their non birth mother listed on the birth certificate when the law already recognises that biology is not a prerequisite for legal parenthood? Is it right that a child who is cared for and loved by two women in a committed long-term relationship is at risk of being taken away should the birth mother die? Is it right to deny a child their lived experience, deny them their truth, pretend that they do not have two parents who care for them and love them, pretend that they do not have two sets of extended families that have embraced them as an important and central part of their family? Is it right that same-sex couples can foster care some of the most vulnerable children in our community but are denied an opportunity to adopt?

Contrary to some statements put before the inquiry, the committee does not accept that affording same-sex couples the same legal rights as heterosexual couples will lead to the social disintegration of the family unit. The committee considers that attaching a narrow boundary to the definition of family serves only to exclude a significant proportion of the South Australian community. The committee recognises that family units are not fixed entities. They have changed over the years and take on different forms in different social and cultural settings. Many children are born into or live in single-parent families, blended families and multigenerational families.

Fundamentally, no child should be disadvantaged or discriminated against in any way because of how they were conceived. The committee heard no compelling evidence that children are disadvantaged by being raised by same-sex parents or that same-sex parents are unfit to look after children. On the contrary, evidence presented by same-sex parents suggests that they strive for their children to be well-adjusted, productive members of our community. The committee has formed the view that how well children develop is largely influenced by the level of cohesion within a family and the support and care children receive rather than the particular formation that a family unit takes.

In addition, the committee heard that there is no basis in any of the credible peer review research to support the claim that same-sex parents are more likely than heterosexual parents to raise lesbian or gay children. Such claims were repeatedly put by those opposing same-sex parents, their prevailing mantra: homosexual parents will raise homosexual children. Of course, the underlying assumption of such concerns is that it is somehow wrong for a child to grow up gay or lesbian. It goes without saying that many of us find such views not only hurtful but deeply offensive and of course quite without any basis in fact.

It saddens me greatly that successive governments have lacked the will to respond to this issue. As a result South Australia lags behind every other Australian jurisdiction. For a state that at one point in his history was considered to be socially progressive, the pace of change on this issue has been far too slow. The committee does not want this report or its recommendations to languish for months without action. To this end it has, in accordance with its legislative functions and powers, instructed the Office of Parliamentary Counsel to draft legislation in line with its recommendations. This draft legislation is appended to the report.

While the focus of this inquiry was on what legislative reform governments should implement, the committee recognises that the broader community must play a key role in ensuring all children are supported to reach their very best, irrespective of the family unit into which they have been born and/or live. Discriminatory laws that serve only to disadvantage and further marginalise children born of same-sex relationships have no place in a caring and tolerant community.

The committee notes that removing legislative inequality against same-sex families will not necessarily end the disapproval shown by some sections of the community towards these families. However, it will be a very significant and important step in lessening the discrimination and social exclusion experienced by these parents and their children. I commend the report to the house.

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

GILBERT, MR R.

The Hon. A. BRESSINGTON (16:42): I move:

That the Legislative Council condemns the slur against the then Burnside city councillor, Mr Robert Gilbert, by the member for Newland in the House of Assembly on 14 October 2010 and calls on the member for Newland to correct the record through an apology.

I move this motion to bring to this parliament's attention what I believe to be a serious abuse of parliamentary privilege and what has been described to me as a malicious slur by the Hon. Tom Kenyon, the member for Newland, against then Burnside city councillor, Mr Robert Gilbert, in the House of Assembly on 14 October 2010. Members in this place will no doubt be familiar with Mr Gilbert who, for over a decade, served the Burnside community with passion and integrity as a member of the council.

He was also instrumental in the establishment of the investigation into the conduct of the Burnside City Council by Ken MacPherson, the former auditor-general, colloquially known as the 'MacPherson inquiry', having written to the minister over the course of a number of months, alleging deep-seated corruption and petitioning for such an inquiry to be held. As I will detail, his independence led to a campaign to discredit him by those he was accusing. I fear that through the actions of the member for Newland this parliament was dragged into this campaign.

Rising to speak to the Appropriation Bill 2010, apart from the budget estimates process in which opposition members are given rein to emphasise the budget's failings, the member for Newland instead took advantage of the flexibility afforded not to highlight that budget's few positives but instead to attack the reputation of the then Burnside city councillor and mayoral candidate, Mr Robert Gilbert, in the following address:

I rise today to reveal serious claims about illegal activities on the Burnside council. My attention has been drawn to an incident that occurred on 16 February 2010. This incident does not yet appear to have been investigated appropriately. During the course of the Burnside council meeting on 16 February, the council went into a confidential session. There is nothing unusual in that; it is a regular occurrence in council meetings around the state. As members would know, the Local Government Act provides for this in order that councils can deal with confidential and sensitive information.

He goes on to say:

If an elected member of the council is the subject of a confidential discussion then they must declare an interest and remove themselves from the chamber. On the occasion of 16 February, councillor Rob Gilbert was the subject of the confidential discussion. The subject at hand was his harassment of a female staff member, which is a breach of the code of conduct in force at Burnside council. In what I believe may be a breach of the federal Listening Devices Act, councillor Gilbert left a recording device, which was in fact recording the meeting, on his desk. When another councillor pointed this out to the meeting, the acting CEO removed the device from the chamber. This may also be a breach of the Local Government Act.

I have two statutory declarations attesting to these events and am somewhat shocked at the behaviour of the member of council, who has enough experience to know he was breaking the law. It is open to conclusion that councillor Gilbert has deliberately broken the law. As members know, statutory declarations are very important documents and penalties apply to persons who use them to make false allegations. These declarations are not made lightly and they are made in the full knowledge of requirements for truthfulness and accuracy. There is a clear need for justice to be done in this case and the matter to be fully investigated.

Madam Speaker, I am referring these matters to both the Federal Police and the Anti-Corruption Branch of South Australia Police. Councillor Gilbert is a former used car dealer, with a reputation that makes the Dodgy Brothers look angelic, and he is now running for mayor of Burnside. In my opinion, the allegations of Rob Gilbert's flouting of the law and potential criminal behaviour make him unfit to hold further public office. His association with another dubious member of the Burnside council, Jim Jacobs, is further proof of his unsuitability for the office of mayor. I warn voters in the Burnside council to be very careful about whom they vote for when voting for mayor.

As I will demonstrate, a simple Google search reveals this to be a malicious slur on Mr Gilbert's reputation that has so far gone uncorrected—again, quite ironic and quite hypocritical, given minister Gago's objections in this place to the question asked by the Hon. Rob Lucas, where she claims no proof of allegations made, no documentation and no substantiation of comments. It is a little like the pot calling the kettle black, I would think.

Central to the member for Newland's smear against Mr Gilbert was the allegation that he had committed a criminal offence by intentionally leaving a recording device in the Burnside city council chambers after excusing himself due to a conflict of interest. Forgetting that he is a member of the parliament and not of the judiciary, and ignoring the principles of due process and innocence—which was another comment made in this chamber today about a question asked of a member of the government—people are now guilty until proven innocent. Perhaps this government needs to look at its own standards and values and its own conduct.

The member for Newland saw fit to proclaim publicly that 'councillor Gilbert has deliberately broken the law'. It is the circumstances of the incident that give rise to any potential illegality and yet, clearly without knowing the circumstances, the member for Newland proceeded to allege that Rob Gilbert had flouted the law. This is despite no action being taken by Mr Gilbert's fellow councillors, who I believe readily accepted that Mr Gilbert, who was of the regular practice of openly recording council proceedings—something he felt compelled to do due to the suspected editing of the council's recordings—had simply forgotten to take out his recording device when leaving the chamber after claiming a conflict of interest.

Further, to have committed an offence Mr Gilbert would have had to have recorded proceedings to which he was not privy; this did not occur, as his device was noticed and removed prior to any confidential discussions commencing. The honourable member placed great emphasis on the fact that he had referred the supposedly illegal activity of Mr Gilbert to the Federal Police and the Anti-Corruption Branch of South Australia Police.

I am curious to know whether the member for Newland has actually followed through on his serious claims and contacted the agencies to which he referred to ascertain their response. If he had done this, as Mr Gilbert obviously did, he would have learnt that the officer in charge of the Anti-Corruption Branch found absolutely no substance to the allegation of criminal conduct, further adding that the Anti-Corruption Branch saw no need to interview Mr Gilbert. The serious claims of the member for Newland were so baseless that the police did not even need an interview to establish as much.

In making what were serious allegations, the member for Newland purported to rely on two statutory declarations, yet failed to identify whose signatures they bear. Given the very real potential that they do contain false allegations—for which, as the member noted, penalties apply—I call on the member for Newland to release these statutory declarations for scrutiny. His failure to do so should reveal to all his true character. The content may also reveal why these individuals waited over eight months—eight months—before raising their concerns, and why they approached the member for Newland and not the appropriate authorities.

As I mentioned at the outset, Mr Gilbert's independence had led to previous attempts to discredit him. One such attempt at character assassination was the allegation that Mr Gilbert had bullied a female employee by failing to talk to her. Despite the employee not submitting a formal complaint nor, from my information, feeling as though she had been bullied, the then chief executive of the Burnside council took it upon himself to pursue the allegation, filing a complaint on her behalf. In an attempt to discredit Mr Gilbert this was then leaked to the media anonymously.

Pursuing the story, a journalist contacted Mr Gilbert, who confirmed that he was the subject of an allegation and denied being a bully. Seizing the opportunity, Mr Gilbert was then accused by the chief executive of breaching the members' code of conduct by releasing confidential information—which, by the way, he did not release. This allegation was then pursued in preference to the baseless bullying claim, which was subsequently dropped.

The resulting investigation by a lawyer from Norman Waterhouse surprisingly found that Mr Gilbert had not leaked damaging information about himself. Accepting this report, the Burnside City Council rightly resolved to make an unreserved apology to Mr Gilbert on 16 February 2010. However, despite the bullying allegation being withdrawn and Mr Gilbert being cleared of breaching the members' code of conduct, and the apology being offered, the member for Newland saw fit to repeat the allegations in the other house.

In the honourable member's defence, that apology had been suppressed, curiously, with the majority of the Burnside councillors—the same councillors who had voted to pursue the evidently groundless allegation—resolving not to release the apology for 12 months. The stated rationale was that the disclosure of the report and associated documents would be an unreasonable disclosure of the personal affairs of the woman concerned. It was, of course, simply

coincidental that the 12-month delay in the report's release would deny Mr Gilbert the opportunity to clear his name prior to the council's election.

However, this defence is lost, given that the apology did receive media coverage, despite its suppression, and with *The Advertiser* running an article on 4 March 2010 entitled 'Burnside councillor demands public apology'. The article, which is readily available online and can be located with ease through Google, reveals that the allegations against Mr Gilbert were found to be groundless in a report prepared by Norman Waterhouse lawyers, that an apology had been made to Mr Gilbert by the Burnside City Council and that the apology and report were subject to suppression.

Given that the apology was, through this article, public knowledge and readily accessible, there is simply no justifiable excuse for repeating the allegations some eight months later—unless, of course, the member for Newland was intent on assassinating the character of Mr Gilbert. This intention becomes evident when one considers that the member for Newland, not content with labelling Mr Gilbert a criminal who bullies female staff, went one further by stating:

> Councillor Gilbert is a former used car dealer, with a reputation that makes the Dodgy Brothers look angelic.

Again, a simple Google search reveals the latter to be an untruth and, as such, highly slanderous. In fact, if the honourable member had made even the most rudimentary inquiries, he would have soon learnt that quite the opposite was the case, with Mr Gilbert enjoying a 30-year unblemished record in the second-hand car sales industry.

It is my understanding that the only complaint against him in this time was later found by a court to be without basis, which I will summarise. Despite Mr Gilbert's best attempts to have the vehicle repaired in accordance with the statutory warranty, diagnosis of the problems proved difficult and lengthy, and the customer grew impatient. Seemingly convinced that he would get no reprieve, despite the evidence to the contrary, the customer approached *Today Tonight*, which shortly thereafter went to air with a piece alleging that Mr Gilbert's business was shonky and reneged on customers' warranty rights.

This being plainly false and highly defamatory, Mr Gilbert sued *Today Tonight*'s parent body, South Australian Telecasters. The resulting judgement, which is available on AustLII and can be located through Google, finds in Mr Gilbert's favour, imposes damages of a total of $139,927 and makes clear that, far from having a reputation that 'makes the Dodgy Brothers look angelic', as the member for Newland stated, Mr Gilbert was highly regarded in the industry. In fact, having heard testimony that Mr Gilbert was held in high esteem and was known for his honesty and personal integrity, His Honour Judge Sulan stated, when assessing damages:

> I conclude that Gilbert had, over 30 years, developed a fine reputation in the motor trade industry. I accept Gilbert's evidence that he considered his reputation to be of great importance to him.

To assist the honourable member to find this judgement, the full title is: Bob Gilbert Motors P/L & Anor v SA Telecasters Ltd No. DCCIV-98-84 Judgment No. D38 [1999] SADC 38. As I said, it is available on the free database, AustLII, and is the first item returned when the name 'Gilbert' is searched.

Having insinuated that Mr Gilbert is a criminal who bullies female staff with disregard to the council's code of conduct and is shonky, with a reputation that 'makes the Dodgy Brothers look angelic', the member for Newland reveals his true intent with a warning to prospective voters in the soon-to-be-held Burnside city council election. He says that Mr Gilbert is 'unfit to hold further office' and, further, is 'unsuitable for the office of mayor'. How dare he?

While it would be improper for me to suggest the member for Newland's motives, it should be abundantly clear that he rose to his feet on 14 November last year with the intention to assassinate the character of Mr Gilbert and destroy any opportunity he may have had in the Burnside mayoral elections. Further, there should be no doubt that he abused parliamentary privilege to do so. Parliamentary privilege, as the minister Gago pointed out today—or, more specifically, the privilege of freedom of speech enjoyed by this parliament—is intended to enable members to raise, in this place and the other, matters they would otherwise be unable or reluctant to broach.

It is intended that members will recognise that, with this great immunity, comes a corresponding obligation and responsibility in the best interests of those we serve. I contend this intention was lost on the member for Newland on that day. There is simply no justification, and

hence excuse, for the highly insulting—and, in any other forum, defamatory—remarks made by the member for Newland. As minister Gago often challenges the Hon. Rob Lucas: step outside and make those comments. Step outside, on the steps, and make the comments that you made in this house—I will guarantee that he will not. However, under the cloak of parliamentary privilege, the honourable member clearly felt no fear or shame in vilifying a serving member of a local council and a mayoral candidate. No doubt, he believed that no consequences would be brought to bear.

I moved this motion out of the simple recognition that a grave wrong was committed against one of our constituents and, as I argued in this parliament at that time, it has been revealed that no other member dared to have it corrected. It is my hope that, upon its passage, an apology is forthcoming and the record stand corrected.

Given that SA Telecasters was forced to pay just shy of $140,000 to make right *Today Tonight*'s wrong against Mr Gilbert, an apology by the member for Newland is the least that must be offered to restore his standing in the community . It may also serve to restore the member for Newland's credibility, who, in his own words to somebody who rang to complain about the speech he made, he allegedly stated, according to this constituent that 'it was just politics'.

The moral compass of this government is in doubt, and this address in the House of Assembly has done nothing to counter that doubt. To put on the record comments that damage the character and reputation of a constituent and, moreover, a dedicated person who has served the members of his community for a very long time for nothing more than 'just politics' is reprehensible, especially given the circumstances I have outlined here today. I commend the motion to the house.

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

SOVEREIGN WEALTH FUND

The Hon. M. PARNELL (17:03): I move:

That this council calls on the state government to—

1. Responsibly plan for a future time when our state's non –renewable mineral resources run out; and

2. Investigate models for the creation of a sovereign wealth fund to ensure our long-term prosperity.

The Greens firmly believe that we need to more wisely and prudently manage the current and future windfall from the rapid extraction of our mineral wealth. The resources boom is generating enormous wealth, and all Australians should reap the benefits of this now and in the future. However, currently, governments, both state and federal, are using this current mineral windfall to meet ongoing daily expenses. Instead, the Greens believe that we need to be saving, metaphorically, for the lean years, putting money aside now for a future time when these non-renewable resources will inevitably run out.

The mineral wealth that is in our care is just that: it is our wealth; it is not our income. Yet, in the same way that it would be short-term and economically reckless to live off capital rather than income, that is exactly what we are doing when we are spending mining royalties to meet current government expenditure. It does not make sense for a household budget to behave like that, and it does not make sense for our state and national budget, either.

We need to prudently and wisely plan ahead, but we also need to have a stronger debate on who actually owns these resources. Commonwealth Bank head, Ralph Norris, speaking in support of an Australian sovereign wealth fund said:

> Mining companies are recovering resources that are the natural endowment of Australians, and therefore Australia...should look to get some return.

The Greens believe that we all collectively own these mineral resources, not just the current government and most certainly not the mining companies. They are, as Ralph Norris says, our endowment, and we do not want this wealth to be frittered away. We also recognise that this wealth belongs to current and future generations. Have we the right to spend it all now and leave none for our grandchildren?

Overseas examples here are illuminating, in particular, the different treatment of North Sea oil royalties by the United Kingdom and Norway. The United Kingdom spent the proceeds from the sale of their share of the North Sea oil as soon as they were received. Now that the returns are in long-term decline, there is very little to show for it. Norway, on the other hand, recognised two

decades ago that the oil would inevitably run out and that they needed to ensure the wellbeing of future generations, so they took a different approach.

