LEGISLATIVE COUNCIL

Thursday 3 May 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

JAYDEN'S LAW

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 73 residents of South Australia requesting the council to—

1. Support an initiative called Jayden's Law to give mothers and fathers of these much wanted and loved babies the right to obtain a birth certificate for a child who is delivered as a live baby would be, but the delivery has occurred between 12 to 20 weeks' gestation;

2. Ensure that no financial benefit shall arise from the use of that right, nor should the right arise in terminations; and

3. Give parents who love and treasure their babies from conception this right as a means to recognise the child's birth, respect parents' beliefs and bring closure and healing to the family.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

PAPERS

The following paper was laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Rules of Court—
Licensing Court—Liquor Licensing Act 1997—Licensing Court Rules 2012

KEITH AND DISTRICT HOSPITAL

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:22): I table a copy of a ministerial statement relating to the Keith and District Hospital made earlier today in another place by my colleague the Minister for Health and Ageing, the Hon. John Hill.

The Hon. R.L. Brokenshire: It's a disgrace; an absolute disgrace—$375,000.

The PRESIDENT: Order!

SCHOOL AMALGAMATIONS

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:22): I table a copy of a ministerial statement relating to co-located schools made in the other place by my colleague the Minister for Education and Child Development.

MR KUNMANARA LANGKA PETER

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:22): I seek leave to read a ministerial statement made by the Minister for Aboriginal Affairs and Reconciliation in the other place about Mr Kunmanara Langka Peter.

Leave granted.

The Hon. I.K. HUNTER: On behalf of the house I would like to acknowledge the passing of Mr Kunmanara Langka Peter, a Pitjantjatjara elder, ngangkari (or healing hands), teacher and leader, who was taken from us suddenly on 3 February 2012.

We extend sincere condolences to his family and to Anangu Tjuta (meaning all people of the APY lands), and I would also like to welcome and acknowledge family members and friends who are present and were in the house when the minister read his statement.

Mr Kunmanara Peter was born around 1940 in the bush near Shirley Well, a Fregon community in the APY lands. He was given ngangkari powers from his grandfather, Peter, who worked as a stockman as well as a ngangkari. He learnt the skills of a ngangkari by studying the work of his three grandfathers, his father and other family members who were also ngangkari.

Beginning school at Ernabella Mission as a nine or 10-year-old boy, he returned to Shirley Well over summer to continue working with this grandfathers. As a young man he worked as a stockman at Kenmore Park Station, a life that he loved very much. I understand that throughout his life he was well known for being immaculately dressed in his impressive cowboy shirts, boots and hats.

Mr Kunmanara Peter married in the 1950s and he and his wife had two sons and many grandchildren and great-grandchildren followed. He has a large extended family in the APY lands and cross-border area, as well as many other relatives living to the south of the lands. In the 1970s and 1980s when Anangu were fighting to regain their land, Mr Kunmanara Peter worked hard to establish services at Fregon community, leading many community initiatives involving better governance, employment and education for his people.

He worked as a ngangkari throughout his life and had a longstanding relationship with the Nganampa Health Council, especially its Fregon Clinic. He was never too tired to help and indicated he did this work because it made him happy to see sick people get better, work which he carried out with warmth, humour and charisma. He was sought by the NPY Women's Council as the number one ngangkari in the region and in 1999 was one of the first to work full-time as a ngangkari across Australia, his work taking him to many regions from Warburton and Ceduna in the west, to Finke in the east and to Port Lincoln in the south. He also visited Anangu in hospitals, gaols, nursing homes, mental health units and hostels in Alice Springs, Port Augusta, Adelaide and Kalgoorlie.

Mr Kunmanara Peter believed very strongly that the best way to help Anangu with health problems was by Ngangkari and doctors and nurses working together. As a lifetime practitioner as a Ngangkari, Mr Kunmanara Peter's work accomplished a high degree of respect for cultural knowledge and practice. This contributed to an important exchange among colleagues across various disciplines of healing, particularly for Ngangkari, medical doctors and mental health practitioners and councillors.

Mr Kunmanara Peter developed a strong relationship with the Australian Indigenous Doctors Association, supporting the Indigenous doctors and medical students and travelling with them to Canada, New Zealand and Hawaii, where he met Indigenous doctors from other parts of the world. Mr Kunmanara Peter also travelled to Canada and Alaska to examine issues around petrol sniffing in other indigenous communities.

Mr Kunmanara Peter was the embodiment of reconciliation. He was regarded as a master of mediation and reconciliation, being able to build a bridge of understanding for Aboriginal and non-Aboriginal people. He is held in the highest regard by the Aboriginal community and by medical professionals nationally and internationally. He is also held in the highest regard by Aboriginal people for his unparalleled healing abilities and for driving a major shift in the understanding and acceptance of Aboriginal traditional healing through his public speaking and educational work.

Mr Kunmanara Peter's funeral was held at the Fregon community in March this year, a ceremony at which the Minister for Aboriginal Affairs and Reconciliation was present. I add that I was also in attendance as Minister for Communities and Social Inclusion. Mr Kunmanara Peter will be lovingly remembered by his family and many others, and our thoughts are with those who mourn the loss of their loved one.

QUESTION TIME

WORLD FOOD MEDIA AWARDS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the World Food Media Awards.

Leave granted.

The Hon. D.W. RIDGWAY: In the past, Tasting Australia featured the Le Cordon Bleu World Food Media Awards. These awards provide global recognition to the very best in international food and drink publishing and broadcasting industries, the foodie equivalent of the movie Oscars. In 2010 the Le Cordon Bleu World Food Media Awards acknowledged the work of food and drink professionals, writers, educators, TV presenters and producers. They recognised excellence across a broad range of publishing and broadcasting on food and drink: books, magazines, newspapers, television, internet websites, guidebooks and photography.

Le Cordon Bleu is one of the world's most prominent organisations dedicated to culinary, hospitality and tourism education. It was founded in 1895. Today Le Cordon Bleu has a presence in some 20 countries with more than 30 international schools attended by some 20,000 students annually. The very last Le Cordon Bleu World Food Media Awards were presented in Adelaide in May 2010 as part of Tasting Australia. There were 24 categories, and many South Australians were recognised. Alas, the awards are no more; because of this minister the awards have, for South Australia, passed into history. My questions are:

1. Why were there no Le Cordon Bleu World Food Media Awards as part of this year's Tasting Australia?

2. Can the minister guarantee that they will be part of the 2014 event?

3. What is the value of holding these awards in the state of South Australia to our economy?

4. Why forgo this economic boost to the economy?

5. Was abandoning the awards this year a reflex action or a reflux action?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:29): I thank the honourable member for his question. He is no doubt deeply concerned about this, because it is one more free feed that he does not have available to him. The Tasting Australia event for 2012 has been an enormously successful event, a huge success. The event is carefully planned by the SATC, which takes responsibility for all operational matters. The plans for Tasting Australia evolve. It is an event that cannot stand still. You have to keep changing and shifting, and encouraging different events and activities. You cannot allow an event like this to become stale, so to speak. It is for that reason that the program keeps changing from year to year, biennially actually.

It is a very carefully crafted event, and it is a highly successful event. It has gone from its inception as a fairly small event that created minor interest to now the event at Elder Park. The weekend centrepiece of Tasting Australia at Elder Park at the weekend attracted 40,000 people over the weekend (that was the figure that was reported to me). That is absolutely incredible; record numbers of visitors to that event. The event remains as successful as it is because the event's organisers keep evolving the program and keep a very interesting and different program every year.

As I said, the first event was held back in the late 1990s and it has grown from a fairly minor event to something that is now highly successful. There was a whole range of really exciting events at this year's Tasting Australia. They included things like cookery demonstrations, hands-on cookery classes, gala dinners, and intimate lunches and dinners with celebrity chefs in some of South Australia's most picturesque locations. This year's event included more than 80 public

events and saw us host celebrity chefs from right around the world, as well as some of Australia's most popular food and wine personalities.

Staged on the banks of the River Torrens at Elder Park, it was a free event that enabled people to sample great food and wine. Not only was it a delightful location but the weather was particularly lovely as well. I was able to pop down there and join in and it was just fabulous; tens of thousands of people and, as I said, a highly successful event. It generates an enormous amount of activity and visitors into the CBD, and also to the regional events which we conduct and which also attract visitors.

It very much promotes our fabulous food and wine. It does not just promote it to local South Australians but, as I said, it promotes and showcases what we do to the nation and to the world. It is something which we can be very proud of, and I congratulate the event organisers for such a highly successful event. No doubt they will continue to keep looking for new and novel activities to ensure Tasting Australia remains a highly successful event. Tasting Australia will continue in two years' time, so we can look forward to that. The SATC owns the brand Tasting Australia. Hopefully, we will be able to announce new event managers fairly soon. As I said, it will continue to be a highly successful event and attract many tens of thousands of visitors to the state.

The PRESIDENT: The Hon. Mr Ridgway has a supplementary.

TASTING AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): Yes, a supplementary question arising out of the early part of the minister's answer: what elements of Tasting Australia have gone stale and need renewal?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:35): Nothing. There is no aspect—absolutely no aspect. The Hon. David Ridgway is not able to listen or comprehend. There is absolutely no aspect of Tasting Australia that is stale. The reason there are no stale aspects to Tasting Australia is because our events organisers are such clever and dynamic people and keep changing and evolving the plan to ensure that it remains highly successful.

The PRESIDENT: The Hon. Mr Ridgway has a further supplementary.

TASTING AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): Will the minister please quantify the word 'fairly' and give some indication of when the new event managers are expected to be announced?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:36): In the fullness of time.

The PRESIDENT: The Hon. Ms Lensink.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: The Hon. Mr Brokenshire should be quiet.

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway should be quiet. Everybody should be quiet. The Hon. Ms Lensink has the call.

