HOUSE OF ASSEMBLY

Tuesday 5 December 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Appropriation,

Child Sex Offenders Registration,

Dental Practice (Miscellaneous) Amendment,

Development (Development Plans) Amendment,

Evidence (Suppression Orders) Amendment,

Evidence (Use of Audio and Audio Visual Links) Amendment,

Magistrates (Part-time Magistrates) Amendment,

Stamp Duties (Land Rich Entities) Amendment,

Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment.

SOLOMONTOWN KINDERGARTEN

A petition signed by 475 residents of South Australia, requesting the house to call on the government to maintain the staffing and current session times at the Solomontown Kindergarten for the foreseeable future, was presented by the Hon. R.G. Kerin.

Petition received.

ETSA TRANSMISSION POLES

A petition signed by 182 residents of South Australia, requesting the house to urge the government to reject the proposed erection of 20 metre transmission poles and high-voltage lines by ESTA Utilities in the Clarence Gardens area and to re-route the lines along South Road, preferably underground, was presented by the Hon. S.W. Key.

Petition received.

RAIL SERVICE, EXTENSION

A petition signed by 38 residents of South Australia, requesting the house to urge the government to extend the current passenger rail service from Gawler to the Barossa Valley, was presented by Mr Hamilton-Smith.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 21, 24, 38, 80, 81, 95, 100, 102, 110, 118, 120, 122, 124 and 130.

ADELAIDE FESTIVAL CENTRE

21. **Dr McFETRIDGE:**

1. What is the anticipated loss of revenue by the Adelaide Festival Centre resulting from the transfer of the ticketing contract from BASS to Ticketek and will any additional funding be provided to service this shortfall?

2. How much revenue did BASS provide to the centre in 2003-04, 2004-05 and 2005-06?

The Hon. M.D. RANN: I have been advised of the following:

1. It is assumed that Dr McFetridge is referring to a decision by the Adelaide Entertainment Centre to award their contract for ticketing services to Ticketek rather than BASS.

It has been estimated that as a result of that decision, the Adelaide Festival Centre, through BASS, will lose revenue of approximately $700 000 per annum.

Additional funding of $1.942 million has already been provided to AFCT for 2006-07. This provision takes into account the loss of $700 000 from Bass.

2. The following net revenue was generated by BASS and included in the Adelaide Festival Centre Trust budgets for the relevant financial year:

- 2003-04 $1 018 000
- 2004-05 $836 000
- 2005-06 Full year results for 2005-06 are not yet available but it is expected net revenues from BASS will be approximately $850 000.

LITERACY BENCHMARKS

24. **Dr McFETRIDGE:**

1. What State Government assistance and programs are provided to those year 3 students who do not achieve reading, writing and numeracy benchmarks?

2. What assistance is provided to current year 4 to 6 students who did not meet the year 3 literacy and numeracy benchmark in previous years?

3. How are year 1 students identified as requiring additional literacy assistance?

4. What is a 'running record'?

5. What percentage of improvement in primary school literacy can be directly attributed to the Premier's Reading Challenge?

6. Which 45 schools were acknowledged for the 2005 Premier's Reading Challenge?

The Hon. J.D. LOMAX-SMITH:

1. and 2. The Government's $35 million Early Years Literacy Program, is a comprehensive early intervention initiative that focuses particularly on children requiring additional literacy support. Every preschool and school with children in Years R-3 is required to have an early years literacy plan to guide and monitor improvement in literacy outcomes of young children.

The Program includes provision for the equivalent of 60 extra teachers to provide one-to-one assistance for Year 1 children identified as requiring additional literacy support.

Children identified as needing additional support through the SA School Entry Assessment and the normal observations of teachers in their day to day observations of students are also assisted through the Reading Recovery and Running Records programs and the Accelerated Literacy Program. This covers reading, writing, spelling and speaking to accelerate the literacy levels of marginalised students.

Professional development is also offered focussing on analysis of State Literacy and Numeracy test data and identifying action plans for teachers in districts where results are below the State average.

In addition, Early Years Literacy Program funding has facilitated the employment of 30 additional skilled teachers to work alongside classroom teachers to guide effective literacy teaching, provided extra early childhood initiative coordinators and enabled the development of high quality literacy resource materials.

Smaller class sizes in reception to Year 2, to be expanded to Year 3 in 2007, also help to facilitate the individual attention needed by students and support the goal to give children the best possible start to their learning.

Additional school funding based on the numbers of students in the lowest skill bands in the Year 3 and Year 5 2005 State Literacy and Numeracy tests, was distributed during June. This additional funding has been provided to specifically enable schools to better support these students who are now in Year 4 and Year 6.

This funding covers students who did not achieve the benchmark standards, as well as students whose achievement was marginally above benchmark standards. This is in addition to specific support these students already receive.

3. . Year 1 students are identified as needing additional assistance primarily through assessment programs such as the SA School Entry Assessment that supports teachers to collect information about a student's knowledge, skills and understanding. This is collected as teachers interact with and observe children during the regular classroom program.

It is also common in the early years for schools to administer specific screening tests, such as the Waddington Reading Assessment, SA Spelling Test and Neale Analysis.

4. *Running Records* is a tool for coding, scoring and analysing a student's instructional reading level. Teachers measure the reading levels of all children who are learning to read to assess children's progress.

It is an integral component of Reading Recovery strategies. This year *Running Records* training is being conducted for over 2000 classroom teachers.

5. Year 3 results for reading were the best ever achieved rising from 91 per cent of students in 2004 to 94 per cent in 2005, with writing improving from 90 per cent to 92 per cent. Year 5 reading equalled the highest ever achieved and Year 7 achieved the best results ever across reading (92 per cent in 2004 to 94 per cent in 2005) and writing (88 per cent in 2004 to 91 per cent in 2005).

The Premier's Reading Challenge has seen a spectacular increase in the uptake of reading by students from Reception to Year 9. 71 249 students completed the Premier's Reading Challenge in 2005, which was a 30 per cent increase from 2004. 90 per cent of all schools are registered to participate in the challenge in 2006 with more than 129 700 students involved.

The improvement in primary students' literacy results is attributed to the comprehensive suite of programs, including the Premier's Reading Challenge, that contribute to the overall approach to literacy development, rather to any initiative in isolation. It is not possible to ascribe a particular percentage or proportion of the improvement to any one initiative.

6. The following 45 schools were acknowledged for outstanding achievement at a Premier's Reception in November 2005:

Booborowie Primary School
Clare Primary School
Cobdogla Primary School
Edithburgh Primary School
Fraser Park Primary School
Hallett Cove South Primary School
Karkoo Primary School
Keller Road Primary School
Kersbrook Primary School
Kilparrin Teaching and Assessment Unit
Koolunga Primary School
Lock Area School
Massada College
Melrose Primary School
Millbrook Primary School
Mintaro/Farrell Flat Primary School
Mount Pleasant Primary School
Mount Torrens Primary School
Mylor Primary School
Our Lady of the Manger School
Our Lady of Visitation School
Paringa Park Primary School
Penneshaw Campus – KI Community Education
Port Lincoln Special School
Port Vincent Primary School
Rapid Bay Primary School
Redeemer Lutheran School
Riverland Special School
Rosedale Primary School
Salisbury Park Primary School
Salt Creek Primary School
SA School for Vision Impaired
Seaton High School
Spalding Primary School
St Albert's Catholic School
St Dominic's Priory College
St. George College
Tarlee Primary School
Terowie Rural School
Truro Primary School
Watervale Primary School
Westminster Preparatory School
Wharminda Primary School
Whyalla Special School
Wirrabara Primary School.

EARLY CHILDHOOD DEVELOPMENT CENTRES

38. **Dr McFETRIDGE:**

1. What is the purpose of the Early Childhood Development Centres and how do they differ from a child care centre, pre-school or kindergarten?

2. What are the current building and funding stages of each of the 20 South Australian centres?

3. Which centres were already in operation prior to the announcement of government funding during the 2006 election and which centres have been opened since?

4. How much have funding have these centres received or expect to receive, and why have some centres only received funding in the order of $150 000, while others received funding in the millions?

5. What is the total amount of funding allocated to all centres?

6. How many children are expected to attend each centre?

7. How many children currently attending these centres are from disadvantaged backgrounds?

8. What benefits are these centres expected to bring to the community?

9. Has any school community experienced any issues or problems with the funding or building of these centres?

The Hon. J.D. LOMAX-SMITH:

1. The goal of Children's Centres is to develop a universally accessible service that promotes healthy learning, development and wellbeing of children from conception through the preschool and first years of school.

The model for Children's Centres builds on existing integrated early childhood service delivery models in South Australia. The Centres provide preschool and early years educational programs, family support, maternal, child and family health programs, in a single accessible location. This is usually at a primary school and coordinates with early intervention programs for children and families with additional needs and community services.

2. The Government has committed to establishing 20 centres by 2010. It is anticipated that the first ten Children's Centres will be operational by the end of 2007. Nine are being established using refurbished sites and one is being newly constructed. The total capital funding budgeted for the construction of the first phase is $3 568 567.

In the second phase the Government has committed to developing another 10 centres over the next four financial years. Funding of $23.3 million was announced in the 2006/2007 State budget. Detailed planning for the building and funding of the next 10 Centres will occur in 2006/07.

Of the new Children's Centres, Enfield, Elizabeth Grove and The Parks were in operation as of October 2005. Since the 2006 election, building plans have been developed and construction works tendered for further development of Enfield, Elizabeth Grove, The Parks, Hackham West, Wynn Vale and Taperoo. It is anticipated that Hackham West, Wynn Vale and Taperoo will open in January 2007.

4. Since 2005, the total funding allocated for capital works and the establishment of the Children's Centres is $3 568 567 and $429 993 respectively. Funding for individual centres reflects existing facilities and new program requirements and therefore there is a variation in the allocation of funds. In locations where there has been capacity to build on and/or consolidate existing government infrastructure, the costs are reduced. In other locations the project provides an opportunity for the construction of new facilities that consolidate health, education, care and family services in a single location and improves the access to services for young children and their families.

5. Total funding to date allocated to the 10 Children's Centres for capital works and establishment is $3 998 560. Funding of $23.3 million for the next 10 centres was announced in the 2006/2007 State budget.

6. The Children's Centres will provide an extra 600 child care places over the next five years. The number of children who access the other services provided will vary depending on family choice and the services available at individual centres. Each metropolitan Children's Centre is designed to serve about 3 000 families.

7. Children attending Children's Centres are not categorised by family background. However, 9 of the 10 Children's Centres in the first phase are to be located in sites that have been identified as Category 1, meaning the community has high levels of disadvantage. The other centre is identified as Category 2, which has some level of disadvantage.

8. Children's Centres will benefit the community by providing a range of high quality, joined-up early childhood services. These will have a single access point and provide continuity for children

and families throughout the early childhood years from conception, with particular support through key transition periods.

The Children's Centres will have professional multi-disciplinary staff teams and high quality programs that reflect contemporary knowledge about young children's learning, development and wellbeing. These services will display respect for cultural and linguistic diversity and be sensitivity to cultural expectations. Further, there will be an increased capacity to respond to the needs of children and families with effective intervention at the earliest possible time. Parents will be provided with comprehensive information about raising children, early childhood and the progress of individual children as they learn and develop.

9. Where Children's Centres are being established on school sites, the school communities have been involved in the development process. Relevant staff and governing council members have been included in the planning process. Construction works are undertaken in a way that maximises safety and causes minimal disruption and inconvenience. Any issues that arise are addressed and resolved locally with the planning group.

SCHOOLS, EAT WELL PROGRAM

80. **Mr PISONI:** Has the Department provided any fund raising advice to school councils to compensate them for any loss in canteen and vending machine revenue as a result of the implementation of the 'Eat Well' program in schools?

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's intends to implement healthy eating guidelines from the beginning of 2007 with all sites complying in 2008.

The implementation stage will allow for sufficient time for consultation, training, resource development and support for schools.

The Department of Education and Children's Services has not provided fund raising advice to Governing Councils.

Many school canteens currently have a healthy food policy. There is no evidence that implementation of the "Healthy Eating Guidelines" – and hence removal of unhealthy food – will result in a financial loss to schools.

However, funding has been allowed to enable ongoing assistance to canteens and schools more generally, to support healthy eating and obesity prevention programs.

SCHOOLS, CLASSROOM NUMBERS

81. **Mr PISONI:** Has any provision been made to increase the number of classrooms in inner suburban schools to house the additional classes formed as a result of reduced class sizes?

The Hon. J.D. LOMAX-SMITH: The Government has achieved smaller class sizes in the early years of schooling through implementation of the JP160 and Early Years schemes. The smaller class size initiative will be extended through the planned additional 100 Year 3 salaries to be implemented in 2007.

During the development of the JP160 and Early Years schemes budget allowance was made for the provision of additional classroom accommodation.

Most sites have sufficient classroom space to accommodate new classes. The provision of any additional classrooms needed under the additional Year 3 teachers initiative is planned to be managed from within existing capital funding.

SCHOOLS, TARGETED IMPROVEMENT STRATEGIES

95. **Dr McFETRIDGE:** What targeted improvement strategies in the areas of student underperformance have been implemented in 2006?

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's Services (DECS) has implemented and progressed a wide variety of programs to identify and address student underperformance. These include:

The $35 million Early Years Literacy Program

This comprehensive literacy program focuses on the early years and particularly on children requiring additional literacy support. Already, funds totalling $15 million have enabled classroom teachers to gain specialist skills, provided mentors for teachers, delivered one to one help for children and extra staff for preschools with significant numbers of Aboriginal children.

Learning Together (Child and Family Literacy) Project

Additional funding of $4.2 million over four years was allocated in the 2005-06 budget to support five Learning Together programs, which focus on children's early literacy learning in the context of their families. These programs are located in identified areas of disadvantage across the State.

Class Size Reduction

In 2006 an allocation of an additional 152.9 full-time equivalent junior primary teachers was provided to disadvantaged schools with an R-2 enrolment. This allocation was to schools in categories 1 to 3 of the Index of Educational Disadvantage and was provided through the JP160 scheme. The class size reduction initiative has been extended to category 4 to 7 schools in 2006 and will be further expanded to Year 3 classes by the employment of an extra 100 teachers over four years from 2007.