They followed the lead of some Arab states and created a sovereign wealth fund, commonly known as 'the oil fund', and they poured money from the sale of their share of the North Sea oil into that fund, from which profits are returned to the state—and they are not alone. Approximately 36 countries around the world have sovereign wealth funds, which currently manage more than $4.2 trillion worth of assets globally.

Recently, the International Monetary Fund called on Australia to establish a sovereign wealth fund to protect the economy from shock falls in commodity prices and to save revenue to ensure a more equitable distribution of its benefits across generations and reduce long-term fiscal vulnerabilities from an ageing population and rising health care costs. That is why Greens leader Bob Brown is moving at a federal level to put the idea of a sovereign wealth fund firmly on the national agenda. The Greens think that we should also have a debate on this issue here in South Australia.

The issue has a particular resonance here in South Australia as both state and federal governments are now considering the approval of the largest mineral extraction in Australia's history, the Olympic Dam mega open pit. We will shortly be debating in this place a bill to amend the South Australian mining royalty regime.

In calling for this debate, we recognise that the current carve-up of GST revenue between states and the reconciliation of state mineral revenue by the grants commission means that a simple replica of the Norway sovereign wealth fund model would not work at a state level. However, we are calling on South Australia to be deeply involved in the national debate and to investigate models that may allow South Australia to preserve some of our current mineral bounty for the future.

We urgently need to future-proof our economy. We need to consider the welfare of both present and future generations. We also need to ensure that we can pay for an ageing society with ever-growing health needs. A sovereign wealth fund could help in this, as well as underpinning long-term transformational investment in essential infrastructure such as light rail, smart electricity grids and high speed rail. It is common sense, it is prudent, it is sensible economic management and I commend this motion to the house.

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

ARKAROOLA WILDERNESS SANCTUARY

The Hon. M. PARNELL (17:07): I move:

That this council—

1. Notes that it has been almost 40 months since the initial discovery of illegal waste disposal and vandalism by Marathon Resources in the Arkaroola Wilderness Sanctuary; and

2. Calls for the state government to urgently guarantee permanent protection for the iconic and majestic mountains of Arkaroola.

The future of the Arkaroola Wilderness Sanctuary still hangs in the balance. Members will recall the process that the government went through some time ago entitled Seeking a Balance. That process was roundly criticised as being flawed, based on a flawed premise and it came up with a flawed result. Ultimately, the government, quite rightly, abandoned that process.

The 'Seeking a Balance' document was roundly condemned, not least of which by the vast majority of submissions that were made against the document, including some of the very high quality submissions made by scientists, including those from the South Australian Museum.

As part of that process, the Greens, and others, conservation groups in particular, pressured the government to publish the submissions that were made to that inquiry. Those submissions were mostly published, with one significant exception, and that exception was the submission of Marathon Resources. It refused to allow its submission to be published.

So, I sought that document under the Freedom of Information Act. It was not a fishing expedition. I asked for the document by name. It took no time for the department to find it, but they denied access. Eventually, the question of whether the document should be provided went to the Ombudsman and the Ombudsman ordered that the document be released.

My argument to the Ombudsman as to why the Marathon submission to Seeking a Balance should be released was quite simple, and the Ombudsman accepted it. My submission was that this was a submission from a publicly listed company to a public consultation process conducted by public agencies to help determine public policy over access to public land, and that makes it in the public interest. The Ombudsman had no difficulty agreeing with that.

However, after finally receiving a copy of the Marathon submission, I wonder why I bothered, because it is a remarkably underwhelming document. I am not just referring to the items that were blacked out, as we expect with freedom of information applications, so we will never know whether the numbers that were blacked out in that document show any inconsistency in financial advice given to the stock exchange and to the state government. We simply cannot do that analysis; yet the document was underwhelming.

The general thrust of the Marathon Resources submission is that it was being treated unfairly and that its unfair treatment would somehow impact negatively on the rest of the mining industry. It claimed that other states would benefit from the situation in South Australia. Of course, it had no answer to the question of how that would happen given that South Australia's resources are in South Australia. It somehow reminds one of the Charles Dickens coal barons who were going to cast their pits into the sea. Nevertheless, Marathon saw itself as the victim in this whole process.

The first thing to note about Marathon's submission is that the dumping scandal—the waste in the wilderness and the fluorite theft—is not mentioned, except as a reference in passing when it complains that the landscape survey, which was part of the Seeking a Balance process, was conducted during a period of negative publicity surrounding Marathon's rectification works. Mind you, it does not go into any detail as to why rectification works were required in the first place. The company also conveniently ignores the fact that the government amendments to the Mining Act were triggered by its own behaviour, but it was prepared to criticise the document for not referring to the latest amendments to the Mining Act.

Marathon also missed the very obvious point that the entire Seeking a Balance exercise was first and foremost a response—albeit a half-baked response—to community outrage over its own disgraceful practices. But what the company does instead is trot out the social licence to operate argument. It shows no hint of shame and it does not acknowledge that the arguments it uses now are exactly the same as the ones it used before and during the illegal waste dumping and the fluorite theft. The company seems to have forgotten the inadequate mea culpa that it issued in its 'Learning from waste in the wilderness' document.

The other point to note about the Marathon submission is that the company has come clean—I guess perhaps for the first time—in relation to its desire to see the class A environment protection measures removed from our planning laws. In fact, I think it was working on the assumption that those rules would go. Marathon has effectively admitted in its submission that it could not hope to meet the provisions of the class A zone. To remind members, the class A zone are those provisions in the relevant planning scheme that effectively say that mining should only occur in that zone in the most extraordinary of circumstances, none of which are likely to be met. Marathon says in its submission:

> The current planning arrangements for environmental zone class A are clearly heavily weighted in favour of poorly defined high-value environmental criteria.

So, that is complaint number one—the environment gets more of a guernsey than it would like. They go on to say:

> Because of Arkaroola's environmental zone class A status, a potentially very large and valuable resource may never be developed because of a potential failure to meet the multiple criteria test.

What is remarkable is that this claim is from a company that has consistently argued that the existing regulatory structures are entirely adequate and do not need to be improved, so that is a remarkable argument for them to mount.

The submission also quite arrogantly, and I think insultingly, makes the assertion that the Arkaroola Wilderness Sanctuary is dependent on their patronage in order to survive. Marathon says that Arkaroola must be either 'underwritten by government handouts' or have the mining industry 'supplement tourist activities'. My irony meter starts to squeal very loudly when I hear the mining industry complain about government handouts, and you need look no further than the diesel rebate subsidy which, at a million litres a day, will provide a great deal of wealth in relation to the

Olympic Dam expansion. They have a nerve talking about public subsidies, even when they are wrong.

The next thing to note is that the company complains about the flawed science in 'Seeking a Balance', and that is the one area on which we agree. The science was flawed, but it was flawed in every respect and was criticised by conservation interests and science interests as much as by anyone else, and I think the government did the right thing by abandoning that process. In fact, when you look at the submissions that were freely published, the South Australian Museum submission absolutely wipes the floor with the Marathon submission and, in fact, the 'Seeking a Balance' document itself.

The Marathon submission then goes on to argue that Reg Sprigg would have been in favour of their mining project, and it does this by cherry picking some quotes they found from 1973. They then found some more quotes from Reg Sprigg from 1984 on the vagaries of the tourism business. We all know that all industries have vagaries, but it is fairly desperate to have to go back that far. They did not attempt to procure any more recent occupancy or viability figures in relation to the Arkaroola tourism venture.

There is a chart on page 33 of the Marathon submission which, as much as I would like it to be, is not in a form suitable for incorporation into *Hansard* simply because of the way it is structured and it is not purely statistical. However, this chart is a remarkable document that seeks to describe the potential consequences of Seeking a Balance; in other words, what would happen if the Seeking a Balance recommendations were implemented, which include declaring some small areas off limits to mining but allowing mining in other areas. Here are some of the things they say will result from that.

The first one is that they say there will be a confidence boost to anti-mining groups, who will be energised, somehow suggesting that, if the environment ever manages to win over an exploitation argument, that somehow is bad for society because the people who have advocated environment protection will be energised. They also say that there is a risk of this plan being replicated in other regions, in other words, that planning will be undertaken for the protection of the environment elsewhere in the state. What a dreadful outcome that would be!

They also claim that, if the environment were to be taken too seriously, this would represent concessions to minority voices. I do not know whether they read the same opinion polls that I do, or whether they have looked at the vast bulk of the submissions that were made, but it seems fairly clear to me—and I think to most members—that conserving the Arkaroola Wilderness Sanctuary is a far more popular outcome than exploiting the relatively small mineral deposits that may be there.

The Marathon submission suggests that the whole exercise of increasing environmental protection in the Arkaroola area is some sort of concession to special pleading. Interestingly, they try to argue that there is nothing particularly special about the North Flinders Ranges that warrants any form of special intervention. They say, 'Marathon considers that the frequent description of the Arkaroola Wilderness Sanctuary'—and they say in brackets 'legally a pastoral lease'—'as iconic is wrong or misleading'.

Well, clearly Marathon Resources differs from a great number of people in South Australia, including those who hand out awards for tourism, because this is a special part of South Australia. You only have to look at the range of champions lined up to protect Arkaroola: it is, indeed, a special place; it is iconic, and images of Arkaroola feature prominently in tourist literature right through the state—not for no reason, but because it is a majestic and iconic place.

In conclusion, it has now been some 40 months since the initial discovery of the illegal waste disposal and vandalism by Marathon Resources in the Arkaroola Wilderness Sanctuary. It is now time for the government to decide how it is going to permanently protect this area. Delay in making this decision is not fair on anyone. It is not fair on the community, it is not fair on the Sprigg family who manage the wilderness sanctuary, and it is not fair on Marathon's shareholders, as well.

The permanent protection of the Arkaroola Wilderness Sanctuary will be applauded by an overwhelming majority of South Australians. Finally, I will say now that we have had this debate over Arkaroola in this chamber many times; all members are very familiar with the arguments, so I state now that it is my intention to bring this motion to a vote on Wednesday 8 June.

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

AMNESTY INTERNATIONAL

Adjourned debate on motion of Hon. I.K. Hunter:

That this council congratulates Amnesty International on its 50th anniversary which will be celebrated on 28 May 2011.

(Continued from 4 May 2011.)

The Hon. S.G. WADE (17:23): I am pleased to rise on behalf of the opposition to indicate support for the motion. Amnesty was founded in London in 1961 when Peter Benenson, a British Labor lawyer, was reading a newspaper on the London Underground. He read of two students in Antonio Salazar's Portugal who dared to toast liberty in a cafe in Lisbon. They were arrested, tried and sentenced to seven years' imprisonment each. His first impulse was to get off the train and protest at the Portuguese Embassy. He thought better of it and went instead to reflect in St Martin-in-the-Fields church at Trafalgar Square, where the seed of an idea for a worldwide human rights movement germinated.

Within a few weeks, on 28 May 1961, *The Observer* newspaper carried a long article written by Benenson called 'The Forgotten Prisoners', which suggested a worldwide 'Appeal for Amnesty 1961', a call to governments to let their political prisoners go or at least give them a fair trial. Benenson described his disgust at the global trend of people being imprisoned, tortured or executed because their political views or religious orientation were unacceptable to their government. Benenson had the vision that the problem could be solved by collective action. He wrote:

If these feelings of disgust all over the world could be united into common action, something effective could be done.

The appeal was reprinted in newspapers globally. In July 1961, at the first international meeting, delegates decided to establish 'a permanent international movement in defence of freedom of opinion and religion'. On 10 December 1961, World Human Rights Day, the first Amnesty candle was lit in the church of St Martin-in-the-Fields, London. The first Amnesty campaign in 1961 highlighted the fate of six prisoners of conscience: Angolan anti-colonialist poet and resistance leader, Agostinho Neto; the Greek communist Toni Ambatielos; Archbishop Josef Beran of Prague and Cardinal Jozsef Mindszenty of Budapest, both imprisoned by communist dictators; the Reverend Ashton Jones, a campaigner for the rights of blacks in the United States; and the Romanian philosopher Constantin Noica.

A number of the early figures of Amnesty had strong religious connections: Benesson was a Catholic and Eric Baker was a leading Quaker. Other founders were Jews and Protestants. Amnesty had its origins in the religious commitment to justice. In his history of Amnesty, *Keepers of the Flame,* Stephen Hopgood writes, 'The Amnesty movement was to be a spiritual awakening that would stimulate moral change in members' own societies as well.' Given this history, it is apt that on 28 May 2011—in 10 days' time—Amnesty will celebrate its 50th anniversary with a celebratory ceremony at St Martin-in-the-Fields church in London. The event will feature Lord Peter Archer, one of the movement's founding members, who will lead a symbolic toast to freedom, which of course evokes memories of those two Portuguese students.

Over those 50 years, Amnesty has become the world's largest human rights organisation. A largely volunteer organisation, it has 3 million supporters across 150 countries, with over 100,000 supporters here in Australia. Traditionally, Amnesty International has worked to defend civil and political rights, working for prisoners of conscience and campaigning against torture and the death penalty. It has drawn heavily on the Universal Declaration on Human Rights. As the Hon. Ian Hunter highlighted in his moving speech, as international human rights standards have diversified Amnesty has broadened its focus to encompass a range of economic, social and cultural rights. In 1977, Amnesty International was awarded the Nobel Peace Prize for its work.

A bedrock of Amnesty International's success has been its impartiality. It does not promote one political system as superior to another. Amnesty International never engages in comparisons between countries; it never accepts funds from government. In an era when political activism seems to be becoming more and more aggressive, Amnesty's cautious, research-based, politically neutral approach can often seem timid and old-fashioned, but in my view it is these traits that are the bedrock of the enduring potency of Amnesty as the world's witness for human rights. One study, over a three-year period the 1970s, found that of the approximately 6,000 prisoners for whom Amnesty International was working 3,000 had been released.

Late last week, the Amnesty annual report was launched. For those of us who have had the opportunity to read such statements in the past, it was a remarkably optimistic report. It found that the growing demands for freedom and justice across the Middle East and North Africa and the rise of social media offered an unprecedented opportunity for human rights change but that this change stands on a knife edge. In the report, Salil Shetty, Amnesty International Secretary-General, is quoted as saying:

> Fifty years since the Amnesty candle began to shine a light on repression, the human rights revolution now stands on the threshold of historic change. People are rejecting fear. Courageous people, led largely by youth, are standing up and speaking out in the face of bullets, beatings, tear gas and tanks. This bravery—combined with new technology that is helping activists to outflank and expose government suppression of free speech and peaceful protest—is sending a signal to repressive governments that their days are numbered.
>
> But there is a serious fight back from the forces of repression. The international community must seize the opportunity for change and ensure that 2011 is not a false dawn for human rights. The critical battle is under way for control of access to information, means of communication and networking technology as social media networks fuel a new activism that governments are struggling to control. As seen in Tunisia and Egypt, government attempts to block internet access or cut mobile phone networks can backfire—but governments are scrambling to regain the initiative or to use this technology against activists.
>
> Corporations that provide internet access, cellular communications and social networking sites, and that support digital media and communications, need to respect human rights. They must not become the pawns or accomplices of repressive governments who want to stifle expression and spy on their people.

Salil Shetty's comments are a challenge for each of us to do all that we can as both citizens of the international community, but also as customers of these communications and technology organisations, to ensure that communications and the internet that we have free access to are accessible and free for all citizens of the world.

The year 2010 did indeed record some iconic events. Many of us celebrated the release of Aung San Suu Kyi from Burma and the award of the Nobel Peace Price to Chinese dissident, Liu Xiaobo. Amnesty International documents, however, that there is still so much work to be done. The 2011 report cites that there are specific restrictions on freedom of speech in at least 89 countries. It highlights cases of prisoners of conscience in at least 48 countries, torture and ill treatment in at least 98 countries, executions in 23, and reports on unfair trials in at least 54 countries.

While there is still much to be done, we can be grateful that an organisation such as Amnesty International exists—an organisation which fights for the most vulnerable and oppressed in our world, which acts to deter further human rights abuses and which aims to strive for a fairer and more secure world.

Amnesty International operates through networks of local groups of members. In four countries, you can find Amnesty groups within the parliaments. Those four countries are Australia, New Zealand, Japan and Sweden. These groups communicate Amnesty International's concerns to the parliaments in question but, in accordance with Amnesty's policy of impartiality, these groups always include representatives of the various political streams. The following are examples of the kind of activities that these groups are involved in:

- the promotion of parliamentary debate on subjects put forward by Amnesty International;
- support and promotion of international initiatives or domestic legislation related to human rights;
- intervention at an individual or group level, with governments in support of Amnesty International's actions;
- advocacy through letters or delegations on behalf of parliamentarians who have been, or are, the victims of human rights violations; and
- public support for Amnesty International's work.

The Amnesty International Parliamentary Group in the federal parliament was formed in 1973, making it the oldest parliamentary group of Amnesty in the world. It has been recognised in every parliament since. In a speech delivered to the Society for International Development in Rome in 1985, Liberal senator Alan Missen, then chairman of the group, said:

> The Amnesty parliamentary group is in no way a servant of the government, and often presses the latter to act in a stricter and more rigorous fashion in the field of foreign affairs. The group has thus shown itself to be one of the most influential tools in the promotion of our ideas regarding human rights.

Amnesty International parliamentary groups operate in four state and territory parliaments. My understanding is that there are parliamentary groups in the New South Wales, Queensland, Victoria, and Australian Capital Territory parliaments.

