LEGISLATIVE COUNCIL

Wednesday 22 June 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:04 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) (11:05): By leave, I move:

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

Motion carried.

SITTINGS AND BUSINESS

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) (11:05): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time and statements on matters of interest to be taken into consideration at 15 minutes past 2 o'clock and Orders of the Day: Government Business to be taken into consideration prior to Notices of Motion and Orders of the Day: Private Business.

Motion carried.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June 2011.)

The Hon. T.A. FRANKS (11:06): I will start my contribution today by declaring that I do not, in fact, currently have solar panels on my roof. That does not mean I have not had them in the past but, currently, I live in a rental property and many would be aware that it is quite difficult to engage a landlord in installing solar panels where they do not have the inclination to do so.

However, in saying that, I also declare that I now have ducted air conditioning in the property that I currently rent. You might be asking why I should declare that in this debate because, if it is felt necessary to declare that the electrical fixture that has the most significant cross subsidy through our electricity grid from rich people to poor people—a subsidy which the Hons Rob Lucas and Paul Holloway spent much time discussing in their contributions to this bill—then that is, in fact, large air-conditioning systems, not solar PV.

According to the WA Office of Energy, each two kilowatt air conditioner installed in that state costs around $6,000 to supply in terms of grid augmentation and other net work infrastructure costs, regardless of how often it is used. That roughly equates to a cross subsidy of about $3,000 per kilowatt. Therefore, every time my neighbour puts up a new air conditioner on their roof, I take a hit on my electricity bill—in fact, quite a big hit. As I understand it, people without air conditioners are subsidising new air conditioner installations on their neighbours' roofs to the tune of about $100 a year.

I thought I would mention that upfront because I understand the cost of South Australia's solar feed-in scheme is estimated to cost around one-third of the cost of air conditioner cross subsidies, let alone other cross subsidies that already exist in the electricity market. Last week, on 14 June 2011, Giles Parkinson, writing in the excellent Climate Spectator online news service, wrote:

Green energy schemes may be the easy targets to blame as the scapegoats for rising electricity prices but they are the wrong ones.

Two new surveys released last week made this much clear: the rush to install air conditioning to cope with the increasing number of hot days is the biggest single contributor to electricity costs in Australia and green energy schemes play an extremely small role. But, while we are spending billions on network upgrades that we use only a few days of the year, we are not yet smart enough to spend money on measures that could avoid some of that spending and give us a three-fold return on our investment.

The final report of the Australian Energy Market Commission (AEMC), which is the rule maker and developer for the nation's energy markets, into future electricity prices rises out to 2012-13 was released on Friday. It fingered rising distribution and transmission network costs, a combination of soaring peak demand, ageing infrastructure and higher capital costs for half the anticipated 30 per cent increase in average retail electricity prices expected over the next three years.

AEMC went on to state that the increasing use of air conditioners is expected to push peak demand up by more than 3 per cent in most states, forcing distribution and transmission businesses to spend billions of dollars expanding the capacity of their network, even though this may, in fact, be required for only a few peak periods over the course of a year. The rate of peak demand is growing 50 per cent quicker than the increase in overall energy consumption and customer numbers.

In looking at the cause for the price rises, AEMC found that, in Queensland, the investment in distribution networks will add nearly 3¢ per watt hour to the cost of residential electricity costs in that state by 2012-13. By contrast, the state's solar feed-in tariff, which pays a net 44¢ watt hour rate, will add only 0.03 watt hour to electricity costs.

So what about New South Wales, which has been so much in the press lately because of its on again, off again solar scheme? The upgrade to the New South Wales distribution network will add 4.32¢ to kilowatt hours to residential retail prices in New South Wales by 2012-13, nearly two-thirds of anticipated price rises. The state's solar bonus scheme, which has been by far the most generous in the country, has recently been shut down. It will add 0.45 kWs by 2012-13, according to AEMC estimates.

In South Australia, AEMC states that more than half of the increased capital expenditure on distribution networks is being caused by anticipated increased demand, driven by the growing use of air conditioners during summer heatwaves. South Australia has the highest penetration of air conditioners in the country, and peak demand is forecast to grow by another 2.4 per cent per year, despite consumers using less energy, on average, as a result of energy efficiency programs. I think it is really important that we put this debate into the proper context of real costs and real subsidies. The Hons Rob Lucas and Paul Holloway talked about these nasty cross subsidies in the electricity markets; now I know exactly what they were talking about.

I would like to spend a little time in my contribution today responding to some of the similar statements they made in their contribution to this bill. Let's start with welfare support. First, I would like to comment on how the honourable members' thoughtful awareness of the impact of rising electricity prices on those more vulnerable electricity consumers in this state, and this is much welcomed. The Hon. Paul Holloway said:

> In my view, the focus of electricity policy in the future has to be very much on price overall and particularly for low income customers.

The Hon. Rob Lucas said:

> It is the low income, the people struggling to pay their electricity bills, who have to pay the costs of these particular schemes, and we should never forget it.

I very much look forward, then, to the support of those two members for the Greens' amendments to spare the cost of the South Australian solar feed-in schemes to approximately 200,000 households, those who are the vulnerable in our electricity market.

We have proposed a responsible option that will make a very real impact on the life of vulnerable South Australians. I also look forward to some positive suggestions from those two members about ways in which to spare low income households from the vicious cross subsidy from large air-conditioning systems.

Secondly, there was a false assertion from those two aforementioned members that the Greens' amendment to extend the scheme from five years to 20 years was, in fact, the wrong course and needed to be challenged. It was not the wrong decision: it was very much the right decision for that time and for the conditions in 2008. I strongly urge all members, especially from the crossbenches, not to get sucked in by this argument.

My colleague the Hon. Mark Parnell described the change in payback rates before, during and after that debate in 2007 and 2008. In 2008, the payback period was going to be around 15 to 20 years. The result of the 20-year amendment was that the industry was able to tell customers in 2008, 'You will be able to pay off the cost of the scheme before your warranty runs out.' We must

remember that this scheme was put forward as a way in which to drive extra installations of PV panels on people's roofs over and above what was already taking place.

It was providing an extra incentive at the margin. It was based on what the industry had told parliament was needed to tip a potential customer over the edge into making an investment in solar. Ironically, the Hon. Paul Holloway in his contribution quoted the Hon. Mark Parnell, a quote which actually backed up the 20-year amendment. My Greens colleague then said:

> If no new panels go up it is a failure. All we have done is given a bit more return to people who have already done the right thing.

The Hon. Paul Holloway cannot have it both ways. In his contribution he talked about how successful it was and how good a scheme it was and, yet, he fails to acknowledge that the major reason it worked was because it was changed from a five-year scheme, which would have delivered very few additional panels beyond what the commonwealth scheme was driving, to a scheme that assisted in actually driving significant industry growth. If we did not want it to work the parliament should not have voted in favour of it in the first place.

The 20-year amendment was fundamental to the scheme's success in 2008 with the technologies that were existent then. The problem is—and I hope that the Hon. Paul Holloway has the good grace to acknowledge it—that the government was extraordinarily slow to react when PV panel prices started to fall. When panel prices tumble, payback rates reduce quickly, and the need for public subsidy is, of course, lessened. The scheme was supposed to have been reviewed in May 2009. We have had a failure to review this scheme in a timely fashion.

Of course, 2009 was over two years ago and an incredible amount has changed in the solar industry even in this time and, on top of that, the Premier made an announcement of what they proposed to do to the scheme in August last year and then waited until just a few weeks ago to actually make that change in parliament. The Hon. Paul Holloway, rather than blaming the upper house for making some positive amendments in 2008 to a scheme that was supposed to have been comprehensively reviewed once it reached a figure of 10 megawatts installed capacity—

The Hon. P. Holloway interjecting:

The Hon. T.A. FRANKS: If it was supposed to have been reviewed when we reached just 10 per cent of the capacity we are now contemplating, should we accept that the challenges we are now encountering with the significant increase in the cost of the scheme are a result of the government well and truly taking its eye off the ball? In his second reading contribution, the Hon. Rob Lucas posited that the Greens' statements in the 2007 debate about the potential costs of the scheme were significantly below the current reality.

But of course they are! The Greens were modelling the cost impact then of a much smaller total installed capacity, not the 120 megawatts that we are expected to have now. I would like to acknowledge that the current energy minister, the member from Napier in another place, took over responsibility to amend the scheme only recently. The previous incumbent, therefore, must accept the lion's share of the blame for his tardy reaction to the need for a change in the feed-in scheme.

The Hon. Rob Lucas spent a large part of his speech quoting from the report of IPART, the New South Wales energy regulator. That report was about New South Wales and about the New South Wales scheme and its costs there. IPART was not talking about South Australia's scheme and, as a result, neither was the honourable member. The New South Wales scheme has a number of major differences from South Australia's. In fact, before the New South Wales Labor government commenced the scheme it was advised by the solar industry that it was, in fact, going to massively overheat that industry in that state.

Also, in his contribution the honourable member tended to blur the line between the cost of a federal RET change (the solar multiplier) and the New South Wales state-based scheme. For a more appropriate look at the real costs of the SA scheme, especially in comparison to other more weighty drivers of the electricity prices rising (like air conditioning) I refer members to the report of the Australian Energy Market Commission (AEMC) that I referenced earlier in my contribution today.

I should also mention that the consultant whom the Essential Services Commission of South Australia used to crunch the numbers on the different proposals we will debate shortly is also the firm used by AEMC. However, the Greens from day one have acknowledged that there is a cost to this scheme which is borne by households without panels. That is why the office of my Green's colleague, Mark Parnell, has worked closely with the South Australian Council of Social

Services (SACOSS) and Uniting Care Wesley in working out a response to this bill that is deeply aware of the financial impact of any changes and why we are trying again to exempt low income households from the cost of this scheme.

The Hon. Rob Lucas made a big play of quoting the federal Labor energy minister, Martin Ferguson, who, apparently, opposes support for small-scale solar. In a recent *Crikey* there was another interesting article from Giles Parkinson, who wrote about the recently announced successful recipients of the Solar Flagships Program. The Greens, of course, and those backing emerging technologies, want added assistance such as feed-in tariffs and loan guarantees and will put these ideas forward at a solar roundtable on 8 July. Minister Ferguson has resisted this, although it was interesting that he noted that the costs of solar PV were plunging because of economies of scale. What is driving those economies of scale here and overseas? The very feed-in tariffs and loan guarantees that the minister eschews.

The Hon. Paul Holloway stated, 'I think it is basic economics that, [when] you have subsidies for anything, you tend to get distorted allocations.' I welcome the honourable member's statement and look forward to his advocacy for the ending of a diesel fuel rebate for the mining industry, which artificially cheapens the cost of the use of fossil fuels at the expense of more sustainable options. For example, I hope he will be consistent in his principles and share the Greens' concern about the expected $70 million to 80 million yearly gift to the world's richest diverse resource company, BHP Billiton, via a diesel fuel rebate through the construction of the Olympic Dam open pit and decades of ongoing mining operations, or, as I have previously stated, the greatest cross subsidy to installers of large air conditioners.

Honourable members have stated that it is important that the scheme be hosed down. The Greens could not agree more. Everyone agrees that this scheme does need to be hosed down. Personally, I would prefer to use the term dampened. It is just a question of whether it should be a hard or soft landing. Should it be a responsible or irresponsible government intervention into such an important industry?

If, as the honourable members have stated, the scheme is so overheated, why then is the government in this bill intending to increase the price to 54¢? Why is it trying to increase the amount given to current households in a way that will not deliver one single additional panel on South Australian roofs after 1 October? I would also like to ask the honourable member to justify his assertion of the $250 million cost that has been attributed to household solar from network augmentation. This is an intriguing claim, a claim the Greens would like some more information about.

In conclusion, I would like to express my support for the package of amendments of my honourable Greens colleague Mark Parnell. If we are starting from scratch, I would say that, in 2011, a government scheme to encourage the uptake of small-scale solar power would, in fact, look very different from the one that was debated in 2007 and 2008. What the Hons Rob Lucas and Paul Holloway need to realise is that we are not starting from scratch here.

We in the chamber are now faced with a flawed government bill and we need to work out the best response to that bill for a range of stakeholders—the solar industry, low-income consumers, householders with solar panels and households who want to invest in solar panels sometime in the future. That is what the Greens have done here and we welcome the excellent public policy process, suggested by the member for MacKillop in another place, of inviting the Essential Services Commission of South Australia to independently assess the alternate proposals put forward in this debate.

We strongly believe that this appealing model should be embraced by both Labor and Liberal ministers in the future and we commend the Minister for Energy for accepting the suggestion and facilitating the Essential Services Commission of South Australia's involvement. I look forward to the committee stage of the bill as the upper house does its job of improving flawed government legislation.

The Hon. K.L. VINCENT (11:23): I wish to briefly place on the record my position on this bill. First of all, it is worth pointing out that I form part of a generation that is lucky enough to have a lot of environmental science available to it. We have been educated to respect the planet and minimise the harm that we do to it. As such, I can easily see the benefits of alternative energy sources like solar. Of course, I can see that it is not just my generation who understands these benefits and I must congratulate the Rann government on sometimes understanding and

recognising the importance of the environment, with one notable example being the introduction of South Australia's solar feed-in scheme in 2008.

It is a fantastic scheme which was a nation leading concept and which has been very successful, but the scheme has not reached its full potential. Now the government is planning on using this bill to cut it short. I can understand that the government wishes to minimise the added financial burden that a feed-in tariff has put on electricity consumers, but I do not believe that this benefit has been properly weighed against the cost of cutting off an alternative energy scheme that is still in the developing stages.

Halting the feed-in tariff this October, with hardly any warning, will cripple the solar industry, potentially meaning the loss of 1,500 jobs. It will also drastically reduce the affordability of solar systems for householders, meaning South Australia continues into this decade with a heavy reliance on expensive and harmful fossil fuels. It is better for us, for the environment and for the economy to continue to support the solar industry a little while longer.

That is why I must thank the Hon. Mr Parnell for taking the time to do the thorough research necessary to draft his amendments. With the Hon. Mr Parnell's amendments, I believe that this bill can strike the right balance. It will reduce the financial burden on some consumers paying for a feed-in tariff while still supporting the solar industry up until the point that it can stand alone. I am particularly pleased that the Hon. Mr Parnell has seen fit to make a special provision for those who are most vulnerable by giving concession holders an exemption from paying the feed-in tariff at all.

The reality is that, for the majority of people, funding the feed-in tariff is not a huge cost impost, and most people would think it is reasonable to keep adding a little more money to the scheme for a few years so that we can all look forward to a cleaner future. To that end, I look forward to the committee stage, particularly looking at the government and Liberal amendments, which have been tabled just this morning. I look forward to progressing this bill and this fantastic scheme.

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) (11:27): There being no further second reading contributions, I would like to thank honourable members for their contributions thus far. This is an important bill that we are putting forward. It is about improving South Australia's feed-in scheme by providing greater reward to the owners of solar generators, and it makes changes to ensure that benefits can be adopted by as many South Australians as possible while, obviously, trying to balance the cost of the scheme.

There were a number of questions asked during the second reading stage, and I have some answers to those questions. The Hon. Mark Parnell asked whether, when someone sells the house and the power is disconnected between the change of ownership, the new occupier will be eligible for the feed-in tariff. I have been advised that, yes, the new occupier will be eligible for the feed-in tariff. The intention of that particular clause disqualifying generators is for customers who undertake a substantive disconnection on or after 1 October 2011 to lose eligibility to receive the feed-in tariff.

This provision is not intended to apply to routine disconnections that arise as a consequence of changes of property ownership, repairs, maintenance and renovations, default on electricity payments or power outages, or from actions by ETSA Utilities and other power suppliers. A substantive disconnection may occur where a solar system is moved from one point on the network to another. I was asked: if a person's house is damaged, such as by an earthquake or fire, and the solar system remains intact but disconnected for a while due to the damage and needs time for repairs, would they remain eligible for the feed-in tariff? I have been advised that, yes, the house occupier would continue to be eligible for the feed-in tariff.

I was asked whether customers will receive a time of use mandated minimum retail payment. I have been advised that South Australian customers are not paying time of use tariffs for the electricity they use. There are no plans to have the mandated minimum retailer payment change rates based on time of use. I was asked whether a person who upgrades their solar system between 1 September 2010 and 11 September 2011 is still eligible for the feed-in tariff. I have been advised that, yes, they will be eligible for the feed-in tariff; however, they will be subject to the new eligibility criteria.

Another question was: when will panels become economic in their own right? I have been advised based on the available information that solar panels may become economic in six years. I was asked the question: who polices the upgrades of generators? I have been advised ETSA Utilities. It is the condition of connection to the distribution network that solar generator owners notify ETSA Utilities of alterations to the generator. I was asked: is it possible to exempt energy concession holders from paying the cost of the solar feed-in scheme? I have been advised that ESCOSA has indicated that there may be practical and administrative costs arising from a proposal to exempt concession holders from paying the costs of the solar feed-in scheme.

Were concession card holders to be excluded from contributing to the fund, the costs of the scheme and the number of customers funding the scheme would fall by approximately one quarter, so the costs to remaining customers would increase by approximately one third. To successfully implement the proposal, it is also likely the administrative costs of the scheme, which will increase, would then be passed on to the remaining customers. If I have neglected to answer all of the questions posed during the second reading, I will gladly take the opportunity during the committee stage to answer those or provide further information. Again, thank you to those members who have made a second reading contribution. I commend the bill to the house.

Bill read a second time.

STATUTES AMENDMENT (LAND HOLDING ENTITIES AND TAX AVOIDANCE SCHEMES) BILL

In committee.

(Continued from 21 June 2011.)

Clause 1.

The Hon. G.E. GAGO: There were a number of questions asked during the second reading stage by the Hon. Rob Lucas that I would like to take the opportunity at clause 1 to read into the record. The Hon. Rob Lucas has asked why it has taken so long to introduce what is a budget measure from September of last year. I am advised that, because the bill was a technically complex matter, it took some time to draft, and it was not considered wise to rush the bill to have it ready by the time the 2010 budget bill was passed through parliament. In addition, consultation was undertaken in relation to the bill and that also took time.

The bill was released for consultation on 21 January 2011 with comments due by 28 February 2011. In addition, meetings were held with the Law Council on 10 March 2011 and the Property Council on 17 March 2011 in order to discuss the matters raised in their correspondence. Further work was then required to be undertaken to draft appropriate amendments which arose from the consultation process. The bill was then approved by cabinet and introduced into the House of Assembly in early May 2011.

The honourable member also stated that it would be worthwhile monitoring the tax revenue from this particular measure, should it be implemented, because it would not be surprising if, in future years, we see that it has gathered much more than the conservative estimate of $20 million a year. I am advised that RevenueSA will be able to record the amount of duty collected under the landholder provisions and the estimate can therefore be monitored as suggested.

The honourable member also asked what impact, if any, there would be on Treasury's estimate of revenue to be collected under the bill, that is, with these amendments going in; and If the revenue estimate of $20 million is going to be impacted in any way by the amendments to the legislation about to be moved. I am advised that, as the amendments are technical in nature and only clarify the intended operation of the bill, they will have no foreseeable impact on the revenue estimate.

The honourable member also asked: can ministers advise the house on which of the significant issues raised by the Property Council and the Law Council have not been agreed to by the government and indicate the reasons the government has decided that it cannot agree to the criticisms and further suggestions; and, in particular, does the government believe that some of those suggestions may well create unforeseen problems and, if they do, what are they?

I am advised that the Property Council and the Law Council provided detailed submissions in relation to the bill, some of which were agreed to and some of which were not. It is fair to say that there are a number of issues on which the government and those bodies did not agree. I therefore

provide the following response to the member in relation to RevenueSA's view of the significant issues where differences exist.

First, in relation to submissions received from the Law Council of Australia, I am advised of the following issues. The Law Council has submitted that the inclusion of items that are not fixtures, such as land and the inclusion of goods in the landholder base, is in contravention of the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations (the IGA). The government is advised that the IGA has not been contravened, as it does not limit South Australia from raising taxes on land or on property closely related to land.

The IGA requires the abolition of stamp duty on non-real, non-residential conveyances before 1 July 2013. The government has committed to abolish this tax from 1 July 2012. The approach of including goods in the landholder provision provides consistency with the general conveyance base where chattels and goods that are transferred with land are subject to duty and is broadly consistent with the landholder provisions in other jurisdictions. Taxing goods also eliminates what can be costly and time-consuming arguments over what are fixtures and what are goods.

The Law Council also raised concerns in relation to what interests are considered to be interests in land under the provisions, and it is of the view that the provisions are in breach of the IGA. I am advised that the approach taken in the bill is consistent with the proposed definition of land to apply when stamp duty on non-real, non-residential property conveyances is abolished on 1 July 2012. While it is recognised that defining interests closely related to land can be subjective, my advice is that the inclusion of certain licences and leases in the definition of land is not inconsistent with the IGA requirements.

I am advised that the LCA made a number of representations in relation to the provisions that deal with partnership interests. These provisions have been included to ensure that the landholder provisions cannot be defeated by structures containing partnerships. The need for these provisions has arisen due to doubts raised in the legal proceedings during the case of Commissioner of State Taxation v Cyril Henschke Pty Ltd. These provisions are intended to operate to promote the status quo and will not be interpreted differently from the current provisions by RevenueSA.

In light of concerns raised in the consultation phase, amendments were made to these provisions to provide the commissioner with a very broad discretion as to what method to use to calculate partners' interests in a partnership. The provision is intended to be used to provide equitable and consistent outcomes that align with current assessing practices. The government is therefore of the view that the partnership provisions are appropriate and will not change how partnerships are treated under the current provisions.

The LCA also had issues with the market value provisions contained in the bill. These provisions have been included to ensure the appropriate market value of land and assets can be ascertained by the commissioner for the purposes of part 4. In particular, I am advised concerns were raised in relation to proposed section 99(7) of the act which relates to what purchasers are deemed to have knowledge of when purchasing property.

I am advised that the provision is included to ensure that the correct market value of land is caught for stamp duty purposes, and nothing more. The provision has been included to prevent advisers arguing that the land is worth virtually nothing when information in relation to the land is worth many millions of dollars. A similar provision is included in the Western Australian landholder provisions.

The Law Council has also raised a number of concerns about the provisions that make landholder duty a first charge over an entity's land. I am advised that these provisions are consistent with similar provisions in land tax, First Home Owner Grant and emergency services legislation. The provisions are necessary to protect the Crown's interests where assets can be transferred out of the entity in order to frustrate the stamp duty recovery. As with the provisions in other legislation administered by RevenueSA, these provisions will be used responsibly and, if the circumstances warrant, a first charge can be removed in order to allow for normal commercial dealings.

Finally, the Law Council also made some detailed comments about the anti-avoidance provisions, and I am advised that these provisions have been modified extensively and that, whilst they still have some concerns with these provisions, they have been reduced significantly. I am advised that concerns were raised in relation to the transitional clauses of the anti-avoidance

provisions and I am advised that the anti-avoidance provisions will only apply to liabilities that crystallise or would have crystallised on or after 1 July 2011 if not for the existence of a blatant artificial or contrived tax avoidance scheme, the sole or dominant purpose of which was to reduce or avoid taxation.

They therefore have a limited effect on schemes entered into prior to 1 July 2011 and have the effect of reducing or avoiding taxation that would have been payable after 1 July 2011. This approach is taken so that those persons who have entered into such schemes prior to 1 July 2011 do not continue to get a taxation advantage from the avoidance scheme going forward where there is an ongoing liability to tax.

I now turn to the issues raised by the Property Council. The Property Council has submitted that by removing the 60 per cent and 80 per cent asset test more transactions will be caught by the provisions, particularly in relation to primary production entities. I am advised that, whilst the changes do extend the revenue base, the provisions are essentially anti-avoidance provisions which ensure the duties paid on the indirect transfer of land assets valued over $1 million by the sale of shares or units in companies or trusts.

I am advised that, in relation to the impact on primary producers, in most farm transactions seen by RevenueSA the farms are held in family discretionary trusts. An exemption is available under section 71CC of the act in relation to inter-familial transfers of farms. If landholder duty would otherwise be payable in circumstances where the transfer of the farm assets would be exempt under section 77CC, duty is not payable under part 4, either.

I am advised that most farm transactions will therefore not be dutiable. The Property Council also raised concerns in relation to the provisions that deal with what is a group of associates who can be liable to duty under the provisions. I am advised that these provisions have not changed from the current act and are considered by the government to be appropriate as they work well in their current form.

The Property Council also raised concerns with the inclusion of goods in the revenue base, the treatment of fixtures in the bill and the introduction of anti-violence provisions in the act, which are similar to concerns raised by the Law Council. I put on the record earlier in my response the government's position in relation to those matters. I am advised that these appeared to be the significant issues in relation to where some dispute exists between government and the Law Council and the Property Council.

The honourable member also read into *Hansard* a copy of a letter received by the opposition from the South Australian Farmers Federation, and I can provide the following response to each of the four issues raised by the Farmers Federation. In relation to issue one, I am advised that, under the Stamp Duties Act, parties to a transaction are jointly and severally liable for stamp duty, even if parties agree themselves that one party should pay any stamp duty chargeable. This does not change the duty liability under the act.

Any agreement to apportion any duty between parties is a matter for them; they cannot change their liability at law. Having said that, in almost all cases, stamp duties, in practice, are recovered from the purchaser. I am advised that there appears to be no compelling reason why, in cases of tax avoidance, a person who has agreed with the other party to a transaction to pay any stamp duty chargeable should also be solely legally liable for the tax assessed.

This would limit the commissioner's ability to recover unpaid tax, which is not appropriate, particularly in the case where parties are proved to have entered into blatant, artificial or contrived schemes to avoid tax. As pointed out by the Farmers Federation, the commissioner does have an ability not to impose liability on a person, if satisfied that it is not fair to do so. In cases of blatant, contrived or artificial tax avoidance, the government is of the view that this discretion will provide sufficient protection in relevant cases.

I am advised that, in order for a 75 per cent penalty to occur, the commissioner will have to prove that there was a blatant, artificial or contrived tax avoidance scheme, the sole or dominant purpose of which was to reduce or avoid liability to tax. Once this has been proved, it is considered appropriate that a taxpayer receive an appropriate penalty for entering into such a scheme.

It is considered that, once the commissioner has established a tax avoidance scheme has been entered into, an additional penalty is appropriate, otherwise a tax avoider is in the same position as someone who has paid their tax appropriately. I stress that it would be quite difficult for the commissioner to initially establish that a tax avoidance scheme has been entered into and for

these provisions to be activated. The provisions are intended to operate as a deterrent and will not apply to the vast majority of taxpayers.

I am advised that under the Taxation Administration Act, the commissioner has an ability to remit penalty. In appropriate cases, the commissioner would have the ability to exercise his discretion in appropriate circumstances and that this power, under the TAA, is not restricted in any way and could be applied in the circumstances raised by the Farmers Federation, if appropriate in the circumstances of the case. The government, therefore, does not support an amendment to this provision as suggested.