WINE INDUSTRY

The Hon. J.M.A. LENSINK (14:36): I seek leave to make a brief explanation before directing a question to the Minister for Agriculture, Food and Fisheries on the subject of the wine glut—

Leave granted.

The Hon. J.M.A. LENSINK: —not to be confused with the wine gut. Late yesterday, the owners of Jacob's Creek Orlando Wines announced it will cut 85 per cent of its workforce. Executives said the high Australian dollar was a primary cause for job losses, almost all of which will come from South Australia, but they are also keen to note that very little progress is being

made in reducing the glut of grapes across the state. In fact, Wine Grape Growers Australia predicts 5 per cent growth in the number of vines in the next vintage. My questions for the minister are:

1. Has she sought advice as to how much the glut will cost the South Australian wine industry in the 2012 vintage?

2. Does the government have any strategy to reduce the number of vines?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:37): I thank the honourable member for her interest in this very important area. Of course, our wine industry is very important to both the economic and social activity of South Australia. Like many areas of primary industry, it too is certainly feeling the impact of the high Australian dollar and it too is going through a downward turn in terms of oversupply of grapes in some areas.

It is only some areas. Our premium wines and premium grapes are still in very high demand, so I think it is really important that, when we talk about this issue, we do not talk down our wine industry. There are challenges in some areas, but they are certainly not across the board. In 2009, the Wine Restructuring Action Agenda (WRAA) was formed. It is a joint effort by Australia's peak national wine industry bodies to address the oversupply problem in Australia, because the trends obviously happening here in South Australia are part of a national trend.

The WRAA acknowledged that the problem of the oversupply in the Australian wine industry was structural rather than seasonal, and it urged a cut in production of at least 20 per cent, which entails removal of approximately 20,000 hectares of Australia's 177,000 hectares of vineyards. The primary focus of the WRAA is on helping those within the industry assess their current and future position.

I am advised that in 2010 the Winemakers Federation of Australia conducted a number of briefings in regional centres to discuss regional data and issues and offer wine business stress testing. The South Australian government supported the WFA in its rollout of the WRAA by part funding the cost of the regional briefings, making available the services of the Rural Financial Counselling Service and also supporting a survey into the intentions of the industry participants to stay in or exit the industry.

Since the release of the WRAA, it is estimated that 557 hectares of vineyards have been removed across South Australia, out of a state vineyard estimate of just over 70,000 hectares, I have been advised. In 2011, there has been an increase in the Australian wine grape harvest of about 1 per cent (1.62 million tonnes) compared with the previous year. It is pleasing to see that our harvest is still of a reasonable yield and that it is clearly not continuing to escalate out of control, so it is obvious that these actions have had some impact on helping to manage the oversupply in those areas that have been identified.

DISABILITY SERVICES

The Hon. S.G. WADE (14:41): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question in relation to unmet disability need.

Leave granted.

The Hon. S.G. WADE: The March monthly update of unmet need in the provision of disability services in South Australia was released today. It shows that the category 1 unmet need for supported accommodation has increased to a record 590 individuals, an almost 80 per cent increase since November 2008. I note the comments by the Leader of the Government that the government is pleased that it is stopping the escalation in the wine glut. I am more concerned about the escalation in unmet need for people with disabilities. My questions to the minister are:

1. What action is the government taking to arrest the increase in unmet need?

2. When does the government project the increase will be arrested, at least?

3. When is it projected to start to decline?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): I thank the honourable member for his most important question. Since 2002, the South Australian government has more than doubled its spending on disability from $135.4 million in 2002-03 to

$286.4 million in 2010-11. In 2011-12, disability support services were provided with $56 million in additional funding for services to people with disability over the following four years. This $56 million is to go directly to address unmet needs.

We have more than doubled funding in this area since forming government, yet the unmet need still remains unacceptably high. So, do we keep pouring money into a system that is broken or do we overhaul the system so that future funding is much more targeted and efficient? It is important to note that the need for disability services is increasing as the population ages, certain disabilities are increasing in prevalence, and people with disability are living longer. These trends are being experienced across Australia.

The move away from institutional-style accommodation for people with intellectual disabilities and complex behaviour issues has also had a major impact on the unmet need list for accommodation. We need to provide these clients with high needs smaller supported accommodation houses within the community.

While we are focused on a major systemic reform and the introduction of self-managed funding, the South Australian government has already committed funding to a number of supported accommodation projects that will boost the availability of supported accommodation for people with disability. These include the Disability Housing Project, with $30.4 million of state government funding. It will deliver 61 new disability-accessible homes, providing 132 accommodation places. To date, 20 properties have been completed in Salisbury, Woodville Gardens and Port Augusta. Four homes in Mount Gambier and another 20 properties in metropolitan Adelaide, Loxton and Minlaton will be completed in the next year.

I have mentioned before in this place the Bedford Homes for 100 Project. The state government committed $5 million, as did the Bedford Foundation, to fund 32 new developments to provide accommodation for 70 people with a disability. A total of 28 have been completed, providing 61 additional places. The final four properties, providing nine places, will be completed in 2012.

The state government has also committed $15.7 million to date for 47 accommodation places in partnership with Minda, with a further 41 places to be made available next year, I understand. Early intervention responses, including the provision of equipment that can assist some people to remain in their own homes rather than require supported accommodation, also remain a priority for this government.

There is always more work that needs to be done in the area of disability support, but I believe the reforms that we are undertaking will provide people living with disability better opportunities, greater control, increased dignity and flexible support in areas where they really need them. The introduction of self-managed funding will have a flow-on effect to the whole system, and I anticipate that levels of unmet need for accommodation, respite and even equipment will dramatically reduce over the next few years.

I am very pleased that the honourable member did find those unmet need figures published on the net, web, inter-something or Google that the Hon. Mr Wade accesses from time to time. He might like to give his opposition spokesperson in the other place a lesson on how to access those, because I understand that he said in a speech in the chamber this week that he looked up the website and could not find the figures for February. I understand that my staff looked up the website on the same day and found them there as plain as day. I am glad that the Hon. Mr Wade would be able to find the March ones, which were put up very recently.

DISABILITY SERVICES

The Hon. K.L. VINCENT (14:46): Supplementary question. While it is no secret that reform is desperately needed in the disability sector, can the minister explain why those in critical need now, particularly category one critical need (that is, at immediate risk of homelessness or harm to themselves or others), should be made to wait while the government works on those reforms?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:46): I just explained that the government is working on those reforms right now. We are providing places right now for people and we have a plan to provide places into the future. I also explained that the unmet need list is growing exponentially across the country. Governments cannot do it on their own, and I am very pleased indeed to have been with the Hon. Jenny Macklin today when she

announced more detail to our NDS conference in Adelaide this morning about what the federal government is doing to assist states with the rollout of the NDIS.

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. CARMEL ZOLLO (14:47): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about development in the Riverland.

Leave granted.

The Hon. CARMEL ZOLLO: The position of the Riverland as one of the food bowls of our great state was, as we all here would recall, challenged by the recent extended drought. The Riverland Futures Fund has been created to help get this important region up and going again. Will the minister tell the chamber about a recent grant for horticultural business in the area?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:47): I thank the honourable member for her most important question. Creating a sustainable economy in the Riverland was the motivation to establish the $20 million four-year Riverland Sustainable Futures Fund. The fund is available to support projects that are financially viable and economically sustainable in the longer term.

To date, successful grant funding applications have had strategic importance for the state and/or the Riverland region and, importantly, have been able to demonstrate clearly that they will return a very positive and sustainable impact on economic activity in the Riverland. This activity is generated through either diversifying the Riverland economy or building on the region's existing competitive advantages.

Critical to its success is the ability to leverage from the fund to achieve even greater impact from other spheres of government and the private sector for projects that result in tangible outcomes for the Riverland. As members are well aware, horticulture is one of the important economic pursuits in the region. Many major enterprises—including the wine grape, citrus, stone fruit, almond and vegetable industries—benefit from the region's high quality soils, efficient water irrigation practices and strategic location.

I am pleased to inform the chamber that I have recently approved a grant of just over $106,000 to Solan SA, a company specialising in producing early generation potato seed or mini tubers, to assist it to upgrade its tissue culture laboratory. Solan SA is a 20-year old enterprise, established as a joint venture by a group of Mallee and Riverland potato growers. It has grown to become a specialist supplier of quarantine-standard stock to the Australian potato industry.

The over $220,000 project has been divided into three stages: the first is to extend the tissue culture laboratory and upgrade purpose-built refrigeration and laminar flow cabinets; stage 2 will see the construction of a new two-bay 45 metre long greenhouse; and stage 3 a further three-bay 45 metre greenhouse will be constructed. I understand the company has nearly completed work on part of the tissue laboratory and plans on greenhouse construction in the next few months.

The company aims to use these facilities to reduce reliance on imported mother plant material, which currently comes from Victoria, to increase both the scale and efficiency of its production for commercial potato growers of up to 30 per cent. The project aims to allow the company to reduce contamination of its stock and to extend its existing Victorian Certified Seed Potato Authority accreditation to allow it to house up to 200 varieties of mother potato plants.

This project will capitalise on both the company's experience in a very specialised field and the increasing demand for its products in SA, interstate and overseas, which, when complete, is expected to increase interstate and international export opportunities. The potato industry is the state's largest vegetable crop, worth $413 million in value to the state's economy. It is our expectation that the futures fund will further strengthen this important industry.

Projects seeking further funding through the futures fund are considered against a number of criteria, including that the proposal aligns with the strategic plans and objectives applicable to the area. I congratulate the proprietors of Solan, a husband and wife team, K.E. and F.J. Morely, on building up their Waikerie-based business to become one of only seven Australian suppliers of potato tubers, and look forward to the expected completion of the project later in 2012.