I am very pleased to join the mover of the motion, the Hon. Ian Hunter, and the Hon Tammy Franks in co-sponsoring the formation of a parliamentary group in this parliament. I thank the Hon. Ian Hunter for the initiative, not only of this motion, but also for the establishment of a parliamentary group. I understand that there may have been a parliamentary group of Amnesty in the past, but that it lapsed some 15 years ago or more.

I would encourage all members to consider joining the parliamentary group as it is established and, in conclusion, I congratulate Amnesty International on 50 years of great work and commend the motion to the council.

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

MARINE PARKS

Adjourned debate on motion of Hon. D.G.E. Hood:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon marine parks in South Australia and, in particular—

   (a) claims by Professor Bob Kearney that the evidence used by the government in support of marine parks reflected a 'biased misuse of the available science';

   (b) detrimental effects to recreational fishers and the commercial fishing industry through the imposition of marine parks;

   (c) detrimental effects to property values through the imposition of marine parks;

   (d) complaints by local communities and fishing groups regarding the consultation process associated with the implementation of marine parks;

   (e) interstate and international moves to limit the extent of sanctuary zones; and

   (f) the correct balance of general marine park areas to no-take sanctuary zone areas.

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 6 April 2011.)

The Hon. M. PARNELL (17:35): The debate over marine parks in general and sanctuary zones in particular has been characterised by quite an appalling level of misinformation. This proposed inquiry could be a vehicle for perpetuating this misinformation, or it could be a vehicle to correct this misinformation, and how it handles the evidence it receives will be the test of its credibility. It needs to be said that the terms of reference, even with the foreshadowed Liberal amendments, are loaded towards the perceived negative consequences of marine parks.

The misinformation campaign that is afoot at present is being driven by a number of factors, some political, some malicious, and some, I think, just genuine ignorance. If I were to summarise the situation into one sentence, I think I would say that there are a lot of people out there who are very worried and do not need to be. What I would like to do in my contribution is to go through some of the myths about sanctuary zones and no-take areas that have been sent to me by constituents, in correspondence, or have been posted on publicly-available blog sites debating the issue of marine parks. I will go through these; there are seven altogether.

The first myth that is out there is that jetty and beach fishing will be banned. One of the quotes I got was, 'I won't be able to fish from the jetty or beach any more.' Well, as recently as this week, I have had it confirmed to me by the government that the position it had many months ago (it may have even been a year ago) still remains, and that is that fishing will be allowed from all jetties and all popular beaches and breakwaters that are in marine parks. If we take jetties, for example, I do not think there is a single jetty that is proposed to be made off limits to fishing. So, that information needs to get out there because it is unfair to mums and dads who are worried that they

will not be able to throw a handline off Glenelg Jetty or some other popular holiday spot once sanctuary zones are in place.

The second myth is that people are saying that sanctuary zones adjacent to beaches will mean that (and here is one quote from a blog site) 'activities like walking a dog, riding a horse, vehicle access, family gatherings and BBQs will be in jeopardy'. The fact is that none of those activities will be affected where it is currently allowed, and beaches adjacent to sanctuary zones will still be publicly accessible. The next myth that is out there is that all water sports will be banned in sanctuary zones, but the fact is that people will still be able to swim, to boat, to dive and to snorkel in sanctuary zones. No-take does not mean no-swim.

The next myth is that people are claiming that sanctuary zones are a threat to our way of life and a threat to our right to fish. In fact, one person put it to me that the environment department wants to close 27 per cent of our marine waters. The fact is that the sanctuary zones scenarios (and that is all they are) published by the government for the purpose of community consultation in fact left 90 per cent of South Australian waters open for fishing.

The next myth that is out there is that sanctuary zones will severely damage the commercial fishing industry. One person said, 'The only endangered species is fishermen.' People go further and say that sanctuary zones will not do anything to lead to an increase in fish numbers or fish populations. The fact is that you need fish in order to be able to fish. The many scientific studies on the effects of sanctuary zones that are published and peer reviewed show that there are significant increases in the abundance, the size, the diversity and the overall biomass of marine life once there are sanctuaries in place and that there is a further spillover of biomass into other unprotected areas.

This is a major benefit to commercial fishing and it will contribute significantly to the long-term sustainability of the fishing industry. Members might be aware of a University of Adelaide report by Dr Melissa Nursey-Bray published in January of this year, which concluded that:

> Marine protected areas are proven to conserve marine life whilst providing a major boost to fisheries and other industries such as marine tourism.

She also said that marine parks provide:

> ...real social and economic benefits that go beyond biodiversity outcomes.

They are, after all, the outcomes that are the primary focus of marine parks, but the benefits go beyond protecting biodiversity.

The next myth that is out there, and this is in the terms of reference, is that marine parks will have a detrimental effect on property values. The first time that I heard that I received an email with a counter point of view. It did not have any words in the email, it just had a photo of a for sale sign where the No. 1 advertising ploy by the company was how close this property was to a world-class marine park.

It will be interesting, if this inquiry gets up, to see whether the evidence relating to property values is speculation and fear-mongering or whether it in fact looks at what has actually happened in other places, and the boost that real estate agents have in their marketing by the proximity of land they are selling to marine parks.

The final myth I want to refer to is this idea that somehow there is a conspiracy afoot which is the environment department locking up the most productive recreational fishing areas so that the government can then issue permits to fish in those areas. I have been urged to: beware of the hidden agenda, that this whole push for sanctuary zones is in fact just a grab for cash. It is hard to know how to respond to that because it is patently false. It has not been on any agenda that I have ever seen of either the government or the opposition. I think it is just plain rubbish.

In conclusion, I understand that this inquiry is likely to have support today and will get up. The test of this inquiry will be how it handles the evidence. How fair and even it is in looking at the arguments that are put before it. How rooted the committee is in its pursuit of scientific rigour, because I have no doubt that there will be a stream of credited marine scientists with peer-reviewed works on the topic that will seek to dispel some of the myths that are out there.

Finally, I will conclude by stating the obvious, that what we all want is the same thing, we all want more fish in the sea, some for commercial purposes, some for recreational purposes, some for biodiversity purposes, but marine parks are clearly a way to achieve that objective.

The Hon. T.J. STEPHENS (17:43): I rise briefly to support the remarks of the Hon. Michelle Lensink, and I certainly will not be using the word 'rooted' in my speech, Mr President, like the Hon. Mark Parnell. I do not think this motion is rooted. I move:

Leave out paragraph 1(a) and insert new paragraph 1(a) as follows—

(a) what scientific evidence is available to guide the design and management of marine parks;

After paragraph 1(f) insert new paragraph 1(g) as follows—

(g) how the management of marine parks will be funded;

Regarding the amendment, the opposition has persistently sought the scientific evidence that the minister has stated has been used to base the no-take zones on. The government has been unable to provide it and the committee should have the scope to investigate this.

The opposition also wishes to know how the government will fund these marine parks within the budget constraints that it has; $1.5 million has been cut from the marine park budget this year before the sanctuary zones, and therefore the management costs, have been established.

According to Professor Andrew Balmford et al in an article published in the journal *Proceedings of the National Academy of Sciences*, the average cost of managing a marine park is $US775 per kilometre square annually. This was calculated in the year 2000. Naturally, this cost would have inflated over the past 11 years but, based on this figure, the cost of managing South Australia's marine parks could be in the vicinity of $21 million.

Despite our misgivings about this proposal, the Liberal Party is supportive of marine parks, but we want it to be done correctly. The party is firmly of the belief that the public and stakeholders should be informed about the full impact of the proposal on their lives and the basis for such a proposal.

Poor consultation by the minister and the department has been, and continues to be, a major problem. Those affected by this proposal deserve full disclosure and proper answers to their questions. This committee will attempt to alleviate some of the many problems arising from the marine park plan and the lack of consultation and forethought by this government.

The Hon. P. HOLLOWAY (17:45): I indicate that the government will not support the establishment of this select committee, although I guess we are realistic enough to know what normally happens. It would be interesting to look back at all the select committees we have had in recent years to see if any of them have actually produced something worthwhile. I cannot think of one that has.

Clearly, they are being used for political purposes. Indeed, we saw that earlier with the select committee on electoral matters which, somehow or other, seemed to conveniently forget that in 2006 the Liberal Party had instigated these bogus electoral cards. Of course, we just heard Mr Wade's diatribe earlier on that particular select committee trying to reinvent history.

The Hon. J.S.L. Dawkins: What's that got to do with this one?

The Hon. P. HOLLOWAY: It shows that select committees are used for political purposes. They do not come up with anything worthwhile.

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

The Hon. P. HOLLOWAY: If the Hon. Mr Dawkins wishes to prove me wrong, if he could just name one worthwhile thing that a select committee in this council has produced in the last couple of years, I would be interested to hear it. They have certainly played a lot of politics, and I suggest—as I will go on to show—that that is what this is about. I cannot think of any subject, other than marine parks, which has been subject to so much consideration. We have had legislation through the parliament.

The ideas have been around for more than a decade. There is scarcely an idea or a concept that has had as significant consideration in the community. We are fortunate in South Australia to have a marine environment that is world renowned for its unspoiled nature and for the enormous variety of marine plants and animals that live in our waters. We are committed to taking action now to ensure that our unique marine environment is protected for the future.

The marine parks program is based on the best available science, and it is being driven by local people who know the local waters better than anyone. The government is committed to

ensuring that we end up with a system of marine parks that achieves conservation outcomes, but not at the expense of being able to throw a line.

I am curious to know what members opposite are committed to, but I think it would be fair to say that the tide is still out on that one. The hypocrisy and hysteria that has been played out through the media in recent months by members of the opposition has been extraordinary. I am sure—as members here would be well aware—that it was in fact the former Liberal government which first committed to introducing marine parks or marine protected areas, as they were known in the mid-1990s. It now seems that they cannot actually agree on what their policy is. They want marine parks but, apparently, they want to abolish no take zones, but that, of course, depends on who you speak to.

I note that there was a letter in the Victor Harbor *Times* on 7 April last, written by the member for Hammond which, in addition to making a number of inaccurate claims about marine parks, only adds to the confusion about his own party's policy on marine parks. While it is encouraging that the member for Hammond said that the Liberal Party supports both marine parks and sanctuary zones, that very same edition of the Victor Harbor *Times* reports that the opposition leader was saying that they would scrap no-take zones if elected into government.

I believe there is also a video circulating on YouTube—which was recently mentioned by the Minister for Environment and Conservation in another place—which confirms the opposition leader's intent to abolish these zones. I think I recall her being reported at a public meeting. I recall before the last election, when we were talking about the Olympic Dam expansion, that the Leader of the Opposition appeared to say some things in a meeting with locals but, when it gets to a broader organisation, she seems a bit confused about what she has actually said. Certainly it is recorded that the Leader of the Opposition claims that she would scrap no-take zones if elected into government.

The Hon. T.J. Stephens: I would rather have our leader than the dog you've got.

The Hon. P. HOLLOWAY: Perhaps the Hon. Mr Stephens would like to have a confused leader, because of course we don't know how much longer she will be there. It is quite clear that the numbers are gathering. The leader of the Australian Labor Party has been around for—I think has seen off seven, is it—

The Hon. J.M. Gazzola: Nine.

The Hon. P. HOLLOWAY: —nine leaders.

The Hon. T.J. Stephens: How about a retirement package?

The Hon. P. HOLLOWAY: You can change the subject, but you interjected, so if you want to talk about the subject I am only too happy to indulge the honourable member and the leader. The YouTube video I was talking about certainly showed the member for Bragg standing behind her leader, as she always does of course, barely able to contain her excitement at the news that they are going to get rid of no-take zones.

As I think I said by way of interjection when the Hon. Michelle Lensink was talking in this place, if you take the land-based equivalent, presumably you would have national parks where you could go and hunt all the native animals in them. That would be the sort of analogy you would have. I am aware that the shadow minister for environment—

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

The Hon. P. HOLLOWAY: Because it doesn't make sense. The government is trying to do what makes sense, and we are still considering. If you listen, I am about to go through how we are consulting, but the opposition cannot wait. The are following the new Tony Abbott formula for politics. This is the new Tony Abbott formula for politics: don't have any substance; it does not matter. Do a complete 180 degree U-turn on what you have done in the past, but just say anything; just oppose for the sake of opposing.

I am aware that the shadow minister for environment has claimed in this place that she supports sanctuary zones, in spite of her leader's recent comments. She made that comment when I interjected during a speech. In fact, the shadow minister did not deny her leader's comments but instead protested, 'It wasn't me'. The irony of all this is that it was the former Liberal government that committed to the development of a state-wide marine conservation strategy. It was the former Liberal government which, so to speak, got the ball rolling on marine parks.

I refer to the then minister for environment and natural resources, the Hon. David Wotton, who in 1998 announced the Liberal government's plans to develop a blueprint to protect and conserve our marine environment for all future generations. In the same year the former premier. the Hon. Dean Brown, when discussing the newly formed Great Australian Bight Marine Park, also declared his government's commitment to participating in what he called a new era of environmental and conservation awareness.

As the shadow minister herself mentioned in this place, the Liberal government then went on to release the maritime and estuary strategy for South Australia in 2000. In 2001 the former premier, the Hon. Rob Kerin, and the then minister for environment and current member for Davenport, the Hon. Iain Evans, released their vision to establish marine protected areas in South Australia. In that release the former environment minister said:

> The government has now taken the view that this is an issue which must be addressed now, before it is too late and future generations are left with marine issues which will be much more difficult to fix than to prevent.

So, it would seem that those opposite should look to their predecessors for the vision they once had for the protection of our precious marine environment. Now where do they stand? They simply do not know: they change their view with tides. Is the tide in or out on marine parks and will the tide ever come back in?

Now they have indicated their intent to support this motion, but on what grounds? I suspect simply to buy themselves some more time while they continue to figure out what their policy is. Presumably for them, again with the Tony Abbott strategy, it is just to play pure politics on anything. I guess under that new strategy saying no always seems to be a good bet, even if it shows total hypocrisy.

To get back to the motion, the Hon. Mr Hood quite rightly stated during his contribution that marine parks are not about fisheries management, and that is a fact which the government has been very clear about right from the start. Marine parks are designed to protect and conserve healthy examples of all of our precious marine plants and animals and the habitats in which they live. They are not being introduced to manage or target a particular fish species. That is why we have separate fisheries management legislation. I know that appears to be a difficult concept for some people to understand, but if you look beneath the surface you will see there is more than just fish in the ocean.

I would like to point out to members the range of ecological benefits of marine parks. They are significant, and they can include increases in the abundance, the overall size and diversity of sea life; an increased ability of local marine life to reproduce; and protection of habitat critical to key life cycle stages, such as spawning, nursery and feeding grounds. We have had nursery parks and nursery reserves for many decades, and they have always been recognised as an essential part of conserving stocks, in particular. There is a spillover of fish into unprotected areas, which can lead to improved fishing in areas adjacent to sanctuary zones, and there is the restoration of the healthy natural balance of marine ecosystems generally.

There are also potential social and economic benefits that could be achieved by protecting our marine biodiversity, as has been demonstrated in other states and in places around the world. We know that marine parks can help to support commercial and recreational fisheries by maintaining the health of the marine environment and through marketing opportunities associated with harvesting from clean and natural environments. They can also enhance regional tourism opportunities by providing opportunities for interstate and international visitors who come to our state to view our healthy and relatively unspoiled coastal and marine environments.

May I just add that I applaud the minister for fisheries, who recently announced that he is going to do something to prevent some of those people who come from interstate and who, unfortunately, want to catch copious amounts of our fishing resources, but that is another issue. Indeed, the ecotourism opportunities created as a result of the establishment of the Great Australian Bight Marine Park were once lauded by the former Liberal government, but now the view of the Liberals is that marine parks are bad for regional communities.

The motion also questions the science that underpins marine parks and, indeed, there have been numerous statements made by members of the opposition in relation to the apparent lack of science supporting this program. However, the marine parks program is based on the best available international, national and local marine science. It is also advised by an independent scientific working group, which is made up of some of our state's most pre-eminent marine scientists.

The government's approach to marine parks establishment is also consistent with a 2009 consensus statement issued by the Australian Marine Sciences Association (AMSA), Australia's largest professional association of marine scientists, with over 900 members nationally. Of course, that is not good enough for some. Perhaps it is too difficult for them to understand the science and, therefore, it is just easier to say that there is none. It is quite clear that the Liberal Party held a different view in days gone by.

The member for Davenport—and I think this is worth considering—back in the year 2000 was then minister for environment, and he stated in parliament:

> The world's marine biodiversity is facing serious and worsening threats as a result of pollution, over-exploitation, conflicting uses of resources and damage to and destruction of their habitat.

That is what he said 11 years ago, but now they choose to ignore the science. He was claiming that we were facing serious and worsening threats as a result of pollution and over-exploitation.

An honourable member interjecting:

The Hon. P. HOLLOWAY: So what was what he was relying on then? He says now there is no science So 10 years ago that is what he said, based on advice. Now members opposite are saying 'Oh, there is no science to it.' They now claim they need a parliamentary committee to consider the science.

Members interjecting:

The PRESIDENT: The opposition should stop fighting.

