

LEGISLATIVE COUNCIL

Wednesday 20 February 2013

The **PRESIDENT (Hon. J.M. Gazzola)** took the chair at 14:18 and read prayers.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:18): 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.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. G.A. KANDELAARS (14:19): I bring up an erratum to the report of the committee on its Inquiry into Vocational Rehabilitation and Return to Work Practices for Injured Workers in South Australia.

Report received.

The Hon. G.A. KANDELAARS: I bring up the annual report, 2011-12, of the committee.

Report received.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 21st report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Adelaide Entertainment Corporation Charter, 2012-13

Review of Natural Resources Management Levy Arrangements for 2012-13: Response to Natural Resources Committee of Parliament—49th Report

FUTURE SUBMARINE PROJECT

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:20): I table a copy of a ministerial statement from the Premier Jay Weatherill in another place on the future of submarines.

QUESTION TIME

STATE STRATEGIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the State Strategic Plan.

Leave granted.

The Hon. D.W. RIDGWAY: Agriculture and primary industries, including food processing, wine and aquaculture are key drivers of the South Australian economy and our export industries. In 2004, Mr President, when you were very newly elected to this place, the government set itself a target outlined in the State Strategic Plan to treble the value of South Australia's export income to \$25 billion by 2013. To state the obvious, it is 2013 now.

By 2007, Labor had downgraded its target. It had pushed out the \$25 billion export income goal until next year, 2014, having found that there was little or no or negative movement in the preceding period. In 2012 came a new assessment. In achievability the analysis again revealed it

was unlikely. Here is what it said: 'The level of growth is ambitious and it is unlikely that the target will be achieved.'

Will the minister for export dependent segments of agriculture, primary industries, food and fisheries apologise for her failure, and will the minister stop breaking the undertakings to 30,000 South Australians who rely on agriculture, forestry and fisheries for a living?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:22): I am advised that the food industry target that I have lead for, or PIRSA has lead for, involves increasing the revenue from \$20 billion by 2020, and my understanding is that that is indeed most achievable, given the recent analysis and understanding of trends and opportunities for growth within the agrifood sector.

The 2011-12 gross food revenue increased by \$442 million, which is 3 per cent, to reach record levels of \$14.3 billion, and this target is very closely aligned to the premium food and wine from our clean environment, which is of course a key priority plank for this government, announced by the Premier Jay Weatherill, and the activities undertaken around that.

Things are looking very positive on a number of fronts and that is irrespective of the very challenging economic environment that we are in. We have seen a number of programs where this government has provided considerable support for regional economic developments, including the Riverland Sustainable Futures Fund, which is a \$20 million fund to help stimulate growth and investment in business in the Riverland region. Also, the Enterprise Zone Fund has been very important in helping to generate activity in the north.

We see that this government has contributed to a number of important initiatives to help achieve that important front. Gross food revenue has increased by \$442 million (3 per cent) to reach record levels, with gross wine revenues increasing by \$26 million (1 per cent) to reach \$1.75 billion. Finished food values have grown by around \$200 million (4 per cent) to reach record levels of \$4.9 billion. Food exports exceeded the record levels of 2010-11 by \$207 million (6 per cent) to reach a record \$3.7 billion. While wine exports declined slightly there has been a recent upturn, which I am pleased to report on.

We see that SA agribusiness employment has reached record levels of 150,300. We have done much in that space in terms of the responsiveness around fruit fly and maintaining security there, phylloxera management and many other very stringent biosecurity measures which ensure that we remain as a state providing premium quality food and wine from a clean environment.

STATE STRATEGIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): I have a supplementary question. Will the minister provide to the chamber the time frame over which the statistics she quoted were assessed?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:27): In terms of the \$442 million (3 per cent), which enabled us to reach record levels of \$14.3 billion, that was in 2011-12, a gross food revenue figure.

The Hon. D.W. Ridgway: Was the \$400 million growth in one calendar year?

The Hon. G.E. GAGO: The figures I have state that in 2011-12 gross food revenue increased by \$442 million (3 per cent) to reach record levels of \$14.3 billion. Even in the face of the real facts and figures, we still see the opposition, in its churlish way, trying to quibble around specifics. The honourable member should be getting up in this place and espousing the virtues of this government and the achievements of our food and wine sectors and agribusiness sectors.

These are largely small to medium-sized businesses and are made up of mainly family interests. Instead of getting up in this place and commending the enormous amount of work that these small to medium-sized businesses have contributed to the state's prosperity, with the assistance and support of the Jay Weatherill government, he bemoans these achievements; he bags these achievements and the progress made. What he seeks to do is undermine business confidence and undermine what is going on. He seeks to undermine business confidence and fails to acknowledge the hard work of these businesses and the invaluable contribution they make to this state.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:29): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about food security on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: Yesterday, the minister mentioned that the market gardens project was one small part of the government's food security plan for the APY lands. The Premier said yesterday:

The latest program failure was part and parcel of trying to improve life on the lands. The APY lands is consistently two steps forward, one step backwards.

My questions are:

1. What other parts of the plan are currently being implemented and on what time line?
2. Can the minister name one, if any, of the government's policy initiatives that has actually contributed to any reduction of food prices on the APY lands?
3. Has this government actually taken one step forward, if ever, at all?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the honourable member for his most important questions. I commend you, sir, on your liberal approach to your interpretation of the standing orders in terms of commentary.

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Well, I can do that, Mr Wade, if you like. I will let you lead off.

The Hon. S.G. Wade: I'm asking you to observe the standing orders, not reflecting on the chair.

The Hon. I.K. HUNTER: Fortunately, Mr President, you are in the chair, not Mr Wade.

The Hon. J.S.L. Dawkins: And not you.

The Hon. I.K. HUNTER: Yes, indeed, fortunately, not me as well—very fortunately.

The PRESIDENT: Have we all finished? I would like to hear the answer. Minister.

The Hon. I.K. HUNTER: Thank you, Mr President. As always, I submit to your authority, sir.

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

The PRESIDENT: Order, the Hon. Mr Dawkins!

The Hon. I.K. HUNTER: Thank you, Mr President, for that protection. It is well accepted, as I said yesterday, that food security on the lands, and improving that food security, is one of the important objectives of this government. It will, however, require a sustained, long-term, cooperative effort.

The Hon. J.M.A. Lensink: And a waste of taxpayers' money.

The Hon. I.K. HUNTER: The Hon. Ms Lensink intervenes across the chamber, and says that we are wasting our money intervening on the lands, wasting our money investing in education on the lands, wasting our money investing in housing improvements on the lands, wasting our money putting police officers on the lands.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: That is the approach you see from the opposition. They never had a commitment to the lands. It took a Labor government to refocus the government in terms of money being invested into improving community facilities on the land. As I said yesterday, we are involved in a cooperative effort between the APY executive, the Anangu people, the non-

government sector and, indeed, governments of all persuasions, federal and state. This government is committed to improving the health and wellbeing of Aboriginal people living on the APY lands, and it is following through with a plan to increase the availability and consumption of healthy foods.

The APY lands food security strategy is in its third year of its six-year implementation, and it includes seven key areas of focus. These areas range from consumer protection and financial wellbeing to store management support and discrete education projects. As I said yesterday, one of those projects is Come and Cook with Your Kids program. I will not elaborate on that further; I gave you a lesson on that yesterday. For the past 12 months, that program has worked extremely well, and it will be in place the following year.

I am also advised that the gardens we have been investing in up on the lands have been a source of a good educational program for people.

Members interjecting:

The PRESIDENT: The Hon. Mr Brokenshire, are you going to take your place or are you going to disrupt question time?

The Hon. I.K. HUNTER: As I said, that program was instigated in consultation with local communities, who have requested us to roll out that program further across the land.

Much ado is made in the media about that land being left to go fallow over the hot, arid summer months. Trying to grow produce up on the lands during that period would be particularly difficult. Frankly, if honourable members are seriously suggesting that we invest in high technological solutions to grow around the year, they have rocks in their head. You work with the local environment, you work with the local community, and that is our ethos.

It is true that there has been some damage to the fencing around sites caused by feral animals, and we will repair the damage to fences where that has occurred. It is important to remember that these gardens are community-led projects and, as I have said, are only one part of a seven key focus program.

Another of the areas we are focusing on to improve food security in the lands is to mitigate the additional costs associated with spoilage, and, again, I advised the council yesterday of what we are doing in relation to that. We have invested \$288,000 to buy and install back-up generators for community stores, because when the power goes out on the first line generator the food that relies on refrigeration will spoil. Without having that back-up generator in place you would see a lot of food spoilage in the lands, and this is designed to improve the availability and the life of food in those stores. Those generators will have capacity to support safe food storage for a lot longer than we have expected to see in the lands and stores now.

The other aspects of the program that I ran through yesterday, and that I will run through again, are that the strategy is overseen by the APY executive action team, which includes government, non-government and APY executive members. The seven key areas are: consumer protection; financial wellbeing—

The Hon. S.G. Wade: You gave this to us yesterday.

The Hon. I.K. HUNTER: Yes; and you will get it again, until you learn.

Members interjecting:

The Hon. I.K. HUNTER: Ask the questions—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. I.K. HUNTER: Mr President, the Hon. Mr Stephens advises he will be asking the same question at every question time, which is great for me because I can prepare for it.

The PRESIDENT: Minister, I might get you to repeat the whole answer because I haven't heard it. However, I do acknowledge the presence of a former leader of the opposition, the Hon. Carolyn Pickles, who went on to become a minister: welcome. Minister, are you starting again?

The Hon. I.K. HUNTER: I could start again, sir, and tell you again exactly what we have been doing in the APY lands but, in deference to the honourable former member you have just welcomed, I will be on my best behaviour. I might just go back to the top of the list instead.

Amongst the seven security priorities that we are focusing on are consumer protection, financial wellbeing, home management supports, store management support, freight improvements, education, and discrete projects that I have already outlined. We will continue to work in consultation with local communities to deliver programs that will increase the availability of safe and healthy foods.

The PRESIDENT: The Hon. Mr Stephens, it was your question; do you have a supplementary? Did you hear the answer?

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:37): I heard a lot of warble, actually—

The PRESIDENT: Did you hear the answer, because that is what your supplementary will concentrate on?

The Hon. T.J. STEPHENS: Thank you, Mr President. Will the minister explain to me how teaching people how to cook, when they cannot afford the food, actually puts a meal on a table in the APY lands?

An honourable member: A very good question.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:38): It would be a very good question if that were the only thing we were doing. Again, they do not get public policy. They do not understand that there is no single response that will solve these problems. You need to have—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: That is right; they never learnt when they were in office and they are not learning now.

Members interjecting:

The PRESIDENT: Coming from the mob that stays at Yulara—fair dinkum!

The Hon. I.K. HUNTER: Mr President, you hear the opposition now making claims for which they have no foundation, because they never listen. In this very place I have previously spoken about—

An honourable member interjecting:

The Hon. I.K. HUNTER: Go and look up your *Hansard*. Do your own homework, do some homework—

The PRESIDENT: His interjections are out of order, minister, and there was a supplementary question asked by the Hon. Mr Stephens.

The Hon. I.K. HUNTER: Mr President—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: And you are an expert on it.

The Hon. I.K. HUNTER: Indeed. Mr President, I advise the honourable member to do his own homework and look up the *Hansard*.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: You have insulted us a fair bit. The Hon. Mr Stephens, do you have a further supplementary? You are deferring to the Hon. Ms Franks; do you have a supplementary?

APY LANDS, FOOD SECURITY

The Hon. T.A. FRANKS (14:39): I have a supplementary arising from the original answer, and with reference to the government's seven-point plan—and I commend the government for now including freight and transport subsidies—

The PRESIDENT: Is there a question?

The Hon. T.A. FRANKS: —in that seven-point plan, which was not included under the Hon. Grace Portolesi—

The PRESIDENT: Is there a question?

The Hon. T.A. FRANKS: —when she was minister.

The PRESIDENT: There not being a question, does the Hon. Mr Stephens have another question?

The Hon. T.A. FRANKS: Yes; there is a question, if you will let me finish, Mr President.

The PRESIDENT: Well, finish your speech. Ask your question.

The Hon. T.A. FRANKS: How much has this government allocated in the last three years to freight and transport under this program?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:39): I think, and I don't want to put too fine a point on it, but I think the honourable member has put words into my mouth. I didn't talk about freight and transport subsidies: I talked about freight improvement.

APY LANDS, FOOD SECURITY

The Hon. T.A. FRANKS (14:39): I have a supplementary question. How has this government improved freight and transport in the last three years?

The PRESIDENT: Same answer, minister?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:40): The same answer.

APY LANDS, FOOD SECURITY

The Hon. K.L. VINCENT (14:40): Since the minister is so sure that everything is fine when it comes to the price of food on the lands, what is he doing for the price of things like nappies which I am informed from those who stay on the lands, costs so much—

The PRESIDENT: No speeches, ask your question.

The Hon. K.L. VINCENT: —costs so much.

The Hon. K.J. MAHER: Point of order. I fail to see how this arises from the answer and I raise the point of order as to whether the supplementary contains facts or opinion.

The PRESIDENT: The Hon. Ms Vincent, are you prepared to ask a supplementary question arising out of the original answer?

The Hon. K.L. VINCENT: I am happy to assure him that it is relevant because I have been on the lands.

The PRESIDENT: What is your question?

The Hon. K.L. VINCENT: What is the government doing about the price of equally important items like nappies?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): Again, the Hon. Ms Vincent is picking up some bad habits from the other side of the parliament.

Members interjecting:

The Hon. I.K. HUNTER: Again, putting words into my mouth saying that everything is fine. Well, I didn't say that, Mr President.

The Hon. G.E. Gago: In fact the opposite.

The Hon. I.K. HUNTER: In fact, exactly right, because when we came into government, everything was not fine. The Liberals had left that area of policy vacant, totally neglected, and it

took a Labor government to actually turn to those issues and produce this seven-point plan which we are working on with the commonwealth and we will continue to do that through AARD—

The Hon. J.S.L. Dawkins: You and your seven-point plan. What about the other one?

The Hon. I.K. HUNTER: We will.

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

The PRESIDENT: Order, the Hon. Mr Dawkins! Minister, you have the call.

The Hon. I.K. HUNTER: I have indeed, and I will just reassure the house once again—this government is the one that will be delivering on food security on the lands.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:42): A supplementary: when? When, minister, will we see any improvement in the price of food on the APY lands? We have given you the solution and you won't take it. When? When? Give us a date.

The PRESIDENT: You have asked that question. The Hon. Mr Wade, you have a question?

The Hon. D.W. Ridgway: Isn't he going to answer it?

The PRESIDENT: He has asked it before.

The Hon. J.M.A. Lensink: No, he hasn't. He is refusing to answer questions this afternoon.

The PRESIDENT: The Hon. Mr Wade.

Members interjecting:

The PRESIDENT: And you might leave this place.

APY LANDS, FOOD SECURITY

The Hon. K.L. VINCENT (14:42): A supplementary. Has the minister been to the APY lands himself for a period of several days to sort out the food crisis issues or does he plan to do so, and if so, when?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): I hesitate in giving a further answer, but let me just advise the chamber if they are too lazy to do their own work and do their own research. Over the past 10 years, this government has played a key role in supporting many programs and initiatives that enhance the wellbeing of Aboriginal people in this state.

From the start, this government acknowledged that it was important to create a future that was shaped by choice and not chance. So with this in mind, we committed to a whole of government long-term strategic plan that was both measurable and transparent. The targets were ambitious that we set for ourselves, but in partnership with the Aboriginal community, we developed our strategic plan targets which should allow Aboriginal people to play a central role in determining their own future.

Over 10 per cent of the plan's targets are now Aboriginal-specific and many of the other targets will also benefit Aboriginal people. In relation to health, providing cultural inclusive pre and postnatal birthing services has also been a new initiative of this government, and in 2010 I am pleased to say these services assisted over 200 Aboriginal births across South Australia, resulting in healthier birth weights and a lesser need for acute hospital and nursery care, while improving breastfeeding rates. Health screen checks for adults and children were also introduced in 2004 to assist prevention and early diagnosis.

In terms of remote housing, the government has recognised that additional housing was acquired in remote Aboriginal communities, and this was essential in reducing overcrowding and improving child protection outcomes.

Since 2010, 119 community rental houses have been built across remote Aboriginal communities in partnership with the Australian government. During the same period, 158 refurbishments have been undertaken. Through this program, houses in these communities

are now leased to Housing SA, which provides housing management services, including good quality maintenance programs. These leases now cover 569 houses across the state, and this has enabled the signing of 332 tenancy agreements, which is contributing to better quality housing and housing management in these communities.

The government has been very committed to a genuine and inclusive dialogue with South Australia's Aboriginal communities and their leaders. We established the South Australian Aboriginal Advisory Council to support the government and the appropriateness of its policies and programs with respect to Aboriginal people. On the recommendation of the advisory council, we created the office of the Commissioner for Aboriginal Engagement to ensure that an independent Aboriginal voice prevailed in discussions about broader policy directions. This position did not exist under the previous government.

The government has also been very supportive of the aspirations of Aboriginal organisations. It is pleasing to note that 210 of these organisations have received one-off grant funding from Community Benefit SA since 2005. The government is not content with that list of achievements. This year we stride to the finish line for a number of significant historic legislative changes that will impact the lives of many Aboriginal South Australians. We anticipate making significant changes to the way in which we deal with Aboriginal heritage and Aboriginal landholding authorities.