In relation to issue 3, I am advised that this provision was added to the bill after submissions we received from the Property Council. There is already a list of items which are not considered to be goods and this provision was inserted as a catch-all in order to make sure that nothing was caught by the provisions that was unintended. The commissioner will look at the circumstances of a particular case when considering whether it is fair and reasonable to exclude particular goods. This is a provision which will be of benefit to the taxpayer. This provision recognises that having an exhaustive list of goods which are to be excluded can always run the risk of leaving something out.

In relation to issue 4, I am advised that the amendments as drafted are considered sufficient in this area and that to amend the provisions as suggested by the Farmers Federation would potentially leave the provisions open to abuse. Under the amendments filed by the government, any assets genuinely owned by a third party will not be taken into account when a farmer's land is sold, under the provisions.

Where items are notionally severed or considered to be legally separate to the land by operation of another act or law—for example, wind farms—the amendments will operate to ensure that only those items that are owned by the landholder or a related entity of the landholder will be included as part of the landholder's interest in land. In all other cases where items fixed to land are owned separately from the land, the amendments operate to reinstate the provisions in the current act—that is, they maintain the status quo.

The amendments which have been filed by the government in this area were required to be drafted with considerable care in order to avoid unintended consequences, and the government is of the view that the amendments as tabled are sufficient to meet the concerns raised by industry bodies in relation to how the bill will operate in practise in this area. I trust that the above response answers the questions raised by the Hon. Robert Lucas.

As can be seen from the submissions received and the response I have given, these provisions are somewhat complex. In provisions such as these, a balance needs to be struck between robust anti-avoidance provisions and equity and clarity for taxpayers. The government has engaged in a significant consultation process in relation to these provisions and is of the view that, subject to the filed amendments being agreed to, these provisions will operate effectively and fairly. I look forward to the support of honourable members in relation to this bill.

The Hon. R.I. LUCAS: As I understand it, we are going to report progress as a result of the minister taking the opportunity of replying to the questions raised during the second reading contribution. On that basis, we are obviously consulting with SAFF and other interested parties. We are hoping to continue to the committee stage tomorrow and, on that basis, I would prefer that we did not vote on clause 1 just in case I need to respond, in the broad, to the minister's statement.

Progress reported; committee to sit again.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June 2011.)

The Hon. S.G. WADE (11:55): On the last occasion that the council was considering this bill, I made a substantial part of my second reading contribution, and I continue that contribution now. In having made comments about the need for the legislation to draw on the wisdom that can be discerned from scientific research, I would not want to give the impression that the science of identification has no unanswered questions.

In fact, I have received very useful input from Professor Ian Coyle of Bond University. Whilst I understand that he would concur with Professor Brewer on a whole range of issues, he demurs on the issue of simultaneous and sequential line-ups. As I understand that issue, that is

whether a person receives a photo array in one set on one board or whether the images are sequenced, perhaps using a video screen. My understanding is that Professor Coyle prefers simultaneous and Professor Brewer prefers sequential.

The fact that there are some contested issues in the science of identification does not mean that we should not seek to harvest best practice from the science, only that we should be wise in its application and flexible to incorporate future learnings. One thing is clear from briefings from SA Police: SAPOL practice does not follow best practice, as outlined by Matthew A. Palmer, including the key Brewer criteria, namely, that a line-up, first and foremost, matches the witness's description of the suspect. The government wants to preach Brewer but to contradict any preference for live line-ups. It does not listen to the whole message.

Two key submissions from legal stakeholders emphasise the need to drive standards in identification procedures. The submission from the Aboriginal Legal Rights Movement included comment on the bill from retired academic Mr Andrew Ligertwood, a leading Australian expert on the law of evidence. I thank the Aboriginal Legal Rights Movement for facilitating this comment, and I read his comments in full, for the information of honourable members and for the sake of the record. The comment is headed 'A Comment upon the Evidence (Identification) Amendment Bill 2011':

1. The purpose of this Bill is to enable police to identify suspects in every case by means other that an identification parade. So long as the judge is of the opinion that the evidence is of sufficient probative value to justify its admission the evidence by other means may be admitted (proposed s 34AB(1) Evidence Act 1929). If admitted the judge must not suggest that the other means is a less reliable form of identification that an identification parade unless the judge is of the opinion that it is in the interests of justice to do so (proposed s 34AB(3)). While making this reform the Bill takes the opportunity to propose enactment of s 116 of the uniform evidence legislation to demand the jury be informed of the need for caution before acting upon any identification evidence (s 34AB(2)).

2. The report accompanying the Bill makes it clear that its purpose is to implement a government election promise to conserve police resources by doing away with identification parades, noting that 'line ups' require substantial police resources often requiring up to 10 police officers and up to 60 hours of police time to arrange, that technology is now available to enable identification by picture and video presentations using lap-top computers, and that such picture identification relieves victims of the trauma of having to confront the offender in person again.

3. But while the report recognises the fragility of identification evidence in proposing section 34AB(2), it makes no further attempt to protect the interests of the presumptively innocent accused through attempting to regulate the process whereby a witness identifies a suspect. Yet it is universally recognised that the reliability of such identification depends upon the police employing procedures that seek to ensure witnesses are not in any way prompted or encouraged, consciously or unconsciously, to identify a particular suspect, but rather are asked to identify the suspect from a range of persons amongst whom the suspect does not stand out in any particular way.

4. Where an identification parade is held the presence of the accused and his solicitor and the probable videotaping of the identification parade ensures that the accused is in a position to challenge police evidence relating to this process of identification.

5. Where the identification is made in the absence of the accused through photographs or videos shown to a witness, in the absence of evidence independent of the police, it is very difficult for an accused to challenge the reliability of the identification process.

6. In many cases identification parades cannot be held as suspects have not been identified at all, or cannot be found, or may be unwilling to participate in such a parade. Consequently, as recognised in the report, picture identification is used routinely by police; and the evidence resulting will only be excluded if the accused can persuade the court to exercise its residuary discretion on grounds of fairness or public policy.

7. There is strong empirical evidence that properly conducted picture or video presentations can be as, or even more, reliable than a properly conducted identification parade. This is recognised in Winmar v WA (2007) 35 WAR 159.

8. The problem is to ensure that the presumptively innocent accused is in a position to challenge effectively identification evidence obtained other than by an identification parade. Recognising that the trial judge has a discretion to determine whether any process of identification used is of sufficient probative value to justify admission is unlikely to provide effective protection in the absence of independent evidence of the process employed.

9. It is submitted that, given the universal recognition of the dangers of acting upon identification evidence and the need to protect an innocent accused, the legislation should, first, regulate the procedures by which identifications are conducted and, secondly, to ensure that the procedures employed can be effectively challenged, demand that any identification of a suspect by a witness be videotaped by police ([compare sections] 74D and 81(3)(e) Summary Offences Act).

10. The effect of the legislation is to enact the parity of all forms of identification. While empirical evidence supports that picture identification may be as or more reliable than identification at a parade, this conclusion depends on the precise procedures used and the ability of the accused to challenge those procedures.

11. The proposed legislation does nothing to ensure either a reliable procedure or to ensure that an accused is in a position to challenge the process employed. In short, while it might save police resources it does so at the expense of the interests of that presumptively innocent accused.

12. Nor is the legislation consistent with the approach of the majority of jurisdictions party to the uniform evidence legislation. These jurisdictions favour identification parades where they are able to be conducted.

That is the end of the comment. It is signed by Andrew Ligertwood and dated 31 March 2011. The Law Society similarly considers that, if this parliament is going to legislate in this area, it should enumerate detailed procedures. I quote an excerpt of a letter from the Law Society to the Attorney-General dated 18 March 2011. It states:

We believe that the best way forward is for Parliament to implement a legislative regime for identification along the lines of the Commonwealth and the Crimes Act 1914. The relevant sections are [subsections] 3ZM to 3Z0. We do not suggest that every feature of the Commonwealth regime be picked up but we do recommend certain of them as follows:

- The preservation of parade identification procedure, but only where it is appropriate; and
- The inclusion in this state of legislative safeguards in respect of both identification procedures.

Identification evidence is fraught with danger producing the wrong outcome. The attraction to a legislative regime for identification evidence is that it will tend to minimise a miscarriage of justice (either in favour of the State or the accused).

Live line-ups cost money and time such that police may well not pursue a matter if they need to do a live line-up, but we must ensure that resources do not drive our practice here. Costs encourage us to use photo board but costs would also encourage us not to worry about the quality measures. The quality of the evidence must be the driving factor.

Unfortunately, quality has not been the driving factor for this government. Let me read from the Attorney-General's press release on this matter. It is headed 'Reducing red tape to keep police on the beat'. It reads:

Attorney-General John Rau today introduced legislation to remove red tape and free up SA Police resources in relation to the identification of suspects...'Live line-ups divert substantial police resources, often requiring up to 10 police officers and up to 60 hours of police time to arrange,' Mr Rau said...'Photographic identification of suspects is not only less traumatic for victims of crime, it also requires less police time and resources.' A major problem with line-ups is the police time and effort needed to gather in one place victims, witnesses, suspects and sufficient volunteers of similar appearance to the accused.

There is nothing in this press release, nothing in the second reading, about any steps to improve the quality of identification procedures—anything that would increase the likelihood that the bad guys get identified and the good guys do not.

The opposition seeks quality, not only in the scientific sense of quality, but also in the sense of other processes which promote quality. We need to ask ourselves: is there anything that we can do to implement photo board line-ups in a way that deals with the concerns that the legal community has in relation to them? One of the concerns that the legal community has raised is the opportunity for independent observation. Yes, as a parliament, we could allow a representative of the suspect to be present. Yes, as a parliament, we could require that all identification procedures be videotaped. But you will see nothing of such matters in this bill. This bill is about saving money, not ensuring quality.

The opposition is very suspicious about any interference in the judicial discretion to instruct juries on identification evidence. Let's remember that courts have not insisted on a formula of words of warning juries on identification evidence, simply because every set of circumstances is different. If a court wanders into commentary on the scientific worth, they will be putting themselves at risk of having the warning reviewed on appeal. They cannot take on the role of expert witness on identification testimony.

We think that this matter is far too important to be slipped through the parliament without the benefit of significant consultation. The government claims that, because they mentioned it in a policy statement during the election, that was consultation and there would be no value in further consultation. What a joke! A policy statement of a political party and the dialogue with the community on the doorsteps, on the telephone—unrecorded and uncollated in an election campaign context—is not consultation.

On this point, I quote from a media release of 11 March 2011 issued by the Aboriginal Legal Rights Movement (ALRM). Referring to the Chief Executive Officer of the ALRM, the release states:

Mr Gillespie said that it was a matter of grave concern that the Attorney-General had introduced legislation into Parliament yesterday without any consultation with the Aboriginal Legal Rights Movement. This is a fundamental change to the criminal law of South Australia in the collection of criminal evidence.

ALRM has a long history of supporting Government by providing comments and submissions on proposed draft legislation. That such important legislation was not shown to ALRM for comment before it was introduced to Parliament is a most disturbing and alarming precedent Mr Gillespie said.

In a letter to me dated 4 April 2011, the ALRM conveyed the concerns of the movement that identification methods should be better regulated. In this context, they conveyed the advice of Mr Ligertwood, which I referred to earlier. The ALRM had other concerns, and I will mention them. In the letter, the ALRM said:

...the Aboriginal Legal Rights Movement has general concerns about cross cultural and interracial identification processes by photographs. For example, subtle changes in tinting in a colour photograph of an Aboriginal suspect, perhaps caused by background lighting, could be productive of injustice through false identification and this obviously needs to be guarded against by all means possible.

The government wants crossbench MPs to believe the science of witness identification and support the bill. They argue that live line-ups are no better than photo boards, so we might as well use photo boards to save money.

The opposition wants crossbench MPs to believe the science of witness identification and oppose the bill. We believe that the method does not matter as much as the quality of the identification. It is my political judgement that it would be a distortion of the science and reckless lawmaking to remove the judicial preference for live line-ups without action to ensure quality. Adelaide is fortunate to have at Flinders University a witness identification expert of world standing in Professor Neil Brewer. Out of an abundance of caution, I indicate that he is the Dean of the Psychology School of which my wife is a member. Professor Brewer wants this bill to pass. He told a briefing of MLCs that he sees it as leverage to improve witness identification.

I indicate to Professor Brewer and his colleagues that we support his desire to improve criminal justice processes but, with all due respect to his scientific expertise, it is the opposition's political judgement that the best leverage to this goal is not to pass the bill so that the government can get its focus off cost-cutting and on to quality. I hope we see another bill in the not too distant future and that it will, unlike this bill, provide quality assurance and identification. I urge honourable members to join the opposition and oppose the bill.

The Hon. R.P. WORTLEY (12:11): I rise to address and support the Evidence (Identification) Amendment Bill. Put simply, this bill proposes that evidence of the identity of a defendant is not inadmissible merely because it was obtained other than by way of an identity parade. Rather, the intention behind the bill is to ensure that alternative means of identification—for example, photographic or video identification—may be used. These means of identification are not intended to preclude the identification parade nor to discourage or detract from its use where indicated.

The issue of the correct identification of a person suspected of committing an offence is one that should be of concern to us all. The preservation of the liberty of individuals is paramount in our system of justice, and the deprivation of liberty is a matter of the utmost importance. We are all familiar with the concept of an identity parade, or line-up, due possibly to the diet of *The Untouchables, Dragnet* and similar monochrome American fare, not to mention our own *Homicide*. Basically, a group of people, including the suspected person, is assembled to determine whether a witness to a crime can identify the suspect.

The purpose of this is so that the identification can then be tendered in evidence at a subsequent trial. Generally, of course, the witness is not visible to the members of the line-up. The non-suspect individuals—known in the trade as 'fillers'—must be of a commensurate height, physical build and complexion as the suspect. If the identification parade has been properly conducted, and the witness accurately selects the suspect from the cohort, the identification is regarded as valid and admissible as evidence.

The leading authority on reliable identification—the 1981 case of Alexander—has previously been cited during discussions on the bill that we are considering today. That authority has been followed in South Australia, most notably in the 1986 case of Deering. However, despite these authorities, photographic evidence has been used in our state and presently has a high degree of acceptance within the judiciary and the legal profession as relevant and admissible evidence.

Evidence can be submitted or augmented where necessary or appropriate with photographic evidence. In this day and age, there can be issues with identification parades that mitigate against their use, and I will mention some of these issues. Given the proliferation of organised crime against people, witnesses can understandably be reluctant to place themselves in situations where their own identity might be made known to the alleged offender. Further, due to increased mobility, there can be issues involved in locating and assembling fillers of suitable age, appearance and build, along with victims and witnesses, for what can be extended periods of time.

The changing demographic and the cultural diversity which are so much part of our 21st century lives can result in difficulties in assembling sufficient fillers from a minority group. It can be difficult to find a cohort of fillers or, indeed, a sufficiently homogenous cohort of fillers, to match some offenders of unique build or appearance. Meanwhile, suspects can disrupt or otherwise compromise the process, for example, by altering their appearance in an intervening period.

Line-ups can be delayed for various reasons, with obvious consequences. Line-ups are expensive and, where crimes are committed in remote locations, line-ups can be difficult to arrange. All of this suggests that alternative means of identification, particularly in the digital age, can be a valuable adjunct to established methods of identification.

Just consider, Mr President, the arguments I have just marshalled against the traditional identification parade. They can be easily transposed to argue in favour of the use of 21st century technology. Photographs are quick and they can easily exclude innocent suspects. If the suspect has an unusual appearance, photographs of a similar appearance can be more easily obtained than a gathering of actual individuals of like appearance.

Photographs can be adjusted, for example, to remove facial hair or other features that may have been adopted between arrest and identification. Photographs can be swiftly and widely distributed to regional or remote areas or, where necessary, across jurisdictions. Photographic or video images are far more cost effective than the costly and time-consuming practice of assembling an appropriate cohort for the line-up.

Finally, human memory is fallible. We all know that there have been instances of mistaken identification, with all that can be implied for suspects and victims alike. That is why a judge's warning to jurors about relying on identification evidence will be neither removed nor watered down. The form of the amendment to be proposed is specifically designed to be technologically neutral. It does not prescribe the technology to be used.

Its major concern is that evidence of the identity of a defendant is not inadmissible because it is obtained by means other than the identification parade. The provision can only make more immediate, more accurate and more cost effective the potential identification of the perpetrator or perpetrators of the crime, not to mention the fact that trauma to the victims and witnesses could well be reduced due to the fact that an assailant, for example, need not be seen in person. It is in this light that I am pleased to commend the bill.

The Hon. A. BRESSINGTON (12:17): I rise briefly to indicate my position on the Evidence (Identification) Amendment Bill which seeks to reform the current common law preference for identification parades (known colloquially as 'line-ups') over other forms of identification evidence. It does so by inserting proposed section 34AB into the Evidence Act 1929 which makes it clear that identification evidence is not inadmissible merely because it was obtained other than by an identification parade unless, of course, it lacks probative value.

Contrary to the government's position proffered in the briefing, the effect of this amendment will be that the current judicial preference for identification parades will be replaced by a police preference for photo identification. Like other members, I attended a briefing organised by the Attorney-General at which Professor Neil Brewer from Flinders University made it very clear that the earlier assumption in favour of line-ups no longer accords with scientific understanding, with the body of evidence suggesting that there is no meaningful advantage over well-conducted photo board identification.

Ultimately, after what I heard from Professor Brewer and from the research I have undertaken, I am convinced of the need for reform. However, like other members, I am not convinced that simply replacing one preference for another without any quality control, if you will, is the way to go about it. Whether it be through a similar approach to the commonwealth Crimes Act in which the procedure to be followed by the police is laid out in the act or some other means, I do think this parliament should use this opportunity to ensure best practice is compelled.

While I had considered having amendments drafted to this effect, I concluded that the limited time frame available meant this was not in my capacity. Furthermore, I believe the government, which is able to conduct broad consultation, is best positioned to have this legislation drafted. For this reason, and this reason alone, I will not be supporting this bill as it stands and instead will be looking to the government to come back with a bill that sets out the detailed procedures to be followed in accordance with best practice for photo board identification, and then such a bill will have my support.

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) (12:20): I do not believe there are any further contributions to this bill. Very briefly, I would like to thank those honourable members who made a contribution to this bill. I look forward to the committee stage, and I am happy to deal with any questions or additional information that is required during that stage. With those very short comments, I commend the bill to the house.

Bill read a second time.

ADELAIDE OVAL REDEVELOPMENT AND MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 21 June 2011.)

The Hon. A. BRESSINGTON (12:22): I rise to briefly speak to the Adelaide Oval Redevelopment and Management Bill. I attended a briefing with other members of the Legislative Council about the redevelopment of the Adelaide Oval, and I have to say that the concept of what we saw is very exciting. I think it creates a new kind of precinct for South Australia that will basically draw people into the city and, at the same time, move us up in the scale of how our capital cities are seen.

However, in saying that, I have been opposed to the redevelopment of the Adelaide Oval or, in fact, even the building of a new sports stadium, and I put that on the record as early as last April, when the Hons Dennis Hood, John Darley, Robert Brokenshire and I were dubbed by the media as the Legislative Council's gang of four when we were talking about the razor gang that was going to slash jobs from the Public Service.

Yesterday, the Hon. Kelly Vincent spoke quite eloquently about the priorities that should and need to be dealt with in this state before we start building big monuments to governments, and that is how I see this redevelopment. The timing of it is nothing more than something that people can drive by and see, touch and feel before the next election. It is at the expense of people with disabilities and it is at the expense of injured workers who, for a number of reasons, are dealing with that dysfunctional system and who are left hanging like shags on a rock, without income and without enough money to feed their family and for medications.

There are a whole range of people in our community who are disadvantaged, sick and vulnerable who are going to have to go without so that this government can put this extravagant monument in place now. As I said, the whole concept is all very exciting. I saw the designs, and I am impressed, but I do not believe that, for this state right now, this should be considered to be a priority. I know that what we are debating here is about the divvying-up of the Parklands and car parking and all of that. The Adelaide Oval will go ahead regardless of the views of Kelly Vincent or me or anybody else in here.

It is very difficult to make any comment on the actual bill that we are discussing when I have not seen amendments as yet. Until I can consider those amendments and what they mean, it is very difficult to comment on whether I will be supporting them or not. I have met with members of the Adelaide City Council, who have expressed their views, and I am taking those into consideration, as well.

I just wish this government, at some stage, would get back on track. As Monsignor David Cappo said, it has lost its moral compass. I believe that to be absolutely true. We crossbenchers have put up bills in this place to try to bring about some sort of reform to the child protection system but to no avail. 'Unintended consequences' is what we get thrown at us all the time for whatever bills we put up.

What are the unintended consequences of this development going ahead now, when this state is obviously broke and the government is using every opportunity to claw back money from

those who can least afford it? I think that this is a shameful thing—I really do. If it had been in four or five years' time and we were in better financial condition I would be all for it but the timing is so wrong for the people of this state.

I was speaking to somebody yesterday who said they were flat out getting 38,000 at a footy game, and they do not even think they will get that. We are going to have a stadium down there and we do not even know if we are going to fill it yet. We do not even know if it is going to be utilised to its potential, but there is a rush on to have this huge complex built and have the money spent on it now that we cannot afford.

As I said, I believe it is so that the Hons. Mike Rann and Kevin Foley and this government have got something to point at in 2014 to say, 'Look what we did', but not listen to the voices of people out there who are actually hurting. With that, I conclude my comments and look forward to the committee stage.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:27): Obviously, the Hon. Rob Lucas is the lead speaker for the opposition on this bill, but I do wish to make some comments. Initially, I want to pick up on a couple of comments the Hon. Ann Bressington made, and particularly one of the ones—

The Hon. A. Bressington: Bressington!

The Hon. D.W. RIDGWAY: Bressington.

The Hon. A. Bressington: Don't I get an 'honourable' or an 'Ann'?

The Hon. D.W. RIDGWAY: I did say the Hon. Ann Bressington.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! This is not a conversation. The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Thank you for your assistance, Mr Acting President. The honourable member made the comment that she did hope that, at some point in the future, this government would get back on track. I would like to remind her that this government will never get back on track, regardless of who is in charge.

I know there are a lot of people (Leon Bignell and others) who are agitating for a change of leader, and I suspect we will see some change and I suspect even a proroguing of parliament and what will be portrayed as a new beginning when we come back in September, but make no mistake: it will be the same horse with just a different jockey heading down the same forlorn race that they are on. Do not ever be misguided that they will ever get back on track.

The Hon. Ann Bressington also made a comment about a better financial position. As we look at the budgets over the last nine years we should be in a better financial position; we should not be in the position we are in today. Sadly, we are, and that is symptomatic of this particular government. It is interesting to look back over the history of this proposed development. I am reminded of the courageous, bold and visionary policy that the Liberal Party released about having a covered stadium in the city and bringing football into the city. Of course, at the time, the government poured a bucket of cold water on that.

In fact, during the last election campaign in the seat of Playford (which is the now Treasurer's seat) where we had a very good candidate, Kerry Faggotter, running for the Liberal Party, she provided me with copies of letters that constituents had received from their local member, Jack Snelling, talking about Labor's great achievements. The great achievements were about law and order, health, education, the mining boom and all of the wonderful things that this government spins about all the time, but there was a PS on the bottom of it saying, 'We will not be spending any of your taxpayers' money on ridiculous football stadiums in the city.' How things have changed.

I have had a number of meetings and I know the opposition has had a number of meetings with various proponents, whether it is the cricket association, the South Australian National Football League or the AFL. I do not really wish to go over most of what the Hon. Rob Lucas said, although I think that it is interesting to note one of the meetings the Leader of the Opposition and I had with Andrew Demetriou from the AFL in Melbourne. I suspect that his sentiments were that he was not interested. We know he is extremely well paid to represent football, but he had no concern for soccer or any other particular activities that may take place at this particular venue.

I know he is well paid and he is there to do the AFL's bidding. Sadly, he is not a South Australian taxpayer—or maybe that is a good thing—so he does not have to have a view or be concerned about what other activities might take place at this new venue, and whether it is an appropriate design and a wise use of taxpayers' money. In fact, I was almost a little offended that, given there were a number of people at the meeting, he accused me of being a stooge for soccer when, in fact, I have been an AFL football fan for some decades now.

The Hon. J.S.L. Dawkins: A long-suffering Carlton supporter.

The Hon. D.W. RIDGWAY: The Hon. John Dawkins calls me 'a long-suffering Carlton supporter'. The suffering is not so great this year. In fact, in third spot, I think we are well placed to have a reasonable showing in the finals. Having said that, I was a bit disappointed with the approach from the AFL, in a sense, because they certainly did not care about any aspects, other than Aussie rules, at this particular venue.

I recently attended the UDIA's (Urban Development Institute of Australia, South Australian division) lunch where Leigh Whicker gave a presentation on the redevelopment of Adelaide Oval. With him was a public servant who is very well respected throughout government and the community, Manuel Delgado. My understanding is that he is the project manager within DTEI for that particular project. I sat next to Manuel and we talked about a whole range of issues in relation to transport and pedestrian studies. He and I both felt that it was appropriate and proper that I write to the minister and request a briefing from Manuel on some of the aspects of the design and what the government is planning to do.

Clearly, there will be a lot of scrutiny of the actual design of the stadium and grandstands, but I was more interested in transport movement, transport planning, pedestrian planning and pedestrian movement. That meeting was arranged for last week and it was to be held at the Stadium Management Authority's office. I was a little surprised that Mr Leigh Whicker, from the Stadium Management Authority, and Mr David Johnson from Mott MacDonald were there, but, sadly, no Manuel Delgado. He may well have been ill and not able to come, but I was still disappointed, having made the contact with him.

He was the person I wanted to speak to. He has been involved in this particular part of Adelaide as a project manager for this government and the previous Liberal government when it had a Riverside redevelopment project underway. While those things have all changed and evolved over time, he is someone who has been intimately involved for a long time. I would have liked to have had an opportunity to discuss some more details about exactly how we are going to move people in and out of this precinct.

It is interesting to look at some of the design issues in relation to this stadium, particularly transport. We know that the government is trying to sell this as linking people to public transport, yet we had a proposal that put a stadium right where all the railway lines meet. Sadly, we are having a hospital built there, which is not using the train network to take people to or from it. It seems a bit strange that you would build a hospital right where you could have a wonderful transport orientated development, yet you do not use that transport network to transport people to and from the hospital.

In terms of transport planning, the numbers that have been quoted for the crowds and the numbers of people who will come and go by trains, buses or trams are quite significant. If we look at the design of the railway station, everybody has to walk across a bridge that is yet to be built. We are not quite sure who is actually paying for that bridge, but it will funnel in people. It is between Parliament House and the Railway Station and Casino, or in the end door of the Railway Station entrance. I really think that there needs to be a lot more work done to the Railway Station.