The Hon. P. HOLLOWAY: As I have already stated, this government has designed the marine parks program based on the best available international, national and local science. Fourteen design principles were adopted in 2008, which provide the scientific basis for the marine parks program. These principles were developed after consideration of three decades of Australian and international marine protected areas, scientific and management experience—

Members interjecting:

The Hon. P. HOLLOWAY: Three decades of it, and you say that there is not enough science. In addition, a technical report on the outer boundaries of South Australia's marine parks network was released in 2009 and describes the process used to select the 19 individual marine parks that make up South Australia's marine parks network. In fact, members were invited by the Minister for Environment and Conservation to witness firsthand a sample of the science that underpins marine parks in a parliamentary presentation on 23 March this year. Unfortunately, I do not think many members were interested in taking up the offer; it is much easier to get up and criticise rather than actually going to see the evidence.

I am not surprised that the opposition has proposed removing the reference to Professor Kearney. While he is well placed to give advice on managing fisheries, marine parks, as we have said, are not just about fisheries: marine parks aim to protect representative examples of all marine habitats along South Australia's coastline.

I have been advised by the Minister for Environment and Conservation that the scientific working group—which, as I said, is made up of 12 independent scientists who have expertise in a range of scientific fields relevant to marine conservation initiatives—comprehensively rejected Professor Kearney's critique of the government's work, describing it as a misleading perspective with errors of fact and reliance on outmoded thinking. The motion also seeks to analyse the economic impact of marine parks and the potential for detrimental impact on property prices. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

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

The Hon. P. HOLLOWAY: Before the dinner adjournment, I was just pointing out how this motion, and the amendment to it, seeks to analyse the economic impact of marine parks and the potential for a detrimental impact on property prices.

An honourable member interjecting:

The Hon. P. HOLLOWAY: You weren't even here. I am sure you were listening upstairs, as I am sure they do, Mr President. But, as all members should be aware, impact statements are a requirement under the Marine Parks Act 2007. The parliament has already committed to analysing the economic impacts of marine parks through the preparation of impact statements for the draft marine park management plans. The impact statements will independently assess impacts on commercial and recreational fishing, tourism and property values.

It is also important for members to note that impacts can be positive. For example, experience from interstate shows us that real estate agents and developers interstate are promoting real estate that is close to marine parks because they recognise that marine parks are an investment in the future—an insurance policy that protects the environment that draws people to these special places. I think the Hon. Mark Parnell gave a specific example of that that he was aware of.

Marine parks can be a protection for their investment as much as they are for the environment. There are examples from interstate, where real estate next to sanctuary zones is in high demand because there is a commitment by the government to prioritise these areas for conservation, which has the added benefit of protecting coastal views—a key driver for real estate values.

Experience from interstate tells us that marine parks can also benefit recreational fishing. In some areas, the number of anglers and boat registrations has increased, and surveys show increased satisfaction with their fishing experience, as there are commonly reports of better fishing in marine parks—for example, Bateman's Bay in New South Wales, the Narooma District Chamber of Commerce and Tourism website, or the Ningaloo Reef in Western Australia.

The Hon. Mr Hood has questioned the government's commitment to the consultation process, and the shadow minister has also made comments in this regard. To suggest that the government is not consulting on this issue is absolutely absurd. The government is—

The Hon. J.M.A. Lensink: You're not listening.

The Hon. P. HOLLOWAY: Not listening? The final product is not even out yet. How can you say we are not listening when the process still has at least 12 months to go? That is how inane the comments are when the shadow minister says we are not listening, we do not even have the results and we have 12 months left in the process. It is just inane, and it is typical of how politics is being played on this issue—really just inane politics.

The government is currently undertaking an extensive community engagement program. It has been going for many years and will continue until marine park management plans are finalised. We are committed to ensuring that the community has direct input into the design of our marine parks, and that is why we established 13 marine park local advisory groups, which are based across the state.

The advisory groups were established so that we could directly engage locals, who know the local waters better than anyone, to assist the government in selecting the best locations for sanctuary zones. The advisory groups exceed the requirements of the Marine Parks Act 2007 and provide the community with an additional opportunity to provide input into the development of marine park management plans.

Members may be interested to know that the advisory groups have already met up to five times each and they are currently finalising their advice on the preferred zoning arrangements. Many community members of these groups have volunteered a significant amount of time to get the best possible advice from their local communities on their preferred locations of sanctuary zones.

Members opposite, however, refuse to believe that this is a community-led process. They ignore the fact that we have established local groups right around the state and that we have gone far beyond what is set out in the Marine Parks Act to ensure that we get as much local input as possible. But it is easier for them to sit on the sidelines and cry wolf, to claim we are not consulting, to cross their fingers and hope that someone might believe them. It is absurd.

I would like to recognise and commend all members of local advisory groups who have put in countless hours of work over many months, working with their local communities to develop advice for government. It is the community that has invested significant time, expertise and knowledge in this process. The government is not prepared to put the community's input to waste. That is why, whether or not the motion is successful, the government intends to honour its

commitment to finalise management plans for South Australia's marine parks by mid-2012. So, we are still more than 12 months away.

In closing, I would like to make a few final comments on behalf of the government. These are points that need to be put on the record:

- fishing will not be affected in the majority of waters within our marine parks;
- marine parks are about zoning for conservation, not about zoning to stop people fishing;
- the government has made numerous commitments to ensure that the impact on recreational and commercial fishers is minimised;
- the government has made no decision about the location or sizes of sanctuary zones;
- there will be a further full public consultation later this year, once draft management plans have been prepared; and
- the parliament has already committed to analysing the economic impacts of marine parks through the preparation of impact statements for the draft marine park management plans.

So, as I have already indicated, the government will not support this motion. In my view, given the significant amount of time and resources already invested in the development of our state's marine parks, it would be an irresponsible and entirely unnecessary use of parliamentary resources. All the information sought by this motion is already freely available and accessible and, I suggest, a parliamentary committee is completely unnecessary.

The Hon. D.G.E. HOOD (19:52): Thank you, Mr President, for the opportunity to sum up. This is the first select committee that I have introduced in my just over five years in parliament. To accuse me of being somebody who is doing something like this lightly is just not supported by the evidence. As I said, it is the first time I have put a select committee forward in five years. I am doing this simply because I believe there is a genuine issue here. At the very least, this will send a signal to the government that this is something that matters a great deal to a lot of people.

I would like to thank various members for their indication of support of the motion. The Hon. Ms Lensink spoke eloquently on behalf the opposition, and I thank her. I thank the Hon. Mr Stephens and other members for their indication of support. I will not mention them by name as they have not spoken. I do not want to tie them to supporting me if they have a last-minute change of mind, but I believe that is unlikely.

I would also just like to very quickly sum up the reason for the motion: it basically allows recreational and commercial fishers to have a say. Despite what we have heard tonight, many of them have said to me, quite sincerely, that they do not feel they have been listened to.

There are other issues, of course. One is that existing Australian marine-protected areas currently represent some 38 per cent of the entire global marine areas; that is 840,000 square kilometres out of a possible 2.2 million square kilometres globally, and that is before the addition of these 18 marine parks that are proposed.

Marine parks in South Australia have been declared in over 46 per cent of the state's territorial waters as a proposal, at this stage, anyway, and, as we know, management plans for these parks are currently being developed. In addition to the Marine Parks Act 2007, an area of approximately 1,892 square kilometres of state waters is already protected, including no-take sanctuary areas under other existing legislation. This amounts to 3.1 per cent of the state's territorial waters.

We already have highly-regulated fishing zones. Indeed, from 6 per cent of the global exclusive economic zone that is allocated to us, Australia produces just 0.2 of 1 per cent of the world's catch. We already have size limits, bag limits, boat limits, closed seasons and no-take species, and recreational fishers are saying that enough is enough. I will leave it there. There are a number of other details to go into; we have a lot of business to cover tonight.

As I have said, I have personally moved for one select committee in my just over five years in this place, and I have done so because I think it is an important issue and there are people out there who genuinely feel they have not been listened to.

Amendment carried; motion as amended carried.

The council appointed a select committee consisting of the Hons P. Holloway, Carmel Zollo, T.J. Stephens, J.M.A. Lensink and D.G.E. Hood; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 27 July 2011.

FEMALE LEGAL PRACTITIONERS

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

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.

(Continued from 9 March 2011.)

The Hon. CARMEL ZOLLO (19:58): In speaking to this motion, I move the following amendment:

Leave out all words after 'centenary' and insert the following—

> of International Women's Day and the passage of the Female Practitioners Act 1911. This council also notes the contribution of female practitioners in the 100 years since and the ongoing contribution of women to the state through the legal profession.

Whilst moving an amendment to this motion to reflect that it is also 100 years since the first official celebration of International Women's Day, I rise to support the Hon. Stephen Wade's comments. I acknowledge him for highlighting the contribution of trailblazing female practitioners, such as Mary Kitson, Clare Harris and, of course, Dame Roma Mitchell, Australia's first female QC and judge.

As mentioned, the government's amendments recognise the centenary of International Women's Day. The motion before us now notes two significant occasions, about which it is a pleasure to speak in this place today. As the honourable member noted, it has been 100 years since the passage of the Female Practitioners Act 1911. The honourable member has placed on the record the 100 years of advancement of women in the law. Like the honourable member, I would like to note briefly that there is still some work to be done for women in the legal profession.

I know that the honourable member mentioned that women have come to comprise approximately 60 per cent of graduates from Australian law schools. We should also note that, despite graduating in greater numbers than their male counterparts, women comprise just 38 per cent of practising lawyers, and there remains a clear majority of men in the upper tiers of the legal profession.

Nonetheless, it is clear that women have come a long way in the last 100 years, and that is clear when we think about the legacy of those trailblazing women such as Mary Kitson, Clare Harris and Dame Roma Mitchell (who went on, of course, to become our state governor). I think one of the best examples of the long way we have come in relation to women in general, and female practitioners, was the example of Justice Tom Gray's jury composition.

The centenary of International Women's Day early this year was also an important opportunity to recognise how far women have come. There were events and functions all across the state in relation to the history of International Women's Day (IWD). A search of the IWD website tells us that International Women's Day has been observed since the early 1900s, which of course was a time of great expansion and turbulence in the industrialised world that saw booming population growth and the rise of radical ideologies.

The early 1900s also saw great unrest and critical debate occurring amongst women. The website tells us that women's oppression and inequality were spurring women to become more vocal and active in campaigning for change. Then, in 1908, 15,000 women marched through New York City demanding shorter hours, better pay and voting rights.

The year 1909 was significant. History tells us that, in accordance with the declaration by the Socialist Party of America, the first National Women's Day (NWD) was observed across the United States on 28 February. Women continued to celebrate NWD on the last Sunday of February until 1913. We learn that in 1910 an international conference of working women was held in Copenhagen. A woman by the name of Clara Zetkin, who was the leader of the 'Women's Office' for the Social Democratic Party in Germany, tabled the idea of an International Women's Day.

More importantly, she proposed that every year in every country there should be a celebration on the same day—a women's day—to press for their demands. I understand the conference of over 100 women from 17 countries representing unions, socialist parties and working

women's clubs, and including the first three women elected to the Finnish parliament, greeted Zetkin's suggestion with unanimous approval and the International Women's Day was the result.

I am certain honourable members would be aware that, following the decision agreed at Copenhagen in 1911, International Women's Day (IWD) was honoured for the first time in many European countries. As we know, since that time International Women's Day has grown to become a global day of recognition and celebration across developed and developing countries alike, and it has grown from strength to strength.

Women's organisations and governments around the world have also observed IWD annually in early March by holding large-scale events that honour women's advancement and diligently reminding us of the continued vigilance and action required to ensure that women's equality is gained and maintained in all aspects of life.

As honourable members would remember, our Minister for the Status of Women, and now Leader of the Government in this place, took the opportunity to invite nominations for the 2011 Women's Honour Role. The South Australian Women's Honour Role honours the achievements of South Australian women, and nominations are still open.

I am sure that some honourable members attended some of the numerous IWD events in Adelaide this year. There was a rally, a breakfast and a lunch, all marking IWD. Women have come a long way in the last 100 years, and speaking on this amended motion is an excellent opportunity for us to acknowledge what has gone before us and to remember what remains for us still to do.

I am one who strongly believes in the importance of recording history, and I thank the Hon. Stephen Wade for placing on the record so much important history in relation to our female practitioners in the state. I add my support for the motion.

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

YOUTH VIOLENCE

Adjourned debate on motion of Hon. J.S.L. Dawkins:

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.

(Continued from 9 March 2011.)

The Hon. T.A. FRANKS (20:05): I rise to speak on behalf of the Greens to support this motion put before us by the Hon. John Dawkins, noting, with concern, the unprovoked violent attacks that have recently occurred in South Australia, but noting that it is not confined just to South Australia, this is, in fact, an Australia-wide phenomenon, and congratulating organisations such as the Sammy D. Foundation, which I must say is quite an amazing and inspiring foundation and, as South Australians, we should be very proud of that particular family.

As a politician, it has been my privilege to meet the parents of Sammy D. They are some of those truly inspirational people who make you feel like you should be making more of a contribution as well. The motion also urges the Rann government to implement a public awareness campaign targeting all forms of youth violence, modelled on particular programs that are cited here, such as the One Punch Can Kill or the Step Back Think campaigns operating in Queensland and Victoria respectively.

I will start by saying that I echo very strongly the concerns about unprovoked violent attacks in South Australia and note that this motion suggests some ways that this state might be dealing with these attacks. The attacks of the kind that are intended in this motion are often related to alcohol and alcohol-fuelled violence, bravado and youth.

The Sammy D. Foundation is the tragic story of a young South Australian who has lost his life, but it is also an empowering story of what those who were left behind have done to make sure that something like the tragedy that happened to Sammy D. and his family does not happen to other young South Australians, and they are to be congratulated for that. They put a lot of time and

effort into making sure that it never happens again by speaking to school groups, starting from primary school right through to older years, ensuring that there are resources for safe partying, that parents are armed, that young people themselves are armed.

It has been communicated to me that the power is that Sammy D. is a South Australian lad who is quite often either someone just like them or just like someone they know. That is the thing with these violent attacks. It is true that one punch can kill. It is true that one silly decision in one instant can have an absolutely profound effect.

Other states are addressing this with, I believe, quite innovative campaigns. I have seen firsthand the One Punch Can Kill campaign in Queensland. It is quite present in the media in that state, but it is also really well embraced by the community. I have made myself familiar with the Step Back Think campaign today online. Both of these campaigns are absolute examples of what community engagement and community development can bring to cultural change around alcohol and violence. They are to be commended and they are models that I think we could be running with.

The Sammy D. Foundation has a role to play here, but it is not the only approach. I think that campaigns such as One Punch Can Kill and Step Back Think have quite a bit more to offer that would be of value to our community and I urge the Rann government to take a look at these particular programs and see how they can be adopted here in South Australia. As with all community development and engagement, it actually has to come from the community. It has to be giving members of the community, be they young people themselves, be they parents, be they teachers, be they institutions such as schools or football clubs, the tools that we need to address this issue.

Unless we are all empowered to do something about it, we will all feel helpless and unable to do something about it. It is a growing trend and, as I say, it is a really significant and sometimes seemingly unstoppable trend to see young people and alcohol-fuelled violence growing in this country, but it is a trend that can be stopped, and these programs show that it can. I commend this motion to the chamber and congratulate the Hon. John Dawkins on bringing it to our attention.

The Hon. A. BRESSINGTON (20:10): I also rise to support the motion of the Hon. John Dawkins in relation to initiatives to discourage youth violence. It has long been my gripe in this place that this government does very little to deal with social issues in a practical and proven manner, and youth violence is of great concern because the patterns that our young people establish often remain with them for the rest of their lives or until some kind of trauma occurs to force behaviour change.

Our children are exposed now to violence in so many ways, in their immediate environment through media, video games and often music videos, and sometimes it seems that even cartoons target our children and promote violence and abuse at a lower level. Of course, as they get older we do have that influence of alcohol and drugs that is another factor in how this seems to be a problem that is raging out of control.

I remember, just after I came into this place, my son, who was then 19, went for a night out at a local hotel, band playing, and went outside to wait for a taxi and was set upon by seven young people with bats. He was beaten to the ground and kicked in the head and had to be taken to the hospital. It was an unprovoked attack. They were not even looking to rob him. They just wanted to bash him, and if it had not been for a security guard at that particular venue daring to cross the road and get involved, I actually fear what would have happened to my son at that time.

I also have an nine-year-old son who attends a local state school here in South Australia. I have to say that the high school attached to this was where that young boy was hanged by two of his classmates. I want to make it clear that this particular primary school takes extraordinary steps to identify and deal with abusive or violent behaviour even at a primary school level. Their challenge is that they have children who suffer autism spectrum disorder and Asperger's, and those children are integrated well into normal classes but they have their quirky behaviour that can quite often be antagonistic for the other kids. I am talking here about years 1, 2, 3 and 4 children who do not yet grasp that these kids' brains are wired differently.

The teachers have quite a challenge in trying to get the kids who do not have this disorder to understand the behaviours and the quirks of these other kids and not to retaliate. As I said, the school has a restorative justice system in place that is a wonderful model, and I have seen my nine-year-old son go from one mindset of, 'Well, you know, if these kids want to continually be disruptive and whatever and provoke in the playground, then what am I to do?' to being able to

work in a group setting with other students and a school counsellor to develop strategies that include those children who are perpetrating this violence in this group session where their peers are able to express to these children exactly what effect their behaviour is having on them and how it is making them feel.

I have to say that, since my son has been going to this school for the past 2½ years, I have seen a level of growth in him as a nine-year old that makes me proud and pleased that we have chosen this school, because it had a functional, restorative justice program in place. I believe this is the place to start, as well as acknowledging the work of the Sammy D Foundation and other foundations and the campaigns that were mentioned by the Hons John Dawkins and Tammy Franks—the One Punch Can Kill campaign and the 'Step Back. Think' are one level, but we have the ability, as this school, Para Hills West Primary School—and I will put that on the record—should be used as a model for all other state schools in this state.