This government has introduced an act to amend our constitution to acknowledge Aboriginal people. This is a symbolic way of expressing parliament's commitment to reconciliation with Aboriginal people. We will continue to work in partnership with the commonwealth on our remote service delivery programs on the APY lands, and we will maintain our commitment to provide social workers in relation to schools, people to support our youth workers, child protection workers, and we will work with the APY and the commonwealth on the implementation of income management and providing healthy foods.

Members interjecting:

The PRESIDENT: I was just about to acknowledge the Hon. Mr Gilfillan and comment on how well behaved the chamber was as he entered. That lasted less than a minute. Welcome, the Hon. Mr Gilfillan.

APY LANDS, FOOD SECURITY

The Hon. S.G. WADE (14:47): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question relating to market gardens in the APY lands.

Leave granted.

The Hon. S.G. WADE: Yesterday, the Hon. Terry Stephens and the Hon. Tammy Franks asked the minister a number of questions regarding market gardens in the APY lands. In one of the minister's answers, he stated:

There are seven food security priority areas that this government, the federal government and the APY have been working on. This strategy is overseen by the APY executive action team which includes state government, federal government and non-government members...these programs can only work if we deal with them together.

In an article in today's *Australian*, Sarah Martin reported that the federal government distanced itself from the market gardens project. Further, the APY general manager, Richard Preece, declined to endorse the market gardens program, stating, 'the program had been developed without the involvement of the APY, which administers the lands'. In the same article, Aboriginal leader, Lowitja O'Donoghue, openly criticised the government for undertaking the project. She said that spending almost \$250,000 of taxpayers' money in just two years was 'disgusting'.

Today the minister has repeatedly used phrases such as the need for 'cooperative action', 'partnership', 'Aboriginal people playing a central role' and 'genuine inclusive dialogue'. My questions to the minister are:

1. Does the minister stand by his comments yesterday that programs will only work if the APY and governments work together?
2. Does the minister stand by his comments that the APY, the state government and the federal government all worked together on the market gardens program?

3. Can the minister advise the council what steps were taken to consult the local Aboriginal people, the APY and the federal government on the market gardens program?

The Hon. R.I. Lucas: Tell us about Lowitja.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:49): I thank the honourable member for his very important question and for the interjection from the Hon. Mr Lucas about 'Tell us about Ms O'Donoghue', and I will. Ms O'Donoghue is a remarkable Australian who is held in high esteem as a respected Yankunytjatjara elder and is highly regarded by both Aboriginal and non-Aboriginal Australians alike.

I understand that in 1976 Ms O'Donoghue was the first Aboriginal woman to be inducted into the new Order of Australia, founded by the Australian Labor commonwealth government. That award recognises her work in the welfare field. In 1983 she was made Commander of the Order of the British Empire. In 1984 she was named Australian of the Year for her work to improve the welfare of Australian Aboriginal and Torres Strait Islander people. She is an Honorary Fellow of the Royal College of Nursing in Australia. She won an SA Great award in 1992. In 1999 she was made a Companion of the Order of Australia.

Lowitja O'Donoghue has received honorary doctorates from Murdoch University, the University of South Australia, the Australian National University, the Queensland University of Technology and Flinders University. In 2000 she was made an Honorary Professorial Fellow at Flinders University and was a Visiting Fellow at Flinders University. Ms O'Donoghue is the National Patron of the Bob Hawke Prime Ministerial Centre.

In 2000 Ms O'Donoghue was inducted into the Olympic Order. In 2005 Ms O'Donoghue was made Dame of the Order of St Gregory the Great by Pope John Paul II. In 2009 the National NAIDOC Committee gave her a Lifetime Achievement Award for her distinguished leadership in Indigenous affairs and her contribution in the battle for the rights of Aboriginal and Torres Strait Islander people.

I note her concerns reported in *The Australian* regarding the market gardens, and I will be asking my department to seek her input in preparing the next evaluation report of the APY food security strategy which I mentioned in this place yesterday.

APY LANDS, FOOD SECURITY

The Hon. T.A. FRANKS (14:51): I have a supplementary question. Will the minister and the department also be working with NPY Women's Council and Mai Wiru, and will they meet with Mai Wiru when they are in town next week?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): Exactly right. We consult with stakeholders broadly across the lands.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:52): I have a supplementary question. Will you meet with Mai Wiru next week? It is a simple question. It is a supplementary question: will you meet with Mai Wiru next week? Mr President, it is a very simple question.

The PRESIDENT: It is hardly a supplementary.

The Hon. T.J. STEPHENS: It is a supplementary question.

The PRESIDENT: It isn't a supplementary arising out of the answer.

The Hon. T.J. STEPHENS: Yes or no?

The PRESIDENT: The minister said he will consult widely.

VIOLENCE AGAINST WOMEN

The Hon. R.P. WORTLEY (14:52): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the National Centre of Excellence.

Leave granted.

The Hon. R.P. WORTLEY: The National Plan to Reduce Violence Against Women and their Children 2010-2022 was released on 15 February 2011, following endorsement from the

Council of Australian Governments. My question is: can the minister tell the chamber about a recent national plan announcement?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:53): I thank the honourable member for his important question. As members would be aware, the national plan brings together government efforts across the nation to make a real and sustained reduction in the level of violence against women. On 13 February 2013 the Hon. Julie Collins MP, Australian Minister for the Status of Women, announced the establishment of the National Centre of Excellence. The centre will provide a central point for researchers, policy makers and practitioners in the fields of domestic violence, family and sexual violence to link up and provide evidence-based responses to help reduce domestic, family and sexual violence.

I am delighted to advise that the South Australian expert in women's social policy and co-chair of the Premier's Council for Women, Professor Anne Edwards, has been appointed as the chair of the new National Centre of Excellence being established to help reduce domestic violence. Mr President, I am sure you will agree that the appointment of Professor Edwards, who was the former vice-chancellor of Flinders University, is a real coup for South Australia. I am advised that Professor Edwards' research on sexual assault cases, particularly in the criminal justice system, has been a major contribution to the study of violence against women. The centre will provide the opportunity for governments to work more effectively to reduce violence against women and their children.

I am advised that it will help strengthen the evidence base from which policy is developed by bringing together existing research and also undertaking new research under an agreed national agenda. I am also very pleased to advise the chamber that the state government is supporting this important work by contributing more than \$100,000 annually from the 2013-14 year. Professor Edwards' other senior positions include Deputy Chair of the Australian Research Council and Chair of the Research Committee at the Academy of Social Sciences in Australia. She is also a fellow of the Australian Academy of Social Sciences, the Australian College of Educators and the Australian Institute of Company Directors.

Professor Edwards is a sociologist who spent her career in universities, most recently at Flinders University where she was vice-chancellor from 2001 to 2007. Her academic interests include social inequity, social control, the modern state, social policy, ageing, and women and gender issues. She has contributed to a number of areas of social policy. She is also on several South Australian boards and national bodies.

The new centre, which will be based in Sydney, is the result of extensive consultation with the sector and begins operations this year. I look forward to hearing about the important work being undertaken by the centre. I take this opportunity to place on record my sincere congratulations to Professor Edwards: I have always enjoyed working with her, and I am sure she will be a great success in her new role.

APY LANDS, ELECTRICITY INFRASTRUCTURE

The Hon. M. PARNELL (14:56): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding power supply on the APY lands.

Leave granted.

The Hon. M. PARNELL: As everyone now knows, on ABC radio yesterday the minister was discussing—

Members interjecting:

The Hon. M. PARNELL: I will start again, Mr President.

The PRESIDENT: Are you happy with that answer—the Opposition is keen to make a joke of it.

The Hon. M. PARNELL: As everyone now knows, on ABC radio yesterday, the minister discussed the failure of market gardens to produce food on the APY lands, but during the interview a caller rang in, claiming that close to \$1 million had been spent on a solar power facility at Watarru, and that in 2006 the:

...inverter which runs the solar power system exploded and I know that the money was brought in from FaHCSIA, which was basically after ATSIC...the money came in from FaHCSIA, went to the South Australian government in order to be able to fund the replacement of that inverter...nothing ever happened...it's still running on diesel to this day.

When questioned by Matthew Abraham about the lack of repair of the inverter, despite federal funds being made available, the minister replied:

I'm not aware of the federal government involvement...but I do know it's being run on diesel currently.

In fact, all the electricity supplied in the APY lands currently comes from diesel, and an extraordinary 3.75 million litres of diesel fuel is used each year to generate electricity for the APY, Maralinga and Yalata communities, and that is to service just 3,000 people. That figure was up from 3.5 million litres of diesel burnt in 2010-11. This is despite the licence granted by ESCOSA in June 2010 to then minister for Aboriginal affairs and reconciliation, Grace Portolesi, to generate and retail electricity for the APY, Maralinga and Yalata communities.

That licence described three solar facilities: a solar farm at Umuwa and solar voltaic fields in two smaller communities, being Watarru and Oak Valley. For reasons unknown, the minister's annual return to ESCOSA only listed diesel-generated electricity. On 14 February last year the licence was formally transferred to then minister for energy, the Hon. Michael O'Brien, and at the time the licence was also varied and the three solar facilities were removed from the licences list of generating plants.

While the government admitted in the middle of 2011 that the large sun farm at Umuwa was no longer operating, the government has not provided any explanation as to why the Watarru and Oak Valley generating plants have been taken out of the system. I would be sure that the minister would accept that, with the enormous technological improvements in solar generation and the rapidly decreasing costs of that technology, it is bizarre in the extreme that expensive fossil fuel generators continue to be used to supply all the power in one of the most sun-drenched places on the planet. My questions of the minister are:

1. Has the state government received federal funds to replace the inverter for the solar power system at Watarru and if so, why have the repairs not taken place?
2. Why were the Watarru and Oak Valley generating plants removed from the licence to generate and retail electricity for the APY, Maralinga and Yalata communities?
3. What is the annual cost for supplying these 3.75 million litres of diesel fuel to generate electricity on the APY, Maralinga and Yalata communities?
4. Will the minister commit to working with the Minister for Energy to urgently review electricity supply for remote Aboriginal communities to ensure a rapid transition away from costly fossil fuels to cleaner, renewable technologies?

The PRESIDENT: The Minister for Aboriginal Affairs and Reconciliation. I ask you to ignore the opinion in the question.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:00): Well, there is nothing left then. I thank the honourable member for his important question, but you have to be careful with these guys, because again—it is not quite verballing and I am sure a former lawyer would not do that to someone—he has coloured his interpretation of a report that was in the media yesterday with a particular position which I just reject. I will undertake to take his question to the Minister for Mineral Resources and Energy in another place and I will seek a response on his behalf.

APY LANDS, ELECTRICITY INFRASTRUCTURE

The Hon. M. PARNELL (15:01): I have a supplementary question arising from the answer. Given that the minister said on radio that he did not know, why has he not obtained a briefing in the more than 24 hours since?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I have undertaken to get him a response and I will do so.

APY LANDS, ELECTRICITY INFRASTRUCTURE

The Hon. M. PARNELL (15:01): I have a supplementary question. Does the minister need to take advice to answer the question about whether he is prepared to work with the Minister for Energy to fix up the energy supply on Aboriginal lands?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I have to say, the honourable member is reaching new depths. I will continue to work in my portfolio with other ministers as I have always done and always will do.

STOLEN GENERATIONS

The Hon. K.J. MAHER (15:02): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister—

Members interjecting:

The PRESIDENT: I have not noticed the minister being on the ropes.

Members interjecting:

The PRESIDENT: He is sitting to my right, which are the benches that you wish to occupy. He is doing alright. The Hon. Mr Maher.

The Hon. K.J. MAHER: Thank you, Mr President. My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the chamber how the fifth anniversary of the National Apology to the Stolen Generations was marked within South Australia?

Members interjecting:

The PRESIDENT: I hope he has an 18-minute answer. The honourable Minister for Aboriginal Affairs.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): Thank you, Mr President. I thank the Hon. Mr Maher for his very important question on this topic.

Members interjecting:

The Hon. I.K. HUNTER: Thank you, Mr President. I really shouldn't, but it is just too easy. I could not help myself. It is the story of my life.

An honourable member interjecting:

The Hon. I.K. HUNTER: Indeed. In fact, I have been advised recently that my leader has been right all along and I have been incorrect, and I am happy to stand corrected by my leader, as always. On Wednesday last week, Australia marked the fifth anniversary of the federal government's apology to stolen generations. Five years ago the prime minister of Australia took a step that will be remembered in Australia's history books for a long time to come. On behalf of the Commonwealth of Australia the then prime minister of Australia, Kevin Rudd, issued a formal apology to the stolen generations at Parliament House, Canberra.

Last week we were fortunate to have Mr Rudd in our state, where he gave a speech at the annual Reconciliation SA breakfast on the apology itself, the stolen generations and the path ahead for reconciliation. As expected by many there at the breakfast, Kevin had much to say and I would recommend all members of this chamber to have a look at his speech. It is, I understand, going to be uploaded to the Reconciliation SA website soon. I apologise in advance to the Hon. Tammy Franks who was also at the function and, for her, this will be a little bit of repetition but I think it does bear repeating.

The Hon. S.G. Wade: And the Leader of the Opposition was there, as well.

The Hon. I.K. HUNTER: I stand corrected: the Leader of the Opposition in the other place certainly was there.

The Hon. D.W. Ridgway: The next premier of South Australia.

The Hon. I.K. HUNTER: In your dreams!

The PRESIDENT: Stop misleading the house, the Hon. Mr Ridgway.

The Hon. I.K. HUNTER: I wouldn't do that, sir. There were a few points he raised—

The Hon. D.W. Ridgway: If he can say in my dreams is misleading the house.

The Hon. I.K. HUNTER: —that I think are worth sharing with the council.

The PRESIDENT: 'The next premier of South Australia.'

The Hon. J.S.L. Dawkins: We don't need to hear about his dreams.

The PRESIDENT: What, Steven Marshall's dreams? God. The honourable minister.

The Hon. I.K. HUNTER: Thank you, sir. Mr Rudd told how he prepared for the apology by throwing away his finely-crafted but very sterile departmental brief notes and sitting down with members of the stolen generation, where he spent the better half of the morning just listening to them. Mr Rudd told how he wanted to make sure that the apology was ultimately accepted by Aboriginal Australians and the stolen generations. In order to do so he felt that it would need to come from non-Aboriginal Australians, of course. Indeed, this was a view that was shared by another Australian prime minister, the Hon. Paul Keating, in his famous Redfern speech. I will quote a few lines:

The starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with that act of recognition.

Recognition that it was we who did the dispossessing.

I think at the time politically the notion of an apology was ridiculed. It was derided by some. There was an awful lot of nonsense that was said about it at the time—and its worth to reconciliation and the Aboriginal people was questioned and even dismissed by some as nothing more than mere symbolism.

However, Mr Rudd reminded us why the apology was more than just a symbol. When someone wrongs another person and they realise the error that they participated in, they apologise. An insincere apology can be seen a mile away. Whenever an apology is conducted there is an inherent emotional business going on between the two parties, Mr Rudd told us. For the stolen generations and, indeed, wider Australia, this is exactly what happened on that day. In the last five years many members of the stolen generation have spoken about how the apology has put them in a better place.

Mr Rudd talked about how many foreign leaders and diplomats saw the apology as an important facet of Australia's reputation as being a good global citizen. It was clear that everyone gathered in the room last Wednesday was and is committed to making real life improvements in the quality of life for Aboriginal South Australians. Whilst the national apology marked an important milestone, the journey is not yet over, and events like this anniversary serve as a reminder for all of us in this endeavour.

STOLEN GENERATIONS

The Hon. T.A. FRANKS (15:07): I have a supplementary question. The minister will also be aware that the former prime minister added that unless these words are accompanied by deeds it will be remembered in history as no more than a clashing gong. When will we see the deed of stolen generations reparations introduced by the Weatherill government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:08): Confronting our past and acknowledging and dealing with shameful elements of our state's history are incredibly important. It is only through acknowledgement that there can be healing. I am grateful that South Australia has played a part in this process and that South Australia was one of the first jurisdictions to issue an apology to the stolen generations.

The honourable member inquires as to what we are doing to address the ongoing disadvantage faced by the families and communities who were deeply damaged by past policies of false removal. Let me answer by saying that we are doing a number of things, including attempting to right some of the wrongs of the past by amending the South Australian Constitution Act 1934 (which will be with us shortly) to include formal recognition of Aboriginal peoples. The planned amendments to the constitution are a real and powerful demonstration of the parliament's commitment to healing and reconciliation, and I look forward to members here speaking to the bill in the not-too-distant future.

This government also provides funding to the Nunkuwarrin Yunti of South Australia to provide for the operation of the South Australian Link-Up Program which seeks to assist Aboriginal people and families with reunification by way of tracing family members, assisting with reunions, provision of support groups and access to Bringing Them Home counselling.

With regard to whether financial compensation should be made available beyond the civil jurisdiction of the courts, I understand that the Aboriginal Lands Parliamentary Standing Committee has been considering a bill on the matter and I look forward to being briefed at a committee meeting in the near future on this issue.

COMPULSORY THIRD-PARTY INSURANCE

The Hon. D.G.E. HOOD (15:10): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport and Infrastructure a question about the proposals currently being considered to change the compulsory third-party insurance scheme for motor vehicles.

Leave granted.

The Hon. D.G.E. HOOD: The draft Motor Vehicle Accidents (Lifetime Support Scheme) Bill provides for a scheme of lifetime care for catastrophically injured motor vehicle victims. Payments will be administered by a new body corporate, the lifetime support authority, with a board of directors and staff.

