LEGISLATIVE COUNCIL

Wednesday 8 June 2011

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

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

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) (11:04): By leave, I move:

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

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. 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) (11:04): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day, private business to be taken into consideration at 14:15.

Motion carried.

MINING (ROYALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 June 2011.)

The Hon. M. PARNELL (11:06): This bill proposes to increase the royalty payments made by certain mining companies from 3.5 per cent to 5 per cent in line with the decision made in last year's state budget. The key question for us in considering this legislation is: what is an appropriate return to the community for the private exploitation of our non-renewable mineral resources or, phrased another way, how much can we as a community lean on these struggling mining companies in order to obtain a return for the benefit of the community?

Members may have seen in yesterday's *Australian* in the business section an article entitled 'Resources boom to keep rolling'. The figures are really quite staggering. The report says:

The global mining boom has shifted into top gear because of growing demand and surging commodity prices, with profits of the world's 40 largest miners reaching a record $US110 billion ($102bn) last year. That represented a stunning 156 per cent jump on the previous year and the start of a new stanza of growth that is forecast to continue as global demand increases and new projects are brought on stream.

The mining boom in this state has been much talked about and much anticipated, and what this bill invites us to do is consider, at least partially, the return that the community gets from the extraction of those minerals.

The other question that is raised should not be one that needs to be asked at all, but apparently it does, and that is: whose minerals are these anyway? In fact, if we look at the same article in the business pages of *The Australian* yesterday we can see, in a piece by Matthew Stevens, a reference to what he describes as the 'surging tide of resource nationalism'. He is referring to a survey of mining executives undertaken by PricewaterhouseCoopers, where they are asked to rank and to rate the issues of concern to the mining industry. He says in his article:

The rise and impact of resource nationalism represented 'the greatest change to the thoughts of the CEOs' in this year's survey.

It is mindboggling to think that we are having a debate in our national newspaper about who owns these resources. I have a surprise for *The Australian* newspaper: the community owns these resources. To think of debates at the state and federal levels about royalties and taxes as some 'surging tide of resource nationalism' is just bizarre in the extreme. These minerals are owned by the community and they are staying where they are until the community determines when they can be extracted, the circumstances in which they are extracted and the return to the community from extraction.

The rules vary amongst the different states, and I think it is fair to say that South Australia is, and I think still will be even if this bill passes, regarded as a low-royalty state. There are some who will applaud that and think that it is a great boon for our state to be extracting the least from our mining companies, but I think it is important to note that other states have in fact set royalties at higher levels. I am very grateful to the Parliament Research Library, which undertook some research at my request and has produced a table showing the royalty rates that apply to various minerals around Australia. I seek leave at this stage to incorporate that statistical table into *Hansard* without my reading it.

Leave granted.

Mineral	State	Royalty Rate (May 2011)	Basis of Calculation	Last review/change
Bauxite	QLD	Export:10% or $2/tonne Domestic:75% of the rate per tonne for export bauxite or $1.50/tonne	Ad valorem or quantum rate, whichever is the higher	2008–*Mines and Energy Legislation Amendment Regulation (No 2) 2008*
	NSW	$0.35 per tonne	Quantum rate	No change since the introduction of the *Mining Regulation 2003*
	VIC	2.75%	Ad valorem	No recent change
	WA	7.5%	Ad valorem	No recent change
	SA	3.5%	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*
Coal	QLD	7% where the value of the coal produced does not exceed $100/tonne 10% on the value of the coal exceeding $100/tonne	Ad valorem	2008–*Mines and Energy Legislation Amendment Regulation (No 2) 2008*
	NSW	Open cut mining 8.2% Underground mining 7.2% Deep underground mining 6.2%	Ad valorem	2008–*State Revenue and Other Legislation Amendment (Budget Measures) Act 2008*
	VIC	Brown Coal $0.0588 per GJ, adjusted in accordance with the consumer price index Other than Brown Coal 2.75%	Ad valorem with quantum rate for brown coal	2006–*Mineral Resources Development (Amendment) Regulations 2006*
	WA	If exported 7.5% If not exported 1/tonne (adjusted each year at 30 June in accordance with comparative price increases)	Ad valorem and quantum rate	2000–*Mining Amendment Regulations (No. 4) 2000*
	SA	3.5% of sales value	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*
Coal Seam Gas	QLD	The royalty rate for petroleum –10%. Exemptions apply to flared or vented coal seam gas, incidental coal seam gas mined under a mining lease and coal seam gas mined under a mineral hydrocarbon mining lease.	Ad valorem	2004–*Petroleum and Gas (Production and Safety) Regulation 2004*
	NSW	Same rate as petroleum	Ad valorem	No change since 2002
	VIC	2.75%	Ad valorem	No recent change
	WA	Same rate as petroleum	Ad valorem	No recent change
	SA	Same rate as petroleum	Ad valorem	No recent change
	Tas	$12.00 for each $100 of the gross value of coal seam gas at well head		

Mineral	State	Royalty Rate (May 2011)	Basis of Calculation	Last review/change
Cobalt	QLD	Variable rate of 2.5-5.00% varying in .02% increments depending on average metal prices (effective 1 January 2011). Producers are advised of the applicable variable rate by the Department. $100,000 threshold Discount of 20% if processed in Qld and metal content is at least 50%	Ad valorem	No change since the introduction of the *Mineral Resources Regulation 2003*
	NSW	4%	Ad valorem	No change since the introduction of the *Mining Regulation 2003*
	VIC	2.75%	Ad valorem	No recent change
	WA	If sold as concentrate 5% If sold in metallic form 2.5% If sold as nickel by-product $/tonne calculated using the gross cobalt metal price per tonne	Ad valorem and quantum rate	2000–*Mining Amendment Regulations (No. 4) 2000*
	SA	3.5% of sales value	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*
Copper	QLD	Variable rate of 2.5-5.00% varying in .02% increments depending on average metal prices (effective 1 January 2011). Producers are advised of the applicable variable rate by the Department. $100,000 threshold Discount of 20% if processed in Qld and metal content is at least 95%	Ad valorem	No change since the introduction of the *Mineral Resources Regulation 2003*
	NSW	4% ex-mine value	Ad valorem	No change since the introduction of the *Mining Regulation 2003*
	VIC	2.75%	Ad valorem	No recent change
	WA	If sold as concentrate 5% If sold in metallic form 2.5% If sold as nickel by-product $/tonne calculated using the gross copper metal price per tonne	Ad valorem and quantum rate	2000–*Mining Amendment Regulation (No. 4) 2000*
	SA	3.5% of sales value	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*
Iron Ore	QLD	If average price is $100 or less - $1.25 per tonne and 2.5% of the value per tonne thereafter $100,000 threshold Discount of 20% if processed in Qld and metal content is at least 95%	Ad valorem	2008–*Mines and Energy Legislation Amendment Regulation (No 2) 2008*
	NSW	4%	Ad valorem	No change since the introduction of the *Mining Regulation 2003*

Mineral	State	Royalty Rate (May 2011)	Basis of Calculation	Last review/change
	VIC	2.75%	Ad valorem	No recent change
	WA	Beneficiated Ore 5% Fine Ore 5.625% Lump Ore 7.5%	Ad valorem	No recent change
	SA	3.5% of sales value	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*
Petroleum	QLD	10% of wellhead value	Ad valorem	2008–*Mines and Energy Legislation Amendment Regulation (No 2) 2008*
	NSW	In relation to onshore petroleum, nil for the first 5 years; and for the sixth year is 6%, rising by 1% each year up to 10% of the well-head value in the tenth year. In relation to offshore petroleum, 10% of wellhead value.	Ad valorem	No change since 2002
	VIC	10% of wellhead value	Ad valorem	No recent change
	WA	Onshore petroleum: 5-10% of wellhead value for primary licences. 10-12.5% for secondary licences. Offshore petroleum: 10-12.5% of wellhead value. NB: normally the higher percentage figure stands; however in the case of uneconomic recovery, the company can request a lower royalty rate (within the above band) be applied.	Ad valorem	No recent change
	SA	10% of wellhead value	Ad valorem	No recent change
	Tas	$12.00 for each $100 of the gross value of coal seam gas at well head		
Oil Shale	QLD	The lesser of 10% or a percentage of the average crude oil price	Ad valorem	No change since the introduction of the *Mineral Resources Regulation 2003*
	NSW	4% ex-mine value	Ad valorem	No change since the introduction of the *Mining Regulation 2003*
	VIC	2.75%	Ad valorem	No recent change
	WA	Same rate as petroleum	Ad valorem	No recent change
	SA	3.5% (as a mineral)	Ad valorem	2005–*Mining (Royalty No 2) Amendment Act 2005*

The Hon. M. PARNELL: Thank you, Mr President. We note also that other states, in particular Western Australia and New South Wales, are proposing to further increase their mining royalties beyond that which is set in this bill for South Australia. As loath as I am to quote the same journal three times now, again in yesterday's *Australian* is an article from the New South Wales political reporter, which commences:

New South Wales Premier Barry O'Farrell's suggestion he could ramp up mining royalties has sent jitters through business groups…

The article then goes on:

Mr O'Farrell said on Sunday he would not rule out increasing the royalty rate in New South Wales, which fluctuates between 6.2 per cent and 8.2 per cent, depending on the depth of the coal being extracted.

We have also had in the media recently much debate about the Western Australian decision to increase royalties, and much of that debate centred around what the impact would be on the, if you like, royalty sharing arrangements that are in place at a commonwealth level to ensure that the benefits of non-renewable resources are shared between states.

So, I think the take-home message from all of that is that we have been very constrained in South Australia. The Greens do believe that mining royalties and mining taxes should be better coordinated at a national level, and we were disappointed that the federal government back-flipped over its mining super profits tax and that that decision will effectively strip from the community some of the wealth that we believe should be flowing into the community. We know that wealth could have been put to very good use in health and education and also, as I have said in this place before, in a sovereign wealth fund for the benefit of future generations.

The government has pointed out in its notes accompanying this bill that the estimated return to the community would be an additional $65.5 million over three years, so $22 million, if you like, per annum, which is an absolute drop in the bucket when we consider the value of the minerals that are being extracted. We are indeed selling them far too cheaply. The Greens believe that we have been, and will continue to be, an undercharging state. We called several years ago for mining royalties to be increased, and so too did the trade union movement.

It is also important to note that 80 per cent of our royalties come from just three sources, and each of those three sources has special rules that apply. For example, BHP Billiton, the Olympic Dam mine, has its own special indenture act. The OZ Minerals Prominent Hill mine is benefiting from the new mine discount royalty rate, and then, of course, we have OneSteel's Middleback Ranges iron ore operations, which are also subject to their own separate laws.

In fact, it is quite remarkable to realise that on the statute books of our state in the year 2011 we have the following, in the Whyalla Steel Works Act. It provides:

> The rates of royalty shall be—
>
> (a) eighteen pence a ton on—
>
> (i) each ton of high-grade iron ore fed directly to furnaces in South Australia or shipped from South Australia without beneficiation;

It goes on to state that for lower grade ore the rate shall be 'sixpence a ton on the dry weight of all jaspilite'. It then goes on to say—

The Hon. D.W. Ridgway: What is jaspilite?

The Hon. M. PARNELL: The Hon. David Ridgway asks what jaspilite is; I will just leave that question hanging. We know about haematite and about magnetite, and apparently jaspilite is in that same family.

In calculating the royalty, the rate was based—and this is in the legislation, which is current legislation today—on the 'selling price by the company of foundry pig iron of £21 7s 6d per ton' out of Port Adelaide. The act goes on to provide a formula, that if the selling price goes above £21 7s 6d per ton out of Port Adelaide then there is an adjustment to the royalty of an extra penny a ton for each ton of ore, or, for the low grade ore, one-third of one penny per ton.

I am not trying to pretend that those are the rates that still apply, but it does beg the question: why on earth, in 2011, on the cusp of a mining boom, do we still have in our mining legislation a provision that refers to royalties in pounds, shillings and pence? It also begs the question: why, in 2005, when this legislation was substantially revised (and not to the credit of this parliament; they were appalling additions), was the opportunity not taken to fix that up? One question I have for the government, to which I hope to get a reply later, is: what is the government's intention in relation to the Whyalla Steel Works Act and, as David Ridgway says, the problem of jaspilite, in particular?

When it comes to BHP Billiton, the Greens will pay very close attention to the indenture bill that will inevitably come to this place. As members know, the current indenture act applies only to an underground mine, and a new indenture would be needed if the open-cut expansion were to go ahead. I would also like to point out that we are the only state that has a special discount royalty rate for new mines.

That rate applies to a number of mines: Prominent Hill, which I have mentioned before, the Terramin mine, Honeymoon, the Iluka Jacinth-Ambrosia mine, Kanmantoo, and White Dam. That rate is only 1.5 per cent and, therefore, it is effectively being cross-subsidised by the community.

The bill proposes to raise that to 2 per cent, but we are the only state that has that bargain basement discount royalty price. I point out, as I have before, that the minerals are not going anywhere; if they are economic to extract, then it should be appropriate that the full royalty rate apply.

I have some questions, just in closing. In light of the controversy over the Western Australian royalty rate increase, what impact, if any, will these changes to the South Australian royalty rates have on our share of GST revenue under the current equalisation arrangements? Also, could we have charged more? Could we have raised our royalties further without affecting our share of national GST revenue?

On that same theme, has South Australia been penalised by having an under-taxing rate, in particular in relation to our 1.5 per cent new mine royalty rate? As I understand the national equalisation rules, you are penalised if you do not charge as much as you could as a royalty for the minerals in your state, and if you are far below average you will be penalised—just as there is currently debate about Western Australia and whether it should be penalised by being far above the national average. I would appreciate answers to those questions from the minister when we go into the committee stage of this bill.

The Hon. D.G.E. HOOD (11:19): I rise to indicate Family First's position on this important bill and proposed legislation. It proposes to increase the royalty rate for declared mineral ores and concentrates in the Mining Act of 1971 from the ad valorem rate—that is, the royalty rate imposed on the basis of the monetary value of the minerals—of 3.5 per cent ex mine gate value to 5 per cent, as is being proposed. In essence, the government is proposing to impose higher royalties on bulk export commodities, the things that we would usually associate with the word 'minerals', such as iron ore, copper concentrate and other minerals that will be listed by way of notice in the *Gazette* at the appropriate time.

The government has pointed out that 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 in that state. However, declared refined mineral products will remain at 3.5 per cent, as assessed in accordance with the royalty assessment principles. This provision imposes an economic incentive on South Australian industry to refine our resources before exporting them, and that element is a positive one, from our perspective, and one that we would certainly support.

Importantly, this bill retains declared industrial minerals or construction materials at the current 3.5 per cent rate of the value of the minerals, as assessed in accordance with the royalty assessment principles. I note that some PIRSA documentation generally refers to construction materials as being so-called extractive materials, including salt, limestone, dolomite and gypsum, sand, gravel, stone, shell or clay, which will often be levied on a volumetric rate rather than an ad valorem 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, as the Hon. Mr Parnell has just alluded to. That introductory concession rate will be changed to 2 per cent. My reading of schedule 1 of the bill is that the new provisions will apply generally to applications lodged with the Director of Mines on or after 16 September 2010. So, in that sense, this bill appears to be somewhat retrospective, on its face value anyway. I raise that issue for the minister to address in her summing up.

I am open to any comments that the minister might make with respect to that issue, indeed I look forward to some clarification around that. As a rule, Family First is not a party that looks favourably upon retrospective legislation, although in this particular case there are some compounding issues which I concede are worthy of special treatment, to some level at least.

There are a number of aspects to this bill regarding which Family First is somewhat concerned, however. The South Australian Chamber of Mines and Energy was not, apparently, consulted or given a detailed briefing regarding this bill. This is of concern to us. We cannot understand why that would be the case. Surely the peak body in any industry should be consulted when legislation is concerned which will directly affect its industry.

The point has been made that royalty rates are one of the key factors considered by mining companies in determining whether or not to invest in a particular state, and indeed in a particular mine. It is certainly true that this move would put us out of step with some of the other states if it were not for certain aspects of the federal resource rent tax indemnities. Dealing with copper ore, for example, Queensland sits at 2.7 per cent with a $100,000 threshold, New South Wales is at 4 per cent and Victoria is at 2.75 per cent.

Only Western Australia, which was the example highlighted by the minister, is already set at 5 per cent. It is important to note here that it is just Western Australia at 5 per cent; the other states are at a lower level. Even in Western Australia the rate is only 2.5 per cent if the copper is sold in metallic form. The figures are similar for iron ore, although Western Australia imposes a number of different rates depending on the grade of the ore.

The argument in response is that the federal Treasurer has promised to indemnify mining companies against state royalty increases under his planned mineral resources rent tax. In short, the rent tax will be reduced in accordance with the state royalties that are being paid. However, that does not mean that we can set our rate at 10 per cent or 20 per cent, obviously. Western Australia has announced that it will lift the royalty rate on iron ore fines to 7.5 per cent by 2014, possibly in response to the indemnity promise.

The response was fairly swift, suggesting that WA was putting some of its federal infrastructure funding in jeopardy, as we have heard from the federal Treasurer in recent times. My comment to that would be that, clearly, there needs to be a limit set on state royalties. We cannot push them too high. As I have said, Western Australia has gone to 5 per cent in some cases, and other states substantially less than that.

It should not be seen by state governments as an opportunity to push their royalty rates higher because it will simply be traded off in the proposed federal tax. That is not a position that we would support. I am not suggesting that is necessarily what is happening, but I say that it is not a position that we would support.

Senator Wong noted on Sky News last month, 'If you have a lessening of the income stream from the mineral tax because we have to credit the royalty, then obviously it means fewer things can be funded.' It has been suggested that Mr Swan, the Treasurer, has quite directly threatened WA's infrastructure funding in response. Nevertheless, and despite those threats, there was an article in *The Australian* on Monday with the headline 'Barry O'Farrell may do a WA on mine royalties'. The article noted:

> Mr O'Farrell refused to rule out increasing the coal royalty rate in the state budget in September. This would increase the compensation demanded by Mr Swan from the mining companies, which have been indemnified against state royalty hikes under the new federal mining tax.
>
> Mr O'Farrell's comments brought an immediate response from the Treasurer's office, with a spokesman warning: 'Mr O'Farrell shouldn't go down the same hypocritical path of Mr Barnett, who said repeatedly the mining companies can't afford to pay more tax, but then hiked royalties, supported by Tony Abbott, who also said miners could not afford to pay more tax.

I do not support that particular quote but I put it on the record to provide some clarity for the sorts of discussions that are going on around these issues in government at the moment. Despite all of this, it appears that South Australia got in early enough to avoid those complaints and implied threats of withdrawal of funding.

I think it is important to note here that the mining industry should not be seen as an endless source of revenue. They are, in fact, creating a great deal of wealth and prosperity for our country, and it is fair that they pay their way to some extent but we need not see them as an endless source of potential revenue.

So, the hope is that whatever increases are levied by South Australia will be matched by a decrease in the mining tax. That might be true for the majority of cases but certainly not all cases. As has been pointed out by the New South Wales Business Chamber, for larger miners a change in royalties will simply mean a change in the mining tax and royalty split. However, for smaller miners, which will not come under the mining tax regime, an increase in royalties really does mean an increase in tax very clearly.

Therefore, my questions for the minister in her summing up are: what impacts are likely to be felt as a result of this bill on the smaller miners in particular? Will not open miners in Coober Pedy, for example, be particularly hard hit? A further question: what is the public policy benefit in imposing higher taxes on smaller miners while larger miners are indemnified under the federal scheme? I would certainly be grateful for answers to those questions during the minister's summing up or during the committee stage.

It is true to say that Family First is somewhat uneasy with some of the measures proposed in this bill in regard to the smaller miners in particular, as I have just suggested. South Australian families should be better compensated for minerals that are taken from our ground and exported, primarily to China. However, we do seek assurances that this bill will not hurt smaller operators or

hinder investment. I have no doubt that is not the government's intention, obviously, but we seek specific answers to those questions.

We also believe that the revenue generated by this measure should at least to some level go back to the regions from whence it came. We think the Royalties for Regions program in Western Australia has merit and is something that our government should look upon as a potential model to direct some of the funding from these sorts of measures back to whence they came. I think that issue has been largely neglected during this debate; however, it is something our party will look on closely and seize as a positive move for the future.

We believe that South Australian mining has a bright future. We will soon have the largest mine in Australia in Olympic Dam—by some measures, the largest mine in the world. A vast area in the Woomera Prohibited Area is no longer prohibited to mining. We are even advertising the benefits of South Australia's mining potential in Western Australia, often seen as the capital of mining in Australia. We will consider this bill very closely. We think that aspects of it have merit. We certainly support the second reading, but we look forward to the debate in the committee stage.

The Hon. P. HOLLOWAY (11:29): I wish to make a few comments on this bill because it was something that was fairly close to me as the minister for mineral resources development at the time that these discussions and decisions were made by government. It is appropriate that South Australia's royalties be brought more into line with what applies in other states. I want to make a few comments particularly to correct some of the comments that have been made earlier in the debate.

Firstly, I want to talk about the topic of the discount rate. The South Australian royalties scheme is the only one in the country that does have a discount rate, and that is something we should be very pleased about. When the commonwealth government wanted to introduce its mineral resource rent royalty tax, anyone who read the arguments for it would be aware that one of the main criticisms of state royalty schemes was that they just applied to the amount of ore that was mined regardless of the economic conditions applying at the time. In particular, in the mining industry there are massive up-front costs.

One only has to look at the Olympic Dam mine, for example, where there will be probably costs of $20 billion or maybe $30 billion or $40 billion, for all we know, that will have to be met before $1 in revenue is returned to that particular project. Of course, if you have royalties applying at the full rate from day one it means that those companies have to wait a very long time before they get any return. That is the nature of the mining industry where there are massive up-front costs often over many years before there is any return.

The South Australian royalty scheme was specifically designed to deal with that issue by having a lower royalty rate for the first five years of production and then reverting to a higher rate for later years of production when, of course, those companies did not have to meet the up-front costs. When the commonwealth government was putting out its mineral resource rent royalty tax, one of the main criticisms of state royalty schemes was that they did not have that flexibility. They did not allow for the fact that state royalties could apply even at times when the demand on companies' cash flows was very high.

That is why a resource rent tax was mooted as a superior form of taxation because it did take into account the actual profits made by the companies at the time. In South Australia, our royalty scheme was one of those where that criticism could not be justified, at least to the extent that it was in other cases, because we did have that design feature—this discount rate for the early years. Rather than it being a problem with our royalty rates, I suggest that it was one of the advantages. When this government came to office, there were only four mines in this state and there are now more than a dozen.

One of the reasons for that is the policies of this government, including the royalty regime that it developed, to encourage the development of the industry. If one looks at many of the mines we are developing in this state, they will return money over a significant period of time, so that discount rate to help those projects be established for just the first five years is a very sensible policy. There were a number of other comments made during the debate that I want to briefly refer to.

Within South Australian, we have not had a history of large bulk commodity exports. We have used coal in this state for many years, but we have never exported it. We have produced steel in this state, and we are one of the only places in the country to actually convert iron ore into steel at Whyalla. I think Port Kembla is the only other place where that takes place. We have had

downstream processing and that, of course, explains why we have had specific indentures in relation to Whyalla and a different regime. I am aware that there have been negotiations in relation to changing the situation at Whyalla that the honourable member referred to.

We are aware that those old indenture bills are out of date and I know that, certainly when I was a minister, there were ongoing discussions with OneSteel about bringing them up to modern standards. The difference now is that OneSteel from Whyalla is actually exporting iron ore. There are now a couple of other iron ore producers who have exported small amounts, but up until very recently OneSteel was the only exporter, and even that only began early in the term of this government. Previously, all its iron ore had been used to produce steel at the steelworks. Now, as OneSteel has become increasingly an exporter of ore, it is appropriate that those royalties be adjusted to take that into account, and I believe that is happening.

I think it is important to note that this state has not been a major bulk commodity exporter, and that is really where the huge royalty revenues flow to New South Wales, Queensland and Western Australia, where there are very many billions of dollars, not just a couple of hundred of millions of dollars a year, like there are in South Australia, from mineral royalties. In Western Australia I think it is now in excess of $5 billion, mainly from iron ore. Similarly, in Queensland royalties are around the $5 billion mark, mainly from coal, and even New South Wales gets very substantial royalties from bulk commodities. Essentially, they have huge volumes—millions and millions of tonnes—of ore that is just dug up by the biggest trucks possible, put onto the biggest ships possible, and sent off to the export markets.

In South Australia, our main source of mineral wealth to date has been from copper and gold, and we have also had some production of mineral sands in recent years. They have been our main commodities for export. We are only just reaching the stage where OneSteel is now exporting some of its iron ore. There is the prospect for this state to become a significant iron ore exporter. Obviously, those tonnages will increase, and that is why we need to look at our royalty regime.

Within the South Australian mineral royalty regime there is a degree of sophistication that does not exist in other states. It is not just the initial discount rate for the first five years to take into account the significant up-front costs facing mineral operations, but also we have the sophistication of dealing with different types of minerals. I think if one is going to make the sort of comments that the Hon. Mark Parnell made, you really have to make sure you are comparing apples with apples, comparing those multi-million tonnes of exports of iron ore and coal which we get from Queensland and Western Australia, where we are talking about hundreds of millions of tonnes being dug up and sent off with very limited processing.

That is, of course, significantly different from the sorts of traditional mining operations we have had here, where gold, for example, is refined from the Challenger mine. Uranium is processed into yellow cake at our two operating mines—Olympic Dam and Beverley—and copper also has been refined at Olympic Dam, with all the commensurate jobs. It is not just employment, which of course creates payroll tax and other revenues for the state if you get downstream processing.

Our royalty regime is much more sophisticated, I would suggest, than in other states, and it does take into account where you have processing of ore. You can make the same argument for Whyalla. Isn't it better to have the steelworks operating up there, employing thousands of people, creating jobs and other wealth for the state? The royalty regime should take into account that downstream processing. I believe that this is the sort of sophistication that we are now building into our royalty regime. That is why I think these changes have been broadly supported by the industry.