Members would be aware that, often, there are two trains at each platform but, as a pedestrian coming into the Railway Station, you will have to walk to the end train to fill that first before it leaves and if you are on the first train you will have to sit and wait for the next train to fill. I did raise with the two gentlemen at the briefing whether any work had been done on a second entrance into the railway station at the other end of the platform so that you could fill all the trains at the same time. I was surprised.

Because Manuel Delgado was not there, there may well have been some work done, but Mr Whicker and Mr Johnson looked surprised, and said, 'Well, that's actually not a bad idea, but nobody's thought of that.' As members would know, I do not come to this place with any great expertise in planning or transport, but I was a little bit surprised to hear from people that it has not

been thought of before because, certainly, you would get better use of your asset and the facilities if you could load trains from both ends.

Car parking and, in particular, bus parking are also of some concern. In the Budget and Finance Committee some months ago a number of issues were raised. It really looks as if there were some costs being shifted from the stadium budget to the transport budget, particularly in relation to bus unloading and loading areas. It is similar to what we see at Football Park, where, while it is a long way from the city, bus transport to and from AAMI Stadium does work well. I will tell members about an experience I had.

My son and I went to the football. We were sitting next to my colleague the Hon. Terry Stephens, and his wife. My son and I had taken the bus from Mitcham. Terry and Donna had driven their car to Footy Park and parked in a friend's driveway. At the completion of the match my son and I made a beeline to the bus, jumped on the bus and headed back to Mitcham, with the understanding that, when we arrived at the Torrens Arms Hotel, I would ring my wife and we would wait there.

So, I rang my wife, ordered a beer, and then thought I would ring Terry to see how far he had progressed. He was still in his car in a queue outside AAMI Stadium. Clearly, the bus network delivered me back to my suburb in about half an hour, and the car network was somewhat clogged. Clearly, public transport has worked well with the buses at AAMI Stadium, notwithstanding the problems on a Friday night, when all the buses are being used around the city to take people home on normal bus routes rather than being out at Football Park, and the need to hire extra buses to deal with that.

I am also a little concerned about car parking. There is one suggestion that I thought a government should take up—and I know costs are always a problem. We have the parade ground across the road, and maybe that needs to be a joint venture between a federal government, the state government and the RSL. That could be excavated to put a multistorey car park below ground. Once some of the costs have been sufficiently recovered, that should be bequeathed to the RSL to provide some income for our returned servicemen and the great work that the RSL does. It is a perfect site for a car park.

By doing that sort of work to it, it would mean that the surface would be preserved for the normal RSL activities and other activities that happen on the parade ground. I have been there for the Lord Mayor's Australia Day ceremony, and it is often used for a range of other activities—meeting points before the City to Bay, etc.—but at the end of the day there would be an income stream for our RSL, which, I think members would all recognise, does a wonderful job in our community. They are always somewhat strapped for cash. So, in a roundabout way, some sort of arrangement may well arrive at the RSL having some income derived from that. Again, that was something that I do not believe has been considered at any great length, and certainly no consideration has been given to cutting the RSL in on the deal and giving them a share of the action, so to speak.

The pedestrian access is something that concerns me. I recall a few weeks ago that Melbourne Victory were here playing Adelaide United at Adelaide Oval in a soccer match. I think that, while this state is a passionate supporter of AFL football, we know that soccer fans can be extremely passionate. We saw on that particular evening the Melbourne Victory fans and the Adelaide United fans having a crack at each other, challenging each other, jibing each other, and I know that police had a barricade between the two crowds—something like the barricades we see at roadworks on the sides of roads—so that there was an access route between them. The police were patrolling it. It was about a metre or two metres apart.

As the crowds became more and more agitated, because they were the plastic-type barricades, the police were able to move them further apart. It ended up towards the end that they were some 30 metres apart. There were projectiles being thrown from one group to the other, and I am not sure who was throwing. The police have advised me unofficially that there were $2 coins, $1 coins and 50¢ coins being thrown into the other crowd, but I am not sure who was doing the throwing.

In the end, the tension was so great that a decision was made by the Adelaide Oval authorities and the police to open a fence or a gate and allow the Melbourne Victory fans to exit the Oval out onto Morphett Street towards the Morphett Street Bridge. They then closed off that road for about 45 minutes to an hour to allow the Melbourne Victory fans to exit the precinct without there being a riot or punch up and people being injured and a civil disorder happening.

My concern is that this project is being proposed as a multipurpose facility for footy, soccer, cricket and concerts. How do they propose to manage that type of crowd behaviour in this facility? There is no way to put barricades around it, or are you going to close off part of the stadium's seating as a natural barricade to stop them? How are you going to get the people out of the stadium in that fashion? Will there be the capacity to segregate the crowds and have, in this particular case, the Melbourne Victory exiting over the new bridge over the Torrens and Adelaide United fans down across the King William Street Bridge or the Morphett Street Bridge? I think that members do not really understand that this is being portrayed as a multiuse facility, but in the end it has been purely Aussie Rules that has dominated the design of it.

I would also like to touch briefly on planning, in particular on some of the decisions that this government has made. While we are not talking about hospitals, I will just quickly indulge myself and go back to the planning decision that was made for the Royal Adelaide Hospital where no expert advice was sought by the government. I think we all accept that the current government wanted to build a new hospital, and they are going ahead with the new hospital.

I think where they really failed this community was in choosing a site that clearly everybody you speak to says it is not the best site for a hospital—whether it is the developers, planning experts, some of the consultants I met on a recent TOD tour. Without a doubt, they all say that it is not the best site for a hospital, that it was a poor planning decision to locate it there. In fact, I have been at a function—in fact, at the soccer watching Adelaide United play at Adelaide Oval a couple of years ago—when I spoke to two senior union officials who said to me, 'Actually your idea is better than ours, but we are locked in with the current government's proposal.' That is what really upsets me. I am quite relaxed about the government choosing to build a new hospital, but it should not choose a site that is inappropriate, locking us out of future opportunities.

Clearly, if the government had been truly visionary and on track—as the Hon. Ann Bressington would like to see—it should have realised that we were going to have footy in the city. We agree with footy in the city. If the government had given a bit of ground and chosen a different site for the hospital, and if it had chosen the site that we chose for a stadium, we would have had a better outcome. Sadly, we did not have that.

It is interesting to note that Jan Gehl, a Danish urban design expert, came to Adelaide 10 years ago and did some work for the then Liberal government and also the City Council—a little joint venture on reconnecting the city with the Torrens and bringing that all in together. It worked 10 years ago. In fact, Jay Weatherill, who was the minister for local government and planning, went to Sydney, I think, and collected a national award for that particular body of work.

Sadly, none of the recommendations that Jan Gehl provided have been taken up by this government, yet he is coming back as a Thinker in Residence. I did not actually have discussions with him on the location of the hospital but I did with some of his staff, who indicated that they were not entirely certain that a thorough independent assessment had been done of the best possible uses for that particular piece of land.

I will quickly talk about planning. That is an issue that will be covered in our amendments, but I think people should be reminded again that it was this government that made it very clear that it wanted proper planning processes to take place if anything happened in the Parklands, and that the state government should not override our important Parklands.

At the Stadium Management Authority meeting last week, they were somewhat concerned about the planning proposals and that our amendments may slow the project down. I reminded Mr Whicker and Mr Johnson that it was premier Rann and deputy premier Foley—I do not think minister Conlon was involved at that stage—who were at the Adelaide Oval in December 2009, with the AFL, SACA and the SANFL announcing what they were going to do. If they were really serious and it was more than just an election stunt to try to nullify the opposition proposal, they would have instigated a rezoning and had all the planning approvals in place to start that in December 2009. They have not started it at all, and you have to ask yourself exactly how serious they are.

Likewise, when we learnt that the South Australian Cricket Association had been negotiating behind the back of the SANFL with the AFL, we assumed that maybe they had done some work and had some discussions with the government, realising that they would need to have some rezoning and development approvals. One would assume that that work would have started being done by SACA but, clearly, it was not, and I think this is why we have this particular proposal today.

Just on SACA, I am a member and I voted electronically, but I am somewhat disappointed. I am very relaxed with the result. I am not concerned with the result, but I am very surprised that SACA has not released the details of the ballot. I just cannot understand why it would not do that. I will now formally ask the minister to provide details of the SACA vote to this chamber.

The Hon. P. Holloway: That's up to SACA.

The Hon. D.W. RIDGWAY: The Hon. Paul Holloway interjects that it is up to the SACA. I just think that—

The Hon. P. Holloway: We don't conduct SACA elections.

The Hon. D.W. RIDGWAY: You like to think that you are part of a transparent, accountable government, yet you have a group that will not release the details of its ballot. I am a member; I pay my fees and I will be a member of the new group. I want to know, and I am asking the minister today to provide details of that.

While I am talking about SACA, and in particular their negotiations with the AFL that I think go back about three years, what I am really quite surprised about is the actual design of the stadium. We have seen SACA spend $85 million, or more than that—

The Hon. R.I. Lucas: $115 million.

The Hon. D.W. RIDGWAY: $115 million, I am reminded by my colleague the Hon. Rob Lucas—on the Western Stand during the period they were negotiating with the AFL to get football there, knowing that they would need to spend significantly more to have a facility that would hold 50,000 people.

Mr President, I know you have travelled our state extensively. I do not know of any country football ground that has its main stadium, the biggest one, facing west into the wind, the rain and the sun. I do not know of any. The only one we see is the one at Victoria Park that nobody has used for 100 years because it faces the wrong way—and now we are spending some money to renovate it, and I am not quite sure what that will be used for. That is what surprises me about this, Mr President. Clearly, the most sensible place to have your biggest grandstand is on the western side. That provides protection for the patrons from wind and rain and, of course, in the middle of summer, from sun.

I have often joked about this, and I know it is not possible, but I know there will be some wonderful corporate facilities provided in this new stadium and, because the Hons. Kevin Foley and Mike Rann, Mr Whicker, Mr McLachlan and others all think we should have the biggest grandstand on the east, facing the sun, the rain and the wind, maybe we should as taxpayers provide them with a fully serviced, fully catered set of seats, right out in the sun, the rain and the wind.

The Hon. R.I. Lucas: At the front.

The Hon. D.W. RIDGWAY: At the front, so they have a really good view. If they think it is good enough for everybody else to sit in the sun, the rain and the wind, maybe they should be out there with them. I am reminded of the number of times I have been a guest in facilities at the Adelaide Oval and watched the people in the Chappell stands squinting and looking into the sun. I have been there myself as a guest, being burned to a crisp or with the rain blowing in on me.

So I am really not convinced that we as a state and as a group of people, when we have been negotiating with the AFL on that grandstand for three years, behind the back of the SANFL, should not have come clean and said, 'Let's do something big and grand and get it right.' Clearly, this stadium will have difficulties because the people sitting in the eastern grandstand will be facing the wind, the rain and the sun.

This is notwithstanding the drip line. I am told that 77 per cent of patrons will sit under the drip line. We are not in the tropics. When it rains here, it usually blows a bit of wind as well. In the tropics it tends to drop straight down, but you will get wind swirling around and I am sure there will be a far greater number of people than 23 per cent getting wet when it rains, and I am sure in the middle of summer when it is 42º and the sun is beating into that eastern grandstand it will be pretty hot and uncomfortable in the stand.

Notwithstanding that, I think there is 45 millimetres more leg room in this stand than at the MCG, Etihad Stadium and some other stadiums. While I know the designers are doing the best work they can to make the stadium comfortable, I suspect that may be a recognition that it will get pretty hot and sweaty in the middle of summer.

While I accept that the project is going ahead and I am sure it will be a first class development and a lot better than what we have at AAMI Stadium, I think it is recognition that the Liberal Party was right that the community wants footy in the city. It is a shame the government could not see that and show a bit of statesmanship and acknowledge that it has the opposition on board. We only get one opportunity in a lifetime, or several lifetimes. AAMI Stadium was built in the 1970s and it has taken 40-odd years to get to this point. I suspect, whatever the future holds for sporting venues in the city, it is 40 or 50 years further off again for anything that might happen in the future.

It is a shame that, with regard to this once in a two or three generation decision, this government, that likes to think it is forward and visionary thinking, did not say to the opposition at the time, 'We understand now that everyone wants footy in the city. Let's sit down and work out the best possible solution and maybe come to a compromise.' It is a shame the government did not come to the opposition and say, 'We will shift the location of our hospital, but we want your support.' The Hon. Paul Holloway smiles. I suspect you would be very surprised—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The Hon. Paul Holloway says that you could fit an oval there; the work has been done, but that is your narrow-minded, closed-minded view of things. If you were a statesman, not just a mining legend, you could have been a proper legend and come to the table and sat down with the opposition and said, 'Right, we have two things.'

You had the opposition prepared to spend a billion dollars or more on a rebuilt new hospital on the current site. We had everybody arguing about football in the city. So, both major parties wanted footy in the city, and both major parties wanted to spend a billion or more on a health facility. Surely, it would have made sense to bring the groups together, sit down—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: You are the poodle of the state parliament with that haircut. Where did you get it done—at Dora's Dog Dressings? We had an opportunity—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: I might be jealous that he has hair but not of his hairdo or his hairstyle—but I am being distracted. We did have an opportunity with both major parties and, I believe, the Greens. From my discussions with the Hon. Mark Parnell before the election, the Greens were prepared to listen to the concept of a new multi-purpose stadium in the city that embraced public transport and cycling.

For once in this state's history, we actually had all major parties somewhere on the same page but, sadly, this government could not see that. Their arrogant, narrow-minded, selfish approach to it has meant that we will now end up with something that will not be as good as we could have had. The Adelaide Oval redevelopment is significantly better than what we have at AAMI Stadium, but it will not be as good as we could have had, and it will be 40 or 50 years more before we revisit any future sporting facilities.

I think the legacy of this government is the decision it has made, especially when you revisit the letters that I saw Jack Snelling had written to his constituents stating that they would not be sending a cent of taxpayers' money on ridiculous football stadiums in the city. Clearly, this was a knee-jerk reaction from a government that was ahead in the polls at the time and did not really think that they—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Well, exactly. We know that the AFL and the government are very close together. But having said that, you had everybody on the same page—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I had a meeting with Andrew Demetriou. His concern was that we could not be in government for another four years.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Andrew Demetriou's concern with the opposition's proposal was that it was four years further away. He wanted something straightaway; he was not prepared

to wait for four years. If both could have been delivered in the same time frame, I know what one he would have chosen, because football wants its own facility; it does not want to share with SACA.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The Hon. Paul Holloway is getting his knickers in a knot. What I said is that we had all the major players: football wanted to come in, the current government wanted football in the city, the Liberals wanted football in the city, and the Greens were prepared to look at it. When we had everybody on the same page, that is when this government should have stood up and shown some leadership and said, 'Let's come up with the best possible outcome for South Australia,' instead, we have the second best possible outcome.

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

[Sitting suspended from 12:59 to 14:18]

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:18): I bring up the 26th report of the committee.

Report received.

RENEWABLE ENERGY TARGET

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) (14:18): I table a copy of a ministerial statement made by the Premier Mike Rann entitled 'South Australia Meets 20% Renewable Energy Target'.

LYMPHOEDEMA ASSESSMENT CLINIC

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) (14:18): I table a copy of a ministerial statement made by the Hon. John Hill on the Lymphoedema Clinic.

EATING DISORDER SERVICES

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) (14:18): I table a copy of a ministerial statement made by the Hon. John Hill on the new future for Eating Disorder Services.

QUESTION TIME

MINISTERIAL APPOINTMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the minister a question about ministerial responsibilities.

Leave granted.

The Hon. D.W. RIDGWAY: As members would be aware, since the sudden and unexpected resignation of the leader of the government, the Hon. Bernard Finnigan, we have only had one minister in this chamber. His responsibilities of industrial relations, gambling and state/local government relations have been dispersed among other members of the cabinet. Rumours have it that the Hon. Russell Wortley is likely to be given that responsibility some time later tomorrow and be sworn in as the new minister in the Labor government.

Pondering what responsibilities the Hon. Russell Wortley might be given, I am reminded of the significant number of sporting events and functions that I see him at and wonder whether tourism, sport and recreation might not be a suitable mix for him. Of course, we know that he has travelled extensively overseas with his wife, Senator Dana Wortley. I wonder whether tourism and multicultural affairs might not be appropriate. I am also reminded that, when I was on the ERD Committee with the Hon. Russell Wortley, he and I both swam with the sea lions at Sceale Bay and Baird Bay.

We observed osprey and sea eagles and he enjoyed some of the finest wines and food on the West Coast. I am wondering whether the environment and food marketing may not be a suitable opportunity for him. Then, I am also reminded that, I think, science and the information economy is where he really fits, because he is the only member of parliament I know who has racked up a $10,000 phone bill. My question to the minister is: in your opinion, what expertise does the Hon. Russell Wortley bring to the cabinet table and which ministerial responsibilities—

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: —do you think he is likely to be given?

The PRESIDENT: The Hon. Mr Ridgway should have been here long enough now to know that he cannot ask a minister for an opinion. So, the honourable minister should totally ignore that question, because that is all it does. The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: I will have to call the Hon. Mr Wade in a minute.

WOMEN'S STUDIES RESOURCE CENTRE

The Hon. J.M.A. LENSINK (14:24): I seek leave to make an explanation before directing a question to the Minister for the Status of Women on the subject of the Women's Studies Resource Centre.

Leave granted.

The Hon. J.M.A. LENSINK: After last year's savage budget cuts, I asked a question about the funding crisis that the Women's Studies Resource Centre found itself in with the removal of DFEEST and children's services funding in June 2010. The minister stated in her reply that she had liaised with both the Minister for Education and the Minister for Employment, Training and Further Education to secure funding. She said she was committed to continuing to work towards ensuring that we can reach a satisfactory resolution of this matter and make the collection available for future generations. Has the minister had any success?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:25): I thank the honourable member for her interest in this very important resource centre. As I have already discussed in this place before, the resource centre was founded in 1975 by a number of women educators. It was a unique facility. It was probably the only feminist library collection available in South Australia, and probably the first of its kind in the Southern Hemisphere but, of course, as soon as you say that somebody steps up to the plate.

It was certainly incredibly unique, and it was a real first in many ways. It was the idea, hard work and commitment of a number of very great women who put that centre together and provided an immensely important resource. The centre has been providing resources to students, teachers and lecturers, particularly those studying women studies, women's education and gender studies, and a number of courses provided through high schools, TAFE and at university level. However, the library has been open for all those in the community looking for information and writings about women.

I understand that the centre is seeking financial assistance to continue operating and that the provision of funding has been an issue for the facility for many years. Joint funding provided by the Department of Further Education, Employment, Science and Technology and the Department of Education and Children's Services to the service since 2002 ceased in June of this year. I also understand that the centre continues to open on a part-time basis, with paid and volunteer staff, and unless it receives further funding, it will only be able to operate using volunteer staff.

It is not surprising, and I do not think anyone here would be surprised that, over the years, the number of people accessing this resource has diminished significantly. The demand, as you would expect, is not the same, and that is for a number of reasons. One is that people tend to access information via the internet, and there is a wide range of different search engines that have access to feminist literature and research. So the online service is becoming increasingly popular.

There is also more feminist literature around, so that the accessibility of it in other libraries and resource centres has also increased, I am happy to say, over the years. It is not surprising that the demand for this particular resource centre has declined. However, as I said in this place before,

I am committed to ensuring that that resource does remain intact. I am also very committed to ensuring that, wherever possible, that collection remains badged in some way that gives acknowledgement and recognition to the history of that collection and the work, commitment and passion of those women who put the collection together and those women who, over the years, have dedicated a great deal of time and energy—a lot of it was volunteer work—to continue to maintain that collection.

I understand that the representatives from DFEEST and the Office for Women have been liaising with the centre, seeking a solution to ensure the long-term maintenance of the collection. I have been advised that DFEEST have now provided the centre with a final grant of $16,750 to help them develop and implement a relocation plan for their collection. I have been advised that a working group consisting of representatives from the centre, the Office for Women and DFEEST has been established to oversee the movement of this valuable collection to a suitable place. I have also been advised that representatives from the Barr Smith Library are also assessing the collection to ensure that key items are preserved.

As I said, we are working towards a solution. Some progress has been made. I know that there are a number of people who feel very strongly about this resource centre and would like to see the current arrangements continue indefinitely. I do not think that is a good idea. I think that we need to keep moving ahead with the times; we need to continue to make sure that our resources meet contemporary needs. I think change needs to occur and I think we need to continue to work with the resource centre and its other supporters to try to map out a new model for the preservation of that collection. That will continue to ensure that South Australians and other interested people can have access to that important collection. The thing is not signed, sealed and delivered, but it has certainly progressed, and there is certainly a great deal of commitment, as I said, to try to ensure the preservation of the collection so it remains intact but in a new model.

APPELLATION CONTROL SCHEME

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development.

Leave granted.

The Hon. S.G. WADE: On Friday 13 May, the government issued a press release headed 'Historic food protection scheme under consideration'. The release states:

> The State Government is proposing the introduction of Australia's first appellation control scheme to protect the identity and enhance the marketing of foods produced in defined regions of South Australia...As well as informing consumers, this scheme will protect valuable regional names—such as the 'Barossa', 'McLaren Vale' and 'Kangaroo Island'—from free-riding exploitation by businesses outside of these regions. High quality foods sourced and produced in South Australia's premium regions deserve additional legal protection from inferior, unsourced products.

The Australian of 9 June 2011 carried an article entitled 'Region may lose right to Riverland'. It is speculated that:

> Produce grown in the Riverland, known as South Australia's fruit bowl, could soon be sold under a different name or, at worst, growers would have to pay to use the name.

The member for Chaffey has brought this article to my attention and has expressed his concern at the impact on regional promotion. The term 'Riverland' was trademarked in 1932 and its owner, fruit company So Aussie Fresh, has initiated a sale of the trademark by expression of interest. The trademark has been registered in eight countries.

The value of the trademark clearly is supported by the quality of Riverland produce and by the Riverland fruit fly free status. The expression of interest document quotes the government press release to highlight the value of the trademark. I ask the minister: as the Minister for Regional Development, will she look at purchasing the Riverland trademark to promote the development of the Riverland region, to ensure fairness in food marketing and to maintain the integrity of any appellation scheme that may be developed by the government?

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) (14:34): To the best of my knowledge, that is the issue of the purchasing of a Riverland trade name in relation to an appellation-type system. It has not been brought to my attention, as I said, to the best of my knowledge. I am not aware of problems that the Riverland might have specifically. As I said, these matters have not been raised with me. I am happy to look into the issue and to talk to key stakeholders to ensure that I

understand the issues. I am happy to consider the implications of it but, at this point in time, I just do not have enough information to give a view. As I said, I am happy to talk to the relevant stakeholders, consider the issue, and take it from there.

PRODUCT SAFETY

The Hon. R.P. WORTLEY (14:35): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about product safety.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I understand that the responsibility of Consumer and Business Affairs is to oversee the protection of consumers by ensuring compliance with relevant laws, including the Australian Consumer Law. My question to the minister is: how is Consumer and Business Affairs continuing with its commitment to protect and educate South Australian consumers?

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) (14:36): I am very pleased to inform members of this chamber that, over recent weeks, officers of Consumer and Business Affairs have been involved in a national safety surveillance program to ensure that products are meeting the Australian safety regulations. Specifically, South Australia has been tasked with checking household and portable folding cots in a number of our retail outlets.

Working in tandem with the Australian Competition and Consumer Commission, the Product Safety section of the Office of Consumer and Business Affairs has commenced with this monitoring program. All state regulators take part in this program in an attempt to identify and implement national strategies to minimise the risk of injury or death from safety hazards across a range of different consumer products.

Cots, obviously, are an extremely important area of safety, which concerns products that obviously protect mums' and dads' most precious gift: their child. Of course, we know that children—particularly young children—spend a lot of time in their cots, so it is important that we make sure that a cot provides a very safe haven for parents as well as children.

OCBA is conducting a compliance check on cots supplied by franchise furniture stores as well as second-hand and charity stores, and also those supplied by hire companies. Also, regional officers will be undertaking checks in a number of country areas—Whyalla, Port Pirie, Port Augusta, Renmark, Berri, Mount Gambier, etc.—to ensure that our inspections occur right across the state.

I am advised that parents purchasing a new or second-hand cot should look for one which complies with the Australian safety standard for cots. All national product safety information is now available on our new Product Safety Australia website—productsafety, one word. People can go online and actually look at the safety criteria for a number of products, but specifically for cots. So, if they are not sure if their cot complies, they can go online and check it out.

In addition, all folding portable cots must have warnings to check that the locking mechanisms have engaged and that the cot complies with standards. All cots sold, even second-hand ones, must comply with this standard. All cots must have clear instructions and warnings marked on them so that consumers can ensure that the cot is set up in a safe way. A label or sticker that says the cot complies with the mandatory standard should be on the cot and, if there is not one or the retailer cannot verify that, I would be reminding people that they should not buy that particular cot.

The prevention of injuries and deaths from falls and entrapment are key reasons why these types of surveillance operations are so important and, obviously, I am a very strong advocate of empowering consumers to make the correct choice. The CBA and ACCC provide excellent advice to consumers when purchasing items, and they will do so for cots as well. Some of the tips that they are providing for people in relation to cots are:

- to take a tape measure so they can check the cot's dimensions and ensure that the mattress fits tightly;

- to ensure that there are no spaces that could trap a child's arms, legs or head;
- to check that there are no small holes or openings; and also
- to check that there are no fittings such as bolts or knobs that might catch onto a child's clothing and end up entrapping the child and resulting in a strangulation.

Penalties are in place for companies or individuals that supply goods which do not meet the safety standards. Corporations face a maximum fine of $1.1 million and individuals $220,000, so there are very steep fines for breaches. If people do have safety concerns, they can report those to CBA or, as I said, visit the website.

DISABILITY WORKS AUSTRALIA

The Hon. K.L. VINCENT (14:42): I seek leave to make an explanation before asking the Minister for Public Sector Management questions regarding Disability WORKS Australia.

Leave granted.

The Hon. K.L. VINCENT: Disability WORKS Australia is an organisation which, as described on its website, provides employers with access to a single, free and effective contact point for recruiting people with disabilities. A few weeks ago my office received a call from the CEO of Disability WORKS Australia, Ms Tina Zeleznik, who advised that the organisation has provided services to the state government in managing the SA Public Service Disability Employment Register. From what Ms Zeleznik has said, they do a fine job, having placed 834 job seekers with a disability into the public sector since 2001.

I am told that Disability WORKS Australia managed the Disability Employment Register at no cost to the state government between 2001 and 2007, with the commonwealth footing the bill for this period but, for the past three years, the state government has, to some extent, paid its own way by funding the organisation with $100,000 per year. However, just last week Ms Zeleznik received a letter advising that the funding had been cut from this year's state budget. Despite this, I understand that the state government still intends to retain Disability WORKS' services.