We withdrew our son from a private Catholic school because they were not enforcing their bullying policy and were not offering any strategies to either the bullies or the victims to help stop that bad behaviour that often turns kids away from going to school in the first place. In this two-year period with this school all of my admiration goes to the principal and assistant principal of this school and their staff, because their staff actually went, in their own time and at their own cost, and got training, first, on how to integrate children with Asperger's and on the sort of stimulus they need to be able to bring them to a higher level of functioning and to be able to socialise and, secondly, for this restorative justice program they have and they are consistent and persistent with their application of this.

I honestly wish that the Minister for Education would pay a visit to this school and speak to the principal and assistant principal and note the application of, first, their anti-bullying policies but, secondly, their restorative justice program. I do not believe there would be any schools in this state that operate at that function and prevent children from getting into the cycle of violent and abusive behaviour in the classroom and in the playground. I just wanted to put that on the record because I actually do not like standing on my feet all the time and being critical of the government, so I think this school, being a government school, deserves the credit I have given it.

In saying that, there are many reasons why our children have become desensitised to violence and to the effect it has, not only on their own psyche and their own emotional development but also on their victims. It is has become a mindless practice against a minority of our youth but nonetheless, as the Hon. John Dawkins mentioned, it is put out there so easily over Facebook, phones and whatever now that it has become a fashionable trend to glorify this kind of behaviour, and any steps we can take to change that message is important.

Governments should be on the front foot with this; they should be looking at what is being done on a number of levels around the state and country and do what they can to provide leadership in this area. At the end of the day we have seen some drastic changes in our social structure and the way we live our life, and parents today do feel quite powerless in their ability to adequately protect their children. That level of caring and concern does not end when our children turn 18—actually I think it is amplified after the age of 18.

I remember the days when we felt safe, the days when we were children, free to roam and have our childhood adventures—sometimes to the distress of our parents—and go to our friends' homes and socialise, and there was a true sense of community. That life is disappearing, and I believe that our kids are acting out the disconnectedness that they are now experiencing and the inability of many to have an acceptable level of safety and freedom which was our right.

I will not go into my views on all of the causes of these changes because that is not what this motion is about, but I will say that parents feel powerless to adequately protect their children these days. As a result, our children are restricted in the activities that most of us were able to participate in and that literally contributed to our independence, our free thinking and, dare I say, our desire to strive and achieve. We now see so many kids attracted to gangs because it gives them a sense of belonging. Of course, we all know that gangs are not just about social networking and that those young people find themselves in a lifestyle that expects violent and criminal activity to be integrated into the everyday lives of their members.

It has always been my view that if a government addresses these sorts of issues and reflects community expectations through its actions, then the community generally feels supported and their concerns validated. Sadly, I have to say that since I have been in this place this has been the one concept that I have seen sadly lacking with this government: their expectation of citizens to

live to a code of conduct that is quite often unreasonable, when their own responsibilities and what is expected of them by people is to lead by example.

I have said this before, and I will say it again: I have not been in here as an Independent under another government, but I was a lobbyist when the Liberal government was in power, and I have to say that the Hon. Dean Brown went out of his way to make sure that community people and community groups got the support they needed to help to change the negative cultures that were going on out there. It was certainly my experience, as the founder of the DrugBeat program, that he was available.

When he was the minister for human services, I can remember having meetings with him in here at 9 o'clock at night. He made himself available, and that is something that I just do not see happening with this government. I think that when a community is disconnected from its government, and does not feel supported or validated, that then flows from the top down, and I have used the phrase 'the fish rots from the head' in here before.

This is an opportunity for the government to grasp this motion of the Hon. John Dawkins and look at these campaigns and at what is happening in schools like Para Hills West Primary School to try to break that cycle early and change our children's behaviour and our children's perception of what is acceptable and unacceptable and look at how to socialise them. That school hands those skills down to the parents, and we play a very proactive role in working with the school to keep that message consistent. There are many, many things that we need to do.

I note that the Hon. John Dawkins and the Hon. Tammy Franks made mention of Sammy D, and the family that established the Sammy D Foundation after the death of their son, who was king-hit at a house party in 2008. I can relate to why parents get motivated, get up off their backsides and try to do something to prevent other people in the community from feeling the pain and trauma of the loss of a child, because I did exactly the same thing in relation to substance abuse. It is not because you want to impose your views or your values on anybody else; it is because you want to do something valuable, something to contribute and make sense of the tragedy you have actually experienced.

Inevitably, those foundations and groups that are started up by people who have themselves experienced that trauma have an element of understanding and caring that can never ever be duplicated by trained social workers or be put into policy and procedure by bureaucracy, because it is of the community, for the community and by the community. This would only enhance supporting these sorts of organisations and foundations, as well as running campaigns like the One Punch Can Kill and the Step Back and Think campaigns. I have also seen those campaigns on television in Queensland; they are hard hitting and get the message through.

As the Hon. Tammy Franks said, the community has actually embraced that message and it has taken ownership of it. If we could do that in South Australia I believe it would be a huge feather in the cap of not only this government but this parliament; to actually send a message out there that we care enough to get involved in these sorts of things to try to protect our children and to protect families from the trauma that comes from what we are basically doing now, which is turning a blind eye and sweeping it under the carpet. As I said, I support the motion of the Hon. John Dawkins and commend him for bringing this and other important social issues to this place for debate.

The Hon. I.K. HUNTER (20:26): Once again, the Hon. John Dawkins brings a motion into this chamber which stimulates us to debate a very important social issue. He has form in doing this, and I commend him for it. He continually raises before us motions of issues which we need to grapple with as parliamentarians. Like all members of this council, I am quite sure that I express my concern at any act of violence in the community. Similarly, I am sure that all members in the chamber support and recognise the outstanding work of the Sammy D Foundation and other organisations like it as worthy of our congratulations and our support. So there is no argument on the first two points of the honourable member's motion, and I think we can all endorse them in this place.

However, clause 3 causes some concern for government members, not because of what it says but what it leaves out. The government already has in place a number of measures to tackle youth violence across many agencies, from the Office for Youth to the South Australia Police, to the Department of Education and Children's Services, to drug and alcohol services in South Australia. The government will oppose this motion because of clause 3, which we believe

does not recognise the importance of the multiagency approach to violence, which we think is the way forward; but we will oppose it quietly and softly.

Any incident of unprovoked violence is cause for concern for the safety of the victim and also of the broader community. Linking this only to youth is unhelpful as it has the potential to stigmatise youth and neglect the rest of society. The government has recognised the need to act to curb violence throughout society and already has many initiatives aimed at promoting a safer and more harmonious state. The approach to tackling violence, including youth violence, is an integrated one. It sees multiple government agencies all working towards common goals of reduced violence and increased safety.

Considering first of all our youth strategy, in November last year, the Minister for Youth released Youth Connect, South Australia's youth strategy 2010-14, reflecting this government's commitment to supporting young people. Youth Connect brings under one umbrella a number of programs and new initiatives. It provides a framework and action plan to guide government programs and services to young people. The strategy does not focus solely on youth violence. It recognises the complex and integrated challenge of creating an environment where young people can thrive, and this obviously includes keeping young people safe from harm. But it is much more than that: the strategy focuses on building on young people's capabilities, their resilience, their confidence and their self-esteem.

This approach can reduce violence as well as nurture a number of other positive outcomes, leading to a better result than just focusing on youth violence alone. I am told that the new Youth Connect strategy also provides additional grant funding to the level of $500,000 (more than double the previous funding) to support delivery of the strategy. Another grant program to help reduce youth violence is the Crime Prevention and Community Safety grants. These grants annually help deliver programs that improve the safety of young people as well as the wider community.

The Deputy Premier, the Hon. John Rau, from another place, recently announced the recipients of funding for the coming year, with programs including mentoring for Vietnamese youth, Outreach assistance for at-risk youth in the CBD, and an innovative anger management program for young people based in the City of Marion called Brain Snap! It might be a program we might want to adopt into this chamber for our late-night sittings. It was one amongst many others to receive funding. The total grant funding, I understand, for all projects in this grant program is $700,000. These programs will improve safety for young people, as well as delivering other benefits.

The Deputy Premier in his role as Attorney-General also recently released a paper detailing the government's intent to create new laws to target online thuggery. A growing trend has recently emerged where technology and social media are being used to humiliate and degrade victims. The government is extremely concerned by this development, because distributing humiliating and degrading images may be motivating people to plan and commit assaults. This is relevant to reducing youth violence because of the prevalence of social media in modern youth culture. However, this is another violence prevention initiative that is not confined to young people. The benefits will surely flow to young people, but not solely young people.

Another new initiative is the work DASSA and SAPOL are doing to develop a new alcohol campaign that is aimed at young males. The connection between alcohol and violence is well known and the need to tackle alcohol-related violence is clear to all of us. The campaign will include television advertisements to promote high-level awareness. It is proposed to be a line to state and national strategies to address alcohol-related violence. It is yet another example of the integrated nature of our approach to this issue.

Similarly, DECS and SAPOL have a long-standing partnership, including the School Watch Level 1 initiative. It provides an opportunity for schools to be certified once they meet stringent standards for safety, security and community engagement. Additional programs include school-based crime prevention education, bullying and violence in schools, as well as a specific program focusing on cyber bullying.

Before I conclude my remarks, I take this opportunity to emphasise that organisations such as the Sammy D. Foundation are indeed worthy of this council's congratulations. The work they do to encourage young people to think about the consequences of their actions and the compelling and highly engaging way they present to young people is highly commendable. I know a number of government members in the other place, including the Minister for Police, the member for Reynell

and the member for Mawson, have personal associations with the foundation. I am sure they are more than happy to share with us their stories, and at great length, if we ever ask them to.

The government does congratulate the Sammy D. Foundation and has gone further: we have supported their work through grant funding. The Crime Prevention and Community Safety Grants program, one of the grant programs I mentioned previously, provided $20,000 for the foundation to purchase state-of-the-art multimedia equipment, including projectors, laptops, screen, camera and audio equipment, and also funded travel expenses and printing costs. I also know that SAPOL work with the Sammy D. Foundation, with officers participating in many of the foundation's local level safety presentations.

The government appreciates the spirit of the motion, but for the reasons outlined—particularly the significant volume of work already being done on this issue—we will oppose the motion. I urge other members to do likewise if they wish but, as I said earlier, we will be opposing in a very soft and gentle way.

The Hon. J.S.L. DAWKINS (20:33): I rise to conclude the debate on this motion. I sincerely thank those who have made contributions. Firstly, I thank the Hon. Tammy Franks and the Hon. Ann Bressington for their support and, of course, a number of others in the chamber and beyond who have indicated their support for this motion. As has been the case in the past, they bring their own particular perspectives to this debate and to this issue, which is such a serious issue across the community not only in this state, as the Hon. Tammy Franks said, but, sadly, across the nation. I will speak a little bit more about that shortly.

The Hon. Ann Bressington also quite rightly mentioned the impact of social media, particularly the use of Facebook, largely by young people—although not only young people—to put the wrong messages around about behaviour in the community. Only a few weeks ago in this house when we talked about suicide prevention, sadly, we talked about the terrible case that was on the front page of *The Advertiser*. As I said on that occasion, the coverage on Facebook—the attitudes from a lot of people in the community to the ending of a person's life through that social media outlet—was very alarming to me. I think, similarly, in relation to violence, it can be a very concerning situation as well.

I would also like to thank the Hon. Mr Hunter for his contribution on behalf of the government. I know that he shares my concern on a lot of the social issues that I do bring into this place and I appreciate that support in that way. I also appreciate the time he has taken to outline the multi-agency efforts by the government in this area of behaviour in the community.

Can I say, though, that, like in many other areas, while the government does work through various agencies and it does develop grant programs and it does in some cases drip-feed some money out to some of these community organisations, it is my experience in this area and many other areas of our society that, if you actually provide a bit more money to some of those community groups and let them lead in the community, they will give us a much greater bang for our buck than by doing it through the various agencies.

I mean no ill comments towards many of the very good public servants who work in those areas, but let us not ever forget the value of our community groups and our volunteers. This evening there have been a number of very good comments made about the work of the Sammy D Foundation, and I wish to particularly acknowledge Nat Cook and Neil Davis for their work through that organisation. I have no doubt that, rather than all that work that they have done in that area with so many young people, they would much prefer to have their own son with them and not be here tonight listening to me and others talking about this issue.

However, as I have said before, they have reacted to a tragedy in a way that not all of us would. None of us really knows how we would react until something like that happens in our life, and I pay great tribute to both of them for the way in which they have decided to respond to such a terrible thing that happened to their family. I commend the Sammy D Foundation on its work through its newsletter, its advertisement on YouTube that I have mentioned in this place before, its recent antiviolence walk and a range of other ways in which it gets its message across, as I have said many times in this place, on the smell of an oily rag, and I think we will always take our hat off to the people who do that.

That is why I do say to the government: yes, do all you can through the agencies but let us give some headroom, give some ability to work hard, give them a bit of seed money and they will do a lot with it. At this point I also acknowledge the passion and commitment to this issue by

Mr Todd Hacking of my staff. Todd, I think, reflects a lot of people in this age group in his middle 20s.

The Hon. R.I. Lucas: I thought he was much older than that.

The Hon. J.S.L. DAWKINS: He is much younger than me; let's put it that way.

The Hon. R.I. Lucas: He looks much older than his 20s; he looks like he is in his 30s.

The Hon. J.S.L. DAWKINS: I won't respond to that.

Members interjecting:

The Hon. J.S.L. DAWKINS: I will leave the interjections alone. Mr Hacking, I think, has shown a commitment, like a lot of people of his generation do, to trying to avoid the things that they see quite regularly. Young people in the community see more of this violence than some of us who have become more advanced in age. I think it is a great credit to him, and many others, that they care enough about the people in the community to want to do something about it. That is a great thing for the future of our community, and I thank him for his commitment to that.

I went to Queensland last year, and while I was in North Queensland looking at suicide prevention programs I witnessed the work of a gentleman up there who had lost a child in similar circumstances to Ms Cook and Mr Davis. That gentleman goes out as a volunteer and advances the cause of the One Punch Can Kill program. That got terrific publicity in North Queensland while I was there.

As I have said previously in this place, the Queensland government has committed significant funds over a number of years to One Punch Can Kill. People from the police and from the police minister's office were surprised that they had a visit from an opposition politician looking at their program and that the state government of South Australia had never come near them to see how that program was working. I make that comment because it has been successful up there, as has the Step Back Think program in Victoria.

I have raised these issues for some time. I received a response in September last year from the Hon. Mr Hill, Minister for Mental Health and Substance Abuse, and I quote an excerpt from what he said to me:

The interstate campaigns you highlight have a specific focus on violence, whereas the 'Drink too much, it gets ugly' campaign—

which is the program that the government has run for some time—

addresses the 'ugly' behaviour and serious consequences associated with alcohol misuse, one of which is violence.

The government has targeted alcohol-fuelled violence, and it has subsequently followed the Drink too much, it gets ugly campaign with the Drink too much, you're asking for trouble campaign. While I acknowledge the efforts the government has made in this area, I will continue to passionately advocate for a broader anti-violence message to ensure a more holistic and measured anti-violence public awareness campaign, something that goes beyond just alcohol.

It is an issue I hear about all the time. The Hon. Ann Bressington has related some instances from the northern suburbs, and I do a lot of work in the northern suburbs, but it happens broadly across the community. Only the other day I heard of an attack similar to the one the Hon. Ann Bressington talked about with her son happening in the eastern suburbs of Adelaide. It can happen anywhere and it can happen to any family. In commending this motion to the council, I repeat the conclusion of my opening remarks; that is, one punch can actually kill.

Motion carried.

DISABILITY SA CLIENT TRUST ACCOUNT

Adjourned debate on motion of Hon. K.L. Vincent:

That this council calls on the Minister for Disability and the Treasurer to rescind the decision to abolish the Disability SA Client Trust Account.

(Continued from 23 February 2011.)

The Hon. S.G. WADE (20:45): On 23 February, the Hon. Kelly Vincent moved this motion calling on the Minister for Disability and the Treasurer to rescind the decision to abolish the Disability SA Client Trust Account. It is appropriate that we should be finalising our consideration of this motion on the eve of the budget. The decision was, after all, a decision of the 2010-11 budget,

and we are now on the eve of the 2011-12 budget—a budget that this motion hopes might see the reversal of the decision.

As part of the 2010-11 state budget, the government announced it would abolish the client trust fund management function of Disability SA. It is projected that shifting this function to the Public Trustee would result in a positive budget result of $2.2 million over three years. In moving this motion, the Hon. Kelly Vincent indicated that she was acting in response to the anger, frustration, and despondency of those affected by the abolition of the Disability SA Client Trust Account, and the transfer of the disability client trust management from Disability SA to the Public Trustee. The honourable member named it for what it is: a blatant cost-cutting measure.

The Sustainable Budget Commission estimated that the transfer of funds would see a windfall to the government of about $740,000 a year. That Monsignor Cappo, a servant of the church, and also a member of the Sustainable Budget Commission, could countenance a saving at the expense of people with a disability is galling. For those who have estates worth more than the modest figure of $440,000, they will pay capital commission fees of 4.4 per cent and income commission at 5.5 per cent. Clients will be required to pay annual fees of $134 and may be subject to tax fee of $45.