HOUSING SA

The Hon. D.G.E. HOOD (14:52): I seek leave to make a brief explanation before asking the Minister for Social Housing questions regarding a recent home invasion at a Housing SA home.

Leave granted.

The Hon. D.G.E. HOOD: An article in last weekend's *Sunday Mail* and a report on the Channel 9 news of that evening concerned Housing SA tenants at a Walkley Heights house who were the subject of a home invasion at night while the family slept in the home. Thankfully, the offender has been arrested, but the tenants had very recently requested a front fence which they argue would have prevented or at least hindered the offender. My questions to the minister are:

1. Will Housing SA install a front fence at this property, if the minister is able to look at the details?

2. If so, will Housing SA pay for the cost of the fence in this case?

3. What after hours support, in general, does Housing SA provide for tenants in difficult circumstances?

4. Will the minister establish an after hours hotline for distressed tenants who need Housing SA support after a home invasion, arson attack or other very serious incident?

5. Are the injured tenants able to claim an interim payment on an urgent basis from the Victims of Crime Fund pursuant to section 27(4) of the Victims of Crime Act 2001?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:53): I thank the honourable member for his very important list of questions. I do not have the regulations of Housing SA's provision of fences to tenants in its properties with me but I understand it goes like this: Housing SA will provide fences for properties, if they are not already there, that are on main roads or perhaps front train lines and also for houses that are on corner sites, presumably to provide privacy for backyards. Additionally, I understand that tenants may apply to Housing SA to erect fences at their own expense. I assume that given due consideration of local council requirements that permission is usually granted.

I am aware of the situation the honourable member raised in his question in terms of the tenants at Walkley Heights. My understanding is that the tenant had previously requested they be allowed to erect a fence, but that request to Housing SA was not approved because Housing SA was aware there was a developer's encumbrance on the property which prevents a fence from being built. My understanding is that there are two Housing SA properties in that street. All of those properties in that street, and maybe further properties in other areas around and adjoining those properties, are all part of the same development. None of the properties in that street have fences, and I understand that there is a similar developer's encumbrance on those properties.

I have, however, asked my department to make some investigations about that encumbrance. We will respond to the tenant in due course. It is complicated, as these things often are. I understand that the original developer no longer trades under the name in which he applied for the encumbrance. We are trying to search down the records to see whether he is still currently trading. With regard to the questions about the Victims of Crime Fund, I will refer that part of the question to the Attorney in another place and bring back a response.

SAFE WORK AWARDS

The Hon. G.A. KANDELAARS (14:55): My question is to the Minister for Industrial Relations. Will the minister provide the chamber with details of the recent seventh annual Safe Work Australia Awards?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:56): I thank the honourable member for his question and also acknowledge the many years that the Hon. Mr Kandelaars spent looking after the health and welfare of his members working in the telecommunications industry. I was honoured to attend this year's seventh annual Safe Work Australia Awards on Thursday 26 April at Parliament House in Canberra, along with the South Australian finalists: the University of Adelaide, Adelaide Shores, the Hub Fruit Bowl and Mr Dusty Hurst. These annual awards acknowledge the excellence in work

health and safety at a government, organisational and individual level. They are the renowned national platform for recognising outstanding contributions to work health and safety in Australia.

This year 37 finalists across Australia were acknowledged in their efforts to reduce the number of deaths, injuries and disease in Australian workplaces. South Australian finalists earnt their places in the national awards by virtue of their success at last year's Safe Work awards. I am pleased to advise that South Australia again had a winner in one of the six categories presented on the night. The Hub Fruit Bowl won the best workplace health and safety practices in a small business category. This award recognises a very high standard of workplace health and safety practices in a small business.

The Hub Fruit Bowl is a fresh fruit and vegetables retail outlet located within the Hub Shopping Centre at Aberfoyle Park. Following an expansion and refurbishment of the Hub Fruit Bowl in 2008, it became clear to management that existing work health and safety procedures could be improved to cope with increasing employee numbers and customer traffic. Using the SafeWork SA small business safety pack as a foundation, the Hub Fruit Bowl developed and implemented a comprehensive safety system, covering a multitude of situations, such as spills, electrical hazards, hold-ups and evacuations.

With their safety systems in place, the Hub Fruit Bowl is a more cohesive workplace, where everyone has common safety goals. Workers are properly trained and encouraged to ask questions and report hazards. Their proactive approach to safety ensures workers, customers and visitors can be confident that they are in a healthy and safe environment when in the store. I was delighted to visit the Hub Fruit Bowl this morning and have a chat with John and Judy Peresano, the owners, as well as Holly, one of the shop assistants. I would like to acknowledge their professionalism and strong commitment to workplace safety. The store itself was very impressive, with a great variety of fresh produce and helpful staff. Again, I commend them for their victory in Canberra last week.

South Australia has a proud history of achievement at a national level, also collecting three awards last year. These awards provide an ideal platform to recognise the important work that organisations and individuals are doing to make work health and safety a top priority in their workplace. Applications are still open to apply for this year's state Safe Work Awards, which will be presented at a gala dinner on 26 October 2012.

I would encourage any individual or organisation that has made a commitment to achieving positive occupational health and safety outcomes in their workplaces to consider an entry in this year's Safe Work Awards. Applications close on 13 July 2012, and further details are available on the SafeWork SA website. The Hub Fruit Bowl initiative is an excellent example of what can be achieved with an organisation-wide commitment to safety in the workplace. Let us hope we can see even more South Australian winners at the national awards next year.

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. K.L. VINCENT (14:59): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Transport Services about accessibility of public transport in Adelaide.

Leave granted.

The Hon. K.L. VINCENT: On 5 April *The Age* carried a story about a blind Melbourne commuter who is taking action via the Equal Opportunity Commission against rail provider Metro due to lack of accessibility. She said she regularly misses the stop where she needs to alight due to a lack of clear internal train announcements and does not know which trains to climb aboard as the route direction of the train is not publicly announced. She regularly ends up in the wrong location, a problem that can easily be addressed with adequate broadcasting on trains and at train stations.

The story also mentions the case that the federal Disability Discrimination Commissioner, Graeme Innes, has raised no less than 52 times: complaints regarding unclear broadcasting against RailCorp in New South Wales, following poor services in that state. Meanwhile, a blind South Australian constituent has explained just how poor Adelaide public transport is at providing accessibility to its vision-impaired commuters, explaining that she regularly misses her train stop and relies on fellow commuters to let her know what train station she needs to alight at. Understandably, this causes her significant anxiety on what should be a simple commuter trip.

All of this comes on the back of concerns I have raised with the minister three times via questions in this parliament, with zero response. These previous questions all relate to Adelaide's rail network potentially being unsafe for vulnerable commuters such as children and people with intellectual disabilities or mobility difficulties. My questions to the minister are:

1. Is the minister concerned about both the safety and accessibility of her rail networks for vulnerable commuters?

2. Is she aware of the action being taken in Victoria against Victorian rail?

3. Is the minister aware of the large number of complaints the federal Disability Discrimination Commissioner has brought against RailCorp?

4. Does the minister know that vision-impaired commuters in South Australia are struggling to access the rail services that she presides over?

5. What initiative is the minister taking to improve accessibility in the state's public transport services so that all commuters can use them without stress and in a safe and convenient manner?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:02): I thank the honourable member for her very important question, and also recognise the great work that the Hon. Ms Vincent does in the area of disability. I will refer this question to the Hon. Chloe Fox in another place and seek to have an answer as soon as possible.

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (15:02): My question is to the Minister for Industrial Relations. Will the minister assure this house that no member of staff in his ministerial office has breached the confidentiality provisions of the Freedom of Information Act by revealing the name of a person making an application for information under the Freedom of Information Act to a number of persons who are not entitled to be provided with that information under the Freedom of Information Act?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:03): I thank the honourable member for his question. I have total confidence in my staff and, as far as I am aware, there has been no breach of any confidentiality. As I said, I have total confidence in my staff.

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (15:03): I have a supplementary question arising out of the minister's answer. Will the minister make inquiries of members of his staff and come back to the house and give such an assurance?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:03): I have total confidence in my staff but, naturally, I will seek clarification for the member and then give an answer. However, I have no doubt of the professionalism displayed by my staff (as they are so professional) and I am quite confident there has been no breach.

VOLUNTEERING

The Hon. J.M. GAZZOLA (15:04): My question is to the Minister for Volunteers. Will the minister inform us about the unique partnership agreement between Volunteering SA&NT and TAFE SA and the recent graduation ceremony that he attended?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:04): I was hoping someone would ask me this, and I thank the honourable member for his very important question. Volunteering SA&NT and TAFE SA have formed a partnership to assist people to gain the formal qualification of the Advanced Diploma of Community Sector Management. The initiative is funded through the Productivity Places Program, a federal government program that recognises the importance of nationally endorsed training.

The Advanced Diploma of Community Sector Management, specialising in volunteer management, will provide participants with an opportunity to have formal recognition of their experiences, skills and knowledge with a nationally recognised qualification. It is anticipated that the qualification will provide employment opportunities for graduates and will also provide

prospective employers with documented evidence of the graduates' capabilities at a national industry standard. Most importantly, it will help to build capacity in the volunteering sector, providing the skills and knowledge to develop the many managers already providing their time and practical experience to our community.

So many people, when considering volunteers and volunteering in our community, forget about the many people behind the scenes, all working very hard to get volunteering happening in their local communities. Volunteer managers are at the centre of this. Their work is important to the managing, recruiting and the valuing of volunteers.

I attended the event on 18 April to launch the partnership, and witnessed the signing of the MOU between Volunteering SA&NT and TAFE SA, along with Dr Duncan McFetridge from the other place. I was also there to celebrate the achievements of the Advanced Diploma of Community Sector Management graduates. The graduates will provide the community with skills and knowledge to help manage, recruit, train and value volunteers.