Mention has been made about the changes proposed in recent times in New South Wales and Western Australia in particular, where they are jumping on the back of the issue of trying to increase their revenues, but I think the fact that in South Australia these changes have been made with relatively little disagreement from industry shows that they have been well thought out. There have been discussions with the industry, and there is broad acceptance that, yes, the state needs some greater return from its resources, but it needs to be done in an intelligent way that promotes the industry and does not deter it.

There are a couple of final comments I would like to make in relation to this topic. The Hon. Dennis Hood talked about royalty for the regions. I think it is important to understand that in Western Australia there is around about $5 billion a year in mineral royalties. When their policy is that 25 per cent will go back to the regions, that is about $1 billion, or thereabouts, and that is one thing. If we had the same policy here, of 25 per cent of our mineral royalties going back to the

regions, it would be 25 per cent of a few hundred million dollars, which would be a relatively minor amount, I would suggest, far less than what the state already spends. Just the health bill in regions alone would be much greater.

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

The Hon. P. HOLLOWAY: Fifty million dollars! The point is that what this state government spends in rural regions vastly exceeds the entire mineral royalty regime. The several hundred million dollars we get from royalties, plus the several hundred million dollars we get from petroleum—we vastly exceed that.

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: Well, you want to talk about the RAH? Twenty-two per cent of the patients in the Royal Adelaide Hospital come from the country. The Royal Adelaide Hospital is the biggest country hospital in South Australia. We are building a new one, and country people will be 22 per cent of it. So, don't give me that rubbish. The whole point about the royalty for regions argument in those other states is that it is quite different when you are getting billions and billions of dollars from the regions. We have not got there yet. Hopefully, at a stage in the future—

The Hon. J.S.L. Dawkins: Wait until you get there.

The Hon. P. HOLLOWAY: We are spending far more than the 25 per cent. If we had a royalty for regions policy and we did it like Western Australia, we would be slashing money to the regions. It is one thing to say—

The Hon. J.S.L. Dawkins: You don't understand.

The Hon. P. HOLLOWAY: No, I know exactly what I'm doing; I think the honourable member doesn't understand. It is one thing to designate 25 per cent of the total royalty for regions, which in WA is about $1 billion, and say, 'Well, that'll be spent in regional areas in various projects.' It is another thing when you are talking about 25 per cent of a couple of hundred million dollars because we spend much more than that. If we had a royalties for region policy like WA, we would already be exceeding it, and I think that point needs to be made. No-one is arguing that there should not be more expenditure in regions, and there is. So, let's just deal with that issue and let's be gone from this nonsense.

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

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I know exactly what I am talking about—25 per cent of mineral royalties spent in the regions. As I said, for Western Australia, they had to increase their spending to get that. In our case, we have been exceeding it, virtually for decades.

The Hon. J.S.L. Dawkins: Oh, rubbish!

The Hon. P. HOLLOWAY: Well, it is a simple mathematical fact. Do your sums.

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

The Hon. P. HOLLOWAY: Well, you see what they do in Western Australia—you see what they spend and how they spend it, and you will see that it is effectively a sleight-of-hand accounting trick, but that is another story.

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

The Hon. P. HOLLOWAY: Oh, your policy will be different!

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

The Hon. P. HOLLOWAY: Well, maybe one day at some stage in the future. But, in any case, who cares where the money comes from? If you want to spend more money in the regions, if it is needed, let's do it. We do not need to worry about some sort of accounting trick that looks good for gullible people; essentially, that is what that royalty for regions policy is.

The Hon. J.S.L. Dawkins: Gullible people?

The Hon. P. HOLLOWAY: Well, it is; that is what it has been. Finally, I want to deal more generally with the taxation debate about which level of government should have mineral royalties. What I think the debate federally has shown is that, really, mineral wealth is the property of the

states, constitutionally. Of course, what we are seeing at the moment is the commonwealth government trying, in many ways, to move into what is traditionally a state area to take over that form of wealth, through the mineral resource rent tax, and that has led to many of the issues we are now seeing in New South Wales and Western Australia.

From my point of view, I think it is important that we do maintain the belief that mineral wealth should be the property of the state. However, we have to be mindful of the fact that, through the financial systems, through horizontal fiscal equalisation in the states, this state does share very heavily in the mineral wealth of other states. As I said earlier, states such as Western Australia are collecting something like $5 billion, which would be more than a third of this state's entire budget every year. That state collects that amount in mineral wealth alone, and Queensland and New South Wales are similar. The fact that it is much, much greater than ours means, of course, that, through the equalisation, we share in that wealth now.

As our mineral wealth grows, the same will apply in the future, that other states that do not have mineral wealth will share in that. We need to be mindful in that debate that the mineral wealth, while constitutionally it is the property of the states, under equalisation all states share in it, and that is why, in considering what is in the best interests of South Australians, we need to be mindful of the significant benefit this state derives from mineral wealth in other states.

This state has had a very sensible policy in terms of working with the commonwealth to ensure that there is a fair return from our mineral wealth, and we have done our part. We have a very well designed royalty scheme, and it will be even better when this bill passes, and it will give us a fair share of our wealth. It will encourage the further development of mines so that wealth will grow, but also we need to be mindful about what is happening at a federal level and ensure that our regime locks into what is happening there. With those comments, I commend this bill to the house.

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) (11:47): There being no other second reading contributions, I will make a few very brief concluding remarks. The bill before us is about introducing reforms to our mineral royalty regime in South Australia in order to secure a more appropriate dividend for South Australians from our mineral resources, whilst obviously wanting to maintain our competitive advantage and a strong business climate.

The reforms will introduce a new three-tiered royalty system which aligns the mineral royalty rates with other Australian jurisdictions, which secondly ensures an appropriate return to the state and the community from our mineral assets and which thirdly obviously continues to encourage investment and development in our mines.

I thank members for their second reading contributions and their support for the bill at the second reading stage. There were a number of questions asked and information required. I beg the indulgence of the chamber and ask that I be given permission to address them in the committee stage of the bill. With those few words, I commend the bill to the house and look forward to the committee stage being dealt with expeditiously.

Bill read a second time.

In committee.

Clause 1.

The Hon. G.E. GAGO: There were a number of questions. There was a question about what jaspilite is. I have been advised that it is a term for low-grade iron ore. This material contains generally between 20 per cent and 42 per cent iron and needs to be upgraded or beneficiated by the miners to become a saleable iron ore, which needs to contain on average over 60 per cent iron. There we are—we are all much better off for that.

In relation to a question asked by the Hon. Mark Parnell in relation to the future of OneSteel, I have been advised that the government is currently in negotiations with OneSteel to increase its royalty rate under its indenture. Obviously, changes to the indenture have to be done by agreement, so therefore we need to reach agreement with them before being able to bring a bill to this house that looks at a reviewed rate.

A question was asked by the Hon. Mark Parnell in relation to whether we would be penalised by the grants commission. I have been advised that the answer is no. The

Commonwealth Grants Commission assesses the relativities used to determine each state's share of the GST revenue grants. The proposed increase in mineral royalty rates is expected to deliver the full, ongoing, additional revenue stream to the state budget; that is, the additional revenue will not be offset by a lower GST revenue grant, because this mineral royalty rate increase will bring South Australia closer to the national average benchmarks.

In 2009-10 South Australia had an effective mineral royalty rate of 2.3 per cent, less than the Australian average of 3.89 per cent. The introduction of this new three-tiered mineral royalty regime will increase South Australia's effective rate to be more aligned with the Australian average. The Hon. Mark Parnell also asked whether we would be penalised by the commonwealth government. I have been advised that at this point in time that is unknown.

Treasury has been advised that the commonwealth has not indicated whether increases that are effected by this bill will be taken into account in the infrastructure fund coming back into the mining states. I was also asked a question about the impact on smaller mines. I have been advised that smaller mines are captured by the industrial and construction mineral rates component, and they remain the same. I was also asked what the impact would be on opal miners; I have been advised that opal miners currently do not pay any royalty rates, nor does this bill apply any royalty rates to them.

Clause passed.

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

Bill reported without amendment.

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) (11:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

In committee.

(Continued from 4 May 2011.)

Clause 5.

The Hon. S.G. WADE: I move:

Page 11—

lines 5 to 13 [clause 5, inserted section 21H(10) and (11)]—Delete subsections (10) and (11)

line 15, [clause 5, inserted section 21H(12)]—Delete ', (10) or (11)'

Under new section 21H(10) of the bill, a person commits an offence if they bring a prohibited weapon onto the premises where a person with a weapons prohibition order presides. Under new section 21H(11) of the bill, a person commits an offence if they are in the company of a person who has a prohibited weapon while they have a prohibited weapon in their immediate physical control. Under new section 21H(12) of the bill, a defence is provided to section 21H(10) and (11); that is, a person has a defence if the person did not know or could not reasonably be expected to know that a person was subject to a weapons prohibition order.

As honourable members will recall, on 4 May, during the Legislative Council committee stage consideration of the bill, the opposition queried whether the offences could apply to a police officer trying to monitor a question or arrest a person subject to a weapons prohibition order. Police officers, as we know, carry two prohibited weapons as part of their standard issue: capsicum spray and an extendable baton. The officer may not be able to utilise the defence, that is, the defence in section 21H(12), because they may well not only be aware that a person is subject to a weapons prohibition order, but they may actually be attending to deal with a person in relation to that order.

The custodian of a prohibited weapon may not be taking any risk of a person with a weapons prohibition order taking possession of the prohibited weapon, yet would still be committing an offence. The government responded to the opposition's concerns by saying that while an officer would technically be committing an offence in these circumstances, they would not

be prosecuted and there are provisions in section 21H(14) for the police commissioner to exempt a person from that section. However, the section does not allow for exemptions by class.

Following discussions in this chamber, these matters were a matter for public comment. On Leon Byner's program, radio FIVEaa—always worth a listen—on 5 May 2011, the Attorney-General said:

> Well look this is just another example of the opposition setting up straw men to knock them [down]. The fact is that under this legislation there is an opportunity for an exemption to be granted...there's something that's being left out of the discussion...that is common sense. It's illegal for a person to drive a motor vehicle in a 60 zone at greater than 60 kilometres an hour but the police from time to time in the pursuit of people do this all the time. Do they wind up being prosecuted? I don't think so.

Mr Byner asked another question. The Attorney-General responded, 'who is actually going to be prosecuting them'. I find that interchange quite disturbing because really the chief law officer of the state is suggesting that the police are not subject to the rule of law. Of course he is wrong. The law does actually allow our police to abide by the road rules and still discharge their responsibilities. The road rules regulation 20, as we all know, requires us to observe the speed limit:

> A driver must not drive at a speed over the speed-limit applying to the driver for the length of road where the driver is driving.

However, the Australian Road Rules, section 305 also provides that:

> (1) A provision of the Australian Road Rules does not apply to the driver of a police vehicle if:
>
> (a) in the circumstances:
>
> (i) the driver is taking reasonable care; and
>
> (ii) it is reasonable that the provision should not apply; and
>
> (b) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

Contrary to the implication of the Attorney-General, when police officers need to exceed the speed limit, they are not just relying on the goodwill of their fellow officers not to prosecute them, they are staying inside the law. We believe it is important that we do not just turn a blind eye whenever our police need to break the law. In fact, I am reminded of laws that we passed only a year or two ago which allowed undercover operations. We do not just say, 'That is fine. Nobody will prosecute you.' We say all of us live under the law—and, in fact, members of this chamber in particular are very well aware that we all live under the law—and the rule of law applies to the police as much as anybody else.

Following the debate, the Attorney-General committed to expanding section 21H(14) to include provisions for exemption of classes of persons, and that amendment will be considered shortly. While this may partly address the issue, it is a bureaucratic response and relies on the group of people being readily identifiable. The Attorney-General has been focusing on the police. I understand that the Attorney-General, in the discussions I have had with him, was less concerned about security guards and other officers.

I would stress that these offences are almost proximity offences, and they apply not just to police. They would apply to security agents; they would apply to people involved in religious ceremonies such as the Sikh community; they would apply to people in cultural organisations such as the Scottish community. It would apply to people in the normal course of their business—executors, collectors, people who might be involved in scientific education using lasers. It would also apply to a museum. Under the current bill, as drafted, you would presume that the South Australian Museum would have to be asking people as they entered, 'Are you subject to a weapons prohibition order?'

Having consulted with parliamentary counsel, the Liberal opposition has taken the view that the most workable solution would be to delete sections 21H(10) and (11), what I will call for shorthand 'the proximity offences' and, instead, to rely on the enhanced duty imposed on custodians of weapons through a previous opposition amendment to section 21F(12), which this council has agreed to, which places an active duty on the holder of a prohibited weapon to keep prohibited weapons away from a person subject to a weapons prohibition order.

The amendment to section 21F(12) means that a person who is entitled to hold a prohibited weapon not only must keep them in a safe and secure manner but must take all reasonable steps to prevent access to the weapon by a person who is not entitled to such use or

possession. The opposition amendment focuses the clauses on access to prohibited weapons rather than proximity to prohibited weapons.

If our amendment were passed, a person who possesses a prohibited weapon without an exemption would have committed an offence under section 21F(1), whether or not they take it into the presence of a person with a weapons prohibition order. A person who is entitled to possess a prohibited weapon with an exemption, and they do not take all reasonable steps to prevent access to the weapon by persons who are not entitled to such use or possession, would have committed an offence under section 21F(12), which I should say is an amendment moved by the opposition, accepted by the crossbenches. We will see what the government does with it in the other place.

In relation to this class, we are talking about people who the government is saying already have an exemption, so the government is already saying that they trust them to have a prohibited weapon. Also under section 21H(9) I would remind honourable members that any person must not supply a prohibited weapon to a person who is subject to a weapons prohibition order or permit such a person to gain possession of a prohibited weapon. So, we would argue that with the joint effect of section 21H(9) together with the earlier amendments to section 21F(12), we provide adequate duties on people possessing a prohibited weapon to ensure that a person with a weapons prohibition order does not get access to them. I commend the motions to the house.

The Hon. G.E. GAGO: The government will not be opposing these amendments.

Amendments carried.

The Hon. S.G. WADE: I am being heckled by my honourable colleagues suggesting that this is consequential. I am more than happy to regard it as so, and I move:

Page 11—Lines 18 to 25 [clause 5, inserted section 21H(13)]—Delete subsection (13) and substitute:

(13) For the purposes of this section, if a person to whom a weapons prohibition order applies is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a prohibited weapon is found on or in the premises, vehicle, vessel or aircraft, the person will be taken to possess the weapon unless it is proved that—

(a) the person has notified the Commissioner of the presence of the weapon in accordance with subsection (6); or

(b) the person did not know, and could not reasonably be expected to have known, that the weapon was on or in the premises, vehicle, vessel or aircraft.

Amendment carried.

The Hon. G.E. GAGO: I withdraw the amendment standing in my name, because the Hon. Stephen Wade's amendments that we have just supported make this unnecessary.

The Hon. S.G. WADE: With all due respect—

The CHAIR: You are not happy with the minister withdrawing it?

The Hon. S.G. WADE: No, indeed, I am not. The reason why we are not happy with that is that by removing (10) and (11) we have indeed removed the most onerous elements of that clause but there are other duties on people, and those duties may need to be exempted by class. I see no harm in the government having the capacity to exempt people by class to the other duties in that section. In that context I would urge the government to move the amendment. In fact, if it does not I propose to take it over.

The Hon. G.E. GAGO: I have checked and the advice I have received from the Attorney is that we are seeking to withdraw this amendment because of the agreement to the last two amendments subsections (10) and (11) of section 21H. These subsections have been deleted and therefore I have been advised this amendment is not necessary and it would be highly unlikely that we would need it in terms of exempting by class.

The Hon. S.G. WADE: I propose to move the Minister for Regional Development (3) amendment No. 1 standing in the minister's name. I have consulted the Clerk and I can do it. I move:

Page 11, after line 29 [clause 5, inserted section 21H]—After subsection (14) insert:

(15) The Commissioner may, by notice in the Gazette—

(a) exempt a class of persons, unconditionally or subject to conditions specified in the notice, from a specified provision of this section; and

(b) vary or revoke such an exemption.

I remind the minister who the active officer here is. It is not the opposition; it is not some lawyer for the bikies: it is the commissioner. This might be a redundant clause, but I do not think it is. Let us look at some of the other duties in this clause. What about No. 3: a person to whom weapons prohibition order applies must not manufacture, sell, distribute, supply, deal with, possess, use or possess a prohibited weapon. What happens if the commissioner thinks it is appropriate to exempt a class of people—let us say, all workers for a particular manufacturing facility, for example, Holden's. Holden's certainly would not have prohibited weapons on its property, I would have thought—some of these devices are irrelevant. However, I would have thought it does not hurt to have the commissioner having a capacity to provide an exemption by class.

The government managed to give us a bill which did not foresee that police officers might need to be exempted from (10) and (11) by class, and I am not confident that they have foreseen all circumstances in relation to the other duties under this clause. If I am wrong and there is no need to exempt anybody by class then, fortunately, the commissioner will have better things to do with his or her time. In the meantime, I see no harm in providing the commissioner with this capacity, and I urge the council to support what is now my amendment.

The Hon. M. PARNELL: Having listened to the debate, the Greens are persuaded by the arguments of the shadow attorney-general. There may indeed be classes of persons that we have not thought of that might require exemption. If the minister is right, and we have thought of everyone, this section will have no work to do, but if the shadow attorney-general is right, and there is a group out there that could unreasonably be caught up in a criminal law that should not really apply to them, this at least gives the commissioner the ability to exempt them by notice in the *Gazette*. That seems to be a preferable course of action than having to come back to the parliament to give special consideration to a class of persons that we just have not thought of at the moment.

The Hon. G.E. GAGO: As I have already put on the record, we believe that these amendments are now unnecessary. Our view is that they will not create any harm by being present in the bill, but they are completely unnecessary and superfluous. So, we will not be supporting them, but we will not be dividing on it.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 11, lines 31 to 33 [clause 5, inserted section 21I(1)]—Delete subsection (1) and substitute:

(1) A person aggrieved by a decision of the Commissioner—

(a) to issue a weapons prohibition order under section 21G; or

(b) to vary or revoke an exemption under section 21H(14),

may appeal against the decision to the District Court.

This matter relates to clause 5, new section 21I which relates to a person's right of appeal to the District Court. Under new section 21I, a person aggrieved by a decision of the commissioner to issue a weapons prohibition order may appeal against the decision to the District Court. The opposition considers that this appeal should not be simply on the issuing of an order. A person, for example, may not object to an order in the light of exemptions granted to them under new section 21H(14) and not take their opportunity to object to their order before their appeal rights lapse.

Under the bill, if the order is then varied, there is no appeal. The opposition does not consider that that is appropriate. It may well be that they find the varied conditions intolerable, when they found the original conditions tolerable. We consider that a person should be able to appeal against both the original order and any variation to that order.

The Hon. G.E. GAGO: I rise to support this amendment. The effect of the amendment is to expand new subsection (1) so that a person can not only appeal against the decision of the commissioner to issue a weapons prohibition order but they can also appeal against a decision of the commissioner to vary or revoke an exemption given by the commissioner under new section 21H(14). That subclause empowers the commissioner to exempt a person from a specified condition of a weapons prohibition order and to vary or revoke such an exemption by notice in writing. The amendment allows this decision to be appealed against.

The Hon. D.G.E. HOOD: I wish to very briefly place on the record that Family First also supports the amendment. It is appropriate for people to have appeal rights in these circumstances. Whilst they are not required on many occasions, there are some decisions that are made which can be unfair, and for that reason appeals are important.

Amendment carried.

The Hon. S.G. WADE: I can be corrected, but I wonder if this might be a point to ask a question of the minister. This arises out of advice to the opposition from the Australian Lawyers Alliance. They highlight the fact that new section 21I(5) provides that the court is required to do things on the use of the word 'must'. The ALA's objection is that it should be 'may', with the discretion to take whatever steps the court sees fit—possibly none at all—depending on the circumstances. The power of the court should not be fettered in this way. As I understand it, the concern relates to the government's obligations to respect the separation of powers, as reflected in the K-Generation case.

The Hon. G.E. GAGO: What is the question?

The Hon. S.G. WADE: The question is: does section 21I(5) offend the K-Generation principles?

The Hon. G.E. GAGO: I will have to take that question on notice and bring back a response.

The Hon. S.G. WADE: I certainly accept that response, but can I also have an undertaking from the government that, subject to the response, the government will be willing to recommit that clause?

The Hon. G.E. GAGO: Yes. I move:

Page 12, after line 13—After section 21I insert:

21IA—Reports relating to weapons prohibition orders

The following information must be included in the annual report of the commissioner under section 75 of the Police Act 1998 (other than in the year in which this section comes into operation):

(a) the number of weapons prohibition orders issued under section 21G;

(b) the number of weapons prohibition orders revoked under section 21G;

(c) the number of appeals under section 21I and the outcome of each appeal that has been completed or finally determined;

(d) any other information requested by the minister.

Amendments Nos 1, 2 and 3 of the government's first set of amendments all deal with reporting obligations under the bill. The bill currently requires the Commissioner of Police to report annually to the minister on metal detector searches conducted under new section 72A and the use of special powers to prevent serious violence under new section 72B.

The member for Bragg moved an amendment in the other place to create further reporting obligations for the Commissioner of Police in relation to weapons prohibition orders. This amendment proposed that the further information in relation to weapons prohibition orders be included in the annual report of the commissioner, under section 75 of the Police Act 1998. The government agreed that there should be appropriate reporting but noted that the member for Bragg's amendment took a slightly different approach from that used in sections 72A and 72B, as it requires the commissioner to include the information in his annual report.

The government indicated that it would draft an amendment between houses that would create a consistent reporting regime. The amendment to section 21L of the bill is very similar to that in the other place. This amendment requires the Commissioner of Police to include the following information in his annual report: the number of weapons prohibition orders issued under section 21G; the number of weapons prohibition orders revoked under section 21G; the number of appeals under section 21I and the outcome of each appeal that has been completed or finally determined; and, finally, any other information requested by the minister.

This approach was adopted in the end so that, rather than require the commissioner to provide three separate reports to the minister on the operation of weapons prohibition orders, metal detector searches and special powers to prevent serious violence provisions, the required

information could simply be included in the commissioner's annual report. As the annual report is tabled in parliament, this ensures appropriate scrutiny of the use of these new powers. A similar amendment is proposed in sections 72A and 72B so that the reporting obligations under the bill are consistent.

The Hon. S.G. WADE: The opposition thanks the government for the work done between the houses. We certainly are quite happy with the alternative approach proposed by the government and support the amendment.

Amendment carried.

The ACTING CHAIR (Hon. J.S.L. Dawkins): We now move to amendment No. 2, Bressington 1, which is clause 5, page 12, lines 16 and 17. I call the Hon. Ann Bressington.

The Hon. A. BRESSINGTON: I withdraw the amendment.

The Hon. S.G. WADE: I move:

Page 12, lines 26 and 27 [clause 5, inserted section 21J(2)(a)]—

Delete 'who a police officer suspects on reasonable grounds is a person'

This clause relates to searching for prohibited weapons. The opposition seeks to amend section 21J(2)(a) so the police would be required to know that a person is on a weapons prohibition order before applying a higher level of search provisions to them. To have a reasonable suspicion is the normal threshold under English and Australian law for intrusions into the rights of a citizen. To highlight this point, I will quote from correspondence from the Law Society, which says, in relation to these clauses:

> In relation to the search provisions, section 21J and 72A, we express considerable concern that section 21J search powers, which are significant, may be exercised on someone who is not the subject of weapons prohibition order (refer section 21J(a)). We do not support section 21J(a) and suggest it be deleted. A search under section 21J(1) is a major trespass on the rights of a citizen. The qualifying criteria before the search is authorised should not involve guesswork. The police should be required to be satisfied that the person the subject of a search is in fact subject to a weapons prohibition order in the same way the police must be so satisfied before executing outstanding warrants. The test of suspicion on reasonable grounds is wholly inappropriate for this type of scenario where certainty can be achieved.

I put the views of the Law Society on record. We have not adopted exactly their approach, but we do share their concerns and believe that this insertion is a better balancing of the rights of people in relation to search powers and the rights of the community to be protected through their police.

The Hon. G.E. GAGO: The government will not oppose this amendment. At present, new section 21J of the bill empowers a police officer to detain a person and search them for prohibited weapons if the officer suspects on reasonable grounds that the person is a person to whom a weapons prohibition order applies. The effect of this amendment is to require police to be satisfied that a person be subject to a weapons prohibition order before they can proceed with the search.

The amendment will, in some cases, limit the exercise of the search powers by police. However, if these orders are issued by the commissioner it should be a relatively simple matter for a police officer to check the database to see if a person is in fact subject to a weapons prohibition order. If the orders were issued by a court, that would be obviously another matter entirely. It is for these reasons that the government will not oppose this amendment.

Amendment carried.

The Hon. A. BRESSINGTON: Thank you, Mr Acting Chair, and the chamber for your patience. I am not proceeding with my next amendment.

The ACTING CHAIR: Thank you. That is amendment no. 3, Bressington 1?

The Hon. A. BRESSINGTON: Yes.

The ACTING CHAIR: You are moving that?

The Hon. A. BRESSINGTON: No.

The ACTING CHAIR: So the next one we move to is amendment no. 31, Wade 2, Clause 5, page 13, lines 28 to 30.