I remind honourable members that, last sitting week, the Minister for Public Sector Management advised that she had requested a report on the progress of measures taken towards the employment of people with a disability in the public sector. My questions to the minister are:

1. Why did the government decide to stop funding DWA?

2. At which point did the government decide to cease funding to DWA?

3. Why did the government cease funding to Disability WORKS Australia before the aforementioned report was finalised?

4. Does the minister concede that it is a bit rich to 'defund' Disability WORKS Australia while still expecting it to provide the Public Service Disability Employment Register?

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) (14:44): The Office for Ethical Standards and Professional Integrity works hard to attract people with disabilities into the public sector and, in fact, one of our South Australian Strategic Plan targets seeks to double the number of people with disabilities employed by the South Australian public sector by 2014. The office states that, as of June 2009, the number of employees in the public sector reporting ongoing disability requiring adaptation to their workplace was 959, and I am advised that this is an increase from 777 in 2006. I understand the figures for 2010 will be made available shortly. Although that target is a whole-of-government target, I am advised that the Department for Families and Communities has been designated as the lead agency for the target, and I am obviously involved in liaising with them.

The Public Sector Act provides for the creation of employment programs designed to ensure that people who may suffer disadvantage when applying for employment are provided with opportunities to seek employment with the South Australian public sector. The transition provisions of the act have maintained existing programs, and I am advised that a program is currently in place for people with disabilities, through Disability Works Australia (DWA). DWA facilitates employment of people with a disability through the provision of recruitment and advisory services. As the honourable member has pointed out, I am advised that DWA has established and manages a

disability employment register for eligible people with disabilities who are seeking employment in the South Australian public sector.

I am advised that individuals on the register who are referred by DWA for vacancies in the public sector are still required to compete for such positions on the basis of merit with other people who are placed on the register, and this is obviously in accordance with the processes agreed by the Commissioner for Public Sector Employment. The Department of Further Education, Employment, Science and Technology is undertaking a review of the public sector employment programs, and I am awaiting further advice on the outcome of that review. I am not aware of changes in provisions to DWA, so I will certainly investigate the matters the Hon. Kelly Vincent has put before me today. In terms of the questions she has posed, I will be very happy to bring back a response.

EYRE PENINSULA

The Hon. I.K. HUNTER (14:48): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about Port Lincoln and surrounding areas.

Leave granted.

The Hon. I.K. HUNTER: Most members would be aware that there are many exciting developments currently underway in the Eyre Peninsula region, particularly in the mining and energy industries. These burgeoning enterprises hold great hope for the state, and I understand that the minister recently visited the area to speak with and support the local community and business leaders in their endeavour to create a vibrant, economic and social future for the region. Will the minister inform the chamber about her recent trip to Port Lincoln and her hopes for the region's vibrant 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) (14:49): I thank the honourable member for his most important question. It certainly gives me great pleasure to be able to visit the regions in our great state.

I was very pleased to be able to go to the southern part of the Whyalla Eyre Peninsula regional development area on Friday as part of my program of regional trips around South Australia. I went to this area to meet with some of the board members from the Whyalla Eyre Peninsula Regional Development Australia Committee, as well as local staff and the CEO of Regional Development Australia—Whyalla and Eyre Peninsula, Mr Mark Cant.

I find that it is very valuable to be able to get firsthand experience of the members and also the staff of these bodies. It is always a great opportunity to chat to them, as they know only too well the issues that affect the people of the area, and they have a most important role in developing a vision of how they want their area to go forward. It is this understanding of the strengths and opportunities in the region that I want to see translated into real projects on the ground.

Another feature of my visit was my meeting with the Mayor of the District Council of Lower Eyre Peninsula, Ms Julie Lowe, and the manager of the airport. Members may recall that I recently announced that the district council, which owns and operates the busiest regional airport in South Australia, the Port Lincoln airport, has been successful in its application for assistance through the Regional Development Infrastructure Fund to begin works on the $13 million upgrade of the airport.

The seed funding provided by the government of over $1 million has been earmarked for the transport and electricity infrastructure for the new-look airport, and I understand the moneys will go to construction of the new taxiway and extension of the apron, as well as the electrical mains connection to the proposed new terminal. I am advised that extending the airport taxiway and apron will give the Port Lincoln facilities maximum flexibility for different sized aircraft and that the plans are well advanced for the new terminal building with an upgrade to security screening.

I have to say that the plans look absolutely fabulous. It will be a terrific facility with fabulous new amenities in it. Given that sometimes I have had to wait for many hours in that airport, I certainly personally look forward to the new upgraded facility. I would like to take this opportunity to congratulate the council on its hard work, and I am looking forward to seeing the building once it is completed.

I also went on to meet with the Mayor of the Port Lincoln council, Mr Bruce Green, and its CEO, Mr Geoff Dodd, to discuss with them their plans for the local area, and that was a worthwhile discussion. The Mayor was very pleased to tell me about the results of another previous grant by the state government from our RDIF, and that was towards upgrading Port Lincoln's wastewater re-use scheme. I was taken out and shown the water purification system and had that process explained to me.

That scheme, I understand, aims to reduce the drawdown on the city's potable water system and, of course, it has much potential for further rollout. I was advised that it is currently saving up to 69 megalitres per annum. That grant of over $200,000 was made by the state government in 2010 to help expand the existing scheme. That now encompasses 75 per cent of the council-owned ovals, parks and reserves, so it has certainly helped with their watering.

As I have said in this place before, the RDIF is an important infrastructure fund. It is a competitive fund which has three rounds a year to provide support for infrastructure costs of projects which support sustainable economic development, and I encourage organisations to look at opportunities for accessing that fund.

COORONG AND SOUTH-EAST SHACKS

The Hon. J.A. DARLEY (14:54): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Environment, a question about shack site rents along the Coorong and the South-East.

Leave granted.

The Hon. J.A. DARLEY: In late 2009, I was approached by concerned constituents regarding the massive increase of rent on their shacks situated on crown land along the Coorong, Glenelg River, Donovan's Landing, Little Rip and Big Bend. On their behalf, I approached the then minister and was advised that the increase in rents was based on a report commissioned by the government.

I was provided with a copy of this report and was concerned about the content and quality of the report and the evidence provided. I offered the minister an alternative approach to determine rents and it was agreed that both methods would be provided to the New South Wales Valuer General for comment. From this, I understand that a third report was commissioned from an independent consultant valuer from New South Wales.

At the end of 2010, the current minister wrote to advise that he had received a response from New South Wales and provided a copy of the two additional reports. From reading these, it seems that the New South Wales Valuer General, Mr Philip Western, agreed with my suggested approach. The consultant valuer in New South Wales stated that he had no firsthand knowledge of the leases, the shack sites, the respective locations or the local market and then proceeded to provide a detailed report and recommendations. As a former valuer general of South Australia and a former member of the board of examiners for the Australian Institute of Valuers and Land Economists, it is my opinion that this valuer should not have accepted the job, knowing that he lacked this knowledge, and that his report should be disregarded.

The minister has since advised that he had fixed the rents on the basis of the first report, in other words, an annual 4 per cent rate of return on the unimproved value of the land. My questions to the minister are:

1. Why did the minister fix rents based on a report which was incomplete, provided questionable evidence and, in my opinion, was flawed?

2. Is the minister confident fixing rents, having regard to a report written by someone who has admitted in their report that they had no firsthand knowledge of all the leases, the shack sites, the respective locations or the local market?

3. On what basis did the minister determine that 4 per cent is an appropriate rate of return, where there is ample evidence for coastal properties that demonstrates that 4 per cent is excessive for these South Australian coastal locations?

4. Why did the department omit to advise life-tenure lessees that they could request a review of the rent by the Valuer General under section 66 of the Crown Land Management Act for all shacks, other than those located in the Coorong National Park?

5. Will the minister now withdraw those rents and advise relevant shack lessees of their rights under section 66 of the Crown Land Management Act?

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): I thank the honourable member for his questions and will refer those to the Minister for Environment and Conservation in another place and bring back a response.

YATALA LABOUR PRISON

The Hon. T.J. STEPHENS (14:57): I seek leave to make a brief explanation before asking the minister representing the Minister for Correctional Services questions about changes to staff arrangements at Yatala Labour Prison.

Leave granted.

The Hon. T.J. STEPHENS: My office recently received information that, from 1 July, a new system of staff consolidation will begin at Yatala. The new system will amalgamate existing staffing units to create a larger staff which will rotate between the different divisions. An example given by a corrections officer at Yatala is that officers from admin, the control room and G-Division—which is the division reserved for the most dangerous criminals in this state—will be merged into one rotating staff. Officers from all three areas will be expected to perform the duties formerly assigned to specialised units and appropriately trained and experienced officers.

Many of the officers from the existing units have up to 20 years' experience in their given area. I believe that placing inexperienced and undertrained offices in areas such as G-Division is dangerous for all at the prison and the general public. Even though this may be seen as a cost-saving measure by those in the department, there will actually be an added cost in training those officers in the other areas in which they have no expertise. As the officers will be on rotation, it may be several weeks or months before the officers are active in one of these areas. In somewhere like the control room, upgrades to technology may render their original training redundant, meaning further training and more money will be required.

According to the prison officer, it will cost $100,000 per year to continually retrain the staff at Yatala, rather than just the cost of initial training and upkeep, not to mention the cost in experience and expertise which will jeopardise the safe running of the prison. It seems with this latest proposal, in the context of the recent and severe problems to come out of the Department for Correctional Services, the minister has lost control of his department. My questions to the minister:

1. Why does the minister think it is necessary for such measures?

2. Is it due to budgetary constraints?

3. Does the minister recognise that this change will, in fact, unnecessarily cost the state more money?

4. How will this new arrangement better ensure the safety of prison staff, prisoners and the South Australian public?

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): I thank the honourable member for his questions. I will refer those to the minister in another place and bring back a response.

MINISTERIAL COUNCIL ON CONSUMER AFFAIRS

The Hon. CARMEL ZOLLO (15:00): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the recent Ministerial Council on Consumer Affairs.

Leave granted.

The Hon. CARMEL ZOLLO: The Ministerial Council on Consumer Affairs has an objective to provide the best and most consistent protection for Australian and New Zealand consumers through its consideration of consumer affairs and fair trading issues of national significance and, where possible, the development of consistent approaches to those issues. Will the minister provide the chamber with an update on any developments that arose from the recent Ministerial Council on Consumer Affairs?

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) (15:01): I thank the honourable member for her important question. I am pleased to advise the chamber that on 3 June I was privileged to represent South Australia at the Ministerial Council on Consumer Affairs in our nation's capital. This meeting was an important opportunity for representatives from across the states and territories to come together to discuss a number of issues currently affecting governance.

In particular, the ministerial council provided an opportunity to acknowledge the success of the Australian Consumer Law, which brought about the harmonisation of so many disparate consumer protection laws across Australia on 1 January 2011. The ACL has provided consumers with a number of new protections. The South Australian Office of Consumer and Business Affairs has worked collaboratively with all agencies in agreeing to the content and implementation of the ACL.

OCBA has continued to promote the new protections under the ACL through an education campaign that included a combination of nationally developed guides, locally developed media and presentations to local consumer groups. The ministerial council also acknowledged the need for reform of the travel industry regulations in Australia, given the adoption of the national tourism accreditation framework and the commencement of the ACL. The ministerial council agreed to support further development of a travel industry transition plan as a pathway to an industry-wide regulatory approach.

Ministers believe that the modernisation of the regulatory framework needs to foster ongoing consumer confidence in the sector and enhance consumer protection, competition and also innovation. The ministerial council noted the Australian government's recent announcement that they are committed to developing a consistent approach to the regulation of charities and not-for-profit bodies. I assured them that South Australia looks forward to negotiations on that important issue, given some of the work that we have done in that area.

There was also nationwide recognition of the unlawful selling practices of itinerant salespeople across Australia. Ministers have agreed to establish a national strategy that aims to curtail unlawful selling practices by 2011-12. Some of the other topics discussed included an option for harmonising debt collection; community concerns around gift cards (I know that was an issue of concern for some members in this place); and the continued work being done to develop the cooperative national law, which will endeavour to remove existing barriers to interstate business activities and ensure consistency of administrative practices across jurisdictions.

No doubt, members of the chamber will be interested to note that from next year the council will transition through the new COAG Legislative and Governance Forum on Consumer Affairs from 1 July 2011. It is a shame about the name; I did try to change it, but they would not have it. South Australia will be the next host for this forum. I think it ends up being called 'FLOCM' or something dreadful. I will have the dubious honour of being the first chair of that-named forum. This will be an exciting opportunity to showcase this great state to ministers from other states and territories, and it will be an honour to have a role in this important group.

KEITH AND DISTRICT HOSPITAL

The Hon. T.A. FRANKS (15:05): I seek leave to make a brief explanation before asking the Leader of Government Business, representing the Minister for Health, questions about the Keith Hospital.

Leave granted.

The Hon. T.A. FRANKS: The Keith and District Hospital, as everyone in this place is aware, is the sole hospital for a region of greater than 10,000 square kilometres and 8,000 vehicles that travel through Keith daily, and it accepts anyone who presents for care, integrating aged care, acute care, public and private, outpatients, accident and emergency, and a medical centre including GPs and visiting specialists.

For some years, the state government has part funded the Keith Hospital and, as we know, in the decision last year in the budget, that funding now leaves the Keith Hospital with a shortfall of over $300,000 per annum. That $300,000 is now the subject of fundraising initiatives. I know that they have Nutrimetics lipsticks for sale. I know that they have flyers in this building calling for funds.

We have also seen in that region tragic deaths in the last week or so, which have highlighted the need for the Keith Hospital and the vital role that it plays, in particular its proximity to

the city in terms of the helicopter distance that that hospital provides for when there is a need from an acute accident or emergency. Where other hospitals such as Naracoorte and so on would have to refuel, Keith is the furthest south you can go without needing to refuel. Underlining the importance of the Keith Hospital, not only to that area but also to the Adelaide CBD, my questions to the minister are:

1. Does the government prioritise projects such as the superway, which this state government is putting $430 million into in part of a total $843 million project, which equates to some $162,000 per metre? I think it is the most expensive road project we have seen in this country.

2. Does the government prioritise two metres of a superway over the residents, not only of Keith but of this state, in terms of access to accident and emergency care when they critically need it?

3. Does it, in fact, prioritise losing a few minutes off a trip, a few minutes later to a destination, over lost lives?

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) (15:08): I thank the honourable member for her questions and will refer those to the Minister for Health in another place and bring back a response. Just by way of some preliminary background, I have been advised by the Minister for Health that he has been personally urging the board of the Keith Hospital to work on a business plan and maximise their revenue from the commonwealth. He has been doing that since July last year, I am advised.

I can also advise that no state subsidy has been removed in the current financial year and that Keith Hospital still receives a full $663,000 per annum. I am advised that minister Hill also met with the board's chairman in October, and I understand that he has repeated the offer to help with and pay for that plan. As I said, he has repeatedly offered to help with and pay for that plan.

I am advised that a conservative estimate of the funding that the hospital has failed to claim over this time from the commonwealth for the really important aged care services that it provides is around $50,000. So, they are obviously missing a really important funding opportunity. The advice is that they have entitlements to that. They are eligible for it, but have failed to claim for that commonwealth money over that time.

In addition, I am advised that Country Health SA identified savings strategies in December 2010 that would further improve the financial position for that hospital. I am also advised that, whatever the board's decision, $300,000 a year will be provided for essential public emergency services from July 2011. As I said, I will pass the detailed questions on to the Minister for Health, and I am happy to bring back a response.

MINISTER'S REMARKS

The Hon. R.I. LUCAS (15:10): I seek leave to make a brief explanation before asking the minister a question on the minister's personal abuse of members In the Legislative Council.

Leave granted.

The Hon. R.I. LUCAS: On 18 May, I asked a series of questions and revealed some information that government ministers, such as minister Rau and minister Koutsantonis, had been undertaking professional media training from the sports reporter at Channel 10, Mr Mark Aiston, at a cost of $2,000 for four hours of training. In the course of the response, as most members would recognise, the minister resorted to significant personal abuse of the questioner. She said:

> ...the honourable member comes in here and...makes...snide allegations...Time and time again he comes in here with completely unsubstantiated allegations. He never tables any support for his allegations. He never presents any evidence, not an FOI or something that he has gained that he can get up and read out. No...not even a dodgy document...besmirching their names with all sorts of snide innuendo...He has no supporting evidence and no documentation, and we know that time and time again he does that. It is despicable and cowardly...I have said that in this place before, as he cowers under the protection of these privileged walls.

Etc.

The Hon. P. Holloway: It sounds pretty well spot on.

The Hon. R.I. LUCAS: The Hon. Mr Holloway says that it is spot on. Within 24 hours, the government through the minister's office, confirmed the accuracy of story. Within 24 hours, Mr Mark

Aiston's company confirmed the accuracy of the story. So, within 24 hours, the claims that had been made in this chamber had been confirmed not only by the private sector operator but also by the ministers involved in relation to the media training. My questions to the minister are as follows:

1. Is the minister embarrassed that her personal attacks and denials on this particular issue were so wrong?

2. Does the minister now agree that she misled this council on 18 May by dismissing these questions as completely unsubstantiated, snide, despicable, cowardly and besmirching people's reputations?

3. Will the minister in future at least bother to check the facts before she resorts to personal abuse of members in this chamber as she tries to avoid answering questions in this particular place?

4. Is the minister aware that journalists, commentators and even some of her own backbench colleagues are laughing at her ham-fisted and childish attempts to resort to personal abuse—

The Hon. P. HOLLOWAY: Point of order, Mr President.

The Hon. R.I. LUCAS: —to avoid answering—

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What we have heard from Mr Lucas is just an example of the very abuse that he is complaining about. I put it to you, Mr President, that that statement is unparliamentary. It has comments that are unparliamentary, and it is not a question. It is not a question; it should be ruled out of order.

The PRESIDENT: The honourable minister can deal with the question in any way she thinks appropriate.

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): Thank you, Mr President. It certainly does not deserve much at all, but I can quite clearly say that I stand by all of my previous comments—every single one of them.

The Hon. R.I. Lucas: You didn't tell the truth.

The PRESIDENT: The Hon. Mr Lucas should accept the answer. The Hon. Mr Holloway.

The Hon. R.I. Lucas: The lies and untruths?

The Hon. G.E. GAGO: That is unparliamentary. The member has made unparliamentary remarks, Mr President, and I ask that he withdraw them.

The PRESIDENT: The Hon. Mr Lucas should withdraw.

The Hon. R.I. Lucas: I won't withdraw.

The Hon. G.E. GAGO: He called me a liar, Mr President.

The Hon. R.I. Lucas: I did not. I did not say that. I said, 'The lies and untruths.'

The Hon. G.E. GAGO: He said I told lies.

The Hon. R.I. Lucas: No, I said, 'The lies and untruths.' I didn't call you a liar. The President has ruled 'lies' previously by you when you used the word as parliamentary.

The PRESIDENT: Order! The Hon. Mr Lucas should withdraw the remarks of 'lies'.

The Hon. R.I. Lucas: No, I'm not withdrawing. You ruled—

Members interjecting:

The PRESIDENT: Order! The. Hon. Mr Lucas, by not withdrawing the remarks, shows that the minister's answer a few weeks ago was fairly accurate. The Hon. Mr Holloway.

PREMIER'S COUNCIL FOR WOMEN

The Hon. P. HOLLOWAY (15:16): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Premier's Council for Women.

Leave granted.

The Hon. P. HOLLOWAY: The Premier's Council for Women was established by the Labor government in 2002 and plays the important role of providing leadership and advice to help ensure the interests of women are taken into account in government policies and strategies. The council is co-chaired by the former vice-chancellor of Flinders University, Anne Edwards, and Kate Gould, the Chief Executive Officer of the Adelaide Festival. I understand that its members are influential women with expertise in a range of areas such as health, education and primary industries. My question to the minister is: will the minister provide the council with details on any reports recently prepared by the council?

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) (15:16): Indeed, the Premier's Council for Women (PCW) is one of the government's key advisory bodies, and it has been actively involved in the review of South Australia's Strategic Plan. The council also has membership on the strategic plan's audit committee and Community Engagement Board. As many members will recall, the council contributed actively to the strategic plan review process by hosting consultation sessions with women across South Australia to listen to what issues are important to them.

The consultations attracted a diverse range of women who generously contributed to discussions on a wide variety of issues and provided strategies for the future of women and their families in South Australia. Information provided at these consultation sessions contributed to the advice the council provided regarding the update of South Australia's Strategic Plan. The council had extensive discussions about the issues women raised during the consultation and they also considered how to use the information received in those consultations. The PCW then developed its own work plan for the next two years.

The Premier's Council for Women has prepared a report on what it heard during the consultations and its resulting two-year work plan. The report Women in South Australia: Thinking about a Better Future has been sent to all consultation invitees and participants and can be found on the Premier's Council for Women website. Thinking about a Better Future outlines the council's focus areas for the next two years, which are: women's health and wellbeing, violence against women and safety, women's employment and economic status (including training, workplace conditions, flexibility, work/life balance and child care), women's leadership in all sectors and also women in disabilities.

The council continues to be committed to redressing inequities between different categories of women and will continue to advocate for consideration of the specific issues faced by women and girls from Aboriginal and Torres Strait Islander backgrounds and from culturally and linguistically diverse backgrounds across all its focus areas.

The outcomes of the PCW consultation sessions were provided to the Community Engagement Board in October 2010. It is the Community Engagement Board's responsibility to manage the broader community consultation process attached to the update of the South Australian Strategic Plan. It recently presented its report to the government, and its recommendations for revisions to the Strategic Plan are now under consideration.

DRUG ADDICTED BABIES

The Hon. D.G.E. HOOD (15:20): I seek leave to make an explanation before asking a question of the minister representing the Minister for Health regarding babies born with drug addictions.

Leave granted.

The Hon. D.G.E. HOOD: Family First welcomes the recent announcement in the budget of increased funding for child protection of some $69.1 million over the next four years, but there is great need, and that money will probably scarcely touch the sides. One aspect of child protection I would particularly like to highlight is the plight of babies born to drug or alcohol-addicted mothers at the Women's and Children's Hospital, as I have personally heard a number of stories where this has unfortunately been the case and, indeed, it is true of other hospitals around the state.

Some time ago, Associate Professor Ross Haslam, in his position of Head of Neonatal Medicine at the Women's and Children's Hospital, commented in the media that approximately 3.5 per cent of the mothers who deliver at the hospital have drug or alcohol problems. Babies suffering from drug withdrawal have seizures, they do not sleep and they continually vomit and so

forth—in short, a very miserable existence. They often have to be stepped down on morphine over several weeks in order to rid them of such awful suffering. Foetal alcohol symptoms are often permanent and can include severe brain damage in some cases. My questions, quite simply, are:

1. What is the minister's plan to tackle this problem, as I am informed that there is really nothing being done about this, other than the barest minimum?

2. What funding would the minister allocate, either from the $69 million or in addition to the $69 million, to address this problem?

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) (15:22): I thank the honourable member for his most important questions. I will refer them to the Minister for Health in another place and bring back a response.

INDEPENDENT SERVICE STATIONS

The Hon. J.S. LEE (15:22): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about independent service stations in South Australia.

Leave granted.

The Hon. J.S. LEE: In the March/April edition of the official magazine of the Motor Trade Association, it was reported that there have been 'recent displays of potential anti-competitive behaviour by major multinational service station operators across regional South Australia'. The independent service stations have raised concerns that they could be priced out of the market. John Chapman, Executive Director of MTA-SA, stated that:

> What originally appeared like an isolated incident in Port Wakefield now appears to be a systematic strategy by the large operators right across regional South Australia to price the independent stations out of the market.

My questions are:

1. In addition to raising the issues with the Australian Competition and Consumer Commission, what support will the state government provide to address the concerns from independent service stations?

2. As reducing competition could mean that consumers will see higher petrol prices in the future, how does the state government propose to monitor potential anti-competitive prices creeping across South Australia?

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) (15:24): I thank the honourable member for her important questions—and they are important questions, too. Competition across our service station sector is an important issue; it affects the price of petrol and, of course, that affects the cost of our daily living. However, it is not a matter that comes under the responsibility of the consumer portfolio. It has some bearing on the Attorney-General's area of responsibility in terms of corporations, but I think that it is largely the responsibility of the federal government and the ACCC, which is in charge of ensuring that a marketplace remains free and open for competition. I am happy to write to the ACCC and raise that issue and encourage it to take the appropriate action.

ANSWERS TO QUESTIONS

WATER FLUORIDATION

In reply to the **Hon. A. BRESSINGTON** (30 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 Water has been advised:

Note: There are two forms of fluoride used by SA Water to fluoridate water supplies namely sodium fluoride (powder form) and sodium hydrofluorosilicic acid (liquid form).

1. Sodium fluoride is currently purchased from Orica Chemicals Australia for use at the Mount Pleasant water treatment plant. Sodium fluoride is secured in PVA sachets which are

stored in containers with tamper proof lids which are stored on pallets with a shrink wrap seal. The sodium fluoride is transported to the Mount Pleasant site by a licensed carrier contracted by Orica.

Sodium hydrofluorosilicic acid is currently purchased from Orica Chemicals Australia for use at Morgan water treatment plant, six Adelaide metropolitan plants contracted to United Water and ten plants contracted to Riverland Water. It is delivered in bulk tankers by carriers contracted to Orica.

2. Small quantities of sodium fluoride are stored within a locked storeroom at the Mount Pleasant water treatment plant site.

The quantity of the sodium hydrofluorosilicic acid stocked varies at each of the 17 other sites according to usage. It is stored at each site in bulk storage tanks located in specifically designed chemical storage areas.

3. Trained operators are responsible for fluoride dosing at each site.

4. A Certificate of Analysis is provided for each batch of sodium fluoride and sodium hydrofluorosilicic acid.

5. The Certificate of Analysis contains an itemised list of trace components including arsenic, lead and heavy metals for each product.

6. Mount Pleasant water treatment plant consumed sodium fluoride in 2009-10 at a total cost of $2,125 including delivery.

The costs of sodium hydrofluorosilicic acid, including delivery, for Morgan and the six metropolitan plants operated by United Water, in 2009-10 is $662,140.

WATER FLUORIDATION

In reply to the **Hon. A. BRESSINGTON** (28 October 2010).

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

1. The statement was not deceptive and no correction is required.

2. Fluorosilicic acid and other chemicals used to fluoridate drinking water supplies must meet specifications for water treatment chemicals described in the Australian Drinking Water Guidelines of the National Health and Medical Research Council. To achieve compliance with the guidelines, the manufacture of fluoridation chemicals is subject to strict quality control and assurance systems. Each batch of fluoridation chemical must be accompanied by a certificate of analysis, which verifies that it meets the specifications of the Australian Drinking Water Guidelines for these chemicals. Advice on this matter was provided by the Department of Health based on information provided by SA Water.