I assisted with the presentation of certificates to the graduates in the presence of Joy Noble, whose lifetime of volunteering is recognised with the Joy Noble Medal, South Australia's most prestigious award for volunteers. I would like to take this opportunity to commend both Volunteering SA&NT and TAFE SA for establishing this partnership, which is helping to build capacity in our very important volunteer sector here in South Australia.

MOUNT LOFTY RANGES WATER ALLOCATION PLANS

The Hon. J.A. DARLEY (15:06): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Water, a question regarding the Mount Lofty Ranges water allocation plans.

Leave granted.

The Hon. J.A. DARLEY: Last year I attended a meeting at Strathalbyn where a hydrologist from the Department for Water explained the method by which they calculate the volume of water in a dam, using a formula based on a levelling staff reading at the foot of the dam, together with aerial photography. More recently, Department for Water staff visited a property in Kersbrook in the Adelaide Hills to measure the height of a dam wall. After the exercise was completed, the owner was told that the calculated volume of the dam was approximately five million gallons.

The dam was constructed in 1961, and the volume at that stage was approximately two million gallons. There has been no work done on the dam since 1961, nor has it been cleaned out at any stage. My question to the minister is: how can the proposed Western Mount Lofty Ranges water allocation plan or the Eastern Mount Lofty Ranges water allocation plan be considered to be reliable in terms of dam capacities if the calculated volumes made by the Department for Water can have an error rate of at least 60 per cent or more?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:08): I thank the honourable member for his most important question on the Mount Lofty Ranges water allocation plans. I undertake to take the question to the Minister for Water and the River Murray in the other place and seek a response on his behalf.

CITRUS INDUSTRY

The Hon. J.S.L. DAWKINS (15:08): My questions are directed to the Minister for Agriculture, Food and Fisheries. Given that the citrus industry working group is expected to hand down its report in the near future:

1. Has the minister formulated a time line for the release of the report and its recommendations?

2. What process does she foresee putting in place to execute the recommendations made by the working group?

3. Does the minister envisage the likely repeal of the Citrus Industry Act 2005?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:09): I thank the honourable member for his important question. Indeed, the activities that I undertook in setting up a working party—and the minister before me, a review—were taken in

recognition of the need for one very strong, united organisation to lead South Australia's citrus industry into the future. Our citrus industry is very important to us. There has been a high degree of disquiet within the citrus industry, which has been potentially quite damaging, and so a series of actions was taken.

I considered the report of the South Australian citrus industry review that was conducted by Mr Alan Moss, a retired judge, and its recommendations. That review was established by the Hon. Michael O'Brien, former agricultural minister. I subsequently established a citrus industry transition working party to work with the citrus industry to move towards one new, improved cohesive structure.

The role of the working party is to build a new citrus industry representative group with a broad base and a united structure to develop better relationships with industry stakeholders, including Citrus Australia (the national peak body), and I have given that working party six months to complete their work. I appointed Neil Andrew, the former member for Wakefield, as chair of the working party.

Mr Andrew is a very well known and respected member of the community, especially in the Riverland. He has been reporting progress to me. That work has been completed, a report has been provided to me, and I am currently considering that report. A number of other people were part of the working party: Richie Roberts from Costa Exchange; Ms Betty Lloyd, who is a grower; Jeff Knispel of Nippy's Fruit Juices; Ms Cathy Lowe from Amaroo Orchards; Peter Hill, who is grower; and Judith Damiani, CEO of Citrus Australia.

You can see there was a broad cross-section of key industry leaders, if you like, as part of that working party. As I said, I recently received that report and am considering those recommendations. I will be making an announcement in the very near future. As my considerations are not yet complete, I think that is the level of detail that I am prepared to put on the record at this point in time. As I said, an announcement will be made very shortly.

2BHERD

The Hon. CARMEL ZOLLO (15:13): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the 2BHerd event.

Leave granted.

The Hon. CARMEL ZOLLO: In many industries women often face hurdles or barriers to taking on leadership roles. I understand that the dairy industry has taken steps to assist women with advancing their leadership skills. Will the minister tell the chamber more about this program?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:13): I was delighted to attend this event, both in my capacity as Minister for Agriculture, Food and Fisheries and also as Minister for the Status of Women. I would just like to outline to members the role of the 2BHerd program. 2BHerd is a program delivered by DairySA, which has an important focus on women's leadership. Obviously, these are issues which I am passionate about.

2BHerd is a wonderful program which brings women in the dairy industry together. I am sure members would be aware of my ongoing view that mentoring, support and conversations between women in industry can have very positive outcomes. Sharing knowledge, experience and networks is a strength that I think women have, and I would encourage them to build on those. The 2BHerd leadership development program is an excellent example of women working together to support and develop one another.

From December 2011 to April this year, the program provided eight dairy women across the state with the skills needed to actively and productively participate in dairy industry committees, boards and projects with confidence. I understand that, throughout the 2BHerd development program, participants were coached on how to be involved in industry leadership.

These women participated in a series of advanced communication, governance and confidence building workshops and training sessions. Other learning experiences included a networking dinner in December where participants practised their newly developed networking skills which, I am sure, they also utilised at the closing function that I was very fortunate to be able to attend.

The Hon. R.L. Brokenshire: I was there too—very good.

The Hon. G.E. GAGO: Yes, I was very pleased to see the Hon. Robert Brokenshire at that event as well, lending support as always. This program also offered a series of webinars which, if members are not aware, are online seminars, on a variety of topics including presentation skills and strategic planning.

Of course, we know that it is so often true that, while women have the skills they need to progress in their chosen industries, they can lack confidence in their own abilities. I have every confidence that programs like these will illustrate to participants that they are much more skilled than they think they are, whilst also teaching new skills.

Also at the event of the 2BHerd launch was a booklet that detailed experiences of the women who participated in the program. I had the opportunity to talk to the program's participants at the April event and was incredibly impressed with their enthusiasm and their hard work. They each did a presentation that was very impressive.

Many women in regional areas have overcome very difficult circumstances, such as droughts and floods, and have remained passionate about their work and their industry. The 2BHerd participants are indeed passionate women. They come from across our wonderful state—from Mount Gambier and the Fleurieu—but they all shared the same enthusiasm for and dedication to the industry. I am sure that these women will continue their hard work, not only for the industry but also to develop themselves and their skills into the future.

I would also like to congratulate DairySA for their really hard work and enthusiasm for putting the program together and it was delightful to be able to see this shine through the participants. The participants included:

- Annalee Wallace from Mount Gambier, who was working at a Donovan's dairy while undertaking the program and is now an agricultural lecturer;
- Jo Saunders, who co-manages their farm in the Lower South-East;
- Kate Bartlett, from the Jervois Irrigation District, who, with her husband, runs a pasture feed-based farm with flood irrigation;
- Mandy Balmer, from the Fleurieu Peninsula, who works as a herd manager on a dryland dairy farm;
- Mandy Pacitti, who owns a pasture-based dairy property on the Fleurieu Peninsula;
- Melanie Treloar, who went from being an airline industry worker to working on the family farm at Meningie;
- Rebecca Middleton, who works on a dairy farm in the Mount Gambier region; and
- Rebekah McCaul, who is a marketing manager on the family farm on the Fleurieu Peninsula.

They were a group of marvellous, really inspirational women and I wish them all the very best in their future endeavours.

SCHOOL AMALGAMATIONS

The Hon. T.A. FRANKS (15:19): I seek leave to make an explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Education and Childhood Development, questions on the subject of school amalgamations.

Leave granted.

The Hon. T.A. FRANKS: Yesterday, as we all know, the long-awaited review reports from the primary and junior primary school communities facing amalgamation were tabled. Despite over 90 per cent of these schools rejecting the state government's proposal, we heard from minister Portolesi that each and every school is, in fact, to be compelled to amalgamate.

In speaking to this issue in the other place, the minister stated that she—and I quote directly from *Hansard* on page 1348 of yesterday, 2 May 2012—had, 'visited all but one school, and that was Nicholson Avenue Primary, I think'—in her words—'in Whyalla'. The minister then went on to state that these visits had been, to quote, 'very, very useful for me, as have been the review reports and the process around that. I think it has been a rigorous process.'

Yet, only hours later, this morning on Riverland ABC Radio, minister Portolesi outlined this supposed rigorous process, beginning her interview with an apology to the listeners in that region that she had not been able to visit the Riverland schools in her consultation who were in fact affected by the amalgamations. In a curiously goldfish-like moment, she then went on to repeat her rhetoric in that same interview with the contradictory information she provided yesterday to this parliament that she had in fact visited all but one of the schools.

It appears that she has certainly not, as she informed parliament yesterday, 'visited all but one school'. By her own admission, she has also not visited those schools in the Riverland and their communities—specifically, Renmark Junior Primary of 142 students and Renmark Primary of 280 students.

Had the minister actually visited another Riverland school in recent times, she would be aware that Winkie Primary School has had some forced demolition of school buildings as it has taken up the BER funding for new facilities. It has actually found it has fallen foul of DECD policy on the maximum allowed square metres per student. I believe this is under the DECD document entitled 'Capital Programs & Asset Services, Protocol: CA 007, School Capacity Entitlement Protocol'.

Consequently, I saw for myself last week, as did the Hon. Terry Stephens, that the new school building works have led to the unforeseen requirement that other buildings—being the music room, the parent club and, in fact, the original old school building—be demolished on that Winkie Primary School site. The school has therefore lost those resources.

This is a salutary warning for those 42 schools now being offered capital works money in exchange for losing school leadership positions and, of course, vital supports such as SSOs as a result of this government's forced amalgamations. I urge those schools to check the fine print before proceeding with any new capital works money offered under this government. Given this, my questions to the minister are:

1. Did the minister mislead the South Australian parliament yesterday by stating that she had been to 'all but one school' facing amalgamations in her supposedly 'rigorous' consultation process?