South Australian Accelerated Literacy Program

Accelerated Literacy has been used in a small number of DECS schools including all schools in the Aboriginal Lands district, for a number of years. 2006 is the first year of a three-year program where the pedagogy is being offered to categories 1—4 mainstream schools from Reception to Year 10, and some regional and remote Aboriginal schools. Thirty-nine schools are currently involved in the program and this will increase to about 52 schools in 2007.

First Steps In Mathematics

This professional development program and set of resources is designed to improve learning outcomes for students by supporting teachers to further their own understandings of mathematics and to understand how students learn mathematics. In 2005-2006 1 200 teachers have been trained.

Primary Years Maths for Learning Inclusion

This $1.25 million program, targeting 46 category 1 to 4 schools has supported the appointment of eight cluster coordinators and professional development of over 300 teachers designed to improve mathematics outcomes for low socioeconomic and Aboriginal students in the primary years.

Learning Difficulties and Support

Professional Development regarding difficulties and learning disabilities has been provided to centres and schools.

Early Intervention Learning Difficulties Professional Development

Intensive training has been provided to teachers, Aboriginal Education Workers and School Support Officers to gain a better understanding of learning difficulties, explicit teaching and effective teaching strategies.

Assessment and Screening Resource Guide

This Preschool to Year 12 package provides centres and schools with information about assessment that assists them to gather evidence data in student performance and is being distributed to schools in 2006.

Grants to all disadvantaged schools for literacy and numeracy improvement

In 2006 $7.6 million in Commonwealth grants plus $2 million from State funding was allocated to all Categories 1-4 schools for literacy and numeracy improvement through, for example, implementing programs such as Accelerated Literacy and Reading Recovery and to purchase resources and additional staffing to support students.

Senior Years Literacy Program

This $75 000 program trains teachers of Vocational Education and Training to improve students' understanding of and capacity to address, the literacy demands of the workplace.

Keeping Boys Connected

In 2005-06 $127 000 was allocated to support improved engagement and outcomes for boys from low socio-economic backgrounds.

SCHOOLS, TRANSPORT FUNDING

100. **Dr McFETRIDGE:** What is the current status of funding allocated to the transport of Aboriginal children and families to attend the following centres—Kalaya, Kaurna Plains, Flinders and Christies Downs Kindergarten?

The Hon. J.D. LOMAX-SMITH: Kalaya, Kaurna Plains and Flinders Children's Centre provide transport services for children and students using vehicles either purchased or leased by the site for this purpose. Christies Downs Kindergarten also has a current lease arrangement which will be supported by Aboriginal Education and Employment Services until the end of 2006.

EDUCATION, STAFF VACANCIES

102. **Dr McFETRIDGE:**

1. What senior Departmental positions are currently vacant and for how long?

2. How many other vacancies currently exist within the Department?

The Hon. J.D. LOMAX-SMITH:

1. As of 9 October 2006 there are no Public Sector Management Act Executive positions vacant. All positions of this type are filled on either a temporary or longer term contract basis.

2. DECS has more than 23 000 employees located in over 1000 work sites. These employees have a range of tenure arrangements (permanent, contract, temporary, casual and hourly paid). Many of our selection and appointment decisions are made at the local level. For these reasons the number of departmental vacancies varies significantly on a daily basis.

SCHOOLS, NEW BASICS FRAMEWORK

110. **Dr McFETRIDGE:** What is the current status of the 'New Basics Framework' in primary and secondary schools?

The Hon. J.D. LOMAX-SMITH: The New Basics Framework is an Education Queensland curriculum framework and is not mandated in Queensland schools.

The South Australian Curriculum, Standards and Accountability (SACSA) Framework is the curriculum for Department of Education and Children's Services schools and preschools.

The New Basics Framework is not mandated for use in South Australian schools.

LEARNING TOGETHER PROGRAM

118. **Dr McFETRIDGE:** How many families are currently participating in the 'Learning Together' program and how many participated in 2005?

The Hon. J.D. LOMAX-SMITH: In 2005, 318 families participated in the Learning Together Program.

From January to September 2006, 284 families had enrolled in Learning Together.

THIRD INTERNATIONAL MATHEMATICS STUDY

120. **Dr McFETRIDGE:** What are the results of the recent 'Third International Mathematics Study' for South Australian year 3, 5 and 7 students?

The Hon. J.D. LOMAX-SMITH: Trends in International Mathematics and Science Study (TIMSS) measures the mathematics and science achievement of students in year 4 and year 8.

TIMSS, last conducted in 2002, is conducted every four years and will be conducted again during October this year.

SCHOOL STUDENT RETENTION RATES

122. **Dr McFETRIDGE:** What Departmental programs or initiatives are currently offered to improve the retention rates and learning capacities of students and students at risk, and how much funding was allocated to each program in 2005-06?

The Hon. J.D. LOMAX-SMITH: The Government has a comprehensive range of initiatives in place to support the retention of young people including the School Action Retention Plan, the Futures Connect Strategy and the Student Mentoring Program.

- School Retention Action Plan received $4 338 000 in 2005-06.

  The Plan includes:

  Innovative Community Action Networks (ICANs) targets young people experiencing multiple issues of disadvantage by bringing them together with families, schools, community groups, businesses and the different levels of government to find local solutions to issues preventing them from continuing in education. As of June 2006, 2 048 young people, including 654 Aboriginal young people, have participated in 54 community-based programs.

  Additional Support for At Risk Learners provided through initiatives and programs that target young people most at risk of being disengaged from learning. As of June 2006, 3 321 young people, including 303 Aboriginal young people, have participated in more than 30 programs across the State. Examples of strategies and programs include:

  - improving cross-agency support services to keep children and young people engaged in learning
  - matching volunteer mentors and the needs of identified students
  - supporting young people in years 11 and 12 to complete their SACE or structured training or obtain sustainable employment.

  Targeted Aboriginal Education Programs provides support to Aboriginal young people. As of June 2006, 768 Aboriginal young people have participated in 10 programs across the State. Examples of programs include:

  - assistance for young people to complete their SACE
  - partnerships between young people, schools, parents, Aboriginal communities, government agencies, non-government services and business/industry
  - implementation of good practice action research.

- Futures Connect Strategy received $4 775, 200 in 2005-06.

  The Futures Connect Strategy supports young people aged 13-19 years in government schools to develop the knowledge, skills and personal qualities required for life beyond school. The strategy supports young people to connect with community agencies, local employers and training providers to make the transition into further education, training and employment pathways. Programs are developed and implemented to meet the identified needs of targeted groups of young people. Programs and initiatives implemented through local clusters include:

  - development of Individual Learning and Transition Plans
  - a Disability Transition Program
  - supporting access to a range of VET courses, Structured Work Placements and School Based Apprenticeships.

- Student Mentoring Program received $1 439 500 in 2005-06

  The Student Mentoring Program provides targeted one-on-one support for students to help them re-engage in their learning and/or stay at school. Funding provided is equivalent to releasing 80 teachers for one day a week to dedicate to mentoring that supports learning, achievement, pathways planning and student wellbeing. Each year around 800 young people in 45 schools with secondary enrolments receive support to address schooling and personal issues.

SCHOOL LIBRARIES

124. **Dr McFETRIDGE:**

1. What is the total funding for school community libraries funded for 2006?

2. How is the Departmental funding for each school community library calculated and is this likely to change?

3. Why do some school community libraries receive more funding than others?

4. Will teacher library hours be increased in school community libraries which have received a reduction in hours and funding as a result of the January 2006 review and if not, why not?

5. What has been the total reduction in teacher library hours and funding to school community libraries?

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's Services (DECS) estimated funding for School Community Library Assistants in 2006 is $1.74 million dollars.

The new funding formula for school community libraries implemented in January 2006 provides a consistent allocative mechanism to enable transparency in management of resource provision. The formula includes a base allocation of 15 hours per week plus an additional 5 hours per week to allow for after hours opening time. In addition, communities with a population in excess of 800 are allocated an additional one hour of community library assistant hours for every 150 head of population in excess of 800.

The new formula rectifies an anomaly where some school community libraries were receiving comparatively more hours than libraries in other areas of the State, irrespective of population numbers.

Teacher-Librarian time is determined in accordance with the DECS formula for Teacher-Librarian staffing for the size and type of school, and this has not changed. Teacher-Librarian hours have not been reduced. Only School Community Library Assistant hours changed when the new funding arrangements were implemented in January 2006.

The new formula has resulted in 19 libraries receiving fewer hours, 18 receiving more and 8 remaining unchanged. This did not result in a net decrease in hours or funding across the State. In fact,

there is an increase in allocation of 11 ½ hours funded by DECS across the State.

EDUCATION DEPARTMENT

130. **Dr McFETRIDGE:**

1. How many admission registers are currently maintained by the Department and of these, how many are not accessible under Freedom of Information requests?

2. How many admission registers have been lost or destroyed over the past 10 years and what are the administrative arrangements for keeping them?

3. What are the legal requirements for keeping admission registers and do current Departmental practices comply with normal administrative protocols and legal requirements?

The Hon. J.D. LOMAX-SMITH:

1. Each Department of Education and Children's Services (DECS) primary and secondary school maintains a current admission register, known as a register list, through the Education Department School Administration System (EDSAS). There are 604 current admission registers within DECS schools.

It is not possible to give an indication of the number of historical admission registers currently held by schools and awaiting transfer to State Records. However, 388 schools have transferred historical admission registers to the government archive, State Records.

Access to registers less than 30 years old is restricted due to the sensitivity of the information contained within them. It is possible, for individuals to access their own entries in admission registers within that period. Information in admission registers over 30 years old does not require a Freedom of Information request. In this case, individuals may contact State Records for access.

Given the time that would be needed to contact each school to determine the admission registers they hold it is not possible to provide an accurate response to the request for the number of registers not accessible under the Freedom of Information Act 1991.

2. Likewise, due to the time and resource commitment that would be required it is not possible to provide an accurate number of admission registers that have been lost or destroyed over the past 10 years.

There have been a number of cases where admission registers have been destroyed through fires at schools.

3. DECS has in place administrative procedures that relate to the management of admission registers and these administrative arrangements support its legal obligations.

Schools, as the creators of the admission registers, have a responsibility to manage them whilst they are still in use and to archive them appropriately once they no longer have a business need for the register.

In accordance with the *State Records Act 1997* and the State Records Council approved General Disposal Schedule 22, all admission registers must be retained permanently. The information contained within the registers has been determined to be of historical importance to not only local communities but also the State, and for this reason, these registers are never to be destroyed.

To facilitate this, DECS has in place the *EDSAS End-of-Year* procedure. Item 7 of this procedure highlights the need for schools to print out their register list at the end of each year. This register list, which has superseded the traditional admission registers, is, under item 4.2.2 of General Disposal Schedule 22, to be retained permanently as a historical government record.

DECS has established the *Management of Permanent Records Procedure*, to assist schools in transferring their historical records, and this information is available to schools via the Records Management Services website. Training provided within the last two years includes the processes that schools need to follow to transfer their records of historical importance.

CITY OF UNLEY

In reply to **Mr PISONI** (29 August).

The Hon. K.O. FOLEY: I am advised that the City of Unley has a loan outstanding to BASA of approximately $500 000 that was secured by way of a first ranking charge over the lease for the Wayville basketball stadium and a second ranking charge over the basketball stadium at Findon. The Government has a first ranking charge over the Findon stadium.

The sale of BASA's assets and negotiations with BASA's creditors has been conducted by BASA's interim controller, Mr Bruce Carter.

I am advised that Mr Carter has held discussions with the Unley Council regarding its loan to BASA and has kept them fully informed.

I have already publicly announced the outcome of the sale process of BASA major assets, where $3.95 million was received for the sale of the Adelaide 36ers licence and Findon basketball stadium and $113 000 for the Adelaide Lightning licence. The proceeds fall well short of the Government's loans to BASA, which exceeds $11.5 million.

I am also advised that Basketball SA, the entity now responsible for managing grass roots basketball in South Australia, is negotiating with Unley Council with respect to use of the Wayville stadium going forward.

BUDGET FIGURES

In reply to **Hon I.F. EVANS** (19 September).

The Hon. K.O. FOLEY: I am advised that under the Public Finance and Audit Act, agencies have 42 days to complete their financial statements and deliver them to the Auditor-General for review.

The review process continues until the Audit Report is tabled in Parliament. The Auditor-General must provide his report to Parliament before 30 September.

The Department of Treasury and Finance prepares the Final Budget Outcome based on the audited results of agencies, which are not available until the release of the audit report.

Accordingly, the 2006-07 Budget includes an estimated result for 2005-06, which has been prepared with the latest information available.

The estimated result reflects the latest Cabinet approved budget position, including Cabinet expenditure decisions and adjustments to approved expenditure as a result of parameter changes. The estimated result has been adjusted to reflect the expected actual result for major revenue items like taxation, royalties and GST revenues.

This is consistent with the practice of previous years, including those under the former Liberal Government.

PUBLIC SECTOR EMPLOYMENT

In reply to **Ms CHAPMAN** (19 September).

The Hon. K.O. FOLEY: I am advised that the 2005-06 Budget included planned employment growth of 469 full-time equivalents (FTEs) between 30 June 2005 and 30 June 2006.

The 2006-07 Budget shows for the same period, employment growth was estimated to be 1 507 FTEs. The increase reflects a combination of decisions made during the year and improvements to the collection methodology. The most significant changes were in:

- Education and Children's Services which increased by 744 FTEs associated with additional funding for high need students and higher than expected enrolments and a correction to the base numbers to respond to higher employment as at 30 June 2005;
- Health which increased by 214 FTEs as a result of further funding provided to address continued growth in hospital activity and to further reduce waiting lists;
- Transport, Energy and Infrastructure and Environment and Heritage which increased by 204 FTEs as a consequence of the conversion of staff from temporary to permanent employment to reflect the business needs of the agencies;
- Further Education, Employment, Science and Technology which increased by 136 FTEs;
- The South Australian Ambulance Service which increased by 87 FTEs to address increased demand and reduce overtime rates, and
- Natural Resource Management Boards which increased by 64 FTEs.