3. SA Water is responsible for the selection of chemical manufacturers with independently accredited quality control systems and ensuring that chemicals are pure enough to be added to drinking water. SA Water ensures that each batch of fluoridation chemicals is provided with certificates of analysis and does not accept chemicals if they fail to comply with the specifications of the Australian Drinking Water Guidelines. These specifications define strict upper limits on impurities, including heavy metals. These upper limits take into account the level of dilution when fluoridation chemicals are added to drinking water.

The amount of fluoride added to drinking water is typically 0.8-1 milligram per litre. To achieve this concentration, fluoridation chemicals are diluted more than 150,000 fold. Consequently any compounds present are also diluted 150,000 fold so that concentrations in drinking water are in parts per billion to parts per trillion or even lower and are well below drinking water guideline values for these compounds. In the example provided by the Hon Ann Bressington, a concentration of 5.2 parts per million of arsenic in a fluoridation chemical would result in 0.035 parts per billion of arsenic being added to drinking water. The drinking water guideline for arsenic is 7 parts per billion. Fluoridation chemicals that comply with the specifications of the Australian Drinking Water Guidelines are considered to be pure enough to use.

WATER FLUORIDATION

In reply to the **Hon. A. BRESSINGTON** (9 February 2011).

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

1. Yes. It is important to note in announcing these actions both agencies reiterated their support for drinking water fluoridation.

2. In South Australia fluoride is added to drinking water supplies to achieve a concentration of 0.9± 0.1 mg/L. This is within the recommended range of 0.6-1.1mg/L identified by the National Health and Medical Research Council based on ambient air temperatures and associated water consumption. A major point of difference between Australia and the United States is that evidence indicates that the rates of dental fluorosis in Australia are decreasing. This includes specific evidence from South Australia and is largely attributed to reduced use of other fluoride supplements and increased use of low-concentration fluoride toothpastes by children. The decreasing rates of dental fluorosis do not provide a basis for modifying current doses.

3. The National Health and Medical Research Council and Food Standards Australia New Zealand have both published reviews of total fluoride intakes. The National Health and Medical Research Council published data in its draft 1999 report, while Food Standards Australia New Zealand published a broader audit in 2009 as part of the assessment on the voluntary addition of fluoride to packaged water.

Following the assessment, Food Standards Australia New Zealand approved voluntary addition of fluoride to between 0.6 and 1.0 mg/L and noted that these concentrations did not raise any public health concerns for consumers of packaged water. The approved range is similar to that recommended by the National Health and Medical Research Council.

REGIONAL COORDINATION NETWORKS

In reply to the **Hon. J.S.L. DAWKINS** (9 March 2011).

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

1. Regional local government associations or individual regional councils are represented on the Regional Coordination Networks, where one exists.

2. Regional Development Australia bodies are represented on the relevant Regional Coordination Networks (where one exists).

3. Regional Coordination Networks determine the frequency of their meetings, with some meeting quarterly and others on a more regular basis.

The State Government agencies which may be represented as chairs or members on the Regional Coordination Networks include:

- Department of Families and Communities
- Department of Environment and Natural Resources
- Department of Justice
- Department of Education and Children's Services
- Department of Premier and Cabinet
- Department of Planning and Local Government
- Department for Correctional Services
- Department of Primary Industries and Resources
- Department of Transport, Energy and Infrastructure
- Department for Water
- Department for Further Education, Employment, Science and Technology
- Department of Health
- Department of Trade and Economic Development.

4. Regional Coordination Networks are sponsored by the Senior Management Council which comprises State Government agency Chief Executives and facilitated by DTED. I encourage arrangements that facilitate collaboration between state government agencies and local communities.

MATTERS OF INTEREST

DISADVANTAGED YOUTH

The Hon. J.M. GAZZOLA (15:25): A few years ago I spoke about programs set up to assist disadvantaged youth and would like to acknowledge government initiatives in furthering help for disadvantaged youth in South Australia. The most recent census shows that in Australia there are around 105,000 homeless people. Of this number, 10 per cent were aged between 18 and 24; 21 per cent were persons aged between 12 and 18; and even more alarming was that 12 per cent were under the age of 12.

Although it is difficult to determine exactly what being homeless is and it is impossible to ever know the exact number, it has been estimated that there are 2,129 homeless teenagers each night in South Australia. This includes those who sleep at friends' places as they do not have a home to go to; those in shelters such as Rubys Reunification; and also people who have to sleep in makeshift homes including bus shelters, parks and on the streets.

As we know, various CEOs and politicians across Australia have taken part in Vinnies CEO Sleepout to raise awareness of the issue and to raise much-needed finance for homelessness projects. They were prepared for a cold and uncomfortable night and what, for them, was a first-hand but one night experience. This event, which took place on 16 June, attracted over 800 business leaders who hoped to raise $4 million to support St Vinnies' work with the homeless.

It was 30 years ago that New York opened up Covenant House, a shelter for homeless teenagers. It was open 24 hours a day. The program, set up to assist young people, has spread across the US and internationally and now aids 77,000 teenagers each year who are at risk or who have run away from home. In South Australia, we have followed the New York example by setting up a program called Rubys Reunification.

Rubys Reunification was established 18 years ago by UnitingCare Wesley and is a service that provides short-term accommodation for teenagers who have left their home or are at risk of leaving home and becoming homeless due to conflict with family, drug or alcohol abuse, family violence or other problems. When the service first opened it was called Aunt Rubys as the team felt that teenagers using the program could tell people that they were staying at Aunt Ruby's. Eventually it changed into Rubys Reunification.

The program assists both the teenager and the parents by providing mandatory counselling sessions weekly to help resolve the issue and reunite the family. Rubys is set up to look like an average house, with normal day-to-day rules that the young men and women must follow. It is supervised 24 hours a day and houses up to eight people—six permanent and two emergency. There are counselling sessions weekly and are essential for all individuals using the program. The counsellors are experienced in dealing with drug and alcohol abuse, violence and other issues of family life. They help to work towards resolving conflict and reuniting the family.

These Therapeutic Youth Services (as they are known) are jointly funded by the commonwealth and state governments. The South Australian government has announced that it will be providing $5.7 million over the next two years to UnitingCare Wesley in order to maintain the existing service located at Thebarton, and a further $995,000 for the three new centres across South Australia.

Up until the beginning of this year, when the new services commenced at Enfield, Edwardstown and Mount Gambier, the Thebarton house had supported over 800 young people, with a 78 per cent success rate in assisting them to return to their home with their family. Already, these new houses have proven to be effective, as just weeks after opening a family was reunited with their son in Mount Gambier. I commend the government for its continued support, assistance and service provision for our vulnerable and disadvantaged youth.

MINISTERIAL APPOINTMENTS

The Hon. R.I. LUCAS (15:29): I want to talk about the Steven Bradbury of the Labor Party, the Hon. Russell Wortley, the last man standing, evidently about to become a minister. This man, the Hon. Mr Wortley, is a man of infinitely flexible principles and beliefs. He is now a member

of the right, but when one goes back to an addition of *Green Left*, 9 November 1994, by Chris Spindler, it says, and I quote:

> A new left faction of the Labor Party, the Progressive Labor Alliance, has formed in South Australia following the walkout of a section from the existing left faction. The walkout includes 14 unions and state parliamentarian Peter Duncan.

The leader of the new faction was Mr Russell Wortley. Mr Wortley is quoted as follows:

> I respect that point of view, and at times I'm quite ashamed of the direction that the Labor Party has taken. But sometimes the fight has to be fought inside the Labor Party. There is no point in deserting the Labor Party; otherwise there [will be] nothing to restrain the Labor Party from drifting off into the right. At least we have some influence to stop some of the direction.

So says Russell Wortley, convener of the hard left faction, the Duncan left faction, in 1994—the first of many factions he has enjoyed in the Labor Party.

I think it is fair to say that the Hon. Mr Wortley has a hard-earned reputation. He is most interested in the perks and benefits for himself in just about any job that he has been involved with. In recent years, I think the toughest decision he has had each day is working out, with Senator Dana Wortley, which particular taxpayer-funded car or benefits in travel and accommodation allowance they are going to use on that particular day. His colleagues are already joking as to how many interstate and overseas trips he will manage to squeeze in between tomorrow and 2014.

I want to go back to the Hon. Mr Wortley's time at the Federated Gas Employees Industrial Union in the early nineties to demonstrate, I guess, the point I am making that, at that particular time anyway, he showed a lot of interest in squeezing every last dollar he could out of that union, in terms of the perks and benefits for himself. Documents from that particular time showed that there were two full-time employees of that union: himself and Mr Moriarty.

They had, as part of their package: their salary; the union-paid superannuation; a gratuity; nine weeks per year of service to be paid when leaving the union, regardless of reason; private health cover; an annual clothing allowance, a fully-funded motor vehicle—a VM Commodore, fully maintained and renewed every two years; telephone with full rental and calls; five weeks annual leave plus 20 per cent leave loading; rostered days off; a 38-hour week and 19-day month, and all the rostered days off could be accumulated and taken at Christmas time; and sick leave of 15 days per year, which could be taken without a medical certificate.

All the unused sick leave could be accumulated or paid out each year and all the sick leave could be paid out upon the termination of employment. They had living away from home allowances, meals, taxis, accommodation, etc.—the normal range of benefits. Now, they were being strongly opposed by the hard-working members of Mr Wortley's union. In a memorandum distributed to all members of the union:

> Why are we paying the highest union fees in the country? Where is all our money going? If you are interested...read on.
>
> Almost 100 per cent of our money goes to pay two officials who are apparently entitled to:
>
> Extremely high salaries Paid by us
>
> Excessive superannuation Paid by us
>
> Gratuity payments Paid by us
>
> Top level medical benefits Paid by us
>
> Clothing allowances Paid by us
>
> Five weeks annual leave Paid by us.
>
> Can you take all your RDOs at Christmas? No.
>
> Can you get your sick leave paid out? No.
>
> These are rorts!!!. Our officials enjoy benefits way above anything that they have never argued for us. It is time to lift the lid on these—

and I think there are defamatory words there, which I will not use,

> [something] practices at the expense of workers. Fair go, Dan!!! What about the workers? On behalf of the rank and file members of the FGEIU.

Now, at the time, in August 1993, the Victorian secretary of that particular union expressed his concern in a memorandum regarding the salary and other entitlements. He identified the enormous

accrued benefits attributed to Messrs Moriarty and Wortley. He expressed his concern that a back-hour arrangement provided a gas company with an extraordinary level of influence over the operations of the union, and he also expressed his concern that the balance sheet of the SA branch of the union showed that liabilities in the area of staff entitlements amounted to $201,897.

He pointed out the fact that there were only two full-time employees—Mr Moriarty and Mr Wortley—and one other part-time employee. Similar concerns were also expressed by the New South Wales secretary of that particular union at the time. The challenge for the Hon. Mr Wortley, as the Steven Bradbury of the Labor Party, is to demonstrate that he is prepared to stand up for workers and not just for benefits for himself.

Time expired.

DISABILITY EMPLOYMENT SERVICES DEED

The Hon. R.P. WORTLEY (15:35): I refer to the Department of Education, Employment and Workplace Relations guidelines found within the Disability Employment Services Deed 2010-12 regarding support provisions for people with disabilities in employment. This deed sets particular conditions that must be met for an individual to be eligible to receive funding required to provide on-the-job support and personal care.

The guidelines refer to benchmarks that are determined by a job capacity assessment. Common results of this assessment for people on a disability pension are that they are capable of working eight hours per week. Higher benchmarks can be assessed and set at 15 and 30 hours per week. A standard workday of 9am to 5pm includes a mandatory 30 minute lunchbreak, equating to a 7.5 hour working day.

The higher benchmarks can be easily met by working two days at 7.5 hours or four days at 7.5 hours to meet a benchmark of 30 hours. However, the benchmark of eight hours for people on disability support pensions presents difficulties, as working one day per week fails to meet their benchmark hours. This eight-hour benchmark also creates problems for their employer. The Disability Employment Services, which provides support, is also affected, as eight hours of work per week must be completed for the agency to continue to receive funding to provide job and personal care support in the workplace.

Meeting the benchmark hours is critical for a person to receive funding and continued support from their disability employment service. The importance of receiving support cannot be overstated for many people living with disability. They provide funding for on-the-job assistants, with tasks that may be physically challenging, personal care in the workplace and support required for those with special needs to maximise productivity in the workplace.

I have personally been informed of instances where potential employers have contacted candidates with disabilities to ensure they receive full-time support from an agency prior to offering them an interview. These experiences are testament to both the discrimination against those with disabilities (which they face) and the importance of receiving funding to provide ongoing support.

In addition to existing employees, a benchmark of eight hours presents an obstacle for those attempting to find employment. The vast majority of employers view such conditions as a burden, problems they will have to negotiate throughout the term of employment. Thus, the already limited employment opportunities available for people with disabilities are further restricted.

Georgia Horgan currently holds position as my personal assistant. Recent health concerns have resulted in a number of doctor appointments and a 22-day hospital stay. Even with medical certificates, an exemption is required to justify a break in her employment for longer than the allowable four weeks. Those with disabilities are obviously more susceptible to health concerns. Georgia's health complications are ongoing and future medical appointments are inevitable and can often fall on her working day of the week.

Obviously, in order for Georgia to work to her full capacity her health needs must be met. Appointments that are necessary to the health of those with disabilities can also present challenges under the present scheme. Georgia's most recent appointment fell on the day she works each week. Fortunately, another's absence has allowed Georgia to exchange shifts and avoid any funding complications. However, in other circumstances where rosters are less flexible, a short but required absence from work could ruin the delicate balance of staffing and working hours.

Employment for people living with a disability is more than an economic benefit to the state. In addition to providing a wage and reducing pressure on funding for disability support pensions, it bestows an enormous boost to the self-esteem of people with disabilities. A sense of purpose and achievement is vital to any individual. The government makes every effort to improve the lives of those living with disabilities. The present scheme is excellent in principle. Case-by-case assessment is the only just method of operating such a scheme. However, the described finetuning is necessary to maximise the benefit of all.

In my experience those guidelines need reviewing to make employment easier and as beneficial as possible. If the benchmark hours for a person on disability support pensions were set at 7.5 hours, they would be able to meet their hours by working just one day a week and continue to receive support from Disability Employment Services. This will also prevent Georgia having to make an enormous effort and trip into parliament, into my office, for half an hour on another day just so that she can make up the hours required.

GESTATIONAL SURROGACY

The Hon. J.S.L. DAWKINS (15:40): Recently a northern suburbs couple received a birth certificate for their son—nothing unusual about that, you might think—other than this boy is seven years old and was born through legal surrogacy in another state of Australia. Many members of this chamber would know that this couple approached me in mid-2005, concerned that South Australian law did not allow altruistic gestational surrogacy, also that the then baby son's biological mother could not have her name appear on his birth certificate.

Certainly, as time went on, that lack of the lady's name on her son's birth certificate caused all sorts of problems when she wanted to enrol him at kindergarten or take him on an interstate plane trip without her husband. When they approached me in mid-2005, they had just been rejected by their local Labor MP who told them it was God's will that they not have children. After that initial contact, I corresponded with the then attorney-general and shadow ministers on my side of the parliament.

Subsequently, in 2006, after the election, I drafted the first Statutes Amendment (Surrogacy) Bill and introduced it into this chamber in June of 2006. In September of that year, that bill was referred to the Social Development Committee of the parliament, with my approval, and that committee did a very good report. It was good work. If you want to read about the issues involved in matters relating to people who have difficulty having their own children, it is worth a read of that report. However, that report did not come down until some 14 months later in November 2007.

Subsequently, I brought in a second bill which picked up some of the committee's recommendations, and that was in February 2008, and that bill passed this chamber on the voices in June 2008. Unfortunately, it was some 16 months later in November 2009 that the bill passed the House of Assembly 31 votes to 7, with a range of amendments that came in from the government. One of those was that the act would not come into operation for another 12 months.

After the election in 2010, I had a minor amendment bill passed to raise the age by which the little boy's mother's name could be put onto the birth certificate because, due to the delays in the House of Assembly, the age that we put in the original bill had passed. The act came into law in November 2010, and we were delighted with that. Subsequently on 14 April this year, the Youth Court determined that this family's wish to have the mother's and father's name on this young lad's birth certificate was set down. I am pleased to say that earlier this month the birth certificate was received by that family.

It has been a very long haul for them, but I pay tribute to this family, including the young lad who was well aware of his circumstances, for their persistence and patience. I am pleased to note that it was with great joy that the family recently received the birth certificate including the names of both biological parents for the first time. I am unable to name the family due to the requirements of the Youth Court which made its determination under the transitional arrangements included in the bill. In conclusion, I thank all members in this place who have supported the cause that I have taken up on behalf of this family over some six years.

Time expired.

AGRICULTURE AND DAIRY INDUSTRIES

The Hon. R.L. BROKENSHIRE (15:44): I rise to talk about a website recently launched by the Minister for Agriculture regarding a window into South Australia's agricultural past. This is an

online tool that showcases the development and progress of agriculture during South Australia's 175-year history.

I particularly want to pay tribute to Dr John Radcliffe, someone whom I have admired and respected for a great period of time for his dedication to agriculture in South Australia. He was Chair of the History of Agriculture Steering Committee. I also support all of the other volunteers and congratulate them on what was clearly a dedicated commitment from them. Most of them were actually retired departmental staff. Just on that point, those staff were very dedicated to agriculture, research and development, and extension services. Whilst this is a great online showcase of South Australia's agricultural past, unfortunately, it concerns me immensely when I see the brain drain and the loss of expertise in the current equivalent of the old department of agriculture, that is, PIRSA, Primary Industries Resources SA.

I also note some of the other people involved in putting this together. I particularly pay tribute to Steve Rice and Tony Morbey, who did quite a lot of work with respect to the South Australian dairy industry—my own family's industry. It is great to see them highlighting a lot of the history of the dairy industry within the overall picture of the 175-year history of South Australia's agriculture.

It is worth noting that, back in 1950, they did not actually have registered dairy farm numbers but, by 1975, they did, and there were 3,064 dairy farms in South Australia. Today, there are fewer than 300. There were 175,000 cows in South Australia in 1950 and, today, there are probably about 100,000. However, interestingly enough, over that period, milk production has gone from 406 million litres in 1950 to 631 million litres in 2009.

It is worth noting also that, in 1950, the average milk production per cow was 2,290 litres. Today, we are looking at 6,361. A lot of that work—and I highlight this as an example in my own industry—is as a result of the great efforts put in by those dedicated public servants that were working for the department of agriculture during those times, and it shows just what research and development and committed agricultural scientists and extension officers can do for food production.

On a negative, what we are seeing here now is what I would describe as a complete massacre of the budget of Primary Industries SA and a focus more on restructure than on growth and opportunity for agriculture on South Australia. I respect the minister, the Hon. Michael O'Brien, but I would call on his cabinet colleagues to actually take more notice of the portfolio for which the minister is responsible because, whilst all the focus seems to be on mining, it is agriculture that is currently assisting the state's growth, and it will be very much assisting that growth into the future.

In contrast to the 175-year agricultural history I have just talked about, congratulating those volunteers on putting the online program together, we now see a dairy plan that ceased last year and has not been started again. We see the closure of the Flaxley dairy research centre and we see a lack of focus on food and agricultural production. I hope that this 175-year history will be looked at by a lot of South Australians and that the government will be encouraged to focus again on this, the most important of food growth opportunities for South Australia in the future, namely agriculture.

GLOBAL ALLIANCE FOR VACCINES AND IMMUNISATION

The Hon. I.K. HUNTER (15:49): Last week, world leaders and private donors came together to pledge $4.3 billion to support the Global Alliance for Vaccines and Immunisation (GAVI), an organisation that facilitates vaccination programs for children living in the poorest nations in the world. In the midst of a global recession, with government bailouts and mass unemployment, countries such as United Kingdom, Australia, Norway, France, Japan and the US have nevertheless honoured their commitment to look after the poorest and most vulnerable amongst us, pledging this $4.3 billion to vaccinate children across all developing nations.

Many would consider vaccination the greatest triumph in the history of public health. *Time* magazine apparently has made this emphatic declaration, and I agree. It is right up there with sanitation and clean water supply in terms of its impact. Vaccines have helped cut childhood deaths by more than half since 1960. Thanks to vaccines, smallpox has been eradicated. Polio, a disease that once paralysed an estimated 350,000 children every single year, was once endemic in 125 countries and now, thanks to vaccination programs, is now prevalent in only four countries.

Thanks to the rollout of the measles vaccine, deaths from measles in Africa declined by 92 per cent between 2000 and 2008. In Bangladesh, a third of childhood mortality due to

pneumonia has been cut since the introduction of a *Haemophilus influenzae* (Hib) vaccination program in 2009. These are just a few examples of the measurable results from vaccination programs.

Vaccines are one of the most cost-effective forms of international aid. They are inexpensive and easy to administer. Vaccines save lives; prevent diseases and disability; reduce long-term health costs, clinic visits and hospitalisations; and ensure children are able to attend school and receive an education. As Bill Gates, the co-founder of GAVI has said:

> Vaccines are magic. They can save lives for a very low cost. As you save lives you actually make the kids far more healthy, they develop better. Mothers who have healthy kids decide to have smaller families—a lot of benefits that will allow these countries to become self-sufficient.

Australia committed $AUD200 million over three years to support GAVI's work in developing nations. This represents more than a three-fold increase in funding to GAVI from the Australian government. It also means that Australia is GAVI's fourth-largest government donor for the 2011-13 period. This is truly remarkable and something I think Australian citizens should be proud of.

I wholeheartedly congratulate Kevin Rudd on demonstrating great leadership in the international aid sector. At the announcement of this funding last week, the Minister for Foreign Affairs, Kevin Rudd, said:

> What I see across the international community is a growing commitment to vaccinations as one of the most effective forms of aid delivery. This is a good investment.

We can be assured that Australia's $200 million investment will save lives. The total $4.3 billion funding will literally change the world. It will save over four million lives in the next four years.

Launched in 2000 by Bill Gates, GAVI works in close association with the World Health Organisation, UNICEF and the World Bank group. GAVI has already vaccinated 288 million children in 19 countries. These vaccinations have averted an estimated 5.4 million child deaths. This new funding will allow GAVI to expand programs into another 26 countries, including 13 countries in the Asia-Pacific region.

While GAVI's existing programs include vaccines for hepatitis B, pertussis, measles, yellow fever and polio, the $4.3 billion pledged last week will go towards a targeted campaign addressing the two leading disease killers of children in developing nations: pneumonia and diarrhoeal disease. Approximately one in every three child deaths is caused by pneumonia or diarrhoea. That is a total of nearly 3 million children every single year. That is more child deaths than those caused by HIV/AIDS, tuberculosis and malaria combined.

Pneumonia is one of the biggest killers of children in the developing world, accounting for nearly 20 per cent of all deaths in children under five years. It is estimated that 1.5 million children die from pneumonia every year, and that is roughly one child death every 20 seconds. Diarrhoael diseases such as rotavirus cause an estimated 1.3 million deaths in children annually, and they are more frequent in children who have limited access to clean water, sanitation and medical care.

Three million children die each year from these two diseases—needless, preventable, tragic deaths. That is why the world's leaders felt compelled to act on this issue last week, and they will, literally, change the course of the world's history because of it. This is a significant milestone for global health equity. As Bill Gates said at last week's announcement, 'This is absolutely human generosity at its finest.'

Time expired.

PUBLIC TRANSPORT

The Hon. M. PARNELL (15:54): Yesterday, I attended the 8th South Australian Transport Infrastructure Summit here in Adelaide. At the conference, there was the usual government presentation, where spending on resleepering and electrification of the suburban rail network was trumpeted as a bold new commitment to public transport when, in reality, it is backlog maintenance. Whilst electrification is welcome, it really just brings South Australia into the 20th century, not the 21st century.

Unless initiatives such as this are accompanied by a major expansion of new lines and increased frequency, it will not deliver on its potential. Whilst the Seaford extension and some proposed tram extensions are welcome, they are not enough. The conference was also told that there would be post-electrification frequencies during peak hour on our rail network of 10 minutes

and 30 minute services at night. I will believe that when I see it because the community has been dudded before with empty promises. So, we hope that this is not one of those. In fact, it will be difficult, if not impossible, to achieve on lines with single-track running.

What I want to do today is compare the findings of two reports relating to public transport that were released earlier this year. One is by the Property Council of Australia and the other by the Australian Conservation Foundation. The Property Council's report, released in January this year, is entitled 'My City: The People's Verdict'. This survey looked at the importance and performance of 17 liveability attributes. These attributes included health care, schools, cleanliness, recreational opportunities, culture, safety, nature environment, jobs and affordable housing, but the two indicators I want to talk about are public transport and road infrastructure.

Based on over 4,000 interviews, people in all cities in Australia, except Canberra, believed that a good public transport service was more important to liveability than a good road network. In Adelaide, it was 37 per cent for public transport compared to 30 per cent for roads. In other words, more people nominated a good public transport network as important to the liveability of Adelaide than good roads. If that is a reasonable assessment of what people say they want, how, then, does the government's spending priorities stack up?

That brings me to the next report by the Australian Conservation Foundation, which is entitled 'Australia's public transport: Investment for a clean transport future'. The analysis by ACF showed that, over the past decade, all levels of government spent 4.3 times more on the construction of public roads and bridges than they did on public railway construction. The ACF's Sustainable Cities Program Manager, Monica Richter, said:

> As people feel the pinch of rising petrol prices and concern about carbon pollution increases, more Australians are using public and active transport, but government planning and expenditure is not keeping up with this trend...We need governments to tip the scales and prioritise investment in sustainable transport. Two thirds of the transport budget should be spent on public and active transport and one third should be spent on roads,' Ms Richter said.

The report also shows a graph with each state's 10-year average spending on roads versus their spending on other transport modes as a percentage of gross state product. The data for South Australia shows a very high level of spending on roads compared to other transport expenditure: 0.61 per cent of GSP spent on roads compared to just 0.15 per cent on the rest. So, more than four times as much is spent on roads. Again, to quote ACF, as follows:

> At last the train line is being electrified and some additional railway built, but much more needs to be done. A target of 10 per cent of all trips by public transport by 2018 will not be enough to provide resilience for Adelaideians from the cost impacts of rising fuel prices.

That figure of 10 per cent is from the State's Strategic Plan. The Environment, Resources and Development Committee of parliament recently recommended that should be raised to 25 per cent. But the figures are even worse when you consider some of the dodgy accounting that is done, such as allocating the Dry Creek Rail Depot's $157 million to the transport budget when it really belongs in the health budget because they moved it only because of the new hospital.

If the state were serious about responding to the challenges of the future and, in particular, the inevitable impacts of rising petrol prices brought about by peak oil and the pricing of pollution, we must get serious about putting in place public transport infrastructure that enables public transport to be the mode of choice for most people and most trips into the future.