2. Will she now correct the record and indicate which of the 42 schools she did in fact attend, for what period of time she attended these schools and, more specifically, who she actually spoke to at these schools?

3. What formal assurances does this government give that none of the 42 schools amalgamating next year will discover that their new capital works money will come at the expense of current school building facilities under Protocol CA 007 or, indeed, any other DECD directive?

The PRESIDENT: The honourable minister to respond to that very green question.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:22): This decision, announced by the minister in the other place, will see the amalgamation of 48 co-located junior primary and primary schools. This is a decision, essentially, about equity, and it ensures similar schools are funded—

Members interjecting:

The Hon. I.K. HUNTER: Well, I'm sorry. It ensures that similar schools are funded on an equal basis. The government believes that all—

Members interjecting:

The PRESIDENT: Order! You might want to listen to the explanation for this commonsense decision.

The Hon. I.K. HUNTER: Thank you, Mr President, for your protection. I will repeat: this is a decision that is essentially about equity, and it ensures that similar schools are funded on an equal basis. The government believes that all students in public schools from reception to year 7 should receive an equitable level of financial support. This is currently not the case. These amalgamations will address a historic anomaly and bring these schools into line with the vast majority of other primary schools around the state that already operate as a single reception to year 7 school.

This change, I understand, is supported by current educational research, which indicates that fewer transition points in educational settings are beneficial for students. It is my understanding that all of the schools involved in this process will continue to operate, as I have been advised, and that no sites will close as a result of these changes. These schools already operate in the most part as one school, with one governing council, one annual report, one website, one phone number and shared facilities, yet they receive two base grants. The overwhelming majority of other primary schools right around the state already operate as one school. It is my advice that there are no private or independent primary schools that operate separately and Western Australia is the only state or territory that operates with a split between junior primary schools and primary schools.

Amalgamated schools will be funded in the same way as other reception to year 7 primary schools. I understand that by amalgamating schools that are co-located it is expected to save $8.2 million over 18 months from 1 January 2013 and $5.5 million per year after that. These savings are being made at the same time that overall funding on education has increased, including an extra $203 million in 2010-11 and an extra $127 million in 2011-12.

It is my advice that co-located schools performed no better on NAPLAN scores than any other primary schools around the state. Existing reception to year 7 schools of similar size and educational disadvantage run very high-quality programs for students in reception to year 7 while being funded as reception to year 7 schools. Existing reception to year 7 schools ensure that there are strong and effective programs for their reception to year 2 students. In an amalgamated school there is the possibility of creating a reception to year 2 leader.

To assist co-located schools to amalgamate, $27.3 million has been budgeted to provide for facilities and infrastructure upgrades. We have taken the time to listen to school communities and have heard how schools will need some extra support to transition to amalgamate. That is why we are providing an extra $100,000 to all amalgamating schools to support them in their transition, as well as capital investments to support infrastructure works at each site.

As I said, most government schools operate as reception to year 7 schools. The amalgamation will result in the creation of a single reception to year 7 school under one principal for 48 co-located junior primary and primary schools. This will bring them into line with the vast majority of other primary schools around the state.

The government believes that all students in public schools from reception to year 7 should receive an equitable level of financial support. This measure is about the equitable allocation of our educational investments. These savings are being made at the same time that overall funding to education has increased, including an extra $203 million in the 2010-11 state budget and $127 million in the 2011-12 budget. The amalgamation of co-located schools was identified to save $8.2 million over 18 months from 2013.

ANSWERS TO QUESTIONS

BUSINESS CONFIDENCE INDEX

In reply to the **Hon. J.S. LEE** (4 May 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Treasurer provided the following information:

While business surveys come and go, overall economic conditions in South Australia remain positive. New business investment in the State continues to grow, and the number of South Australians who are employed has increased and the State's export incomes are at record highs with South Australia outperforming the national average.

In the 2011-12 mid-year Budget Review the State Government made the decision to invest in infrastructure projects to create jobs and keep the economy strong. This decision is supported by the Chief Executive of Business SA who stated:

It is important that the State does not shut up shop but we proceed with the commitment to key infrastructure projects which will continue the growth of economic activity.

MOUNT TORRENS GOLD BATTERY

In reply to the **Hon. J.M.A. LENSINK** (9 November 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Mineral Resources and Energy is advised that:

1. A number of security measures have been taken to restrict unauthorised access to the buildings located at the Mount Torrens Gold battery site.

All buildings have been secured with pad bolts and locks, and openings covered with metal cladding.

The gate which allows access to the land is secured with a chain and lock.

All identified asbestos products have been removed and replaced with appropriate material.

2. The Mount Torrens Gold battery site is listed on the State Heritage Register. The Department for Manufacturing, Innovation, Trade, Resources and Energy will continue to work with the local community and other Government agencies to ensure the site is maintained appropriately.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

Second reading.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:27): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the *Local Government (Superannuation Scheme) Amendment Act 2008*.

The Local Government Superannuation Scheme is a Commonwealth regulated superannuation scheme conducting business as the Local Super Scheme. The scheme essentially ceased to be subject to State legislation following the enactment of the *Local Government (Superannuation Scheme) Amendment Act 2008* and the expiry of Part 2 of Schedule 1 of the *Local Government Act 1999* in January 2012.

The *Local Government (Superannuation Scheme) Amendment Act 2008* required the scheme to be continued in existence under a trust deed prepared by the Local Government Superannuation Board. Since 1 January 2009, Local Super has been governed by a trust deed and its trustee has been the private company, Local Super Pty Ltd. Local Super also now operates as a public offer fund, and any employer can make contributions to the scheme for his or her employee.

The recent release of the Federal Government's Cooper Review into the operation of Australia's superannuation system has encouraged superannuation funds to consider merger and acquisition opportunities. Against that background, Local Super and Statewide Super have publicly announced that they are interested in a possible merger. This Bill therefore seeks to make a minor amendment to a transitional provision of the *Local Government (Superannuation Scheme) Amendment Act 2008* that would, unless amended, prevent the possible merger of Local Super with another superannuation fund, and the possible winding up of Local Super.

The central provision of this Bill is therefore the proposal that Clause 2 of Schedule 1 of the *Local Government (Superannuation Scheme) Amendment Act 2008*, which currently provides that the Local Government Superannuation Scheme is to continue in existence under a trustee deed, be amended to allow for the possible future merger of the Local Government Superannuation Scheme with some other scheme that may result in the discontinuance of the scheme in its own right and under its current name. The Bill also contains a number of consequential amendments to other transitional provisions of the *Local Government (Superannuation Scheme) Amendment Act 2008*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government (Superannuation Scheme) Amendment Act 2008*

3—Amendment of Schedule 1—Transitional provisions

This clause amends the transitional provisions of the *Local Government (Superannuation Scheme) Amendment Act 2008* so as to allow for a merger of the Local Government Superannuation Scheme with another superannuation scheme.

Clause 2 of the transitional provisions currently provides that the Scheme is to continue in existence under a trust deed prepared by the Board. As amended, the clause will allow for the Scheme to continue in existence under another trust deed following a merger (or subsequent merger) of the Scheme with another superannuation scheme pursuant to a transfer of the benefits of the members of the scheme to a successor fund. A successor fund is a superannuation fund that confers on members equivalent rights to the rights that they had under the original fund in respect of members' benefits. Before the transfer, the trustee of the fund must have agreed with the trustee of the original fund that the fund will confer on the member equivalent rights to the rights that the member had under the original fund in respect of the benefits.

If a merger occurs, a council or other authority or body that is a participating employer for the purposes of the new scheme immediately before the merger will be taken to be a signatory to the trust deed under which the Local Government Superannuation Scheme continues in existence following the merger. A reference to 'the new scheme' in Schedule 1 as amended will not apply in relation to the Local Government Superannuation Scheme as continued in existence following a merger.

The Schedule includes a number of provisions that apply in relation to the Local Government Superannuation Scheme as continued in existence under the trust deed prepared by the Board but will not apply if a merger occurs. For example, clause 5(4) provides that a company established by the Board is to continue to hold office as trustee. This requirement will not apply if there is a merger of the scheme with another superannuation scheme as contemplated by the Schedule as amended.

Debate adjourned on motion of Hon. J.M.A. Lensink.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April 2012.)

The Hon. T.A. FRANKS (15:28): I rise to indicate that the Greens have some concerns about this bill. We certainly do not support some of the previous contributions made indicating a position where penalties on drivers licences and so on in terms of an approach to graffiti are a useful or viable way of approaching this issue. The Greens have concerns that punishments should fit crimes. In fact, we think this bill continues the previous Rann government's rhetoric of tough on crime and law and order at the expense of reason and good sense.

Graffiti is a social issue, and it is a challenging social issue, but some of the measures that have previously been put forward by private members, and then in some part reflected in this bill, are neither constructive nor conducive to real justice in this area. We would point to the fact that this will also place undue red tape burdens on small businesses. It is unduly punitive and we will be surprised if it has the desired or expressed effect. It is consistent with our position across Australia where we have seen a kneejerk reaction to the problem of illegal graffiti.

It will pander more to talkback radio and, as I say, the rhetoric of tough on crime and law and order than address the heart of the problem. It is very politically popular to demonise (particularly) young people and I am sure the government will find that talkback radio listeners of mainstream talkback radio programs will probably think this is a great step forward. However, as I say, we find it neither a constructive nor appropriate response. With that, I will make further contributions as we go through the committee stage.

Debate adjourned on motion of Hon. G.A. Kandelaars.

STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 1 May 2012.)