CAPITAL WORKS

In reply to **Ms CHAPMAN** (19 September).

The Hon. K.O. FOLEY: I am advised that a provision for capital slippage from the end of the budget year is included in each budget to accommodate the tendency of some capital projects to slip from their original schedule.

The provision of $40 million included in the 2003-04 Budget was conservative. The move from $40 million to $60 million and to $90 million in 2006-07 better reflects the level of net under expenditure on investing projects.

The $90 million provision in the 2006-07 Budget is 11.6 per cent of the total investing program. This remains a relatively conservative provision as investing projects can be delayed for a number of reasons.

Investing carryovers for the last four budgets has ranged between $80 million and $120 million. That is expenditure intended for the budget year of between $80 million and $120 million was carried over to later years. On this basis a slippage assumption of $90 million is clearly conservative.

For the years 1997-98 to 2001-02 the provision for capital slippage was between $25 million and $80 million (except for Nil in 1998-99) and total investing carryovers exceeded these amounts in all years, sometimes by large amounts.

ISOLATED CHILDREN, TRAVEL ALLOWANCE

In reply to **Dr McFETRIDGE** (27 June).

The Hon. J.D. LOMAX-SMITH: Approval was given for an increase from the start of 2005 to the Conveyance Allowance rate to 17.4 cents per kilometre and from there-on, an annual adjustment from the beginning of the school year based on the Treasury inflation allowance. At the start of 2006, this rate was increased to 17.8 cents per kilometre.

The travel allowance will be adjusted again in 2007 in line with the Treasury inflation allowance.

RED LIGHT CAMERAS

In reply to **Mr HAMILTON-SMITH** (9 May).

The Hon. P.F. CONLON: The Minister for Road Safety has provided the following information:

The commitment the Government made was to install 48 cameras over a four-year period, at a total cost of $35.6 million (made up of $26.2 million of recurrent funding (SAPOL, CAA, DTEI) and $9.4 million (DTEI) investing). Included in these costs were the purchase of the cameras, site works, commissioning the cameras, operating and maintaining the cameras and work associated with offences such as expiations and court related work.

The current program proposes that 27 cameras are installed in 2005-06 and 7 in each of the following three financial years. Nine new digital cameras have been purchased (along with 10 cameras purchased as part of an earlier program) and the associated infrastructure works (including the housing) have been completed for these 19 cameras. The infrastructure works at the remaining 2005-06 sites is currently underway and is expected to be completed by mid 2006.

As members would be aware from media coverage, the digital cameras were faulty upon being trialled and have since been returned to the manufacturer in Germany and will not be installed and operated until they are working fully. At present wet film cameras have been loaned at no cost to the state, and are operating in the new housings.

TRAM ASSETS TRANSFER

In reply to **Mr HAMILTON-SMITH** (18 October).

The Hon. P.F. CONLON: I provide the following information:

On 23 January 2006, Cabinet agreed to new ownership arrangements for the trams and tram related infrastructure assets. These new arrangements were designed to reduce the risk associated with fragmented tram related infrastructure ownership, including the potential for different and costly management frameworks. The revised ownership arrangements for tram infrastructure were modelled on the current arrangements for use of the bus assets owned and controlled by the Department for Transport, Energy and Infrastructure (DTEI). The revised arrangements for tram infrastructure ownership provide DTEI with the responsibility for the planning, maintenance, asset improvement, replacement and reporting for all public transport assets in an integrated way.

While TransAdelaide and DTEI operate within the same portfolio, for legal purposes they are two separate reporting entities. As a result, all transactions between the two entities must be recorded and reported in the financial statements of both entities. The adjustments made on the budget line referred to reflect the impact of the transfer of tram infrastructure assets on the individual reporting entities. Although the budgets for both TransAdelaide and the department were adjusted to provide for the impacts of the infrastructure transfer, there was no budget impact across the whole of government.

CORRECTIONS, REHABILITATION PROGRAMS

In reply to **Mr WILLIAMS** (9 May).

The Hon. M.J. ATKINSON: The Hon. Carmel Zollo, MLC, Minister for Correctional Services, has provided this advice:

The Department for Correctional Services provides an integrated and individual case-management approach to rehabilitation, across both custodial and community corrections.

The Department's "Throughcare" approach includes pre-release planning, program referral, assistance to secure lodging, post-release support and treatment follow-up for prisoners and remandees leaving prison.

Programs are currently delivered that reflect the most frequently identified criminogenic needs (i.e. those issues that directly relate to offending). Referral to these programs is commonly instigated through the courts and the Parole Board. They issue conditions requiring offenders to be assessed and participate in specific programs. They include:

- Alcohol and Other Drugs;
- Anger Management;
- Domestic Violence;
- Numeracy and Literacy;
- Victim Awareness; and
- Cognitive Skills.

The Department also offers programs to address specific offending behaviour, as in the sex-offender and violent-offender treatment programs.

Of particular importance are the Department's efforts to assist prisoners in their transition back to society through help provided by initiatives supported by the Social Inclusion Board. These initiatives include, with the assistance of the Offenders Aid and Rehabilitation Service and the Aboriginal Prisoner and Offender Support Service, the provision of information and help to prisoners in accessing affordable housing upon release, thereby reducing the risk of homelessness and related re-offending by this group.

As an estimated 25 percent of prisoners entering the prison system are opioid dependent, assistance is now provided through an expanded opioid replacement program for to up to 300 prisoners.

PRISONERS, NUMERACY AND LITERACY

In reply to **Mr WILLIAMS** (9 May).

The Hon. M.J. ATKINSON: The Hon. Carmel Zollo, MLC, Minister for Correctional Services has provided this advice:

The South Australian Department for Correctional Services has programs that give prisoners the opportunity to obtain skills necessary to resume their place in society upon release from prison. In addition to the range of therapeutic programs that are specifically designed to address offending behaviour, prisoners also have access to vocational education and training programs.

The Department is a Registered Training Organisation and provides formal training leading to nationally-recognised qualifications.

Prisoners in South Australia have access to the Introduction to Vocational Education Certificates (IVEC) program, which improves literacy and numeracy skills. The program has courses that improve literacy and numeracy and the employability of prisoners. This program leads to the awarding of national credentials and establishes pathways into TAFE S.A., to allow prisoners to continue education and training upon release.

In 2004-05, the Department delivered education and training programs to 1199 prisoners. More than half of the group studied to improve literacy and numeracy skills.

The Department for Correctional Services is pledged to the improvement of prisoner literacy skills. In the 2004-05 year, the Department led Australian correctional systems in the development of a national literacy-assessment tool for use in prison systems.

HEALTH, SOUTH COAST DIALYSIS SERVICES

In reply to **Mr PENGILLY** (5 June).

The Hon. J.D. HILL: Renal dialysis for patients residing in the Southern Fleurieu region is available at either Murray Bridge or Noarlunga. There is a Fleurieu volunteer transport group for patients requiring treatment at these centres.

The allocation of dialysis chairs across the State is based on population needs and is determined by the Department of Health Renal Reference Group. The South Coast District Hospital at Victor Harbor is in the process of preparing a formal submission to this group to consider the establishment of a dialysis service at this

hospital. This is in response to a request by the local Country Women's Association, which has provided a donation of $80 000 for the establishment of a dialysis service.

I have been advised that, at present, there is one patient living in the South Coast District Hospital area, who has been identified by their renal physician as requiring this treatment.

It has not yet been established whether a dialysis service in the Southern Fleurieu region, or at the South Coast District Hospital, is justified.

HOSPITALS, PORT PIRIE AGED CARE

In reply to **Hon. R.G. KERIN** (20 June).

The Hon. J.D. HILL: I am advised:

The State Government has approved a $2.27 million refurbishment of the Hammill House aged care facility in Port Pirie.

Stage 1 is expected to be completed by September 2006 and involves the establishment of Day Care facilities to complement the services available to residents as part of the redevelopment.

The tender for construction works for Stage 2 has recently been awarded and involves the establishment of a number of new aged care bedrooms, two dedicated dining rooms together with associated serveries, and a lounge area for aged care patients.

RECREATION PARKS

In reply to **Hon. I.F. EVANS** (2 May).

The Hon. J.D. HILL: The Minister for Environment and Conservation has advised:

There will be no changes to recreation activities currently allowed in Recreation Parks if the proposal to rename parks in accordance with International Union for the Conservation of Nature and Natural Resources standards proceeds.

TUBERCULOSIS

In reply to **Mr HANNA** (9 May).

The Hon. J.D. HILL: I am advised:

1. Tuberculosis (TB) disease is a notifiable disease in South Australia.

In 2005, 48 cases of TB disease were notified.

2. The SA Department of Health, through SA TB Services, conducts clinical and public health management of any suspected or confirmed cases of TB in South Australia.

The Commonwealth Department of Immigration and Multicultural Affairs (DIMA) advises that:

- All permanent entrants are required to undergo medical screening prior to visa grant and this includes a chest x-ray for all people aged 11 years and over for TB disease. Depending on the result of these tests, the client may further be required to undertake a TB check (or other health undertaking) within a certain time frame immediately after arrival in Australia.
- In addition to the above, a pre-departure health screening of offshore-Humanitarian Program arrivals is undertaken. These screenings are followed by a health manifest being forwarded to onshore settlement services and Communicable Disease Control Branches in each State and Territory. The manifests give a broad fit-for-travel profile and identify cases requiring early attention after arrival.
- Following arrival in Australia, DIMA provides off-shore humanitarian entrants with intensive settlement support on an as needs basis.

In addition to the services provided by DIMA the SA Department of Health, through SA TB Services, offers voluntary Mantoux testing to identify latent (asymptomatic) tuberculosis infection in people who have recently arrived in Australia from countries (including African countries) with a high incidence of TB.

COXSWAIN TICKETS

In reply to **Mr PENGILLY** (29 August).

The Hon. P.F. CONLON: I provide the following information:

There has been no change in policy in relation to Coxswain Certificates of Competency without an expiry date.

Certificates without an expiry date will continue to remain in force without requiring renewal or payment of fees, unless cancelled by the Department for Transport, Energy and Infrastructure (DTEI).

DTEI will renew such certificates if requested by the holder. This is mainly due to vessel operators entering interstate waters, where that jurisdiction requires a certificate to be renewed (or revalidated) every five years.

DTEI has had recent discussions with industry on some proposed changes to certain business processes.

Following consultation with industry, DTEI will introduce (on 1 October 2006) a new 'renewal' process for Coxswain certificates as prescribed under the *National Standard for Commercial Vessels, Part 0—Crew Competencies* (NSCV-Part D).

The renewal process under the NSCV-Part D will apply to all new applicants and holders of Coxswain certificates issued prior to 1 October 2006 with an expiry date.

Due to historical regulatory changes, Coxswain certificates issued prior to 1 October 2006, fall into one of three categories, being a certificate issued:

1. To expire one hundred years from the date of issue.
2. To expire five years from the date of issue.
3. With no expiry date.

Only those certificate holders in category two will need to renew their certificates.

Certificates subject to renewal can be renewed any time in the twelve months prior to the expiry date or any time after the expiry date. To renew a Coxswain certificate, the holder is required to:

- Complete an application form
- Complete a medical declaration form .Pass an eyesight (vision) test
- Provide photographic identification (e.g. photographic driver's licence); and
- Pay the appropriate fee ($25.50).1

Recreational Boat Licences

A recreational Boat Operator's Licence is currently issued as a perpetual lifetime licence as per the *Harbors and Navigation Act* 1993.

No changes are currently planned.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999 the following 2005-06 annual reports of Local Councils:

Alexandrina Council
Barunga West, District Council of
Berri Barmera Council
Ceduna, District Council of
Cleve, District Council of
Elliston, District Council of
Flinders Ranges Council
Karoonda East Murray, District Council of
Kimba, District Council of
Le Hunte, District Council of
Mount Gambier, City of
Murray Bridge, Rural City of
Streaky Bay, District Council of
West Torrens, City of

By the Premier (Hon. M.D. Rann)—

AustralAsia Railway Corporation—Report 2005-06

By Minister for the Arts (Hon. M.D. Rann)—

Adelaide Film Festival—Report 2005-06
Regulations under the following Acts—
State Theatre Company of South Australia—Elections

By the Deputy Premier (Hon. K.O. Foley)—

South Australian Motor Sport Board—Report 2005-06

By the Treasurer (Hon. K.O. Foley)—

Asset Management Corporation, South Australian—Report 2005-06
Distribution Lessor Corporation—Report 2005-06
Essential Services Commission of South Australia—Report 2005-06
Funds SA—Report 2005-06
Generation Lessor Corporation—Report 2005-06
Government Captive Insurance Corporation, South Australian—Report 2005-06
Government Financing Authority, South Australian—Report 2005-06

Motor Accident Commission—Report 2005-06
Parliamentary Superannuation Scheme, South Australian—Report 2005-06
Police Superannuation Board—Report 2005-06
RESI Corporation—Report 2005-06
Superannuation Board, South Australian—Report 2005-06
Transmission Lessor Corporation—Report 2005-06
Trauma and Injury Recovery (TRACSA)—Report 2005-06
Treasury and Finance, Department of—Report 2005-06

By the Minister for Industry and Trade (Hon. K.O. Foley)—

Trade and Economic Development, Department of—Report 2005-06
Venture Capital Board—Report 2005-06

By the Deputy Premier (Hon. K.O. Foley) on behalf of the Minister for Transport (Hon. P.F. Conlon)—

Regulations
Development (Panels) Amendment—Council Development Assessment Panels

By the Deputy Premier (Hon. K.O. Foley) on behalf of the Minister for Infrastructure (Hon. P.F. Conlon)—

Land Management Corporation—Report 2005-06

By the Deputy Premier (Hon. K.O. Foley) on behalf of the Minister for Energy (Hon. P.F. Conlon)—

Australian Energy Market Commission—June 2004-June 2005
Code Register for the National Third Party Access Code for Natural Gas Pipeline Systems—Report 2005-06
Energy Consumers' Council—Report 2005-06
Technical Regulator—Electricity—Report 2005-06
Technical Regulator—Gas—Report 2005-06