The Hon. S.G. WADE: As I turn to that amendment, I would thank you and other members for their forbearance as we sorted out that issue. I prophesy that there will be similar

instances coming up, because when we get into section 72A it is very complex. We have a series of amendments which interrelate and we will need to work through that together. I move:

Page 13, lines 28 to 30 [clause 5, inserted section 21M(a)]—

Delete paragraph (a) and substitute:

(a) provide that this Part or specified provisions of this Part do not apply to a specified class of persons; and

The amendment has two effects. First of all, the amendment deletes the current proposed section 21M(a), which would have authorised the government to amend the act to issue regulations to limit lawful excuse. We had that discussion earlier on, how important it is to maintain lawful excuse, to give—I should stress this—law-abiding citizens some reassurance that what they are doing is a lawful excuse. This council saw the wisdom of that in relation to earlier clauses in relation to lawful excuse. We believe that this amendment is valuable because it removes the government's capacity to fiddle with a lawful excuse by way of regulation. We say if we did not want to stay silent on the scope of lawful excuse in the act, why would we let the government limit it by regulation?

Secondly, this amendment proposes to allow the government to exempt people by regulation. For example, it might be section 21D(1) and it might be in the context of young apprentice chefs, butchers, etc. All these people require knives. In that context, in support of my case, I would refer to responses that the government received in relation to the consultation on the knives discussion paper of 2009. In response to that discussion paper, the South Australia Police said:

SAPOL acknowledges there are many lawful reasons for youths to purchase and possess knives, for example in lawful employment as an apprentice chef, butcher, carpenter or any other trade or profession which uses knives as a tool of trade. SAPOL supports the inclusion of provisions to permit certain classes of persons or individuals to be exempt from this section with the person having to prove their employment prior to purchasing the knife.

Under the heading 'Cultural and Religious exemptions' it states:

SAPOL supports the concept of cultural and religious exemptions but suggests that those exemptions should have the same level of requirement and assessment attached to them as an exemption related to employment.

Under the heading 'Other exemptions' it goes on:

SAPOL supports the position that razor blades enclosed in cartridges and plastic take away style knives should be exempt. SAPOL proposes no further exemptions.

In relation to the response received from the Housing Industry Association, the Housing Industry Association said:

Whilst HIA applauds the initiative shown by the government to ensure a safe community there are a couple of comments which we would wish to make, hopefully in order to make the proposed legislation more effective. You are no doubt aware that many of our members are subcontractors and are engaged extensively in the residential construction industry. Almost inevitably, our members working as carpenters, bricklayers, painters, tilers, etc. carry Stanley knives for the purpose of their day-to-day activities.

While very few of our apprentices would be under 16 years of age there are a significant number of school-based apprentices within the construction industry. We would be pleased if you could note these circumstances and ensure that any legislation put forward protects the right of our members to carry Stanley knives in the lawful pursuit of their trade or occupation. Equally we would ask that the drafting of the legislation so far as the purchase of knives protects the right of school-based apprentices 16 years and under to be able to acquire Stanley knives.

In similar terms, the Scout Association responded to the knives discussion paper by saying:

Perhaps consideration could be given to prescribing particular organisations where it may be possible, given a membership card or ID, for a young person below the age of 16 to buy a knife, fork and spoon set. In this way, the intent of the legislation remains, but it may still be workable for youth organisations such as Scouts and Guides in South Australia. Perhaps the seller could ask for this membership identification card which could provide the authority to sell.

Honourable members would be aware that we have made changes to the legislation in earlier provisions to make the legislation more workable, so some of those aspects could be ameliorated by the changes to the legislation. Similar to our argument in relation to exemption of classes and to section 21H, I put to the committee that it is quite conceivable that there may well need to be further exemptions in relation to classes of persons—for example, scouts buying a knife, fork and spoon set, or whatever it might be.

We are not telling the government what we think the exemptions should be, but we believe that it is foolhardy for the government not to give itself the capacity to grant exemptions. We propose to expand the regulation-making power to include exemptions, as this amendment provides.

The Hon. G.E. GAGO: The government opposes this amendment. We did not support the honourable member's earlier amendment to insert a definition of lawful excuse into the bill, as we believe that this level of detail is best left to regulations. This amendment, which deletes the power to prescribe in regulations what may constitute a lawful excuse, is also opposed.

The Hon. M. PARNELL: As I understand the amendment, the status quo is that it would be up to the court to determine, having taken all the circumstances into account, what is a lawful excuse. Under the government's proposed regulation, by executive action, through regulations, a list could be provided of what is and is not a lawful excuse, thereby taking away from the judiciary the ability to weigh up all the circumstances for itself. I am reluctant to support constraining the judiciary in such a way, so I support the amendment.

The Hon. A. BRESSINGTON: I also support the amendment.

The Hon. D.G.E. HOOD: I see no real need to place these matters in the act rather in regulation, but I see no harm in doing it either. For that reason, Family First will support the amendment.

Amendment carried; clause as amended passed.

The Hon. S.G. WADE: I move:

That progress be reported.

The Hon. G.E. GAGO: Why?

The Hon. S.G. WADE: I tried to consult the minister, but I was not allowed to.

The committee divided on the motion:

AYES (6)

Dawkins, J.S.L.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Stephens, T.J.	Wade, S.G. (teller)

NOES (12)

Bressington, A.	Darley, J.A.	Franks, T.A.
Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Hood, D.G.E.	Hunter, I.K.	Parnell, M.
Vincent, K.L.	Wortley, R.P.	Zollo, C.

Majority of 6 for the noes.

Motion thus negatived.

Clause 6.

The Hon. M. PARNELL: In making a brief contribution on clause 6, I would like to echo the words of the Hon. Stephen Wade in relation to the complexity of this bill. My call will be for restraint on all sides and for some latitude to be given for consultation, because it is going to take us a while to get through it. It was unfortunate that we needed to divide on a motion to report progress in order to draw breath to properly consider where this bill is going next. I did not support it then, but I have every sympathy for the Hon. Stephen Wade, who wanted to consult the minister and to assist the committee in advancing the debate on this bill. So, my contribution to clause 6 is to say that, while the Greens did not support reporting progress then, we will be inclined to support further report progress motions if we feel that members are not being given an opportunity to deal in a responsible and professional way with a very complex piece of legislation.

Members interjecting:

The CHAIR: Order! I take offence to that because the simple thing is that there was a vote about to be taken on the voices, and the Hon. Stephen Wade walked across the floor during the

vote and was not in his place. I remind honourable members they should be in their place when a vote is taken. There is plenty of time given for consultation in between discussions when other people are on their feet or whatever; they can walk across here and talk to the minister, if they like, or talk to parliamentary counsel. I think you are totally out of line and out of order, and I do not think people should be spitting the dummy just because the Chair tells them to take their seat. The honourable minister.

The Hon. G.E. GAGO: I take this opportunity to answer a question that was put on notice by the Hon. Stephen Wade in relation to section 21I(5). I have been advised that it has been drafted in such a way that it does not offend against the ruling of the K-Generation case. I understand that 'take steps' has been ruled to mean 'steps that the court thinks fit'.

The CHAIR: I also remind honourable members that they can indicate to the Chair out of courtesy that they would like a moment to consult.

Clause passed.

Clause 7.

The Hon. S.G. WADE: I would like to reiterate remarks I made probably half an hour ago in relation to the problem we had in relation to working out amendments that were under possible moving by the Hon. Ann Bressington. I foreshadowed that later in the debate we might find ourselves even at greater risk of needing to clarify. This is that place. Section 72A has a large number of amendments. As I understand it, they are particularly in my name, the name of the Hon. Ann Bressington and the government. They are complex, they are interrelated, and we may well need to consult. I would hope that the council will facilitate that.

By way of context setting, I thought it might be appropriate to quote from a letter from the Law Society, but considering the government's eagerness to hear the opposition's views I choose to read the whole letter. This is a letter to the Hon. Ann Bressington and, with her leave, I have the permission to read the whole letter. I am disappointed that the government does not want to hear the quote in context, but nonetheless they will. It reads:

Dear Ms Bressington

Summary Offences (Weapons) Bill 2010

I refer to my letter to you of 18 November 2011—

The Hon. G.E. Gago interjecting:

The CHAIR: Order! We will get on with this bill if everybody comes to order.

The Hon. S.G. WADE: For the benefit of Hansard, I will start at the beginning:

Dear Ms Bressington

Summary Offences (Weapons) Bill 2010

I refer to my letter to you of 18 November 2011, providing comments in relation to the above Bill. The Society makes the following additional comments in relation to Sections 21J and 72A.

Section 72A

Generally, a search of a person or a person's property may only be conducted with a warrant or if there is otherwise reasonable cause to suspect that it would uncover evidence of an offence.

The proposed s72A is, in effect, a without cause provision. That is, it empowers the police to search, necessarily invasively, a person and the person's property without cause. The only limitations are that the search must take place in respect of people who are in an area to which s72A applies. The powers may otherwise be exercised arbitrarily. The places to which s72A apply include licensed premises (and an area in 'the vicinity' of licensed premises) and any public place holding an event, including community, cultural, arts and entertainment events.

There does not appear to be any proper basis to empower the police with the right to commit a trespass against the person as outlined in s72A. Whilst members of the community will, from time to time, offend by carrying or using offensive weapons that, in itself, should not justify the creation of laws permitting police to search wide groups of people without cause. We accordingly do not support the section.

We note that a metal detector search will, in most cases, detect some metal, given that people generally carry items which will trigger the detector, such as keys and coins. This will then lead to a more invasive search as s72A(6) contemplates, providing the police with powers well beyond those they are currently vested with without justification.

Under subheading 'Section 72C', the letter continues:

The problem with s72A is compounded when the implications of s72C(6) are considered. Section 72(6) creates the offences of hinder or obstruct police and refuse or fail to comply with a police direction. The maximum penalty is imprisonment. In the context of s72A, an otherwise law abiding citizen is at jeopardy of imprisonment for failing to comply with what would appear to be an unreasonable request to search.

We understand and accept random breath testing because of the ever present danger drink driving has been shown to cause. Drinking, and driving, are very prevalent in our society. The chances, therefore, that a person may drink (at least to some degree) and drive are high. Statistics will establish that this is so.

The same relevance cannot be found for carrying offensive weapons, particularly for the vast majority of the areas and times that s72A applies to and, therefore the breadth of the proposed power does not appear justified.

Perhaps I could spare the committee the remainder because it is not relevant to this part. That was the considered opinion of the Law Society, through the Hon. Ann Bressington, and I will acknowledge and take this opportunity to thank the Hon. Ann Bressington for her work in highlighting the issues in relation to this clause. It was only through her consultation with the Law Society that the opposition felt it necessary to move this set of amendments standing in my name.

The opposition respects the concerns of the Law Society and, while we do not support deleting the clauses, we think they make a number of valid points, and there is an opportunity to improve the process. This amendment winds back the search without cause nature of the provisions by requiring that the initial search of a person be by metal detector and any more of an invasive search only proceed on the basis of the outcomes of a metal detector search. I indicate that the opposition proposes that this amendment would be an appropriate test clause for amendments [Wade-5] 2 through to [Wade-5] 5. I move:

Page 14—

Line 4 [clause 7, inserted section 72A(1)]—Delete 'A police' and substitute:

Subject to this section, a police

Line 5 [clause 7, inserted section 72A(1)]—Delete 'metal detector'

After line 9 [clause 7, inserted section 72A]—After subsection (1) insert:

(1a) A search referred to in subsection (1) in relation to a person or property must be carried out as follows:

(a) the search must, in the first instance, be a metal detector search and must not proceed to a further search unless the metal detector search indicates the presence or likely presence of metal;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may—

(i) require the person to produce the item detected by the metal detector; and

(ii) if the person refuses or fails to produce such item—conduct a search of the person for the purpose of identifying the item as if it were a search of a person who is reasonably suspected of having, on or about his or her person—

(A) stolen goods; or

(B) an object, possession of which constitutes an offence; or

(C) evidence of the commission of an indictable offence.

Lines 29 and 30 [clause 7, inserted section 72A(5)]—Delete 'metal detector'

Lines 33 to 35 [clause 7, inserted section 72A(6)]—Delete subsection (6)

Page 15—

Line 2 [clause 7, inserted section 72A(7)(b)]—After 'section' insert:

at licensed premises or the vicinity of licensed premises;

After line 2 [clause 7, inserted section 72A(7)]—After paragraph (b) insert:

(ba) the number of metal detector searches carried out under this section at a public place holding an event;

After line 8 [clause 7, inserted section 72A(7)]—After paragraph (d) insert:

(da) the following details about each declaration made under subsection (3):

(i) the name and date of the event;

(ii) the location of the public place;

After line 12 [clause 7, inserted section 72A]—After subsection (8) insert:

(8a) This section will expire 3 years after it comes into operation.

Line 36 [clause 7, inserted section 72B(1)]—Delete 'A police' and substitute:

Subject to this section, a police

Page 16, after line 1 [clause 7, inserted section 72B]—After subsection (1) insert:

(1a) A search referred to in subsection (1) in relation to a person or property must be carried out as follows:

(a) the search must, in the first instance, be a metal detector search and must not proceed to a further search unless the metal detector search indicates the presence or likely presence of metal;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may—

(i) require the person to produce the item detected by the metal detector; and

(ii) if the person refuses or fails to produce such item—conduct a search of the person for the purpose of identifying the item as if it were a search of a person who is reasonably suspected of having, on or about his or her person—

(A) stolen goods; or

(B) an object, possession of which constitutes an offence; or

(C) evidence of the commission of an indictable offence.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The carriage of weapons in the community is obviously of great concern to the government, particularly in places where alcohol is consumed as the combination of alcohol-fuelled violence and the carriage of a weapon can lead to serious injuries and even death. The enhanced police powers of search, in new section 72A in relation to licensed premises and gazetted public events, are a preventive measure. They allow police to search with metal detectors any person who is in or is apparently attempting to enter or leave one of those places and any property in the possession of such a person.

If a metal detector search indicates the presence or likely presence of any metal, a police officer may proceed to conduct a search in accordance with the procedures prescribed by regulation. Draft search procedures were set out in the draft regulations that were circulated to the opposition and other members. This amendment is related to further amendments proposed by the Hon. Mr Wade.

Amendment No. 3 in particular inserts a new subsection (1)(a) into section 72(A) of the bill. The purpose of this new subsection provides that a search carried out under section 72(A) must, in the first instance, be a metal detector search and must not proceed to a further search unless there is a positive indication for metal. If there is a positive indication for metal, the officer may require the person to produce the item detected. If the person refuses or fails to produce the item, the officer can then proceed to a further search.

It seems that, once again, the government and the opposition differ on what should be in the act and what should be in the regulations. The honourable members seem to want to put almost everything related to weapons from the daft regulations provided by the government into this act.

The honourable member's arguments for moving the exemptions for prohibited weapons from the regulations to the act were that parliament should maintain adequate oversight in the development of this law and that putting this detail into the act would improve the clarity and accessibility of the law. The government disagrees with this. Regulations offer legislative flexibility, so that the government does not have to go back to parliament every time some minor change occurs in the criminal justice process.

I would also like to point out that, just because the government can amend regulations by executive action, it does not mean that there is no parliamentary oversight. We know obviously that

that is the case. Regulations must be laid before each house of parliament within six sitting days of being made. If the parliament thinks that regulations are not appropriate it can disallow, and we have had plenty of examples in this place before.

It is noted that the honourable member's third amendment reflects the wording used in the government's draft regulations, the operative word being 'draft'. The regulations provided to the opposition are in good faith and were a preliminary draft only, provided for the benefit of the opposition so that it could see that the exemptions for prohibited weapons from the act would be appropriately covered by regulation. The wording of the provisions in the draft regulations is something that is still being worked on by the government. There are some issues that still obviously need to be ironed out.

The search procedure provision is one of the provisions that require further clarification, as questions have been raised about how this provision would work in practice for police and whether the subject of the search will be protected from any unduly intrusive second or third search after the metal has been discovered and handed over.

If honourable members were to agree to these amendments, it would put into the act a provision which, from the government's perspective, is still in draft form and which requires further clarification in consultation with SAPOL and, obviously, across government as well. This is precisely why this issue should be left to regulations. It is for those reasons the government opposes this amendment.

The Hon. S.G. WADE: I acknowledge that the regulations were provided by the government in good faith, and I appreciate that; however, I would challenge minister's assertion that this matter is not an appropriate matter to go into the act. If you do not have this provision in the act, what you are saying is that this parliament considers it appropriate that an officer does a metal detector search, and without taking, if you like, incremental steps can respond to a metal detector search by going to an invasive approach.

It may well be that these words could be improved; but I think today we have the opportunity to really vote on the in-principle point of whether we as a parliament want to respond to the concerns of Law Society and, if I may say so, the Hon. Ann Bressington, and make sure that we are being appropriate and are not going over the top in giving these incremental search powers.

In relation to the minister's initial remarks, for example, the opposition has crossed the Rubicon in the sense of supporting enhanced search powers in the context of sections 72A and 72B. We are accepting that, in the context envisaged by those two sections, it is appropriate for police to have enhanced powers. In that context, are we happy for those processes to be left to regulation? On the whole, yes; but, on that fundamental point about, if you like, the staged nature of a search, we believe it is appropriate to have this in the legislation.

I appreciate the minister's comments about the fact that the operative words were part of a draft. But can I again, for the second time today, prophesy to the committee that I expect that not all the amendments we have put into this bill will be acceptable to the House of Assembly. If that is the case, and I hope you will not stone me if I am wrong, this bill will be back again and perhaps the government would have had the opportunity to have further consideration. However, I think that today is the opportunity to say that we do expect more clarity in terms of search process. They may not be perfect words, but I think that, if we do not support these amendments today, we will have a situation where the government will say, 'Great; we'll leave it to the regulations.'

I find the minister's remarks chilling because, by implication, they are saying that the government could foresee the possibility that it may want to allow a very expeditious process from metal detector to invasive search. We as an opposition do not accept that. We are not willing to rely on the diligence of the Legislative Review Committee, with all due respect to myself and other members of that committee. We believe this is an appropriate quality standard that should apply in the act.

The Hon. M. PARNELL: The Greens generally support the position that was outlined by the Law Society and the Hon. Stephen Wade that these powers are of a magnitude of importance that we need to spell them out in the act rather than in the regulations. I note the honourable member has a further amendment, which, in fact, mirrors the words in the draft regulations which were provided by the government. However, I also agree with the minister that the draft regulations are just that.

There is one glaring hole in here already, which I have only just noticed, and that is the case of the husband of a person with a large piece of metal embedded in her leg, held together with nine titanium screws; her ability to produce the item detected by the metal detector or otherwise be the subject of a very intrusive search is just appalling—and I can tell you that it is happening at airports very regularly.

Whether that means that I need to move an amendment to the Hon. Stephen Wade's amendment, when we get to his amendment No. 3, that would be one way around it. The dilemma for the Greens at present is that we support putting these important powers in a higher level document than regulations, but we also see that the regulations are, in fact, draft and have not been completed. I think what that means is that we can support this amendment now, but we might need to have a good look at the honourable member's amendment No. 3 when we get to that this afternoon.

The Hon. A. BRESSINGTON: One of the more insidious features of the Summary Offences (Weapons) Amendment Bill is the suspension of the requirement for police to have reasonable suspicion before conducting a metal detector search and then, given the fact that we all carry car keys, have coins in our pocket or have a metal belt buckle, a more thorough frisking, where we will have to turn out our pockets and hand any property in our position over to the police for a more thorough inspection.

This power is limited to certain situations: first, under section 72A, to licensed premises or public places holding a declared event; or, secondly, under section 72B, to areas declared by a police officer of or above the rank of superintendent, who reasonably believes that an incident involving serious violence may take place.

The freedom from arbitrary search has long been a fundamental element of our liberty, along with the freedom from arbitrary arrest, detention and punishment, and the freedom from arbitrary interference in our privacy and lawful belongings—that is, arbitrary search—has, for centuries, been considered sacrosanct. This, however, is clearly no longer the case. In my office, I have a brilliant cartoon by the Australian cartoonist Eric Loebbeck, in which a stereotypical-looking male police officer has a Statue of Liberty pressed against the wall. While the image may have more relevance to an American audience, its message is nonetheless clear.

The liberties we have come to expect are being eroded. Law abiding citizens who do nothing to give rise to a reasonable suspicion should have a right to go about their lives without interference by the police. However, this is no longer the case. In my years here I have witnessed our rights under law being eroded with each incremental step. It is clear that this government is by no means done yet, and this should worry us all.

The freedom from arbitrary search also prevents profiling, especially racial profiling, which I know has been an issue in the United Kingdom and elsewhere where they have done what is being proposed here. This makes sense. Police will hardly frisk a little old lady over a middle-aged male, or a middle-aged male over a 20-year-old, or a 20-year-old over 20-year-old with tattoos and wearing a hoodie, or a 20-year-old with tattoos and wearing a hoodie over a 20-year-old Sudanese male. Let us not forget that that is how this particular bill came into being in the first place. Whether they are targeted because of their race, religion, gender, age, choice of clothes or lifestyle, I have no doubt that it will be minorities—

The CHAIRMAN: Order! How much longer?

The Hon. A. BRESSINGTON: Not long.

The CHAIR: Well, it is just in the lunch break. I thought that you can finish after lunch if you are going to be much longer.

The Hon. A. BRESSINGTON: Well, I will seek leave to conclude.

Leave granted.

Progress reported; committee to sit again.

[Sitting suspended from 13:07 to 14:20]

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—
Gaming Machines Codes of Practice (Responsible Gambling Agreements) Variation Notice 2011
Gaming Machines—Responsible Gambling Agreements—Prescription Notice 2011

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:18): I bring up the 25th report of the committee.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Leader of the Government, the minister representing the Treasurer and the minister representing the Minister for Health a question about the new Royal Adelaide Hospital.

Leave granted.

The Hon. D.W. RIDGWAY: On 7 April this year, in a conference room in the Terrace Towers building, there was a crucial meeting of the South Australian Development Assessment Commission. The minutes of that meeting are available on the Development Assessment Commission's website. They show that the commission met to consider the government's—or at least the joint venture's—development application for the new Royal Adelaide Hospital. The Parliament of South Australia will be interested to know that the Development Assessment Commission has not approved this new hospital. Without development approval, not one brick can be laid, not one foundation dug, not one pile driven into the ground.

The government has signed a contract for a hospital which does not have Development Assessment Commission approval. As it turns out, the commission wants major changes to the hospital proposal; some of these could cost millions of dollars. It wants a reconsideration and revaluation of the hospital's Green Star rating. This brand-new building, this showcase for the future in Mike Rann's supposed green energy state, has an energy efficiency rating of just four stars. That is not good enough for the commission, and it wants the government and the hospital to achieve five stars. That is despite the health minister's false claim that hospitals do not have star ratings.

The commission also wants landscaped areas on the roof for energy efficiency and to reduce visual pollution. It wants stormwater and waste contained on site. It wants air quality monitoring before construction starts and strict limits on carbon monoxide emissions. It wants a significant increase in rainwater capture; in other words, it wants bigger rainwater tanks. It is worried about the ring road that will run through the grounds, which the commission says will impact upon pedestrian safety. Also, quite reasonably, it wants details of pushbike storage for our cycling community.

The commission's meeting on the hospital finished like this, 'The applicant,' it said, 'will require fresh consent before commencing or continuing the development if it is unable to satisfy these requirements.' My questions are:

1. Why sign a $3 billion contract without Development Assessment Commission approval?

2. Clearly, the Macquarie Bank document makes it clear that any variations initiated by the government will be at taxpayers' expense. What is the still secret additional cost of meeting these other additional requirements?

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) (14:22): I thank the honourable member for his important questions and will refer those to the relevant ministers in another place and bring back a response. However, it would be remiss of me if I did not make just a couple of very brief comments in relation to this very important initiative. The new Royal Adelaide Hospital will be the most advanced hospital in the state, and will lead the nation and the world in efficient health care

for many decades to come. This is a hospital that has been built to meet the future needs of South Australia. The new Royal Adelaide Hospital will be a purpose-built hospital—

The Hon. D.W. Ridgway: So the other one wasn't purpose built?

The Hon. G.E. GAGO: Purpose built for a new century. The opposition wants to look behind them, at an old building riddled with asbestos that is out of date and is no longer efficiently meeting our clinical needs. It is an out-of-date and outmoded building construction. We are building a hospital to meet our future needs. It will provide more efficient and effective measures for running the hospital, it will be better for patient care, and there will be improved mechanisms for infection control. It will be a bigger hospital with more beds, more operating theatres, and more ED capacity. It will also be easily adaptable for future growth and change.

We know that it will be more efficient to operate and it will use less energy and water, and I have been advised that there will be a 40 per cent reduction in CO_2 emissions. There will be the use of smart technology, and I draw members' attention to some of the very special features that have been planned for this new facility: there will be automatic guided vehicles and mobile communication devices such as smartphones, iPads and wireless throughout; and there will be inpatient beds that actually weigh patients. Currently, most patients have to be taken out of their beds to be weighed, which can be extremely uncomfortable for them. It will also do simple things like maximise natural light and air.

We know that the Royal Adelaide Hospital healthcare system current demand is under a lot of pressure. We know that there have been 35 per cent more ED presentations in the last seven years and also 35 per cent more in separations. So, we have built this important state-of-the-art facility, which will be adaptable—

The Hon. J.S.L. Dawkins: No, you haven't. You haven't built it.

The Hon. G.E. GAGO: We plan to build it for the future. It will contain a flexible modular design. It will be built to modern standards, and I understand that it will also be able to withstand an earthquake. It will have the capacity for future growth and it will be adaptable as medical technology and other patient care demands advance.

This will be South Australia's biggest hospital also for country patients. It will be the state's biggest hospital for country patients, as the Hon. Paul Holloway mentioned in an earlier contribution. On any given day, 500 country inpatients in metropolitan hospitals receive treatment, and 22 per cent of overnight patient stays at the Royal Adelaide Hospital are country residents.

We know that this facility is strongly and highly used by country people. So, it is not just a hospital for the metropolitan area and surrounds, it is also a hospital for our country areas. This government has made a major contribution and investment to the healthcare needs of South Australians, something we should all be very proud of, and most of us are, except for a few nay-sayers across the chamber from me.