The Hon. Kelly Vincent sketched for the council the inequity of this proposal by reference to a case study where a person with an annual income of a mere $20,800 would be paying $1,630; that is, 8 per cent of their income in charges per year. This change takes money away from people who are more likely than other South Australians to have extremely limited financial resources, and are likely to have higher basic costs of living.

As the Hon. Kelly Vincent highlighted, the lack of consultation on this proposal is shameful. The disability sector has a saying: 'Nothing about us, without us.' The disability sector expects to be consulted about issues that affect them. As the Public Advocate, John Brayley, put it in the front page of *The Advertiser*:

> It is unbelievable that the system could be changed without careful review and consultation with advocacy groups.

In a letter to a constituent, the Minister for Disability said that she had received numerous complaints about the inappropriateness of Disability SA, as a service provider, also managing funds. In contrast to that, in a letter to a concerned family member of the disability client, Dr Brayley, the Public Advocate, states:

> Our office has heard little complaint about the management of the Disability SA Trust Fund, in contrast to the many calls we receive about the public trustee. It would seem that this budget decision will mean that people living with the disability will receive a lesser service, and may well have to pay from their own pocket.

I must admit, I believe the Public Advocate above the minister, especially following recent events. Liberal shadow minister for disability, Vicki Chapman, has labelled the budget measure a disgrace, and called for services to remain as they are. In a press release of January 2011, she said:

> This is not about streamlining government services to be more efficient, or about providing better services to people who are disabled, it is a cash grab by the Rann government. Disability clients will be charged for services which they previously weren't, it is as simple as that. People are already forced to wait years for equipment from the state government to help them live better lives and now they are going to be charged an extra fee while they wait. The Sustainable Budget Commission identified the introduction of fees would create a public backlash and the government chose to proceed. This Labor government simply does not care about people with a disability.

I agree with the honourable shadow minister's assessment. I commend the Hon. Kelly Vincent for bringing this motion before the council, and I commend the motion to the house.

The Hon. A. BRESSINGTON (20:49): I also rise to support the motion of the Hon. Kelly Vincent that this council calls on the Minister for Disability and the Treasurer to rescind the decision to abolish the Disability SA Client Trust Account. I commend the honourable member for this motion. Given that she has been elected to this place to specifically represent the disability sector, I would say that she is more than qualified to bring these issues to this place and that all of us must consider carefully the information that the honourable member puts before us for consideration. It is quite obvious that the sick, the vulnerable and the disabled are of little concern to this government and that decisions made purely based on economics will not ensure the re-election of this government in 2014. People have had enough.

I know that the minister and the Treasurer will both use the recommendations of the Sustainable Budget Commission as their backdoor excuse for implementing the changes to the Disability SA Client Trust Account. Of course, that goes to the third rule of politics: never have an

inquiry unless you know what the outcome is going to be. It seems, though, that this government has forgotten the first two rules of politics—that is, to get elected and then to get re-elected.

I am disappointed that this government would see the office of the Public Trustee as a viable alternative to managing the money of those in the disability sector, given the reputation that this particular statutory authority has and the fees and charges that those on the most limited income will now have to pay—around $1,630 a year in charges for commission fees, income fees, etc. It seems that even those who live on the poverty line are not immune from this cash-grabbing government and that even those sick and vulnerable still have some life left in them as cash cows for this government. It means nothing that they are left with just $28 a week for clothing, personal interests, entertainment, outings and transport. Who can manage on that kind of money?

Apparently, this government believes it is possible and that the disability sector has not been punished enough yet. I cannot imagine how those with severe disabilities will be expected to deal with the office of the Public Trustee, given the dysfunction of that statutory authority that is well documented in the SARC report from 2009. The government response of, 'Well, that that was then and this is now,' simply will not wash because we all know that changing the dysfunctional culture of government agencies does not happen in two, three, four, or even 20 years. No, change of culture is a long and arduous process that takes many, many inquiries, and often a lot of bad media, for even the slightest change to occur.

So, we can expect that people within the disability sector will have to face that dysfunction, manage it and basically work their lives in a way to get what they deserve and what they need, on top of having to pay fees for that dysfunction. Quite frankly, if this state is in such financial disarray, and we are scraping for spare cash by targeting the disability sector, then I question the need for a new hospital or sports stadium until these issues are dealt with. This state is so out of balance, and it seems that every new challenge this government throws at the people of this state can be justified with the pathetic one-liner statements about the global financial crisis and not being ashamed of having to make those tough, tough decisions.

Well, I might remind members of the government that everyone suffered from the global financial crisis, with price hikes at almost every level of existence. They are not alone in their pain. This government was not the only victim, and it seems that the people of this state are now expected to live their lives in poverty and deprivation as this government scrounges for every spare cent that may be in the pockets of the people to build their monuments. The abolition of the Disability SA Client Trust Account will find a measly—and I say 'measly' in the general scheme of things—$740,000 a year over three years, but the other side of that coin is the impact it will have on those who will simply not cope with the reduction in their already meagre weekly income.

I recall living in New Zealand in hard times for that country, and I recall the prime minister at the time putting a freeze on pay rises for MPs and also cutting back on government expenditure. If, indeed, things are so desperate in SA, perhaps instead of hitting hard the sick and vulnerable and disabled, this government might consider showing some leadership of times gone by. I feel sick to my stomach when I think that this government is so desperate for cash that there is no stone that will be left unturned to find that money. As the Hon. Kelly Vincent said, we all understand that the government must run an effective budget, but my question is: is this really effective financial management? I personally think not.

As I said, I support this motion. I also remind members in this council that, just in the couple of months that have gone by, we have dealt with the closure of Ward 4G, which is going to see more sick and vulnerable people thrown on the scrap heap. We have seen financial advisers from Families SA—44 of them—who will lose their jobs because this government wants to hand that responsibility over to the non-government sector, and it will probably provide no extra funding to cope with that. That means that 7,000 vulnerable South Australians will also be deprived of essential services that could have a significant impact on their life—and now this.

This government needs to put its monuments on hold until we can hold our heads up proudly, knowing that our sick and vulnerable are well cared for. Two quotes come to mind: 'Societies are judged on how they treat their most vulnerable' and 'Societies get the government they deserve.' I suggest that no amount of reconnection or re-engagement is going to save this government's bacon in 2014.

Let us also not forget that people in the disability sector, or their families, will not just incur the cost of that $1,630 they will have to pay in admin fees to the Office of the Public Trustee but also have to deal with the increase in water and electricity costs and petrol and food prices—and

this is before our federal Labor government dumps on us a carbon tax and a flood levy for the Queensland victims. How much can people of this state take?

So, I support this motion with genuine concern in my heart for all those with a disability who will be forced to live a life of further deprivation because we have a government that would have difficulty even balancing a household budget, let alone being able to meet the basic needs of the people of this state.

The Hon. T.A. FRANKS (20:58): The Greens also support the motion put before us by the Hon. Kelly Vincent. We believe that the Rann government should take urgent action, led by the Minister for Disability and also the Treasurer, to rescind the decision to abolish the Disability SA Client Trust Account.

People with funds in this account are looking at losing approximately $45 a week if their savings are to be transferred to a public trust, according to John Brayley, the Public Advocate. He also says that these are people who are living in Disability SA accommodation—small group homes in the community of, say, four or five people, such as at the Strathmont Centre or Highgate Park.

Most of the funds they pay to Disability SA go to the absolute essentials: accommodation, food and services. The remaining money is kept in this account by Disability SA as a service, so that it can be managed so that the person who needs it can be given additional spending money as they need it. It is a way of managing their money, which has been a valuable part of the services this state provides. However, if this money is transferred into a public trust, the account holders are looking at significant reductions in money that is available to them.

If 85 per cent of your income is going to pay for your services, then already any other imposition on that—any other account fees and so on—is a significant barrier. Let's face it, they will be throwing people into poverty. These people are living at or below the poverty line already; this pushes them further under. Then again, given that we have abolished financial counsellors at the Anti-Poverty Unit, clearly, we do not expect them to have any money to manage, perhaps.

The Auditor-General has apparently raised concerns about how this account was being managed, according to the Minister for Disability, and she has also had some letters of complaint from some people who are not happy with the way their moneys were being managed. So, what she and this government have decided to do is give nobody the choice to have their money managed by the Disability SA Client Trust Account and everyone has to be transferred out of it.

The minister has, of course, said that they could go to a private account if they did not like this solution. Why she did not suggest that to those few families and members of the public who had written to her with their complaints, I am not sure. Why she did not fix the system that currently exists and has existed for some time, I am really not sure. Surely, that would have been a much more cost-effective way of dealing with this issue.

It will deeply impact on the lives of the most vulnerable in our community, and all for the sake of, as has been mentioned, $740,000 or so. By instituting a log book system for the chauffer-driven ministerial cars, we could be looking at a similar saving. I am not sure why that suggestion of the Sustainable Budget Commission was not taken up and this one has been. I suggest the government goes back and looks at it and starts to do the right thing by the people of South Australia. With those words, I commend this motion to the house.

The Hon. D.G.E. HOOD (21:01): This is a motion introduced by the Hon. Kelly Vincent that calls on the Minister for Disability and the Treasurer to rescind the decision to abolish the Disability SA Client Trust Account. Family First strongly supports this motion and congratulates the member for highlighting such an important family issue.

I indicate that my office has fielded literally dozens of phone calls from constituents who are concerned about this move. Indeed, I was considering moving a very similar motion to the one the honourable member has moved but she is quick off the mark, and credit to her for that. In short, I think many of us in this chamber are happy that she has raised this issue.

I will paraphrase the facts one more time, although other members have done a good job of that so I will keep it brief, but, if they have received as many letters and phone calls as I have—and there are literally dozens of them—I am sure they are also well and truly aware of the problems that this move will cause.

The Sustainable Budget Commission estimated that the transfer of funds to the Public Trustee would see so-called cost savings of about $740,000 a year, as the Hon. Ms Franks indicated, so we are not talking about a lot of money in the scheme of things, given the misery it will cause for some. Family First will generally support measures that reduce waste and red tape. Indeed, I believe we can say that quite legitimately and our record will back that up, but I do not see this as a cost-saving or waste-cutting measure. Indeed, it is a way to raise revenue, but it is only a drop in the bucket in the general scheme of things and it will hurt the most vulnerable in our community.

As the honourable member has outlined, this will really slug most constituents with a disability. The commission fees are 4.4 per cent and income commission is at 5.5 per cent. On top of that, accounts transferred to the Public Trustee will be slugged annual fees of $134 and may be subject to further taxes of $45. These numbers may sound small to members of parliament on good salaries but they are considerable sums to people on disability pensions and the like.

I reiterate that these extra fees and charges will be levied on the most vulnerable in the community, and that is why this should not proceed. It is not a cost-saving measure, really, given that it is a small cost in the overall scheme of a $15 billion budget. It is not a waste-cutting measure, because I do not think anyone is arguing that there is waste involved here, but it is a very substantial tax hike and hike in charges for very vulnerable people who have absolutely minuscule incomes.

Coupled with the rises we are seeing in utility costs—electricity and water—at the moment, I genuinely fear for people in these circumstances. They are on a very fixed income, as we know, and I think we will see people taking almost absurd and unfortunate measures in order to preserve their daily existence. I think that is a tragedy. It really is a tragedy. We do not need to go down that path, and this decision in particular does not need to occur. In the scheme of the budget $740,000 is not a lot of money at all—it is a drop in the bucket, literally—but it will make a big difference to the people who will feel this at the end. With those brief words, I indicate strong support for the motion by Family First.

The Hon. R.P. WORTLEY (21:04): I rise to give the government's response. As part of the 2010-11 budget process, the government announced its intention to transfer responsibility for the management of client trust funds for people with a disability to the Public Trustee. Shortly after this budget announcement in September 2010, the Department for Families and Communities and the Public Trustee established a steering committee and working parties to work through all of the issues around the transfer. As a result of the work that has been undertaken, there has been a growing awareness that each client is confronted with unique—

The Hon. A. Bressington interjecting:

The Hon. R.P. WORTLEY: I didn't interrupt while you were speaking, so just shut up and let me finish mine, okay, you rude person. Just let me finish my speech.

The Hon. A. Bressington interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: As a result of the work that has been undertaken, there has been a growing awareness that each client is confronted with unique circumstances and, whilst the government feels that it is inappropriate for DFC to manage client trust funds, it has not been the intention to force the transfer of these services to the Public Trustee against a client's or their family's wishes.

While the transfer to the Public Trustee is an option, other choices may be available. Some people, for example, may choose to take over the management of their own finances. In other cases, family members or guardians may opt to take control of the funding. It is also possible that a client or their family may choose to employ a person or organisation other than the Public Trustee to manage the client's finances. Depending upon the particular circumstances of the client, any of these options may be available.

Given the options that may be available and the need to establish clear pathways to achieve those options, the government has decided to defer bringing in this change by 12 months to 1 July 2012, and we have advised those affected by mail on 17 May. We hope this will give individuals and their families enough time to consider what suits them best from the options available to them.

A letter has just been sent out to all those affected and their families advising of these options. It also points out that the department will contact them individually to discuss their options. The government's clear preference is for the Guardianship Board to make the final decision about who takes over responsibility for managing the funds of clients who do not have the capacity to do so themselves. The Guardianship Board has expertise in these matters and, for each client, all interested parties will be invited to a meeting to put their views about possible future arrangements. Based on an assessment of the information provided at the meeting, the Guardianship Board may then grant an administration order setting out how a client's trust funds will be managed into the future.

The government understands that each client has particular issues and circumstances relevant to them only. Over the coming months, DFC will review the information it currently has for each affected person. Following this review, it is proposed that individual contact will be made with each client and/or their relatives to explore options available to them. Until this is completed, DFC will continue to provide trust fund management services to existing disability clients, as it has done in the past.

It is true that the decision to transfer the clients funds management function to the Public Trustee results in a saving to DFC. It should be pointed out that whilst this does intend to deliver annual savings of around $728,000 a year, in the same budget the government announced a $70.9 million increase over four years to disability services. The government remains of the view that as well as avoiding service duplication, client fund management is a function more appropriately managed by either clients themselves, their relatives, or by a separate entity with expertise in the management of funds and investments.

The government understands that concerns have been raised with the changes that have been proposed. To allow clients to fully explore all feasible options, the government has deferred the bringing in of this change for a further 12 months. Over this period, DFC and the Public Trustee will work through all of the issues in consultation with Treasury and the Department of the Premier and Cabinet, clients and their families. The government opposes the motion.

The PRESIDENT: The Hon. Ms Franks—The Hon. Ms Vincent to wrap up.

The Hon. K.L. VINCENT (21:09): Second time today. I'm the one in the wheelchair; it's pretty easy to remember. We will get there eventually, Tammy, it's okay. As long as we know, I think we are okay. Thank you, Mr President.

The PRESIDENT: You're welcome.

The Hon. K.L. VINCENT: I have already spoken at length about why I consider this decision to be both heartless and gutless, so in summing up I will be brief. I will, of course, begin by thanking my fellow members for their contributions, in particular the Hon. Mr Stephen Wade, the Hon. Ann Bressington, the Hon. Tammy Franks, the Hon. Dennis Hood and the Hon. Russell Wortley. I would like to just reiterate one phrase that the Hon. Ms Bressington used in her contribution, and that was the phrase 'and now this'.

In truth, I do not think any phrase could quite sum up the fate of the disability community as it currently stands, if you like, as well as that 'and now this'. First we have to spend our lives fighting for basic essential services, then we have to spend years waiting for something as basic as orthopaedic shoes, for heaven's sake, then we lose, just for example, the availability of incontinence products at the Hampstead Centre so that people have to reuse or car-pool, if you like, their incontinence products—and now this.

It is obviously terrible that the government has decided to abolish the Disability SA Client Trust Fund, which has effectively managed funds for people with disabilities in this state for many years. It has made this decision without consultation, despite clients and families being extremely happy with the service already provided by the trust fund. I believe that it is a shame and indeed a disgrace that this government has chosen to take from some of its most at-risk citizens in order to achieve a mere $2 million saving over three years.

However, I would like to share some good news, which I will note the Hon. Russell Wortley has already touched on. Late this afternoon, my office received a call from a parent of an adult child with disabilities, who just today received a letter from the Department of Families and Communities explaining that the government has now, at the final hour, decided to defer the implementation of its decision to transfer responsibility for management of disability client trust funds to the Public Trustee until July of next year.

It seems that the government now realises that this was a rash decision, made on the run without due consideration of the true ramifications. This is good news, but not great news. It is good news because it will give clients and their loved ones more time to work out what has to be done to explore the various options available to them and to put the necessary arrangements in place. However, this will, of course, not undo the frustration, worry and panic that many of these people have already experienced due to the government making this policy on the run, nor will it, unfortunately, stop the move eventually going ahead come July 2012.

Basically, people are going to lose a service that currently costs nothing, a service that seems to be working perfectly well, as the Hon. Mr Wade pointed out. I have certainly not received any phone calls indicating that families or loved ones have any problem with the service and, as I indicated in my earlier contribution, parents and loved ones are indeed perplexed as to why this government has chosen to attempt to fix something that clearly 'ain't broken'.

I am told that the Department of Families and Communities is in fact doing a great job in managing these funds, while many have expressed concern as to the Public Trustee's ability to provide the same service. In fact, if I may quote the Hon. Mr Darley—and I note that he has not given me permission to do so—in his words, it is a bit like putting Dracula in charge of the blood bank.