By the Attorney-General (Hon. M.J. Atkinson)—

Dangerous Areas Declaration for the period 1 July 2006 to 30 September 2006
Legal Services Commission of South Australia—Report 2005-06
Public Advocate, Office of the—Report 2005-06
Road Block Establishment Authorisations for the period 1 July 2006 to 30 September 2006
Rules of Court—
Supreme Court—Criminal Court Subpoenas

By the Minister for Justice (Hon. M.J. Atkinson)—

Justice, Department of—Report 2005-06

By the Minister for Multicultural Affairs (Hon. M.J. Atkinson)—

Multicultural and Ethnic Affairs Commission, South Australian—Report 2005-06

By the Minister for Health (Hon. J.D. Hill)—

Balaklava and Riverton Health Service Inc—Report 2005-06
Chiropractors Board of South Australia—Report 2005-06
Crystal Brook District Hospital Inc—Report 2005-06
Dental Board of South Australia—Report 2005-06
Department for Environment and Heritage—Report 2005-06
Department of Health—Report 2005-06
Eastern Eyre Health and Aged Care Inc—Report 2005-06
Eyre Regional Health Service Inc—Report 2005-06
Gawler Health Service—Report 2005-06
Kingston Soldiers' Memorial Hospital Inc—Report 2005-06
Leigh Creek Health Service Inc—Report 2005-06
Lower Eyre Health Services—Report 2005-06
Mallee Health Service Inc—Report 2005-06
Mannum District Hospital Inc—Report 2005-06
Maralinga Lands Unnamed Conservation Park Board—Report 2005-06
Mid North Regional Health Service—Report 2005-06
Mid West Health and Aged Care Inc and Mid West Health Inc—Report 2005-06
Mt Barker and District Health Services Inc—Report 2005-06
Naracoorte Health Service Inc—Report 2005-06
Northern Adelaide Hills Health Service—Report 2005-06
Northern and Far Western Regional Health Service—Report 2005-06
Northern Yorke Peninsula Health Service—Report 2005-06
Nurses Board of South Australia—Report 2005-06
Penola War Memorial Hospital Inc—Report 2005-06
Peterborough Soldiers Memorial Hospital and Health Service Inc—Report 2005-06
Pharmacy Board of South Australia—Report 2005-06
Podiatry (Chiropody) Board of South Australia—Report 2005-06
Port Pirie Regional Health Service—Report 2005-06
Renmark Paringa District Hospital—Report 2005-06
Repatriation General Hospital Incorporated—Report 2005-06
Riverland Health Authority Inc—Report 2005-06
Rocky River Health Service Inc—Report 2005-06
SA Ambulance Service—Report 2005-06
South Coast District Hospital Inc—Report 2005-06
South East Regional Health Service Inc—Report 2005-06
Strathalbyn and District Health Service—Report 2005-06
Tailem Bend District Hospital—Report 2005-06
The Whyalla Hospital and Health Service Inc—Report 2005-06
Waikerie Health Services Incorporated—Report 2005-06
Water Well Drilling Committee—Report 2005-06
Yorke Peninsula Health Service Inc—Report 2005-06

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Adelaide Festival Centre—Report 2005-06
Carrick Hill Trust—Report 2005-06
Country Arts SA—Report 2005-06
History Trust of South Australia—Report 2005-06
Libraries Board of South Australia—Report 2005-06
State Theatre Company of South Australia—Report 2005-06
State Opera of South Australia—Report 2005-06
Youth Arts Board, South Australian—Carclew Youth Arts—Report 2005-06

By the Minister for Administrative Services and Government Enterprises (Hon. M.J. Wright)—

Fire and Emergency Services Commission, South Australian—Report 2005-06
Regulations
State Procurement—Prescribed Authorities

By the Minister for Industrial Relations (Hon. M.J. Wright)—

WorkCover SA—Report 2005-06

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Local Government Association of South Australia—Report 2005-06
Local Government Finance Authority of South Australia—Report 2005-06
Local Government Superannuation Board—Report 2005-06
Rules—
Local Government—
Insurance Restructuring
Permanent Incapacity

By the Minister for Consumer Affairs (Hon. J.M. Rankine)—

Consumer and Business Affairs, Office of—Report 2005-06
Regulations
Liquor Licensing—
Peterborough Area
Port Augusta
Travel Agents—Exemptions.

WORKCOVER

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: Today I have tabled the 2005-06 WorkCover annual report. As all members in this house would be aware, WorkCover has undergone significant reform in recent years because of the legacy of problems left to us by the previous government. This government appointed a new board in 2003 that is performing very competently under the strong leadership of the highly respected financial adviser Bruce Carter. The board has made great strides in changing the work performance of WorkCover by appointing a new CEO, restructuring WorkCover's operations and putting in place a new executive management team, better financial accounting arrangements, new claims management structures, and so on.

The support from stakeholders, including industry, for this board demonstrates that the government has put in place the right team to restore WorkCover to a strong position. Today's annual report shows signs of improvement. It shows the scheme is now 65 per cent funded, compared with 63.4 per cent as at 30 June 2005. However, it also shows that the unfunded liability increased to $694 million after a loss of $42 million. This has occurred because of changes to the long-term assumptions used by the actuary in estimating the claims liability of the scheme.

As a reminder—especially to those who do not understand the difference between a liability and a debt—WorkCover's unfunded liability is the balance between the assets of the organisation and the independent actuary's estimates of the claims it will receive from workers under the scheme over the next 40 years. The actuary estimates the value in today's dollars of all costs associated with current claims. Unfunded liabilities are not payable at any one point in time—they are not a debt.

I must emphasise that WorkCover's return on investments and its cash flow remains strong. Many improvements to WorkCover's financial position are forecast to come about because the board has this year instigated some of the most significant structural changes to the way in which WorkCover operates since it began. For instance, in appointing a single claims agent, Employers Mutual, to handle all claims it expects to cut the claims liability by up to $100 million a year within two years. This is because government changes to regulations require that under the contract with Employers Mutual there are firm 'return to work' targets, with corresponding incentives and penalties based on performance.

This is in stark contrast, I might add, to the former government's botched attempt to outsource claims management to companies that had no financial responsibility for results they achieved. Worse still, a culture of payouts was created, instead of returning people to work, and the previous leadership of WorkCover ignored its core business, which is claims management. In addition to a single claims agent, the board has appointed a single legal services firm, Minter Ellison, which will save an estimated $30 million over five years. This government is well aware that more improvements need to be made to the way in which WorkCover is managed financially—this is a work in progress.

This government recognises that WorkCover is an excellent scheme that helps workers injured at work to meet their financial, medical and other needs to assist their recovery and to help them return to work. International research and WorkCover's own research shows that the longer a person is away from work the less likely they are to return to work. I am told that the actuary's assumptions have changed because a greater number of people have remained on the scheme in recent years for longer than previously forecast. The challenge for WorkCover is to find out how we can ensure an injured worker is returned to the workplace sooner.

I am confident about the future of WorkCover and its ability to improve its financial position. At present I am engaged in discussions with the board about further reforms that we acknowledge must be made to keep this organisation a viable and vibrant workers compensation scheme, and I will keep the house informed of that progress. WorkCover has made vast improvements since 2002 under this government. We have confidence that by working together with the board we can steer through future reforms that strike the right balance between the rights and needs of the worker, the employers who participate in the scheme and the WorkCover organisation itself. I commend the annual report to the house.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Ms BREUER (Giles): I bring up the 60th report of the committee entitled 'Upper South-East Dryland Salinity and Flood Management Act 2002 Report, July 2005 to June 2006'.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I bring up the eigth report of the committee entitled 'Mineral Resource Development in South Australia'.

Report received and ordered to be published.

STATUTORY OFFICERS COMMITTEE

The Hon. M.J. ATKINSON (Attorney-General): I bring up the 2005-06 annual report of the committee.

Report received.

QUESTION TIME

AUDITOR-GENERAL

The Hon. I.F. EVANS (Leader of the Opposition): Does the Attorney-General support the Auditor-General's applying for a suppression order against the Director of Public Prosecutions?

The Hon. M.J. ATKINSON (Attorney-General): The Auditor-General is responsible to the parliament. I am not responsible for the Auditor-General. The Auditor-General has no need to consult me before taking this action. He is independent.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: He has applied to the court, and I understand the application failed.

COMMUNITY CABINET PROGRAM

The Hon. P.L. WHITE (Taylor): Can the Premier provide the house with an update on the community cabinet program?

The Hon. M.D. RANN (Premier): I thank the honourable member for that question. Since forming government in 2002, a total of 34 community cabinets have been held in both regional and metropolitan areas. This has provided the government with the opportunity to continue its policy of engaging with all communities in South Australia.

The success of the program is the time spent listening to the community at open forums, as well as all the delegations that we meet. These forums are advertised in the local newspaper and are attended by members of the public, members of cabinet and chief executives of the various government departments. Members of the public are able to ask any member of cabinet a question with the appropriate chief executive ensuring any necessary follow-ups.

I am pleased to inform the house that these forums have been well attended. Our figures, I am told, show that about 4 500 people have attended these forums across South Australia since 2002. This government recognised the enormous contribution made to this state by our volunteers and, by hosting morning and afternoon teas as part of the community cabinet program, it has provided me with the opportunity to personally thank our volunteers for the important role that they play in our every-day lives.

I know that the Minister for Volunteers and other ministers also appreciate this opportunity to engage with volunteers in their different areas of responsibility. I think we all know that our community hospitals are often strongly supported by volunteers working both in the hospitals and as fundraisers. There are volunteers in the area of the arts, running local museums; in sport, running local football clubs, netball clubs and so on; volunteers in virtually every area. Of course, we have the volunteers in the area of emergency services: those who put their lives on the line by volunteering through the CFS and the SES. We as a state, I am told, volunteer at a greater rate of knots than any other state and, indeed, volunteering in the regional areas is even higher than in the metropolitan areas.

Volunteers, to me, are the glue that keeps our state together. They really exemplify the notion of citizenship. So far, about 4 000 volunteers have attended these morning and afternoon teas. The Premier's Reading Challenge has been a great success, if I can say so with some humility. Apart from my regular visits to schools, I have also visited 34 schools during community cabinet meetings. At the end of the year it is always a pleasure to see the pride on the young faces of children as they receive their Reading Challenge certificates or medals honouring the completion of their participation during the year. I should say that this area has been a spectacular success.

We wanted to try to encourage young students to read more. Many parents had told us that they were worried about the amount of time their kids spent in front of computers or playing computer games, watching TV and so on. There is nothing wrong with any of those except that we wanted them to discover the magical world that comes through reading books. I want to thank the Reading Challenge ambassadors: people such as Mem Fox, Mark Bickley, Che Cockatoo Collins, Juliet Haslam, Rachael Sporn, Phil Cummings and many others, who have been going out to schools encouraging young people. The young people are excited by the opportunity to get the medals: the certificate the first year, the bronze medal the second year, the silver medal and then the gold medal.

Of course, what happens is that they then love the books. Whilst they are required to complete the challenge and get the medals to complete and be tested on their comprehension of 12 books, many of the students read far more than that. In fact, last year I heard of a young man who had read about 400 books and this year of another student who had read over 800 books. I am delighted about that and by the valuable contribution made by principals, teacher-librarians, parents and public librarians in supporting the students to complete the Premier's Reading Challenge throughout the state.

Local councils are given the opportunity to make presentations to cabinet and heads of departments. What we do is have a hearing, often in the council chamber, to which we invite that local council, its mayor and chief executive but also the mayors and chief executives of other neighbouring councils to make a formal presentation. This enables the decision makers in government to hear first hand the issues that most affect the local communities. This valuable process not only highlights the challenges and issues facing the community but also the opportunities arising in a community. The government does not shy away from difficult situations. In fact, it confronts challenges head on, which I am sure members opposite will agree with.

Advertisements are placed in local newspapers, inviting deputations to meet the ministers or myself. We advertise the community forums and also advertise for various interest groups to come and have meetings on a one-to-one basis or a deputation basis with ministers. This provides another way for people or groups to raise any issues or concerns they have. The government is proud of its community cabinet record. These are not fly-in or fly-out visits to meet with an elite few. Since 2002, areas where community cabinets have taken place include the South-East—I remember being at Penola and in Mount Gambier, and we have also been up to Bordertown. We have also had them at Port Augusta, Whyalla, Ceduna, Kangaroo Island, Gawler, Roxby Downs, Clare, and also suburbs surrounding Adelaide. In 2006 our second community cabinet meeting was held at the Royal Adelaide Show.

On 27 and 28 November 2006 a community cabinet was held in the Riverland. From memory, I think that was the third community cabinet that we have held in the Riverland. I had the pleasure of arriving a couple of days before the official program commenced, giving me the chance to switch on the Loxton lights, for the second time as Premier. People will be aware of the huge effort by the community in Loxton to light up with Christmas lights their homes and local businesses and churches, and other buildings around town, and they also have a big fireworks display. I should say that I was very pleased at the recent South Australian Tourism Awards that the Loxton lights, against very stiff competition, won the Regional Special Festivals and Events category, I think it was, up against very tough competition. It is a great credit to many, many volunteers in the Riverland. It was great to be up there with the Minister for the River Murray and the local member at the turning on of the Loxton lights.

I should say that in Berri nearly 200 people attended our first community forum held outdoors. I thought that was an interesting approach. Unfortunately, at one stage people were distracted by a fireball, or some kind of meteorite. Some said it was space junk that seemed to fly directly overhead.

Mr Koutsantonis interjecting:

The Hon. M.D. RANN: Yes, I took it as a sign. That community cabinet concluded the program for 2006. This government intends continuing and building on the success of community cabinets during 2007, with a vigorous schedule currently being prepared and, from memory, and I might be wrong, I think the first meeting will be in the great city of Port Lincoln.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Attorney-General. Did the Attorney-General, or any of his staff, have any discussions with the Auditor-General, or any of his staff, about the Auditor-General seeking a suppression order against the Director of Public Prosecutions prior to the application being made?

The Hon. M.J. ATKINSON (Attorney-General): Yes, the Auditor-General came to my office yesterday. I did not see him about that or anything else, but he would have talked to a member of my staff.