In terms of health investment, I think it is important to point out that this government has provided more funds for health: $46 billion in 2010-11, and that is up 114 per cent since we took over government, a 114 per cent increase in funding from 2001-01. There are more nurses and midwives, an issue that is very dear to my heart, a 39 per cent increase in nurses and midwives since 2002, so I am advised. There are 49 per cent more doctors since 2002 and 54 per cent more allied health and scientific professionals since 2002.

So, as you can see, this government has made a particularly strong commitment to the healthcare needs of South Australians, and it will continue to do that by putting before South Australians a plan to build this new facility with comprehensive healthcare services to meet the future needs of South Australians.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): If it is such a comprehensive and impressive new facility, why are you accepting a four-star Green Star energy rating for a hospital that is built for the future?

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) (14:29): As I said, I am more than happy to refer the details to the relevant minister in another place. What I can say is that this government has given a commitment not only to provide top healthcare needs to South Australians, but to do

that in a way that is efficient in terms of its energy use and its CO_2 emissions. We continue with that commitment. We have been the first in many energy efficiency measures. We have led the way in this state in terms of solar, wind power, and we continue to do so.

ROYAL ADELAIDE HOSPITAL

The Hon. T.A. FRANKS (14:30): A supplementary question: of the rural and regional patients, how many will be able to have their extended family stay with them, particularly in the case of Aboriginal families, given that currently they stay in the nurses' accommodation?

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) (14:30): I am happy to refer that question to the Minister for Health in another place and bring back a response. I do not have the details, but I do understand there will be facilities. These considerations have been consulted on, and I understand that considerations have been put in place. I do not have those details but I can assure the honourable member that facilities will be provided.

ROYAL ADELAIDE HOSPITAL

The Hon. D.G.E. HOOD (14:31): A supplementary question: can the minister confirm whether or not it is true that the government is spending $13 million on art for the new hospital?

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 am happy to refer that to the minister. As I said, I do not have those details but, indeed, I am a strong proponent of art, particularly community art. I think it is most important that, with as many of our public developments as possible, as well as those in the private sector which should also be encouraged, we look for opportunities to promote particularly our South Australian artists. We have many top artists here in this state. We know that they often struggle. It is an area where artists do struggle. Given the size of this state, there are not the economies of scale that are an opportunity provided in some other states. So, it is even more important that we use public developments, and also we should be encouraging the private sector in their developments, to offer opportunities to artists, particularly South Australian artists whenever we can.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): A supplementary question: while we are on the subject of art, can the minister bring back some details to this council (I am sure she will not have it) on whether there will be a six metre high water feature internally built within the hospital?

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) (14:32): I said I do not have those details.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Will the minister bring back a response, instead of saying, 'I don't have the detail'? I know she doesn't; she never has any detail.

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) (14:33): I find it incredible. I am more than happy to take these questions on notice and bring back a response, more than happy. As with all aspects of this development, we have been completely transparent in everything that we have done, and I am happy to provide those responses as well.

I find it absolutely incredible that here we have announced a state-of-the-art facility, something that this state really needs. We have an old Royal Adelaide Hospital, that I have to say stood us in good stead—it is a marvellous institution. However, it is outdated and outmoded, and it is time; this government went to the last election with this and has been given a mandate to build this new facility. You would think that in light of that, you would hear the opposition making some public statement about how pleased they are to see such a facility being built here in this state that is going to offer such important services to South Australians. Do you think we would hear that?

No. All we hear is criticism after criticism after criticism. They are nay-sayers. It does not matter what we say and do. All they do is knock, knock, knock; that is all they do. It is just tragic.

As I have raised in this place before, we have even had the esteemed journalist from *The Advertiser* Greg Kelton say what a pack of knockers they are. Greg Kelton went on to say that South Australians are increasingly being seen as a mob of whingers. It is not a perception that sits well, but he says there is no way we can get away from it: we are a mob of whingers. He goes on to state:

> Then there was Victoria Park where the government had a perfectly responsible plan to enable both motor sport and horse racing as well as the public to enjoy the East Parklands.

But, no—what we saw was a pack of public whingers knock that. Then we go to the Adelaide Oval and we saw that being publicly knocked. Then we see the Adelaide Oval redevelopment where the government is prepared to put $535 million on the table to enable AFL to be played in the city—and what do we get? Again, Greg Kelton went on to say that all we saw was a mob of whingers out there in force, either complaining that it is going to spoil the ambience of the Adelaide Oval or their view of the hills. Greg Kelton also asked:

> What other state would be offered a brand spanking new hospital and still have people complain about it, saying that they would rather have—

and these are his words—

> an old, rabbit warren hospital, rebuilt on site?

We know that that is exactly what the opposition is supporting. As Greg Kelton said, 'an old rabbit warren hospital rebuilt on site'. We even have Greg Kelton coming out and saying what a pack of whingers the opposition is in relation to the Royal Adelaide Hospital. All I can say is that, instead of hearing what the opposition could say about the important services this could offer to South Australians, all we see is their absolutely nit-picking preoccupation with a water feature. I am happy to bring that back.

The Hon. J.S.L. Dawkins: We have got a five-minute answer to a supplementary question.

The Hon. G.E. GAGO: You keep asking the supplementaries. You are dumb enough to keep asking the supplementaries. I can keep going. I am happy to keep espousing the virtues of the Royal Adelaide Hospital.

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

ROYAL ADELAIDE HOSPITAL

The Hon. T.A. FRANKS (14:37): Can the minister confirm whether the artwork will be subject to an open tender process, and will the Keith Hospital community be able to apply for that tender?

The PRESIDENT: It is really a totally separate question. The honourable minister.

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) (14:38): As usual, the Greens are coming to grips with the nub of the issues. They are able to really highlight the central issues involved. I am more than happy to bring back the details of the question that the honourable member has asked. I will bring them back with all the other details. I am happy to bring them back to this place once I have an answer.

CONSUMER AFFAIRS QUESTIONS

The Hon. J.M.A. LENSINK (14:38): I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about consumer affairs constituents.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday, in response to my question without notice, the minister suggested that I was not being genuine in trying to assist a constituent by bringing the issue into the chamber rather than through formal consultation with her office, and she also suggested in her reply that as it was an operational matter she should not be expected to have an answer ready.

Honourable members may not be aware that I have written a number of letters on behalf of constituents in the past, and they have expressed dismay to me at the excessive turnaround, particularly when they are being disadvantaged, as the constituent was yesterday who cannot use his building licence until he fulfils the unreasonable requirements of OCBA. My questions for the minster are:

1. What is her advice to facilitate the fastest responses on behalf of my constituents: should I write letters to her or should I raise issues in parliament?

2. Was her inability to answer my question yesterday about the issue being an operational one or not having a typed briefing paper that she could quote from verbatim?

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) (14:40): What a churlish, childish, sensitive person the Hon. Michelle Lensink is, Mr President! I can't believe that she wants to waste the time of this chamber on such a churlish question, something that she is obviously incredibly sensitive about.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The Hon. Michelle Lensink asked in this place yesterday a specific question about an individual and their building licence. It might surprise the opposition—I find it incredible that it would surprise them, but I guess I am beyond being surprised these days in terms of the lacklustre performance of the opposition—nevertheless, this is the reality: ministers do not go around holding in their heads the individual cases of individual members in relation to building licence applications.

It might shock some members in this place that I do not hold the details of an individual's application for a building application. I do not carry that around in my head and, God forbid, nor can I remember whether or not that person corresponded with me. I know that is a shock to everyone here, but I cannot remember whether or not that particular individual corresponded with me. That is simply because of the amount of correspondence I receive. In particular, if it is of an operational nature, I expect the agency to deal with it. It goes through a process, where it goes through to the agency to be dealt with, and it is expected that they deal with it expeditiously.

If that is not the case—and I put this on the record in this place yesterday—members may find a problem, or there is a loophole. We do our best, but sometimes it is not always good enough, and I accept that. Those cases do arise, as they have from time to time in the past, but, I have to say, not on too many occasions. When it comes to consumer affairs, they are pretty efficient generally; they are hardworking and do a very good job generally. However, when there are such instances, I have invited members in this place to contact me or my officers, and I seek to assist to overcome any problem that is identified as expeditiously as I possibly can.

The honourable member was so sensitive that I called her on that yesterday. I asked a question of her—that is, how genuine was she, given the response of my officers in the past to these inquiries. I called her on it yesterday, and she is so precious and churlish about it that she had to come back and have another go today and waste even more of our time. I gave her a response yesterday. I said I would follow up those details as quickly as I possibly could and deal with the matter as quickly as I possibly could. I gave that commitment yesterday and, yes, it is 24 hours later, and I have passed the information on.

I know that my officers are very busy beavering away, dealing with that issue as best they can, as fast as they can. I am not too sure what else I can do here today. I am not too sure how much more of this chamber's time we need to waste in relation to the questions that the Hon. Michelle Lensink has asked.

DOMESTIC VIOLENCE

The Hon. S.G. WADE (14:45): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to domestic violence restraining orders.

Leave granted.

The Hon. S.G. WADE: On 2 December 2009, this parliament passed the Intervention Orders (Prevention of Abuse) Bill 2009, and it was assented to on 11 December 2009. In announcing the reforms, the Attorney-General's Department website stated:

> By this act, the government fulfils its commitment to review the rape, sexual assault and domestic violence laws announced in November 2005.

Those reforms were a long time coming. The government was particularly late in bringing in the reforms recommended in the discussion paper by barrister Maurine Pyke QC. South Australia was one of the last jurisdictions in Australia to introduce such reforms.

A statement issued by the Attorney-General's Department in December 2009 stated that the legislation will 'come into operation in 2010, when agencies responsible for enforcing the legislation have completed their staff training and set in place their new responsibilities'. I draw members' attention to the fact that that was a commitment to have it operational by the end of 2010, five months ago. Yet, almost two years after the laws were enacted, they have not been proclaimed. When speaking on the bill on 28 October 2009, minister Gago said in her second reading speech:

> In enacting these reforms, parliament will be sending a clear message that it will not tolerate the use of violence to control or intimidate another person.

If in enacting the reforms this parliament is sending a clear message that it will not tolerate the use of violence to control or intimidate another person, it is highly questionable what message the government is sending by failing to enact it. My questions are:

1. When will the provisions in the Intervention Orders (Prevention of Abuse) Bill 2009, passed by the parliament in 2009, be implemented?

2. Why has there been such a long delay in implementing such important legislation?

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) (14:47): Indeed, I share the honourable member's frustration in the length of time it has taken to enact these most important reforms. As we know, the changes to the domestic violence legislation address a number of different reforms, which will ensure that a number of very important changes are put in place. It was initially planned that they should be in place, I think, by the end of last year. I understand that the latest report from the Attorney-General's Department is that it will be towards the end of this calendar year.

As I said, I share members' frustration in the length of time it takes. However, I have received some progress reports on this matter from time to time, so I am aware that there have been a number of elements to its implementation that have taken a considerable amount of time and more time than initially expected. There have been many, but some of them include, for instance, the training, education and implementation of the policies and procedures for police. There are significant changes in police practices, and all police systems will need to be updated in respect of that.

The other area, of course, is the courts. Again, there is information and education that needs to occur to assist our judiciary, in light of these fairly significant changes to our legislation. I understand that those things are progressing, and progressing extremely well, but they have taken longer than expected. Nevertheless, this government has done more for domestic violence reform, I believe, than any other former government, certainly for a number of decades at least. We put in place reforms to our rape and sexual assault legislation, which was put in place last year or the year before last, and that put very important protections in place for victims and also ensured that perpetrators are held more accountable.

We established the Don't Cross the Line information and education campaign that went out to help inform people about the changes to rape and sexual assault reforms, and also DV reforms, and to help promote respectful relationships, particularly amongst young people. Again, there was a website that provided a range of information and also referral services to both victims and perpetrators. There was a number of other promotional campaigns in relation to various materials that were distributed to draw to people's attention where they could go for information.

There was also a community grants program that we funded, and those community grants were about trying to target information to those particular groups in our community that might not have the same sort of access to mainstream media, and there were a number of multicultural groups, Aboriginal groups and people with disabilities as well. So, particular grant proposals were

made to help highlight information and public awareness to those particular groups. They are just some of the initiatives.

This government certainly stands on its track record for its commitment to domestic violence reform. We have a well established and proven track record, and we will continue to roll out these important changes in terms of the enactment of legislation that is due towards the end of this year.

SERVICE SA

The Hon. I.K. HUNTER (14:52): I seek leave to make a brief explanation before directing a question to the Minister for Government Enterprises about recent initiatives by Service SA.

Leave granted.

The Hon. I.K. HUNTER: We all know that Service SA offers choice and flexibility to its customers and provides access to government-related services, information and products, as well as financial transactions through an integrated network of phone, face-to-face and online delivery service channels.

The Hon. D.W. Ridgway: Didn't you ask this last week?

The Hon. I.K. HUNTER: Not yet, no. If I can use the Hon. Mr Wade to segue to my question, we all know that the Hon. Mr Wade has taken great delight in his new iPhone or new tablet PC, which he has had for about a week or so, and he already has more apps on it than I think the Hon. Tammy Franks has loaded up—

The Hon. T.A. Franks: Yes, but it's not an iPhone, it's an iPad.

The Hon. I.K. HUNTER: —iPad, tablet PC, same sort of thing—than the Hon. Tammy Franks has seen in a year. My questions are:

1. What new initiatives has Service SA developed in response to the increased use of information and technology by Service SA consumers?

2. Will they develop an app that will satisfy the Hon. Mr Wade?

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) (14:53): I thank the honourable member for his most important question. The Rann Labor state government has always sought out forward thinking and more convenient ways to interact with the community, and today I am really pleased to advise the chamber of yet another exciting initiative.

One of Service SA's main objectives is to focus on making it easier for citizens and businesses to access services and transact with government. It is quickly becoming renowned for its innovative and cost effective developments in the field of customer service, both nationally and internationally. Today I advise the chamber that Service SA has developed another way in which people are able to register their car, motorbike or any other like vehicle and to make this job even easier.

Service SA's EzyReg smartphone app makes the state government a national leader in making registration easier and also faster. In these hectic times, we all desire a simplified lifestyle where we can enjoy doing more of the things that mean most to us, such as spending quality time with family and friends. I have been advised that recent statistical data gathered from the EzyReg website indicates that iPhones currently represent 66 per cent of all mobile phone payments.

Some of the other benefits of the iPhone include being able to connect to your home network or landline, listening to your favourite music, browsing the internet and checking the weather. More benefits of the iPhone include being able to use it as a camera so, instead of having to carry around a digital camera, it is there in the phone.

This new iPhone app will make it simple for South Australians to register their light vehicles anywhere, any time. I am advised that Service SA has worked closely with an external vendor to produce an exciting new application that has increased functionality and is specific to iPhones. It will work in well with the EzyReg functionality that currently exists on mobile devices, also known as smartphones.

From this month the iPhone 3 and 4 will have two options to enter a barcode to enable payment. Firstly the camera on the phone will be able to read and detect the code, or alternatively,

for those people who are not so tech savvy, the payment number can be entered manually. In addition to this, there are several other functions that users can access, which include payment reminders. They are also able to check on their previous payments.

Also, customers who use this new iPhone application can inquire on the current registration status of their vehicle. This will make paying bills easier and less time-consuming for customers. I would also like to assure the members in relation to safety and security issues in the development of the app that security steps are being taken, and I certainly advise that no personal information will be shared with anyone. This app further complements recent reforms to light vehicle registrations. Android users should not feel left out, as the app will be developed shortly for them also, and it is another great initiative for Services SA, which has proved to be an active leader in promoting online services to South Australians.

SERVICE SA

The Hon. J.S.L. DAWKINS (14:57): I have a supplementary question arising from the answer. Is the minister aware that some Service SA outlets are finding it more efficient to deploy an officer to direct customers to the relevant terminal rather than rely on the ticketing technology that has previously been used?

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) (14:57): Indeed, the triage system that is in place in some Service SA call centres is an additional element to the successful customer service facilitation that is being offered. Most service centres now have a ticket numbering system and they have a multi-line system so that very simple transactions can be very quickly processed. More complicated ones are put into another line where a greater complexity of issues can be dealt with.

In those particularly busy outlets an additional service is added and in fact, I received correspondence just the other day commending Service SA for this triage system. In some places what happens is that an officer comes out to the front of the service centre and assists people with the ticketing system if they are not sure about where to go and what to do. More importantly, they seek to find out what the person's inquiry is about and ensure that if it requires filling in a form they know where to go to get the form so that they can fill in the form while they are sitting and waiting.

If they are required to have present any particular ID or other material the officer lets them know what they need to have available and ensures that the person has all those things ready—it might be a copy of their licence or their birth certificate or whatever—and that they have all the appropriate documents all ready to go so that when it is their turn to be provided with a service it is much simpler and more efficient and more effective. That triage system is just one more aspect of the efficient and effective customer service approach that Service SA takes. It puts a great deal of time, thought and consideration into streamlining processes to ensure that people are fast-tracked with their inquiries.

SERVICE SA

The Hon. T.A. FRANKS (15:00): I have a supplementary question. Can the minister tell the council how many downloads have been made of the EzyReg mobile application, and how many payments for car registration have been made through that application?

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) (15:00): That information is not available at present. The application was officially announced only today. It was set up a couple of days in advance of that, but at present no data is available.

FACEBOOK

The Hon. D.G.E. HOOD (15:00): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question regarding the Facebook internet site.

Leave granted.

The Hon. D.G.E. HOOD: I was recently contacted by a constituent (a South Australian resident) who was very concerned about her daughter's activities on Facebook. I am advised by the constituent that her 17-year-old daughter recently posted a number of inappropriate photographs of herself on her Facebook page. Apparently, they are a series of photographs that were uploaded by the daughter which could be misconstrued by people looking at the site.

The mother is a very conscientious parent who began inquiring about her daughter's online activities after watching an American program that suggested parents should take an active role in their children's use of the internet. The program also noted that parents in that county could have their children's Facebook accounts shut down or inappropriate material posted by their children removed by contacting the website. When this parent contacted Facebook in Australia, in accordance with that suggestion, asking for the inappropriate pictures to be removed, she received the following response:

> For security and privacy reasons, we will not be able to correspond with you about the account. Facebook is forbidden by federal and many state laws to take any action on or release any information regarding a user's account to anyone who is not the account holder. All users ages 13 and older are considered authorised account holders and are included in the scope of this policy.

The SAPOL website encourages parents to:

> Set up the computer in a public area of the home, not in a bedroom. Always supervise and monitor internet use within your family.

However, the worrying reply from Facebook seems to imply that parents have no control over items posted on Facebook by their children aged 13 years or older. My questions are:

1. Does the Attorney-General agree that parents should keep close track of their children's activities online, and should they be able to remove inappropriate content from sites such as Facebook for their underage children?

2. What, if any, South Australian privacy act, or any other act, actually reduces the ability of parents to properly be able to remove inappropriate content from sites that their children may put online?

3. What are the Attorney-General's plans to deal with this matter?

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 his important questions. Indeed, these are very challenging issues for parents, particularly parents of young children or young adults. It is a growing problem in terms of ensuring the safety of our children and young adults, and I will be pleased to refer those questions to the Attorney-General in another place and bring back a response.

LIVE ODDS BETTING

The Hon. CARMEL ZOLLO (15:03): I seek leave to make a brief explanation before asking the Minister for Gambling a question about live odds betting.

Leave granted.

The Hon. CARMEL ZOLLO: There has been ongoing concern from sectors of the community that promotion, including commentary by sporting role models, is becoming the norm during live sports coverage. There is also concern that the development of live odds betting can significantly influence vulnerable and young people and normalise gambling behaviour. I understand that this matter was discussed at the recent Select Council on Gambling Reform. My question to the minister is: can she update the chamber about what action is being taken to reduce and control the promotion of live odds betting during sports coverage?

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) (15:04): I thank the honourable member for her important question. Indeed, state governments have been concerned for some time about the prevalence of advertising of gambling services on TV, particularly in relation to the promotion of live odds during sporting telecasts of popular events, such as AFL, NRL and international cricket matches.

This important issue received national attention at the second COAG Select Council on Gambling Reform in February of this year, where it was agreed that the commonwealth would work with states and territories to prepare a joint paper discussing possible approaches in relation to gambling advertising during sports broadcasts.

I understand that anecdotal evidence has indicated that there has been an increase in gambling advertisements during sports coverage on TV and also a growing encouragement of

gambling by sports organisations and broadcasters within the telecast, including quoting of live odds.

Furthermore, late last year, the Royal Australian and New Zealand College of Psychiatrists expressed concerns about the introduction of gambling advertising on sports programs, particularly during the day when children might be watching, and how the use of commentators and sporting role models to promote gambling and discuss betting odds can, in effect, normalise gambling and influence vulnerable people and children.

I understand that the college raised these concerns in the context of the then international cricket coverage. For the council's information, at present, gambling advertising on free-to-air is regulated under the Commercial Television Industry Code of Practice 2010. Under the code, gambling advertisements are permitted to be aired during any news or sporting programs at any time outside the G classification periods Monday to Friday or before 6am, between 8.30am and 4pm and after 7.30pm on weekends.

The code does not explicitly define a sporting program, but is broad in scope and includes sport-related programs, such as the Nine Network's Footy Show. Under the code, gambling advertisements can be shown at any time on digital multichannels, such as One HD, as they do not have G classification periods, except on weekends between 6am and 8.30am and 4pm and 7.30pm.

I am pleased to advise the chamber that at the most recent select council meeting members agreed to take action to reduce and control the promotion of live odds during sports coverage. The select council also agreed that consultation will occur with the industry in relation to the scope of measures designed to reduce and control the promotion of live odds during sports coverage.

In the first instance, industry will be provided with the opportunity to address this issue through amendments to their existing industry codes. However, if satisfactory amendments are not in place by the end of June 2012, the Australian government has indicated that it will consider the need for legislation.

By way of background: since March 2009, all lawful wagering operators, local and interstate, offering services into South Australia are required to comply with South Australia's responsible gambling measures, including the Responsible Gambling Codes of Conduct and Advertising Codes of Practice.

Nevertheless, while it is possible for each state and territory to indirectly influence live betting commentary through regulation of betting operators, it is obviously far more efficient and consistent for the commonwealth to regulate media providers. That is why I am pleased that the select council is agreed on this direct approach for the commonwealth government to regulate the media providers in relation to live odds betting.

We obviously need to be vigilant when it comes to reducing the risk of young people being significantly influenced by the promotion of gambling, especially if it is associated with their favourite programs and media and sporting personnel. As I said, we are concerned that the use of commentators and sporting role models to promote gambling and discuss betting odds might normalise gambling behaviour, particularly amongst young people. I am pleased that the agreement has been reached between states and territories and that we are working with the commonwealth to regulate and promote live odds coverage during sporting coverage.

PUBLIC SERVICE EMPLOYEES

The Hon. K.L. VINCENT (15:10): I seek leave to make an explanation before asking the Minister for Public Sector Management questions relating to the employment of people with disabilities in the South Australian Public Service.

Leave granted.

The Hon. K.L. VINCENT: Last week the federal government released the 'Characteristics of disability support pension recipients 2010' report, which showed that the number of DSP recipients is rising, while media reports of the Senate estimates committee on 2 June indicate that fewer people on the DSP are working. While some demonise those on the DSP as being lazy, I believe that most of those people who are able to work do in fact seek employment but often find it too hard and find too many closed doors in their face.

My office is often contacted by many people with disabilities who are seeking work, like Deanna, who has a masters degree in social work and more than four years' experience in volunteering but, despite her best efforts, she cannot find work. This government seems to recognise the importance of employment opportunities for people with disabilities. The government's strategic plan heralds its plan to double the number of people with disabilities in the South Australian public sector by 2014.

However, despite this, I have been unable to find any practical measures that the South Australian government is taking to employ people with disabilities in the public sector. I am particularly concerned about employment opportunities in the SA public sector for people with disabilities in view of reports that the Treasurer intends to slash another 400 positions in addition to the 3,750 slashed last year. My questions are:

1. How many people with disabilities are employed in the SA public sector as at today's date?

2. How many people with disabilities were employed in the SA public sector as at 8 June 2010?

3. Given the South Australian Strategic Plan target to 'double the number of people with disabilities employed in the public sector by 2014', what practical measures are being taken to achieve this goal?

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) (15:12): I thank the honourable member for her most important question. Indeed, the public sector employment agency does a great deal to improve employment conditions for a wide range of public sector employees, including those with disabilities. In fact, it was just recently that I requested a report on the progress of measures taken towards the employment of people with disabilities in the public sector. I have only just recently asked for that report and I am due to receive that report very shortly. In terms of the numbers of employed, I do not have those with me but I am happy to take that on notice and bring back a response.

ALEXANDRIDES, MR N.

The Hon. R.I. LUCAS (15:13): My questions are directed to the minister representing the Premier:

1. Has the Chief of Staff to the Premier, Mr Nick Alexandrides, made application to have leave entitlements cashed out? If so, what was the estimated cost of his application to cash out leave entitlements?

2. Was the application approved? If it was approved, who approved it? If it was approved, what was the value of the cashing out of leave entitlements?

3. Given that public servants must demonstrate hardship to have leave entitlements cashed out, was Mr Alexandrides able to demonstrate hardship to whomever might have approved the application, if it was so approved?

4. Is the former ministerial office of the Hon. Bernard Finnigan still being maintained as a ministerial office? If so, why? If it is being maintained as a ministerial office, what are the total costs being incurred and are there staff still being employed in the former ministerial office of the Hon. Bernard Finnigan?

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) (15:14): I thank the honourable member for his questions, and I will refer them to the Premier in another place and bring back a response. As we know, the Hon. Rob Lucas is notorious in this place for besmirching the names and reputations of good people, people who we know are not able to come to this place and give an answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We know only too well that I am referring to Mr Nick Alexandrides. We know that he and other people like him who the Hon. Rob Lucas has demeaned and whose reputations he has besmirched in this place on so many occasions are not able to come into this

place to answer these allegations. We know that they are not able to do that, and the Hon. Rob Lucas knows that, as well; he knows all too well, as I have said in this place before, about those innuendos and snide suggestions around Mr Nick Alexandrides.