LIVE ANIMAL EXPORTS

The Hon. T.A. FRANKS (16:00): I move:

That this council calls on the government to:

1. Condemn the appalling cruelty that was demonstrated in the Indonesian abattoirs and shown on the recent and previous ABC *Four Corners* programs on live animal exports;

2. Act in a timely and appropriate manner to endorse the Australian government's suspension of the live export cattle trade to Indonesia;

3. Act to ensure South Australia acts independently to cease all live exports from Port Adelaide of sheep and any other animal for slaughter to Indonesia and other markets, particularly the Middle East; and

4. Provide this council with details of:

(a) what steps are being taken to assist local meat processing facilities to deal with an expansion in local slaughter to replace previously live exported animals with chilled and frozen products;

(b) what steps are being undertaken to encourage value-adding of locally processed products; and

(c) what the government is doing to assist farmers to restructure their operations to replace live exports.

A few weeks ago, millions of Australians were quite rightly appalled, disgusted, ashamed and, in many cases of course, moved to tears by the graphic horrors exposed in Indonesian slaughterhouses on the *Four Corners* program 'A Bloody Business'. That program investigated and uncovered the brutal truth about the live export trade of animals, in this case, of cattle to Indonesia.

Within a matter of days, over 200,000 Australians had signed an online petition, and politicians of all persuasions were being flooded with emails, letters and phone calls, all calling for an end to live exports. This is not the first time that live exports have made the news and the resulting outcry has forced a suspension in this bloody trade. The live sheep trade to Egypt was suspended for four years from 2006, but as far back as 1985 the Senate Select Committee on Animal Welfare recommended that the Australian government:

...promote and encourage the expansion of the refrigerated sheep meat trade to the Middle East and other countries, with the aim of eventually substituting it for the live sheep trade.

What are live exports? During the last 30 years Australia has sent more than 150 million sheep and cattle to be slaughtered in other parts of the world, such as the Middle East and South-East Asia. Livestock ships can carry up to 100,000 animals for voyages lasting as much as three weeks. More than two million animals have died on the ships en route, the deaths deemed an acceptable loss by an industry that puts profit above all else. One can only imagine the suffering these animals have endured while slowly dying due to illness, starvation or heat stress. The vast majority die in their crowded pens without any aid or treatment.

Investigations conducted by Animals Australia in Middle Eastern countries have exposed the terrible cruelties inflicted upon Australian animals in these countries. Most importing countries do not have a single law to protect the animals' welfare. Once in the Middle East Australian sheep are routinely purchased, bound and shoved into car boots in a region where temperatures can reach over 50 degrees in the summer—and that is Celsius.

Both sheep and cattle have their throats cut while fully conscious, suffering prolonged, distressing and painful deaths. Live animal export is inherently cruel, immoral and indefensible, with this trade affecting millions of animals every year. Around four million sheep are exported to the Middle East each year. The biggest markets are Kuwait and Saudi Arabia, with around one million imported sheep each. Other primary destinations include Oman, Bahrain, Jordan, Qatar and the United Arab Emirates. Tens of thousands of sheep die on the ships before they reach the Middle East.

This is of special significance given the possibility that exporters, unable to fill ships from Fremantle, are now in fact looking to South Australia for their animals. We will have the opportunity in this state to make a moral and ethical choice: to participate in the trade or to say, 'No; enough is enough. Some things are just wrong and no amount of profit can make them right.'

Sheep, of course, are not the only animal to face the horror of the ships of shame. Each year Australia exports over half a million cattle. Most go to South-East Asia and the majority of these to Indonesia, although in 2006, for example,119,000 cattle were exported to Middle East countries such as Jordan, Saudi Arabia, Israel, Egypt and Libya in that year alone.

After another Animals Australia exposé of cruel practices in Egypt, the Australian government suspended all exports of cattle and sheep to this country. After resumption of sheep exports, which occurred in late 2006, promises to reform the industry came to nought with another Animals Australia investigation again highlighting ongoing cruelty. I think members might be able to start to see a pattern here.

The export of sheep to Egypt is now prohibited, but shipments of cattle resumed in 2010, now subject to a restriction of being sent to a single feedlot and abattoir in Egypt which complies with specific requirements. It is no credit to Australia and, in fact, it shames us that these investigations have had to be conducted by an under-resourced and cash-strapped non-government organisation because the government seems content to abrogate its responsibilities in

this area or, quite simply, ignore the ongoing cruelty that we know occurs in these destinations. I note it has long been the Greens' policy to abolish the live export trade. The animal section of our Greens' environment policy indeed states that the Australian Greens will:

- strengthen national animal welfare legislation that prohibits cruelty and ensures that acts of cruelty are treated as criminal offences;
- legislate to protect the welfare of agricultural animals, including conditions of transport and captivity;
- end the export of live animals for consumption;
- ban the exportation of animals to jurisdictions where levels of legislative protection are below those of Australia;
- ensure that trade agreements do not undermine Australian animal welfare standards; and
- foster community education about the needs of animals and our responsibilities to them.

As some members of this chamber may be aware, at a federal level, Nick Xenophon, the Independent (formerly of this place) and the Independent from Tasmania, Andrew Wilkie, as well as the Greens' Adam Bandt, have been introducing bills in the federal parliament to ban the live export of animals for slaughter. Today, I move a motion that calls for action from the South Australian government as well.

Long-distance sea transportation necessarily means multiple handling, intensive stock densities; different food and competition for food and water; changes in climatic environment from winter to summer; at times, unforeseen problems such as fire, cyclones or rejection by importing countries; and other factors which, cumulatively, cause stress, distress, often injuries and illness and, of course, death. Most Australian grazing animals are rarely handled and are fearful of and stressed by human handling. This is just one reason to oppose live exports. Long-distance sea voyages for slaughter contradict the universally accepted principle that animals should be killed as close as possible to the point of production to reduce stress.

It is clearly not just the Greens and animal welfare groups who oppose live exports. The Australian Meat Industry Employees Union is also firmly opposed to live exports because they know, just as we do, that, as we export animals, we are exporting jobs. Last year alone, over 1,000 Australian meat processing jobs were estimated to have been lost to this country as we exported livestock.

Over the last 20 years, the AMIEU has identified some 150 meat processing plants in regional and rural Australia which have closed, with the loss of up to 40,000 jobs over that time. This is a direct consequence of the live export trade. Closures of local abattoirs then have, of course, a flow-on effect as families leave these regional and rural areas of Australia, and that impacts on other local businesses in country areas. Short-sightedly, we are exporting the value-adding that goes along with domestic processing.

I have previously highlighted that we can have a win-win outcome on this issue. Ending live exports equals better animal welfare outcomes and more Aussie jobs. Every sheep and every steer that is exported live suffers, from the journey itself—sometimes, as I have said, up to three weeks—then facing a horrendous fate in countries with no animal welfare standards, inadequate facilities or, even worse, facilities and training provided by the Australian Meat and Livestock Corporation (part funded by Australian taxpayers) that entrench cruelty. The appalling Mark 1 restraining boxes, which we saw graphically demonstrated on *Four Corners*, are examples of this.

If honourable members have not seen this episode yet, I would encourage them to go to the ABC iView of the *Four Corners* website while this is still up online, where they can watch this episode, or avail themselves of the facilities in the parliamentary library. It is difficult to watch, and as horrendous and confronting as it was, I know that additional footage could have been shown that was even worse.

For this footage, we must thank the courage of Animals Australia's investigator, former South Australian police officer, Lyn White. Her bravery and resilience in doing a job that I am sure most of us simply could not face is to be congratulated. I am grateful for her efforts here as they have enabled us to confront the government and the industry spin doctors head-on, challenging the complacency that allows this trade to go on. Up until now, it has been done behind closed doors and out of sight and out of mind not only of the Australian people but of course our government.

We no longer have the luxury of this blissful ignorance: it has now been drawn to our attention. We must stand up and accept that we must make a choice: to support this cruel trade and condemn more animals to a grisly and barbaric end or to look for win-win alternatives that will see Australian jobs retained and, in fact, created in processing and value-adding here onshore, not overseas. We know that the industry excuses that they will trot out just do not stack up. The industry has previously suggested—and I would say this is not across the industry: this is some who have a vested interest in keeping the live export trade going—that foreign markets will not accept frozen or chilled meat that is killed here in Australia.

This is, in fact, not the case. For many years, Australia has had halal-certified slaughter people (it says here men, but I will hold out in the hope that there may be a female) killing animals after pre-stunning them under the Australian government supervised Muslim slaughter program (AGSMS). This ensures that the animals are slaughtered in accordance with Islamic requirements, but done so in a humane way. The pre-stunning ensures that when the animal's throat is cut it is unable to feel the pain, and this is mandated at slaughterhouses in Australia.

I will possibly reiterate this later on, but I will raise concerns that, as of last weekend we have discovered, I believe, that nine slaughterhouses in South Australia do not use stunning and have sought exemption from this. As I said, I hope that this government will be pursuing that and taking heed of the RSPCA's call. In 2006 the President of the Australian Federation of Islamic Councils, Dr Ameer Ali, noted that Australian slaughtered halal meat was acceptable to Muslims. Muslims do not support the cruel treatment of animals prior to slaughter, and it is documented in the Qur'ān that animals should be treated with kindness.

What then of the myth that if we do not export them someone else will? Well, we know when we last banned the export of Australian sheep to Egypt they did not switch to someone else: they just increased their imports of chilled Australian meat. During the previous ban on live sheep and cattle from Australia to Saudi Arabia in 1991 to 2000 there was, similarly, a threefold increase in the exports of chilled and frozen mutton and lamb to that market, clear evidence that consumers in the Middle East will accept meat from animals killed in Australia.

We know that, far from not being accepting of alternatives, one of the major importers of live Australian sheep into the Middle East, Kuwait Livestock Transport and Trading, markets on its website frozen microwaveable meals and a wide variety of processed products produced from Australian sheep. Rather than let this company add value to that product, would it not make more sense to process the animals humanely here and value add and keep jobs here? The Middle East already imports sheep meat equivalent to more than 3.6 million live sheep annually.

The value of total exports in 2008-09, for instance, for chilled and frozen lamb was $966 million. Chilled and frozen mutton was worth $499 million—together nearly $1.5 billion—and yet our live sheep trade was worth only $340 million over that same period. Something does not add up here. Similarly, the Meat and Livestock Corporation's own statistical database shows that in 2008 the value of cattle exported live was $638 million, free on board. This compares to beef exports of $4.97 billion.

The combined value of meat exports in 2008 was $6.29 billion versus the combined value of live sheep and cattle exports in 2008, which was only $0.959 billion. In other words, the chilled and frozen trade was worth 6.5 times the export value of the live export trade. It will only increase if we do not provide the alternative option of live animals. Before I come to my motion, I will put on the record how disturbed I was to hear the revelations the RSPCA revealed in last Saturday's *Advertiser*.

As I mentioned before, there are nine slaughterhouses here in South Australia that claim to have been given exemptions from pre-stunning. Yesterday, I put questions on notice to see what number of halal-certified slaughterhouses and kosher-certified slaughterhouses are currently operating in South Australia and whether the minister could advise how they are regulated, inspected and how we are ensuring appropriate animal welfare standards are maintained in this state.

I also asked the Minister for Environment and Conservation whether is it a requirement that all South Australian slaughterhouse animals must be pre-stunned before slaughter, which facilities are exempt from this and where they are. I believe it is essential that we get some answers to these questions, and I would hope that the minister acts immediately to ensure that we are not exposed as hypocrites in this country demanding Indonesia and other countries meet standards that, in fact, we are not upholding in this state ourselves.

My motion today is aimed at striking a balance between sending the right message to the Australian community and the world, ensuring that we have the highest possible animal welfare standards, but ensuring also Australian jobs and the economic development of rural and regional Australia and Australians. I commend it to the house.

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

NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2011-12

The Hon. R.P. WORTLEY (16:16): I move:

That the 50th to 56th reports of the committee relating to the Natural Resources Management Board levy proposals 2011-12 for Kangaroo Island, South-East, Eyre Peninsula, Northern and Yorke, Arid Lands, Murray-Darling Basin, and Adelaide and Mount Lofty Ranges, be noted.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any levy proposed by the Natural Resources Management Boards where the increases exceed the annual CPI rise. Of the seven proposed increases in the division 1 land based levies for 2011-12, all were higher than the CPI rate, which for the current financial year is 2.6 per cent. All bar one of the division 2 water levy proposals were also higher than CPI.

Considering these levies presented a challenge for the committee, while members were sympathetic to the desire of NRM boards to increase their funding bases, members believe that in principle above CPI increases should be the exception, rather than the norm. In this instance, the committee has determined not to object to the levies, while also suggesting that arrangements around the setting and collection of levies should be reviewed as part of the boards' budget planning processes for 2012-13.

I will go through some reflections on the individual board proposals. Adelaide and Mount Lofty Ranges NRM region continued its equalisation process begun in 2009-2010 to bring all division 1 levies to parity by 2012-13. Prior to 2009-10, levies ranged from about $17 to $47, dependent on local government area. The committee supports the equalisation concept. Once the equalisation process is completed, the committee will expect future increases to be limited to CPI.

The committee accepted the South-East NRM Board's argument that it needed to increase its division 2 levy to offset reductions in water allocations which are under review. In the case of the Arid Lands NRM region, the Natural Resources Committee objected to a proposed 900 per cent increase in its division 2 levy back in 2009, suggesting a more moderate increase and also an increased division 1 levy in order to spread the impact. The levy proposal was consistent with those suggestions.

In the case of the Murray-Darling region, the NRM board receives considerable funding from the Australian government for water projects. The board is concerned that this funding may decline or cease once the new Murray-Darling Basin Plan has been adopted. Consequently, it has sought to increase its levies to offset the risk.

A number of other factors were raised by boards in their appearances before the committee as part of their justifications for above CPI increases. Firstly, staff wages will increase by 2.5 per cent under enterprise bargaining arrangements in the coming year. Maintaining wages, salaries and staffing is important, and these are a significant proportion of boards' budgets.

Secondly, commonwealth funding is uncertain beyond 2013. The Caring for Our Country program provides 23 per cent of the total funding for all of South Australia's boards. It is the second biggest source after the regional NRM levy, which contributes 40 per cent on average. Thirdly, the NRM boards have differing chances of attracting additional funding. Some boards—for example, the Arid Lands Board—have been successful in negotiating generous grants from mining and pastoral companies, while other boards only have very limited opportunities to target private sector funds due to size or location.

On another matter, members heard recently from the Presiding Member of the Northern and Yorke NRM Board, the Hon. Ms Caroline Schaefer, who is also a former member of this committee and this place. Members heard that the requirement for the boards to review their business plans and levies annually is onerous and resource intensive. The quote I am about to give you is a bit long, but members of the committee believe it to be an accurate reflection of the experiences of the majority of the NRM boards. I will now quote from Mrs Schaefer's evidence to the committee:

I spent some six years on your committee, and one of the issues that always bemused us was the amount of time that it seemed to take for an NRM board to achieve anything. Now that I am wearing a different hat, I thought that it may be opportune for me to explain some of the frustrations that I, my board, and, I suspect, the public servants feel in terms of the maze of checks and balances that are in place, I think, to the exclusion of efficiency.

As an example today, I will simply run through the process that is required by legislation for us to bring this business plan to you. The business plan is a revolving plan over three years, but it is reviewed annually, as is the requirement. In order to review it annually, the board meets a minimum of two, probably three times, when they discuss what its priorities will be. So, we will start looking at our plan for 2012-13 in about July-August of this year. We will then have about two or three board meetings. We will set priorities. We will send that draft to DENR. DENR will then see that our priorities are not at odds with the priorities of the government of the day, and they will send it back to us.

We will then be obliged to hold a minimum of three public consultations, but they have to be advertised first. By this stage, you are getting to around about Christmas. Blind Freddy knows that in the country people are reaping, then they go to the beach. So, you have to get that advertising in prior to that, because you must have your public consultations before the end of February.

We send a request that we can advertise in these publications for this amount of time. DENR, in fact, chooses what size advertisements will be put in. This year we are treated to about a quarter page in the local press and a thumping big one in Saturday's *Advertiser*, which we as a board paid for, when, frankly, a notice in the public notices in the local press would have covered the same people.

The advertising is done. We then have three public consultations. This time they were in Clare, Maitland and Orroroo. We then have to disseminate what we learnt at those public consultations, plus take written submissions from anyone who chooses. We have a cut-out date, sometime in February. There are almost always, I am assured, a couple of late submissions, notoriously from government departments, but that's beside the point.

We then have to have another couple of board meetings to assess what those submissions have said to prioritise them, to draw up a final draft, which then goes to Adelaide, through DENR. If they believe it is compliant, it then comes back to us, then it comes to you and, at the same time, it comes to the minister. The minister, if you have no objections, usually approves our draft plan and it becomes our business plan.

So, our business plan, which, in fact, is really only about the levy, which is very little changed from previous years, has taken from August to May to become a working document for us to use. I do not necessarily have any answers to that, but, as I see it, if that were any other sort of business there would have to be two or three layers of that process cut out to make it efficient. It ties up a huge amount of resources within the board, which, in spite of public perception of NRM boards, is neither overstaffed nor over-financed. It takes a huge amount of time of board members, and I don't believe it could possibly be the most efficient process.

The committee concurs with Hon. Caroline Schaefer that, based on her description, the process of annual review of the levies appears to be onerous and inefficient. In the interests of addressing some of these points, we have sought a meeting with the minister to discuss the process to see if it can be in any way improved.

I commend the members of the committee: the Presiding Member, the Hon. Steph Key, Mr Geoff Brock MP, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC and the Hon. John Dawkins MLC. Finally, I thank the committee staff for their assistance. I commend these reports to the council.

The Hon. J.S.L. DAWKINS (16:23): I rise to support the remarks of the Hon. Mr Wortley in noting the 50th to 56th reports of the committee. Certainly they cover the levy proposals for those boards as listed by the honourable gentlemen. I will not speak at length but, considering that these levies presented a challenge for the committee, I think it is important that we are sympathetic to the work that the boards are doing, as the honourable member said. We understand that there is a flavour out in communities that would suggest that they are over-financed and underperforming, and I think the committee would not support that view.

However, we also support very strongly the fact that we would like to do everything we can to assist the boards to perform in the best possible manner and, for that reason, as the Hon. Mr Wortley indicated, we have sought a meeting with the minister to see whether the processes that are involved in the boards presenting their business case to both the committee and the minister can be streamlined.

We determined not to object to the levies on this occasion but I think in every case we put in a proviso that each of the boards needs to look at limiting itself to CPI on the next occasion they come to us. We have also, as I said, sought that meeting with the minister to try to pick up a number of the points, made very well by my former colleague in this place, the Hon. Caroline Schaefer, as outlined very well by the Hon. Mr Wortley.

I am glad the Hon. Mr Wortley quoted the Hon. Caroline Schaefer to the extent he did because she outlines very well the situation that she has seen on both sides of the fence. As she

said, she was a member of the Natural Resources Committee for six years—in fact, I think, probably from its creation until her retirement. She now sits as the chair of an NRM board. Remarkably, I think, she has only been in that position for about 12 months, yet she is the longest serving presiding member of an NRM board in this state.

We have seen so much change in the personnel—presiding members, board members and, indeed, regional managers, as they are now called—because of the cooperation—the shadow minister might help me with the word—the transition of NRM boards into—

The Hon. J.M.A. Lensink: Integration.

The Hon. J.S.L. DAWKINS: —integration, thank you, of the boards into the Department of Environment and Natural Resources. In that case the Hon. Caroline Schaefer's words have been taken very seriously by the committee and we will pass them on to the minister. I think it is easy for the committee to say, 'Why haven't these boards got their proposals into us earlier,' because our time lines make it difficult for us as a committee to look at the proposals with the necessary time that we feel we should give to them before the effluxion of the time set by the act.

One would hope that we can suggest changes to the minister that can improve this process and particularly pick up the points made by the Hon. Mrs Schaefer about the fact that, in many cases, the boards would like to advertise their consultation process only in local media. They do not see a need to have to pay for a very large advertisement in the Saturday *Advertiser*. In fact, I think in the board region that the Hon. Caroline Schaefer chairs there are at least seven weekly newspapers.

She was of the view that an advertisement in each of those newspapers would be sufficient. Indeed, she also suggested to the committee that the opportunity ought to be there for local boards in the regions to use regional TV and radio for advertisements, because they are obviously a lot less expensive than advertising on metropolitan TV and it is a way to get right into every corner of the areas they work in. So, I would ask that the minister take on those suggestions as well.

I do thank my colleagues on the committee for the manner in which they have examined these reports. I think that has been assisted by the excellent chairmanship of the Hon. Steph Key, who is passionate about natural resources and her leadership of this committee, and I thank her very much for that. I also thank my other colleagues on the committee, including, of course, the Hon. Mr Wortley and the Hon. Mr Brokenshire in this place. I pay tribute to the work of Mr Patrick Dupont and David Trebilcock, who are the staff of the committee.

Motion carried.

CHILDREN'S PROTECTION (PRIVACY ISSUES) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:32): Obtained leave and introduced a bill for an act to amend the Children's Protection Act 1993. Read a first time.

The Hon. D.G.E. HOOD (16:32): I move:

That this bill be now read a second time.

Last week, I raised in this place the concerns of a constituent who found that one of her children had posted inappropriate content on the child's own Facebook page. When the parent contacted Facebook in an attempt to have the photographs removed, the organisation replied that it would not discuss the issue with her. The organisation indicated that it would speak only to the holder of the account, even if the holder of that account was 13 years of age.

The organisation did not have a policy of discussing or disclosing information on children's pages with their parents at all, despite the age of the child being as young as 13 in this case. Indeed, Facebook indicated that both federal and state privacy laws were primarily to blame for this policy. Indeed, the email the mother received from Facebook read:

> For security and private 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 aged 13 and older are considered authorised account holders and are included in the scope of this policy.

The truth is that South Australia does not have a privacy act per se. We are, nevertheless, bound by several pieces of legislation that do deal with privacy, among them the Freedom of Information Act 1991, the State Records Act 1997, the Listening and Surveillance Devices Act 1972 and the

Telecommunications (Interception) Act 1988. Other states, such as New South Wales and Victoria, do have further protections that South Australia may at some stage emulate.

I indicated my concern at the time that the policy and privacy laws are interfering with parents' ability to properly protect their children from inappropriate online exposure. In simple terms, why should a parent not be able to have control over what their 13-year-old child is putting on a particular website? This mother and I have spoken together on the media about this issue, and I have also arranged an interview with her on the *Sunrise* program on Channel 7, which ran a segment with her last week. Indeed, the issue with this mother was even taken up by a CNN website in the US, which demonstrates the breadth of concern about parental rights in the new digital age.

I have raised my concerns directly with the state and federal attorneys-general, and obviously with Facebook directly. It is one thing for SAPOL, for example, to distribute advice telling parents to keep close tabs on what their children are doing online—which it does properly and appropriately—but if parents are disempowered from taking action because of privacy policies, I believe that we need to take action to keep parents in the loop. I strongly believe that we need to give parents all the necessary tools to protect their kids online.

The basic situation in this case is that we have a 13-year-old child taking what I suggest are mildly inappropriate photos—nothing of a high level, anyway, if I can put it that way, but certainly things that most parents would not want of their own daughters, or sons for that matter, on the internet. Children of that age do not have the best judgement, obviously, when it comes to these matters. They may not fully appreciate the fact that these things are on there forever and can be on there forever. In fact, Facebook says quite clearly in its policies and procedures that it then has the right to manipulate those photos and to pass them on if they deem it appropriate. I cannot imagine the circumstances under which they would, but they do have that authority. People, by the very nature of having a Facebook page, actually agree to those conditions or they cannot have one.

The situation is that we have children putting inappropriate images on Facebook and other sites—it is not just Facebook, of course—and their parents cannot do anything about it. When you go to the organisation (in this case Facebook) and say, 'You need to change your policies so that parents can have a say in this matter,' they simply stonewall you and say, 'No, there are privacy laws forbidding us from doing that.' I hope that this parliament has the courage to do something about that and send a strong message to Facebook and other similar organisations that that is not appropriate and that parents should be able to have a strong say about what goes on their own children's websites.

In fact, I am heartened by some legislation recently introduced in California which does exactly that. I suspect that, should that legislation become law (if it has not already—to be honest, I am not sure what the latest developments are), we will see some very significant worldwide changes in this regard. This bill in particular requires the minister to undertake public consultation in such manner as the minister thinks fit in relation to the rights of parents to access information created by or relating to children under care. There is a further requirement that the minister must, within six months after the commencement of this section, prepare a report detailing the results of the consultation undertaken in accordance with this section and cause the report to be laid before both houses of parliament.

I believe the minister should be looking at this issue. I have tremendous concerns when parents are disempowered from taking an active role in protecting their children from inappropriate online exposure. I would say that one criticism of the measure I am introducing today may well be that it is, in fact, not a substantive enough measure, and I agree with that. I do not believe it is a substantive enough measure to really rid ourselves of the problem. Really, all this bill requires is that the minister look into the problem and publicly consult on it. That is because we are absolutely constrained and there is no direct way of our doing this in this state simply because we do not have a privacy act. As such, Facebook is not breaking any South Australian law by doing what it is doing.

I am advised by parliamentary counsel that there is almost no way of fixing that under our law. This is largely a commonwealth matter and, hence, I have written to the commonwealth Attorney-General seeking his intervention in this matter. Our state Attorney-General would have significant authority on this matter if he was prepared to raise it at the meeting of attorneys-general, and I believe that, if he did, this would be something we could get multipartisan agreement on and

really do something about it. This bill really sends a signal to the minister that this is a really important matter.

I must say, when I raised this matter in the media, the response was probably the single biggest response I have personally had to an issue I have raised in the media in my five and a bit years in this place. So, I think it heightens a degree of concern out there by parents. In fact, I am not aware of one person disagreeing with my position on this matter. So, I urge the members to have a close look at this and I earnestly ask for their support.

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

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:40): Obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001. Read a first time.

The Hon. D.G.E. HOOD (16:41): I move:

That this bill be now read a second time.

In moving this bill, I seek to introduce a measure which will take a fairly tough line on graffiti vandalism that, unfortunately, we see all over our great state. Indeed, it is a problem all over Australia and all over the world. I am constantly amazed when we travel within South Australia and you even see graffiti on some of the great monuments of the world. I think it is a terrible blight, and all members, I am sure, would agree with me on that.

Family First has taken the view that graffiti tagging is nothing more than property damage and that a strong signal needs to be sent to those who are causing the damage. Indeed, the cost to the community of cleaning up graffiti has been estimated at about $10 million per annum here in our state. The Onkaparinga council alone needs a budget of half a million dollars every year just to deal with this problem—half a million dollars of ratepayers' money in one council alone, every year, to deal with this problem.