VOLUNTEERS

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Volunteers. Can the minister advise the house of any events that are being held to promote and enhance volunteering?

The Hon. J.M. RANKINE (Minister for Volunteers): I thank the member for West Torrens for his question. He is a very active local member in support of his volunteer and community groups. In fact, I well remember a speech that the member for West Torrens gave in here in support of the Salisbury CFS, where he in fact pointed out to this house that West Torrens does not have bushfires but that the SES would be on standby any time we needed their assistance in the northern suburbs. I did pass that on to the Salisbury CFS and Salisbury community and they were most appreciative of his support.

Today is International Volunteers Day, and today I had the great pleasure of opening the Fifth Annual State Volunteer Congress. The member for Reynell was also at the congress. She is now chairing the Volunteer Ministerial Advisory Group, and was part of a panel discussion that was held at the congress. This year's theme is 'Tapping community capacity'. It is a particularly pertinent theme and one that clearly emerged out of our experience with the Eyre Peninsula fires last year. I had the pleasure of seeing the massive community effort come to fruition just last Wednesday with the official opening of the Port Lincoln Lions Club hostel.

In fact, as the Premier mentioned, we had the community cabinet in the Riverland, and on Tuesday I left the Riverland—a community facing enormous challenges—to fly into a community which stood strong in the face of probably the biggest challenge any community could face. The Lions hostel was completely gutted during the Eyre Peninsula fires, but, thanks to a massive community effort and a commitment of $60 000 made by the Premier, this fabulous facility is once again back in business and able to offer Port Lincoln and surrounding areas a chance to once again emerge as a focal point for the community. A number of people came up to me at that function to ask me to pass on to the Premier their thanks for the effort he and ministers of this government put in personally in relation to the recovery over there.

I was pleased also to see the member for Flinders, who joined us for the wonderful lunch-time celebrations in Port Lincoln. The keynote speaker at today's congress is Vanessa Little, who is responsible for the Global Learning Village project for the Hume City Council in Victoria. This project aims to develop a voluntary gateway that will provide a network for the community, both individuals and business, who want to get involved in volunteering. I also had the pleasure of presenting the TAFE voluntary management scholarships, sponsored by the Office for Volunteers, to this year's group of incredibly worthy winners. The scholarship winners come from all over the state and from a broad range of fields, including aged care, community transport and health.

The Office for Volunteers also launched both a new website and a series of voluntary training modules today. The state government recognises the importance of readily accessible low-cost free training to voluntary organisations and the volunteers who are the backbone and provide such a benefit for our community. These particular training modules have been developed with this in mind and in conjunction with Volunteering South Australia, and cover areas like risk management, introduction to governance and developing grant applications. All of these models are available on the new look volunteers website at www.ofv.sa.gov.au. It is also a one-stop shop to access all state government grants.

The congress continues as we speak and, in a new development this year, is being recorded by Radio Adelaide for podcast and broadcast. This government is very proud of its commitment to volunteers and volunteering. We believe that volunteers should be supported, assisted and, most importantly, recognised for the magnificent contribution they make to our community. Today's volunteers congress is yet another example of our commitment.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. I.F. EVANS (Leader of the Opposition): Will the Premier now say that he has the greatest and most profound respect for the state's Director of Public Prosecutions, just as he said about the Auditor-General in this place on 23 November?

The Hon. M.D. RANN (Premier): I think I have made my views of the DPP very well known.

YOUTH PARTICIPATION

Ms PORTOLESI (Hartley): Will the Minister for Youth advise what support the government is providing to further encourage youth participation in local communities across South Australia?

The Hon. P. CAICA (Minister for Youth): I thank the honourable member for her question and acknowledge the very close relationship she has built with youth organisations in her electorate and beyond. Youth participation is about young people being actively involved in the decision-making process. By providing opportunities for young people to participate in their local communities, we can tap into fresh perspectives, insights and energy that young people bring to the South Australian community. I am delighted to advise that the government has committed more than $500 000 to support youth participation in local communities across the state, $280 000 of which will be available to 53 local councils statewide, including $162 000 to support the operation of the youth advisory committees (YACs). The YACs comprise

groups of young people who provide their views on issues of concern to them. YACs also get involved in a range of community activities, such as establishing youth friendly public spaces, environmental projects, cultural awareness campaigns and positive health promotion programs.

An additional $78 000 will be available to local councils to support National Youth Week, which is a significant event in the youth calendar. A joint commonwealth, state, territory and local government initiative, National Youth Week consists of hundreds of locally based youth-run events designed to celebrate young people's individuality and diversity, and I know that many members on both sides of the house attend Youth Week events in their electorates. Also, 21 councils have been successful in receiving a share of $40 000 in diversity funding, which is available to assist local councils to overcome barriers to young people's participation. In the past, diversity funding has assisted with transport subsidies in regional areas, engaging young refugees and newly arrived migrants in YACs, running regional forums and supporting the involvement of young people with disabilities.

In addition, I am pleased to announce that Youth Engagement Grant applications are now open, with $268 000 available to support six new projects and 11 continuing projects. Applicants are able to apply for $20 000 funding per year for three years. Youth Engagement Grants support community projects that provide opportunities for young people aged between 12 and 25 years to be actively involved in community life and influence community development. Grants are available to government, youth agencies, councils and schools.

I am sure that many members will be pleased to hear that my office will distribute information to all members about youth engagement grants and, if a member has a YAC in his or her electorate, they will also receive information about their local YAC. These initiatives are part of a range of strategies supported by the Office for Youth. They are designed to provide meaningful opportunities for young people to participate in their communities and they reflect this government's strong commitment to empowering young South Australians.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. I.F. EVANS (Leader of the Opposition): Does the Attorney-General support attempts to prevent the Director of Public Prosecutions exercising his statutory right to table documents in parliament as provided for in the Director of Public Prosecutions Act?

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I am simply not interested in going down the paths that the Leader of the Opposition would take the government. These are independent statutory officers and they make their own decisions. I have a statutory authority to direct the Director of Public Prosecutions. It is one that should be used sparingly.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Indeed, the member for Heysen agrees with me. The member for Heysen is on record as saying it should not be used at all. Certainly, I am simply not falling into the trap of expressing an opinion one way or another. It will be resolved according to law. The principle that people who are criticised in a report are given an opportunity to know the allegations against them and to respond is, I think, a good one.

CAR THEFT

Ms SIMMONS (Morialta): Can the Attorney-General inform the house about the incidence of auto theft in this state in the last financial year?

The Hon. M.J. ATKINSON (Attorney-General): Yes, and I thank the member for Morialta for the question. As members may be aware, South Australia has been part of the National Motor Vehicle Theft Reduction Council's national Comprehensive Auto-theft Research System (CARS) project since its inception in 2000—no doubt, a decision made by the attorney-general of blessed memory, the Hon. K.T. Griffin. The council is an initiative of all Australian governments and the insurance industry.

The CARS project aims to further motor vehicle theft reduction. CARS integrates vehicle theft data that has been collected from various sources in each of Australia's states and territories and publishes it annually. The reports that are produced contain the most accurate and comprehensive information on vehicle theft available in Australia. I have recently received the CARS report for the 2005-06 financial year. The report shows that the number of vehicle thefts reported in South Australia in the last financial year has fallen dramatically, by 21.3 per cent.

Ms Chapman: Well done!

The Hon. M.J. ATKINSON: The member for Bragg is so disappointed at this good news. That is the biggest percentage decrease in auto thefts reported nationwide.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Please, more enthusiasm from the opposition! It has been achieved where other states have recorded a percentage increase in auto theft. Another highlight of the report for South Australia is the significant reduction in auto theft that many council areas experienced during the year, including a 46 per cent drop in car theft in the City of Unley.

Mr Pisoni interjecting:

The Hon. M.J. ATKINSON: May well the member for Unley say 'fantastic'. Alas, there were marginal increases in the number of thefts recorded in some country areas, including the City of Port Augusta and the Barossa Council. South Australia has one of the nation's oldest motor vehicle fleets (and I think that is the point that the member for Fisher was trying to make by way of interjection), which makes these achievements even more notable.

We thank the police for their vigilance in fighting vehicle theft. In the last financial year, 83.4 per cent of stolen vehicles were recovered here in South Australia. The rate is the second best in the nation, and well above the national average recovery rate of 73.9 per cent. Further, it is pleasing to note that half of those vehicles were recovered within 24 hours of the theft. I have personal experience of that, because my son's vehicle was stolen on a Saturday morning from our street in Kilkenny, and found just over the border in the member for Enfield's electorate mid Saturday morning and returned to its—

An honourable member interjecting:

The Hon. M.J. ATKINSON: No, you lie in bed at Kilkenny at night and hear the helicopters flying over the member for Enfield's electorate. It is notable that half the auto thefts in this state occurred between 6 p.m. and midnight on Friday or Saturday nights. I urge all South Australians to be vigilant about their vehicle security at all times, and especially during these periods. I wish further to recognise the Office of Crime Statistics and Research, part of Attorney-

General's Department, for its integral lead research role in the CARS project. And, just speaking personally, sir, I always lock up my bike.

WORKCOVER

Mr WILLIAMS (MacKillop): Before asking the Minister for Industrial Relations a question, I would like to welcome him back from his sick bed. It is good to see him back here.

An honourable member: And looking so good, too.

Mr WILLIAMS: Absolutely. He will be a bit more careful with his training for the City to Bay run next year, I think. Minister, why is South Australia's WorkCover scheme the worst performing in Australia? South Australia's workers compensation scheme has an unfunded liability that has increased from $67 million to $694 million in the five years under this minister's guidance, and has the highest average levy rate in Australia of 3 per cent. Comparatively, Victoria's scheme has reported an annual profit of $1 billion, has no unfunded liability, has had three levy reductions in the last three years and currently has an average levy rate of just 1.62 per cent.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for his question and his well wishes. I receive them kindly. It is nice to be back. I think I touched upon a range of issues in regard to the question that has been asked by the shadow minister, and it really does relate to return to work. We have not done it very well for a decade. We really need to go back to at least 1997, if not beforehand, because when the former government outsourced WorkCover, that was not necessarily the problem. We can all have our philosophical debates. On this side of the house we argued that the former government should not have outsourced it. However, what it got incredibly wrong was that it botched the contract, because it put in place a contract where there were no incentives and no penalties for the claims managers; it was all about claims management. The business of WorkCover is about claims management. You have got to return people to work!

The simple question from the opposition will be: why was the unfunded liability $67 million, and why is it so high now? The answer is simple: the actuary has caught up with the bad business practices of the former Liberal government. I am doing a bit of this from memory, but, if my memory serves me correctly—and I stand to be corrected—I think it was the former board, not the current board (which is a good board) that sacked the former actuary—and they did it for good reason. We could look at some other factors and reasons. Why did the former Liberal government, seven months before the 2002 state election, hand out a rebate to employers when there had not been one for eight years? It was not because the business was in good shape but, rather, because a state election was coming. What happened under John Olsen and Michael Armitage, as a result of a rebate and a $25 million subsidy (once again, I am doing this from memory)? Something like $125 million was paid out of WorkCover when the scheme could not afford it. This mob on the opposition benches could not run the business. The problem was that they robbed the piggybank.

ELECTIVE SURGERY

Mr O'BRIEN (Napier): My question is to the Minister for Health. Has the new elective surgery website with more up-to-date figures of system performance gone online yet; and what does the latest information show?

The Hon. J.D. HILL (Minister for Health): I thank the honourable member for this question. I was hoping to get a similar question from the Deputy Leader of the Opposition, but we had to fabricate a question on this side of the house. In 2002 this government instituted an elective surgery bulletin to provide the community with accurate statistical information about the elective surgery performance in public hospitals. Now we have taken the next step by providing month-by-month information on the Department of Health website. On the website now—

Ms Chapman interjecting:

The Hon. J.D. HILL: Listen, Vickie. On the website now is the performance data from September this year, and I understand the October data will be uploaded soon. I am advised that between 1 July and the end of September 10 252 patients in metropolitan public hospitals received elective surgery. This number is 9.2 per cent higher than at the same time last year—9.2 per cent more elective surgery in our public hospitals during a time when we had the most intense winter period demand in our public hospitals. It is an outstanding outcome for our public hospitals. Also, there continued to be heavy demand for elective surgery. Some 101 people joined the list for every 100 who received surgery. However, this rate of growth has declined compared to previous months. For instance, during the September quarter last year 110 people were added to the list for every 100 who had surgery; and, compared with previous periods, there was overall improvement in the percentage of patients seen within the recommended time during September.

For example, 78.2 per cent of category 1 patients received their surgery within the agreed 30 days; 80.2 per cent of category 2 patients received their surgery within 90 days; and 91.3 per cent of category 3 patients received their surgery within the clinically desirable 12 months. In September there was a reduction in average waiting times compared to the June quarter for every category of urgency. For example, for category 1 the average waiting time was 14 days (down from 15 days); category 2, the average waiting time was 50 days (down from 53 days); and for category 3 the average time was 82 days, spectacularly down from the previous figure of 99. There has been around a 50 per cent reduction in the number of patients waiting more than 12 months over the past two years. The government has a strong commitment to funding more elective surgery operations over the next four years, providing the resources and specialists to undertake an extra 16 000 operations.

WORKCOVER

Mr WILLIAMS (MacKillop): My question is to the Minister for Industrial Relations. Given the minister's previous answer and his statement today that 'a culture of payouts was created, instead of returning people to work', I ask why the acting minister, when questioned in the estimates committee on 24 October about a sudden quarterly increase in WorkCover's expenses of some $50 million, stated:

> I am advised that the [reason for the] increase from $100 million-odd to $150 million-odd is that a targeted redemption program was implemented by WorkCover.

He went on to say:

> I suppose to get a number of people off the books.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Big deal! No-one has ever said that there should not be a place for targeted redemptions, but that was not the culture of the previous government and the previous organisation. You had no focus on return to work at all. What we are about is getting people back to work. That does not mean to say that there should not be some targeted redemptions. Of course there will always be some people in the system who, through no fault of their own, will never return to work, and for those people a policy of targeted redemption may be applicable.