The Hon. Rob Lucas, as I said, cowers in this place, behind the protection of these walls. We know that he is too gutless to go out on the steps of this place and say those things and make those suggestions. We know what a coward he is, and we know that he cowers beneath this ceiling and within these walls, making snide and sneering innuendos. However, I will pass those questions on. In terms of the ministerial supports, as I said, I will refer those particular questions to the Premier.

I was given the gambling ministerial responsibilities that were formerly the responsibility of the Hon. Bernard Finnigan. I have the ministerial responsibilities for that, and there are a number of staff associated with supporting that function. My office is at absolute maximum capacity, and I am not able to fit any other officers in my office unless I was to extend the lease of my current office. I am not able to facilitate any other officers in my office. We are at absolute maximum capacity, and we have every desk space, corner, nook and cranny filled. Unless I was to extend the lease on my current office, which I do not believe is a very efficient and effective way to go at this point in time, those officers are in another place, where their offices are currently located. Currently, they are not able to be located in my office.

In terms of the other portfolio responsibilities that the Hon. Bernard Finnigan had, I know that industrial relations has gone to the Hon. Patrick Conlon, and I am not too sure what the facilities are in his office. However, as I said, I am happy to take that on notice. We seek to address these issues in a responsible way, in the most efficient and effective way that we possibly can. We seek to ensure that our public spending is kept to a minimum and that we look to be as efficient with our spending as we possibly can. We seek to do that in a highly responsible way.

I can only answer from my perspective, from my office capacity. As said, my office is full at the moment and not able to accommodate any of the gambling personnel at present. I will take those questions on notice and refer them to the Premier, or other relevant ministers, and bring back a response.

ANSWERS TO QUESTIONS

WATER FLUORIDATION

In reply to the **Hon. A. BRESSINGTON** (14 September 2010).

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

1. Fluoride and drinking water fluoridation safety and efficacy has been the subject of extensive research. This research has been reviewed by agencies including the peak health agency of Australia, the National Health and Medical Research Council (NHMRC). Following its most recent review published in 2007, the NHMRC concluded that fluoridation is the most effective and socially equitable means of preventing dental caries in the population and recommended that drinking water be fluoridated. The Australian Health Ministers' Conference and the Australian Dental Association have also endorsed fluoridation.

Based on the evidence, other organisations have reached the same conclusions, including the World Health Organization and the US Centres for Disease Control and Prevention.

A summary of this research was provided to residents in a fact sheet from SA Health in 2009. More detailed information has been provided on request.

2. SA Health has received information from a limited number of correspondents, including one dental health professional. SA Health maintains a watching brief on publications dealing with drinking water fluoridation and had previously considered the information provided by these correspondents.

3. Drinking water fluoridation was discussed at a 2005 public meeting in Mount Gambier as part of consultation on the State Oral Health Plan. This discussion was not an isolated event and proposals to fluoridate the Mount Gambier water supply have been raised on a number of occasions in recent years and reported publicly in local media. SA Health has offered to meet with the Mount Gambier Council to discuss the introduction of fluoridation however, this was

declined. The plan to introduce fluoridation was communicated to all households by a letter from SA Health and SA Water, supported by Fact Sheets.

4. The issue of tours of drinking water facilities are a matter for SA Water.

5. Residents were advised of the decision to fluoridate the Mount Gambier water supply in 2009.

COMMUNITY HOSPITAL FUNDING

In reply to the **Hon. R.L. BROKENSHIRE** (24 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 Health has advised:

1., 2., 3. & 4. The Government does not divulge details of cabinet submissions.

MATTERS OF INTEREST

ANTIBIOTICS

The Hon. I.K. HUNTER (15:21): I rise today to address the question—a drug question—a looming crisis in drug abuse in our community, and that is, the misuse of antibiotics. The discovery of antimicrobial drugs that we call antibiotics, antivirals and antimalarials changed the course of medical and human history. These drugs were referred to as miracle cures when they were first developed in the late 1920s, and they have helped generations of people live longer and healthier lives. Now, due to the alarming levels of misuse and over-prescription of antimicrobial drugs, the world is heading towards a post-antibiotic era in which many common infections and diseases will no longer have a cheap and easy cure.

It is estimated that hundreds of thousands of people are dying each year around the world from infectious diseases and infections that are antibiotic resistant. For example, about 440,000 new cases of multi-drug resistant tuberculosis emerge annually, causing at least 150,000 deaths. Resistance to the earlier generation antimalarial medicines is now widespread in most malaria epidemic countries, particularly those in South-East Asia.

Antibiotic resistance is also an emerging concern for those living with HIV, as HIV-positive patients are at greater risk of developing serious bacterial infections such as bacterial pneumonia. Antibiotic resistance is also a serious issue in the treatment of gonorrhoea, while gains in reducing child deaths due to diarrhoea and respiratory infections are also now at risk.

Multi-drug resistant bacteria are a significant problem in hospitals. We are all well aware of the rise of so-called hospital superbug infections. Without effective antimicrobials to treat bacterial infections, the success of treatments such as organ transplantation, cancer chemotherapy and major surgery could be significantly compromised in the future.

While the misuse of antimicrobial drugs is a critical health and social issue, the financial implications are significant as well. Experts estimate that the annual cost of treating infections traceable to drug-resistant bacteria is more than $1 billion in Australia alone, $1.87 billion in the US, and $1.5 billion in the European Union.

This year the World Health Organisation launched its antimicrobial resistance campaign. It issued an international call for action to key stakeholders—international policymakers, governments, health professionals, pharmacists and the pharmaceutical industry—who must all play their part in turning this cycle of misuse around.

There are a couple of hurdles that will need to be overcome if as a community we are to successfully address this issue. First, we need to consider the use of antibiotics in the agricultural and food industries. It is estimated that Australia imports about 700 tonnes of antibiotics annually. More than half of that goes into stockfeed, about 8 per cent is for veterinary use, leaving only one-third for human use.

Antibiotics are given to healthy farm animals at low doses to promote faster growth and to compensate for unsanitary living conditions. The antibiotics are mixed into feed or water for pigs, cows, chickens and turkeys. It is easy to see how this might result in antibiotic resistant bacteria that are either dangerous to humans directly or dangerous because they might transfer their antibiotic resistance to dangerous human pathogens.

Secondly, we need to consider the role developing nations play in this issue. Antimicrobial resistance is particularly common in countries where prescriptions are unregulated and where you can buy antibiotics over the counter. Thirdly, we need to fund and support research into new antimicrobials, diagnostics and vaccines.

Financial incentives should be used to persuade drug companies to invest in the development of new antibiotics. For example, the Australian company Special Phage Holdings won the New South Wales government's 2008 BioFirst Commercialisation Award for the development of an innovative medical treatment for antibiotic resistant infections. We need to see more of this type of encouragement and support from our governments.

The simple truth is that drug resistance is already costing states and countries money and costing people their lives. If we do nothing the situation will only get worse. This is not an issue we can afford to let drift. I hope honourable members will join me in writing to the federal Health Minister Nicola Roxon, calling for an updated review of Australia's antibiotic resistance program, which was set in place in the late 1990s under the name of the Joint Expert Technical Advisory Committee on Antibiotic Resistance, and requesting that the minister aggressively seek out opportunities to address this issue with the Australian community and with her international counterparts.

SIGNIFICANT TREES LEGISLATION

The Hon. J.M.A. LENSINK (15:25): I rise today to speak about significant and regulated trees. Honourable members would be familiar with the fact that we amended legislation several years ago, and the regulations have been published but are yet to be brought into force. I would urge the new minister to get on top of this issue and meet with the South Australian Society of Arboriculture and the LGA as soon as possible because they have significant concerns, as does the Liberal Party, in relation to the draft regulations, which were published in August last year. I would suggest that the regulations need to be completely rewritten.

In consultation with arborists, they have said to us that they have done some surveys of their own work in recent years of trees of a circumference of less than three metres and that only 27 per cent would have any protection; trees over three metres, 28 per cent of those would need to be treated for removal because they are usually getting on in age, compared with other lesser circumferences, only 10 per cent of which need that sort of treatment. As an example, for one particular site, of the 1,488 trees, only 10 per cent are greater than three metres. Of 18 metropolitan councils, only four have lists of significant trees.

Our fundamental concern with the legislation at the time was that a large proportion of the detail was to be left to regulation and that the issues to do with amenity and biodiversity contribution were not spelled out, which I think has not been spelled out adequately in the regulations. Unfortunately, we had the issue of the trees removed at The Avenues shopping centre, which I note the Premier tweeted and complained about, yet his own government has led to laws that present the greatest threat to the urban forest and to the river red gums in Mount Barker.

It was the intention of the legislation that local government would largely be responsible for the legislation, yet they have not been adequately consulted in relation to the regulations. The promulgation of lists of species is one of the most critical issues, yet I cannot for the life of me find who came up with the list of species because everybody is complaining about it. In particular, there is one submission to the draft regulations, which I obtained under freedom of information, from Dean Nicolle of the Currency Creek Arboretum, a gentlemen who has qualifications in botany and natural resource management. He has gone through the lists in great detail and literally torn them to shreds in that the person who has written them clearly does not understand either the fire danger of particular species or their propensity to drop limbs and present a threat to people.

In relation to the 30 per cent rule, which the arborists would say needs to have greater reference to the Australian guidelines about pruning, he says:

> What is 30% of the tree? In biological terms, about 50% of the trees below the ground...So am I therefore allowed to remove 60% (three-fifths) of the total above ground part of the tree without Council Development Approval?...How often can I remove can I remove 30% of the tree...30% by what measure?

Time does not allow me to read out his entire letter, which is very comprehensive indeed.

There are also issues. We are concerned about potential malicious removal of trees through consecutive bouts of 30 per cent pruning, malicious poisoning, and for bogus applications for pools within the 10-metre zone, which are subsequently not constructed. There is also the

10-metre rule regarding proximity to dwellings, which can potentially lead to a loss of a large number of trees in the urban forest, particularly as block sizes have decreased. This will lead only to increased heat retention by hard surfaces in the summer and I would have thought would be completely contrary to any advice of the Climate Change Council.

We are also concerned about the $50 per tree for the urban tree fund being too low; we were led to believe that it would in the order of $200 to $300. I do not think anyone has commended that measure. Dead trees are also not considered for the useful habitat for fauna that they provide. In Dean Nicolle's submission he has advised that should be revised.

Time expired.

CHRISTIAN PASTORAL SUPPORT WORKERS

The Hon. D.G.E. HOOD (15:30): I rise to take this opportunity to place on record my admiration for the tremendous work that I have recently had exposure to, done around the state by Christian pastoral support workers, previously known as school chaplains, and their coordinating body in South Australia, the Schools Ministry Group. The Schools Ministry Group was a body formed by the heads of the 11 Christian church dominations from within the state. The SMG coordinates resources and pastorally cares for about 350 Christian pastoral support workers in secondary, primary and community R-12 schools.

The SMG works in partnership with 86 employing groups, which represent over 1,000 churches in South Australia. The SMG is responsible to the heads of Christian churches in South Australia for the initiation, provision, coordination and support of Christian ministry in all government schools in South Australia. In a recent survey conducted by the Edith Cowan University of 650 schools, 83.7 per cent of schools reported 'mostly positive' or 'strongly positive' support for the chaplaincy program amongst parents. Only 0.3 per cent of schools reported 'mostly negative' feedback.

This represents a tremendous level of support amongst parents for the schools chaplaincy program. Within schools, pastoral support workers provide pastoral care and support, help students at risk, run various activity programs and often coach sport as well. They are much more than volunteers and play an important role as staff, in some instances, at the school. For over 15 years pastoral support workers have run seminars and camp programs (such as the new Detour camp program), and many schools also run breakfast programs for children who go to school hungry. They do so without proselytising or pushing the religious aspects of their faith.

Despite this, last year a Toowoomba man served a writ in the High Court opposing the commonwealth government's funding of pastoral support workers in state schools. He is being backed by the Australian Secular Lobby. The school mentioned in the complaint is the Darling Heights State School near Toowoomba in Queensland, but the ruling will affect all schools in Australia of course that use the chaplaincy services, including 375 schools within South Australia.

The defendants in the case are listed as being the Commonwealth of Australia, the Minister for School Education, Childhood and Youth, the Minister for Finance and Deregulation and the Scripture Union of Queensland, which is the accredited employing authority for school chaplains in that state. However, recently the states of New South Wales, Victoria and Queensland have actually intervened in this process in support of the chaplains. South Australia has not yet intervened in this case, despite the fact that per capita South Australia has the largest percentage of schools with Christian pastoral support workers in the nation.

Indeed, we have 375 schools with chaplains, which is the second largest number of schools with these workers in the country, only bettered by Queensland. We are therefore a significant stakeholder in this issue. I put on record my tremendous admiration for the work that Christian pastoral support workers do and call on the government to indicate their firm support for the work they do by joining the other states which have already done so in their opposition to this High Court challenge.

MOTIVATION AUSTRALIA

The Hon. K.L. VINCENT (15:34): Today I rise to speak about Motivation Australia, a not-for-profit disability organisation that works in partnership with local communities to improve the lives of people with mobility disabilities in the Asia-Pacific region by promoting mobility and inclusion. I was fortunate to speak at Motivation Australia's Mobility Symposium for Aboriginal and Torres Strait Islander people a number of weeks ago, and I want to share some of the things I learned at that symposium with my fellow members today.

Motivation Australia focuses on improving wheelchair provision in low income communities by working in partnership with local organisations and government to provide low cost, appropriate quality wheelchairs for use in remote and rural areas. By that I mean wheelchairs that are designed both to meet the physical needs of the person and to suit the environment in which they live.

However, this organisation does not simply offer wheelchairs, it focuses on capacity building in individual communities. By this, I mean that Motivation Australia looks to create local wheelchair services in communities which cater for all the needs of wheelchair users, whether it be assessment, sourcing of wheelchairs, training in maintenance and use, clinical and technical support, or repairs, as well as referral to other disability services.

What do such services mean for people with mobility issues in low-income countries? These services have a positive impact on the individual's physical, social and economic life, enabling the person to participate in their community. Imagine being confined to your home, crawling from room to room because you are unable to walk, or stuck in bed, reliant on your family for your every need. Imagine how much difference a wheelchair would make. I have always disliked the term 'wheelchair-bound', because one only need think about the people who are currently housebound due to the lack of a wheelchair to understand that a wheelchair can really set you free.

Unfortunately, Motivation Australia has a big job ahead. Approximately 20 million people living in low-income countries require a wheelchair but do not have one. It is simply unfathomable to think that the equivalent of 90 per cent of the Australian population requires a wheelchair. The problem is not confined to other countries: right here, right now, in Australia there are people who need wheelchairs.

As my fellow members know, article 20 of the Convention on the Rights of Persons with Disabilities provides that state parties should facilitate the personal mobility of people with disabilities. However, despite Australia being a signatory to this convention, many of our Indigenous brothers and sisters do not have access to the very devices that could help them realise their right to mobility.

According to the Australian Federation of Disability Organisations, we have 27 aids and equipment schemes in Australia, most of which are underfunded and none of which are portable. My fellow members will recall the Productivity Commission's declaration that 'the current disability support system is underfunded, unfair, fragmented and inefficient, and gives people with disability little choice and no certainty of access to appropriate supports'.

I know from personal experience that here in Adelaide it can be very difficult to source an appropriate wheelchair, but for people in remote communities it is often much harder. Not only do people have funding issues to deal with and problems with the fragmented system, there are challenges of rugged terrain, a lack of maintenance options, and sheer distance. As Damian Griffis, the executive officer of First Peoples Disability Network explained, 'In some communities, everyone struggles, so having a disability is not particularly viewed as something different.'

So it is not surprising that community consultations undertaken by Motivation Australia and the First Peoples Disability Network found that there are people with disabilities living in remote locations in Australia who are denied their basic right to mobility. Motivation Australia is working with the First Peoples Disability Network to solve this problem by raising awareness, identifying barriers and planning for potential solutions.

As I said at the symposium, it is a very sad state of affairs when people in a country as rich as Australia have to rely on the non-government sector to ensure that a right to mobility is realised. It is not just sad, it is outrageous. All I can say is: hats off to Motivation Australia for making a positive impact, not only in far-flung countries but also in our own backyard.

MARY MACKILLOP FOUNDATION

The Hon. CARMEL ZOLLO (15:38): It was my pleasure to recently represent the Premier of South Australia, the Hon. Mike Rann MP, at Adelaide's Mary MacKillop Foundation fundraising breakfast and the celebration of their 2011 initiative, the Travelling Sisters Roadshow. The roadshow involves two sisters from the Sisters of St Joseph travelling throughout Australia in a promotional van. They have already commenced their journey, visiting schools and town centres across Australia in order to provide education and awareness of the work of the foundation, at the same time creating fundraising opportunities on each of their roadshows. A dedicated team from the foundation, Peter Goers the MC and our state Governor, His Excellency Rear Admiral Kevin

Scarce, welcomed several hundred guests to the Mary MacKillop Foundation annual fundraising gala breakfast.

The Mary MacKillop Foundation was initially conceived in November 1993 by the Sisters of St Joseph of the Sacred Heart and has come from beginnings based on needs. The congregation works on the principal objective of providing assistance and relief with respect to social disadvantage, poverty, sickness, distress, destitution and disability in accordance with the spirit of the congregation of the Sisters of St Joseph of the Sacred Heart.

Mary Helen MacKillop was born of Scottish immigrants on 15 January 1842 in Fitzroy, Victoria, and is now known as St Mary of the Cross after her canonisation on 17 October 2010 by Pope Benedict XVI, thereby becoming Australia's first saint. I know that there have been previous contributions and a ministerial statement in relation to St Mary of the Cross's life, so I will not go into any detail. I should, however, mention that her life's work and legacy in South Australia are an inspiration to all of us.

I understand that from 1995 to 2010 the foundation has funded over 300 small life-changing projects, projects responding to the needs of rural and isolated communities, Indigenous groups, people with disabilities and those forgotten by society. It supports projects throughout Australia from metropolitan areas like Sydney to remote rural areas in the Kimberley in Western Australia.

An example of the work the foundation is involved in is the Aboriginal and Torres Strait Islander Tertiary Scholarships Program. This program came from Mary MacKillop's concern for the welfare of Aboriginal people, particularly in relation to the education of Aboriginal children. Indeed, her commitment to the welfare and education of Indigenous children sets an inspiring example. I should place on record that over the past 11 years 30 Indigenous students have graduated in law, medicine, business, education, nursing, arts and science, with 18 students receiving a $2,000 Award for Excellence in Aboriginal Studies at Notre Dame and Australian Catholic Universities across Australia. There are another 35 students enrolled in 2011.

There are many more examples of the valuable work the foundation does. These include programs such as financial literacy, social inclusion of disadvantaged children and 'From Homelessness to Independence'. In view of the many recent natural disasters throughout Australia, the MMF has pledged to utilise all donations received this year from the public towards small life-changing projects that have a particular regard to disaster recovery projects in Australia.

I would like to place on record the outstanding commitment and inspirational dedication the MMF has to the community, and congratulate the foundation for its valuable efforts. The work of the roadshow captures the true spirit of St Mary of the Cross to empower young people to 'never see a need without trying to do something about it'. To mark the end of the roadshow, the foundation will be taking a major step in improving awareness and raising funds with a week of national appeal, culminating in a Green and a Gold Day on Friday, 21 October 2011.

This day will be about celebrating the contribution the foundation has made to so many small life-changing projects by encouraging the wearing of green and gold to work or school. Ultimately, it is about supporting our fellow Australians. I congratulate the chairman of the foundation, Mr Paul Caesar, and Mr Sam Hardjono, the CEO of the foundation, for their commitment, as well, of course, as the dedicated sisters of St Joseph, for all the valuable work they do for our society.

MULTIPLE CHEMICAL SENSITIVITY

The Hon. T.A. FRANKS (15:42): On 23 May I spoke to a small crowd of South Australians afflicted by a cruel and debilitating condition. Little known, and seldom recognised for what it is, Multiple Chemical Sensitivity (MCS) has been estimated to impact on up to 2 per cent of the South Australian population to some degree. The rally I addressed was small in number but, for those who attended, their families, friends and carers, the impacts are far-reaching. The rally was asking for the development of comprehensive disability access guidelines for public health services, in particular requiring the immediate implementation of controls on the use of perfume and aftershave in public health care services.

As many members here will know, the back story of this dates to 2005 when the Social Development Committee tabled its report into MCS. National and international data indicate that around 2 per cent of industrialised populations have been too disabled by MCS to continue working, with between 6 and 16 per cent showing some signs of the illness. In South Australia

around 1 per cent of people report being medically diagnosed with MCS, while nearly 16 per cent report unusual sensitivities to common chemicals. Many people in this large group are thought to have symptoms more consistent with MCS, and the illness affects women at a rate of around three times more than men.

However, since 2005 little has changed for people living with MCS in South Australia. There is no comprehensive medical or public information and education strategy for MCS, medical and social research remain absent and there is no national position statement on MCS. Chemical products associated with MCS lack even the basic warnings, and chemical regulators continue to ignore MCS for the purposes of risk assessment. Sufferers get no assistance in purchasing and maintaining expensive disability aids like air and water filters and protective face masks.

Community groups supporting people with MCS receive no state or federal assistance and, most grievously, people with MCS continue to be denied safe access to essential healthcare services. Detailed MCS hospital protocols for South Australia do in fact exist, but these South Australian guidelines only apply to the acute hospital inpatient setting. Meanwhile, outpatient and community-based healthcare services are entirely without MCS disability access strategies or guidance.

This is more than just an issue of detached science, it is a fundamental human rights matter. The health, safety and, most importantly, disability access needs of those affected must be given consideration while science moves ever so slowly to better understanding this condition. Last May was International MCS Awareness Month. The rally I attended called particularly for the immediate introduction of controls on the use of perfume and aftershave in the public healthcare setting, consistent with similar policies developed across the United States of America and Canada.

Personal fragrances form a major barrier to safe access to healthcare services for people affected by MCS. Evidence suggests that organic solvents and petrochemicals contained in personal fragrances may in fact be a possible cause. It is clear that a broad disability access strategy is required. Sufferers are calling for South Australia to implement a strategy for the control of personal fragrances in the public healthcare setting, not just in the acute hospital inpatient setting, and to enforce the protocol we have in that particular setting.

This strategy would require staff not to use perfume or aftershave prior to attending, or while present in, their workplace. The use of personal deodorants and antiperspirants would be acceptable, but low scent and fragrance-free alternatives would be encouraged. It is a small thing to ask when it has such a large impact on this group of sufferers. I look forward to working with others in this council. I know that this has been a matter of concern in the past for many in this place. I look forward to working with the Hon. Dennis Hood on this issue. We will be bringing this matter back before the Legislative Council in the near future.

We know that controls on these personal fragrances would provide safe access to healthcare services for people affected with MCS. They would send a positive signal that government and healthcare services are taking this seriously, they would ensure that healthcare services were in fact responding positively to the needs and disability rights of those affected by the illness, and they would improve the indoor air quality in public health services overall. As I say, I look forward to working with others and we will be bringing a motion before this place soon.

INTERNATIONAL HUMANITARIAN LAW

The Hon. S.G. WADE (15:47): Today, I would like to briefly highlight international humanitarian law. Following his experience of the Battle of Soferino in 1859, Henry Dunant led the establishment of the International Committee for the Relief of Military Wounded in 1863 and the adoption of the Geneva Convention for the amelioration of the condition of the wounded in armies in the field in 1864.

This was the birth of international humanitarian law: a set of international written and non-written rules and principles applicable in international or non-international armed conflicts. The conventions limit the means and method of warfare and protect those who do not or no longer take part in hostilities.

On 14 October 1958, Australia ratified the four Geneva Conventions of 1949. But ratifying the convention is only the start. As a state parliament I think we need to be mindful that key areas of implementation of the conventions are the responsibility of state governments; for example, the education system. Under the convention, the education system is required to disseminate

international humanitarian law so that the principles thereof may become known to the entire population.

In health, we are committed to ensuring the correct use of the Red Cross emblem, which is the emblem of the neutrality of the movement. In planning, we commit ourselves to ensuring that military objectives are established at a distance from civilian infrastructure. As a parliament, we can play our part through motions which highlight international humanitarian law. I am mindful of previous motions on Burma and note that the House of Assembly has a motion in respect to Copts in Egypt.

I also highlight that as parliamentarians we have an opportunity to influence our international colleagues through parliamentary groups such as the Commonwealth Parliamentary Association. The international humanitarian law program engages not only with those who are involved in the defence forces, but also people in peacekeeping forces, which of course in the past have included members of our own SA Police. Humanitarian workers often include South Australian teachers and workers. In fact, I am very proud that one of my former work experience trainees is working in the area of human rights monitoring in Asia. Only last Saturday he sent me the following update:

> My team and I have spent the day investigating a recent outbreak of violence in some of the poorest villages I have ever been to. While all of the victims were political figures none of them were beaten for political motives but rather criminal motives.

I am concerned for his safety as he undertakes this important work.

In 2010, Laura Stark, a South Australian student of the University of South Australia, won second prize in a national essay competition which highlighted the risks to humanitarian workers. I quote from that essay:

> An Operating Room is not entirely distinct from a War Zone. The pressure is high, civilian lives are at risk, and a doctor's duty is to do all that is within his or her power to bring the patient back to full health. But rarely in an O.R. does a surgeon face the possibility of an insurgent attack lead by armed Taliban forces. Rarely is he held at gunpoint and threatened with death simply for doing his job. This is the brutal reality facing doctors and other aid workers in Afghanistan. In August this year, a group of medics returning from an Afghan village where they had been treating civilians, were needlessly and violently mown down by a group of masked gunmen, determined to punish them for helping the innocent.
>
> Responsibility for the attack was proudly claimed by the Taliban—a group who have defiantly and continuously flouted the rules of International Humanitarian Law (IHL). There was one survivor from this particular attack—an Afghan national whose life was spared when he knelt in front of his attackers and recited verses of the Koran. As the killers dragged him away from the bloody scene, he recalls the leader of the group saying entries radio: 'Mission Complete'...Targeted attacks on aid workers that cause death or serious injury, are classified as a 'grave breaches' of IHL by the First Additional Protocol of 1977. These grave breaches of the most serious of war crimes, and the Geneva Convention is clear on the fact that such crimes must be appropriately punished.