The decision to defer will not change the fact that people who transfer to the Public Trustee come July 2012 may well face increased costs. Members will recall the example that I gave in my earlier contribution in moving this motion where a pensioner with a mere $8,000 in the bank will be required to pay $1,630 per year for a service that currently costs nothing. Although earlier this year the minister indicated that she was in discussion with the Public Trustee as to fees and charges, it seems that nothing eventuated out of these talks, or at least nothing that parents and loved ones have been told about any reduced fees that may be on offer.

That, of course, brings us again to the issue of consultation, or indeed the lack thereof. It is incredible that the government made this decision to abolish the Disability SA trust account without consulting those who will be affected. In fact, I again point out that it was not until today, with 43 days to go until the decision would have come into effect, that the government sent out a letter to those who will be affected which provides somewhat of an explanation. To put it plainly, I find it very sad that I have to remind this government that consultation should be a fundamental part of policy change and not an afterthought.

What of the minister's steering committee, which was established as a result of concerns and not before those concerns came into place, to identify and resolve issues related to the transfer? One can only imagine that this committee has found all number of issues involved with the government's decision, for the government has made a monumental backflip by deferring the implementation until 2012. Obviously, I personally always thought the decision to establish this committee was a bit like putting the cart before the horse. Let us hope this government has learned its lesson and will in future consult and address issues before making rash announcements.

The decision to abolish the Disability SA Trust Fund was a decision made on the run—as I have already said several times, but clearly it bears repeating—without consultation or consideration of the true effects it would have on people with disabilities and their families. I believe this decision is both gutless and heartless, at the risk of sounding like a broken record. I thank you all for your support and ask you to continue calling on the minister to rescind this decision. Thank you very much.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: SUBORDINATE LEGISLATION ACT

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

That the report of the Legislative Review Committee, into the Postponement of Regulations from Expiry under the Subordinate Legislation Act 1978, be noted.

(Continued from 10 November 2010.)

The Hon. S.G. WADE (21:18): I rise to speak on the motion to note the report of the Legislative Review Committee into the Postponement of Regulations from Expiry under the Subordinate Legislation Act 1978. On 14 October 2009, the Legislative Review Committee resolved to inquire into the volume of subordinate legislation being postponed from expiry under

this act. The substantive work of this report was undertaken by the committee of the last parliament and the staff of the committee, and I acknowledge them both.

The Subordinate Legislation Act 1978 provides that all regulations, that is, delegated legislation, is to expire 10 years after it comes into effect. This is to facilitate a set of regulations that remain relevant to the community, to business and to government. Under section 16C the expiry date is able to be postponed for a period exceeding two years at a time and not exceeding four years in aggregate. Regulations that are postponed from expiry under the act are referred to the Legislative Review Committee each year.

The Subordinate Legislation Act 1978 does not require any justification for postponement of expiry. The four-year postponement amendment was only intended to be used in special circumstances. However, it is now in common use. In contrast, New South Wales has specific postponement guidelines, and they could be used as a guide in South Australia. Over the past eight years the number of regulations being postponed from expiry in South Australia has steadily increased. In 2002 a total of 48 regulations were postponed. By 2009 this had increased to 100 postponements and 88 in 2010. Many regulations have been postponed multiple times.

Although the statistics demonstrate that the proportion of regulations postponed from expiry has remained consistent, the number of regulations being postponed each year in South Australia has increased yearly. A comparison between a number of regulations considered for postponement in South Australia, New South Wales and Victoria illustrates a significant difference in the volume of regulations postponed in each state.

Statistics from both New South Wales and Victoria indicate a decrease in the actual number of regulations considered by their respective scrutinising committees: the New South Wales Legislation Review Committee and the Victorian Scrutiny of Acts and Regulations Committee. For example, the report shows that under this government, from 2003 to 2009, the number of regulations considered for expiry more than doubled from 49 to 100.

Over the same period the number under consideration in Victoria fell by 38 per cent, from 18 to 11, in the period 2004 to 2009. In New South Wales it fell 48 per cent, from 58 to 30. Even compared with other Labor administrations this government is tired and is failing to properly manage public administration and legislation.

The Legislation Review Committee found that the number of regulations that are postponed in South Australia is excessive. A 10-year lifespan for regulations is appropriate, and the government needs to improve its performance in properly managing the review of subordinate legislation. The committee has made a number of recommendations:

1. That all regulations due for expiry after 10 years are reviewed and postponements are granted in exceptional circumstances.

2. That the principal act, the Subordinate Legislation Act 1978, be amended specifically to incorporate Recommendation 1.

3. Guidelines should be developed which outline in detail the circumstances in which postponement will be granted. This is in line with the original intention and justification of the act, and that is that extension for postponement should only be sought in exceptional circumstances.

I support the motion and commend the report to all members. After all, it is a report that serves to inform us as we undertake the sober responsibility to oversee the subordinate legislation of this state.

Debate adjourned on motion of Hon. Carmel Zollo.

CRIMINAL CASES REVIEW COMMISSION BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. S.G. WADE (21:22): I rise to speak on the Criminal Cases Review Commission Bill, on behalf the Liberal opposition. On 10 November 2010 the Hon. Ann Bressington tabled this bill; a bill to establish a Criminal Cases Review Commission. CCRCs, as they are colloquially called, are independent bodies with powers to actively investigate claims of wrongful convictions and to refer substantiated cases to courts of appeal.

There are two such commissions in the United Kingdom: one serving Scotland and one serving the remainder of the country. They were established after a series of significant miscarriages of justice (the Birmingham six and the Guildford four) and have reportedly served to help restore public confidence in the justice system in the United Kingdom. There are also CCRC type bodies in Norway and the state of North Carolina in the United States.

The Hon. Ann Bressington worked with the legal academic, Dr Bob Moles, in developing the bill and it is indeed a substantial piece of work. Whilst it is not possible to know the number of miscarriages of justice in the South Australian criminal justice system, Dr Bob Moles has highlighted a range of possible cases of injustice on his website, State of Injustice, which I would categorise in broad terms as follows:

- two miscarriages in favour of the defendant;
- six miscarriages against the defendant;
- and five cases raising serious concerns about pathology services.

The Hon. Ann Bressington rightly highlights a number of current structural impediments to the correction of potential miscarriages of justice. First ,that a criminal appeal following trial must be initiated within 30 days, which often does not allow defence teams enough time to discover new evidence.

Secondly, an appellant seeking to have a conviction set aside will need to show that the conviction is unreasonable or cannot be supported by the evidence, that there has been a wrong decision on a question of law or on any ground that there has been a miscarriage of justice. The inability of the Supreme Court to reopen an appeal once an appellant's initial appeal has been finalised is also a structural impediment, as is the fact that any new evidence that has come to light since the appeal, regardless of its weight or relevance, is inadmissible in the High Court.

Once a person has exercised their appeal rights, they can submit a petition to the Governor. Their petition is referred to the Attorney-General who, under section 369 of the Criminal Law Consolidation Act 1935, may at the Attorney's absolute discretion refer the whole case to the Supreme Court, and the case is then heard and determined by that court, as in the case of an appeal by a person convicted.

The Hon. Ann Bressington highlights legitimate concerns with our criminal justice system. These concerns are shared by a number of people in the legal profession. In fact, in a letter to the Hon. Ann Bressington last week the Law Society expressed its concerns in the following terms:

> Justice, however, lies at the heart of our criminal justice system. Nothing undermines our system of justice more than a substantial miscarriage of justice resulting in the conviction of an innocent person. It is essential, therefore, that our mechanisms for review be equipped to uncover and highlight substantial miscarriages of justice.
>
> We believe the system of post conviction review in this State (Royal Prerogative of Mercy), after all avenues of appeal have been exhausted, is not ideal and will not necessarily uncover and highlight all substantial miscarriages of justice. It is for this reason that we support the establishment of a CCRC.

With the Law Society standing with the Hon. Ann Bressington in highlighting the concerns about the capacity for our criminal justice system to deliver justice we, as a council, are faced with the challenge of: how do we respond?

The Liberal Party has a longstanding interest in the criminal cases review commission option as a means of responding to this challenge of injustice. In 2004 the Liberal Party moved motions in both houses of parliament proposing a reference to the Legislative Review Committee on a possible criminal cases review commission. In our 2006 election policy the Liberal Party promised to examine the establishment of a criminal cases review commission to provide advice in relation to cases where there is demonstrable risk of miscarriage of justice.

The Law Society has crossed the Rubicon. It not only recognises the need to improve our criminal cases review process but it has decided that a CCRC is the correct response, not necessarily a commission in terms of this bill but a commission. To again quote the society's letter to the Hon. Ann Bressington, it states:

> The Society supports, in principle, the establishment of a Criminal Cases Review Commission...and we are, generally, supportive of the *Criminal Cases Review Commission Bill 2010...*There are, however, several specific matters which we wish to raise. The principal concern is the scope of the power for the CCRC to refer cases. We believe it is too wide and will, if passed in its current form, undermine confidence in the criminal justice system.

Later, the letter goes on to state:

It is our view that an appropriate mechanism for post-conviction review be established with a view to minimising the occurrence of substantial miscarriages of justice. We believe that a CCRC, properly instituted and empowered, should be that mechanism. In so stating, we caution that a CCRC should not be, in effect, another court of appeal. It is fundamental for the integrity of the criminal justice system that a CCRC does not give rise to the view that a verdict or sentence of a court may be subject to ongoing review and revision after the matter has been finally disposed of.

It is essential, for the reasons set out below, that the role and function of the CCRC is limited in its scope to dealing with potential substantial miscarriages of justice that occurred because the relevant court at the time *could not reasonably have been in a position to consider all the evidence*. Errors made during the course of criminal proceedings by a court or a party, including the accused, are properly the sole domain of our current appellate system of criminal review and should remain so.

The Law Society goes through a number of suggested improvements, but it is clear on its face that the Law Society supports the concept of the Hon. Ann Bressington's bill and is keen to work with both the Hon. Ann Bressington and this parliament to develop the optimal model. As I said, the Liberal Party is of the view that the process for review of criminal cases needs to be reviewed. We remain interested in a CCRC but do not feel that we are in a position to commit to any particular process or model at this stage.

We commend the Hon. Ann Bressington for introducing the bill and for highlighting the issue and, as an opposition, we want to foster the dialogue that the Hon. Bressington has reignited. To that end, we propose that the bill be referred to the Legislative Review Committee. We consider that the Legislative Review Committee can provide a forum for the exchange of perspectives, for the collation of information relevant to South Australia and for consideration of options. I move this amendment on the understanding that it would be agreeable to the honourable member who proposes the bill. Having made those comments, I move to amend the motion as follows:

Leave out all words after 'That' and insert 'the bill be withdrawn and referred to the Legislative Review Committee for inquiry and report.'

The Hon. D.G.E. HOOD (21:31): I rise to indicate Family First's support for this sensible bill, as introduced by the Hon. Ms Bressington. Assuming the Hon. Ms Bressington is supporting the amendment—of which I was not aware—

The Hon. A. Bressington: Yes.

The Hon. D.G.E. HOOD: —then we would be inclined to support that, too. I think it is sensible to have this properly examined. I had quite a speech but, in light of the amendment that has been moved, it may be inappropriate to give the speech now, given that the final form of the bill may change. That being the case, I have just a few brief thoughts.

I think this is a good move on the whole. I think it is also wise to refer it to a committee, because it is very important to get it right. It is the sort of thing where wiser heads will prevail, and referring it to the committee will probably enable it to be scrutinised in a way that it may not be in this particular forum.

I am acquainted with Dr Bob Moles, who I think has done a tireless and excellent job in raising these issues both publicly and privately with members, and in the public arena as well. The truth is that there are injustices from time to time—we all know that—and it is absolutely regrettable. I do not think anyone would accuse me of being soft on crime; I am quite sure they would not. However, none of us—including me—want to see anybody punished unfairly or incorrectly. I genuinely commend the Hon. Ms Bressington for moving this bill. I think it is a good issue to be considered properly.

I indicate that Family First was happy to support the model as presented; however, we look forward to the bill being fully examined. We approach this bill with a spirit of likely support for the final model. As I said, we expected to support the model as it stood.

The Hon. R.P. WORTLEY (21:33): The government opposes this bill. I have a speech to make but, at the end of the day, the numbers in this council will have this deferred to the Legislative Review Committee. As chairman of the committee, I will look at it there. I do think that committees are overworked; a lot more work is put on those—

The Hon. A. Bressington: Wah, wah, wah.

The Hon. R.P. WORTLEY: You would not understand that, of course. While we think the idea is probably not a good one, we will not stand in its way and will see it referred to the Legislative Review Committee.

The Hon. M. PARNELL (21:34): The Greens support this bill. Evidence from the UK and elsewhere shows that a mechanism is needed to address serious miscarriages of justice. I was pleased to meet two of the defendants known as the Birmingham Six not that long ago, and to hear their story can only reinforce the importance of a bill such as this. We do hope that miscarriages of justice are rare in South Australia, but I have no doubt that they exist and, under current legal arrangements, it can be very difficult or even impossible to address the miscarriage through the current court system. That is why we need a criminal cases review commission.

I thank the Hon. Ann Bressington for arranging the briefing by Dr Bob Moles, former law lecturer at the University of Adelaide and founder of Networked Knowledge and the co-author of the recent text *Forensic Investigations and Miscarriages of Justice*. Bob, as always, was very informative. He has done thorough research and he supports a bill such as this. If the bill does go off to the Legislative Review Committee, that is not a bad thing. It might come back in better shape, and I look forward to it coming back to this council for more considered deliberation.

The Hon. A. BRESSINGTON (21:35): I would like to thank all members for their contributions on this bill. It actually heartens me to hear that the majority of members in this place have recognised the need for reform of the current petition procedure and to hear the in-principle support expressed for a criminal case review commission. However, I understand why some members are reluctant to commit to the bill I have placed before them. This is the first bill to establish a criminal case review commission introduced into this parliament and, indeed, any Australian parliament.

I am more than willing to accept that this bill can be improved on and, in saying that, I note that detailed submission by the Law Society, for which I thank it. While supportive of the establishment of a CCRC, it has identified concerns with the present wording of the bill, as well as its scope to hear summary offences, amongst other concerns. While I am committed to the establishment of the CCRC here in South Australia in the absence of a national commission, I have always recognised that every state jurisdiction is also burdened by the same failings of the petition process and, as such, I viewed the establishment of a national commission as preferable to each state establishing its own

I also would like to thank Dr Bob Moles for the time and effort that he has put in to educate me and my staff on this issue and to help us formulate this UK model in the bill that was presented to this council. Dr Bob Moles is a pioneer, I believe, and he is a man who does not do any of this for fame or fortune. He does it because he sees a need and he sees that there is certainly room for improvement, and that is actually backed up by Mr Malcolm McCusker AO QC who, from 1 July, will become Western Australia's Governor. He wrote to me in support of a CCRC as well and also stated that the Attorneys-General in Perth and Victoria have also mentioned that they do believe there is a need but not a state-by-state one.

It seems to be pretty much across the board that there is a recognition that miscarriages of justice occur all over Australia, but that it would probably be better for a national CCRC to be established. I have to say that it was the intention, when I introduced this bill, to suggest probably at some stage that this would be referred to the Standing Committee of Attorneys-General for consideration on that level.

I flag that, while it is not that I am not supportive of the Legislative Review Committee reviewing this bill—I am—as a parallel approach to this, I will also be moving a motion in the next sitting week to have this referred to that Standing Committee of Attorneys-General. This particular issue cannot be allowed to fade away. We have come this far and we have seen that there is majority support in the council for this but we also have to, I think, consider that there is a bigger picture here rather than just South Australia.

I note that the Australian Lawyers Alliance has also written a letter of support for the establishment of a CCRC and has asked for time to provide a thorough response to the clauses of the bill, which would be useful for the process we have put forward to this council to go before the Legislative Review Committee. I keep my comments very brief because it is getting late and we have other issues to deal with, so I seek leave to conclude my comments.

Leave granted; debate adjourned.

CORONERS (REPORTABLE DEATH) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March 2011.)

The Hon. A. BRESSINGTON (21:41): I rise to indicate my support for the Coroners (Reportable Death) Amendment Bill 2010. In doing so, I congratulate the member for Davenport for bringing this issue to the parliament's attention and for attracting government support for this bill. I struggle to recall another bill that originated in the other place by a non-government member that managed to find its way here to us. I had feared that the government had forgotten that it was possible to cooperate with crossbench and opposition members. Maybe there is hope for this parliament yet.

The bill before us seeks to amend the Coroners Act 2003 to allow the Coroner to recognise an authorisation for release or disposal of the remains of a South Australian who has died interstate and the associated report, whether this be following an inquest or not. Currently our Coroner must also prepare a report, creating unnecessary and inefficient duplication. This also results in unnecessary delays in the release of the deceased person and, as the South Australian Division of the Australian Funeral Directors Association has argued, this delay needlessly prolongs the grief of the deceased's family.

Following amendment in the other place, the Coroner will, however, retain the discretion of assuming jurisdiction if the Coroner chooses. It is my understanding that this bill will bring us into line with interstate jurisdictions that long ago recognised the unnecessary duplication. As has been raised, the delays experienced at the Coroner's Court have been steadily rising, and it is my hope that this bill will go towards addressing this. It has my full support.

The Hon. T.A. FRANKS (21:43): I rise as a member of the Greens, but not the portfolio holder on this issue, to express our support and again welcome that this has come about through the initiative of the member for Davenport in cooperation with the Attorney-General. We welcome that approach.