VICTIMS OF DOMESTIC VIOLENCE

Ms BREUER (Giles): My question is to the Minister for Housing. How is the government assisting women and children in the Eyre Peninsula area who are victims of domestic violence?

The Hon. J.W. WEATHERILL (Minister for Housing): I am very pleased to take this question on behalf of the honourable member. I know she takes a special interest in the Eyre Peninsula region as part of her responsibilities. I am very pleased to report that funding of $2.3 million through the Crisis Accommodation program has been approved to redevelop Yarredi Services Incorporated, an accommodation and support facility in Port Lincoln. It provides services for women and children fleeing domestic violence in the Eyre Peninsula region.

We know that women and children are traditionally a group of people vulnerable to domestic violence situations, and in country regions they can often find it very difficult to find suitable housing. As well as providing suitable accommodation, Yarredi provides much needed support for women fleeing domestic violence. This funding will help them provide a stronger and broader range of services to meet their needs. Yarredi Services is funded through the Supported Accommodation Assistance program and helps about 180 women, some with children, across the Eyre Peninsula region each year.

The redevelopment will involve demolishing existing Housing SA properties currently used as a communal shelter and replacing them with four two-bedroom houses, one three-bedroom house and one two-bedroom house and an administration block. This upgrade will ensure that accommodation and support services meet the needs of individual clients, including women and children who have health or other issues. It will also provide a more culturally appropriate setting for Aboriginal women with children, who represent about a third of the women who use the Yarredi Services. Essentially, this redevelopment will provide a safe place for women and children and give them a better chance of rebuilding their lives.

WORKCOVER

Mr WILLIAMS (MacKillop): My question is again to the Minister for Industrial Relations. Why is it that injured workers in South Australia, after five years of Labor administration, take longer to return to work than in similar jurisdictions? WorkCover claimed the following in November 2003:

> A key area of action was to implement strategies to achieve a significant improvement in return to work outcomes.

The Campbell Research and Consulting return to work monitor 2005-06 was prepared for the Australia and New Zealand Heads of Workers Compensation Authorities. It states that South Australia had the lowest return to work and durable return to work rates, coinciding with an above average proportion of injured workers who are not deriving any income from employment. It went on to point out that in South Australia 35 per cent of injured workers are classified as non-durable return to work, or non-return to work, compared to an Australian average of only 20 per cent.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I have already answered the question, but I am happy to do so again. The member is obviously having some trouble grappling with this concept, but it is not very difficult. It is all about return to work, and the reason we have done it badly in South Australia is a historical one. Not only did the former government outsource WorkCover, which was not—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: I listened to your question; why don't you listen to my answer? Because members opposite know they are guilty, because not only did they outsource the contract, they put in place a flawed contract. What we do here in South Australia is quite quaint: we have the contract as a part of the regulations. It took this government to change the regulations to make sure we have incentives and penalties so that now Employers Mutual can actually get people back to work—unlike the previous contract and unlike the situation that was put in place by the former dopey government.

AUSTRALIAN TEACHERS OF MEDIA AWARDS

Mr RAU (Enfield): My question is to the Minister for Education and Children's Services. What are South Australia's achievements in the recent Australian Teachers of Media Awards?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Enfield. I am sure he is interested in the current awards being given out in the education system, named ATOM (Australian Teachers of Media Awards), which are given to schools involved in film, television or multimedia productions. The awards this year celebrated student talent and promoted the educational value of the screen industry both in learning in terms of spreading information, but also in involvement in production for students.

There were 700 entries and this year the ceremony was held in Melbourne on 10 November. It was attended by 400 professionals from the industry as well as media teachers. The ATOM awards go to a whole range of categories and we were high achievers with our entry winning the best indigenous and resource category. Two of the eight indigenous languages used in our entry were Arabunna and Adnyamathanha. This was particularly interesting because, of course, these languages are taught in our schools: Adnyamathanha being important in the Flinders Ranges area and Arabunna being taught in Marree as well as Port Augusta schools. Adnyamathanha is taught not only in Port Augusta, Stirling North and Hawker but it is also a focus of language at Leigh Creek Area School.

The material produced for these languages were interactive CD-ROMs and a teacher's guide or handbook. The print resources accompanying the content of each of the CD-ROMs provided language, cultural historical information, as well as suggested activities that support the use of the CDs in the wider classroom settings in our schools. The content and the focus of the CDs and the print resources were part of the

SACSA framework for Australian indigenous languages. These resources are used not only within school programs but also within communities and are used to help maintain language skills in our community.

Community members from both the Arabunna and the Adnyamathanha areas were very keen to receive their resources, once they were released, so that they could be used in the community, not just in schools. Anecdotally, we understand that Arabunna families living away from country, in such places as Darwin, Adelaide and Western Australia, also use the resources as a way of ensuring their children have a means of keeping their language connections active. The digitally recorded voices of Arabunna and Adnyamathanha people were taken, using significant elders in the community, to bring authenticity to these resources.

I especially take this opportunity to thank all the people involved in the production of this material because maintaining languages in our community is a key focus of our government, and we are pleased that the effort and work on their part has given us what is a marvellously named award, the ATOM award.

WORKCOVER

Mr WILLIAMS (MacKillop): My question is again to the Minister for Industrial Relations.

An honourable member: Another Dorothy?

Mr WILLIAMS: It is a very important question, actually. Can the minister explain why WorkCover did not renew claims management contracts with Allianz when Allianz continues to perform that function with the Motor Accident Commission, which the Treasurer is reported to have stated 'performs a lot better than WorkCover'?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I do not think the honourable member does himself justice in misquoting the Treasurer. In regard to the question asked, the WorkCover Board has obviously—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —shopped around and made a decision that it believes that Employers Mutual is the best company Australia-wide to undertake claims management for WorkCover. However, we should not underestimate the change in the regulations. We could have kept the regulations the way they were and it would not have really mattered a great deal whom you chose, because critical to getting a better return to work was to change the regulations. We had to fight tooth and nail in the Legislative Council, in particular, to get those through to make sure that there are incentives and penalties in the contract so that Employers Mutual now has an incentive to get people back to work.

The other point that my colleague reminds me of is that this is very much a specialist role. What we know about Employers Mutual is that it has a record second to none. It comes highly recommended by employers, by the trade union movement and by injured workers, and I am confident that it has been a very wise decision of the board to choose Employers Mutual. To the best of my memory, it has been in the system for only about seven or eight months in South Australia. Initially, it took over two of the companies and then took over the remaining two. We should give it time to be able to demonstrate its capabilities.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: I am extremely confident that it will do the system well. I am also confident that we are putting in place the building blocks to arrest the mess left behind by the former government.

Mr WILLIAMS: My question again is to the Minister for Industrial Relations. What action is the government proposing to reduce WorkCover's unfunded liability? The Motor Trade Association and the Engineering Employers Association have called on the government to take action to reduce WorkCover's unfunded liability, which has grown from $67 million to $694 million in five years, including a $67 million growth in the six months to 30 June last.

The Hon. M.J. WRIGHT: I am disappointed in the honourable member, as he sat here like everyone else when I read my ministerial statement. I thought that he would have paid me the courtesy of actually listening to what I said, because that is referred to very clearly in my ministerial statement. The other thing that I should draw to the attention of the house is that I was no great fan of the former board—and I will say that quite plainly—because I think that that board was not doing justice to the WorkCover system. Having said that, they had a very poor management in place.

Mr Williams: They didn't agree with you!

The Hon. M.J. WRIGHT: They didn't agree with me: you're dead right. And they didn't agree with you either. Do you know why? They told us. They told us what they had to do. Quite significantly, what we need to put on the record—and I am doing this from memory; I will check all these facts and come back if I need to—and this goes back a fair way in time, is that I think I was advised by the former board that the former actuary, who to the best of my memory was sacked by the former board, may have underestimated the unfunded liability by $100 million. I will check that.

Mr Williams interjecting:

The Hon. M.J. WRIGHT: From a range of things, including the new board taking a greater risk structure. Although I will check all this for the shadow minister, I am fairly confident that the former board advised me that the former actuary may have underestimated the unfunded liability by $100 million. It could have been more, of course.

Mr WILLIAMS: My question is for the Minister for Industrial Relations. What action is the government proposing to reduce the WorkCover average levy rate? South Australia has the highest average levy rate in South Australia at 3 per cent compared to Queensland at 1.3 per cent, Victoria at 1.62 per cent, and New South Wales, I think from memory, the only one over 2 per cent at 2.06 per cent.

The Hon. M.J. WRIGHT: I am not sure that the shadow minister knows much about WorkCover, but one thing that he should know is that the average levy rate is determined by the board, and this government, unlike the former government, will not interfere with that process.

Mr WILLIAMS: Does the Minister for Industrial Relations believe that the average levy rate imposed by South Australia's WorkCover scheme will remain at 3 per cent in the foreseeable future, or does he believe it will increase? South Australia has the highest WorkCover average levy rate of any state. Queenslanders pay 1.3 per cent and Victorians 1.62 per cent, and the levy has been cut there three times in the last three years. New South Wales has a levy rate of 2.06 per cent, and in that state there have been three levy reductions in the last 12 months.

The Hon. M.J. WRIGHT: It is no secret we would prefer the average levy rate to be less than it is. It is no secret—

Members interjecting:

The Hon. M.J. WRIGHT: I have already said that in my ministerial statement. I am sorry you had to leave the house while a range of questions was being asked. Maybe you should stay in here longer and you might know a little bit more. It is no secret that we would prefer the average levy rate to be lower than it is because, when the other states are cited as examples, it is true there are lower rates and we would like to be competitive. I am not sure that Queensland is a great example to cite, but we will certainly look to ways that we can improve the scheme. I have said that in my ministerial statement.

Mr WILLIAMS: I ask a question of the Minister for Industrial Relations. What is the latest estimate of WorkCover's unfunded liability that the minister is aware of?

The Hon. M.J. WRIGHT: We rely on the figures that we are given by the actuarial assessment. I will check this with my office—members obviously are aware that I have been away for a little while—but to the best of my knowledge it is the figure I have put forward in my ministerial statement, which is $694 million. If that is not correct, I will come back with a revised figure. As I said, to the best of my knowledge that is the most recent figure I have been given, but I will check that with my staff when I return to the office.

Mr WILLIAMS: Has the Minister for Industrial Relations had any indication or advice that the unfunded liability of WorkCover may now exceed $694 million, the figure quoted as at 30 June last?

The Hon. M.J. WRIGHT: I refer the member to the annual report.

Mr WILLIAMS: Again my question is to the Minister for Industrial Relations. What is the government's current estimate of the time required to claw back WorkCover's unfunded liability? At the release of the 2002-03 WorkCover annual report, the WorkCover Board claimed that, with an average levy rate of 3 per cent, WorkCover's unfunded liability of $591 million (as it was at that time) would be clawed back within 10 years. Three years later, or what equates to be 30 per cent of the clawback time then envisaged, WorkCover's unfunded liability has increased by 17 per cent to $694 million by 30 June this year.

The Hon. M.J. WRIGHT: I will check that for the member but, to the best of my knowledge, it is about 2012 or 2013, which would probably beg the question from the member for MacKillop: why has that not changed? The answer is: Employers Mutual.

Mr WILLIAMS: Will the Minister for Industrial Relations explain why the cost of maintaining the WorkCover scheme is considerably higher than the cost of maintaining self-insurance schemes? WorkCover's quarterly performance reports continue to highlight the disparity between the cost to employers in the WorkCover scheme and the cost to employers who self insure. The June 2006 quarter report reveals a growth of new income maintenance claims of 5.7 per cent for registered employers, compared with a target to reduce this figure by 4 per cent. When the figures for exempt employers are included, the combined figure shows an actual decline of 4.2 per cent, indicating the vast disparity in the results achieved between the exempt and non-exempt groups.

The Hon. M.J. WRIGHT: I will get a definitive answer for the honourable member, but there is probably a variety of reasons, not the least being that we have a ceiling on our levy rate of 7.5 per cent, which provides for cross subsidisation. It may be that we should not have a levy ceiling rate, and that may bring about a different set of circumstances, but I will get a more definitive answer for the honourable member.

Mr WILLIAMS: My question is to the Minister for Industrial Relations. When will the government bring in legislation to amend section 54 of the WorkCover Act to enable employers to obtain cost effective public liability insurance? Industry groups have lobbied the minister for at least five years for a change to section 54 of the act. The Engineering Employers Association annual report raises concerns about the impact on the cost of insurance of section 54 of the WorkCover Act. The report states that a number of members are having difficulty obtaining cost effective public liability insurance, and the report also states that this provision hampers the industry's ability to engage group trainee apprentices.

The Hon. M.J. WRIGHT: Section 54 has been a problem for quite some time. To the best of my memory it also goes back to the former government. It is something we have been working hard on: we have engaged the stakeholders and have probably reached a position where we are getting as much consensus as we are going to get, and I hope we will come back with legislation early in the new year.

LAND SUBDIVISION APPLICATIONS

The Hon. R.G. KERIN (Frome): My question is to the Minister for Administrative Services. Why does it take over 100 days to process a land subdivision application in the Lands Titles Office in South Australia when the same process in Queensland takes only three days?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I will take that question on behalf of the Minister for Infrastructure.

Members interjecting:

The Hon. J.W. WEATHERILL: The Lands Titles Office now falls within those portfolio arrangements. I will take the question on notice, but I saw a briefing only quickly, and the estimate of 100 days is not the average time it takes to process those land division arrangements in South Australia. However, I will take the question on notice and bring back an answer for the honourable member.

The Hon. R.G. KERIN: I will ask the minister who wishes to take the question. What measures has the minister put in place to clear the backlog of land subdivision applications in the Lands Titles Office? While the website says the current delay within the Lands Titles Office is something like 70-odd days, the industry assures me that it is waiting over 100 working days—over four months—and sources have told the opposition that that is costing some landholders as much as $20 000 in holding costs.

The Hon. J.W. WEATHERILL: I understand that arrangements have been put in place to put additional resources into that area of the Lands Titles Office to speed up the processing of those applications.