Last week I was privileged to host a group of students in a Red Cross visit to Parliament House as part of the Red Cross program highlighting international humanitarian law to students as part of their Even War Has Limits program. I was impressed by the interest and enthusiasm of both the Red Cross volunteers and the students. As part of this session, the group of students received a presentation from the South Australian IHL Collective—a group of tertiary students working with Red Cross to promote international humanitarian law.

I pay tribute to them for their work, for example, their display *Emergency Relief in Armed Conflict: Medical Experience from the Field*; their involvement in the City to Bay Fun Run; their Flash Mob in Rundle Mall to highlight the risk to humanitarian workers; and their screening of *War Dance*. In conclusion, I commend the Red Cross for all that it is doing both in Australia and overseas to promote international humanitarian law for the good of the whole human kind.

CRIMINAL CASES REVIEW COMMISSION

The Hon. A. BRESSINGTON (15:53): I move:

That this council—

1. Calls on the Attorney-General to move at the next meeting of the Standing Committee of Attorneys-General that the Standing Committee commission an assessment of the value of a national Criminal Cases Review Commission empowered by legislation of participating jurisdictions.

2. Requests that Resolution 1 be forwarded to the Attorney-General.

3. Requests the Legislative Review Committee, in its inquiry on the Criminal Cases Review Commission Bill 2010, to also consider and report on—

(a) alternative approaches to rectifying any identified issues with the reprieve offered by section 369 of the Criminal Law Consolidation Act 1935 and the prerogative of mercy;

(b) the possibility of the establishment of a national Criminal Cases Review Commission as an alternative to a state based Criminal Cases Review Commission; and

(c) any other related matter.

The Hon. R.I. Lucas: Seconded!

The Hon. A. BRESSINGTON: Thank you. I am moving this motion basically as an extension on my summation of the Criminal Cases Review Commission. I know that it was quite unreasonable, if you like, to expect that this particular council would accept such a bill, being that it would be the first of its kind introduced in the country, and understand that there are a number of models to be considered and also to come up with a way to review the bill in the best possible way at a state and national level.

As I expressed last week and again now, I understand the reluctance to commit to the bill as it stands. After all, it is the first of its kind to be introduced, as I said. Together with the expanded terms of reference I have just moved, I am confident that the Legislative Review Committee will thoroughly inquire into the merits of a criminal case review commission and ultimately conclude that as an alternative to the petition process under section 369 of the Criminal Law Consolidation Act 1953 such a commission will be a significant advancement to our criminal justice system, and I look forward to reading its report. I also ask the council to support the motion and to have it sent to the Attorney-General so that it can be taken into consideration in time for the Standing Committee of Attorneys-General at a national level.

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

ANIMAL WELFARE (JUMPS RACING) AMENDMENT BILL

The Hon. T.A. FRANKS (15:56): Obtained leave and introduced a bill for an act to amend the Animal Welfare Act 1985. Read a first time.

The Hon. T.A. FRANKS (15:57): I move:

That this bill be now read a second time.

I am very pleased to introduce this bill today which amends the Animal Welfare Act to ban jumps racing. In 1903 the last jumps races were held in Queensland; in 1941 the last jumps races were held in WA; in 1997 hurdle racing was abolished in New South Wales; and in 2007 the last jumps race was held in Tasmania. I would hope that we can make 2011 the year that South Australia joins the rest of Australia (with the exception of Victoria) in banning jumps racing, and that 2012 will be the last season of jumps racing in this state.

It is time for those of us who have the fortitude to say, 'Enough is enough.' Beneath the public relations hype of glitz and glamour and the glossy tourism brochures promoting the Oakbank Racing Carnival there lies a dark and deadly past and a hidden cost in terms of animal welfare. Jumps racing must go the way of dog fighting and cock fighting—two things that I note are currently banned in this state under the Animal Welfare Act. They should also go the way of bear baiting and fox hunting—outdated and cruel pastimes that have no place in modern civilized society.

South Australia and Victoria stand as the last outposts of this outdated relic. The industry obviously can do without its poor cousin. After all, no-one has suggested that the racing fraternity in New South Wales, Queensland or WA is worse off for not having jumps racing; an offshoot that now, in fact, accounts for less than 1 per cent of all races in Australia. As far as I am aware, there are no full-time jumps jockeys, trainers or stables that are solely focused on jumps racing here in South Australia. Even if there were, there is ample case for them to restructure their operations and focus on the significantly less cruel and safer flats racing.

The 1991 Senate Inquiry into Aspects of Animal Welfare in the Racing Industry studied this issue extensively many, many decades ago. It found that, in relation to jumps racing, fatality and injury rates were unacceptably high. It recommended the following:

Based on evidence received during the inquiry the Committee has serious concerns about the welfare of horses participating in jumps races. These concerns are based on the significant probability of a horse suffering serious injury or even death as a result of participating in these events and, in particular, steeplechasing. This concern is exacerbated by evidence suggesting that even with improvements to the height and placing of jumps,

training and education the fatality rate would remain constant. The Committee, therefore, can only conclude that there is an inherent conflict between these activities and animal welfare. Accordingly, the Committee is of the view that relevant state governments should phase out jumps racing over the next three years.

I repeat: that was in 1991. The writing has been on the wall for many decades on this issue, and a look into the facts makes this abundantly clear. There is incontrovertible evidence that the combination of speed and jumping and distance makes jumps racing intrinsically dangerous for the horses. The statistics, in fact, speak for themselves for those horses, of course, that cannot.

A 15-year study into catastrophic injuries in flats and jumps racehorses between 1989 and 2004 was conducted by Dr Lisa Boden and presented at the International Symposium for the Prevention of Thoroughbred Racehorse Fatalities and Injuries in July 2005. In terms of fatalities, there was one death for every 115 horses that start a jumps race. This compares with one death for every 2,150 horses that start in a flats race.

Jumps racing is therefore 18 more times likely to lead to a fatality than a flats race. The same figure holds for catastrophic limb injuries: again, they are 18 times more likely to occur in a jumps race than in a flats race. The figures for cranial or vertebral injuries are even worse: they are 121 times more likely to occur in a jumps race than in a flats race. Sudden death is 3½ times more likely in a jumps race, with most sudden deaths attributed to catastrophic cardiovascular or respiratory failure.

These statistics alone provide clear evidence that jumps horses are pushed far beyond their normal limits and subjected to much greater physical, psychological and physiological stress than flats racehorses. Jumps horses are forced to experience the frightening ordeal of jumping over fixed obstacles for long distances at speed and when fatigued, which interferes with their limb coordination.

Sadly, the litany of horror continues. One in 24 horses that competed in a jumps race was killed on the racetrack. One in 3½ horses sustained an injury that prevented the horse from continuing racing. However, the impacts from jumps racing are not just confined to horses. One in three jockeys received injuries which prevented them from continuing racing. This in turn has led to a workers compensation bill of over $1 million. Far from the situation improving as the practice has come under scrutiny, the reverse has, in fact, occurred. The ratio of falls to starters in steeple racing has increased from 2.8 per cent in 2008 to 5.9 per cent in 2009, and 6.9 per cent in 2010.

'Jumping the gun—a statistical analysis of the profitability and safety of jumps, flats and high weight racing in Victoria' analysed the profitability and safety of jumps, flats and high weight racing in that state from 2008 to 2010. This was undertaken by statisticians Liss Ralston and Dr Nicola Brackertz. They concluded:

> Flat races are more economically viable than jumps races as they have consistently higher betting ratios, providing higher returns. For each dollar of prize money offered on a jumps race $2.40 is wagered compared to $9.56 on a flat race. The amount of betting revenue that can be generated from high weight racing is 3.7 times greater than for jumps racing.

It is clear that punters have been demonstrating for some time now with their wallets that they do not support jumps racing, and it is high time for the racing industry and for this state government to also recognise this.

I can only imagine the way some punters feel at a jumps meet event when the green screen comes out and the gun fires. But why would we put animals through such unnecessary cruelty? We have alternatives. Flats racing is more economically viable and more humane than jumps racing. It is high time that the government gave South Australians some credit. We do not want to witness and bet on animal cruelty, falsely labelled as sport.

This year, in fact, has been one of the worst for jumps racing. Horse deaths have occurred at nearly every race in South Australia and at some trials and debacle after disaster has also been witnessed in Victoria. Ray Thomas, chief racing writer from the *Daily Telegraph* noted:

> RSPCA Victoria President Hugh Worth said this week after the death of Shine The Armour in a hurdle race that horses died 'with great frequency' at the Warrnambool jumps carnival. 'Warrnambool, of course, is the killing fields for horses. That's how bad it is..'
>
> Six of eight horses fell in the Grand Annual Steeple at Warrnambool, and a riderless horse jumped a barrier, landing on several spectators just a few months ago. Seven people between the ages of two and 80 were hurt. Two of them had suspected spinal injuries.
>
> One of the more grotesque aspects of this sorry saga was that a horse race continued as the ambulances moved in. Well, if you could call it a horse race. They fell down like nine-pins during the 5500m race. In fact, there

were only two...Al Garhood and Awakening Dream were the only horses to jump all 33 fences and complete the course. The other six starters had all fallen. Fortunately, no horses or jockeys were injured.

It might be the last carnival as well. Jumps racing is, in fact, on life support, but nobody has the courage to flip the switch.

The Oakbank Easter Carnival has struggled. Java Star was killed in just the second race of the first day. Three other falls followed over the carnival. Support for this form of racing is evaporating, betting is poor, media interest scant, but racing in general is losing ground by the meeting and has become one of the nation's most inaccessible sports, wasting its market share of wagering to sports betting.

The response from jumps races to suggestions that this pastime should be banned has been brutal and revealing, and it has been revealed by the leading racing writer and a firm anti-jumps racing advocate, Patrick Smith, in *The Australian*. 'A distressed trainer loses his head' is the article by Patrick Smith that I would refer members to read. David Londregan some time ago told Melbourne radio 3AW's breakfast audience that he loved horses. He had been involved with them all of his life and said that he is going to cry when he has to get them put down. He said, 'These people don't realise how well we look after them and how much we love them.' This is from the man who described how he would react if he cannot race his horses in jumps racing. The article states:

He would go about the task thus: 'I ring up the knackery and start shooting straight away and I'll video them, get some shots and send them to Ross—

That should be Rob Hulls, the former Victorian racing minister—

...and all the radical groups against jumping races,' Londregan said. 'And I'll be sending a few heads here and there, too.'

They are not the words that anyone who seriously cares about the humane treatment of animals could sincerely deliver. It is an interesting strategy from that man to try to say, 'Well, if you don't like to see horses die on a jumps racing track, you'll be seeing them die quicker as I kill my horses.'

It has been an interesting straw man in this debate. Certainly, I would point members to not falling for that particular furphy, because RSPCA and many other groups would be willing to take these horses. Websites have been set up in response to that particular comment that was made in Victoria. While it is a wedge to try to drive people who would not like to see any horses die into a splintered campaign, I think you will find that, in fact, the community is overwhelmingly united in its belief that banning jumps races is the way ahead for this state.

His threats, of course, are heartless and vindictive, and they should be dismissed as such. It concerns me that somebody like that is in fact in this profession of jumps racing in such a responsible position. I think his comments were outrageous and uncontrolled, but they acutely expose the contradiction that is jumps racing. On one hand Londregan says he loves his horses, and on the other he tells us he will saw off their heads and send them to the assorted so-called do-gooders. He tells us that jumping horses are royally cared for and fed, yet their trainers prepare them for events, in the case of three horses at the Warrnambool carnival, at which the risk of crashing and dying is dangerously elevated.

The emphasis now on every hurdle and steeple is not who will win but who might die. Jumping is no longer thrilling. It is not a spectator sport—it is a macabre scene. The public now count dead horses like police do bodies in a natural catastrophe. I can tell you that people I associate with who have organised work trips to Oakbank would never do so again until jumps racing is removed from those particular picnic meets. Certainly, I have no quarrel with flats racing; in fact, my mother worked for a racehorse vet, and we grew up around Randwick racecourse. I had the privilege in fact of hanging out with Kingston Town many a time, one of my favourite horses.

My mother and the man she worked for, the racehorse vet, tell a story of the time when there was a jumps race at Randwick and the horse was brought to the nearby vet, just a kilometre from the track in fact, in pain, with tears streaming from its eyes. Of course it had to be put down—it should have been put down on the track. Mum always recounts the story of the anger the vets had with the trainers for putting that horse through those extra minutes of agony in that case. She is a country girl, she loves her horseracing, but she would love to see jumps racing banned. I think she is indicative of where we are in 2011 in South Australia.

It has been decades since the Senate committee advised states that they would have to start looking at banning this so-called sport. It is overwhelmingly apparent to anyone who wants to

look at the pages of Adelaidenow or read the letters to the editor that the majority of South Australians do not want jumps racing in this state. It could be a proud day if we were to get rid of this so-called sport. I note to members that the penalties in this bill are in accordance with those for cock and dog fighting. In fact, they have been taken right from those provisions in the Animal Welfare Act and sit in accordance with similar penalties for those practices. There is no way this parliament would oversee that sort of practice in South Australia, and that is why we have laws to ban it.

I urge members to listen to their constituents on this, to realise that this is less than 1 per cent of the industry and that there will not be a profound financial impact, except on a few people who in fact have seen the writing on the wall for some time now. I urge members: keep an open mind, talk to your constituents and take this to your party rooms and caucuses for a real debate. There has been ample evidence presented into the safety of jumps racing dating back many decades, and it is now time for South Australia to catch up with the rest of Australia and ban jumps racing once and for all. This amendment to the Animal Welfare Act will do that, and I commend it to the house.

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

SAME-SEX DISCRIMINATION

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

That this Council:

1. Expresses its concern that young people who are same-sex attracted and/or gender questioning continue to face discrimination and stigma in our society and consequently are more likely to attempt or commit suicide, to be at risk or homeless and to suffer unnecessary mental illnesses or other indicators of a higher health burden than their peers;

2. Welcomes and encourages all efforts to counter this discrimination and stigma;

3. Notes that programs offering peer and group support are uniquely effective in tackling the isolation that some young same sex-attracted and/or gender questioning people may experience;

4. Congratulates the longstanding Government-run programs at Second Story, including Inside Out and Evolve, for their continued efforts to support young people who are same sex-attracted and/or gender questioning; and

5. Urges that the valuable role of targeted support and counselling programs for this vulnerable group be continued with at least current levels of funding and with access by young people to group support and peer education as well as counselling and health services and advice.

I move this motion to draw to the attention of members of this place, and hopefully members in the other place, the wonderful work that we have seen done for many years by the Second Story Youth Health Service, in particular with the programs Inside Out and Evolve. This work has been a great resource and support to young people who are same-sex attracted and/or gender questioning. There is the 'and/or' there, because it is quite a complex area. Somebody who is young and discovering their sexuality, and perhaps their gender, has a lot of questions, so that is a big part of the process that they go through.

As we know, adolescence is a testing time as it is, and to have lumped in on top of that the possibility that you may be same-sex attracted, bisexual or transgender, that you somehow do not fit in with regards to your sexuality, you are somehow not what is termed 'straight' or the 'norm' or the 'hetero norm', can be quite a challenge to have on top of the hormones going crazy and the search for identity that any young person has.

There has not been a great deal of research into this area, surprisingly, in terms of the Australian body of work, but I would point to a La Trobe study. It is called 'Writing young people in', and it was a survey of young same-sex attracted people in Victoria. The findings I think show that discrimination is alive and well and that the need for services for these young people is as present as it ever was.

Thirty-eight per cent of the participants in that survey reported unfair treatment on the basis of their sexuality. Forty-four per cent reported verbal abuse. Sixteen per cent reported physical abuse. The figures are largely unchanged since the first reporting, and this has been a longitudinal study. That is concerning and should be ringing bells. It shows that, as I say, stigma and discrimination against those who are not heterosexual are alive and well.

What was really concerning was that school was found to be the most dangerous place for these young people, with 74 per cent of the young people surveyed who were abused experiencing

this abuse at their school. That was 80 per cent of the young men and 48 per cent of the young women. You would think that our schools should in fact be safe places where people can get an education, but we do know that bullying is quite a challenge in our schools, and certainly when you throw the layers of sexuality and discrimination and stigma in, a lot of young people in Australia are in fact doing it a bit tough.

That verbal abuse goes from name-calling to quite physical abuse, which can be perpetrated not only by friends and people in the street but also by families. I will read a comment from Miriam, who was 19 years old:

> My father and stepmother…believed that I wouldn't be gay if they knocked it out of me, quite literally used to slam my head against the wall, gave me a headache, but I'm still gay.

Owen, who was 15 years old, reported that he 'got smashed' by his dad. They also talked about violence in schools. Tori, who was 20 years old, talked about being pushed down the stairs and into a wall at her high school. Tyron, who was 16 years old, talked about a guy who threatened to kill him and he had to in fact stop going out at all in case that person was there. He knew that this person would bash him up for no reason at all and both he and his brother would push him around.

Yolanda, who was 19, was bullied all the way through school, mostly for being different, but her sexuality was the biggest factor in why she was different. She was spat on, her legs were kicked from behind as she attempted to walk away, she was thrown against walls and she was threatened. Hugh, who is now 21 years old, talked about his experience at his boarding school. He was subjected to other guys pretending to have sex with him. He had his bed urinated on, and he had a broomstick inserted into his anus.

Other people experience that discrimination and physical and verbal abuse in public places. Trina, who is 21, said that she kissed her girlfriend goodbye at a train station and a man walking past started screaming abuse at both of them. She left the train station and the man was outside waiting for her. He grabbed her, shook her and screamed in her face about how sick she was. He almost knocked her down some stairs, but she managed to push him off and another man nearby helped her walk away. Victor, who is 20 years old, was walking home when a group of six 12 year olds began teasing him and asking him if he were gay. He said that, stupidly, he said yes. They tripped him to the ground and kicked him until a car stopped and the youths ran away.

Vance, who is 17 years old, said that he and his boyfriend were punched at a local beach. He said, 'A group of about seven guys in their early 20s were around, and two of them laid into me and my boy. I was hospitalised and lucky not to have a broken jaw, just fractures. My boy has had back pains ever since.' I find it interesting that Vance thought that he was lucky; I certainly do not think any parent whose child was bashed on a beach by a group of thugs would think their child was lucky. I raise these stories because when I say that stigma and discrimination are alive and well, this is the form they take in being alive and well—or unwell, I would say—in our community.

Young people who are coming out, or who are gender questioning, go through this in their teenage lives, and they deal with it, but I congratulate the programs at Second Story for providing both a fortnightly Friday night drop-in service and peer education for those young people who have been through that group, and been through the discrimination themselves, and provide each other with support. It is quite telling that when a young person is so isolated by their gender identity or sexuality—and they have no-one to talk to in their immediate life or anyone who has been through that sort of situation—one of the cheapest things you can do is let them actually meet other young people in exactly the same situation.

Of course, their stories and their life journeys are completely different, but the discrimination they face is the common thread. They can talk with each other and learn from each other that they can get through it. They can learn tips and tricks or just feel stronger. We know that when we band people together, they have a sense of camaraderie and a certain spirit. If we do not have those sorts of services in this state for our gay and gender-questioning young people, then I wonder where our responsibility is. The only reason we could purport not to need these services would be if we could proudly stand here and say that we do not have discrimination or stigma in this society today—yet we know that we do.

We know there is still homophobia, and we saw it just recently at the International Day of Action on Homophobia, the IDAHO Day, when the Adelaide Street Church group took offence to the idea of gay people gathering together and straight people supporting them and sought to break that up with antagonism and physical and verbal abuse. So, we know that discrimination and

stigma are alive and well, which means that we need the wonderful work that the Second Story programs, Inside Out and Evolve, are currently undertaking.

However, I am concerned that recent internal moves within the Second Story hierarchy have sought to mainstream—and I would say that would mean be made invisible—the programs and supports offered to these young people to personal one-on-one counselling services, perhaps with access to referrals to services. We know that these young people are more likely to be at risk of homelessness and, from the abuse in particular, are more likely to have things such as post-traumatic stress disorders and mental health issues, such as depression. These issues are experienced within this cohort at a much higher level than those of their peers. So, I am very concerned when I hear that Second Story is looking at offering these people one-on-one counselling services, and for no particular cost saving that I can see, or that has been put to us, they are getting rid of the drop-in group and peer education.

What I would say is that by doing that they are getting rid of the most successful part of the Inside Out and Evolve programs, the part that really gives these young people a sense of home, a sense of identity, a sense that they are not alone. Sending them off to a one-on-one counselling service or making them prove that they are in some way vulnerable before being able to attend any sort of support within that Second Story project will defeat the purpose.

I think that members who have had communications from those who have been assisted by these two wonderful programs would realise that every story is different but that the Evolve and Inside Out services have in fact saved young people's lives. I would hate to think that we would be overseeing a bureaucratic decision which would see some young people isolated to the point where they would look at taking their own life.

With that, I urge members to have a look at the programs of Second Story, Inside Out and Evolve as they are currently run and to show their support. I would hope that members will be making a contribution to this motion at some stage and I look forward to the drop-in groups and peer education continuing well into the future.

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

STANDARD TIME (ALTERATION OF STANDARD TIME) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:27): Obtained leave and introduced a bill for an act to amend the Standard Time Act 2009. Read a first time.

The Hon. R.L. BROKENSHIRE (16:28): I move:

That this bill be now read a second time.

This is an issue that in my opinion is clearly well above party politics. It is an issue of equity and fairness for the state, and there is some interesting history, when we go back, on our time zones in South Australia.

I rise to support this very simple bill. It is the briefest bill that I have ever had drafted since I have been in this place. It is less than one page, but notwithstanding that it is very important, I believe, to a lot of South Australians. In fact, I have had people from the Adelaide metropolitan area and the country supporting the concept of this bill.

As I have said, it is a simple bill to make a simple and sensible change to our time zone back to its natural time zone, being the time zone applicable to the 135 degree meridian. The current time zone that we are working on runs through Warrnambool, Victoria. The 135 degree meridian runs between Elliston and Port Lincoln within South Australian borders. This was the time zone that South Australia had until 1899 when the business lobby convinced the government to change to the 30 minutes due to concern about missing out on cables from London. We have better technology now than cables from London and in the information age there is no need for this difference. Only Iran, Afghanistan, India and Burma are nations with time zones on the half-hour, and provincially only the Northern Territory and Canada are with us in the 30-minute differential.

This bill will bring South Australia in line with Japan and Korean time zones, respectively Australia's second and sixth biggest trading partners according to the Department of Foreign Affairs and Trade. It also brings us half an hour closer to the time zone that applies across the whole of our largest national trading partner, China, where they have the one time zone. Just a quick point on China: before the communists won the civil war, China had five official time zones. Now there is one, but I am not advocating communism as a factor in this debate.

Business SA has spoken out approvingly of this situation. It sees farmers, families and communities in western China working from 10am to 7pm. It is not quite what our West Coast farmers are experiencing, but I do point out the recent story on ABC's *7.30* of a South Australian Mid North farmer who talked about his 16-hour working days and the added stress of mice infestation in his home. That is a separate issue, but if a farmer is working 16-hour days, you can imagine the frustration of being way out of kilter with your natural time position. If Business SA want to follow communist China's approach and take us 30 minutes further east, they deserve all the other comparisons that come with that.

Worth noting is that the proposal would also take 30 minutes closer to a growing economic powerhouse in Australia—that is, Western Australia, its mining industry and its growing links with our state. We have seen the state government make an announcement on it in just the last week or thereabouts in respect to mining between Western Australia and South Australia.

Support for this proposal came to my office–and I will give a sample–from Ceduna, Kimba, Port Augusta, Edithburgh, Adelaide, Pasadena, Woodcroft, McLaren Vale, Victor Harbor and Moorook. Minister Caica, in a letter to a constituent provided to my office, said in late 2008 to this proposal:

> At present there does not appear to be significant support for any change to the time zone arrangements that apply in this state. However the Government will continue to monitor community sentiment in relation to time zones and daylight saving.

The best opportunity to do that is for this council to pass this bill to tell the Labor government there is sufficient community sentiment to have it investigated. In 1995 a select committee of this parliament supported a shift, and the members of this committee were the Hons Caroline Schaefer (the chair), Angus Redford, the late Ron Roberts, George Weatherill and Sandra Kanck.

The Hon. R.P. Wortley: I think Ron Roberts is still breathing.

Members interjecting:

The PRESIDENT: I don't think the Hon. Ron Roberts is quite late yet.

The Hon. R.L. BROKENSHIRE: Terry Roberts I meant to say, sir. No, Terry Roberts. I apologise profusely for that. The Hon. Terry Roberts. It is interesting to note back then that the report said in bold:

> Despite persistent attempts to obtain evidence from businesses and business organisations little was received by the Committee.

The committee ultimately recommended that contact be made with the NT government to go with us for a trial of two years. I have no evidence that the NT was ever approached and, if it was, it did not eventuate into anything so far; however, I have sent a copy of my proposal to the Northern Territory Chief Minister for his consideration.

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: Yes, that is. I will have to apologise to him later. Just on some comment: consultation on daylight saving available on the SafeWork SA website demonstrates angst about the tail end of extended daylight saving in particular. On adjusting our time zone, we note regarding the EDS that, at the start of daylight saving, sunrise is 5.35am at Bordertown, 5.44am in Adelaide, 6.06am in Ceduna, and by the end of daylight saving is 7.23am in at Bordertown, 7.31am in Adelaide and 7.50am in Ceduna. That is sunrise. Many constituents contacted me about daylight saving and the way it extended too long at the end in particular. This proposal does not modify daylight saving but rather modifies the time zone to reduce the adverse impact of daylight saving.