The Hon. S.G. WADE (15:32): I rise to speak on the Statutes Amendment (Courts Efficiency Reforms) Bill 2012 on behalf of the Liberal opposition. The bill was introduced on 23 November 2011 and an identical bill was reintroduced on 1 March 2012. The primary aim of the bill is to reduce court backlog, predominantly by extending the jurisdiction of the lower criminal and civil courts in allowing some functions of the court to be handled administratively.

In the second reading explanation, the minister acknowledged that there has been an increasing backlog of criminal cases awaiting finalisation in the District Court. Defendants face routine delays of over 12 months in finalising criminal matters, some taking 24 months or longer. I think it is important for the council to realise that those figures are relatively bald, but when you

think of the consequences of that on criminal defendants they are significant. If you are a person who is being remanded in custody while a criminal matter is being concluded, a delay of days, weeks and months is not only a significant cost to the state but it is also a very significant impost on people who may turn out to be innocent.

As William Gladstone, the British prime minister said, 'Justice delayed is justice denied.' As the minister acknowledged in the second reading explanation, the efficient and effective operation of the criminal justice system is essential to maintaining public confidence in our legal system and is fundamental to maintaining peace, order and good government in the state.

The genesis of this bill is so longstanding that the delay reflects the government's low priority on delivering services on the ground. In November 2005, the Chief Justice and Chief Judge requested that His Honour Judge Paul Rice prepare a report in relation to court delays and means of improving the efficiency of the court system. The Rice report, as it is known, was released in 2006 and highlighted the relationship between court delays and a range of factors, including lengthy pre-trial preparation by the Office of the DPP, non-enforcement by magistrates of the Summary Procedure Act and increased penalties.

The report also forecasts an increase in delays resulting from new child pornography, criminal neglect, instruments of crime, traffic and aggravated offences. Solutions proposed by the report included more information about court processes being given to the accused, more preparation time before committal, greater training for prosecutors, use of CCTV, binding resolutions for pre-trial hearings and more expeditious DNA services.

In October 2006 former attorney-general Michael Atkinson formed the criminal justice ministerial task force to examine how the court system could be more efficient. The task force recommended increasing the jurisdiction of the Magistrates Court by allowing more serious offences to be heard there. However, the government has proposed that, instead of offence types, sentence lengths should be the determinant of jurisdiction.

On 18 December 2010 Attorney-General Rau announced public consultation on the draft bill. That consultation closed on 11 February 2011. The bill makes a range of reforms, including changes to jurisdiction. The bill increases the sentencing jurisdiction of a magistrate from two to five years, imprisonment for a single offence and a cumulative total of 10 years. The bill increases the jurisdiction of the civil court from $6,000 to $12,000 for small claims and to $100,000 for general claims, motor vehicle injury and property.

Whilst the opposition welcomes the majority of changes, we have concerns, and some of those will be reflected in amendments we will move at the committee stage. In conclusion, I stress that, as well as what we hope will be the positive contribution of this bill, there are other factors at play which threaten to increase the court backlog at this very time the government would hope that these measures would reduce it.

In particular, I express my concern about the impact of rumoured cuts to the Office of the DPP. Both the outgoing and the incoming DPP have indicated their concern that funding to the Office of the DPP needs to increase rather than decrease, but earlier this year I highlighted my concern over advice we have been receiving about cuts being considered by the office. In particular, the office has been advised that contract staff at the DPP are being reduced and that there is discussion of changes to the witness assistance program and withdrawal of the DPP from committal proceedings.

The Commissioner for Victims' Rights, Michael O'Connell, has warned that the mooted cuts to the witness assistance officers would reduce emotional and practical witness support, and that it would be a retrograde step to reduce services to victims of crime. Police have warned that any plans to withdraw the DPP from committal proceedings would put an untenable workload on police prosecutions. I find it concerning that, at the very time when the government has legislation before the parliament which acknowledges the very detrimental effect of delays within our court system, it is implementing budget cuts that will exacerbate those court delays.

We also indicated our concern at the impact on shared services, on both the justice portfolio as a whole and on the DPP in particular. The opposition understands that in recent years the departmental charges for shared services in the Office of the DPP have more than tripled to $2 million, which is 10 per cent of the total DPP budget. We certainly will be interested in the estimates process to explore that more, particularly in light of what I understand is a new government edict, which allows portfolios to withdraw from shared services.

We certainly believe that it is important to make sure we get value for money for every justice dollar, and in that regard justice money should not be used to prop up inefficient experiments in administration. With those remarks, I indicate that the opposition will support the bill, but we will have amendments at the committee stage.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:40): I do not believe there are any further second reading contributions to this bill so I will take this opportunity to make a few concluding remarks. First, I would like to thank those members who contributed to the second reading contribution. The bill arises from the government's concern about the backlog of criminal cases in the District Court and the delays experienced in criminal matters being finalised. The efficient and effective operation of the criminal justice system is essential to maintaining public confidence in our legal system and is fundamental to maintaining peace, order and good government in our society.

The valuable recommendations of His Honour Judge Rice and the Criminal Justice Ministerial Taskforce in their respective reports addressing these issues have formed the basis of many of the reforms proposed by this bill. It is intended that these reforms form part of a suite of measures to address the many and various causes of delay in the criminal justice system. Ultimately, the objective is to improve outcomes for victims of crime and meet community expectations for the timely dispensing of justice while maintaining appropriate checks and balances to protect the provision of substantive and procedural justice for defendants.

The measures in this bill are an incremental step in achieving that objective and must be seen as a piece of a much larger puzzle of the programs and proposals. As has previously been stated, the government welcomes input and suggestions from those who have an interest in seeing improvements made to the courts and the criminal justice system.

As a matter of interest, I should say that one recommendation of Judge Rice (which has not found favour with legislation) is to provide for fast-tracking guilty pleas, attracting significant discounts and to encourage greater awareness within the profession of graduated discounts that sentencing judges apply on guilty pleas. That was also one of his recommendations that was reduced into a bill. I just thought I would mention it. Judge Rice says many things and we are trying to advance many of them even though sometimes we come across heavy weather.

In relation to the small claims jurisdiction, there is no right or wrong answer about where you cut the number; it is a matter of judgement. However, given that we all agree that $6,000 is way out of date, the government's judgement is that to double it is a fair start in terms of keeping pace with community expectations. I agree that we should obviously review it more frequently, and the Attorney-General in another place has assured the other place that if he is still occupying the office in five years' time, he will be doing just that.

The amount of work created by matters in the range between $6,000 and $12,000 being in the mainstream, should I say, rather than in small claims, is considerable and this will make a substantial impact on resource allocation in the Magistrates Court. I think it will be very good for the Magistrates Court and it is strongly supported by the Magistrates Court. However, courts often encounter difficulty when dealing with self-represented people. Sometimes something that might take 10 minutes with competent lawyers can take considerably longer with self-represented people.

There are certain serial litigants in Adelaide who keep our courts tied up and who keep just on the right (or wrong) side of being vexatious. They are quite good at doing this and they occupy considerable time. As I said, there are challenges. The government is very pleased that the opposition endorses the idea of increasing the threshold. I think that for a first step a jump from $6,000 to $12,000 will be useful, and I think it is a positive step forward. Inasmuch as I understand there is general support for the bill, I thank the opposition and other members.

Bill read a second time.

MENTAL HEALTH (INPATIENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May 2012.)

The Hon. T.A. FRANKS (15:46): I rise today on behalf of the Greens to indicate our support for the Mental Health (Inpatient) Amendment Bill before us. We thank the Minister for Health for arranging a briefing and, in particular, Anita Ewing, adviser to the Minister for Mental

Health and Substance Abuse, and Lisa Huber from the Department for Health and Ageing, for providing relevant information to assist us with our decision-making.

This bill seeks to amend the Mental Health Act 2009 in what is a minor but certainly significant way. We support the intent of this bill, which is to change the term 'detention and treatment order' to 'inpatient treatment order'. As members would be aware, not all persons who are subject to the current detention and treatment orders are kept in secure areas and, as the minister has advised, only patients who have been clinically assessed by psychiatrists and mental health experts as being at risk of harm necessitate being treated within that secure environment.

The Greens support the intent of this bill. We believe that terminology change is indeed a powerful tool to reduce the negative social stigma associated with mental health consumers. The term 'detention', as we are aware, is often associated with criminal behaviour, and this has led to an increased stigma around these particular mental health consumers. Referring to mental health consumers as 'detainees' is, quite rightly, no longer acceptable in our modern society. In fact, the Greens are disappointed that this terminology change did not take place when the act was amended more substantially in 2009.

What we are about to do in this state exists in other Australian jurisdictions as well. Western Australia, New South Wales and Victoria refer to detention and treatment orders as 'involuntary treatments', and we thank the government for providing us with a table of various terminologies of what is used both in Australia and around the world. What that highlights is that there is no agreed terminology in this area, but there is certainly a cultural shift from using language of criminality to language of medicine.

I certainly think this is a positive step forward, and I cannot go further without mentioning that the Greens are very pleased. In fact, my first private members bill to pass through this parliament was an amendment to the Mental Health Act which added to decriminalisation in the language and treatment of mental health consumers and, in fact, their carers, by removing the harbouring provisions which had been introduced into the new act but which fortunately were never implemented in practice in this state.

Punishing carers for taking in a loved one, with gaol terms and punitive fines, was no way forward for mental health, and the Greens are very proud to have made that contribution to the destigmatisation of mental health. I am also very pleased to see the government's latest campaign, taking up a social inclusion destigmatisation framework, and learning from the very valuable experience in New Zealand and various European and American jurisdictions. With social inclusion campaigns, it is not just a nice touchy-feely, heart-warming ad on the TV. They actually have not only an impact on the lives of mental health consumers but also an economic impact on the health budget.