There will also be an expert review panel and a dispute resolution procedure. My questions are somewhat detailed, and the minister may wish to take some of them on notice. My questions are: will the following classes of drivers be entitled to lifetime support under the scheme if they suffer catastrophic injuries in the following circumstances:

1. a driver who is not wearing a seatbelt and was driving at twice the legal speed limit;
2. a driver highly intoxicated by drugs or alcohol;
3. somebody who is committing an act of crime who crashes while evading police pursuit;
4. a driver who intended to commit suicide by crashing a vehicle into a tree;
5. a driver who intended to commit suicide by crashing into another car on the highway?

Of course, there are myriad examples that could be raised.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:11): I thank the honourable member for his questions. I will refer his questions to the Minister for Transport and Infrastructure in another place, and I am happy to bring back a response.

REDCYCLE PROGRAM

The Hon. J.M.A. LENSINK (15:11): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question on the subject of the REDcycle program.

Leave granted.

The Hon. J.M.A. LENSINK: For honourable members' benefit, the REDcycle soft plastics recycling program is run by a Victorian-based company, The Red Group, which originally started operating in Melbourne across 115 Coles supermarkets. The Red Group process material at its facility in Melbourne and forward it for manufacturing to another Victorian company known as Replas. In December last year, the program was brought to South Australia, with 42 Coles supermarkets participating. On 13 February, the minister announced that this government has pledged \$50,000 to this program. My questions are:

1. Can the minister advise how the \$50,000 is to be spent and whether it is to be directly provided to those two Victorian companies?
2. Did the minister consider whether any South Australian companies could have been utilised?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for her very important questions. Before answering, can I just say that I have long thought that the Hon. Ms Lensink was the youngest member of this chamber, and I was shocked to discover that the Hon. Ms Vincent holds that distinction. I believe that, in terms of youthful appearance, they could be twins!

An honourable member: If you have to say something, you have to say something nice.

The Hon. I.K. HUNTER: Well, that's right. What a privilege it must be for her to spend her birthday here with all of us in the chamber today.

The PRESIDENT: I can hardly wait for the supplementaries on this!

The Hon. J.M.A. Lensink: Be still my heart!

The Hon. I.K. HUNTER: Happy birthday! As the Hon. Ms Lensink said, South Australians can now recycle the soft plastics, which we have not been able to do before. It has been a bit of a nuisance for people who do like to recycle, as I know most of us do, because you are not supposed to put your soft plastics into the recycle bin; it upsets the recycling machines quite a deal.

I understand that now, through this program, which we announced last week, I think, the state government has been contributing to the scheme. It is a national scheme. It was trialled first, I believe, in Victoria, and it is a cooperative program between the commonwealth government and industry bodies. It started, of course, in Victoria first as the trial or the pilot of the program. That is why Replas has been given this consideration, and that is why it is part of the scheme.

REDCYCLE PROGRAM

The Hon. J.M.A. LENSINK (15:14): I have a supplementary question. Were South Australian companies considered?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): I cannot answer that because, as I said, it is a national program, in partnership between industry at a national level and the commonwealth government. Perhaps they considered many providers across the country, but they chose Replas.

REDCYCLE PROGRAM

The Hon. J.M.A. LENSINK (15:14): I have a further supplementary. Will the minister endeavour to find out?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): As a birthday present perhaps I should consider that, but I suggest that the honourable member do her own homework.

NATIONAL OAT BREEDING PROGRAM

The Hon. G.A. KANDELAARS (15:14): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about oats.

Leave granted.

The Hon. G.A. KANDELAARS: Developing varieties of grains with attributes that help them to thrive in our climate and adapt to our soils to provide better yields has been the work that plant breeders have toiled over since agriculture began in Australia. I can remember when ripe wheat was over half a metre high, but new varieties ripen without having to put so much energy into the stalk and are much shorter. Can the minister advise the chamber of recent developments in South Australia that are creating new oat varieties?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:15): I thank the honourable member for his most important question. It is true that oats are not just oats anymore, thanks to the efforts of the oats breeding team at the South Australian Research and Development Institute (SARDI).

Some of the targets of the National Oat Breeding Program, which I am proud to say that SARDI leads, are nutritional enhancements, including improved soluble fibre and antioxidant

content. These types of improvements are combined with better taste profiles in plants that also give higher yields of better quality grain, all of which means that industry is keen to take part in the breeding program.

The work, which is being led by SARDI plant breeder Dr Pamela Zwer, uses a range of techniques, including classical plant breeding, markers to identify the traits of interest in the young seedlings, and chemical and sensory evaluation to ensure that the oats meet millers' and consumers' needs. Developing new varieties of oats is undertaken in partnership with the Grains Research and Development Corporation, the South Australian Grain Industry Trust, the Rural Industries Research and Development Corporation, the Uncle Tobys company (owned by Nestlé and Cereal Partners Worldwide), AEXCO, SARDI, and the Department of Agriculture and Food WA. The broad scope that the partners bring to the project ensures that traits of interest, which are likely to find a market, have a much greater chance of being developed.

Oats are not just a necessary part of people's morning muesli in summer and their winter porridge, which many of us enjoy, but they also enhance your health and help keep you well. Oats are high in soluble fibre, which helps maintain a healthy weight and helps to reduce the incidence of diabetes, as well as keeping the heart healthy by lowering cholesterol. One specialist development has been oats which have a higher beta-glucan level and, importantly, it has been found that the higher level of this soluble fibre lowers cholesterol. Obviously, that is a very important health trait.

This innovation has resulted in SARDI oat varieties accounting for up to 85 per cent of the 160,000 tonnes of milling oats grown in south-east Australia. Another of the program's outstanding varieties, Mitika, now accounts for more than 80 per cent of the oats used by Uncle Tobys Australia, I am told, in very popular porridge and muesli bar snacks. This variety has high grain yield potential and improved disease resistance, as well as increased beta-glucan compared to other oat varieties.

The National Oat Breeding Program is not just people in white coats milling around a lab and boiling up things in test tubes: it maintains a strong focus on consumer and customer taste and quality enhancements, and returns for growers by way of improved yields and disease resistance. For example, I am informed Uncle Tobys uses mini mill to test new lines for milling quality and taste. This takes a lot of the unknown out of releasing varieties which might have superior qualities and also, I should say, deliver taste attributes which are, obviously, very important to consumers in the marketplace.

The improved hulling and milling qualities of varieties are also very important, you will be pleased to know, as health-enhancing attributes. If an oat does not hull and mill well, for example, if it is too gluey, then the oat will be less likely to be used by food processors. It is likely to slow down production and make production of goods more complex. Consequently, the SARDI team makes sure that their new oats perform at all levels in the chain. The improved hulling and milling qualities of the Mitika and Yallara have assisted in improved hulling yields and also efficiencies for the SA family-owned Blue Lake Milling, based in South Australia's South-East.

Blue Lake Milling last year made a multimillion dollar investment in a new hulling facility at Bordertown, giving it the capacity to increase output to 100,000 tonnes of raw oats a year.

An honourable member interjecting:

The Hon. G.E. GAGO: They are very good operators. Now employing 100 people at Bordertown and Dimboola in Victoria, the company supplies flaked oat products, flours and pre-mixes to both domestic and export markets.

The next generation of new oats include Wombat, the first dwarf milling variety with cereal cyst nematode resistance and tolerance, and Dunnart, with CCN and improved resistance to barley yellow dwarf virus. A third milling variety, Bannister, has been released in Western Australia and is due to be widely available in eastern Australia in a couple of years' time, and SARDI is celebrating 20 years of delivering high quality scientific solutions to primary industries.

MATTERS OF INTEREST

LEADER OF THE OPPOSITION

The Hon. K.J. MAHER (15:22): I rise to speak about the Liberal Party leadership, and I do so reluctantly, Mr President. It is not because I want to, but the Liberal Party so regularly changes their leaders that it cannot avoid being mentioned.

I am afraid the new Leader of the Opposition is quickly earning the reputation as the Basil Fawly of South Australian politics. His Basil Fawly tendencies became obvious a couple of months ago when he claimed that the government does not have a mental health strategy. Journalists at this press conference pointed out that there is a strategy on the health department website, and I will quote:

But it was overlooked by Mr Marshall, who was confused when questioned about it by journalists.

And the Basil Fawly of SA politics was forced into what was described as an embarrassing back-down. You can just hear Basil Fawly saying, 'They've got no plan, none at all, not a bit of a plan—oh, actually, it looks like they might have a plan, a bit of a plan. Actually, it's a complete plan. It's published right here on this website. It appears I was wrong—rather completely and utterly and spectacularly wrong.' Then literally, on the eve of him becoming opposition leader, there appears a profile piece in the *Sunday Mail*. And Basil thinks it would be a good idea to do his interview on his racing yacht. The article says the Leader of the Opposition, and I quote:

...time and again asks whether or not he needs to be worried about how he will be portrayed in this interview.

So the Basil Fawly of SA politics was wondering whether a profile piece that includes his yacht as a central element will endear him to the South Australian public—most of whom manage to get by each day without their own racing yacht. Well, maybe he should have listened to his advisers who, as revealed in the profile piece, warned against using the yacht. Basil: 'Ah, yes, the yacht—I thought maybe the everyday punter might be grateful for the opportunity to see such a fine specimen of a racing vessel.' It is not just his advisers who thought it was a bad idea. Some Liberals have privately commented that it showed all the political acumen of the member for Finniss' Twitter account.

Next, soon after he was elected leader, the Basil Fawly of SA politics congratulated himself on Twitter by retweeting a tweet from Mike Rann. The only problem was, it was not from Mike Rann. It was from a fake Mike Rann. But it did not occur to our Basil that a tweet from an ex-Labor premier saying how capable Basil is, and also denigrating both a Labor minister and an important local industry, might happen to be fake. Others in the twittersphere had to point out to Basil that he had been congratulating himself with fake congratulations.

But where would Basil be without his supporting cast? Sybil Fawly? It has to be his deputy, his deputy in the lower house, the member for Bragg. It would certainly explain a few things: 'Basil, Basil, let's oppose small bars, Basil.' Basil: 'But dear Sybil, I'm not sure that would look very good.' Sybil: 'Basil, I'm already on the record in *Hansard* opposing small bars and while we're at it, let's oppose any development or progress.' While the possible intimate conversations of the Liberal leadership team do not bear thinking about, such conversations would certainly explain the Liberal Party's position on a lot of things, particularly its backflip recently on small bars.

On to the Major: clearly Alexander Downer, an old, befuddled ex-soldier who keeps wanting to refight the war, the war going on inside the Liberal Party, the decades-old war, the Chapman and Evans war—'Ah, yes, Fawly, don't mention the war. I mentioned it once, but I think I got away with it. I told them on the wireless that I have no current plans to be the leader of the Liberal Party at this stage. Tricked 'em good and proper, Fawly. Anyway, none of the chaps at the Adelaide Club listen to the wireless. Nothing to worry about, Fawly. Yes, yes, muskets at dawn, Fawly.'

Then there is poor, hapless Manuel, the member for Morialta, perhaps best known to many of us in the Labor Party for his enthusiasm in setting up and taking down polling booths—'Manuel, I'm sacking you from the shadow ministry.' Manuel: 'Que, Mr Fawly?' 'You're sacked, no more portfolio. Understand?' 'Ah, si, Mr Fawly. How about whip then?' 'Oh, for God's sake, Manuel, you can be whip. Now, get out of your office.'

I will conclude by saying that our state cannot afford this cast of characters, least of all can South Australia afford this Basil Fawly, a man so lacking in judgement that he thinks he can just cruise and sail into office, bumble about the place retweeting fake tweets, ignoring departmental plans and behaving as if he can run South Australia as some sort of second-rate English seaside hotel.

LABOR PARTY

The Hon. R.I. LUCAS (15:26): With one year to go to the election, what we are seeing is Premier Weatherill assembling his very own dirty tricks unit here at Parliament House. We all

remember that in March 2010, at the last election, we saw one of the most disgraceful dirty tricks in recent South Australian political history. We saw the dodgy how-to-vote cards in marginal seats like Mawson, with dodgy T-shirts saying 'put your family first' with Family First colours on them as well.

We note that all the key players in that dodgy practice—in Mawson and other marginal seats—have recently received promotions. We see that Mr Michael Brown, who had an inglorious period as chief executive of Griffins Lawyers, has just recently been appointed as ministerial adviser for police and road safety in minister O'Brien's office on over \$100,000 a year. Mr Brown, of course, was the Labor identity, or state secretary, who defended the practice and denied that it was misleading: 'Not at all. I take full responsibility. I authorised it and I was aware of it.' He described it as being part of normal campaigning. At one stage he indicated a willingness to continue the practice.

Then, of course, we saw the Hon. Mr Maher promoted to this place. In his very first interview in the *Sunday Mail* he came across as proud of his involvement in the dodgy documents, or the dodgy how-to vote—

The Hon. K.J. Maher: Dodgy documents?

The Hon. R.I. LUCAS: Well, maybe dodgy documents as well. We will talk about that. The dodgy how-to-vote cards. Mr Maher boasted to political reporter Daniel Wills, and Mr Wills reported, 'Mr Maher also has been at the hard edge of political campaigning and was part of the head office leadership team which produced the dodgy how-to-vote cards used at the 2010 state election.' He was so proud of his involvement that clearly he was happy to discuss it with Daniel Wills, the political reporter doing his profile piece as he was being promoted to this council.

Today we saw him together with minister Hunter—a double act—attempts to shut down the Hon. Kelly Vincent during question time and, in the minister's case, attempting to bully, belittle and patronise the Hon. Kelly Vincent. Finally, of course, we see the member for Mawson, Mr Bignell, being promoted in recent times to the Weatherill ministry.

So, there is no doubting that the three key movers and shakers in the dodgy how-to-vote practice in Mawson—Mr Brown, Mr Maher and Mr Bignell—have all now been promoted and we now have them all reunited as part of Premier Weatherill's 'dirty tricks unit', which has now been assembled here in parliament. What we are going to see is a continuation of the dirty tricks that those three gentlemen have been involved with, and they quite proudly boast of their involvement in dodgy how-to-vote cards. They not only commit these offences, they are injudicious enough and indiscreet enough to boast about them to journalists and others about their involvement. They do not even have the good grace to let it go through to the keeper. They like to boast about it. Of course, the member's partner had other appointments under this government as well, but we will discuss that at another time.

We are going to see a continuation of these dirty tricks by this 'dirty tricks unit' and others. We will also see, I believe, a nasty personal abusive campaign from these particular people as they attack—and we have seen it already with ministers, and now the Hon. Mr Maher, trying to describe the new Leader of the Opposition firstly as Mark Latham and now Basil Fawley. I think they will have to make up their mind firstly on their strategy as to whom they are going to try to characterise the new opposition leader as; they are struggling a bit, I think, to get anything to stick.

This is the sort of personal attack and abuse we are going to see, not only on the leader but Liberal MPs and candidates because they are very concerned about what is going to happen in March 2014.

The PRESIDENT: A member taking a point of order is not an act of bullying.

DRUGS IN SPORT

The Hon. R.P. WORTLEY (15:32): I rise today to address the matter of doping in sports. We are all aware of the recent media coverage of the Australian Crime Commission's report in organised crime and performance enhancing drugs in sport. Before I embark on a discussion of the report and the consequences of its release, I would like to offer a bit of historical context.

Members may not know that the use of drugs to enhance sporting performance is far from a new phenomenon; in fact, it is almost as old as time. According to *National Geographic*, even the athletes at the first Olympic Games, which started more than 700 years BC, used lizards which when eaten in a certain way resulted in magical physical improvement. The consumption of raw

animal testicles was also favoured. Meanwhile, in Rome, ashes mixed with water were believed to protect gladiators against cramping and bruises.

Moving well ahead but still as long ago as 1896, when the first modern Olympic Games were held, morphine, heroin and cocaine were used to mask pain and increase performance. My research indicates that the winner of the 1904 Olympic marathon was injected with strychnine to improve performance. During the Berlin Olympics nitroglycerine was apparently used to dilate athletes' coronary arteries. At the 1956 World Championships in Vienna the Soviet weightlifting team was observed being injected with testosterone. According to journal *International Sports Studies*, their American counterparts also experimented with testosterone but then moved on to the next new thing of anabolic steroids. I gather that the Tokyo Olympics were described in some quarters as the 'Steroid Olympics'.

At the 1988 games in Seoul, Ben Johnson broke the world record but later tested positive to steroids and relinquished his gold medal to Carl Lewis. Closer in time and location, American track and field star Marion Jones won five gold medals at the Sydney Olympics in 2000. She lost her medals in 2007 after admitting lying about her steroid use. These are but a few examples. Fast forward and Lance Armstrong has been stripped of his seven Tour de France titles. The United States Anti-Doping Agency reported that he was involved in 'the most sophisticated, professionalised and successful doping program that sport has ever seen'. Lately *The Sydney Morning Herald* has disclosed the use of blood spinning and bovine colostrum injections in unnamed sports in Australia and even the injection of calf blood into rugby league players.

The ACC's report revealed allegations to do with organised performance-enhancing drug use across all professional sports. According to the extensive coverage of the report, it would appear that those who supply such substances have come a long way from strychnine and nitroglycerine. With high financial stakes for clubs, golden rewards for successful individuals, teams and managements in terms of salaries and endorsements, and the explosion of avenues for sports betting, there has been a worldwide increase in the use of drugs, such as peptides, hormones and other substances to push human performance right off the spectrum of 'normal' ability, not to mention that of extraordinarily fit, elite athletes.