I begin by acknowledging the tough stance on graffiti taken by the member for Fisher in the other place. I understand that, on four separate occasions now, the member for Fisher has introduced bills on this issue. Each one has been redesigned to deal with particular government objections along the way. He is a consistent and strong campaigner on the issue, and I give him full credit for the work he has done on this issue in recent years. Nevertheless, he has found little traction on this issue in the other place.

The approach that I have discussed with him and, indeed, we have devised together is that I should introduce precisely the same bill in this place. With the member for Fisher's consent, therefore, I have appropriated the wording of his bill, and I introduce it here today in identical form. Our hope is that, by doing so, we will ensure that a spotlight remains on the issue and work to ensure that 'taggers', as they are called, are given real and appropriate penalties in order to reduce the prevalence of graffiti, or the scourge of graffiti, we might say, in our society.

This bill proposals specific penalties that will be strengthened by the passage of this bill. In particular, it proposes, firstly, that taggers pay for the cost of cleaning up the graffiti themselves, at their own cost. Secondly, they must then do community service cleaning up other graffiti as well. Finally—and this is perhaps the most controversial aspect—they will be disqualified from holding or obtaining a driver's licence for a period, at the court's discretion.

Some have queried with me why we are proposing to disqualify graffiti vandals from driving. The first response I have is that, in doing so, we clearly make it more difficult for offenders to cause damage outside of their immediate vicinity. However, the more central reason is that, for most of these so-called taggers, their car is one of the most important things they own. By disqualifying their licence, we are saying that, if you damage something of value, then we will take something of value off you.

I believe that is an important message to send. It teaches the value of property. Indeed, earlier this month, the New South Wales government announced it would also be disqualifying the licences of graffiti vandals, so this is not a unique measure. This is something that is actually happening in Australia's most populous state. Of course, as the mover of this bill, I am very happy for the government to amend it, almost as they see fit.

The truth is that we need to do something about this. We have been talking about it for a long, long time in this place and in the other place, and the truth is that really very little has actually

been done. So, it is time, I think, as a community, to respond to this situation. The cost alone, I think, compels change, as well as the heartache it causes to people.

I put on the record and acknowledge that the government is currently undertaking community consultation on this issue. I applaud that, and it may be that some proposals in this bill can be considered by the government, if their consultation results in legislation.

As I say, I am absolutely open to amendments the government may want to make. In the past, it has taken some good ideas and tampered with them and brought back legislation. I do not even mind if that happens in this case. I would just like to see some action. I think there are a lot of people in the community who feel the same way.

Finally, I would like to acknowledge the member for Fisher once more. Really, this is his bill. He has done the hard yards in getting it drafted and ready, but because of his incapacity to get a vote in the other place, it is something I can do more easily in this place. I indicate to the members that I will certainly be bringing this to a vote in the coming months, and I look forward to the support of the house.

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

CRIMINAL CASES REVIEW COMMISSION

Adjourned debate on motion of Hon. A. Bressington

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.

(Continued from 8 June 2011.)

The Hon. S.G. WADE (16:46): I intend to speak ever so briefly on this motion because I anticipated my party's attitude to this motion in the consideration of the bill. The Liberal opposition certainly will be supporting the motion. We certainly think there is value in taking a number of approaches to consider the issue of criminal appeal reform. Obviously, we support the reference to the Legislation Review Committee to look at a criminal cases review commission and alternative approaches, as indicated in the second reading stage.

I think the proposal by the Hon. Ann Bressington that the matter be considered at the Standing Committee of Attorneys-General is a worthwhile proposal. It evokes the Canadian process whereby the federation (or the confederation, as it is in that context) is used as a structure within which appeals can take place. As I understand it, the federal Attorney-General has a particular responsibility in taking appeals from the state jurisdictions and therefore providing some appropriate distance from the state attorneys-general who might have been involved in the progress of the matters within their provinces.

We supported the bill, we supported the reference to the Legislative Review Committee, and we also welcome the next suggestion of the Hon. Ann Bressington that it be pursued at a national level. It may well be that there could be creative ideas coming from SCAG as well.

The Hon. R.P. WORTLEY (16:48): The motion proposed by the Hon. Ms Bressington at its heart seeks to have the Attorney-General raise at the next meeting of the Standing Committee of Attorneys-General an assessment of the merit of a national criminal cases review commission. As this motion seeks to have the matter of a criminal cases review commission discussed at the national level, it is appropriate to consider other states' experiences with similar bodies.

In 2003 the News South Wales government established an administrative innocence panel. It came to a sticky end. The cause was the Janine Balding case, which some honourable members may recall. Janine Balding was on her way home from work in Sydney's south when she was kidnapped, repeatedly gang raped and tortured before her killers left her to drown. The crime was so disturbing that the New South Wales government announced special legislation to ensure her killers will never be released.

Three men—Steven Jamison, Matthew Elliot and Bronson Blessington—were all given life sentences for the rape and murder. However, one of those men, Steven Jamison, continued to insist that he was not involved. When New South Wales established the Innocence Panel, he approached them to hear his case. However, the prospect of reopening the Balding case so appalled the New South Wales government that it suspended the operation of the panel. The responsible minister said:

> I'm suspending the operations of the Panel, because I don't believe that there are sufficient checks and balances to protect anyone other than the applicant. That means the victim, their family, and the wider community. The Balding family has simply suffered long enough. I can't stand by and let other families suffer this too.

I wholeheartedly echo these sentiments: I cannot stand by and let other families suffer this, too. I feel this alone is compelling; however, it is also important to consider the experience in the UK. The proposed criminal cases review commission is, of course, based on the UK model. It is pertinent to consider the experience of the UK should this chamber want the state to be suggesting Australia consider a similar national body.

Firstly, the UK Criminal Cases Review Commission was only established after a formal royal commission exposed a significant and notorious number of wrongful convictions. There has been none such here. For the financial year 2009-10, the commission had a net expenditure of £6.66 million. It has a net equity of £-5.573 million. It has a support staff of over 110 people.

What are the results? With such a significant investment, one would expect the results to be quite stunning. According to its own website, as of 31 January 2011, it had dealt with 13,303 applications, of which 130 were ultimately upheld by the Court of Appeal, by which is meant that some convictions were put aside; in some cases, sentences were only varied. The numbers for each are not given. The raw figures are 130 out of 13,303—slightly less than 1 per cent. At what cost? At what human cost, considering the thousands of families no doubt affected by old wounds being reopened?

To conclude, I return to Ms Balding. This time her mother is quoted in a newspaper report from 2009. In 2009, some 21 years after the crime which ended her daughter's life, Mrs Balding and her family still faced the immeasurable pain of the almost annual threat of appeal by her killers. In Mrs Balding's words:

> No more taxpayers' money should be spent on this, it was proven beyond doubt that they are guilty.

The government agrees with sentiments like these; hence it opposes the motion and urges the chamber to do likewise.

The Hon. M. PARNELL (16:53): The Greens support this motion. We supported the Hon. Ann Bressington's earlier moves to introduce a criminal cases review commission into the state, but we also appreciate that an important move like this does need to be based on the best evidence. We believe that we can learn from the experience in other jurisdictions.

We support both parts of the motion—the first part calling on the Attorney-General to take the matter to his colleagues at the Standing Committee of Attorneys-General. We also support that part of the motion that seeks to expand the current reference being considered by the Legislative Review Committee. We hope that both those things come to pass as a result of this motion and we hope that, as a consequence of either or both of those events, the legislation that we will eventually consider in this place is the best that it can be.

The Hon. A. BRESSINGTON (16:54): First of all, I thank the honourable members for their contributions and their support. As I expressed when summing up for the second reading stage of the Criminal Cases Review Commission Bill 2010, it heartened me to hear that the majority of members in this place have recognised the need for reform of the current petition procedure and the in principle support expressed for a criminal cases review commission.

I am keen for the Legislative Review Committee to inquire into the merits of establishing a national criminal cases review commission as an alternative to a state commission. As I have previously indicated, while I am committed to the establishment of such a body here in

South Australia, in the absence of a national commission, I have always recognised that every state jurisdiction is also burdened by the same failings of the petition process and, as such, I am open to the view that the establishment of a national commission is preferable to each state establishing its own.

The reason for that is that it would be more cost-effective. From the information that I have received, I do not imagine that there will be thousands of cases before the Criminal Cases Review Commission that would actually lead to a full investigation and the due process of that particular body. Estimates here for South Australia are that we have perhaps 12 cases of wrongful conviction.

It would be more cost-effective to have a national body established that deals with these claims or allegations of wrongful conviction on a state-by-state basis. I recognise that it would not be a cheap exercise to set it up. We would have one set up here in South Australia that would maybe only need to convene once every 12 months. That would be a waste of money. That is why I believe that a national CCRC is the best way to go. I believe that would be better bang for buck than for each state to set up their own, and for South Australia to have its own as well.

Any potential drawbacks in establishing a national CCRC as well as the form that such a national commission could and appropriately should take is something on which I look forward to receiving the Legislative Review Committee's considered opinion.

The motion also adds to the terms of reference any other relevant matter, and I consider this necessary to enable the Legislative Review Committee to do a thorough and comprehensive inquiry and explore relevant matters not directly arising from the bill. One such possible line of inquiry may be what our obligations are under international law, specifically the United Nations covenant on civil and political rights to which Australia is a signatory.

Dr Bob Moles, a former law professor and founder of Networked Knowledge, and Ms Bibi Sangha, a Senior Law Lecturer at Flinders University, have in numerous submissions, articles and papers made clear that the structural impediments in our criminal justice system to the correction of wrongful convictions—which I outlined when introducing the bill—stand us in breach of the covenant, specifically the right to a fair trial and the right to an effective review of alleged wrongful detention.

Finally, this motion also calls upon the Attorney-General to move at the July meeting of the Standing Committee of Attorneys-General that the committee commission an assessment of the value of a national criminal cases review commission. Empowered by the legislation of participating jurisdictions, our Attorney-General will not be without friends when moving this motion.

As I have said previously, the Attorney-General of Western Australia is on the record as indicating his support for a national criminal cases review commission and, given that each state has the same structural impediments to which I have referred, convincing the remainder to at least assess the value of a CCRC would not be difficult. To give the Attorney-General sufficient time to prepare, I will move this to a vote today.

I would also like to pick up a point that the Hon. Russell Wortley made in his speech, that in Great Britain there were some 13,000 cases put to the CCRC there and, of those 13,000 cases, only about 130 actually lead to an investigation and perhaps an acquittal. So, he was right; it was about 10 per cent. That just goes to show that there is strict criteria in place for consideration for the investigation to continue on alleged wrongful convictions. The way it is run in Great Britain is quite effective and efficient, and the criteria is very strict and adhered to so as not to waste time and resources.

So, on the information that I have received, I believe that Great Britain's model is as close as we are going to get to something that is efficient and functional and that will serve the purpose. However, as I said, the Legislative Review Committee will make that assessment from the submissions it receives. With all that said, I thank honourable members and commend the motion to the council.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: SAME-SEX PARENTING

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

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

(Continued from 18 May 2011.)

Motion carried.

RUNDLE MALL

The Hon. S.G. WADE (17:01): I move:

That By-law No. 6 of the Corporation of the City of Adelaide concerning Rundle Mall, made on 10 February 2011 and laid on the table of this council on 22 February 2011, be disallowed.

A new Corporation of the City of Adelaide By-law No. 6 Rundle Mall, tabled on 22 February 2011, prohibits a range of activities and requires permits for a range of others. I gave notice of this disallowance on 3 May. I have concerns with two particular clauses of the by-law. I have met with Adelaide City councillors to discuss the regulation and received communications from the council's chief executive and its legal adviser, but my concerns remain and I have the support of my party to move this disallowance motion.

The first concern relates to preaching permits. Members will be aware of the significant distress caused to people in Rundle Mall by some street preachers and that the council is in conflict with those preachers to try to get them to cooperate with the permit scheme. I presume this regulation was drafted in that context, although it does not substantially change the pre-existing provisions in relation to preaching. The preaching permit provision is section 2.19. Basically, it provides:

No person shall without permission in Rundle Mall or in the vicinity of Rundle Mall:

> preach, except in any part of Rundle Mall or the vicinity of Rundle Mall where the council has, by resolution, determined this restriction shall not apply.

As Liberals, the opposition is keen to protect the rights of individuals, including freedom of speech and freedom of religion. In my view, this provision clearly breaches freedom of religion. I do not object to a provision requiring persons making public addresses to seek a permit. However, the targeting of certain forms of public addresses by reference to their content is objectionable. The fact that the content in this case is identified as religious content is an infringement of freedom of religion.

My second concern relates to the clause in relation to 'annoying'. The relevant provision is clause 3.1 and it makes it an offence to annoy, offend or interfere. It reads:

No person shall in Rundle Mall or in the vicinity of Rundle Mall:

> offend, annoy or unreasonably interfere with any other person's use of Rundle Mall.

I am concerned that 'offend' and 'annoy' are subjective elements and make the offence far too broad. A person may be offended by any manner of behaviours. For example, a person might find a body piercing offensive and annoying. Another person might find a person walking down Rundle Mall wearing a burqa offensive or annoying. Another person might find public displays of affection offensive or annoying or, shall we say, public affection between people of the same gender. The scope for complaints to be laid under this provision is incredibly broad. This was confirmed for me by advice that was given to me by the council's lawyer. It reads:

Both 'offending' and 'annoying' are entirely subjective activities. What one person finds annoying (or offensive) another may not and, as such, the addition of the word 'unreasonably' before these words would in no way alter the subjective nature of the offence (what constitutes an 'unreasonable' offence or annoyance would likewise be a 'subjective' assessment in and of itself).

In policing this clause, officers would have to have regard to the particular concerns of the individual who claims to have been annoyed or offended before determining whether to take action under the by-law. If an officer does not consider the activity causes offence or annoyance to an individual, that officer may still be bound to enforce the provision but may choose not to enforce based on the concept of triviality. Essentially, the offence provision is not limited by any scale other than triviality. Courts would no doubt adopt a similar approach when considering a complaint laid under the clause.

Later in the advice, it states:

In all cases dealing with the enforcement of the criminal law, the discretion of the individual investigating officer, the initiating officer and the enforcement agency will be most relevant.

We are being told that the key threshold it needs to get over is triviality. In a multicultural society, I think that it would be extremely unlikely that a council officer would deem a person's complaint to be trivial, considering the diversity of cultural experiences people bring to Rundle Mall. For example, I would be presuming that South Australians from a multicultural perspective would have

a lower tolerance for public displays of affection than South Australians who do not have that background.

Whilst a South Australian who is not from a multicultural background may regard it as trivial to complain about somebody kissing or hugging in a public place, I would think it would be reckless for a council officer to say that that was a trivial matter. I believe my view is actually supported by the council lawyer's advice and, on that basis, I am very concerned that these provisions are too broad.

I appreciate that these are not novel provisions. They reflect similar wording used in a precursor by-law that dealt with local government land for the Adelaide City Council. The fact that it is old law does not make it good law. If I could, almost by way of an aside, reflect on what I am learning through the Legislative Review Committee. It seems that the local government authority in South Australia provides template by-laws, which are then adapted by individual councils for their own circumstances, which I think is a very onerous responsibility on the LGA. The LGA is drafting, effectively, a whole raft of laws for the South Australian community, and I am not sure that it is getting the level of oversight it might need.

One of the possibilities this parliament might consider is whether the Legislative Review Committee might engage the LGA at the time it is developing its template by-laws to see whether we as a parliament might be able to provide assistance to ensure that the sort of scrutiny principles the Legislative Review Committee is required to apply to both by-laws and regulations can be considered at the drafting phase and not at the disallowance phase.

I certainly respect the authority of local government as a distinct tier of government in our constitutional arrangements, but we do have a responsibility under legislation to review by-laws. I think it would be of benefit to the Adelaide City Council and local governments generally if issues such as these could be highlighted at an early stage.

Perhaps a stronger case is evident in the movable signs area. The Hon. Russell Wortley as Chair of the Legislative Review Committee has been through the saga of the movable signs. There must be dozens of regulations, some of which the committee did not object to but there were others about which we did feel that we needed to raise concerns. Some of those were due to the legislative actions of individual councils, and some of them could be traced back to the template. I think the work of the LGA, councils and the Legislative Review Committee could be facilitated perhaps by interaction on the templates.

Bringing myself back to the particular by-law, my view is that having an offence relying on a subjective element without any objective threshold provides insufficient reassurance to Rundle Mall users that they will not be subject to prosecution for reasonable acts, and involves too great a prosecutorial discretion in the hands of council officers. I suggest that either a reasonable test needs to be applied to 'offend or annoy' or the regulations should rely only on interference.

I have also taken the opportunity to discuss these issues with the member for Adelaide, Rachel Sanderson (an extremely able and intelligent young woman), and she indicated that she has significant concerns about the maintenance of public order in Rundle Mall. She relayed to me cases of what she thought were overly aggressive, intrusive political protests, particularly ones that targeted particular retailers.

I must admit that is not something I had expected. I could certainly imagine people using Rundle Mall to campaign for their cause, but she as the local member is aware of individual businesses being targeted either because of the products that they sell or because of the international links they have either through ownership or association. She is aware of protests becoming far too intrusive, to the point of interrupting the retail activities of lawful businesses.

She also highlighted an issue which had come up with council officers. The honourable member for Adelaide and the council officers indicated that there does seem to be a disconnect between the responsibilities of council officers to apply by-laws and the role of SAPOL in applying by-laws. A lot of these activities would become SAPOL responsibilities when they become a disruption of the public order. However, my understanding is that there have been, shall we say, discussions rather than agreement between SAPOL and the council, and we seem to have a problem with enforcement of by-laws in Rundle Mall.

I also learnt through this consultation about some of the realities of local government which slightly disturbed me. Local government rightly publishes their by-laws, and those by-laws are supplemented by policies so that people have clarity as to what the council policy is in relation to

that by-law. However, I understand that it is not uncommon for council officers to go back to council and say, 'Well, that was your by-law and that was your policy, but this is the situation: what do you think we should do?'

With all due respect, I appreciate that local council is not a full parliamentary scheme, but I think it takes it too much towards the mixing of the legislative role and the enforcement role. It would be incomprehensible for the police commissioner to come to us and say, 'Well, what do you think I should do about the Summary Offences Act?' or what have you. I would encourage councils to take the opportunity to amend by-laws and policies, because they are in the public domain and people know what they are getting, rather than relying on, shall we say, side comments and notations in the margin that emanate from council meetings.

I must admit I have taken the opportunity to share some thoughts on issues that have come up through this consultation, but I reiterate that my main concern is in relation to two particular clauses in by-law No. 6. I think it is an opportunity for council to perhaps look more thoroughly at the whole by-law, and I indicate that the opposition would certainly be happy to play its part to improve the by-law. After all, Rundle Mall is an asset for the whole state, the city council is a very noble custodian of it and we want to do all we can to make sure that is a prosperous retail precinct and a thriving social hub for both the city and the state.

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

RUNDLE MALL

Orders of the Day, Private Business, No. 14: Hon. D.G.E. Hood to move:

That by-law No. 6 of the Corporation of the City of Adelaide concerning Rundle Mall, made on 10 February 2011 and laid on the table of this council on 22 February 2011, be disallowed.

The Hon. P. HOLLOWAY (17:15): On behalf of the Hon. Mr Hood, I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

NATIVE VEGETATION (APPLICATION OF ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 April 2011.)

The Hon. J.M.A. LENSINK (17:15): I rise to make some remarks in relation to this bill, which, I think it is fair to say, has had more scrutiny than was perhaps necessary. I will not go into a lot of that detail. I understand that the mover of the bill will provide some of those remarks in his summing up. This bill, from my understanding, contains clauses which are identical to some which were contained in a previous bill in 2007 or 2008, which sought to clarify the application of the Native Vegetation Act 1991. The Liberal Party had no opposition to those provisions at that time.

This particular bill deals with section 4 of the Native Vegetation Act, which outlines where the act applies, which, in general, is to the whole state, with exemptions which are outlined in various hundreds located within the metropolitan area. One area which is currently explicitly included in the metropolitan area and, therefore, outside the scope of this act, is 'east of the Hills Face Zone'. So, the effect of that is that the act is applied inconsistently in this area.

Honourable members may well be aware that there has been longstanding concern within the conservation sector for the threatened grey box woodlands, which is a tree species which fails to be protected under significant tree legislation—which is the metropolitan alternative to native vegetation protection—because its girth size will never reach the threshold to have it protected. This bill targets suburbs within the City of Mitcham, so that Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene will be included and, therefore, species such as grey box will be protected in these suburbs.

I personally sought to gain the views of the City of Mitcham, which is something that my party asked me to do. It was really to clarify what their position was because they had written to the leader in this place in his role as the then shadow minister for the environment and stated that they held concerns about the protection of the grey box species. I asked them to confirm that that was the case and we have now had confirmation from council that they do indeed support that. So, that is positive.

With those remarks, I indicate support for the bill and look forward to greater protection for important native vegetation species within those particular areas. I note that, particularly in the metropolitan area, there is very, very little remnant native vegetation. I think there is some contained within the Enfield cemetery and obviously some within these areas. When we have eminent people like Professor David Paton warning us about declining bird species in the Adelaide Hills, I think it is of paramount importance that we protect what we have left for future generations.

The Hon. I.K. HUNTER (17:19): As outlined by the Hon. Michelle Lensink, this amendment bill introduces amendments to clarify the application of the act to specific suburbs in the City of Mitcham. The council has seen these amendments before. Amongst others, they were included in the Native Vegetation (Miscellaneous) Amendment Bill 2008, which was introduced by the previous very excellent minister for environment and conservation in the spring session of 2008.

The government's amendment bill intended to increase flexibility in the delivery of significant environmental benefit offsets for vegetation clearance, add new expertise to the new Native Vegetation Council, improve administration of the legislation and provide better integration with the Natural Resources Management Act 2004. As we all know, debate on the government's bill was suspended during the committee stage in the Legislative Council and subsequently lapsed, which I think probably prompted the Hon. Mr Parnell to bring forward his bill.

However, I am pleased to take this opportunity to tell the house that the Minister for Environment and Conservation endorsed making amendments to the 2008 bill and undertook targeted consultation with key agencies and peak bodies. The outcome of that was, I am advised, that the Native Vegetation (Miscellaneous) Amendment Bill 2011 was introduced into the House of Assembly this morning by the Minister for Environment and Conservation.

The Hon. J.M.A. Lensink: What a coincidence!

The Hon. I.K. HUNTER: The government is working to a wonderful timetable, as always. The new bill includes amendments to address the application of the act to specific suburbs in the City of Mitcham in exactly the same way as the 2008 government bill and the private member's bill do. Other amendments in the government's bill include making evidentiary changes to take into account technological advances, which will enable increased effectiveness for all parties in court proceedings; extending the time limit within which action may be taken to require minor illegal clearance to be made good from 12 months to two years; and providing for a third-party to be able to provide a significant environmental benefit offset for clearance that is undertaken by another person.

It would be preferable, in the government's view, that amendments to the native vegetation legislation be dealt with in one process and not in a piecemeal way. For this reason and this reason alone the government members in the Legislative Council will be opposing the bill before us currently this afternoon.

The Hon. M. PARNELL (17:21): In summing up I would like to thank the Hon. Michelle Lensink for her contribution and the Hon. Ian Hunter for his contribution. I also acknowledge the forbearance of my colleagues in the Legislative Council, because I have on a number of occasions expressed a desire to bring this bill to a vote. As the Hon. Michelle Lensink alluded, one of the difficulties we had was that the original consultation with Mitcham council was so long ago that they forgot how much they liked this.

Members might have received correspondence expressing a level of outrage (maybe it is not too strong a word) that they had not been consulted. When they were reminded that this was no different to something that they had been consulted on in 2007, they liked it then and they like it still now. I have a letter from the Mayor of Mitcham council who has written to me. I am grateful for that. He states that this bill:

> ...would again take up the focus of a consistent approach to the management of native vegetation in the Hills Face Zone and areas east of the Hills Face Zone as originally intended and include parts of the hills suburbs of Blackwood, Eden Hills, Bellevue Heights, Belair, Hawthorndene, Glenalta and Craigburn Farm.

The Mayor sets out some of the important vegetation associations, which I will not name or give them their Latin names, but it certainly includes *Eucalyptus microcarpa*, the grey box woodlands.

We have the local council acknowledging that this bill is important to clarify and ensure consistency in the application of the act. As I point out to members, it was always intended that the act cover these areas. Most people already accept that it does cover these areas but, by virtue of

some poor legislative drafting many years ago, there is a level of ambiguity that we are now fixing up.

I acknowledge, as the Hon. Ian Hunter said, that minister Caica has today introduced a broad ranging suite of amendments to the Native Vegetation Act, which includes the exact provisions in this bill. I thank the minister for personally coming and explaining the situation. I should say that I do not hold the current minister at all responsible for the many years that have gone by since this measure was first accepted by both houses of parliament, but for various reasons it has not yet found its way into the statute books.

Whilst I appreciate the technical position that the Hon. Ian Hunter has taken, that the government would prefer to deal with these matters in its own time in its own bill, I still do propose that we vote on this bill now. I fully expect that, when it reaches lower house, it may well sit there for some little while until the government's bill is finally passed.

Of course, the advantage of that approach is that if the government's bill falls over for some reason—and the government's bill has a lot more things in it, including some things that are controversial—we will still have the ability to put on the statute book a simple clarification that not one person in either house of parliament has spoken against in all the time that it has been on the *Notice Paper*. I look forward to us voting in favour of this bill and its proceeding very rapidly through the committee stage, there being no amendments. I urge all honourable members to give it their full support.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. M. PARNELL (17:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May 2011.)

The Hon. S.G. WADE (17:28): I intend to speak very briefly on this bill. It is a bill put forward by the Hon. Mark Parnell with a range of, shall we say, stimulating suggestions. The opposition is aware of the select committee on electoral matters and the imminent tabling of the electoral commission's report into the 2010 election. It is our view that the council would be better placed to consider reforms to the Electoral Act with the commissioner's report in hand. There are already proposals by the government in relation to the Electoral Act reform which will need to be revisited as a result of the select committee on electoral matters. We do not believe that this bill should be supported, but rather that these matters should be considered when the Electoral Act is open at an appropriate time.

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 21 June 2011.)

The CHAIR: Mr Brokenshire, I understand you missed the second reading and you wish to make some sort of contribution to clause 1.

The Hon. R.L. BROKENSHIRE: Your observations are correct, sir.

The CHAIR: Keep it short; I will be tolerant for a little while.

The Hon. R.L. BROKENSHIRE: I will take your wise advice as I always do, sir. I thank my colleagues for allowing me to indulge on clause 1. I just want to put a few points on the public record. After a great amount of consideration and consultation with a cross-section of stakeholders, Family First will be supporting the government's primary position with respect to this bill, that is, the closing of licensed premises at 4am. I want to put on the public record just a few points that I think are pertinent. First, I would have preferred a bipartisan select committee that actually had—

The Hon. S.G. Wade: Multipartisan.