I would point to the New Zealand campaign, Like Minds, Like Mine, which is an excellent and very long-running antidiscrimination campaign on mental health. That is well worth a look by any members who might be interested. Like Minds actually works. The campaign invested significantly in research and evaluation as part of its processes, and, in fact, as a result of that campaign, 51 per cent of New Zealanders would have felt ashamed of a mental illness diagnosis in 2006, a drop in figures from that of 65 per cent who would have felt that same shame the year that Like Minds began.

Twenty-five per cent of New Zealanders would accept a person with mental illness as a babysitter for their child, compared to 12 per cent in the first year of that campaign. Thirty-eight per cent disagreed with the statement that people with mental illness are more likely to be dangerous, compared to 27 per cent in the first year. That is a fantastic shift in mindset through that Like Minds, Like Mine campaign.

Of course, New Zealand is not alone, although New Zealand is commonly recognised as groundbreaking in the area of progressive approaches to mental health, and certainly we have a lot to learn from New Zealand. Another campaign that I would like to draw members' attention to is the Scottish 'see me' campaign. That is a very Scottish term, 'see me'. That campaign had similar outcomes of changing attitudes to mental illness. Pre campaign, 34 per cent of people believed that people with mental health problems were dangerous. Just four years into that campaign, only 17 per cent had this misconception.

At the beginning of the campaign, 35 per cent would agree with the statement that people with mental health problems are less likely to have friends than those without. After the campaign had been going for four years, 52 per cent of young people had that view. Very importantly, work to

review that 'see me' campaign actually involved the Institute of Psychiatry, Kings College London with the London School of Economics undertaking a study of the economic implications of stigma and discrimination against people with mental illness.

They identified that negative attitudes towards people with mental illness in fact had the following negative consequences. It meant longer periods of untreated mental illness, with stigma acting as a barrier for those who needed treatment, and psychiatric research identified that the longer a person with mental illness waits to seek treatment, the more negative the outcomes for that person, and the more expensive and longer term the ultimate interventions will be.

Disincentives to invest in mental health over other areas of health were perceived to not be as popular. Certainly, mental health has long lived in the shadow of other health issues and been far too long ignored. There were also gains as a result of that campaign with regard to discrimination for those who were trying to stay in employment and for those who were attempting to gain employment. Certainly, that connection with the labour force is a significant economic benefit from the loss and decrease of stigma around mental illness. It also extended to education and discrimination for children in the school system in particular. Whether that was their own illness or their parents' illness was also measured through that study.

I think the calculated cost savings of a reduction in negative attitudes towards people with depression was £164 per person with depression or £4.26 per adult in the whole population. Similarly, in relation to negative attitudes towards schizophrenia, the research found there was a cost saving of £4.51 per adult in the general population. This move is not only something that we make as a progressive parliament, it is in fact something that is quite economically viable and sustainable and will hopefully not only see people have better lives but see our health budget less called upon in the future.

So, I certainly encourage the government to continue with its current direction in terms of destigmatisation and social inclusion campaigns, but I certainly put on record that all of these campaigns found that there was increased need for community supports as a result of increased awareness. Should there be no support for those community organisations working tirelessly to change lives for those who are mental health consumers and their carers, then those ads will have been in vain.

The government, of course, is nearing the end of the Stepping Up report, and I would take this opportunity to call on the government to articulate their plans for the future approaches to mental health in this state. Certainly, not all of the objectives of Stepping Up have yet been achieved. Many of them have, and I certainly commend the government for that, but I raise a note of caution that we have not yet seen consultation begun for a future plan. While there are federal initiatives, this is not something that the state should put either in the too hard basket or the federal basket alone for action.

The bill, of course, will cover the topic of ECT, and I will certainly make a further contribution in the committee stage when we get to that particular item. I have a few questions to put at this stage for the government to address before we move beyond second reading. The inpatient treatment order name, in fact, highlights an anomaly. In South Australia, an inpatient treatment order allows the medical practitioner to authorise treatment of a mental illness or any other illness—for example, in section 24 of the Mental Health Act 2009.

Now, if a person has a mental illness and is detained, a psychiatrist can consent to any treatment. I am not sure if the government has clarity on this, but concerns have certainly been raised in my consultations that this treatment goes beyond simply mental health treatment and could, in fact, include surgical treatment or general medical treatment such as abdominal surgery or some other types of surgery totally unrelated to mental illness. I would certainly like some clarification from the government on that particular wording.

We also note that there have been differences of opinion within the mental health community about the way forward with wording. I think everyone agrees that we need to decriminalise the language but, in disability, the word 'detention' remains current, and some of the logic for this is that it needs to be recognised that there is, in fact, some value in using the word 'detention' at times, even if the name of the order is changed.

Recognising that a person is detained is actually important for ensuring that that individual's human rights are upheld. It indicates that there has been a loss of freedom to that individual, and it indicates that the detaining authority has added responsibilities for the welfare of that individual because they are, in fact, detained. Certainly, lawyers tend to use a dictionary

definition of detention. The definition that the Office of the Public Advocate uses in disability work is as follows:

> Detention means a situation where a person is unable to physically leave the place where he or she receives disability services. The means of detention may include locked doors, windows or gates, and the constant supervision and escorting of a person to prevent the person from exercising freedom of movement. 'Detain' and 'detained' have corresponding meanings.

I raise this because I think it needs to be addressed under this Mental Health Act, in terms of implications for changing names of orders which may, in fact, water down human rights obligations with particular regard, obviously, to detention.

Certainly, South Australia has previously watered down the threshold criteria for detaining a person from that recommended by the United Nations and the Bidmeade review by removing the word 'serious' in the criteria for detention, and described the risk to patients there. If we are going to use a less harsh term to describe the order, it may be better to use the internationally-accepted threshold test in part of that wording change. However, I think these are things we can nut out further in discussions with the government. As I said, I would like some response from the government on these particular issues.

With that, I commend the government for continuing to progress work on mental health, although I am disappointed that we have not seen a successor to the Stepping Up plan. While the government has eventually been dragged kicking and screaming for the Community Visitors Scheme to be implemented as part of this Mental Health Act, I note that that has not been avidly embraced by this government. With the Disability Act coming before us soon, I would like to see a real Community Visitors Scheme in this state. I certainly put on the record at this stage that the community of consumers and carers will not be letting their human rights be ignored, although the government may feel that that issue has been stymied for the moment. With that, I commend the bill for a second reading and look forward to the committee stage.

The Hon. R.L. BROKENSHIRE (16:01): I rise on behalf of Family First to support this bill and, indeed, the second reading of the bill. Destigmatisation is something that did need to be addressed, and I would expect that there will be strong support for it throughout the community. From that point of view, I place on the public record our support for the bill. However, I do want to put a few other things into this debate.

First of all, I will start with the fact that in July 2014 we will see a review of the Mental Health Act, which I understand is up to 12 months after we should have been seeing a review, because of delays from the last assessment of the Mental Health Act. That is just after the next state election. I think that is unfortunate, because it would have been good to have seen a bill come into this house, certainly in the middle of next year. That would have given the community of South Australia an opportunity to see where everybody places themselves in both houses of the parliament in respect of mental health and the improvements that are desperately needed, even far more broadly than the issue of putting 'inpatient' into the amendment bill and therefore destigmatising the 'involuntary patients' matters in respect of mental health.

I wanted to move some other amendments now, but was unfortunately advised that, because of the way the government had framed this bill, I would not be in a position on this occasion to move further amendments. I think that is unfortunate, and I will give my reason now. First of all, if you look at the Productivity Commission's last report on government services in January 2012—in other words, it has just come through, just in time to give more opportunity into assisting with mental health across South Australia, particularly in respect of improvements with the Mental Health Act—it says: firstly, that by far the highest mainland state with persons in the lowest socioeconomic quintile having contact with community mental health services was South Australia. In fact, only Tasmania across all states and territories was higher.

Secondly, the highest state or territory with mentally ill persons reporting that they are unemployed happens to be South Australia. The third statistic in the Productivity Commission report shows that, in South Australia, we have actually tracked upwards over the last three reporting years by 3,025 people to 30,818 people needing public clinical mental health services. That is an increase from 1.8 per cent to 2 per cent of the state population, which is a significant percentage. Of all states and territories, we are second only to the Northern Territory. If we compare, for instance, to Queensland, they declined by 3,309 people needing such services, so that was a decrease, from 1.8 to 1.7 per cent, of their population.

The fourth point that we found in the Productivity Commission's statistical data was that South Australia recorded a 28 per cent increase over five years to 2009-10 from $700 to $899 in average recurrent costs per inpatient bed day in general mental health services compared to 4 per cent in New South Wales, 17 per cent in Victoria, 18 per cent in Queensland and 10 per cent in Western Australia. Tasmania was actually very high, again at 48 per cent. So there are figures there that are quite concerning to the state. I would have hoped that the Minister for Health would have put some urgent assessment into that and actually put in further amendments at this time.

For example, we know that the Mental Health Coalition has put some good suggestions forward in policy that has not been adopted at this point by the government. We also know that the Social Inclusion Board's Stepping Up plan, which went from 2007 to 2012, concludes this year. We have not had any indication at all from the government—particularly now that we do not have a social inclusion board—on what it intends to do to replace the Stepping Up plan. Again, in our opinion, that is of some concern when we consider the commitment to improving more broadly mental health issues.

The Public Advocate, Mr John Brayley, suggested that we should be improving advocacy and support for mental health patients, removing the new Community Visitors Scheme from under SA Health to be a truly independent government-funded agency under the Public Advocate, reporting and advocating without fear of repercussions from the government of the day. That is one of the amendments that I would have liked to put up here today based on what the Public Advocate has put—

The Hon. T.A. Franks: The Disability Act. Wait until that comes before us.