What precipitated the report under discussion was the fact that the ACC, through customs, was alerted to a huge increase in such drugs intercepted at our borders. Where there are drugs, it is undoubtedly the case that there is organised crime and the ACC reported that crime figures have forged business partnerships with major codes. Some drugs allegedly in use have not even been approved for humans—some are apparently undetectable—and the ACC says that there is clear evidence that players are being used as experimental subjects. It found that in some cases peptides and other substances were being administered to players without their understanding the nature of the substance.

On 9 February *The Sydney Morning Herald* disclosed that it had been informed that a number of individuals from NRL and AFL clubs, and up to 90 individuals across all sports, were under scrutiny. If this information is correct, it represents an appalling state of affairs. I pause for a moment to consider the immediate fallout of these reports. While further investigations continue, ominous clouds have gathered across all the sports we know and love.

The integrity of many sports has come into question. The release of the report in its present form clearly has damaged the reputation of our sporting bodies as a whole. It is argued that only a small minority of athletes and organisations across the codes actively are using these, and it is extremely disappointing (as my colleague the Minister for Sport lately pointed out) that the reputations of all have been tarnished. While justice must be done it must also be seen to be done—and this maxim applies equally to those who are innocent of cheating.

Time expired.

LUNAR NEW YEAR

The Hon. J.S. LEE (15:37): I am delighted to rise today to speak about Lunar New Year celebrations in Adelaide. Lunar New Year is the longest and most important festival amongst Chinese and Vietnamese families and communities. Vietnamese New Year, more commonly known as the Tết Festival, is celebrated on the same day as Chinese New Year. We are incredibly fortunate to be living in a multicultural society in South Australia where we share and embrace different cultures and traditions. Thanks to the many vibrant Chinese, Vietnamese and other Asian communities across South Australia we continue to enjoy many wonderful Lunar New Year events over 15 days around this time.

I pay tribute to the number of Chinese and Vietnamese community organisations for keeping the Lunar New Year cultures and traditions alive to enrich the wonderful diversity of our state. Being a member of parliament with a proud Chinese heritage, as well as being the shadow parliamentary secretary for multicultural affairs, it is a great honour for me to attend many functions and personally convey my warmest Lunar New Year best wishes to members of our South Australian community.

While the first day of the Year of the Snake starts on 10 February 2013, the Vietnamese community of South Australia commenced the Lunar New Year celebration early this year on 2 February. Two events were held on the same night, hosted by the Vietnamese Farmers Association of South Australia and Vietnamese Community in Australia (SA Chapter). The Hon. David Ridgway and I attended the Vietnamese Farmers Association dinner, while the Leader of the Opposition, Steven Marshall, and the member for Adelaide, Rachel Sanderson, attended the Têt festival at Regency Park.

On 9 February the South Australian Zhu-Lin Buddhist Association hosted a wonderful New Year's Eve function at the Zhu-Lin Temple, with fireworks starting at midnight to farewell the Year of the Dragon and welcome the Year of the Snake. On 11 February the Hong Kong Australia Business Association organised a Chinese New Year cocktail function, and on 12 February two very important functions were organised by the Chinese Welfare Services of South Australia and the Overseas Chinese Association. On 15 February, the South Australian Wine Group and Ming's Palace restaurant hosted an Aussie Chinese New Year celebration, an outdoor event in the Barossa Valley, so it is spreading from Adelaide to the regions as well.

On 16 February, the Chinatown Adelaide 2013 Street Party was one of the biggest ever, because this time they had the Moonta Street Chinese New Year party during the day and it spread to Gouger Street as well at night-time, so there were thousands of people, with lots of entertainment throughout the day and night. On Sunday the Teo Chew Association of South Australia and the Hong Kong Grocery Centre hosted their dinner on the same night.

As you can see, it is quite a marathon of festivities and events. I have attended eight Lunar New Year functions so far and will be attending another five over the next week or so. Tonight I will attend the China Business Network of South Australia Chinese New Year cocktail party. ANZ will host their Chinese New Year tomorrow night, and on Saturday the Australian Chinese Medical Association and the Malaysia Club of South Australia will host their Chinese New Year dinners. On Sunday the South Australian Asian Golf Association will host theirs. On 28 February there will be probably the last function of the Chinese New Year, which is a Cultures of China, Festival of Spring performance brought from China. That will be held at the Adelaide Entertainment Centre.

As we welcome the Year of the Snake, I am very pleased to learn that people born in the year of the snake are intelligent and wise. Ancient Chinese wisdom says a snake in the house is a good omen because it means that your family will not starve. Snakes are usually great mediators and good at doing business. According to fortune tellers, the Year of the Snake will be full of surprises and new opportunities as a snake moves rapidly in all directions. If you are a person who is flexible and adaptable, then you will do well in the Year of the Snake.

Out of all the signs it is the only animal that sheds its skin, so it is expected to be a year for new beginnings and transformation. I believe this is already well demonstrated by the excellent effective line-up of the new shadow cabinet by the Leader of the Opposition, Mr Steven Marshall in the other place. On this very positive note, I wish everyone a happy and prosperous New Year—Xin Nian Kwai Ler, Gong Hey Fatt Choy, chúc mừng năm mới.

AUSTRALIAN DIETARY GUIDELINES

The Hon. M. PARNELL (15:42): This week a document that goes to the heart of when Australians live or die was released by the National Health and Medical Research Council in Canberra. Bearing the modest title, 'Australian Dietary Guidelines', this document is a wake-up call to all Australians. It should be compulsory reading for all health professionals, but more importantly it should be compulsory reading for all the bean counters working away in Treasury and all the ministers whose job it is to make smart choices about allocating scarce public money. I say that it is life or death because if we get it wrong more people will die sooner and more people will suffer poor health and all of us will pay a whole lot more as a consequence.

It is 10 years since these guidelines were last updated and the picture is pretty bleak. Consider these facts: 60 per cent of Australian adults and 25 per cent of our children are now overweight or obese. Diet-related chronic diseases such as heart disease, stroke, type 2 diabetes

and some forms of cancer are currently the major causes of premature death and disability among adults in Australia. More than one-third of all premature deaths in Australia are the result of chronic disease that could have been prevented. Many of these are mediated by overweight and obesity, and if current trends continue in Australia it is estimated that, by 2025, 83 per cent of men and 75 per cent of women aged over 20 will be overweight or obese.

Among the conclusions reached in these guidelines is this obvious one: to reduce the burden and premature loss of life from diet-related disease in Australia it will be necessary to improve current food and nutrition intakes. So where do we start? Of course it makes sense to start with our children, but we do not have to give up on the adults either, because both are critical. There are two programs that I want to mention. One is the Community Foodies program, which is aimed at adults and focuses on supporting local communities through hands on activities such as cooking classes and demonstrations, menu planning, supermarket tours, label reading and even food gardening. It is incredibly cost effective and it uses volunteers for program delivery.

The other program is the Start Right Eat Right program which is aimed at childcare centres. This is starting right at the start, helping our very youngest children and their carers in childcare centres with good modelling, parental education, good food and good eating behaviours that are the building blocks of a healthy future that will give our kids the best possible start in life.

What do these two programs have in common? The answer is that they are both on the chopping block; both are in the firing line for cuts under the McCann review. This means that both are likely to be extinguished in one of the most short-sighted and irresponsible plans ever put forward by a government for serious consideration. Just think about it. We know this: obesity will cause future health costs to spiral. We know that prevention is better than cure. We know that community-based programs can be highly effective, and we know that we need to start with the very young, which is why childcare centres are absolutely critical.

I am amazed, concerned and disappointed that this government proposes to deal with a blowout in the cost of dealing with illness and disease in our community by destroying the very programs designed to stop illness and disease in the first place. It is just plain madness and it does not make sense. It does not make sense to slash programs that provide good nutrition and promote healthy eating. These savings are only a drop in the bucket but the loss of the programs will send ripples across the whole community. It is nothing short of a shift of health costs from this generation to our children, and that is unconscionable and immoral.

I want to finish by referring to two of the contributions that were made to the Facebook page 'Save Start Right Eat Right'. That page has over 500 supporters so far and is growing fast. The first contribution is from Sophie Disley who states:

I am writing to express my extreme concern and disappointment regarding the announcement to cut the Start Right Eat Right program in South Australia and to plead with you to reconsider this decision.

As a parent of two young children, I am personally very interested in the Start Right Eat Right program and being aware of the program and the credential system played a strong role in my choice of child care providers.

I will briefly refer to one other contribution from Kelly Bennett who stated:

In my opinion as an educator, if programs such as Start Right Eat Right are cut then we will be losing significant support in an area that is CRITICAL to children's wellbeing. So much is said about health being important to promote strong bodies and minds focused for learning, yet the government will take away this valuable knowledge and education from children, parents and carers. Many people need to be educated about health in order to live successfully...

I would commend all members to look at the website to save the Start Right Eat Right Program.

Time expired.

SOUTHERN HEMISPHERE SUMMER SPACE PROGRAM

The Hon. CARMEL ZOLLO (15:47): Members may remember that last month the University of South Australia hosted the Southern Hemisphere Summer Space Program in collaboration with the International Space University. I understand that the Southern Hemisphere Summer Space Program this year involved some 40 high-level students from across the globe completing an intensive five-week space program. The students received presentations from 35 lecturers, including some from UniSA's Institute of Telecommunications Research.

Along with South Australia's Andy Thomas and Soyeon Yi of South Korea, Italian Paolo Nespoli travelled to South Australia to participate in the program. The three astronauts who joined

the lecturers provided participants with an extra opportunity to be inspired and hear firsthand space experiences.

The work that UniSA undertakes to attract students to the Southern Hemisphere Summer Space Program is to be commended. I understand that this is the third year that this annual event has been run. Mr Michael Davis, the co-director of the program, is on record as saying that the majority of students from previous years are now engaged in space-related activities, with many of those students pursuing those careers as a result of the start they received at the University of South Australia. Mr Davis proudly went on to say that there are also a number in senior positions in the military and space programs across the world.

A whole week was scheduled for the International Astronaut Event which included a free forum hosted and organised by the Italo-Australian community at the Italian Centre for everyone who might be interested. The Italo-Australian community was naturally proud to be hosting one of its own and took the opportunity to introduce astronaut Paolo Nespoli to as many people as possible through community functions and visits as well as media outlets. Mr Nespoli's visit was made possible with the support of a group of Italo-Australians. I pay tribute to the four gentlemen: the effervescent Tony Simeone, Phillip Donato, Aggie Simeone and Christian Verdicchio.

I was pleased to join you, Mr President, in welcoming Mr Paolo Nespoli to our parliament. We spent some time showing him our parliament and naturally discussing politics but also talking about his experiences as an astronaut and the importance of space exploration. I should also thank Mr Chris Schwarz, our Black Rod and Deputy Clerk, who happened to be in the chamber that day, for sharing some important state parliamentary knowledge with the group as well. I know our visitors were very pleased to have met him.

As you heard during his visit, Mr President, Mr Nespoli's background is an interesting one. Following a successful career in the Italian military forces, he wanted to follow his passion to be an astronaut, so he launched himself into studying aerospace engineering, aeronautics and astronautics in the United States.

His online career details note that, in July 1998, he was selected as an astronaut for the Italian Space Agency (ASI) and, in August 1998, he was assigned by the European Space Agency to train at NASA's Johnson Space Centre in Houston, Texas. Two space missions followed. First, he travelled into space aboard the space shuttle *Discovery* as a mission specialist of STS-120 and then, in December 2010, he again travelled into space aboard the Soyuz TMA-20 spacecraft as an expedition 26/27 flight engineer. Mr Nespoli's contributions to the international space program range from flight engineer and intensive experiment and research programs to educational activities for children and as a respected photographer.

I am told that those who had the opportunity to hear Mr Nespoli's addresses in Adelaide were left in no doubt that it is possible with hard work to have a dream and to see and to be part of the 'final frontier'. Mr Nespoli's presence at the Southern Hemisphere Summer Space Program was an inspiration not just to those interested in the exciting field of spaceflight but to all those who came into contact with him. It was a great pleasure to have had the opportunity to have met Paolo Nespoli, and I thank you, Mr President, for welcoming him to our parliament. I particularly acknowledge Tony Simeone for taking the opportunity of promoting astronaut Paolo Nespoli's visit to South Australia.

MURRAYLANDS CHRISTIAN COLLEGE

The Hon. R.L. BROKENSHIRE (15:52): I rise today to put on the record my pride about and to offer my congratulations to the Murraylands Christian College at Strathalbyn, a college I have watched with interest develop over a period of years now. I was fortunate enough to be invited to the 2012 secondary presentation night and year 12 graduation.

Any member of parliament who was to visit this college would see how fantastic the college is when it comes to the ethos of the college generally, the curriculum development and also the magnificent attitude of the young people attending that school. To a large part, credit needs to be given to the parents of the young people for choosing the school but also to the principal, Mr Ken Allen, a very dedicated and focused educator, and the deputy principal, Mr Bruce Hicks, also a very dedicated and strong educator.

I want to pay tribute to Pastor Lew McMaster and Pastor Heather McMaster, who also have had an overseer's role with the college and in Christian education throughout this state. They do a

wonderful job. The school council is very committed, and the quality of the teachers and their dedication to the college is to be commended.

What I also found interesting was just how broad-ranging the education opportunities are at the Murraylands Christian College at Strathalbyn, which was highlighted by the awards presented that night. Presented that night were awards for volunteering and diligence, as well as the Tabor Christian Character Award and the Mayo Leadership Award, which I think is donated each year by the federal member, Jamie Briggs. Then, of course, there is David Dridan, someone who I know well from the art world, who encourages the development of arts there as a local resident. Also presented were the Faculty Award, the ADF Long Tan Leadership Award, which I had the privilege of presenting, and then the Caltex All Rounder Award, all of which were awarded to very able and committed young people at that college.

It was also interesting to note the care of the infrastructure at the college and some of the very new buildings, including the quality gymnasium in which we had the presentation evening. It integrates well with the church and other infrastructure that the church has on the adjoining campus, and I know a lot of integrated work is being done there between the students and the church community.

I want to finish by saying that, in a town like Strathalbyn, which is a vibrant and growing town, it is nice to see a choice between public and private. These students come not only from Strathalbyn but also from a large range of towns and districts surrounding Strathalbyn, including my own hometown of Mount Compass. I know, from the successes of some of the students I have seen who have graduated through Murraylands Christian College and looking at the quality and commitment of the students currently there, that the future augurs well for South Australia when you see the all-round education these students are receiving at the school. I am pleased to commend the college to the council.

CRIMINAL LAW CONSOLIDATION (OFFENCES AGAINST UNBORN CHILD) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (15:56): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. R.L. BROKENSHIRE (15:56): I move:

That this bill be now read a second time.

The Criminal Law Consolidation (Offences Against Unborn Child) Amendment Bill is a very important bill, for which I would appreciate support from my colleagues in this council. It is not about politics: it is about addressing what I think is a weakness in the current laws in this state compared with a state like Queensland.

For the length of my 18 years in parliament tragic events have been brought to members of parliament's attention where, due to a criminal act, a family loses the life of a mother carrying an unborn child as well as that unborn child, or only the unborn child. The grief of these families and victims of crime is profound, and it is only compounded by the fact that our criminal law does not recognise that the criminal act has taken the life of an unborn child.

One of the fundamental problems with the law as it stands is the requirement that it must be proven that the accused intended to cause the death of the unborn child. It is one of the toughest criminal threshold tests in the nation. The legal responses to this situation around the nation are mixed and, in general, fall short of community expectations. Queensland has section 313 of its criminal code whilst the Western Australian criminal code has a similar provision, section 290, and a stated intent from its former attorney-general to expand the state's law further than what the Queensland law provides, criminalising driving offences that take the life of a child.

However at this time, in February 2013, the Barnett Liberal government in Western Australia had not yet tabled that reform. At this point that also appears to be a broken promise, with an election imminent in Western Australia next month; however, it is the stated intent of its government. Other states would require a sentencing judge to impose a heavier sentence on an accused for murder, manslaughter or other criminal offence due to the fact that the mother was pregnant. It is a fact that many United States jurisdictions have laws recognising this situation, but I have not drawn directly from them for this bill.

Family First reform is modelled on the Queensland law, but expanding it to capture the stated intent of the Western Australian government. I will conclude on this point, and in a gesture of

time management for the council, I will shortly circulate a more detailed paper outlining the legal situation and how this bill will address that situation and I hope and trust honourable members can address that in their second reading contributions.

Debate adjourned on motion of Hon. K.J. Maher.

NATURAL RESOURCES COMMITTEE: FOXES

The Hon. R.P. WORTLEY (16:00): I move:

That the 77th report of the committee, on foxes, be noted.

The committee's interest in foxes was instigated by committee member and member for Stuart, Mr Dan van Holst Pellekaan MP, in response to complaints from constituents (including a number of sheep farmers) about increasing fox problems in the Mid North and north of the state. Sheep are, of course, particularly vulnerable to fox attack.

Mr van Holst Pellekaan brought to the committee some dramatic photos sent to him by a professional shooter, Mr Casey McCallum, and taken on Glendambo Station in the electorate of Stuart. Many of you would have no doubt seen these pictures after they were widely published on the internet. These photographs show large numbers of foxes feasting on kangaroo entrails during a night-time shoot and a separate photo shows more than 50 dead foxes hanging from and laid out in front of Mr McCallum's Toyota ute after a short period where Mr McCallum turned his attention to shooting some of the foxes that were interfering with his commercial kangaroo activities.