On the West Coast, it is not only farmers and business people who are concerned but also parents of students. Teachers have enormous imposts on them when they are trying to manage the wellbeing of students, given the difficulties that this impact has on students in particular. As a farmer, I found it particularly interesting to see this extension of daylight saving because, up until a few weeks ago, with the extension of daylight saving, at quarter past seven in the morning on the Fleurieu Peninsula you have to have all your tractor lights on—hazard lights and full general lights—as you go along the road in the dark.

You see builders going to Victor Harbor in the dark, with all their lights on at quarter past seven in March and April. You also see commuters having to travel in the dark. This has primarily been done because the government wanted to extend daylight saving for people who had the time

and the money to be able to go to the Fringe Festival. Whilst I support the Fringe Festival and its principles, there are a lot of people who do not go to the Fringe Festival but have incredible impediments placed on them as a result of extended daylight saving.

In summary, Business SA wants us to go to Victorian time permanently. It believes that we should be absolutely focused on the Eastern States but South Australia is its own state. South Australia is not part of Victoria, and let us hope that it never does become part of Victoria. We need to stand on our two feet and be proud of what we have as a state. Because we happen to have such a broad coverage, from Eight Mile Creek down below Mount Gambier, right across past Ceduna to the western border, and over the Nullabor Plain, I think we need to govern and consider the interests of all South Australians. We no longer have to have concerns about cabling back to London. We have technology in business that allows us to operate 24/7, if we desire, with any nation or any businessperson in the world.

What I am proposing in this bill is that we consider the interests of all South Australians. As I said, we would also be a lot closer to Western Australia. We would be exactly an hour behind the Eastern States and exactly an hour ahead of Western Australia and when you look up through the corridor we would have a distinct business advantage with our trading partners, especially where our growth in trading is clearly going to occur, and that is through the middle sectors of Asia.

The final point I would like to make is that I acknowledge that South Australians, by and large, particularly those who live in Adelaide, love daylight saving and, in fact, many farmers do. I am the only one in my family (which would not surprise you, Mr President) who could do without daylight saving, but my wife and three adult children love it. There are some advantages in being able to go down to the beach after you finish work and enjoy a barbecue or a salad on the beach. There are benefits—at Port Willunga and other beaches you can drive on down our way you can have a good family time—but there needs to be some compromise.

It was for business reasons allegedly, way back in 1895, when this decision was made, but try running a business, try being a parent, a student or a farmer, particularly on the West Coast of South Australia. I see this as a great compromise. We still have daylight saving, we still have all the advantages of daylight saving, but what we do not have is disadvantage for a large percentage of the South Australian community.

I look forward to contributions from my colleagues as we put this debate forward. However, as I said, in highlighting some of the areas in which the community had supported my proposal to come back to true Central Standard Time, many of them were from Adelaide, the South-East and the Mallee, as well. It is time, as we continue to succeed and grow as a state, that we actually look at a time zone that is going to be of benefit to everybody without disadvantaging any specific sector, region or district within the state of South Australia. I commend the bill to the house.

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

ARKAROOLA WILDERNESS SANCTUARY

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

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.

(Continued from 18 May 2011.)

The Hon. J.M.A. LENSINK (16:41): I rise to make some brief remarks in relation to the—

Members interjecting:

The PRESIDENT: Order! The people raising their cameras—

The Hon. R.I. Lucas: It's my phone.

The PRESIDENT: Put them away. They shouldn't be in the house anyway. Put them away. The Hon. Mr Lucas, put that down.

The Hon. R.I. Lucas: I will not. I'm just reading my text message.

The PRESIDENT: What, for the first time for 20 years? Put it away. You're being disgraceful. The Hon. Ms Lensink.

The Hon. R.I. Lucas: Just because the Hon. Mr Wortley's complaining about it does not mean we have to do anything about it. He might want to protect the Hon. Mr Finnigan.

The PRESIDENT: You're up to form. The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink. Do you want to talk or not?

The Hon. J.M.A. LENSINK: I'll speak. I rise to make some remarks in relation to the motion of the Hon. Mark Parnell in relation to Arkaroola. Just by way of background, Marathon Resources has been undertaking uranium exploration in the Arkaroola Wilderness Sanctuary in the northern Flinders Ranges for several years. We are all aware that its licence was suspended in 2008 for waste that was illegally buried, in breach of their licence conditions.

In relation to the Arkaroola Wilderness Sanctuary, a number of Liberals went up there at the instigation of the member for Stuart last year (probably about 10 of us, including our leader, Isobel Redmond) and we had a very good look round. We are eternally grateful to the Sprigg family for their hospitality and for explaining to us the unique values of that particular part of our state.

As a result, we found the government's document, 'Seeking a balance'—and I am going to refer to certain documents I received under FOI in a moment—quite disturbing in that it sought to change the zoning of that area and, in fact, to water down the existing provisions that apply. Indeed, the environmental zone A protection that applies to that area states that mining should not take place unless the deposits are of paramount importance and their exploration is in the highest national or state interest that all other environmental and heritage matters can be overridden.

I think it is fair to say that my leader and I certainly share the view that, given there are some 30,000 tonnes of uranium oxide, potentially, at that site versus what is already a 2.5 million tonne deposit at Olympic Dam, it would be extremely unlikely that those national and state heritage and environmental interests would ever be overridden under those circumstances. Indeed, my colleague the Hon. David Ridgway has tabled a bill in this place, the Development (Principles of Development Control—Mining Operations—Flinders) Amendment Bill, which was tabled in November last year and which sought to ensure that the zoning which applies cannot be watered down.

The history since then is that a 12-month extension has been granted to Marathon on its exploration licence, as of December 2010, and we still are not sure whether any mining will be allowed within the sanctuary area. The minister stated that Marathon's exploration licence would be renewed for only one year and that this renewal 'would be subject to consultation on its stricter licence conditions'. As of February, Marathon announced that it was resuming exploration. The Premier has said that the conditional one-year exploration licence for Marathon Resources in no ways confers a right to mine, but we still are unsure what the government's intention is. The government has stated that it is continuing to consult with native title holders, pastoral leaseholders and holders of mineral exploration licences.

In relation to the zoning, I have been publicly very critical of the 'Seeking a balance' document because it has very little reference material. I think there was a landscape survey, which was basically to ask people which sort of view they preferred. I have no quarrel with that landscape survey; in fact, it was done by one of the Lothian family members, who understands his craft very, very well. However, it did not examine the issues of biodiversity and the potential damage and all those sorts of issues.

The Wilderness Advisory Committee's advice to government was that the whole area be zoned either zone 1 or zone 2A as a wildlife corridor. It did not support the proposed changes in 'Seeking a balance', and it described the approach outlined in 'Seeking a balance' as a fragmented zoning pattern which does not protect key environmental values. It also recommended a higher standard of protection, in the form of legislation, than is currently proposed in the 'Seeking a balance' draft policy document, and the Liberal Party's position certainly agrees with that.

With those remarks, I think the wording of this motion is quite slanted. I do understand where the honourable member is coming from, but I think he is pushing the envelope a little bit too far. In relation to Marathon Resources and his use of the word 'vandalism' in point 1, I think Marathon has well and truly been castigated for its actions, as it should have been, and I

understand that a greater standard of our mining companies is required in this day and age. Because the wording of his motion is fairly biased, we do not want to enter into that side of the debate. However, I did want to restate what the Liberal Party's position is in relation to this, and we unfortunately will not be supporting the honourable member's motion.

The Hon. P. HOLLOWAY (16:48): I rise to indicate that the government opposes this motion, as it is already taking appropriate action and actively working towards an outcome that will provide for the permanent protection of the significant environmental and landscape values of the Arkaroola Wilderness Sanctuary.

Following the compliance failures by Marathon Resources under the Mining Act 1971 and the suspension of the company's exploration drilling program, the government promptly undertook three significant courses of action. They are:

1. Immediate regulatory direction under the Mining Act and the Environment Protection Act, requiring the company to undertake rectification work, which was satisfactorily completed in April 2009 with no remnant environmental issues.

2. We amended the Mining Act to strengthen the compliance and enforcement provisions of the act and the ability of the Department of Primary Industries and Resources to better regulate activities on tenements, including exploration licences.

3. The Department of Environment and Natural Resources and PIRSA commenced a joint project, 'Seeking a balance', to identify the icon sites of the Northern Flinders Ranges and to develop future management arrangements for balancing mining and conservation.

The 'Seeking a balance' document was released for consultation in late 2009 with the purpose of, firstly, applying a higher level of regulation and more specific locational controls on exploration and mining activities and, secondly, engaging with the community on land access and mining regulation.

'Seeking a balance' generated considerable interest amongst the community and industry, and by the close of consultation something like 485 submissions had been received. Based on those submissions, which were overwhelmingly in favour of protecting Arkaroola from mining, the government decided not to proceed with 'Seeking a balance' but to examine new management options to ensure the future protection and conservation of the landscape flora and fauna.

On 22 February this year the Premier advised parliament that he had asked the Minister for Environment and Conservation and the Minister for Mineral Resources Development to lead a consultation process to identify the best conservation management framework for Arkaroola. This consultation process is currently under way. All options will be considered, including a permanent ban on mining, creating a national park and national heritage listing, with a possible view to seeking world heritage status in the future.

The consultation process, being led personally by the Minister for Environment and Conservation and the Minister for Mineral Resources Development, is well under way. It involves discussion with key stakeholders, namely, the leaseholders of the Arkaroola, Mount Freeling and Wooltana Pastoral Leases, the Adnyamathanha Traditional Lands Association, who hold native title over the area, and several exploration and mining companies, including Marathon Resources, but also Heathgate Resources, Alliance Craton Explorer and Giralia Resources. Their views are being sought on the best options for conserving Arkaroola's unique values.

Following this consultation process the government will then be in a position to consider which option is the most appropriate to protect the values of Arkaroola. For those reasons this matter is being considered very earnestly by the government. We intend to come to a solution that will be acceptable to the community, and that is why we reject the motion, particularly part 2. Certainly, nothing will happen to Arkaroola either now or in the future that will damage the iconic areas of that region.

The Hon. K.L. VINCENT (16:53): I rise very briefly to support the honourable member's motion. The Arkaroola Wilderness Sanctuary is located 600 kilometres north of Adelaide in the beautiful Flinders Ranges, as we all know. Whilst I have seen pictures of this majestic place, I am sorry to say that I am yet to visit it. However, one only needs to look at the pictures and to read the stories of those who have visited to understand that it is indeed an amazing place. In fact, people come from far and wide to experience its rugged beauty. this area is not only a beautiful place but also a unique area, which is home to 700 million-year old fossils and endangered species, such as the yellow-footed rock wallaby and something else I do not know how to pronounce.

Moving on, because this is politics, I am concerned at what the Hon. Mr Parnell has told us about Marathon's submission to the government's 'Seeking a balance' report and, in particular, its assertion that there is nothing particularly special about the Northern Flinders Ranges that requires intervention, although I must say that I am not particularly surprised in view of its illegal dumping of waste in the Arkaroola Wilderness Sanctuary.

While the Premier told the parliament in February this year that he recognised the unique and sensitive environmental, cultural and heritage values of Arkaroola and found its beauty to be compelling, I am nonetheless concerned that the government's unashamedly pro-mining and pro-jobs attitude may well gazump the innate value of this beautiful place. I truly hope that I am wrong.

It is now almost 14 months since the initial discovery of illegal waste disposal and what is described in the motion as 'vandalism' by Marathon Resources in the Arkaroola area. The government has had ample time to consult with parties and to weigh up the pros and cons and to develop a strategy, so I agree that it is high time that this government guaranteed the permanent protection of what the Hon. Mr Parnell so aptly describes as 'the iconic and majestic mountains of Arkaroola'. I support the motion.

The Hon. A. BRESSINGTON (16:55): I also rise to support the motion of the Hon. Mark Parnell in relation to mining in the Arkaroola sanctuary and providing protection for that sanctuary. First of all, I wish to congratulate the Hon. Mark Parnell on raising the issue of protecting this unique and precious area and for his persistent representation on the issue. In 2007, he proposed the National Parks and Wildlife (Mining in Sanctuaries) Amendment Bill, and then in 2008 he introduced another bill, the National Parks and Wildlife (Arkaroola–Mt Painter Sanctuary Mining Prohibition) Amendment Bill. What I admire most is that the Hon. Mark Parnell does not just raise these issues, do a media grab and then move onto another issue. He actually shows that he has a genuine interest in such important issues and stays with them for the long haul.

We all know that mining companies and governments see dollar signs long before they are concerned for the environment and the long-term damage, often irreparable damage, that is done with the dollar as the determining factor in the decisions made in this place and the other. Indeed, we are blessed in this country to have unique landscapes such as Arkaroola of great geological and historical value and also the resources that inevitably go with them. I am talking about the minerals and what we see as substances that we should just mine until we can mine no more.

I do not believe that I am one to be considered to be a greenie, but I do recognise that this planet is the only one we have and that for both the people and the planet to survive we do have to change what we are doing currently. We have to work towards developing a mindset that recognises the relationship between this land and the people, who must live together and survive together, rather than the attitude of exploitation of resources that we currently have.

For an example of how things can go so terribly wrong, we only have to look at what happened in the Gulf of Mexico after the BP oil spill. With all the risk management and assessments that were done, and all the safeguards that were put in place, we have seen the death of the Gulf of Mexico. It was a great 24-hour or 48-hour news cycle that talked about the destruction and whatever, but we hear very little about it now. We hear very little about the ongoing struggle that communities around the Gulf of Mexico are experiencing, with poisonous gas emissions now coming from BP's attempts to solve the problem—and they did a terrible job at it.

I think people are getting smarter as we go along and understand that these drilling companies, oil companies and mining companies really do not give a hoot about the damage they create and the damage they leave behind or their half-baked solutions, not based on science but on what will be cheapest to try to cover up what they have done. Quite frankly, Arkaroola is far too precious for us to take that chance with.

I note that even Professor Ian Plimer, a staunch advocate of uranium mining and also outspoken on climate change, with a contrary view to that of the Greens, also agrees that Arkaroola should be off limits. I am glad to see that his credentials as a geologist are coming before his interests in uranium mining. With that, I am glad that the Hon. Mark Parnell has again pushed the envelope, as the Hon. Michelle Lensink put it.

I do not believe we need to pussyfoot around with the language of these motions when they are about protecting such precious reserves that we have, keeping Arkaroola as a protected sanctuary and forcing the Premier of this state to follow through and have this place listed on the World Heritage List in conjunction with a ban on mining. I commend the Hon. Mark Parnell, and I support the motion.

The Hon. M. PARNELL (17:00): In closing the debate on this motion I would like to thank all those members who have contributed. I would like to thank the Hon. Kelly Vincent and the Hon. Ann Bressington for their support of the motion, and I would also like to thank the Hon. Michelle Lensink and the Hon. Paul Holloway for their contributions.

I think the Hon. Ann Bressington put her finger on it when she said that we should not pussyfoot around with the language in these motions. I accept that the Hon. Michelle Lensink does not like the word 'vandalism', and the Hon. Paul Holloway refers to 'compliance failure'. That is a euphemism like 'wardrobe malfunction'. What distinguishes vandalism from an accident is that vandalism is deliberate, and it is damage. What happened in relation to the nationally-listed geological monument of Mount Gee was that it was deliberately damaged, and the fluorite deposit was hacked and stolen. If that is not vandalism I do not know what is.

I would like to briefly put on the record some new developments that have taken place since I moved this motion, but before I do that I would like to say that I appreciate the Hon. Ann Bressington's acknowledgement that the Greens have actually been on this for a while. Certainly, my first attempt in 2007 to protect all sanctuaries from mining was unsuccessful, and we then had the waste in the wilderness episode early in 2008—at least, that is when the illegal dumping and the fluorite deposit damage were discovered.

There was then a report completed by Primary Industries and the environment department which found 21 separate offences, breaches of the Mining Act and regulation requirements under the licences. I brought another bill into the parliament in 2008. In the meantime the government set about reissuing and renewing the licence, albeit with some restrictions, but it was unable to grasp the severity of what had happened and was unable to realise that a very simple solution was at hand; that was to simply protect Arkaroola and declare it off limits for mining.

The Hon. Paul Holloway referred to the Seeking a Balance process, which I think was a disaster in terms of a scientific exercise. The community input was overwhelmingly that the Arkaroola Wilderness Sanctuary needed to be protected. The Marathon Resources submission, which I referred to at some length in my earlier contribution, took a bit more effort to obtain; they were a bit less willing to provide that, but it did highlight the attitude of the company to this area. It does not like us calling it iconic; it wants to think of it as just another pastoral lease that is available for mining.

We tried again in 2010 to protect Arkaroola through amendments to the Mining Act that were then being debated, but were told that that was an inappropriate vehicle to achieve the result we wanted. So we get to 2011, years after the first problems became apparent and many years after people realised that this was area under threat, when we finally had what I was most encouraged to hear, and that was the Premier's announcement back on 22 February this year, when he said:

> I certainly recognise the unique and sensitive environmental, cultural and heritage values of this site, which I visited last year. It is a stunning landscape, rich in flora and fauna, and I found its beauty to be compelling.

The Premier was not mincing his words there; this is a special part of South Australia. So I was encouraged, and I think the community was encouraged, that it seemed that the penny had finally dropped and that we were on the cusp of an important announcement that Arkaroola was to be permanently protected.

Many people thought that it was all sorted, that the only thing that had to be determined was the exact mechanism but, of course, in the background we still have this conga line of Labor mates who are lobbying for mining and on behalf of Marathon Resources, and they are no doubt talking up this mythical mountain of money that can be made if only we allow them to dig it up.

What has disturbed me most recently is that the mining minister, just last week, has commenced a campaign, I think you would call it, of correspondence with his constituents in the seat of West Torrens. He has been writing unsolicited letters to the voters of West Torrens asking them what they think about Arkaroola. His letter does not include the same glowing language that the Premier used earlier this year. What minister Koutsantonis says is, and I will quote two paragraphs from his letter:

> The area has also been historically identified as having high prospectivity for copper, gold, uranium and other metals with many of the tourist trails throughout the ranges a legacy of previous exploration activity. The Northern Flinders Ranges is one of the most geologically diverse and prospective areas in Australia, with a long history of exploration and mining and potential mineral and energy resources of national and international significance.

So, he talks up the region, and then talks down protection. He says:

> Placing a ban on exploration and mining in the Arkaroola area would lock away these significant resources now and in the future. This could deny the opportunity for all South Australians to benefit from potential mining investment, employment opportunities and a return to the state from these resources, which are owned by the state.

What a remarkable thing. First of all, why on earth is the minister for mining selectively consulting the voters of West Torrens? That is the first question. His letter actually commences, 'As your local member and the Minister for Mineral Resources'. If he is writing as the Minister for Mineral Resources I expect we will see a full report to parliament on the outcomes of his consultation, but he would know full well that as the member for West Torrens he can keep that information to himself if he is writing as their local member.

It begs the question: is mining policy in this state being driven by the views of the electors of West Torrens, or are there, as there should be, larger forces at work? Interestingly, the return slip on the minister's letter invites voters to select one of three options, and two of those three are pro-mining options. His options are:

> 1. Complete ban on exploration and mining in the environmentally sensitive areas of the Arkaroola Wilderness Sanctuary.

Not the whole thing, just the environmentally sensitive parts of it. It continues:

> 2. The area should remain available for exploration and mining in the future, but only if and when appropriate and environmentally sensitive methods of mining are developed.
>
> 3. Exploration and mining should be permitted now, with appropriate and stringent environmental controls in place.

So, he has given the voters of West Torrens three choices to choose from, one for protection and two for mining. You have to contrast that with what the Premier said the options were in his speech earlier this year. He put three options forward as well. They were all protection options. The Premier's options included: the exclusion or limiting of future mining in the environmentally sensitive areas of Arkaroola, including areas that are subject of the company's lease; secondly, the designation of Arkaroola as a national park; and, thirdly, putting it on the National Heritage List and afterwards seeking World Heritage listing.

They are the options that the Hon. Paul Holloway referred to. The question is: why is the mining minister out there promoting a different range of options? I am with the Premier. The only debate should be: how do we protect, not minister Koutsantonis options, which are: well, do we really want to protect or do we want to exploit? So, I find it remarkable.

The minister's letter to his constituents talks up the availability of the resource when in fact those of us who have followed this debate would know that Marathon Resources is talking about an inferred resource, an imagined resource, if you like, and that is an estimate at a very low level of confidence. That is what inferred resources are. In fact, there are sound geological opinions, and the Hon. Ann Bressington referred to geologists, there are sound opinions that the irregular nature of the resource, the cavernous, friable, near-surface rock structure, is going to make mining a particularly difficult task. That is on top of the fact that it is of very low grade. It is a lower grade than the adjoining uranium deposits around Lake Frome—certainly lower than other deposits that are being exploited.

In conclusion—and it will come as no surprise to members that I want to record the views of honourable members on the *Hansard* record in relation to this—this motion calls for the government to stop mucking about. It has been nearly 40 months; that is over three years. We know that the vast bulk of our state is open for business to the mining industry, but there are some places that are so important that they deserve a higher level of protection.

I also remind members that my motion does not call for legislative protection: it simply calls for protection. The fact that I have had to bring bills here on a pretty regular basis since 2007 is not because that is the only way to protect Arkaroola but it is basically a way of doing it when the government refuses its responsibility to the environment of this state.

The government can protect Arkaroola without legislation. My motion does not require legislation. I do not know why the government is still waiting. They are still consulting apparently, including the good citizens of West Torrens. How many more scientists from the Museum do they need to talk to to realise that this is a special part of the state that needs protection? Arkaroola is too precious to mine, and I urge all honourable members to get behind this motion.

Motion carried.

ASSOCIATIONS INCORPORATION ACT

Notice of Motion/Order of the Day, Private Business, No. 7: the Hon. R.P. Wortley to move:

That the regulations under the Associations Incorporations Act 1985, concerning fees, made on 16 December 2010 and laid on the table of this council on 10 February 2011, be disallowed.

The Hon. R.P. WORTLEY (17:12): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

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.

which the Hon. C. Zollo has moved to amend by leaving out all words after 'centenary' and inserting 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.

(Continued from 18 May 2011.)

The Hon. K.L. VINCENT (17:15): I would like to briefly place on the record my support for the Hon. Mr Wade's motion. In fact, I would be very surprised if anyone in this place did not indicate their support of this motion which obviously notes the centenary of the passage of the Female Practitioners Act and the contribution that female practitioners have made to South Australia. It is difficult for me to comprehend a time when women were excluded from the legal profession and from professional life in general, as I am lucky to have lived in times where such discrimination would be illegal—if you can call it lucky.

Imagine what South Australia would have missed out on if women were not allowed to practise law. The Hon. Mr Wade has already spoken about trailblazers such as Mary Kitson, Claire Harris and Roma Mitchell who set very high standards for those who followed in their footsteps, and made a positive contribution to this state. The Hon. Mr Wade has also made mention of the honourable Leader of the Opposition here in SA and our Prime Minister who was schooled here in South Australia but practised in Victoria; both are extremely successful women from both sides of politics.

Of course, our soon-to-be newest Green senator, the Hon. Penny Wright, is another impressive South Australian legal practitioner who worked for many years with vulnerable and disadvantaged people and has contributed much to this state. I would also like to draw attention to the somewhat quiet achievers like Aleecia Murray, Kaz Eaton and Abby Hamdan, who are among the founding board members of the Refugee Advocacy Service of South Australia; and Deslie Billich, who has worked tirelessly for this organisation representing countless numbers of asylum seekers in this state over a number of years.

Then there is Claire O'Connor, who has a long history of advocating for human rights in this state and represented the first member of the Stolen Generation to successfully sue the state for damages. Justice Robyn Layton QC is another great South Australian legal practitioner who happens to be a woman and who has made us very proud. In fact, I could probably speak all day about the wonderful array of female legal practitioners that we have here in South Australia, but I think I have said enough in that regard. Of course, I will also be supporting the Hon. Ms Zollo's amendment. It goes without saying that we should also be noting and, indeed, celebrating the centenary of International Women's Day.

The Hon. T.A. FRANKS (17:17): I rise to support the motion moved by the Hon. Stephen Wade regarding the centenary of the passage of the Female Practitioners Act and also the amendment to acknowledge that we have seen 100 years of International Women's Day. I rise as a feminist and as somebody who, over 100 years ago, would not necessarily have been able to partake equally in our society. I am pleased to say that we are making steps towards equality but, as a report under Senator Rosemary Crowley noted, when she was Minister for the Status of

Women federally, we are halfway to equal as we stand while women are still not paid at an equal rate.

I commend the government and congratulate it on its announcements today on the steps of Parliament House that it will, in fact, fund the pay equity case that is being run by the ASU for our community sector workers. That is a wonderful announcement and I am very pleased to congratulate the new Treasurer for taking that initiative to ensure that this state government steps up to the plate in terms of equal pay for women in that very feminised sector. I congratulate them for their work there.

However, as we know, women still are not necessarily paid at the same level as men in terms of feminised industries and, in some cases, even when they are in the same job. We know that graduate first-year lawyers, if they are female, will be offered a lesser starting salary than a male as a typical cultural practice within some particular firms. However, I am very pleased that we are making those steps towards equality. They have been some long time in coming; although in South Australia, of course, we have a proud history of working to women's equality and of women taking the lead. As we know, women such as Catherine Helen Spence and organisations such as the YWCA, which I am pleased to say I have worked with the past, have been an integral part of these moves forward.

With the union movement and the involvement of what you would term the 'broad left', we have seen events such as International Women's Day take off around the world and fight for a range of different areas of quality. I have touched on equal pay and the right to hold particular professions, such as the legal profession, and the right as a teacher not to have to resign from your job if you got married. These are things that we take for granted to this day.