The Hon. R.G. KERIN: My question is to whoever is Minister for Administrative Services nowadays. Will the minister urgently investigate the use of private certification of land subdivision plans as practised in Queensland? The Queensland government has introduced private certification of subdivision plans. This has allowed applications to be processed within three days, whereas in South Australia the current delay is in excess of 100 working days.

The Hon. J.W. WEATHERILL: I will have to take that question on notice.

SAFEWORK SA

Mr PISONI (Unley): My question is to the Minister for Industrial Relations. Can the minister explain why a constituent seeking an on-site risk assessment and safe work practice advice from SafeWork SA would have been told by a SafeWork SA inspector that they did not provide that service? A constituent with over 70 employees—

The Hon. K.O. Foley interjecting:

Mr PISONI: —recently contacted SafeWork SA wishing to be proactive and have an inspector visit his factory to make a safety audit to ensure his compliance and give him advice on how he might possibly improve safety for his workers. The inspector, who did not wish to be named, stated that he had not been briefed on how to handle such a request and, upon seeking clarification from his supervisors, advised my constituent that SafeWork SA did not offer such a service and that—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr PISONI: —on the contrary, he had a quota of fines to meet.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I did not actually hear 100 per cent of the member's question, which was not his fault, but obviously I am happy to pursue that with SafeWork SA if the member could give me the details. I am not sure why the employer referred to was given the information, if in fact that was the case, by the inspector, and I am not doubting that that is the case. There may or may not be good reason. If there is not good reason, I will undertake to ensure that we can provide the assistance that the employer requires. If I could have the details after question time, I would be happy to pursue that for the member.

REGIONAL MASTERS GAMES

Mr PENGILLY (Finniss): My question is to the Minister for Recreation, Sport and Racing. Does the state government intend to support the Victor Harbor Business Association's bid for the 2009 Regional Masters Games? South Australia, as well as the Fleurieu Peninsula, would benefit greatly if the games were held in Victor Harbor. The games would bring 5 000 to 6 000 competitors to the Fleurieu Peninsula, plus their families and friends who would accommodate them. This would generate $3 million to $4 million of revenue for the region.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I am not actually responsible for major events, but I will speak to my colleague and I am sure she will undertake to follow up that matter on my behalf.

GRIEVANCE DEBATE

MULTICULTURALISM

Mr PISONI (Unley): In a grievance speech on Thursday 27 November, the member for Hartley read into *Hansard* the main points of a disappointing article she had written for *The Advertiser* published on 10 November. Presumably, she was commenting in her capacity as state Parliamentary Secretary to the Minister for Multicultural Affairs. It was disappointing because, despite the Howard government's strong record of promoting multiculturalism by celebrating diversity, welcoming refugees, settling immigrants and promoting citizenship, she has chosen to distort its good work by making the absurd suggestion that the debate over the term 'multiculturalism' would somehow lead to 'restrictions on speaking your native language in public'. This statement is as bizarre as it is divisive and can only be seen as an attempt to use her position as parliamentary secretary for political advantage rather than for the benefit of her community. If she is abusing her position in this manner, she is there for the wrong reasons and should resign.

In her strangely confused article on the subject in the *Sunday Mail*, Kate Ellis, the federal member for Adelaide, argues against herself by stating that strong leaders need to be dynamic and continually update multicultural policies, then goes on to criticise the Liberal government for doing just that by formulating a sense of shared values and, in Andrew Robb's words, 'to draw on one of the enduring strengths of our nation, our ethnic diversity'. She claimed the current multicultural policy and integration initiatives are failing, but this runs counter to my experience of my life in Australia and the messages I get from people in my capacity as an MP born into a multicultural family. Whether locally, in my seat of Unley, where there are numerous active ethnic and culturally based communities, at citizenship ceremonies, or at the many ethnic and cultural organisations where I have had the privilege to represent my party, I have found a rich diversity of confident, integrated, happy, hard-working and successful Australians.

My message for Kate Ellis and Grace Portolesi is that cultural diversity is alive and well after 10 years of the Howard Liberal government. If any party has sought to divide for political gain—something that Kate Ellis claims to despise—she should take a closer look at the Labor Party and the record of its factions and the abuse of Australia's ethnic diversity. Labor has a long tradition of factions signing up members in bulk from ethnic communities who then vote as instructed, playing no further role in the party. On numerous occasions in Victoria, hundreds of new party members of single ethnic extraction, their membership having been bought for them, have been bussed to branches, many having no idea where they were or why they were there.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: The Cambodian, Turkish, Greek and other communities have been used shamelessly in Labor Party branch stacking. Ethnic organisers from the community who support the party in this way are often paid off with safe Labor seats. At least five are counted in this category in the Victorian parliament.

Ms Portolesi interjecting:

Mr PISONI: Even ALP presidency ballots, the member for Hartley, are not free from Labor factions manipulating

ethnic communities. This recently was illustrated by reports that envelopes containing ballot papers believed to have come from ALP branches dominated by the Vietnamese community in the Melbourne suburbs of Noble Park and Sunshine had been filled out in the same handwriting. Senator Conroy denied any knowledge of this ethnic manipulation to nobble Simon Crean. Perhaps the federal member for Adelaide and the state member for Hartley are unaware—

The Hon. J.D. Lomax-Smith: What is he going on about?

Mr PISONI: —well, listen, minister—but it was the former Labor immigration minister and member for Adelaide, Chris Hurford, who strongly suggested a redefining of multiculturalism, because he was uncomfortable with the actions of Labor heavyweights Bob Hawke, Paul Keating and Leo McLeay cynically manipulating the Muslim vote in western Sydney, which allowed the provocative Sheik Halali to gain permanent residency status. As the son of an Italian immigrant who came to this great nation to escape a country scarred by fascism and frequent ethnically-based violence after the Second World War, I am alarmed at the recent musings in print of the state member for Hartley and the federal member for Adelaide. The Liberal Party has promoted, and continues to promote and value, community harmony and cultural diversity.

Time expired.

INTERNATIONAL VOLUNTEER DAY

Ms THOMPSON (Reynell): It is my pleasure to rise today to note the United Nations International Volunteer Day. As the minister has already indicated, that event is being marked in this state by a volunteer congress held at the National Wine Centre. The congress also includes the launch of the new website for the Office for Volunteers. This website is an indication of the extent of the partnership that now exists in our state between the state government and volunteers.

Volunteers are very important in our community. We are now more formal with our language in calling people volunteers, whereas before we used to just call them 'members of the church', 'members of the women's institute', 'members of the bowling club', and so on. As our community structures have changed, so have the ways in which people contribute to the strength of our community. South Australia has an extremely proud record in terms of volunteering, and an amazing growth is being displayed in South Australia in terms of our willingness to become involved in the community.

The Office for Volunteers has commissioned work from Harrison Market Research which shows that in January this year the proportion of people in South Australia who were engaged in formal volunteer work—that is, through a volunteer community organisation—was 51 per cent. This has increased from 38 per cent in 2000 and 28 per cent in 1995. In addition to so many people strengthening our community through formal volunteer work, about 58 per cent of people in our community also strengthen the community through informal volunteer work. They are voluntarily helping members of their community through a direct relationship with the person they are supporting or assisting; and that could be a grandparent caring for their grandchildren, someone helping their neighbour by regularly putting out their wheelie bin, someone taking a neighbour shopping if they are frail or infirmed or doing errands for people, and so on.

The image that is often held of volunteers—and, indeed, it was talked about this morning at the Volunteer Congress—is that they are, generally, mature-aged self-funded retirees who get out and help the community. It is true that many in that group do that, but one of the problems with the volunteer community is that it is fairly segmented. In fact, the highest rate of participation is in the 25 to 34 age group, who participate at a phenomenal rate. The group aged 18 to 25 does not contribute quite as much, but they contribute far more than is expected; and their rate of participation is about 42 per cent. There is a tremendous energy within our community of people who want to help others—people who see something that needs to be done and get out there and do it, and people who want to make friendships and build better connections in their community through volunteering.

This government has recognised that and has developed the Advancing Community Together Volunteer Partnership. Each agency is looking at its own operations and how it works with volunteers. Very few agencies do not have volunteers involved in their work. Although Treasury and Finance seems to have lots of people who would volunteer to help them, it is about the only agency that does not have direct participation of volunteers. But it is a very important agency, because it does a lot of funding of volunteers. It is also important because at present it is doing work in relation to insurance, which is an issue for people within the volunteer community.

AUSTRALIAN WHEAT BOARD

Mr VENNING (Schubert): The handing down of the Cole royal commission report into the AWB scandal is signalling rough times for wheat growers. Already there has been talk about modifications to or total abolition of the single desk—a move which I believe will impact severely on the growers, not to speak of the loss of valuable markets already. I declare my interest as a grain grower (as I have always done in this house). The Australian Wheat Board has also announced it will seek shareholder approval in 2007 to split AWB into two entirely separate companies—a wholly grower-owned single desk manager and a purely commercial agri-business company. It is unlikely that the federal government will agree with the AWB proposal as a solution post-Cole.

The growers are already paying the price through the loss of sales due to the Iraq wheat trading scandal and a huge drop in their share prices. The loss of the single desk marketing system would be a triple whammy for the growers. We should never forget our international competitors. Why are the wheat associates of the United States so keen to get rid of our single desk if it does not create value for Australian wheat farmers? Some of the opposition is not legitimate. Generally, the anti-single desk movement is being driven by commercial interests who want a piece of that pie. Surely, if our grain growers want to market collectively they should be allowed to do so. It has worked well since the 1940s. If there is doubt, we should convene a growers' referendum. I believe the decision is theirs and theirs only. We must allow sensible outcomes to be implemented quickly by the Howard government and, yes, we do need to ensure much more transparency, accountability and contestability without losing the benefits that the single desk and pools deliver to our wheat growers.

It is important, first, that in the event of export licences being issued to others, in the process licence holders do not compete the price down in a given market by use of a mechanism to stabilise the price (for example, Grain Australia as the model and Wheat Australia as the mechanism). Secondly, the uniqueness of Australia's marketing system should be preserved because of the system's ability to maintain the integrity of the grain from the point of delivery at the silo, through the supply chain to the end user. This gives Australian wheat growers a marketing edge over their subsidised competitors. Thirdly, Australia's reputation as a quality supplier should be preserved through the maintenance of controls on varieties grown and quality specifications. Fourthly, pools should be recognised as a beneficial tool for farmers to boost their returns, especially when poor cash prices prevail at harvest time.

In short, farmers have lost a lot of value in their AWB shares. Given the AWB's performance, they cannot expect to maintain the power of veto over the issuing of export licences to others—I think we would all agree. The Australian Wheat Export Authority should become an organisation with authority to control the selective issuing of export licences that are owned and controlled by growers as A-class shareholders. The Grain Australia model and Wheat Australia mechanism to maximise returns to growers should be used—and I am happy to spell it out to members. This will satisfy the need for change and maintain benefits for orderly marketing.

I believe it is bad enough that the industry is already paying the price in the reduction of sales to Iraq, but losing the single desk as well would be a double whammy. We should never forget that we have been selling wheat to Iraq for over 40 years and during this time they have shown preference for Australian wheat. What has happened is regrettable and those guilty should face the full scrutiny of the law, but the benefits of single desk must be retained and should not be a victim of the AWB scandal. This orderly marketing system was developed to provide Australian wheat farmers with some market power and is the only weapon that they have against subsidised production by our overseas competitors.

I note the release today of the Andrew report of the Barley Marketing Working Group. I note the recommendations and at first glance I have to say that I am very concerned. The recommendation is there for all to see: (1) that the bulk barley export market of South Australia be deregulated, following a three-year transition period of export licensing for companies participating in the South Australian barley industry; (2) any company wishing to export during the transition period must be accredited to gain a licence; (3) that the government establish the legislative framework that will enable the regulatory role, in line with recommendations (1) and (2), to be performed by the Essential Services Commission of South Australia (ESCOSA). There are four other recommendations.

I am very concerned about that. I just wonder why we have gone down that track, because the ABB has a very good track record and, again, the same rules apply. Why are we entering into this field? If the growers see an advantage in marketing together why should they not be allowed to continue to do so?

Time expired.

PREMIER'S READING CHALLENGE

Ms FOX (Bright): I rise to speak today about a matter which we all know about, the Premier's Reading Challenge. Last week I had the great pleasure to see the Premier's Reading Challenge at its very best. I was invited to O'Sullivan Beach Primary School. For those of you who do not know the area, O'Sullivan Beach is a very small suburb in the south of Adelaide which has its fair share of problems of socio-economic issues. Frankly, the people down there are doing it really tough.

I had the privilege to give certificates and medals to 157 kids who had completed the Premier's Reading Challenge this year. So, 157 kids have read 12 books and achieved more in reading than they have probably ever done before, and my congratulations and my great admiration goes not only to the school but to the librarian of that school, Mrs Meredith Gay.

O'Sullivan Beach is, as I said previously, an area that is doing it tough, but this sense of community that I saw at the school was overwhelming. I saw it later at the carols service on the Sunday, which was organised by the very proactive Friends of Sully's Beach. Many people came out to a street corner meeting that I had there on Saturday. This is a community which often feels forgotten, but it is a community which is working together for some really good outcomes, not just for their kids but for their residents.

I would like to take this opportunity to thank the City of Onkaparinga and the relevant councillors, who do a great deal of hard work in that area, particularly Mr Artie Ferguson, who has donated many years of his life to that particular area. I would also like to thank the Minister for Education and the Premier for the considerable support and passion that they have put into the Premier's Reading Challenge. It is probably easier, if I may say so, to get kids in the eastern leafy suburbs to read than it is in some other areas, and what I saw last week, frankly, almost moved me to tears. It was absolutely gorgeous. Congratulations to the librarians, the parents and the teachers, but most of all to the kids in that primary school. It was a beautiful thing to see.

SCHOOLS, FUNDING

Mr HANNA (Mitchell): I rise today to address the question of funding cuts to my local schools. I will briefly go through several key areas. I am talking about the proposed cuts to music and swimming programs, the cuts to physical education generally and the general cuts to school funding through the taking away of interest earned on school funds.