These photos of Mr McCallum's dramatically illustrate the scale of the problems presently faced by graziers in the Mid and Far North of South Australia. As well as foxes, increasingly, dingoes and wild dogs are infiltrating south of the dog fence and preying on sheep. Interestingly, foxes are not presently found in large numbers north of the dog fence where dingoes and wild dogs dominate.

Mrs Robyn Geraghty MP (member for Torrens and a Natural Resources Committee member) also brought the issue of foxes to the committee on behalf of her constituents, emphasising the increasing impact of foxes in urban areas. Foxes are commonly seen in metropolitan Adelaide, for example, at the Torrens Linear Park, both in daylight hours and at night. The committee also took evidence from Ms Vickie Chapman MP (member for Bragg). The member for Bragg was seeking to address an apparent explosion in the fox population in her Adelaide Hills electorate.

The committee also heard from officers of Biosecurity SA and the Adelaide and Mount Lofty Ranges Natural Resources Management Board (Department of Environment, Water and Natural Resources) both of which maintain an interest in the issue. To ensure a thorough understanding of the problems, the committee also undertook a literature review on fox management.

Despite this report not being the result of an official inquiry, the committee has made five recommendations based on the evidence received. Firstly, members are convinced that the problem of foxes needs to be dealt with at a national scale given that foxes do not respect state or regional boundaries. Baiting and shooting alone are not enough to eliminate foxes and more comprehensive controls are needed. The committee has recommended more research and development into measures for controlling foxes. It may be that some sort of biological control is needed.

Secondly, the committee would like to see some consideration given to the use of fox bounties for landholders to complement programs already in use, with the proviso that such a policy does not encourage trespass or shooting without permission. Thirdly, the committee recommended amendments to current baiting arrangements allowing baiting closer to homes in non-metropolitan areas with neighbours' agreement. The committee heard that current guidelines can make it difficult for smaller landholders to bait effectively.

Fourthly, the committee has recommended a trial baiting program for foxes in urban areas similar to programs trialled in Sydney. Fifthly, members considered that there was a strong argument for the parliament to establish a joint select committee to further investigate foxes. In addition, the committee considered that this select committee could also look at feral cats and wild dogs (including dingoes) which also present similar problems for natural resource managers working in urban and non-urban environments.

I wish to thank all those who gave their time to assist the committee with this report. The committee heard evidence from seven witnesses and extends its thanks to them for their appearances. I also commend the members of the committee: the Presiding Member, Hon. Steph Key MP, Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP and former committee member, the Hon. Gerry Kandelaars MLC, for their contribution. All members of the committee have worked cooperatively throughout the course of the inquiry. I would also like to thank members of the parliamentary staff for their assistance. I commend the report to the council.

The Hon. J.S.L. DAWKINS (16:05): I rise to support the motion moved by the Hon. Mr Wortley, who has recently returned to the committee. He has, of course, replaced you, Mr Acting President, on that committee. I am sure that when the Hon. Mr Wortley goes with us to Coober Pedy again, I will not have to keep him out of a mineshaft.

As the Hon. Mr Wortley indicated in his speech, this reference—not an official one but certainly a solid area of inquiry for the committee—was initiated by the member for Stuart, Mr Dan van Holst Pellekaan. He brought the particular problem with foxes in the north of the state to the attention of a number of members of parliament, not just to members on our committee. Of course, as the Hon. Mr Wortley has pointed out, both the member for Torrens (Mrs Geraghty) and the member for Bragg (Ms Chapman) have indicated their concern about the number of foxes in what we call peri-urban areas—on the fringe of the metropolitan area—and also in the linear park coming well into the metropolitan zone. In recent times I have heard that some residents well in the suburban areas have complained about losing their laying hens to foxes.

I have a bit of history in this area. In the previous government, I was a member of the Statutory Authorities Review Committee, which inquired into animal and plant control boards and soil boards. It was our strong recommendation that those boards be amalgamated. Of course, subsequently, after the change of government, the Rann government went further and created catchment boards and also now the NRM boards which, of course, have water and many other aspects within their gambit.

Unfortunately, one of the things we have seen over that period of time is that the concentration on foxes, rabbits and weed control has perhaps not had the focus that it did in earlier days. In many cases, the old animal and plant control boards were quite vigilant about foxes. This is something that concerns me. As the Hon. Mr Wortley pointed out, there are a number of recommendations, which I will not repeat here, but I thank him for pointing them out. I will, however, mention the recommendation from the committee that a joint select committee be established to look at not only fox control, but also the problem of keeping feral cats and wild dogs under control.

Last year I was on Kangaroo Island with the members for Finniss and Hammond, looking at the free-range egg industry there. While the people running those facilities were proud to say they could do certain things we cannot do on the mainland because there are no foxes, they also have an issue with very large feral cats. So, that is something I would support.

My great friend and colleague the Hon. Mr Lucas probably will not be that keen on the suggestion of a joint select committee because I do not think he is a great fan of joint committees in any sense. However, it was a suggestion of the committee that, rather than having a select committee of the Legislative Council as we have many of them running already (even the House of Assembly has, for them, rather large numbers of select committees at the moment), it was suggested that it be a joint select committee to examine these matters. With those words, I support the motion.

Motion carried.

REGIONAL TELEVISION SERVICES

The Hon. K.J. MAHER (16:11): I move:

That this council—

1. Condemns the decision of WIN Television Network to axe its local regional news services in the Riverland and South-East.
2. Condemns—

- (a) the removal of a vital source of information and engagement from these local communities;
- (b) the failure to consult with the local communities to ensure that regional television meets community expectations and obligations; and
- (c) the manner in which staff was informed of their dismissal and the now reduced opportunity for the development of journalists and news reporting in regional South Australia.

This motion concerns regional television news services. The WIN Television Network this week informed staff that they were axing the local news service in the Riverland and the South-East. I have had many conversations this week with people from Mount Gambier particularly who are very concerned with this development.

Many people learn about events or decisions that will directly impact their lives from local media. Local media helps to inform people, helps people to better understand each other's lives and the challenges that are jointly facing communities. Local media engages with the community. It is not just about people receiving information; it is a two-way engagement. People have an opportunity to inform the media and each other. Particularly for me, a very important part of local regional media was the footy scores where it was easy to have a look at how much North Gambier beat the Victorian teams by on the weekend.

Many regional areas—Mount Gambier, in particular—are well served by other local media. ABC, commercial and community radio, and local papers all provide important information but the different media often have different roles. The type of stories and information provided by radio, television and newspapers is different and all are important. Regional media outlets are not in competition but cover different stories from different angles and in different ways. Local content on a television station in a regional area is desirable. It is not just news either. I can remember myself, not in the too distant past, when Mount Gambier's Channel 8 had its own morning cartoon show, its own version of community interest and current affairs on *Women's World* and local sporting broadcasts.

I think the importance of this sort of local content is not just nostalgic yearning for the way things used to be. These sorts of programs featured local presenters, local sponsors by local businesses and were part of the shared experience of many people. It helps to build and bind communities.

Another element of this motion deals with the way in which this decision was made, particularly how staff were informed. Politics can be a tough line of work but media can be brutal. For staff to turn up to work on a Monday, some after filming stories over the weekend, and be told their jobs are immediately gone and that there will be no more news and no chance to farewell an audience seems unnecessarily harsh and not a fair way to treat people. I commend this motion to the chamber. I will give members proper notice but I will be keen for this motion to be finalised as soon as possible to send a strong message of support from this parliament.

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

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: VOCATIONAL REHABILITATION AND RETURN TO WORK PRACTICES

The Hon. G.A. KANDELAARS (16:15): I move:

That the 13th report of the committee, on its inquiry into Vocational Rehabilitation and Return to Work Practices for Injured Workers in South Australia, be noted.

One of the functions of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation is to keep the administration and operation of legislation affecting occupational rehabilitation and compensation under constant review. On 16 July 2010, on its own motion, the committee resolved to conduct an inquiry into vocational rehabilitation and return-to-work practices for injured workers under the Workers Rehabilitation and Compensation Act 1986.

The committee established the terms of reference, which are outlined in the report. While I will not detail them all here today, the committee was interested in understanding the impact of the 2008 amendments to the Workers Rehabilitation and Compensation Act 1986, which were intended to increase return-to-work rates, reduce levy rates and reduce WorkCover's unfunded liability.

The committee also used the inquiry as an opportunity to explore concerns expressed by a number of stakeholders that South Australia's Workers Rehabilitation and Compensation Scheme is not operating as effectively as it should be. The committee received 23 written submissions from stakeholders involved in the Workers Rehabilitation and Compensation Scheme and return to work. All but two gave oral evidence, and some also provided supplementary submissions in response to questions from the committee.

Stakeholders were generally positive about the refocus on rehabilitation through the appointment of workplace-based return-to-work coordinators. One of the stakeholders expressed the view that this approach had the potential to bring about a positive workplace culture and assist in achieving a sustainable return to work.

A number of issues were raised by stakeholders and considered by the committee including: the manner of referral of injured workers to appropriate rehabilitation providers; whether or not claims were managed in a timely or appropriate manner; and the operation of particular incentives to assist in rehabilitation of injured workers. The committee also considered the current statistics, which measure return-to-work rates on the appropriateness of methods and definitions used.

It may be of interest to members to learn that there is no accepted or agreed definition for 'return to work' in Australia. However, two main surveys provide the most comprehensive return-to-work analysis, and these are the Australian and New Zealand Return to Work Monitor, prepared by Campbell Research and Consulting (known as the Campbell Report), and McGregor Tan research. The Campbell Report is commissioned annually by the heads of the workers compensation authorities, while the McGregor Tan report is commissioned by WorkCover South Australia.

Because there is no agreed definition of 'return to work', there are differences in which these research organisations monitor and measure return-to-work data, which made the committee's job of assessing the return-to-work rate and comparison with national targets difficult. The committee preferred the Campbell Report as it allowed the best available comparative analysis across Australian jurisdictions.

According to the Campbell Report, South Australia's return-to-work rate is below the national average on two return-to-work measures. The first measure is the proportion of workers who return to work some time between their claim and the time of review. The second is the 'durable return to work', which is those workers who remained at work seven to nine months post injury. It is important to return injured workers to meaningful employment as quickly as possible following a work injury in order to reduce the human and financial cost of injury and to reduce WorkCover's unfunded liability. The longer a worker is off, the greater the impact on the individual and his or her family and the greater the cost to business and the impact on WorkCover's unfunded liability, which is currently the highest in the nation.

WorkCover SA has reported that the unfunded liability was \$1.389 billion as of June 2012, which was an increase of \$437 million from the previous year. Several stakeholders expressed the view that the most difficult return-to-work environment is small employers, many of which have fewer than 30 employees. The Workers Rehabilitation and Compensation Act requires all employers to appoint a rehabilitation and return-to-work coordinator, who has legislated functions. The coordinator must be resident in South Australia, and must be registered with WorkCover and comply with WorkCover's training requirements.

There is a need to assist small business to engage the services of return-to-work coordinators and reduce the burden from compliance with training requirements despite the low incidence of work injuries with these employers. The committee has recommended there should be an option for small businesses to use a grouping exemption under the regulations. This approach has been used by the Master Builders Association, which has been able to exempt its members from appointing a return-to-work coordinator. Master Builders supports its membership with return to work through the appointment of a return-to-work coordinator who is responsible for 28 companies within their membership.

The committee heard evidence that there is a need for more equitable administration of the legislation to ensure that rehabilitation and return to work of injured workers continues past the 130-week stage, which some stakeholders report is seen by claims agents as the end of the line for injured workers who have not yet been able to return to work. There is also a need for WorkCover SA to have in place a policy on rehabilitation and return to work and to promote and enforce the policy.

The 2008 amendments to the Workers Rehabilitation and Compensation Act provided for the introduction of a code of claimants' rights, which the committee understands has been drafted and referred to the minister for finalisation. The committee recommends that the code be finalised as soon as possible. The committee also heard evidence about the nature and structure of the rehabilitation industry.

The committee has been advised that there are currently 41 operating rehabilitation providers contracted under the workers compensation scheme, but stakeholders reported that the process of allocating referrals is not transparent. They also reported that the fee schedules are process focused rather than outcome focused, which contributes to the high cost of rehabilitation and poor performance. While the committee supports the review of fee structures and a move to greater accountability, any changes should be closely monitored.

Finally, the committee has considered and assessed the impact of the 2008 amendments three years on to determine whether the purpose has been fulfilled or is likely to be fulfilled in the near future. The committee identified a number of obstacles to improve rehabilitation and return to work, and a number of recommendations have been made which seek to address these obstacles. The committee also noted that a number of amendments had not been put into effect long enough to make satisfactory and conclusive analysis of their impact and further review will be necessary once data is available. The committee is particularly concerned that there is no agreed method of measuring return to work in South Australia and recommends that the minister direct WorkCover SA to address this as a priority.

I would like to take this opportunity to thank all those who have contributed to this inquiry. I thank all those people who took the time and made the effort to prepare submissions for the committee and to provide evidence to it. I extend my sincere thanks to the Hon. Steph Key, the chair of the committee, and the members for their contributions and deliberations. These include the Hon. Rob Lucas, the Hon. John Gazzola (a former member, of course), Mrs Leesa Vlahos (a former member of the committee), Mr Alan Sibbons, Mr Ivan Venning and the Hon. John Darley.

I also extend my thanks to the staff, Mr Rick Crump, Ms Carren Walker, Ms Mia Ciccarello, Ms Leah Skrzypiec and Sue Sedivy.

The Hon. R.I. Lucas: How many staff have you got?

The Hon. G.A. KANDELAARS: I think some of these are not current staff and may have moved to other jobs.

Debate adjourned on motion of Hon. R.I. Lucas.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: WASTE TO RESOURCES

Adjourned debate on motion of Hon. Carmel Zollo:

That the report of the committee on Waste to Resources be noted.

(Continued from 6 February 2013.)

The Hon. J.M.A. LENSINK (16:26): I rise to make some remarks in relation to this report which was a reference to the Environment, Resources and Development Committee at my instigation. Some of the brief history is that the two EPPs, which are EPA policies, were gazetted but at a time that did not enable the committee to look at them because of the 2010 election. So these matters were referred to the committee on 24 November 2010 and this report was published on 17 December 2012. It took some two years to produce, which probably does not bear any relationship to the amount of evidence that was received.

The matters were raised with me by particular stakeholders, and I put those comments on the record when I moved the motion so I will not go through them again. These particular policies are, as I said, policies of the EPA. The agency Zero Waste SA is required to implement sections of them. I do note that Zero Waste is about to suffer the Treasurer's axe, having been described by the former minister for the environment in estimates committees as the jewel in the crown of environment agencies in South Australia.

For these particular EPPs we had findings and recommendations. One of the policies relates to the progressive banning of certain substances to landfill—and that is a laudable aim—but we have had some concerns raised particularly by the local government sector that some of those things are difficult, particularly in relation to regional councils.

The other matter is waste-derived fill, and I think sections of the construction industry expressed difficulty with that because they would be required to reclassify certain soils which would have, in the past, been described as clean fill. They were concerned that the level of testing would add considerable cost to those projects.

We heard evidence from a few stakeholders, not as many as I had anticipated, I must say. We heard from the EPA on several occasions, and we also heard evidence from the Central Local Government Association on Eyre Peninsula, Civil Contractors Federation, Business SA, the LGA and the Australian Landfill Owners Association.

The Australian Landfill Owners Association was one of the other groups that came in to give verbal evidence. They provided some disturbing evidence to the committee, which I would like to refer to. On page 6 of the report, the Australian Landfill Owners Association, it is reported, provided evidence to us that there is waste diversion being undertaken at a particular site in Gillman, where they question whether the environmental income (that is, reduce, re-use, recycle) is actually being used. They raised concerns that it is potentially contaminating an estuarine environment, and I think that is of particular concern.

I had concerns as well that the report did not adequately cover some of the issues that had been raised. So, the other Liberal member of the committee and I lodged a minority report, which seems to be something I feel required to do with this particular committee on a regular basis. In that minority report, we said the following:

In spite of the EPA's amendments to Waste to Resources policies, industry concerns remain. Ongoing dialogue as referred to in the majority report is welcome; however Liberal Members understand that lack of certainty, the Government's priorities in waste diversion and guidelines for resource recovery are still issues.

The EPA's lack of knowledge of the processes of resource recovery facilities has led to the EPP guidelines being weak, which is a deterrent to investment and places industry at risk.

The EPP includes ambiguous terms and subjective classifications rather than clearly defined guidelines.

With those comments, I support the motion.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT 2011-12

Adjourned debate on motion of the Hon. Carmel Zollo:

That the report of the annual report of the committee, 2011-12, be noted.

(Continued from 6 February 2013.)

The Hon. J.M.A. LENSINK (16:33): I rise to make some remarks in relation to the annual report of the Environment, Resources and Development Committee. We have done some of our statutory requirements throughout that financial year in relation to examining development plans, and those are listed in the report. They do come up on a fairly regular basis and, in that regard, we are often indebted to our Greens member, the Hon. Mark Parnell, who has a particular understanding of how development laws work.

We have had witnesses come in from time to time. The general practice of the committee is that we treat most of the referrals to the committee as routine, and we do not object to them as they come through. Where we become aware that there is a particular issue, we will call in particular witnesses, including Planning SA, the local council and other community interest groups. That does happen from time to time, and that is entirely appropriate. Hopefully, on those occasions we can make some recommendations to the minister that are actually useful.