What I would also like to talk about is the new wave of rights that young women today are fighting for. Young women today are facing a world where they are told that they have equality, that it has been fought and won, and that they have inherited a planet where they have every chance of succeeding or failing, as their brothers—their male peers—do. Yet, they come out into a world where greater expectations are placed upon them to look a certain way and to behave in a certain way.

There are two areas in particular that I would like to point to; one is body image and self-esteem, which, of course, we know affect young women and girls in terms of a tendency to disordered eating on the anorexia or bulimia scale of things at a greater level than their male peers, whereas males, if they do suffer from disordered eating, are often likely to be bulking up than slimming down.

That is a scourge that I think we have to realise is part of the next battle to be fought and won by the women's movement. I find it interesting that people do not necessarily see body image and self-esteem as feminist issues; I certainly think they are. I certainly think they are the next steps towards equality. In the words of Gloria Steinem, 'Self-esteem isn't everything, but without it we have nothing.'

The final area I would like to touch on just briefly today is that of women's sexuality. We have seen around the world the International Women's Day movement take the form of marches on the street. Certainly, in the 1970s and 1980s we saw the Reclaim the Night marches take on some of the mantle that International Women's Day had started. They were marches for women's safety, the right—wherever I go, whatever I wear—to be safe on the street and free of physical abuse and also rape and violence against women.

I have certainly been on a few of those Reclaim the Night marches; I have certainly organised a few in my time. They were part of a time and place that I think the SlutWalk movement has now taken on. Before anybody thinks that that term is unparliamentary, I think there could be no finer organisation (for want of a better word in terms of organisation) than the SlutWalk movement. It started most recently because in Canada a police officer advised young women that if they did not want to be raped they should avoid 'dressing like sluts' in order not to be victimised.

The SlutWalk movement has taken off online and across the world. It is a women's movement, particularly a young women's movement, and it is inclusive of all ages and all genders. It condemns victim blaming, slut shaming and judgements that are based purely on attire. The event preaches respect for sexuality and safety for women everywhere, regardless of how they choose to dress. It also calls for understanding for victims of sexual abuse.

I would like to commend the local Adelaide chapter of the SlutWalk movement, who has a march to Parliament House this weekend. While there are many organisers, two particularly who have put their name to this are Kirsty Hughes and Mandy Threlfo. They have worked to rally a new wave of feminists to take on a new part of the battle for equality. They are making a unified statement about sexual assaults and victims' rights and the right to respect for all.

As I said, we have come a long way with the ability of women to take on particular professions. The ability of women to have equal pay draws ever closer, and the ability for women to take on roles, whether that is to stay home and care for their children or for their family, or whether it is to participate in the workforce at a part-time or a full-time level. It is all about choice, and those choices do, in fact, extend to the way in which a girl or a women looks. So, I commend the recognition of the history of the women's movement presented by this motion, but I also celebrate the future of the women's movement and wish those walking on the SlutWalk this weekend all the best.

The Hon. S.G. WADE (17:26): I would like to thank all members who contributed to this debate, particularly the comments of the Hon. Carmel Zollo in relation to the value of celebrating recorded history. I think too often we fail to thrive moving forward because we fail to reflect on what lies behind. In that respect, I also acknowledge the contribution of one of the younger members of the chamber, the Hon. Kelly Vincent, who reflected on how strange it might seem for people such as herself that these struggles have been made.

In that respect, the comments of the Hon. Tammy Franks reminded me of the comments of my own wife. My wife has an illustrious career in academia, but she often expresses amazement at the perception of women today, particularly her students, that the struggle is over. She certainly perceives that there are challenges facing professional women and the need to continue to deal with those issues.

In summing up very briefly, I would also like to flesh out my contribution earlier by recognising yet more women. I acknowledge that a number of other honourable members took the opportunity to acknowledge the vast array of female practitioners who have contributed and are contributing to South Australian society.

In my first contribution I acknowledged the contribution of judicial officers who are women and, in that context, I think it would be appropriate for me to particularly acknowledge two women who either are or recently were the head of jurisdictions within our courts. The Chief Magistrate, of course, is Elizabeth Bolton, and only recently did Christine Trenorden retire as the senior judge of the Environment Resources Development Court, after seven years of illustrious service to this state.

In briefly thanking all honourable members for their contribution and for the various commitments of support for this motion, I indicate that I will be supporting the Hon. Carmel Zollo's motion in the spirit of recognising not only the contribution of women in the legal profession but also the contribution of women across the spectrum of society, as celebrated through International Women's Day.

Amendment carried; motion as amended carried.

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 18 May 2011.)

The Hon. T.A. FRANKS (17:29): I rise very briefly to commend this motion and follow up the contribution of Hon. Ian Hunter and the Hon. Stephen Wade on this motion. It is, of course, a motion that recognises Amnesty International's 50th birthday, and I flag that the three members, including myself, who have spoken so far hope that we will be able to celebrate that momentous occasion by reinvigorating the parliamentary Amnesty group in this place. On 28 May 1961, British lawyer, Peter Benenson, published an article in the *Observer* newspaper in response to his outrage that two Portuguese students had been gaoled for seven years for raising a toast to freedom. Half a century later, Amnesty International has more than 3 million supporters across 150 countries.

By the end of 2010, Amnesty International had conducted nearly 3,500 country visits to research human rights abuses and produced more than 17,000 reports and public documents.

These, of course, include the annual and much awaited 'Amnesty International report: the state of the world's human rights', which is now published in 25 languages. Amnesty continues to campaign for the promotion and protection of all rights enshrined in the Universal Declaration of Human Rights, including the right to freedom of expression.

Starting from those days, however, well before the internet and when Amnesty certainly focused very much on civil and political human rights, in the past decade we have seen Amnesty come a very long way in a very short time. I worked at Amnesty International for some years as the regional coordinator for South Australia and the Northern Territory, and I can attest that they filed many reports in the office, very methodically, but also that the scope upon which Amnesty works has broadened in the past few years to include such things as the Hon. Ian Hunter touched on—rights around gender and sexuality, for example

Certainly, I am pleased to see that Amnesty has taken a leading role in moves to end violence against women, including domestic violence and, as such, Amnesty has maintained its relevance for the world today, going from an organisation which was very much about small groups writing letters to prison officials or governments in another country. They have very much brought human rights into the here and now and made it relevant to people's lives as they are lived, and they continue to work on freedom of expression issues.

Just recently, I signed my little yellow card and posted it off, as I am sure many members here did, from the parliamentary magazine we receive from Amnesty, in defence of the journalist Abuzar Al Amin, former deputy editor-in-chief of the *Rai Al Shaab* newspaper. He was arrested in May 2010 for writing articles that analysed the results of the 2010 election and suggesting that an Iranian weapons factory had been built in Sudan. He has been charged with undermining the constitution and publishing false news. He was sentenced to five years in prison, and he has reportedly been tortured.

Amnesty International sent us that yellow card and magazine because they recognise the important role that parliamentarians can play in defending international human rights standards and highlighting human rights abuses around the world. As I say, I signed the postcard, and I encourage other members to do so as well. I look forward to working with the Hons Ian Hunter and Stephen Wade and any other members who care to join us in reinvigorating the ethos of Amnesty International in this place.

We look forward to working with our local branch of Amnesty International and hearing about the latest issues and themes on human rights and from those speakers we may be able to bring into this place to educate ourselves and, in turn, work to defend human rights around the world. With that, I commend the motion.

The Hon. I.K. HUNTER (17:34): I thank honourable members who have spoken in this debate for their excellent contributions. As the Hon. Ms Franks indicated, the three speakers have undertaken to reactivate the parliamentary group for Amnesty International, and we hope to have a notice out to members very shortly for its 50th birthday celebration. I commend the motion to the house.

Motion carried.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT

Adjourned debate on motion of Hon. T.A. Franks:

That this council condemns the government for its failure to—

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

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

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

4. Provide this council with details of—

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

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

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

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

(Continued from 9 March 2011.)

The Hon. J.M.A. LENSINK (17:35): I rise to indicate support for this motion, which I think is a complete no-brainer. The background to it is that South Australia was the last state to actually implement this type of legislation. In 2009, the Liberal Party supported the Building and Construction Industry Security of Payment Bill, which was then passed in December of that year. A similar bill was introduced by Nick Xenophon in 2006 and subsequently by John Darley. There were some minor differences between them.

This bill was passed in December 2009 and has yet to be proclaimed. Questions have been asked by various members about where it is, and the minister stated in response in this place on 23 February that 'the intention is to have the new system in place by the end of this year as the legislation I believe requires.' Liberal Party members and members from other parties have been contacted by trader subcontractors who have finished work, not been paid and now find themselves in considerable financial stress.

Their ability to pursue debtors through civil remedy is costly and limited, and I will refer to a case that I have been advocating on behalf of in a moment. One constituent has contacted us to say that he has some $81,000 worth of funds outstanding from general contractors. I have also recently met with industry groups who are very keen to have the bill proclaimed posthaste, as their members are suffering without any protection.

I am not sure what the government's intention is, as the minister made those comments I have read, but I take it from those comments that the government intends to wait until section 7(5) of the Acts Interpretation Act will require the act to commence on the second anniversary of the date on which it was assented to. I would be disturbed if that was the case. When I met with industry groups, I think they were very concerned that the measures are not being put in place, there is a very short-term line in terms of consultation, and really the government does need to make sure that it has something implemented as soon as possible.

I guess the government could say that hindsight is a wonderful thing, but it really should have got on to it as soon as possible. Indeed, I did write to the minister on behalf of a constituent in December last year, asking him about the security of payment legislation. The minister stated in her reply on 14 December that the matter falls within the portfolio responsibility of the Hon. Tom Koutsantonis as the Minister for Industry and Trade. Part of the problem has been that the government has been shoving this around between various departments for who knows what reason, possibly because it was not actually a bill that was promulgated from within its own bureaucracy.

This particular constituent, who is a tiler, wrote an open letter to SafeWork SA, someone that he calls the 'Phantom Ombudsman' and a 'comrade Rann'. In relation to this particular bill he says:

> Now take the security of subcontractor payments.
>
> First meeting was in Adelaide 1996. Where are we now—nowhere! The Security of Subcontractor payments has been passed in Parliament last year. Comrade Rann doesn't even know who is looking after it, one week it is Rau Attorney General then its Miss Gago Minister of Consumer Affairs, speak to her staff—answer: no where not looking after it.
>
> I think the only person who really knows who is looking after it is God.

Then he says:

> …my suggestion is that you give the Security of Subcontractor payments a miss—throw it in the bin. Let the builders continue with what they are doing and especially the amounts that are taken away of $200 and $300 from the sub-contractors when they submit their invoice for payment. What happens usually is the sub-contractor puts a line through the amount outstanding and writes it off. Do you know why? You engage a solicitor that costs between $200-$300. You then issue a Summons another $120.00 plus $30.00 to serve it plus $15.00 for expenses. So what are you up for? More than what is owed. Then you have to attend Court for a hearing. You lose half a day. A trial date is then set and then the Magistrate works to the Law. You might find that he thinks or a building consultant thinks that the work should have only taken one hour so one hour take travelling you are awarded maybe $90-$100. Now what has your cost been? Almost $1000.00. It's just rubbish and that is all that it is.

In NSW they have been able to recuperate $10.4 million in four years. What have we recuperated in South Australia? Oops wrong word—lost in South Australia most probably only $2 million. But does our Government taken any actions—No.

This particular chap also wrote to the Attorney-General on 9 June last year, so if that did not stir anything up about this bill needing to be given some attention then I do not know what will. He wrote:

Dear Sir….

In regards to the above subject [that being security of sub-contractor payments] do you think it will come into force this year? Or will it take another 13 years to come into force?

I have written to the Liberals, I have written to your predecessor who has finally submitted a Bill which is being scrutinized by people who have no idea whatsoever on how the system works. They all think it's a joke but millions of dollars are lost every year on wages from the average sub-contractor who has been diddled out of money that he is entitled to.

I give you an example. S.J. Weir diddled me out of $186,000. Legal profession wants $55,0000 up front to fight the case. The legal system itself is rubbish. Most of them wouldn't know the difference between [expletive] and clay.

Very clearly, and for good reason, a very angry constituent. We did seek to ensure that that legislation was actually being progressed, and now it is not. Therefore, I strongly support the motion of the Hon. Tammy Franks and urge the government to ensure that it gets on with it and implements this for the protection of the good tradespeople of South Australia.

The Hon. CARMEL ZOLLO (17:43): I rise on behalf of the government to make some comments in relation to this motion. The Building and Construction Industry Security of Payments Act is a new law that will provide businesses in the construction industry with the right to claim progress payments as work proceeds. It also sets out a process for businesses to recover progress payments and provides for payment disputes to be referred to an adjudicator. The Minister for Consumer Affairs, through the Office of Consumer and Business Affairs, will be responsible for the administration of the new law.

As indicated by the Minister for Consumer Affairs in parliament on 23 February, in response to a question without notice from the Hon. John Darley, the Office of Consumer and Business Affairs is currently working with a number of government agencies to progress the security of payments legislation in a timely fashion. In fact, the minister has been advised that drafting of regulations has commenced and is progressing well. The new law must commence on or before 10 December this year. This legislation is an important progression for the industry and is a large undertaking that will establish in South Australia a brand-new system for resolving disputes.

The Hon. T.A. FRANKS (17:44): I thank those members who have made contributions, the Hon. Michelle Lensink and the Hon. Carmel Zollo. I also acknowledge the extensive work done by the office of the Hon. John Darley and, in particular, his staff member Connie Bonaros, on this matter.

The simple fact is that we have been waiting for a very long time for this act to be facilitated by this government. We are going to see it come in at the last possible time that it probably could. In the meantime, we have seen contractors and subcontractors not paid for major government projects, such as the Adelaide Aquatic Centre, the Adelaide Oval redevelopment and the desalination plant.

I look forward to the fact that those who will work on the Royal Adelaide Hospital will have the protections offered by this new act and I would hope that in the future the government will not be quite so tardy to allocate ministerial responsibility and set the wheels in motion when it comes to implementing what was a very good piece of legislation, originally initiated by the Hon. Nick Xenophon and carried out by the Hon. John Darley. With that, I commend the motion to the council.

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 18 May 2011.)

Motion carried.

CRIMINAL CASES REVIEW COMMISSION BILL

Adjourned debate on the question:

That this bill be now read a second time.

to which the Hon. S.G. Wade moved to leave out all words after 'That' and insert:

the bill be withdrawn and referred to the Legislative Review Committee for inquiry and report.

(Continued from 18 May 2011.)

The Hon. A. BRESSINGTON (17:50): I rise to conclude my summation to the Criminal Cases Review Commission Bill. Just to refresh the council and me, the Hon. Stephen Wade has moved that the bill be referred to the Legislative Review Committee for inquiry. Earlier today I moved a motion and sought to expand that inquiry's terms of reference to include other possible means for correcting wrongful convictions and also how a national commission could (and, indeed, whether it should) operate.

As I expressed last week and again earlier today, I understand the reluctance to commit the bill as it stands and given it is the first one in Australia to be introduced. For this reason, I am also more than willing to accept that this bill can be improved upon and, as such, I am supportive of its being referred for inquiry.

Together with the expanded terms of reference I moved earlier today, I am confident that the Legislative Review Committee will thoroughly inquire into the merits of a criminal cases review commission and ultimately conclude that, as an alternative to the petition process under section 369 of the Criminal Law Consolidation Act 1953, such a commission will be a significant advancement to our criminal justice system, and I look forward to reading that particular report.

Motion carried.

The Hon. A. BRESSINGTON (17:51): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

STOLEN GENERATIONS REPARATIONS TRIBUNAL BILL

Adjourned debate on the question:

That this bill be now read a second time.

to which the Hon. S.G. Wade moved to leave out all words after 'That' and insert:

the bill be withdrawn and referred to the Aboriginal Lands Parliamentary Standing Committee for inquiry and report.

(Continued from 4 May 2011.)

The Hon. P. HOLLOWAY (17:53): On behalf of the government I oppose the second reading of this bill. The Stolen Generations Reparations Tribunal Bill 2010 draws heavily on an equivalent bill introduced by the Australian Democrats in the Senate, including the tribunal's powers, the forms of reparation and the establishment of a stolen generations fund. I point out to the council that that bill did not pass as it did not have the support of either the government or the opposition in the federal parliament.

In the State of South Australia and Trevorrow, the court held that the power of guardianship under the former Aborigines Act 1934 did not extend to unilateral removal of children from their parents. It follows that, depending upon the circumstances of the individual case, the state may be liable. Other relevant factors in determining liability will include whether a plaintiff in a given case was subject to a care and control order, whether the parents consented to removal and whether an extension of time in which to bring the proceeding should be granted in light of the passage of time, death of critical witnesses and loss of relevant documents.

The phrase 'stolen generation' is not a fixed concept, and policy decisions about the inclusion or exclusion of children removed with the consent of parents or by court order need to be considered. The chief reason for a court order would have been for reasons of neglect under the former Maintenance Act. It is unknown how many potential claimants there might be. However, in any event, the circumstances of the Trevorrow case are not representative of the majority of other

Stolen Generation claims. Future cases will subsequently be considered on their individual merits. For these reasons, the government opposes the bill.

The Hon. K.L. VINCENT (17:55): I rise today to support the Hon. Ms Frank's Stolen Generations Reparations Tribunal Bill. South Australia does, indeed, have a shameful history when we consider the treatment of Aboriginal people. I am personally of the belief that compensation and equality for our Aboriginal people and the horrors they have suffered are more than just a target or a goal that we, as a society, should share—it is, in fact, a long-overdue debt. The shame that we feel in terms of our treatment of Aboriginal people can be traced back to the 1840s, when the then governor proclaimed 'An ordinance for the protection, maintenance and upbringing of orphans and other destitute children of the aborigines.'

What is shameful about this, you may ask; surely, if a child is destitute or orphaned the child should be protected? This ordinance was not only about protection; it facilitated the development of the colony through child labour, allowing Aboriginal children of suitable age to be bound by indenture as an apprentice until the age of 21. While the apprenticing of children required the consent of parents, it is certain that Aboriginal parents were at a clear disadvantage in the new Eurocentric world.

At around the same time, boarding schools were set up for Aboriginal children and, while it seemed that parents did have a choice of whether to send them to school, it appears that many parents had no real choice in fact, with the authorities bribing them with blankets and food. I use the term 'bribe', as the original people's traditional means of survival were shattered with the invasion. They were not in a true bargaining position and were, no doubt, desperate to properly care for their children and families, so they were effectively bribed.

During these early days, it is clear that government policy was one of forced separation in the sense that many parents had no choice. If the government had cared about the welfare of Aboriginal people, it would have provided basics to the children's parents with no strings attached so those who were dispossessed of their land and way of life could have survived without having to choose between the children living a white life or dying a black life.

In 1911, our parliament passed the Aborigines Act, which provided that the protector was to be the legal guardian of every Aboriginal child and half-caste until the age of 21, regardless of whether the child had parents or not. The act provided broad powers to the protector, who was able to remove children from their families. I am certain that some would say, 'Well, the act was well intentioned. If we knew then what we know now, it simply would not have happened.' But I draw the attention of honourable members to the words of the Hon. J. Warren, who spoke of his concern for the future of the Aboriginal population, suggesting that child removal would deter women from bearing children. Mr Warren suggested that it would be preferable for the protector to travel the countryside and talk to 'blacks' about what they needed.

Aboriginal people also opposed the Aborigines Act, writing letters to the protector protesting the bill. However, the Aboriginal people's protests fell on deaf ears. Others may say, 'Well, they had the best interests of the children at heart', but one need only consider the Protector's comments that there was too much charity and not enough industry when it came to Aboriginal people. Then came the Aborigines Training of Children Act 1923, which empowered the protector to institutionalise Aboriginal children over the age of 14 and all those deemed neglected. I am saddened to say that the government of the day suggested that assuming neglect as opposed to proving it was in the best interests of children.

This legislation met with vocal opposition from Aboriginal people like Sarah Karpany, whose granddaughter was stolen, although her family lived well, and her two sons had fought in the war. Enlightened media outlets of the day, such as *The Adelaide Sun* and *Daylight* magazine noted the unfairness of such laws and denounced the removal policies as akin to the farming of Aboriginal children. It seemed that the public outcry worked, for the protector virtually suspended the operation of the act, or at least his duties under the act.

In the mid 1930s the government consolidated the Aborigines Act 1911 and the Aborigines (Training of Children) Act 1923, and the protector proceeded to remove Aboriginal children who he considered to be neglected. From the mid 1940s, in line with the state's assimilation policies, Aboriginal children were placed in institutions alongside non Aboriginal children, resulting in further cultural and emotional alienation for the children. However, it was not until 1962 that assimilation was entrenched in our legislation via the Aboriginal Affairs Act, which held that Aboriginal children

came under the same child protection legislation as non Aboriginal children. Despite this, Aboriginal children continued to be removed for neglect at the same rate.

So what effect did these policies have on those who were stolen? How can we really fathom how it felt to be torn from your mother's arms, let alone put it into words? Honourable members have already heard the harrowing experiences quoted in the 'Bringing them home' report as raised by the Hon. Ms Franks. The 1991 Royal Commission into Deaths in Custody found that nearly half of the 99 deceased persons had been removed from their families as children and identified links between child welfare practices and the disproportionate representation of Aboriginal people in our prisons.

I know that the former prime minister has said sorry, on behalf of the Australian people, for the pain, suffering and hurt of the Stolen Generations, but those who are affected by these polices deserve more than just lip service from us. Words, however powerful they may be in their intent, can fade considerably compared to our actions. I am not sure that any amount of money, counselling services, memorials or centres of culture and history can adequately compensate these people who were removed from their families. However, a Stolen Generations reparation tribunal, if instituted, is another step along the long road to reconciliation.

I therefore support the proposal to establish a Stolen Generations repartitions tribunal and, as such, I can see the benefit of referring this bill to the Aboriginal Lands Parliamentary Standing Committee for further consideration. With those few remarks, I commend the Hon. Ms Franks on introducing this bill and hope that one day such a scheme becomes a reality.

The Hon. A. BRESSINGTON (18:05): I rise briefly to indicate my support for the referral of the Stolen Generation Reparations Tribunal Bill 2010 to the Aboriginal Lands Parliamentary Standing Committee for inquiry. The establishment of a statutory redress scheme to award reparation or ex gratia payments, in this case specifically to those Indigenous peoples forcibly removed from their families against their best interests, has my full support.

Given the alternative of requiring claimants to retrace the footsteps of Mr Bruce Trevorrow, a dedicated tribunal for such claimants would tailor the eligibility criteria or provide a clear pathway to redress. I am also pleased that the bill recognises that, for most claimants, an ex gratia payment alone will not amount to reparation and that many will require ongoing services to recover. I know this from the experience of state wards who, despite the claims of some, are not simply seeking a payout but also seeking ongoing services to assist them to move past the trauma inflicted upon them.

I would like to very, very briefly reflect on the fact that, just a couple of weeks ago, my nine-year-old son and I sat down and watched the movie *Rabbit-Proof Fence* together because I was researching this bill. He could not quite get his head around what the problem was. At the end of the movie, he was full of questions about why would a government do such a thing, why would children be removed from their parents, and why were Aboriginal children not allowed to remain with their mothers? At the end of the day, they were simple questions, but it was very hard to answer them in a reasonable and logical way, apart from the fact that governments do not always really know what they are doing and that governments do not always really get it right.

An honourable member interjecting:

The Hon. A. BRESSINGTON: Both, not just this government.

An honourable member interjecting:

The Hon. A. BRESSINGTON: Yes; don't take it all personally. I think it is very important that we set up a tribunal such as this so that, apart from reports and inquiries, we are able to establish the fact that in the past we got it wrong and, as the Hon. Stephen Wade said earlier, to look to the past in order to be able to move forward, and to do it better and to do it differently, and to make sure that some of the dire mistakes we have made are not repeated.

I always hold the hope that this bill will also lead the way to dealing with the victims of abuse in state care and their issues because the emotional, psychological, physical and all the other kinds of damage that has been done is not so different. The sooner we can stop these mistakes being made, for both Aboriginal and white people, the better off we will all be. I commend the bill and I commend the Hon. Tammy Franks for introducing it.

The Hon. T.A. FRANKS (18:08): I would like to thank those members who made a contribution—the Hon. Stephen Wade, the Hon. Paul Holloway, the Hon. Kelly Vincent and the

Hon. Ann Bressington. I indicate that I am very supportive of the Hon. Stephen Wade's amendment to refer this bill to the Aboriginal Lands Parliamentary Standing Committee. I want members to note that one of the chief reasons for undertaking this process of a stolen generation reparations tribunal is not about the financial compensation; it is about things such as genealogy and restoring links to language and culture, ensuring that, if someone was taken away, they have the ability to be able to communicate with their lost family members. It is about healing centres, and it is also about apologies and individual apologies and an opportunity for people to have their story heard and validated.

If anyone has had any experience of women's human rights courts, which is an experience I had at the University of New South Wales, with the Asia Pacific Women's Refugee Group that is based out of that institution, they will know that it is about having stories validated and accepted as real and enabling people to have that affirmation and to assist with their recovery and also to assist with reconciliation.

With that, I say it is not just about money but about changing our culture and future practices and letting people on an individual level and on a societal level start to heal. With that, I indicate again that I am supporting the Stephen Wade amendment to this bill. I am very happy to see this referred to the Aboriginal Lands Parliamentary Standing Committee.

Motion carried.

The Hon. T.A. FRANKS (18:11): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

In reply to Message No. 75 from the Legislative Council, the House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

SOUTH AUSTRALIAN PUBLIC HEALTH BILL

The House of Assembly no longer insisted on its disagreement to Amendment No. 4 in the South Australian Public Health Bill, and agreed to the relevant amendments to amendment No. 4 made by the Legislative Council without amendment.

At 18:13 the council adjourned until Thursday 9 June 2011 at 11:00.