The Hon. R.L. BROKENSHIRE: Yes, but I would have liked to put it in here, too, because I think it is so important; however, we are advised that we cannot. It was also suggested that we should require all treatment orders to impose treatment conditions for inpatients with respect to illicit drug issues, given that the Productivity Commission's latest report on government services found that South Australia had 11.3 per cent of mental health inpatients—which was second only to Western Australia, with 13.4 per cent—reporting the use of cannabis in the 12 months prior to admission. I would have liked to have put in this amendment bill some initiatives to assist those people with respect to these illicit drug issues, which are clearly contributing to a percentage of mental health inpatients' adverse health.

There were a number of other initiatives that we wanted to put in. One initiative that Victoria has put forward requires the government to develop a specific policy on sexual safety of mental health inpatients to ensure that claims of sexual abuse are taken seriously and that protocols are developed for safe handover and monitoring of inpatients. That is just one of the other initiatives.

I think we were in a position to debate now the commissioning of the Solicitor-General to clarify medical professionals' liability for use of seclusion and restraint of mental health inpatients as well as requiring and supporting the Public Advocate to conduct an independent audit of patient and user rights within the South Australian mental health system, the barriers to recovery and recommended improvements.

It would have been good to have looked at giving patients the right to communicate with a qualified advocate from a state or commonwealth-funded advocacy service, such as the Disability Advocacy and Complaints Service of South Australia, or requiring that the currently mandatory statement of rights be given to patients to advise the person of that right to speak with such an advocate. There are so many things—I just highlight a few—we could have done, and a lot that would not have cost money.

We so often hear in this parliament that we cannot do things because of budget constraints. Some of these things are proactive opportunities to assist people with mental health, they may sometimes integrate with the disability sector, but wherever we can, when a bill is before the council, I believe the parliament should have the right to improve that bill. I am very frustrated that on this occasion we have been advised that we do not have that right. I put that on the public record and I hope the minister, the Hon. John Hill, and his staff, will have a look at what the Legislative Councillors have said during this debate and that we will not have to wait until July 2014 to see some of these improvements.

We have expertise in the community: the Public Advocate, the Mental Health Coalition and a lot of others with good intent, who have put forward sensible, viable opportunities to improve mental health. Why are we waiting until July 2014? We should not be fearful of the fact that elections and things like that have to be considered before the interests of the community of South

Australia, people who directly have a mental health problem or have a loved one, a family member or friend, with a mental health problem.

I hope we see further legislative and other proactive opportunities to assist people in this state who have a mental health problem. We need to remember that one in five South Australians, at some stage in their life, will encounter (directly) some form of mental health illness. It is an issue that is becoming more of a focus in the general community. I think the community believes the government needs to focus more on mental health. With those few words, we support the bill.

The Hon. CARMEL ZOLLO (16:11): I rise to support the Mental Health (Inpatient) Amendment Bill 2012. This bill recognises that the stigma experienced by people with mental illness can be insidious, sometimes covert and often unintended, particularly in our choice of words. Words have a powerful influence on our perception of things, our attitudes, and on how we respond. There is, generally, a negative stigma that accompanies mental illness. It is something that must be challenged within our community so that those who become mentally unwell do not delay getting the help they need because they fear how others may judge them.

I echo the sentiments of the Hon. Tammy Franks in saying that early intervention in mental illness benefits recovery time and outcomes and can help minimise the risk of harm to others. Talking about psychological distress, or mental issues, and seeking help early should not be seen as a sign of weakness. In fact, the opposite is true. It takes a lot of strength, often when a person is least able to muster it.

The primary purpose of this bill is to address in a small but significant way some of the unintended stigmatisation of people with mental illness through the use of words such as 'detention' within the current legislation. The bill proposes to replace the terminology 'detention and treatment orders' with 'inpatient treatment orders'. The change in terminology does not in any way change the function of the orders or the limitations on their duration. These subtle but important changes to negative terms like 'detainee' in relation to people who are unwell—not wrong or bad or criminal—can assist community understanding that mental illness and losing liberties and freedoms rarely need to go hand in hand.

The bill also addresses a common public perception that a detention and treatment order involves locking up a mentally ill person, much like a criminal is locked up in a correctional facility, when in reality contemporary mental health care provides for an involuntary inpatient to be under supervision in a non-secure environment in accordance with the objects and guiding principles of the Mental Health Act. There are some patients who are clinically assessed as bearing a significant risk of harm, necessitating treatment within a secure environment. These people are the minority of persons with mental illness.

There are measures provided for in the bill which allow for the forcible return of absconding patients, of course using the least amount of force necessary to the particular situation. There are policies in metropolitan mental health treatment centres that guide practice and stipulate the action to be taken and time frames if it becomes evident that a consumer may be missing from a bedded unit.

The introduction of the amendment bill coincides with a mental health destigmatisation campaign currently being facilitated by SA Health and commenced in February, through March and again in May through to June this year. Stigma and fear are the bases for why the majority of mentally ill are considered dangerous. Media tends to exaggerate the danger that mentally ill individuals pose to the general public.

Over and again we are shown a supposed link between mental illness and violent behaviour, yet a mentally ill individual is no more likely to approach and harm a stranger in a public setting than is a non mentally ill individual. Both are more likely to confront and harm a friend or family member in a private setting. People who are seriously mentally unwell are generally more of a risk to themselves than to others.

The bill also makes minor clarifications to the consent provisions for electro-convulsive therapy (ECT), and to consent forms under the act. These changes negate ambiguity and facilitate the objects of the act. There has been no change to the substance of the provision and how the law of consent applies in relation to ECT.

Although it has only been about two years since the Mental Health Act 2009 came into operation, the field of mental health is progressing quickly in South Australia. Our mental health reforms are extensive and there is significant advancement in attitudes and responses towards

mental illness. It has become increasingly evident that the proposed change in terminology will have immense positive effect for mentally ill people, including their loved ones. I commend the bill to members of the Legislative Council.

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

RETIREMENT VILLAGES

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (16:18): I table a ministerial statement made today in another place by the Minister for Health and Ageing, Hon. John Hill, on retirement villages.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 1 May 2012.)

The Hon. S.G. WADE (16:19): I rise on behalf of the opposition to address the bill. The bill was originally introduced by the Attorney-General in November last year. However, it was not debated before the prorogation of parliament and was reintroduced on 1 March 2012. The opposition broadly supports this bill as it addresses a range of matters within the Attorney-General's jurisdiction to improve the efficiency and effectiveness of the system. The bill amends 12 acts and has a particular focus on court functions and processes, but does touch on the justice sector more broadly.

As I said, the opposition is generally in support but we do have a couple of amendments. In particular, the opposition is maintaining its general concern about the centralisation within the correctional services portfolio and we will have an amendment which seeks to resist that trend. Another concern relates to the proposal in relation to the Director of Public Prosecutions. The bill addresses the matter of where powers are assigned to the Director of Public Prosecutions and how they are delegated. Whilst we might consider alterations of delegations in specific instances, we do not believe it is appropriate to provide a blanket delegation power. As the member for Bragg highlighted in the other place, it is better practice to provide specific provisions in authorising acts delineating the extent of delegation permitted, if any.

In conclusion, I would like to stress that the effectiveness of reforms such as these to improve court functions and processes is not unrelated to the court facilities within which those functions and processes operate. It is disappointing to note the current state of court infrastructure and facilities, in particular the Supreme Court. The Supreme Court complex on Gouger Street and in Victoria Square is an ageing asset. The first part of the Supreme Court building facing King William Street was completed in 1867 at a cost of £4,000; the portion facing Victoria Square was completed in 1869 for £18,000; and I understand the Supreme Court library building was built in 1959. Other than refurbishment, no capital expenditure has been made on the building in the past 52 years.

The Supreme Court complex is in a very poor state of repair. Only about one-tenth of the complex could be said to be adequate. Recently retiring Supreme Court justice, Justice Bleby, said:

> The home of the highest court in the State is, frankly, a disgrace. It is inefficient to work in; its facilities for staff are appalling; it fails any basic occupational health and safety tests for its inhabitants; it is in a sorry state of disrepair; the facilities for counsel and litigants are almost non-existent; it is user-hostile to the disabled on both sides of the bar table; and the ability to be able to provide any sensible degree of court security, particularly in respect of serious criminal [matters] is rendered impossible. We cannot even have a Special Sitting in our own court. The premises are widely acknowledged to be the worst facilities of any superior court in Australia. The judges, in their annual report to parliament, without any response, have drawn attention to this state of affairs every year now for the past 11 years.

The reality of Justice Bleby's remarks was brought home recently by an unfortunate accident involving the Chief Justice. He was confined to a wheelchair and, as none of the courtrooms have disability access, he was unable to access any of the courts. So at the highest level of the courts we had a judicial officer not being able to discharge the full range of his duties. That highlights how the physical facilities of the court can impact on the efficiency of the court.

It is a poor reflection on this government that workers in and users of the justice system are such a low priority that the government has already broken its election commitment in relation to justice sector capital needs; that is, the government promised to invest in the Southern Community Justice Centre and that promise was broken as part of the Mid-Year Budget Review in the second half of last year.

I hope that in the future the Attorney-General will be more effective in advocating within cabinet for justice portfolio requirements because court efficiency relies not just on improving court functions and processes but also making sure that the courts have the physical and other resources that they need to effectively discharge their responsibilities.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:24): I understand that there are no further second reading contributions to this bill so I would like to take this opportunity to thank honourable members for their contributions and the indicated support, albeit qualified, for this bill.

The Hon. S.G. Wade: Almost overwhelming.

The Hon. G.E. GAGO: Almost overwhelming! I look forward to dealing with this bill expeditiously through the committee stage.

Bill read a second time.

SUPPLY BILL 2012

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

At 16:28 the council adjourned until Tuesday 15 May 2012 at 14:15.