We have had some other inquiries take place. I have railed on this issue in the public domain before, but I think this committee could work a lot harder, and should work a lot harder. On that front I note that, in the past, this committee has done some very hefty work and some very useful reporting on particular issues, with reports being in the order of (and I am just guessing here) probably well over 50 pages. The standard size of our reports is probably less than 20; if you take out all the references and introductory pages and so forth it is probably more like 10. So I would certainly like to see our committee work a lot harder in future.

In that 12-month period we did an interim biosecurity report, which was really only because the biosecurity issue is being reviewed by government. That one has been put on the backburner. When the population strategy report was tabled the government did not even put it to a motion, I

think because it was so embarrassed at the lack of substance in the report. In that report I did a minority report, and called the government on its misrepresentation of the population figures that it continues to use in a very misleading way. Industry ought to be aware that if they are using the government's two million figure it is way out of whack, and that they ought to be very cautious in trusting anything the government says about its population strategy.

The biggest contribution to inward migration into South Australia is courtesy of net overseas migration to Australia as a nation, and those numbers have been pulled back significantly under the Gillard government. That flows directly into South Australia. I think South Australia needs to ramp up the way it competes, particularly for skilled migrants, and I have made some remarks about that in my minority report should anyone care to read it. With those remarks, I support the motion.

Motion carried.

NATIONAL SAVE LIVE AUSTRALIA'S MUSIC (SLAM) DAY

The Hon. T.A. FRANKS (16:38): I move:

That this council—

1. Notes that Saturday 23 February 2013 is National SLAM Day, a celebration of live music across Australia;
2. Commends the endeavours of Save Live Australia's Music (SLAM); and
3. Supports South Australian live music.

In moving this motion, I draw to this council's attention that this Saturday is national SLAM Day, a celebration of live music across Australia. I call on members of this council to commend the endeavours of Save Live Australia's Music and also to support South Australian live music in particular.

Members know that I have previously mentioned SLAM, SLAM Day and the SLAM rallies in this place, but for those of you who would like a refresher, SLAM aims to see the live music sector protected and nurtured so that it can prosper and grow organically in small venues, cafes, backyards or wherever people want to play and listen to live music. We are all very familiar with the big stadium concerts, but we never see performers getting to that stage of delivering those amazing experiences without nurturing live music at a local level. As Billy Bragg, who I have quoted in this place before, I believe said on Q&A (and apologies if I slightly misquote this):

You can experience a download but you can't download an experience.

That pretty much sums up why live music is so important.

As governing bodies, and here in this council, we play a role and we can do a lot to reduce the regulatory burden and to support live music. Some states, and I certainly commend New South Wales, in particular, have actually taken the lead in this. Victoria, which has been the home of live music in this country, has given such an importance to live music that it commissioned an economic and social and cultural contribution of live music in Victoria, an analysis done by Deloitte Economics some years back, and has actually acknowledged, valued and appropriately investigated not only the benefit of live music in our community but also the potential.

I certainly urge South Australia to do that and I cannot, obviously, not acknowledge that we do currently have a live music Thinker in Residence who has been engaged and is the first Thinker in Residence to operate through the Dunstan Foundation. We look forward to seeing that report auspiced by that particular Thinker in Residence incarnation under Martin Elbourne. But more must be done; it cannot simply be left in one sector of our thinking. This council has a part to play as do local governments, as do industry bodies.

On that note of industry bodies, the local community is tired of seeing—particularly in Melbourne, but we see this also in Adelaide and around the country—the loss of live music venues due to regulatory restrictions, whether that be residents moving next door to an iconic live music pub or increased regulation or building code and liquor licensing requirements, so they are taking up the call to protect and nurture and save live music.

In Adelaide, we have seen the loss of live music venues over the last few decades and many would be fully aware of the struggles that the Jade Monkey is currently having in order to find a new venue and then achieve a licence on that venue which will enable them to continue as they have for almost 10 years to provide a live music venue in this state. It is a sad thing that the Jade

Monkey will not be open this Saturday and that there will not be any bands playing on the Jade Monkey stage. However, it is a very positive thing that around our state this Saturday there will be many South Australians and interstate bands playing on South Australian stages. They are the ones you might expect, of course.

Arcade Lane will have several bands, and that is just off Grenfell Street for those who are not aware. The Arkaba will have a range of performers. The Bacchus Bar down at Henley Square will have Dino Jag. The Christies Beach Hotel will see Cherry Grind. The Forresters and Squatters Arms Hotel, which members are probably not surprised to hear is a favourite of mine, will have something that I possibly will not be attending, the Facemelters Ball, with a range of interestingly named bands such as Pain is a Narcotic, Headbore, Gorebottle, Silent Psychosis and Alkira Lacerated.

The Hotel Royal at Torrensville on Henley Beach Road will have jazz, which might be of more interest to some of the members in this chamber. The Northern Sound System, who I have got to really commend for their fantastic work at Elizabeth, will have a range of bands including Candice and the Arcade Villains and Headphone Piracy as well as Jordan Ruru and Yasmine Amari.

The Prince Albert Hotel in Gawler will have the Transit Cover Band, the Southern Districts Workingmen's Club will have the Runaway Boys and the Barker Hotel at Mount Barker will have Kelly and The Brouhaha performing there. Down at Brighton, we have three bands playing, including Kingston Downes. The Crown and Anchor on Grenfell Street will have Ricochet Pete and other bands. The Gov, the iconic live music venue in this state, has a range of bands playing, of course. The Promethean, a wonderful entertainment venue, will have Soul Fellas. The Wheatsheaf Hotel—where I will be, and I invite members to join me—will have the Zephyr Quartet, an outstanding South Australian talent. The Tonsley Hotel at Clovelly Park will have Acoustica. The Worldsend in town will have God God Dammit Dammit, and the Edinburgh Castle Hotel will have Plus One.

South Australians will also be playing interstate, and I note that Sarah McLeod, one of our own home-grown ARIA award-winning talents, will be playing in Bulli in New South Wales. I am sure that there are many other South Australians taking to the stage across the country this Saturday. This Saturday is a day to celebrate live music, but also to acknowledge that it is under threat. It is a day to honour and appreciate what live music brings to our lives and also for venues that support live music to be supported. There is a code of conduct that goes along with the SLAM gigs around the country, and I am really impressed to see that that is something that has been an integral part of the event.

Venues are encouraged to have a code of conduct, which shows respect and appreciation to the artists who are engaged to play at their venue, by offering fair and equitable pay for the artists, either through a reasonable door deal or a guarantee for free gigs. For those members who are not aware, a guarantee is an amount that artists will get if there is no cover charge assigned to the particular gig. However, SLAM does recommend a minimum door charge that is no less than the price of a standard beer, the rationale being that the average punter who goes out to see live music does buy themselves a few standard drinks over the course of the event, so surely the band itself should be afforded at least the price of one standard drink.

SLAM also encourages original music and, in this day and age, that is certainly something to celebrate: the creative aspects of our lives. SLAM also encourages venues to organise a backline, to make sure there are trolleys and ramps available and to check if there are loading bays at their venue and, if not, to contact their local council to make it easier for the band to get the gear in and out. Again, organising a backline makes it easier for them to set up and share. SLAM also encourages venues to work with local artists and the local papers, to inform them and be collaborative, bringing promoters, musicians and punters alike together.

I would urge members to catch a gig this weekend in their local area, if they possibly can, or certainly to just support live music where they can. I note that our President is a long-time supporter of live music, and I am sure I will see him at a gig soon. I commend this motion to the council.

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

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

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

That it be an instruction to the Select Committee on Marine Parks in South Australia that its terms of reference be extended by inserting new paragraph 1A as follows:

- 1A. That the select committee inquire into and report upon—
- (a) the government's proposed recent amendments to the draft management plan and impact statements for each of the proposed 19 marine parks in South Australia; and
 - (b) any other related matter.

(Continued from 6 February 2013.)

The Hon. T.J. STEPHENS (16:50): I rise to commend the Hon. Dennis Hood on his motion and also to commend the work of the select committee. I urge the chamber to note the travels that this committee has made far and wide to hear the points of view of very concerned South Australian people with regard to this marine parks issue.

We have taken an enormous amount of evidence from concerned citizens. To finish the good work of the committee, the Hon. Dennis Hood has quite rightly moved that we take submissions from those concerned people on the new boundaries, and this is really quite important. There is an enormous amount of angst within the community still. It is not correct to say that people are now very happy with the way this issue has been handled, and we would like to conclude the process in a correct and proper manner.

I put on the record my dismay at a consistent theme that came through at the many hearings that I attended, and that was the fact that there was always a DENR representative present who was charged with the responsibility of taking minutes of meetings. We heard many times that quite often those minutes did not get close to reflecting the will of the meeting. When this was put to the CEO of the then DENR, it was dismissed as an unfortunate coincidence and purely bad luck. It makes me extremely suspicious as to the way this process has been handled and people have been bullied into trying to accept the point of view of DENR. Of course, the scientists who were assisting DENR were geniuses and anybody who challenged any science that was put forward was a raving lunatic.

I think it is important that this committee finish its work on the relevant boundaries. I ask the chamber to support the Hon. Dennis Hood for his good work and hope that we can proceed as soon as possible.

The Hon. G.A. KANDELAARS (16:52): I advise that the government opposes this motion. We will not support the extension of the terms of reference to this select committee. The committee commenced in May 2011 and was originally due to report in September 2011. However, I understand that there have already been six extensions to this time line. The committee produced an interim report late last year on 28 November and itself admitted that the data it relied on was outdated. The committee was not even using the most up-to-date information in its deliberations at that time.

As members would no doubt be aware, management plans for the state's 19 marine parks were finalised on 29 November last year. This followed one of the largest community engagement processes ever undertaken by the government in South Australia. The marine parks program has been developed over 10 years and has included extensive community and stakeholder involvement in each step. The many contributors to this select committee have added to this process and we again thank them. I understand the committee has been presented with evidence from more than 100 stakeholders which is, of course, important.

However, the government's consultation process over the past three years alone has considered the views of a much broader audience—in excess of 35,000 public contacts, as well as more than 8,600 written submissions made in late 2012—in relation to the 19 marine park draft management plans. Of that, more than 80 per cent of the responses received were in support of marine parks. Some members of the committee simply choose to ignore the extensive consultation process that the government was running and, as mentioned earlier, insist on relying on outdated information.

The final management plans released last year were informed by extensive community and stakeholder advice and were underpinned by robust scientific principles and the requirements set out in the Marine Parks Act 2007. Marine parks have been debated in this house many times in recent years, so members would be aware that the government established 14 local advisory groups in 2010 to provide local advice on marine park zoning. The advice provided by the 14 local advisory groups was instrumental in deciding the final zoning for South Australia's marine parks.

About 70 per cent of the sanctuary zones recommended by local advisory groups form part of the final management plan. Clearly the government has been listening to the community and clearly some members of the committee do not want to accept this.

In addition, a range of advice was sought from other community members and peak stakeholders, which I should point out was a requirement of the Marine Parks Act 2007. This included commercial and recreational fishing groups, conservation groups and other industries, such as shipping, mining and other business groups. Of course, advice was sought from an independent scientific working group. This group was made up of 11 of the state's most highly regarded marine scientists and has for many years provided the government with expert advice on marine parks.

The marine parks program is informed by the best local, national and international science—yet another fact that some committee members have chosen to ignore, because it does not suit their agenda. While the committee spent a year and a half focused on draft zoning plans, which were released in 2010, the government simply got on with the job.

In April 2012 the government held a peak stakeholders' forum which, for the first time, brought together representatives from the commercial and recreational fishing and conservation sectors to provide advice to the government on marine park zoning. At this forum, which was chaired by the former minister for sustainability, environment and conservation, the chair of the scientific working group and the Marine Parks Council also provided expert advice. As a result of the broad agreement reached by the forum, the government subsequently released a new set of zoning proposals for full public consultation in August 2012.

As I mentioned earlier, more than 8,600 responses were received from the public during the consultation period, with the overwhelming majority of the submission supporting marine parks. The government listened during the public consultation. The extensive advice provided on the draft plans by key stakeholders and the broad community led to many changes being made to the proposed zoning to further reduce the impact on current users of the marine environment.

I am informed that these changes reduced the impact on South Australia's commercial fishing industry from 2.1 per cent to 1.7 per cent of its annual gross value of production. They also reinstated recreational fishing access to Black Point near Whyalla, Chinaman's Hat, Cape Elizabeth on Yorke Peninsula, Cape Forbin on Kangaroo Island, and Port Arthur and Port Wakefield at the top of Gulf St Vincent. I emphasise that the zoning in the final management plan provides high levels of protection for:

- Southern right whale breeding grounds and sea eagle nesting sites in the Bunda Cliffs (Great Australian Bight Marine Park);
- Biodiversity jewels in the crown of South Australia's marine environment at the Isles of St Francis and Nuyts Reef (Nuyts Archipelago Marine Park);
- Critical marine nursery areas in the mangroves and seagrasses (Upper Spencer Gulf and Upper St Vincent Marine Parks);
- World-class scuba diving at Top Gallant Isles (Investigator Marine Park);
- Reef fish, Australian sea lion and New Zealand fur seal hotspots in the Pearson Island Group (Investigator Marine Park);
- Popular diving and snorkelling sites at Chinaman's Hat, adjacent to Innes National Park (Southern Spencer Gulf Marine Park) and at Port Noarlunga Reef (Encounter Marine Park);
- Australian sea lion habitat at Seal Bay (Southern Kangaroo Island Marine Park); and
- Eco-tourist destination and world-renowned great white shark hotspot at North Neptune Island (Neptune Islands Group (Ron and Valerie Taylor) Marine Park).

I am sure many of these places are well known to members in this place and that the importance of protecting these beautiful and unique areas of the marine environment is well understood.

The government has been keen to provide certainty to local communities and key stakeholders and has now delivered on its longstanding commitment to finalise marine park management plans. As I stated earlier, the 19 management plans have now been finalised, on

29 November 2012, and the government is moving ahead with the next phase of implementing South Australia's marine park network.

I strongly believe that marine parks with sanctuary zones have benefits beyond their borders. They will ensure that in the future our marine environment stays healthy and the fish stay abundant to support communities that rely on fishing. Marine parks are a complement to fisheries management and will help boost South Australia's reputation as a source of clean, fresh and healthy seafood. The time for reviewing outdated information and playing politics has passed. The government has developed the marine parks program informed by evidence refined through extensive consultation and implemented through regulation and education. The government opposes this motion.

The Hon. D.G.E. HOOD (17:01): I will just be very brief. I would like to briefly thank the speakers to this motion. I thank the Hon. Terry Stephens for his kind words. I also thank the government, the Hon. Gerry Kandelaars. Although I obviously disagree with the position put forward by the government, I am pleased that they were able to make a contribution. I would also like to thank the Hon. Michelle Lensink, who made her contribution previously. With those few words, I commend the motion to the house.

Motion carried.

EVIDENCE (PROTECTION FOR JOURNALISTS) AMENDMENT BILL

The Hon. J.A. DARLEY (17:03): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

The Hon. J.A. DARLEY (17:04): I move:

That this bill be now read a second time.

The bill, as its title suggests, is intended to protect journalists against disclosing the identity of, or information pertaining to, confidential sources.

In short, it provides that where a person satisfies the court that they are a professional journalist or a prescribed person in respect of a professional journalist and they have been given information by an informant in the expectation that the information may be published in the news medium, they will not incur any criminal or civil liability for failing or refusing to provide details that may directly or indirectly disclose the identity of their informant in the course of court or royal commission proceedings.

A prescribed person is defined in the bill as a journalist, an employer of a journalist, a person who engages a journalist under a contract for services or any other person prescribed by regulation. An informant is defined as a person who gives information to a journalist in the normal course of the journalist's work in the expectation that the information may be published in the news medium.

The bill recognises that there will be circumstances where it may not be appropriate to provide protection against the disclosure of the identity of or information pertaining to a journalist's sources. As such, it provides for an exception to the general rule where a court or commission is satisfied that it is in the public interest or in the interests of justice to make an order for disclosure or if the benefit of disclosing the identity of the informant or answering questions or providing relevant information outweighs the prejudicial effect that the disclosure would have on the informant or the journalist as the case may be. The court may make such an order on the application of a party to the proceedings or on its own motion.

Where a party to the proceedings makes such an application the onus will be on that party to prove that the information in question ought to be disclosed. As already alluded to, these provisions will apply to proceedings in all of the courts—that is, the Supreme Court, the District Court, the Magistrates Court, the Youth Court, the Coroner's Court, the Environment, Resources and Development Court and the Industrial Court—as well as commissions of inquiry instigated under the Royal Commissions Act 1917.

Similar provisions also apply in relation to proceedings comprising a hearing, examination or proceeding where a person would ordinarily be compelled to answer questions or produce documents relating to the identity of an informant. Members will notice, however, that these provisions do not extend to any proceedings instigated under the Independent Commissioner Against Corruption Act 2012. Again, under proceedings other than those instigated under the

ICAC Act, the onus is on the journalist to prove that he or she is a prescribed person and that the person whose identity should not be disclosed is an informant.

Where a journalist refuses to disclose information pertaining to the identity of an informant, the person or body conducting the proceedings or any party to the proceedings may apply to the Supreme Court for an order that the privilege not apply. In making a determination, the Supreme Court will consider public interest matters, whether the disclosure is necessary in the interests of justice and whether the benefit of disclosure outweighs any prejudicial effect on the journalist, the informant or any other relevant person.