The reason I am rising to speak is that I have had the unfortunate experience of being one of the loved ones of someone who has been subject to this double-handling. When a good friend of mine committed suicide last year in Victoria not only did he have the processes in that state but of course they then had to be replicated here with undue delays. It created even greater anxiety, stress and tension for those closest to him; while they were mourning his loss they were also dealing with an enormous amount of bureaucracy around that.

It was most unhelpful to the families, in particular, as well as his friends. It certainly was not something we welcomed in terms of being able to get on with our grieving processes, let alone for the people who were trying to work out taking a day or a few hours off work, people arranging travel from interstate, finding accommodation and so on. When an issue such as this can so easily be remedied by the state government, I encourage members to raise these sorts of issues and to work cooperatively across the parties. With that, the Greens support this bill and commend it to the council.

The Hon. D.G.E. HOOD (21:45): I rise briefly to put Family First's position on the record regarding this eminently sensible bill, but I would like to commence by congratulating the member for Davenport. This is obviously a sensible measure, and will mean less heartache for a lot of people, not to mention less expense for South Australian taxpayers. I would also like to commend the Attorney-General, who obviously has agreed to this measure, and I understand the government will support it. That is very encouraging to see.

I understand that governments do not want to support endless motions and bills from private members or opposition members, but, every now and then, I think one of the crossbenchers or one of the opposition members has a pretty good idea, and I am really encouraged to see the Attorney-General choosing to support that. I think it is commendable. It is easier to play politics—we probably all fall into that trap sometimes—but I am genuinely encouraged by that, and I give credit where credit is due, so full credit to him.

This bill prevents a doubling up of the Coroner's report in the event that a resident in South Australia dies interstate. I have put on the record that this bill originated as a private member's bill from the member for Davenport and was introduced by him in response to representations made by the Australian Funeral Directors Association, South Australian division. I note that the proposal received bipartisan support in the other place and, again, I am very much encouraged by that.

The Attorney-General in the other place noted that this amendment improves the Coroner's Act and deals with an obvious administrative shortcoming; that is, when residents of South Australia die interstate, we end up with a report on the death from interstate coroner, and

when the body is returned to South Australia, the current law requires the South Australian Coroner to prepare a second report on the same death.

Obviously this second, unnecessary report comes at a substantial cost to taxpayers and resources to the Coroner, not to mention the hardship for the family involved. The requirement may, of course, delay funeral preparations, which is not good for the family. In short, there seems little benefit in requiring a second report.

Family First understands that, in every other Australian jurisdiction, this second report is not necessary. Indeed, it was noted by the Hon. Stephen Wade that currently only South Australia produces double reports, and that matches with our research on this issue. The bill has the support of the Coroner and the Australian Funeral Directors Association, and it also has the support of Family First.

The Hon. R.P. WORTLEY (21:47): I rise to give the government's response to this bill, which it will support. It gives me great pleasure to support this bill, and it does show that, where a bill does have merit, the government is never shy in coming along and supporting it—we only oppose the silly ones.

This bill originated with the member for Davenport in the other place. There was consultation with the Coroner, the Australian Funeral Directors Association and the Hon. Mr Atkinson, the previous attorney-general from another place. They did work together, in cooperation, to make sure all the details were right.

The bill amends section 3 of the Coroner's Act to recognise the work of another state coroner in an Australian jurisdiction. This removes the case of double reporting and brings us into line with other states. It will also reduce delays for grieving families. As we have heard from the Hon. Ms Franks, it can be quite traumatic to have to go through it twice. It is with great pleasure that we support the bill.

The Hon. S.G. WADE (21:49): I would also like to pause and reflect on the fact that this is an example of opposition and government cooperation. I acknowledge the diligence of the Hon. Iain Evans in raising and pursuing the issue, working with government members, and acknowledge that they were willing to positively engage.

As always, the Hon. Russell Wortley manages to diminish the government's standing in what was otherwise a good situation. The house is so positive because these sorts of cooperations are rare. To reflect on all the other ideas as bad ideas is not fair. The reality is that this a good example of a myriad of good opposition ideas—not just from the opposition, I meant opposition in the broad sense—crossbench and Liberal Party ideas.

I, too, express the hope that this government might let this be the starting of a thaw and that we might see more ideas promoted. This government, I admit, is media driven and will want to save the big ones for their press releases, but in between I think there is a lot of good, hard legislative work that all parties can work together on. This is a good example, and I join other honourable members in acknowledging the work of both the Hon. Iain Evans and the Attorney-General.

In closing, I would just like to thank the members who contributed to the debate: the Hon. Ann Bressington, the Hon. Tammy Franks, the Hon. Dennis Hood and the Hon. Russell Wortley. I look forward to the committee stages of the bill.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. S.G. WADE (21:53): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May 2011.)

The Hon. M. PARNELL (21:54): When this bill was first placed on the *Notice Paper*, nobody would have imagined that the topic of police line-ups, police photo parades and the

identification of alleged wrongdoers would have been the water-cooler conversation in Parliament House, a hot topic on talkback radio and of general interest to the community.

In fact, the very day of the media reporting around the collapse of the assault case against the Hon. Kevin Foley, I had a senior city corporate lawyer tell me that a similar thing happened to him. He was trying to identify the person who had broken into a neighbour's house and he picked the wrong person from the photo board. Identification is often a difficult matter. It is also often fundamentally critical to the successful prosecution of a criminal trial. What that means is that we want identification evidence to be as reliable as possible. Where there are doubts about the reliability of the evidence, we want judges and juries to attach appropriate weight to that evidence. If it is unreliable, it should be rejected in its entirety. These are the issues that are covered by this bill.

I would like to say at this stage that I appreciated the information session that was organised by the Attorney-General, involving Professor Neil Brewer from Flinders University, a specialist in eye witness identification and a person who has conducted a significant amount of research into this area. We also heard at the briefing from Mr Michael O'Connell, the Commissioner for Victims' Rights, and a representative from SAPOL. The Greens support the second reading of this bill, but we will reserve our position on the final passage of the bill until we have completed the committee stage.

The Law Society has expressed some concerns, and it has expressed a preference for the codification of certain legislative safeguards along the lines of the relevant commonwealth legislation. That approach has some merit, but we would like to hear the government's response before finalising the Greens' position. I also understand that the shadow attorney-general has a major contribution to make. With those brief remarks, the Greens are pleased to support the second reading of this bill.

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

ELECTRONIC TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May 2011.)

The Hon. D.G.E. HOOD (21:57): Members will be pleased to know that I have just a brief contribution to make on this bill.

The Hon. J.S.L. Dawkins: Hear, hear!

The Hon. D.G.E. HOOD: I was expecting that. It is not the most exciting bill for members who have gone through it in some detail like I have, but it is, nonetheless, a significantly important bill with the area it deals with, so I rise to put on the record Family First's position briefly. The bill works to improve on the 1996 United Nations Commission on International Trade Law recommendations that are currently incorporated in the Electronic Transactions Act. The 1996 agreement works towards facilitating international trade by ensuring that contracts and other communications exchanged electronically were as valid and enforceable as if they were done in the traditional paper-based manner.

As members have been advised, in 2005, the United Nations reached agreement on a convention on the use of electronic communication in international contracts to improve the 1996 regime. This convention was based on the older provisions but amended in several minor ways. In May last year, SCAG agreed that all states and territories would amend their electronic transaction laws to update those laws to match the 2005 agreement. I cannot pretend to be an expert in international trade law, and that is despite the fact that I have an economics degree, but I have had the opportunity to peruse some United Nations documents regarding the need to update the 1996-based provisions.

One information paper released by the United Nations advises that certain requirements contained in some international trade law treaties, such as the Convention on the Recognition and Enforcement of Foreign Awards (the New York convention, as it is called) and the United Nations Convention on Contracts for the International Sale of Goods place obstacles to the wide use of electronic communications in international trade. Those are conventions to which Australia is a signatory. Without getting into all the details, I indicate that, basically, the 2005 United Nations proposals' primary aim is to address those particular obstacles in the way of acceptance of electronic agreements and transactions.

The three fundamental principles of electronic commerce legislation, according to the United Nations' documentation on this issue, are non-discrimination (that is, where paper or electronic agreements hold a precedence over one or the other), technological neutrality and functional equivalents. Family First accepts that those principles seem valid and necessary in facilitating international electronic commerce.

There are various exclusions, of course. Contracts concluded for personal, family or household purposes are exempt. Also exempt are agreements relating to family law issues and the law of succession, certain financial types of transactions, negotiable instruments and documents of title. I note the Attorney-General has made it clear in the other place that contracts for the sale of land, very importantly, will not come under the ambit of this bill.

It is important that South Australia continues to be regarded as a safe place to do business. The Attorney-General has made the argument that there are many benefits in having contemporary international commercial rules operating in our country so that our trading partners are confident and familiar with the rules operating within Australia. Family First is therefore in general agreement with the government regarding this proposal. However, obviously we will listen to the debate before reaching a final conclusion. I note that the opposition has not spoken to this bill yet.

In particular, we trust that all relevant stakeholders have had the opportunity to make comment, and we will need to be sure of that fact before expressing our final view. However, as I say, we are in general agreement with the purposes of this bill. As I said, it is not terribly exciting, but it is very important.

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

RAIL COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

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

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, Minister for Gambling) (22:02): I move:

That this bill be now read a second time.

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

Leave granted.

The *Rail Commissioner (Miscellaneous) Amendment Bill 2011* is one component to further effect a long-term restructure and integration of the State's public transport functions.

Integration of the State's public transport functions has seen the consolidation of TransAdelaide and the Department for Transport, Energy and Infrastructure (DTEI) Public Transport Division functions under one management and business administration structure and the removal of duplicated functions.

The integration has resulted in improved planning for bus, train and tram services, while enhancing the delivery of customer service and information. It has also allowed for the streamlining of contracts for bus, train and tram services.

This integration also supports the $2.6 billion investment currently underway to transform Adelaide's public transport network into a vibrant state-of-the-art system. This investment also delivers a program of works to meet our ambitious State Strategic Plan target to increase the use of public transport and make Adelaide a more sustainable city.

The *Rail Commissioner (Miscellaneous) Amendment Bill 2011* is an essential component of the ongoing integration of the State's public transport functions, with three key objectives:

- To repeal the *TransAdelaide (Corporate Structure) Act 1998*. This will also end the formal responsibilities of the TransAdelaide Board. The Board is no longer required as the responsibilities of the Board transferred to the Rail Commissioner from 1 September 2010.
- To amend the *Rail Commissioner Act 2009* for the Rail Commissioner to be accredited under Schedule 4 of the *Passenger Transport Act 1994* to enter into future service contracts with the Minister for Transport for train and tram services. This is the same arrangement afforded to TransAdelaide for accreditation under section 39 of *Passenger Transport Act 1994*.

To amend the *Rail Commissioner Act 2009* to allow the Annual Report of the Rail Commissioner including financial statements to be incorporated within the Annual Report of another public sector agency responsible to the Minister (currently DTEI), effective 1 July 2011. This will provide greater administrative efficiency and mirrors the arrangement that exists for the Commissioner of Highways under section 28 of the *Highways Act 1926*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Rail Commissioner Act 2009*

4—Amendment of section 7—Functions

This clause amends section 7 to provide that the Rail Commissioner will be taken to hold an accreditation under the *Passenger Transport Act 1994* to operate passenger transport services by train or tram as operated by the Rail Commissioner from time to time.

5—Insertion of section 15A

This clause provides that the annual report of the Rail Commissioner to the Minister (required under the *Public Sector Act 2009*) may be incorporated with the report of another public sector agency responsible to the Minister.

Schedule 1—Repeal of *TransAdelaide (Corporate Structure) Act 1998*

1—Repeal of *TransAdelaide (Corporate Structure) Act 1998*

This clause repeals the *TransAdelaide (Corporate Structure) Act 1998*.

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

MINING (ROYALTIES) AMENDMENT BILL

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

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, Minister for Gambling) (22:02): I move:

That this bill be now read a second time.

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

Leave granted.

In the 2010-11 Budget, the Treasurer announced the reform to the mineral royalty regime in South Australia to secure a more appropriate dividend for South Australians from our mineral resources, whilst maintaining the State's competitive business climate through incentives for new mines and mine operators who substantially refine their products in South Australia. In accordance with the Budget announcement, this Bill provides for section 17 of the *Mining Act 1971* to be amended to introduce a new three-tiered system for mineral royalties from 1 July 2011.

The current royalty rate in the *Mining Act 1971* is set at an ad valorem rate of 3.5 per cent of the ex-mine gate value of all minerals, other than extractive minerals that is based on a volumetric rate. A concessional rate of 1.5 per cent currently applies for the first five years of a new mine that has an approved existing new mine determination.

A new royalty rate of 5 per cent will apply on bulk export commodities such as iron ore, coal and copper concentrates. This change to royalty rates will bring South Australia into line with Western Australia, where the 5 per cent rate is already applied to the ores and concentrates.

The mineral ad valorem royalty rate of 3.5 per cent will be retained for refined metallic products, including refined copper, gold and silver. It will also continue to apply to certain categories of industrial minerals and construction materials including salt, limestone, dolomite and gypsum. Retaining the 3.5 per cent rate for industrial minerals and construction materials will ensure that the housing and construction sector is not affected by the changes.

The new royalty structure is intended to sustain the existing investment in metallic processing, in particular the smelting and refining processing at the Olympic Dam mine, which undertakes more on-site value added processing than any other base metal mine in Australia. Currently in South Australia, those mines producing refined metal including Olympic Dam, Challenger and White Dam would be subject to the 3.5 per cent royalty rate for the refined products.

The existing concessional rate of 1.5 per cent for the first five years of a new mine will be changed to 2 per cent. 'New mines' approved prior to 16 September 2010 will pay a royalty rate of 1.5 per cent for the first five years of the mine's operation. New mines approved after 16 September 2010 will pay the 2.0 per cent concessional royalty rate.

The retention of a 'new mine' rate, albeit slightly higher than currently, is considered an important ongoing concession for new start up mines. The 'new mine' rate provides a competitive royalty rate for South Australia and recognises the negative cash flow and high risk involved in the pre-mine and construction periods of a mining operation.

For the financial year 2009-2010, approximately 80 per cent of South Australia's mineral royalty revenue was sourced from three mining operations being BHP Billiton's Olympic Dam, OZ Minerals' Prominent Hill and OneSteel's Middleback Ranges iron ore operations.

The existing Olympic Dam operation would face increased royalty payments only in respect of its uranium oxide sales. Refined copper, gold and silver will continue to attract 3.5 per cent royalty.

The grandfathering of the new mine rate at 1.5 per cent is considered to be an important concession in respect of Prominent Hill which would face an increase in its copper concentrate royalty to 5 per cent but not until the new mine rate concession expires from 2014-15 onwards.

Other existing mines paying the 1.5 per cent rate will be subject to this rate until the end of their five year term including the Jacinth Ambrosia, Angas, White Dam, Cairn Hill, Mindarie, Kanmantoo and Honeymoon mines. Upon expiry of the new mine rate concession those mines producing a mineral ore or concentrate will be subject to an increase in royalty rates from 3.5 per cent to 5 per cent.

The OneSteel iron ore operations currently have rates of royalty imposed under its Indenture arrangements, the *Whyalla Steel Works Act 1958*. It is proposed to amend the *Whyalla Steel Works Act 1958* to introduce a phased increase in royalty rates applying to export iron ore.

The Commonwealth Minerals Resource Rent Tax scheme was announced on 2 July 2010 and is payable by iron ore and coal mining operations that exceed taxable profits of $50m per annum. The Minerals Resources Rent Tax will provide a full credit for current and future state mining royalties paid by the mining companies. In South Australia, currently OneSteel iron ore operations will be subject to the Minerals Resources Rent Tax scheme with some smaller iron ore miners in South Australia likely to be subject to the scheme in the future.

The Government has already consulted with key mining companies and the South Australian Chamber of Mines and Energy on these reforms.

In summary, these reforms introduce a new three tiered royalty system, that:

- aligns the mineral royalty rates with other Australian jurisdictions;
- ensures an appropriate return to the State and community from the revenue generated from the State's mineral assets; and
- continues to encourage investment in the development of new mines by maintaining a competitive business climate.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation (or be taken to have come into operation) on 1 July 2011.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 17—Royalty

Changes are to be made to the royalty rates for certain minerals other than extractive minerals.

5—Amendment of section 17A—Reduced royalty for new mines

A change is to be made to the royalty rate for new mines under section 17A of the Act.

6—Amendment of section 17F—Processed minerals

This is a consequential amendment.

7—Amendment of section 92—Regulations

The maximum penalty that may be imposed for a breach of, or non-compliance with, any regulation is be increased to $10 000. This new amount is consistent with the administrative penalty regime to be introduced under the *Mining (Miscellaneous) Amendment Act 2010*.

Schedule 1—Transitional provision

1—Transitional provisions

This schedule sets out transitional provisions for the purposes of this measure. The amendments to section 17 of the Act are to apply in relation to minerals recovered on or after 1 July 2011. The amendments to section 17A of the Act are to apply to any new mine declared on account of an application made on or after 16 September 2010 (including a mine declared to be a new mine after that date and before the commencement of this measure). The new rate for new mines is not to apply to a new mine declared under an application lodged before 16 September 2010.

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

At 22:03 the council adjourned until Thursday 19 May 2011 at 14:15.