The Hon. R.L. BROKENSHIRE: Multipartisan, thank you, shadow attorney. I would like to have seen a multipartisan select committee, because this is an issue that will affect whoever is in government. It is an issue that will affect all crossbench members, the minor parties as well as the major parties.

Had we had a chance to look thoroughly at all of the issues—and I just raise a few: street workers; youth workers; issues around education when it comes to sensible alcohol consumption; behavioural issues and lack of support issues with social services, particularly in the CBD; issues around why some young people come to Adelaide already heavily intoxicated and whether they have support back in their own areas; entertainment in the regions; entertainment in the metropolitan area; and public transport issues; the list goes on—I think we actually could have come up with something that would have made a real difference to the wellbeing, safety, security and the enjoyment of what should be, and needs to be, a vibrant city for those of us who reside in this state, as well as for tourists. However, that did not happen.

I actually did a bit of work behind the scenes to try to get the message across that Family First would have supported a select committee if the major parties were interested. I think what we have now to a large extent is a knee-jerk reaction to a problem, and we have no comprehensive holistic approach to the problem. I am not sure whether any of my colleagues have been privy to any of the detail that I believe the Commissioner for Liquor and Gambling, Mr Paul White, put forward to the government. I am also not sure whether any of my colleagues have actually seen all of the recommendations that SAPOL put to the government. I certainly have not. I would have liked to see all of the detailed reports made available. Having said that, as the bill is proceeding after deliberation, we will be supporting it.

The minister will be able to give us more advice on this and I also received some advice from the office of the police minister, Hon. Mr Foley, when I had a meeting with the Deputy Commissioner and Assistant Commissioner on this matter this morning, but I still want some clarification on the public record from the minister during the committee stage as to the issues around additional policing which I raised with the minister at the beginning. One of the things I am sure of is you have to have additional police if you are effectively going to have everybody out on the streets at 4 o'clock in the morning. As a former police minister, I am well aware that there would be absolute mayhem in the streets at that time if you do not have sufficient police numbers.

The second issue is public transport. There is often a shortage of taxis, but also bus and train services at that time of the day are limited, if not non-existent. I think the government needs to put some money forward to address some of those issues. I have also talked about the issues around social workers and youth workers.

I received a letter from a solicitor for whom I have a lot of time, Peter Hoban, from Wallman's Lawyers. Over the years he has done a lot of work with members of parliament in lobbying for sensible outcomes with respect to liquor, and licensing issues around it. I note that some of the concerns he raised are also concerns that have been raised by a lot of responsible hoteliers.

The fact that young people make up their minds that they are going to come into Adelaide already incredibly intoxicated is an issue that is very difficult for publicans to address. Whilst I have from time to time seen some behaviour at licensed premises that I do not call responsible management when it comes to serving alcohol, by and large, when I have been to different functions, I have seen very responsible management procedures by hoteliers, but it is difficult when people come in at 11, 12 or 1 o'clock in the morning already totally intoxicated.

I trust and hope that the minister's amendment will allow the Liquor and Gambling Commissioner the right to consider, with caveats, an argument by a particular hotel for an exemption. I have noticed the number of emails from people in the hospitality industry who have raised the issue that they work all night and would like just a little bit of social time when they finish work at 3 or 4 o'clock but they will have nowhere to have any social time because they are shift workers.

A hotel that I think is running a model facility when it comes to management is the Strathmore Hotel opposite the Casino. If a hotel such as that was to put forward an argument for exemption and had a club membership, or something like that, in a responsible and managed way, the Liquor and Gambling Commissioner could read the debate in this house leading up to whatever laws are passed and he would see that members of parliament—certainly me, at least, and others have the right to say whatever they want, of course—would like to see the commissioner using

proper discretion so that, if there is a good case put up by a particular hotel, there is at least an opportunity for an exemption rather than making it so tight that, because it is at his absolute discretion, no-one ever gets an exemption.

As I said earlier, this is just one component of a complex problem. It is not unique to Adelaide and South Australia. Wherever I have travelled around the world they are trying to address issues of intoxicated people, behaviour and safety issues. I think we could have been far more comprehensive in the way we went about the debate and the lead-up to any legislation. I still think that this is just one element pulled out by the government; you can see that by virtue of all the amendments that have come in since the initial announcement and when the bill was tabled.

I am not convinced that this is going to fix the problem in its entirety; in fact, I am sure that it will not. The police have told me that they believe that it is an important step forward, and certainly some of the traders who run businesses in the CBD and have to deal with the problems next morning are supporting this closure. I will be supporting most of the government's bill but, before the end of debate on the amendments, I would like the minister to confirm to the committee what the government intends to do with police resourcing, public transport and also youth and support workers.

Clause passed.

Progress reported; committee to sit again.

ELECTRONIC TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 May 2011.)

The Hon. S.G. WADE (17:43): I rise to speak on the Electronic Transactions (Miscellaneous) Amendment Bill 2011. The opposition supports the bill. In May 2010, the Standing Committee of Attorneys-General agreed to implement the provisions of the 2005 United Nations Convention on the Use of Electronic Communications in International Contracts. The government advises that there is no variation between the UN convention, the model law and the South Australian bill.

The bill makes a number of changes. First of all, it clarifies the definition of 'transaction'; it provides that a signature may indicate a party's intention, not necessarily their approval; provides that proposals to enter into contracts electronically will be treated as an invitation to make offers rather than a contract offer; it deals with the capacity to correct errors made during the creation of a contract by automotive messages; and it defines the place of business and the relevant time receipt determinants, such as the time the dispatch leaves the originator's information system and the time the addressee receives the electronic dispatch.

The provisions within the bill apply to both business and individual consumer transactions. Again, this is a bill which the opposition considers shows poor process in consultation by the government. The bill was tabled in the House of Assembly on Wednesday 9 March 2011, and the Law Society was notified about the legislation on the day after, 10 March 2011. The Attorney-General's office advised the council that it was contacting other stakeholders for feedback on Wednesday 16 March, the week after.

On the same day, the Attorney-General's office briefed the opposition and advised that the government would not be progressing the bill in the House of Assembly during the next sitting week as the government was commencing the majority of their consultation only that day. Later that day, the Attorney-General's office said that it would be progressing the bill during the next sitting week, in spite of the fact that there had been lack of consultation.

Apart from the Law Society, legal stakeholders had been contacted by the opposition for consultation before the government had notified them of its intentions. The opposition also contacted the industry stakeholders, such as the Australian Information Industry Association. Indicative of the problems caused by this botched consultation were comments in a letter penned by the Law Society President, Ralph Bonig, who stated:

> Due to the short time available to consider the bill, we have not been able to obtain responses from some of the Society's committees who would have had an interest in this legislation, such as the Society's Commerce, Corporate and Tax Committee and its Civil Litigation Committee.

Once again, we have been delivered a bill by the Attorney-General which we believe fails to attain adequate standards of consultation. Stakeholders who were contacted for their input were given insufficient time to properly analyse the legislation.

In a letter to my office from the Australian Information Industry Association, penned by the policy and government relations general manager, the association expressed concern and advised caution. For example, Ms Johnson drew attention to section 6 of the legislation, the section dealing with exemptions. She cautioned that if too wide a class of transactions is exempted businesses may well perceive the act as being compromised. Confidence in the act will consequently be diminished and that lack of confidence will lead to 'a decrease in the use of efficiency-enhancing technologies across the business sector'. This is an important point and an example of the value of consultation.

There does not seem to be any reason why consultation has not been applied to this legislation: for example, there was no indication of urgency. In the past, South Australia was proud that we led the nation in many areas. Under this government we are increasingly becoming a tail-end Charlie. This is a case where one of the few distinctives that would suggest urgency is the fact that we are a tail-end Charlie in this area. The opposition, nonetheless, believes that this bill warrants support, and we support it. We just hope that the government can give better attention to consultation in the future.

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

STATUTES AMENDMENT (DE FACTO RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 3 May.)

The Hon. S.G. WADE (17:47): I rise to speak to this bill. The opposition will be supporting this bill. 'An urgent and pressing matter'—these were the words that the Law Society used in a letter to the former attorney-general (Hon. Michael Atkinson) urging the government to transfer de facto relationship jurisdiction to the commonwealth. They were words which provided the impetus for a private member's bill by the Leader of the Opposition in the other place to facilitate that transfer after it became clear that the former attorney-general, for reasons known only to him, would continue to sit on his hands, despite every other jurisdiction dealing with the matter in a timely fashion.

Almost a full year has elapsed since July 2010, since the state finally referred its de facto relationship jurisdiction to the commonwealth and more than two years since the commonwealth provisions first came into effect in March 2009. The opposition is certainly of the view that it is our duty to see this transfer fully implemented and expeditiously so. This bill completes the transfer of the jurisdiction. We commend the officers involved for identifying the issues in state law that needed to be updated as a result of the passage of the bill promoted by the Leader of the Opposition. This bill covers consequential amendments, amendments which will end injustice and help provide a fairer and more equitable system in South Australia.

There are problems which had arisen because of the delay in passing the legislation, and these are holes in the protection which we need to correct. The first of the three acts that needs to be dealt with is the Criminal Assets Confiscation Act 2005. The amendments in this bill clarify what can and what cannot be considered the proceeds of crime. In this case, an exemption exists for property distributed more than six years ago, within the bounds of a marriage. The amendments in this new bill extend that exemption to encompass de facto relationships.

The second piece of legislation this bill deals with is the Family Relationships Act 1975. Specifically, it seeks to include whether an agreement was made, under the Family Law Act, between the de facto partners in the criteria applied by a court when deciding whether or not to consider them as domestic partners. If two people are involved in a relationship to the point that they have a legally binding agreement regarding their respective property, it seems silly to not take it into account when deciding if they are to be considered domestic partners.

The third and final area dealt with by this bill is in relation to the Stamp Duties Act 1923. The Stamp Duties Act provides exemptions from stamp duty to married and de facto couples, should it prove necessary, in the dissolution of a relationship, to dispose of property. After all, the state should not profit from relationship breakdown.

The amendment bill we are looking at today expands the bounds of these exemptions to include orders, agreements and consequential instruments made under Part VIIIAB of the Family Law Act 1975 and couples who should be covered under the commonwealth de facto law, but currently are not. The bill also proposes to take the law a step further and make these amendments retrospective to July 2010, when the referring act came into effect. In our view, this is fair, given the possibility that couples who fall under the aegis of the commonwealth law may well otherwise be disadvantaged by the delay in this transfer.

In summary, each of these amendments address an area where South Australians in a de facto relationship might expect the same protections afforded to married couples. Without these amendments to the legislation, those people will be wanting, and it is our view that that is unjust. The support of the Liberal Party for the institution of marriage is strong; however, we do not consider that the institution of marriage is strengthened by treating people in other forms of relationship unfairly. We welcome this bill and we commend it to the council.

The Hon. R.P. WORTLEY (17:52): I rise today to offer some short remarks about the Statutes Amendment (De Facto Relationships) Bill. We know that changes in societal attitudes over our lifetimes have resulted in increased acceptance of couple relationships outside marriage, such as de facto and same-sex relationships. Concurrently, enhanced educational, social and economic opportunities have become more accessible to most people, women especially, which means that entering into marriage is perhaps not quite as necessary, financially or otherwise, as it was in earlier generations.

But, interestingly, de facto relationships have been recognised in social welfare legislation since early in the 20th century. War times, for example, saw a rise in de facto relationships, for perhaps obvious reasons, and the commonwealth Australian Soldiers' Repatriation Act 1920 and the Widows' Pensions Act 1942 are specific examples of government recognition of de facto partnerships.

Returning to more recent times, it is interesting to note a 2009 ABS study, 'Couples in Australia', which indicates, not only that the percentage of adults living in a couple partnership actually fell from 65 to 61 per cent in the 20 years to 2006, but that the proportion of those in registered marriages fell from 62 to 52 per cent over the same period. Meanwhile, de facto relationships more than doubled over that period, from 4 to 9 per cent.

Now, we know that commonwealth, state and territory laws confer rights and obligations, protections and privileges to a variety of prescribed relationships, including personal relationships. Changes to state and territory laws intended to remedy the anomalies created by the constitutional division of legislative responsibility in family law, including the referral of certain powers to the commonwealth, have been required.

While the Commonwealth Powers (De Facto Relationships) Act 2009 has referred legislative power to the commonwealth, particularly with regard to property matters (post-separation) of de facto partners, some small amendments to the three South Australian acts are necessary to ensure that couples now captured by the commonwealth de facto property regime receive equal treatment with other couples.

All of which brings me to the bill before us today. The bill proposes amendments to the South Australian Criminal Assets Confiscation Act 2005, Family Relationships Act 1975 and Stamp Duties Act 1923. The Criminal Assets Confiscation Act enables the removal of assets, including funds, that are the product of criminal activity. This is intended not only to punish criminals and deprive them of their ill-gotten gains but to reduce motivation for offending and reduce the capital available for prospective criminal enterprises. The act relates to orders in Family Court proceedings with regard to the property of 'parties to a marriage'.

Clause 4 of the bill amends section 7(2)(c) to refer to part 8AB Family Law Act agreements, as well as other financial agreements and, further, amends section 7(2)(c)(i) of that act to include the property of 'parties to a de facto relationship'. Section 11B of the Family Relationships Act allows a person whose rights or obligations depend on establishing whether he or she, and another person, or another two persons, were domestic partners, as defined in section 11A, on a certain date to apply for declaration to that effect.

In its deliberations the District Court must take into account matters including: the relationship's duration; the nature and extent of common residence; the degree of financial dependence or interdependence or arrangements for financial support; ownership, use and acquisition of property; the degree of mutual commitment to a shared life; any agreement made

under the Domestic Partners Property Act 1996; the care and support of children; the performance of household duties; and the reputation and public aspects of the relationship. This list is to be amended to include any part 8AB Family Law Act financial agreement.

Finally, the Stamp Duties Act, on which I have spoken previously in this place, is to be amended at 71CA to enable the ad valorem stamp duty exemption to apply to Family Law Act instruments that relate to de facto relationships. This exemption will be retrospective to 1 July 2010, which of course is the date on which the Commonwealth Powers (De Facto Relationships) Act 2009 came into operation.

We are certain that the transfer of de facto relationships jurisdiction to the federal sphere will ensure the protection and preservation of the rights of South Australians in de facto relationships, and that the amendments I discussed today will alleviate the concerns of former parties to de facto relationships, legal practitioners and others involved in family law matters.

With regard to the stamp duty exemption, I understand that RevenueSA will be contacting its subscribers, solicitors and conveyancers about the amendments, and I anticipate that timely and appropriate action will then be taken by those practitioners on behalf of their clients. With these remarks, I commend the bill.

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

CONTROLLED SUBSTANCES (OFFENCES RELATING TO INSTRUCTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 June 2011.)

The Hon. S.G. WADE (17:58): I rise to speak on the Controlled Substances (Offences Relating to Instructions) Amendment Bill 2011, and indicate the opposition will be supporting it. The bill's stated aims are to provide a disincentive for individuals to possess and distribute instructions used for the manufacture of illicit substances. The bill attempts to achieve this by expanding the definition of prescribed equipment and introducing a number of new offences to criminalise the sale and supply of instructions.

The Labor Party's election promise, as contained in its community safety policy, pledged to reform the Controlled Substances Act 1984 to make the possession of instructions used to cultivate or manufacture illicit drugs an offence. It was a hollow promise from the ALP, as provisions making the possession of such instructions an offence already existed in South Australian statutes, namely under section 33LA(2)(a) of the Controlled Substances Act.

However, recognising that the Labor Party's policy was already outdated at the time it was announced, the bill as introduced to the House of Assembly went further to criminalise the sale and supply of instructions. The Controlled Substances Act 1984 is divided into three broad themes in relation to drug offences, namely, commercial drug activity, non-commercial drug activity and drug offences involving children.

The act, as it stands, provides for greater penalties for offences related to children and commercial activities. Within the act, there are three further identified elements related to the manufacture of drugs: controlled precursors, prescribed equipment and instructions. The bill, as introduced in the House of Assembly, had inconsistencies between the three elements involved in the creation of illicit drugs, which also existed in the act but, as proposed by the bill, were to be made even more inconsistent.

For commercial offences, it is currently an offence to sell large commercial quantities and commercial quantities of controlled precursors. It is also an offence to possess these quantities of precursors without lawful excuse and to possess them with intent to sell. However, it is not an offence to possess them with intent to supply or to supply prescribed quantities non-commercially. This bill, as originally proposed by the government, did not address this loophole. The original bill did not deal with any of the inconsistencies regarding the provision of prescribed equipment.

Under the current act, it is an offence to possess and sell prescribed equipment but not to supply it or possess it with intent to sell or supply. However, the unamended government bill did seek to introduce offences for the sale, supply and intent to sell instructions for the manufacture of a controlled drug or the cultivation of a controlled plant. It also clarified that it is an offence to possess such instructions. However, it did not include the offence of possession with intent to supply.

It is possible that some of the offences alluded to may be able to be pursued under section 267 of the Criminal Law Consolidation Act, where aiding and abetting provisions may allow for the offender to be charged at the same level as the principal offender. However, this would only cover instances where multiple offenders are involved, and not where a person has acted without an established connection to another offender. For this reason, it is important that these offences be included in their own right.

For example, a person may arrange for the supply of prescribed equipment or a prescribed quantity of precursors to a person who intends to use them for unlawful purposes; however, unless the supplier could be connected to the offence committed by the recipient, the supplier would escape prosecution altogether. The original bill, introduced by the government, recognised this gap regarding the supply of instructions but not in relation to prescribed quantities of precursors or prescribed equipment.

To address the inconsistencies between the culpability requirements of offences, the opposition moved a number of amendments in the House of Assembly. We are pleased that the government supported these amendments. The amendments ensure that, for all elements related to the production of drugs, a person who has possession, possession with intent to supply or sell, supply and sale of respective prescribed quantities, instructions or equipment, without reasonable excuse, commits an offence.

Further amendments were moved by the government to insert a definition of 'document' to ensure that electronic documents would be captured by the provisions rather than relying on the Acts Interpretation Act to include websites and non-material articles. This was in accordance with the advice provided by the Law Society which indicated that such electronic documents would not be covered by the provisions. The opposition is supportive of these changes.

If I might pause there and reflect that, if one looks at the vast amount of legislative work that is done by this parliament, the Leader of the Government in the last session advised the council that she had reminded her caucus that the real work of the parliament takes place in this place, but I think we need to maintain a touch of humility.

While I completely agree with the Leader of the Government's comments, I think the progress of this bill in the House of Assembly does require us to add a touch of humility and acknowledge that the House of Assembly can improve bills from time to time. In the spirit of humility, I will not admit that members of our joint party room who are Legislative Councillors contributed to the development of these ideas, but the House of Assembly having experienced the novelty of an amendment to a bill might like to do some more work on legislation.

The manufacturing and cultivation of drugs has many harmful effects on South Australian society. We certainly stand with the government to do all we can to reduce those harmful effects. This is not limited to the effect that illicit drugs and addiction can have on individuals. The illicit drug industry also creates a huge strain on the public health system, both through its immediate effects and long-term impacts, including impacts on mental health.

The illicit drug industry also feeds the financial greed of organised crime, and it is critical that the supply of illicit drugs is dealt with effectively. The opposition, as I said, will continue to work with the government to repress the drug industry, and part of that is holding the government accountable. Too often we see the government involved in spin. We are determined to hold the government accountable to real action on the ground to tackle the underlying factors that are allowing the illicit drug industry to flourish.

The Hon. A. BRESSINGTON (18:05): I rise to indicate my position on the Controlled Substances (Offences Relating to Instructions) Amendment Bill 2010 introduced by the Attorney-General in another place earlier this year. I did not hear all of the Hon. Stephen Wade's contribution, but I do not think I will be quite as charitable as he has been.

As I understand this bill, it was the former attorney-general, the member for Croydon, who announced the intention for this bill in the Labor Party's 2010 election community safety policy, which stated:

> South Australia's drug paraphernalia laws will be amended to restrict the availability of material which informs people on how to cultivate or manufacture drugs. By making it an offence to possess such material, it will close the current loophole identified in the existing law. By banning the possession of such material, the proposal will restrict the sale and production of publications that inform people how to grow, cultivate or make illegal drugs. The possession of the material will be an offence under the Controlled Substances Act 1984 section 33LA.

However, as members elected prior to 2010 would be aware, this parliament in 2007 made the possession of such instructions unlawful when it passed the Controlled Substances (Possession of Prescribed Equipment) Amendment Act 2007. That act, which inserted section 33LA, included in the definition of prescribed equipment, 'a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plan'. So, one must assume that the former attorney-general, as chief law officer of the state, had identified a loophole that undermined the effect of that act and required correction.

However, such an assumption would be quite wrong. Given that this bill, when introduced, simply restated verbatim the possession offence in section 33LA in the then proposed section 33LAB, it is clear that no loophole had in fact been identified and, instead, the Labor Party's 2010 election policy committed this government to amending what was then believed to be an operational offence.

Instead of simply conceding this error, the attorney-general sought to distract from the non-existent loophole by creating new offences of supplying and selling instructions. As honourable members following the debate and the amendments in another place would have seen, the attorney-general moved an amendment to include a definition for the term 'document' for the existing definition in the Acts Interpretation Act 1915, which was relied upon in the existing offence and which had been identified by the Law Society as deficient.

So, following an election promise purporting to address a non-existent loophole, the government through a submission by the Law Society was informed of a loophole not only in the existing provision but also in the bill introduced to distract from the non-existent loophole. This is all very complicated. One cannot help but laugh. If only the attorney-general's staff had uncovered the deficient definition of 'document' prior to the bill's introduction and the Law Society submission, then the current and former attorneys-general would not have egg on their face as they do today.

Regardless of how it reached us, we have before us a bill that creates five new offences relating to instructions for the manufacture of a controlled drug or the cultivation of a controlled plan, namely: to sell instructions; to possess instructions with the intention to sell those instructions; to sell instructions to a minor; to possess instructions with the intention to sell to a minor; to supply instructions; and to possess instructions with the intention to supply those instructions.

I have serious doubts as to whether anyone will ever be prosecuted for breaching these new offences. Such instructions are widely available on the internet and can be located via a Google search. Most are hosted on international servers, especially out of the Netherlands, meaning they are presumably beyond the jurisdiction of the supply offence. As such websites are free to access, there is no market for anyone seeking to actually sell any instructions.

So, again, that offence is redundant, meaning that the only offence likely to be of practical use is the existing possession offence. It is hard to escape the conclusion that this is a pointless bill. While reducing drug use and related harm should continue to be an election issue, the problem is pointless 'tough on crime' announcements, many of which are not worth the ink used for the headlines, such as this particular bill, and the real reform needed is ignored.

Where is the reform of the drug courts, the investment in recovery-based treatment and prevention initiatives, the bills to encourage people into enduring rehabilitation, or the policing initiatives to crack down on street-level dealing? Such announcements would not only be deserving of the headline but would actually make a meaningful difference to those families enduring the addiction of a loved one and even prevent such tragedies occurring. Instead, this government chases the cheap—both in the literal and metaphorical sense—law and order headline whilst refusing to address the desperate need in the drug and alcohol sector.

As evidence of this government's schizophrenic approach to illicit drug use, I point to the recent hysteria over Kronic, a plant-based product sprayed with a synthetic form of cannabis' main psychoactive compound, THC. As the synthetic THC compounds, known as CP 47,497 and JWH-018, differ significantly in molecular structure to THC, despite eliciting the same psychoactive effects, the manufacturers of Kronic and other brands such as Puff, Voodoo, Kaos, Kalma and Mango Kush have until recently been able to sell such products legally, marketing them as a legal alternative to cannabis.

Responding to media inquiries and detecting another cheap headline, the government was quick to express its concern and, last Friday, announced the prohibition of Kronic and its ilk. While I support the ban wholeheartedly, I find it difficult to get past the hypocrisy of the government's approach to synthetic cannabis in comparison to the real thing. While little is known of the short-

term or long-term effects of the consumption of CP 47,497 and JWH-018, there is no suggestion that they are more harmful than the THC in cannabis.

The Western Australian branch of the Australian Medical Association is reported in the media as stating that they cause severe paranoia, anxiety, panic attacks, high heart rates, agitation and restlessness and are linked to the onset of psychosis. That sounds a little like cannabis to me.

Despite this, the government was quick to make the sale and possession of synthetic THC products an offence with a maximum penalty of two years' imprisonment, despite the real THC and the other 50 or so psychoactive cannabinoids in cannabis being quasi-legalised, with the possession of up to 100 grams only attracting an expiation fine of $300.

As I made plain when introducing my Controlled Substances (Simple Cannabis Offences) Amendment Bill, the 100 gram limit—the highest in the nation—allows street-level dealers to sell with impunity. How the government can reconcile its prohibition of Kronic and the decriminalisation of cannabis is absolutely beyond me. As I said, one must be schizophrenic to see the logic.

Unfortunately, however, this government does not suffer alone. As was reported in Adelaidenow last Friday under the banner 'Calls to ban "legal marijuana" Kronic in South Australia', the member for Heysen urged swift action to ban Kronic from the shelves. However, the Liberal Party supports cannabis remaining an expiable offence, although I do note the Liberal Party's support, unlike the government, for my past bill.

Likewise, the Western Australian government, the first to ban Kronic (although Tasmania did announce its intentions earlier this month), also whipped itself into hysteria in the pursuit of a headline, first claiming that Kronic was rife in their prison system and then later that day admitting that it had not ever been detected. I might add, however, that cannabis surely has been. They, too, have prohibited Kronic and its variants, while cannabis remains an expiable drug.

I do not say this as a criticism per se, although I know members find that hard to believe. As I said, I support the ban, but I seek to make the point that this is what the populace law and order approach to drug use has descended to. Either we can be serious about addressing illicit drug use and tackle the real need for reform or we can continue to chase headlines and dither with pointless bills such as the one we are debating. I have no doubts about what our community would prefer.

Is it any wonder that the people of this state have totally lost confidence in this government's ability to lead this state or to provide cohesive public policy which is supposed to provide a balanced and consistent approach to the social issues which are faced by many South Australian families? As I said earlier, instead we get legislation for a cheap headline in response to media pressure that is ill thought out and literally unable to be enforced.

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

MEDIA, PRESIDENT'S INSTRUCTION

The PRESIDENT (18:17): Just before the council adjourns, I would like to say that I was very disappointed with some of the photos of sitting members that appeared in *The Advertiser* today and also some that were shown on television last night. I have a message for the journalists and the cameramen who come into this chamber: I will not tolerate their not taking the instructions of the President and, if it happens again, they might find themselves in front of the bar.

At 18:18 the council adjourned until Thursday 23 June 2011 at 14:15.