As members would be aware, at common law the only professional relationship that attracts privilege is the lawyer and client relationship. Whilst other matters, including for instance incriminating questions, are protected from disclosure on the grounds of privilege, they are not based on a professional relationship existing between two parties. The bill is, if you like, creating a professional relationship between professional journalists and informants, subject, of course, to some very important exceptions.

Although it is not a privilege in the true sense of the word and as it relates to lawyers and their clients, the bill does afford professional journalists who receive information from informants with protection against disclosure. I do stress that it is only intended to apply to professional journalists and prescribed persons in respect of professional journalists—in other words, their employers. The question of whether a person is to be considered a professional journalist or a prescribed person is one to be determined by the courts, and I expect that a number of factors will be considered to differentiate between professional journalists on the one hand and other bloggers and commentators on the other.

The bill seeks to enshrine in legislation the fundamental principle that journalists should not be compelled to reveal their sources and, equally, if not more importantly, better promote the notion of the public's right to information. In so doing, it will bring South Australia into line with other jurisdictions that have recently implemented similar pieces of legislation.

The need for adequate shield laws in Australia has been well canvassed by Australia's Right to Know, a coalition of 12 major media companies formed in May 2007 to address concerns about free speech in Australia. Since its inception, the coalition has worked with commonwealth and state governments to establish new policy and best practice aimed at improving what they consider Australia's relatively poor world ranking in terms of freedom of speech.

According to a submission prepared by Australia's Right to Know to the National Inquiry into the Evidence Amendment (Journalists' Privilege) Bill 2009, there is an expectation that journalists will disclose the source of their information. This expectation is in keeping with Australia's code of ethics for journalists which, although not legally binding, provides that journalists should 'aim to attribute information to its source'. This is important because it ensures that journalists and the media are accountable for what is reported to the public and it allows us, as readers, to assess the credibility of the information received through the media.

There are instances, however, where a journalist is able to obtain information only on the basis that the identity of the source is kept confidential. It is in these instances where guarantees of anonymity arise between journalists and informants. The journalists' code of ethics provides:

Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.

In terms of guidance, the code goes on to provide:

...only substantial advancement of the public interest or risk of substantial harm to people allows any standard to be overridden.

The code of ethics is indicative of the serious nature of the considerations that are expected of journalists when grappling with the issue of identifying a source and breaching conditions of trust, on the one hand, and facing serious criminal penalties, including pecuniary penalties, criminal conviction or imprisonment for contempt of court, on the other. It is not a decision that can be made lightly; indeed, it can have a ripple effect in terms of consequences. First, it creates mistrust towards the media and raises questions about the integrity of the journalist in question and the profession as a whole more generally. This often results in informants becoming less likely to divulge information which ought to be in the public arena. The effect of this is that matters of public importance are often swept under the carpet.

The need for adequate shield laws is demonstrated well by the McManus and Harvey case in 2005. Members may recall that, in the background to that matter, a public servant was charged with breaching provisions of the Commonwealth Crimes Act, which makes it an offence for public servants to engage in unauthorised communication or information received in the course of their duties, after allegedly disclosing a draft ministerial statement to *The Sydney Morning Herald* journalists Gerard McManus and Michael Harvey.

The draft ministerial statement related to war veterans' entitlements. McManus and Harvey were subsequently convicted and fined for refusing to reveal the source of information over an article they co-wrote based on that draft ministerial statement. This is just one of a string of cases over the last 20-odd years where journalists have been convicted or jailed for contempt of court as a result of refusing to reveal their sources. Other well documented cases include:

- Belinda Tasker, Anne Lampe and Kate Askew, journalists from Australian Associated Press and *The Sydney Morning Herald*, who refused to reveal their sources over a story about the NRMA board and who avoided prison after NRMA dropped the case;
- Chris Nicholls, an investigative journalist from the ABC, who received a prison sentence for his story relating to a conflict of interest of a South Australian government minister;
- Deborah Cornwall, a journalist from *The Sydney Morning Herald*, who received a two-month gaol sentence, which was subsequently reduced to 90 hours of community service, for refusing to disclose a confidential source over police corruption;
- Gerard Budd, a journalist from the Brisbane *Courier Mail*, who was imprisoned for 14 days but released after six days for refusing to answer questions about the identity of a source of information referred to in an article written by him in a defamation action;
- David Hellaby, a journalist with *The Advertiser* newspaper, who, during proceedings taken against him by the then State Bank of South Australia for pre-trial discovery, was ordered to hand over documents used in preparing two articles relating to the South Australian Auditor-General's inquiry into the State Bank of South Australia, as published in *The Advertiser*. The bank claimed access to Mr Hellaby's documents in order to decide whether it would sue him for injurious falsehood. Mr Hellaby's appeals to both the Full Court and the High Court were rejected. He was given 14 days to reveal his source or face imprisonment for contempt. Mr Hellaby subsequently filed some of the documents but none which revealed the identity of his source. He was found guilty of contempt but given the opportunity to contact his source in order to seek release from his undertaking of anonymity. The matter was ultimately settled confidentially, but Mr Hellaby was still fined \$5,000 for the period he had been in contempt.
- Tony Barrass, a journalist with *The Sunday Times* in Perth, who was, in the first instance, imprisoned for seven days, but released after five days, for refusing to reveal the source of leaked information relating to official corruption within the Australian Taxation Office in Perth. Tony Barrass was subsequently convicted of contempt and fined \$10,000.

There is no telling whether the outcome of any of these cases would have been any different in terms of disclosure if shield laws had existed within the relevant jurisdictions at the time they were heard. I am sure that in at least some cases there would have been very strong arguments as to why the information ought to have been released, irrespective of whether the information was given in secret or not.

The proposed bill recognises this, inasmuch as the court has the discretion to override the general rule in appropriate circumstances. It does not impose an absolute protection for journalists; however, it will provide professional journalists with a means of claiming protection when putting their case to the courts. If that is rejected by the courts, so be it.

It is worthwhile noting the High Court's findings in the 1998 case of *John Fairfax and Sons Ltd v Cojuangco* in this context. Although not entirely relevant, very briefly, in that case the respondent, Eduardo Cojuangco, a prominent businessman from the Philippines who had extensive bloodstock and grazing interests in New South Wales, applied for preliminary discovery of the identity of sources of information upon which a news story and article written by Peter Hastings and published in *The Sydney Morning Herald* on 13 February 1985 had been based. He sought the identity so that he could bring proceedings in New South Wales for defamation against the persons who had provided the information used in the newspaper article. In its findings the High Court stated:

The role of the media in collecting and disseminating information to the public does not give rise to a public interest which can be allowed to prevail over the public interest of a litigant in securing a trial of his action on the basis of the relevant and admissible evidence. No doubt the free flow of information is a vital ingredient in the investigative journalism which is such an important feature of our society.

Information is more readily supplied to journalists when they undertake to preserve confidentiality in relation to their sources of information. It stands to reason that the free flow of information would be reinforced, to some extent at least, if the courts were to confer absolute protection on that confidentiality. But this would set such a high value on a free press and on freedom of information as to leave the individual without an effective remedy in respect of defamatory imputations published in the media. That is why the courts have refused to accord absolute protection on the confidentiality of the journalist's source of information, whilst at the same time imposing some restraints on the entitlement of a litigant to compel disclosure of the identity of the source.

In effect, the courts have acted according to the principle that disclosure of the source will not be required unless it is necessary in the interests of justice. So, generally speaking, disclosure will not be compelled at an interlocutory stage of a defamation or related action and even at the trial the court will not compel disclosure unless it is necessary to do justice between the parties.

The bill does not detract from these principles.

The proposed bill mirrors, to some extent, the Evidence Amendment Journalists Privilege Bill introduced in the federal parliament by the member for Denison, Andrew Wilkie in September of 2010 and modelled on existing UK and New Zealand legislation. A similar bill was also introduced a few weeks later by Liberal Senator George Brandis and both bills were referred to the Legal and Constitutional Affairs Legislation Committee for inquiry. The majority report recommended that the Wilkie bill be passed.

The bill, which was the subject of some further amendments by the Australian Greens, passed the Senate in March of 2011 and it was subsequently assented to on 12 April 2011. Section 126H of the commonwealth Evidence Act now provides that:

If a journalist has promised an informant not to disclose the informant's identity, neither the journalist nor his or her employer is compellable to answer any question or produce any document that would disclose the identity of the informant or enable that identity to be ascertained.

In terms of safeguards, the court has the discretion to order that these provisions not apply if it is satisfied that the public interest in the disclosure of evidence of the identity of the informant outweighs any likely adverse effect of the disclosure on the informant or any other person; and the public interest in the communication of facts and opinion to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts. An order can be subject to any terms the court thinks fit.

Similar to the proposed bill, the commonwealth legislation requires the party seeking disclosure pursuant to section 126H to seek an order that the protection does not apply in relation to the information or document in question. The onus of proof therefore rests with that party.

In terms of other jurisdictions, New South Wales became the first state to implement shield laws for journalists in 2011 after amendments to that state's Evidence Act introduced a rebuttable presumption so that a journalist's source is capable of being protected from being adduced in evidence. Western Australian legislation also provides for a range of professionals, including journalists, to be able to receive information in confidence. The privilege provided by that legislation is subject to the discretion of the court having regard to whether the harm to the confider outweighs the public interest.

The Victorian government has indicated that it too is considering amendments similar to those introduced in New South Wales, subject to tighter definitions around the term 'journalist'. Lastly, the ACT has introduced shield laws that mirror commonwealth provisions, whilst Queensland has previously indicated its preference for a national approach to shield laws. Having said that, I understand Queensland has addressed the issue to some extent.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Darley is reasonably softly spoken today and I am having trouble hearing him over the other conversations.

The Hon. J.A. DARLEY: Having said that, I understand Queensland has addressed the issue to some extent through its public interest disclosure legislation which provides for the making of a public interest disclosure to journalists as a last resort after all proper channels have been exhausted.

There is no question that South Australian laws with respect to this issue are wanting. The bill provides South Australia with the opportunity to create a fairer balance between ensuring the administration of justice, on the one hand, and upholding the public's right to know without fear of incrimination for journalists, on the other.

For those members who are interested, there have been several inquiries into this issue both at the national level and within other jurisdictions. The reports of those inquiries provide very useful background information on this issue and are readily available on the internet. I am more than happy to provide any members with these reports and with additional background material, especially in relation to the cases that were outlined very briefly. With that, I look forward to hearing the views of other honourable members on this important issue.

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

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

Bill taken through committee without amendment.

The Hon. S.G. WADE (17:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOCAL GOVERNMENT (ROAD CLOSURES—1934 ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November 2012.)

The Hon. J.M.A. LENSINK (17:30): I rise to make some remarks in relation to this bill, which is rather euphemistically referring to local government road closures when, in fact, it should be called the 'Barton Terrace West Bill'. It has had quite a history and some of the deeper history, if I can refer to it as that, is that there was a masterplan for the area with the construction of the ring route and Park Terrace, which was to bypass the city and North Adelaide, and so the road closed to most traffic (except buses) in 1987. All stakeholders agreed including the relevant councils—Adelaide City Council, Hindmarsh council (now Charles Sturt), and Prospect—and also the highways department of the state government agreed. The traffic routes for this area are now well established.

Residents and the local school, local hospital, churches and other services have lived in these circumstances for the last 23 years without having to worry about the dangers of increased traffic from people trying to cut through to the city or North Adelaide. The member for Croydon has been raving on about this issue for decades—indeed, since he was first elected to parliament in 1989. From opposition, the member for Croydon had promised it would be the first thing an incoming government would introduce.

The Hon. R.I. Lucas: What happened then?

The Hon. J.M.A. LENSINK: Well, let me tell you, Mr Lucas. A lady by the name of Dr Jane Lomax-Smith won the seat for Labor in 2002 and Labor formed government. Not once during the first eight years of Labor's rule did the member for Croydon introduce a bill. He claims to have taken two cabinet submissions in that time, which indicates that some of his Labor colleagues probably were not so dumb as to support this proposal. His initial principle, as he puts it, is that one council cannot impose road closures upon another. However, from this original so-called principle to remove the provisions of section 359 of the Local Government Act, the current bill is now limited to only one road—Barton Terrace West—so that this member can continue to victimise the people of North Adelaide for his own ends.

The member for Croydon now claims that there will be faster access for people in the western suburbs to Calvary Hospital, Mary Potter Hospice, St Dominic's Priory College and St Laurence's church, but is this actually the case? We do not actually know and we cannot know because there has been no traffic assessment.

In more recent years a bill was introduced by the member for Croydon on 10 November 2011. The member for Croydon claims that 'unanimously the Labor Party supports this bill'. Does it really, or did the Labor caucus agree so that he could focus on attacking people

outside his own party and lay off his own members—for instance, the current Attorney-General and the member for Hartley?

In his second reading speech, the member for Croydon portrays the people of North Adelaide as privileged snobs who want to keep Barton Terrace closed for personal use, that they wish to exclude people who live on the other side of the Parklands from their turf. This is the sort of rhetoric contained in many of the member for Croydon's speeches. It is confected class warfare and it is a childish stunt when there is no class warfare taking place. The member for Croydon cites the 3,500 new residents of the Bowden Urban Village, yet has produced no evidence through the masterplan process of future demand, requiring access to North Adelaide via this road. In this context he has put the question that 'in the next few years the city council will find it increasingly difficult to corral us'.

On that definition of 'corral', which is to hold in or pen in people, I do wonder how it is possible to hold in residents who are located within spitting distance of a dual carriageway ring route, that is, Park Terrace, with very ready access to Port Road and West Terrace. Through the Budget and Finance Committee on 14 November 2011 it was confirmed by witnesses that Park Terrace is classified as a major road.

In other contributions the member for Croydon really lets fly. He sics it to the former Labor attorney-general in this place, the Hon. Chris Sumner. He draws some bizarre and deeply offensive comparison between the member for Adelaide and the member for Dobell in another place, which demonstrates both his desperation in personally attacking anyone who disagrees with him. Some might question whether he is close to the edge of reality.

A number of members were clearly and properly upset with the member for Croydon's portrayal of the member for Adelaide: everyone who knows the member for Adelaide, Rachel Sanderson, knows she is sincere, conscientious to a fault, diligent and genuinely concerned for the welfare of her constituents. I believe the member for Croydon just cannot handle the fact that a first-term Liberal MP is miles ahead of him on this issue: she knows the will of the majority in her community and, meanwhile, he continues to flail about in the twilight of his career like a dying spider, trying to drag everyone else into his poisoned web.

The actions of the member for Croydon are to embark on a letterboxing campaign of various electorates not his own, including parts of Adelaide and Colton. He also claims to have letterboxed West Beach and the City of Charles Sturt and may venture into the Premier's seat of Cheltenham and also Lee. Is this really the most pressing issue facing people in the western suburbs of Adelaide? Really? Perhaps electricity prices, the downgrading of services at The QEH, unreliable public transport, and the St Clair land swap (perhaps we won't go to that one).

An examination of a state electoral boundary map, which includes council boundaries, demonstrates what the member for Croydon's occult intention actually may be: campaigning within the boundaries of the City of Charles Sturt. He is either setting up himself (or one of his cronies) to have a crack at the very popular Mayor of Charles Sturt, Ms Kirsten Alexander. I note that *Today Tonight* in a piece late last year believed that the member for Croydon maybe ineligible himself for mayoralty of the City of Charles Sturt because, as they put it, 'he is shackled up in Golden Grove'.

The personal vitriol directed by the member for Croydon towards Her Worship Kirsten Alexander is breathtaking. Ms Alexander strikes me as exactly the sort of person we need in local government: someone with a high level of personal integrity, considered in her opinions and well educated. She won the 2010 mayoral election in a landslide, which was a direct reflection of what the community in that area felt about the way the previous council had made decisions, heavily influenced by the Labor Party, especially the St Clair land swap.

The member for Adelaide has sought the opinions of her local residents, particularly those who will be affected in Ovingham and North Adelaide. She does her homework. She has doorknocked over 600 homes and nearly 80 per cent wanted the current situation retained. She has looked into the impact in Ovingham, which would result in additional congestion in Hawker Street. She has studied the only report commissioned by the Adelaide City Council, I might add, into the impacts of reopening the road, which is the 1999 Murray F. Young & Associates report. This report costed the re-engineering of one intersection alone at \$1 million.

The member for Adelaide has studied a report produced by a PhD student at the University of SA, who simulated traffic during peak hour, which showed that there would be considerable congestion and would require the need to re-engineer several intersections. She has studied traffic surveys from 2002, which support the continued closure. She has dug out traffic

accident data for Barton Terrace, Hill Street and Mills Terrace in North Adelaide, which show that in the year prior to the closure 77 accidents took place, many of which involved serious injury and hospitalisations, compared with 2009, when just three accidents took place.

The member for Adelaide has also tallied the statistics of the member for Croydon's obsession: 563 mentions of Barton Terrace West in parliament, 26 speeches, five hours of House of Assembly debate, and yet the member for Croydon has not offered one piece of evidence to support the reopening. When the member for Bragg in her capacity as transport spokesperson sought a briefing from the transport department, it was refused on the grounds that this bill is not a government bill, yet somehow the government chose to progress this bill in the House of Assembly during government time.

So, we are still none the wiser about what Labor's official position is. The committee stage of the debate in the House of Assembly is revealing. By his own admission, the member for Croydon:

1. Has not had a formal traffic assessment from the Department of Transport, Planning and Infrastructure.
2. Has not had the proposal costed by the Department of Transport, Planning and Infrastructure.
3. Could not say how much the cost would be, except that it would have to be borne by the Adelaide City Council.
4. Has not had any discussions with the Adelaide City Council, nor has he written to them to advise of his intentions. However, a copy of a letter received by the opposition from the Lord Mayor, Stephen Yarwood, clearly indicates that council remains opposed to the bill, a fact which the member for Croydon omitted during debate.
5. Admits that the City of Charles Sturt did not support the issue when put to a vote, (although he claims that if a vote were taken now they would support it) and he does not have any correspondence from the council to advise that they do support the bill.
6. Has not formally consulted on this bill with the Calvary Hospital and the Mary Potter Hospice, although he says that he does not need to because they have always supported it in the past.
7. Admits that the Local Government Association of SA is not a proponent of his bill (it is in fact neutral) and has opposed previous versions as they applied to all roads in similar situations.
8. Has he consulted the people who will be most affected, that is the people who live in North Adelaide? No, although he does claim to have surveyed people in Ovingham.

These admissions defy any standard test of due diligence prior to introducing legislation. Furthermore, the original so-called error which the member for Croydon seeks to correct is challenged by the former attorney-general and North Adelaide resident, the Hon. Chris Sumner.

I would like to quote from a document that he supplied to the member for Bragg, Vickie Chapman. It has a covering letter dated 15 January 2012. He has done a submission which is some seven pages and includes some historical documents—they were clearly typed on a typewriter, so I would assume they were done in the 1980s—and a number of maps. On the first page, under the item, 'Background (Reference ACC Operations Committee 16/8/99 Item No. 5.7)', it states:

Prior to 1981 the Adelaide City Council (ACC) sought various means of reducing the traffic flow in Barton Terrace West (and the then named Mildred Road) which was one of the main routes for traffic crossing east/west around the north of the city and using the North Adelaide railway crossing prior to its closure and the construction of the Park Terrace railway bridge.

At the request of the Minister for Transport the ACC deferred action until the report of the North West Ring Route Working Party (Working Party) was available.

The Working Party was convened in November 1981 by the Commissioner of Highways to examine short and long term proposals to provide for the movement of traffic from Main North Road around the north west sector of the City of Adelaide to links with Port Road and other roads further west.

The Working Party contained representatives of the ACC, Hindmarsh and Prospect Councils and Highways Department and considered both local and overall road network needs. It consulted widely with residents.

The Working Party produced a document for consultation with affected residents in the North Adelaide, Prospect and Hindmarsh Council areas—'North West Ring Route' (Attachment A). The Concept Plan upon which comment was sought included the closure of Barton Road following the construction of the Park Terrace bridge over the railway line in lieu of the North Adelaide crossing. The document concluded—'Comments should be forwarded to your local council. Councils will co-ordinate responses and make recommendations through the Working Party.'

The Working Party reported in January 1984 and recommended the closure of Barton Terrace-Mildred Road to all traffic except buses (Attachment B).

In 1986 the ACC approved the 'bus only' layout and following receipt of approval from the Road Safety Division and Commissioner for Highways completed construction work leading to the opening of the bus only link on 11 January 1988. Residents of North Adelaide were advised (Attachment C).

After the closure, objections were raised by some North Adelaide residents and some other road users. Following the closure of the North Adelaide railway crossing and the opening of the Park Terrace (ring route) railway overpass the ACC considered a report on the impact of traffic in North Adelaide in September 1992. The ACC says that traffic surveys in North Adelaide demonstrated that the Barton Road closure had been effective in increasing road safety and residential amenity. In 1993 the ACC took the necessary decisions to formalise the closure and create the bus only link using s 359 of the Local Government Act.

While there is some legitimate debate about whether this was the appropriate legislative mechanism to effect the closure (rather than the Roads (Opening and Closing) Act 1991) this provision has been legally used by other Councils in a large number of cases throughout the State. In the situation of Barton Road where there was extensive consultation and agreement of relevant authorities the rule of law and principle of legality should be adhered to. Any legislation to change the effect of s 359 of the Local Government Act should not be retrospective.

In 1996 the Crown Solicitor confirmed that the closure and signage was legal.

You will be pleased to know that I am not going to read all seven pages but I would just like to read the headings into the record. The key points are:

1. Barton Road was not closed by the unilateral action of the Adelaide City Council.
2. The amendment operates in a retrospective manner to defeat existing rights lawfully established.
3. Mr Atkinson's assertions about the consequences of the closure which he has made continually since 1993 are misleading and wrong.
4. The illegitimate approach taken by Mr Atkinson to other issues affecting the governance of the City of Adelaide and its residents.
5. Personal attacks.
6. Implications for good governance.
7. Summary.

The conclusion is that there was nothing illegal about what the Adelaide City Council did.

I have viewed correspondence from people who live in North Adelaide and who had moved into the area on the basis of what they believed to be a peaceful place, with major routes taking traffic through O'Connell Street and some on Jeffcott Street. For this issue to be raised yet again is very unsettling for them, and it is unfair for the member for Croydon to play his petty class games with people's daily lives.

The proposal is also contrary to contemporary trends where planners are trying to create areas which provide safer places for cyclists and pedestrians. Re-opening Barton Terrace West will disadvantage school children and elderly people who currently use these streets. Furthermore, the at Adelaide Oval redevelopment and the eventual (whenever it happens) Le Cornu development will already place extra stress on the residential areas of North Adelaide. One resident has put their point of view in the following way:

The Member for Croydon's ongoing bid to re-open Barton Road is motivated by a very dated notion of class, elitism and class war and ignores contemporary rights and notions on the importance of social amenity, environment, city living, and the basic rights of people over noise pollution and motor vehicles.

Notwithstanding the current inappropriateness of his argument, the proposal is seriously flawed. North Adelaide is primarily a residential area with a very mixed social profile. It has a greater concentration of local and overseas students, the elderly and flat/unit dwellers than any other suburb. The Helping Hand Centre for the aged, the University colleges and student accommodation, the social refuge on Hill Street, the Calvary Hospital and Hospice, the Women's and Children's Hospital, the day students at St Dominic's and North Adelaide Primary School, all house and represent people from the broadest of social walks. This disparate social mix is reflected in a very marginal electorate voting profile compared to the electorates to the East.

The implications of opening the park lands bus lane to mass traffic have not been properly considered. While Hill Street traffic at midday can be mild, morning peak hour during school term and the afternoon rush can be extremely busy, The stream of early morning busses, the large numbers of parents arriving at St Dominic's School

(and conducting undisciplined U-turns in Hill Street), the Memorial Hospital visitors, many elderly, attempting to reverse position from parallel parks outside Calvary and the Hospice, interspersed with the bike riders make Hill Street challenging and risky...The addition of significant numbers of transiting vehicles will further frustrate the peak traffic and force detours, mainly along Childers Street. As crossing the four lanes of Jeffcott Street from Childers Street is risky at the best of times, Atkinson's proposal will certainly lead to a requirement for traffic lights at the Childers/Jeffcott and very possibly at the Buxton/Jeffcott intersections.

This will of course significantly slow down traffic on the main arterial road through North Adelaide or Jeffcott Street to the city. The proposed establishment of lights at the Mills/Barton West intersection will also frustrate the many busses to and from the West with their full load during peak times adding minutes to their journey to and from the City. Those that choose to persevere along the full length of Hill then Ward Streets in peak hours will be confronted by traffic lights and the single lane for crossing and turning into Jeffcott Street, and banking up to several traffic light cycles before a crossing is achieved. It will ultimately be necessary to reduce the current bias towards Jeffcott Street. Council may find it necessary to implement a 40kph speed limit to 'pacify' the traffic as has been done in Mr. Atkinson's own electorate where community rights and amenity are seemingly more important.

Greater numbers of motor vehicles turning off Park Terrace into Barton Road will also affect the life cycle of traffic lights on the Park Terrace/Memorial Drive intersection further frustrating traffic flows on the arterial ring route.

It should also be noted that previous attempts at opening the bus-way to major traffic flows have been steadfastly opposed by SA Police.

The City of Adelaide is striving to increase its residential population and mix, is encouraging people to commute on bikes on new and somewhat expensive bike lanes rather than drive cars and publicly advocates social amenity, human and family values and noise and emissions reduction. This proposal is contrary to all good social planning and logic. To spend good public money to achieve a net negative social outcome makes little community sense.

The proposal is clearly an attempt to whip up populist support in the Member for Croydon's electorate and does not even superficially consider the unintended traffic and social consequences.

A rather observant constituent! Another person writes:

We already have a lot of traffic on these roads at various times during the day, particularly in the morning. Opportunistic roadusers will 'rat-run' from Hill Street onto the various roads leading to Jeffcott Street causing dangers to all road users.

Contrary to what Mr. Atkinson likes to expound, due to his ongoing obsession with this matter, this area is a destination for a lot of people who do not reside in the area, but who benefit from a safe access to it's amenities which include—

and schools, the Calvary Hospital, the Helping Hand Centre, the North Adelaide Golf Course and the Aquatic Centre are all referenced.

ACC have spent time and money trying to promote the use of free bicycles and a free bus service to stop traffic congestion in the area. Older residents remember the 'mayhem' that existed when the various roads between Jeffcott Street and Hill Street were congested, not to mention the many accidents that ensued. Lets not forget that careful planning and consultation between the various Councils in previous years, have resulted in the decision to restrict access to Barton Terrace to busses only. If this decision in the past was seen as the best solution in ensuring the safety and ease of traffic for all, how can one man think he has a better solution?

I would also like to point out that I am a regular visitor to Elizabeth Street Cafe and Let Them Eat Vegetarian Cafe in Elizabeth Street, Croydon (both very popular with visitors from all over Adelaide, much to the pride of the ever-growing amount of enterprising traders in the area), where Mr. Atkinson resides.

He no longer does, apparently.

There are quite a few road closures requiring the need to divert from the most direct route to access Elizabeth Street. I see these diversions, not as a deterrent, but as minor inconvenience. I make the assumption that a careful...consultation between various stakeholders—residents, road users, traders and council. Similar examples can be found all over Adelaide where residents are safeguarded against the dangers of heavy traffic...[in] Rose Park (restricted access from Fullarton Rd), Prospect, Unley, Hyde Park etc.

I believe that Mr. Atkinson's mission is in fact discriminatory in it's intent. His insistence that the residents in North Adelaide are elitist is derogatory and insulting. We are, as taxpayers and ratepayers, entitled to the same consideration as any other citizen.

I concur with those remarks. I will be opposing the second reading of this bill, as will the Liberal Party, and we hope that this is the end of this nonsense matter.

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

PORT STANVAC

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

That this council—

1. Notes that Exxon Mobil, as current site owners, have elected not to continue operating a refinery at Port Stanvac in Adelaide's south;
2. Notes that as part of its exit from the site, Exxon Mobil plans to remove the significant jetty structure at the site due to the lack of interest from any other party taking responsibility for the jetty; and
3. Calls upon the state government to take responsibility for the jetty and promote a site master plan that develops the facility for tourist and recreational purposes for Adelaide's south.

which the Hon. D. W. Ridgway has moved to amend in paragraph 3 by leaving out the words 'take responsibility for the jetty and',

which the Hon. G. A. Kandelaars has moved to amend by leaving out paragraph 3 and inserting new paragraph as follows:

3. Welcomes the state government's Southern Corridor Structure Plan, which will include the whole of the Port Stanvac site and assist with the development of the facility.

Question: That the words in paragraph 3 down to but excluding 'take responsibility for the jetty' stand part of the motion.

(Continued from 28 November 2012.)

The Hon. R.L. BROKESHIRE (17:55): I had already started my summing up late last year, so I will be brief now. I appreciate all the support I have received from my colleagues. I do appreciate the Hon. David Ridgway's comments that he would really like to see the wharf retained. As he pointed out, the state government retains ownership of the lighthouse on Margaret Brock Reef off Cape Jaffa, and it is now again at the rookery, so where there is a will there is a way.

I know that the government and the opposition are concerned about the liability of retaining the structure so they have both moved to amend the motion to remove that aspect, and I understand the perilous situation with the stage budget at the moment. However, looking to the longer term, I still see this as a very important piece of infrastructure.

The Hon. Mr Kandelaars, on behalf of the government, says that no decision on the wharf's future has been made but I suggest, from what I have been investigating, that if we do not get a motion that gets the government to commit to take over the responsibility for the wharf then, effectively, as they finish demolishing the rest of the Port Stanvac the wharf will go as well, because Mobil has been very transparent about the fact that it does not intend to maintain the wharf. It is looking for alternate users and the state government, in the immediate term, is really the only viable option.

I invite all honourable members to consider that boaties and the broader community are familiar with keeping away from the wharf: why cannot the state government take ownership of it, maintain the boating and access restrictions, and even pass by-laws making it an offence to go near it? Surely the liability is then reduced, because anyone who goes near it is committing an offence. The government can then hold it until it knows whether there is a potential use for it.

I am confident there is a lot of potential use. I do not get the impression that Mobil wants anything for the wharf. It wants out of its liability for it, which is a reasonable situation for its business. It is ceasing operations in South Australia and therefore does not want to retain the wharf. There is no business case for Mobil to retain it, as it is not part of its business.

Given the current economic climate, hopefully there will be signs of recovery in the next 12 to 24 months, if not sooner, and I would be confident that the private sector would then be interested in developing the wharf. Why not take it on and keep the situation as a positive opportunity for the Fleurieu and McLaren Vale wine regions, and for intrastate and interstate tourism?

I have contacted the new minister for a fresh look at this issue, and I hope that the government does have a change of heart. However, given that the amendments that have been moved by both the Liberal Party and the government do not fulfil what our intent was, it appears that unfortunately this motion will not get up.

The Hon. D.W. Ridgway: We went a fair way.

The Hon. R.L. BROKESHIRE: Whilst I acknowledge that the Liberals did go a fair way, the fact is that they did not go to the point of committing it to the government taking full responsibility—

The Hon. T.J. Stephens: Didn't go all the way.

The Hon. R.L. BROKENSHERE: That is right; the Hon. Mr Stephens is right. To complete my point, it looks like the numbers are not here for it. I think that is a sad situation and, unfortunately, a piece of infrastructure that could be revolutionary in turning into an opportunity for the southern region of our state and become another important piece of infrastructure, economically, will now be removed by Mobil in the next year or so. I commend the motion to the council.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The first question I will put is that the words in paragraph 3 'calls upon the state government to' stand part of the motion. Members wanting to support the amendment moved by the Hon. Mr Ridgway should say 'aye', and those who favour the Hon. Mr Kandelaars should say 'no'. I put the question: that the words in paragraph 3 'calls upon the state government to' stand part of the motion.

The council divided on the question:

AYES (15)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Gago, G.E.	Hunter, I.K.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Parnell, M.	Ridgway, D.W. (teller)	Stephens, T.J.
Vincent, K.L.	Wade, S.G.	Wortley, R.P.

NOES (3)

Brokenshire, R.L.	Hood, D.G.E.	Kandelaars, G.A. (teller)
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PAIRS (2)

Lee, J.S.	Zollo, C.
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Majority of 12 for the ayes.

Question thus carried.

The Hon. D.W. Ridgway's amendment carried; motion as amended carried.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February 2013.)

The Hon. K.L. VINCENT (18:09): This is an extremely short bill, having only four short clauses, which deals with an area of significant complexity about which a range of different views abound. A great many issues have been raised and discussed by my colleagues both here and in the other place; however, I would like to draw the council's attention to a matter that I do not feel has been given the consideration it is due. The council will no doubt be aware by now of the grave concerns I hold regarding the many ways in which our state's justice system is currently inaccessible for many people with disability. Its inaccessible buildings, its impenetrable processes, and the manner and form in which information about it is presented—all of these factors act as substantial barriers to people with disability seeking access to justice.

This bill, as I have already mentioned, is a very short one and very light on detail. I am generally supportive of the principle of broadening the types of evidence that can be considered by the court in relation to the issue of identification and of removing what appears to be an unnecessary preference towards identity parade evidence. However, I feel compelled to mention that, while I support the thrust of the bill, I would have liked to see a greater level of detail on how these contemporary alternatives to identity parades would be conducted and what special arrangements and adjustments would be made available to people with disability in particular.

The presence of clear, unequivocal guidelines on how identification evidence should be collected from people with a range of different forms of disability would be of great assistance to police officers, the legal profession, the courts and people with disability themselves. In the

absence of a clear statement of this kind, we are left with a one-size-fits-all approach, the modification of which will continue to be done on an ad hoc basis.

While it is encouraging that an identity parade will no longer be performed, without clear guidelines on alternative forms of evidence which reinforce the need for specific supports like an independent and appropriately qualified Auslan interpreter or an independent third person, for example, there remains an unacceptable risk that evidence will be collected improperly or wrongly considered to be unreliable.

I hope that in the future we will see a greater effort to address these issues when the Attorney-General's Department has finalised the state's Disability Justice Plan. However, I feel it important to point out that the barriers people with disability face will continue to exist as long as disability issues are considered separately. The best way to ensure that people with disability are included is to consider their interests and needs when considering issues that affect them, and you would be very hard pressed to find an issue that does not.

For this reason, I feel it of the utmost importance that we, as a parliament, incorporate the needs of people with disability when drafting legislation, particularly in areas such as this where individuals' ability to access justice and protect their rights is affected.

Debate adjourned on motion of Hon. Carmel Zollo.

At 18:14 the council adjourned until Thursday 21 February 2013 at 14:15.