About 8 000 students benefit from the instrumental music program. The current program is subsidised, and this obviously enlarges the number of students who are able to benefit from learning music at school. I do not want to see this become a user-pays system. It is appalling for the Labor government to be adopting a user-pays approach to these types of services which are really valuable to our young people.

I will give an example of the value of this service. One of my local constituents has a daughter who learned the cello through the instrumental music program in primary school. She went on to the Elder Conservatorium and obtained post-graduate qualifications in music and is now a cello teacher. So, the beginnings in primary school are crucial and for some people can actually lead to rewarding careers.

I move on to the high school arena. I have a local high school which has a contemporary music program that is very

popular with students. In the last five years the number of students involved has increased from 24 to 100, and about 60 live performances are performed each year for the community. Obviously, people are not only indulging in an interest but learning real skills and, with that, self-confidence and self-esteem are developed. This is the sort of program that is under threat. We are told it is under review.

In relation to the aquatics program, we can be glad that, due to massive public outcry, we were assured by the minister that the swimming program, which is a core activity, will be maintained in primary schools, but there is still a threat hanging over the aquatics program. Again, this is a valuable program relating to water safety. Let us not forget that in 2004-05 between 40 and 50 children drowned throughout Australia, and about a third of those drownings occurred in South Australia. So, water skills—not just swimming, but confidence with a range of water activities—are critical to safety as well as fitness. This is a time when we are talking about obesity in young people and doing everything we can to improve young people's fitness. So, although there is going to be a review, I sincerely hope that the Labor government will see sense and keep its hands off that program.

I will give one example to make this real. One of my constituents has a disabled blind child who has a weekly swimming session. This child's condition has improved physically and socially with the swimming program. The mother herself could not afford to pay without subsidy through the government program. Teachers involved in the program at West Lakes have written to me and other members about how many students (maybe 30 000) have the benefit of their programs. In relation to sport programs generally, we are looking at the axing of the Be Active program. What does this mean?

At the moment, the $4 million a year granted to various schools through the Be Active program is used for a range of extra activities. Maybe they are not to be seen as extra activities but as something essential to keep our kids healthy. Local schools in my area are looking at chopping programs such as girls' cricket programs, exposure to gymnastics, bicycle education, archery and so on, because of the cutting of that program. It is not good enough to have an elite program called the Premier's Fitness Challenge where only the already active children will get active while the others become fatter. That is not good enough.

The government is taking the interest earned on the government bank account from schools. For my primary schools, this means $5 000 or $10 000 a year. What does a cut like that mean to the average primary school in my area? One example is a school in my area that is thinking of cutting one of the SSOs who comes to read to young children, which will have a direct impact on education. It is not good enough.

Time expired.

GOOD EVENING, SOUTH AUSTRALIA

Mr BIGNELL (Mawson): Today I commend to the house a program that will be going to air on ABC television this Friday night at 7.30, which is a celebration of five decades of ABC TV news and current affairs.

Mr Griffiths interjecting:

Mr BIGNELL: The member for Goyder interjects and asks if I am on it. Humbly, I must admit that I am on there, being kissed by a man! I might explain a little of that later, as the member for Schubert across the chamber starts to blush. Michael Smyth, a man I sat next to for a few years when he was reading news and I was reading sport on ABC television, has done a fine job. The head of TV news and current affairs in Sydney decided at the beginning of the year that it would be great for each state to record the 50 years of television news and current affairs in each of the states, so they commissioned Michael Smyth to do the job in Adelaide. They did not offer him any extra money or budget. He was basically the executive producer, the producer, the editor, the writer and the voice-over person, and he has done a magnificent job.

The thing that Sydney failed to recognise was that ABC news and current affairs has not actually been going for 50 years in South Australia but about 46½. It is a celebration of five decades of news and current affairs in South Australia, and the program is called *Good Evening, South Australia*. I managed to get to the preview at the Collinswood studios of the ABC last night, and it was wonderful to reminisce with some of the people who have presented news and current affairs in this state over the past five decades. Keith Conlon was there, and in true live-television style the camera came to him and he said, 'Hello, I am Keith Conlon and I have the news for you,' and he had a whole pile of papers in his hands. He said, 'It's in here somewhere: just talk amongst yourselves while I find it.' He was quite hilarious, and I recommend that people tune in on Friday night.

Bob Caldicott, whom many would know as the voice of the ABC, and a wonderful radio announcer, was the first television news presenter for the ABC in South Australia. He was interviewed as part of the program and he said that he actually preferred radio. He was a terrible sufferer of hay fever, and on radio he could lay a big handkerchief on the desk and let his nose just drip on to the handkerchief! He said that he could not get away with that on television. Other people on the program include Dale Sinclair, talking about when she arrived in South Australia as part of the *Nationwide* program in 1983. One of her first assignments was to cover the terrible Ash Wednesday bushfires of 1983.

Dusan Jonic, a long-serving ABC cameraman and Murray Nicoll, a former ABC employee who was working for 5DN at the time, reminisced about their times in the 1983 Ash Wednesday bushfires. Others include Paula Nagel (who will be remembered by many people here), Nigel Starke and John Geyer, who was part of the original behind-the-scenes team of just four when television news and current affairs started.

The Hon. M.J. Atkinson interjecting:

Mr BIGNELL: Winnie Pelz, as the Attorney interjects, was indeed on the program, as was Clive Hale. John Geyer was there because he was one of the first people involved behind the scenes in getting news and current affairs on television. These people had come from radio and had to work out how to write scripts and get everything to air. He went on to be the first producer of *This Day Tonight* in South Australia. Ian Altschwager is another name that was there. They showed a clip of John Heaver, which was—

The Hon. M.J. Atkinson interjecting:

Mr BIGNELL: Thank you, Attorney, for your interjection. I have only got five minutes; I would like to try and get through this if I could. John Heaver was on there, and he stripped down to absolutely nothing and ran down Maslins Beach and dived in the water in 1975. I remember watching that on television, and I have worked out that I was nine.

An honourable member: Still scarred!

Mr BIGNELL: Still scarred. Mark Aiston was on there, and he came back out of a story about the Harlem Globetrotters and surprised Jane Doyle when he said, 'And I would

love to get along and see the "Pigs Trotters".' There are a few funny moments on there. I must admit that I am actually on there. In 1997, after the Crows won the AFL Grand Final, I was doing a live cross out the front of the Melbourne Tennis Centre, and halfway through that live cross a man came up out of the crowd and kissed me on the lips and then ran off. I managed to maintain my composure, despite all the screaming of thousands of people, and kept on going. And, as they say in television, the show must go on. I didn't even know whether we were going live to air. Apparently, the man who kissed me rang up Peter Goers' program last night and said that it was him, and I would like to catch up with him at some stage and maybe shout him lunch, for helping me become one of the memories of 50 years of ABC news and current affairs in this state.

SAME-SEX RIGHTS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. ATKINSON: On the last sitting day the member for Heysen foreshadowed a committee of privilege to investigate whether I had misled the house when I said in debate on the Domestic Partners Bill:

> The principle of the bill has been consulted on for years. It is one of the most consulted on bills in the history of this parliament. Indeed, the Liberal Party screamed as one that it would not support same-sex rights unless co-dependants were included as well. Indeed, we have the man who led the Liberal Party chorus in the house today watching us.

I interpolate there; that was Joe Scalzi.

> The Liberal Party referred it to the Social Development Committee.

Later on I said:

> Under pressure from the Liberal Party the bill, which was on track in 2004, was referred to the Social Development Committee and came back with a recommendation that co-dependants be included.

I refer the house to debate on the Statutes Amendment (Relationships) Bill in the Legislative Council on 25 November 2004. The Hon. R.D. Lawson said:

> I rise to speak on the second reading of the bill. It is a bill on which members of the Liberal Party do have a conscience vote. No doubt, many may well take different positions on this bill. Obviously, I am not authorised to speak on behalf of members and their various attitudes to the bill. However, I am authorised to indicate that they will all support the motion of the Hon. Terry Cameron to refer the bill to the Social Development Committee.

Later on, the Hon. R.D. Lawson concluded by saying:

> With those few words, once again without indicating the views of any member of the Liberal Party on the merits or otherwise of the bill, I indicate that we will be supporting its referral to the Social Development Committee.

Labor's Gail Gago told the council:

> I believe that this is simply a stalling tactic.

The council divided on the referral 10-7. Among the ayes for the referral were: Dawkins, J.S.L.; Lawson, R.D.; Lensink, J.M.A.; Lucas, R.I.; Ridgway, D.W.; Stefani, J.F.; Stephens, T.J.; pairs for the ayes—Redford, A.J.; Schaefer, C.V. And if you are thinking that that is the entire Liberal Parliamentary Party in the other place, you'd be right. The Social Development Committee reported in favour of including domestic co-dependants in the bill. The Hon. J.M.A. Lensink told the council on 5 July that she was in favour of including co-dependants in the bill, and on 21 November she so moved, and her amendments were carried without a murmur of dissent from any of her Liberal colleagues.

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF REVIEW PERIOD AND CONTROLS) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 22 November. Page 1384.)

The Hon. R.G. KERIN: I refer to page 99, which identifies a range of audit issues requiring attention, including issues previously raised in the 2004-05 audit, which were not effectively addressed by the department. Is the minister comfortable that processes are now in place to ensure that these issues are addressed quickly?

The Hon. R.J. McEWEN: I am comfortable that every matter has been addressed and, further, a risk audit committee on a quarterly basis keeps an eye on procedures as we go along. I am confident that we are, in an ongoing way, addressing all the issues raised. The one specifically raised last time we are now comfortable with.

The Hon. R.G. KERIN: The way in which so many other functions have been loaded into the primary industries department to give some critical mass has made it rather difficult to relate any of the figures in the notes to calculate agriculture, food and fisheries sections. I refer to note 7, which refers to consultants. Will the minister give the figures for the Agriculture, Food and Fisheries program for use of consultants by number and amount for the past two years?

The CHAIR: Can you give a more comprehensive reference than note 7?

The Hon. R.G. KERIN: I refer to page 122 of the Supplementary Report.

The Hon. R.J. McEWEN: I will take the question on notice. It was an omnibus question in estimates. I have the list in front of me, but I will not go through it now and pull out the half dozen that are principally the primary industries part of the portfolio. You will see a lesser use of consultants than in previous years.

The Hon. R.G. KERIN: I guess some of the others must have used more. I refer to page 121 of the supplementary report, note 7, supplies and services. It is hard to break it down into programs, but has the minister any explanation as to why the cost for computing and communication doubled from the previous year?

The Hon. R.J. McEWEN: The shadow minister makes a good point as much of these costs are part of restructuring and bringing in other agencies. However, I am advised that during 2005-06 primary industries incurred several one-off expenses such as the insulation of wireless area networks and software purchases, so some of it is implementing the WAN and some software purchases, but the other part of it is due obviously to the one-off restructuring.

The Hon. R.G. KERIN: I refer again to page 122, note 9, which shows a grant to DFEEST-AMSRI by the depart-

ment (and I am not sure which part of the department). Will the minister give the detail of what the $2.5 million payment was for?

The Hon. R.J. McEWEN: That was in the minerals area, and I think you will see that that was the Australian Minerals Science and Research Institute.

The Hon. R.G. KERIN: I refer to page 122, FarmBis. There are a couple of references to it. Will the minister give a rundown of what has happened with FarmBis over the past couple of years? On page 122 it shows that the payments to entities outside the government for FarmBis dropped from $4.669 million down to $2.779 million. Does that indicate a drop in the funding of FarmBis programs? I note that on page 124 the FarmBis figure has gone from $600 000 in 2005 to $1 893 000 in 2006. Can the minister give us a rundown on what is happening with FarmBis?

The Hon. R.J. McEWEN: There are a couple of issues with FarmBis. Of course, one is obviously the changeover from FarmBis 2 to FarmBis 3, and there was a slow down while we were negotiating FarmBis 3. Equally, FarmBis to some degree is demand driven. Obviously, we are responding to a demand and then subsidising that, so there is a co-contribution. I can advise further that we expect FarmBis 3 expenditure to be $4.5 million in 2006-07 and $5 million in 2007-08. The other thing that the member is well aware of is that South Australia certainly is a bigger co-funder with the federal government in this area than almost any other state. FarmBis has been well embraced in South Australia. It is a good program and continues to build capacity in our farming sector.

The Hon. R.G. KERIN: Referring to page 122 in note 9 and the issue of branched broomrape, I see that Primary Industries' contribution to branched broomrape went from $561 000 to $623 000. Will the minister comment on what the contribution towards branched broomrape by PIRSA will be in the coming year, and also on the funding of the total program? I am aware that a lot of it was funded out of that department, well-known as WALABI.

The Hon. R.J. McEWEN: I will have to take that on notice because obviously we administer that on behalf of DWLBC and, equally, of course, we have some agreements with the federal government in relation to dealing with that matter. I will get back to the member, because that is a DWLBC issue.

The Hon. R.G. KERIN: Will the minister take us through the Chowilla Fish Plant and explain the $542 000?

The Hon. R.J. McEWEN: That is a research grant that we have received, so SARDI has obviously received a grant to do some work on Chowilla but, again, I do not have the specific details of that project in front of me.

The Hon. R.G. KERIN: Does the minister know whether that involves anything to do with carp?

The Hon. R.J. McEWEN: No. I will get a full report but I am not aware whether that was specifically related to carp. Like the shadow minister, I guess it would be, but I would prefer to get an answer.

The Hon. R.G. KERIN: On pages 137 and 138 there is a program schedule for administered revenues and expenses, and a lot of those come under the primary industries funding schemes that have been set up under the legislation from 1998, from memory. It shows that a couple of those have gone into deficit. In relation to the Cattle Industry Fund, grants and subsidies out of the fund for 2005-06 totalled $890 000 whereas the revenue coming in totalled only $507 000, taking into account everything. That leaves a deficit of $403 000. Will the minister indicate the reason for the large payouts last year and, also, are there any plans afoot to try to bring that fund back into equilibrium?

The Hon. R.J. McEWEN: I am advised that, because of the full implementation of the dairy-managed JD project, the expenditure has been increased by $4.7 million when compared to the previous year. The remainder of the increase is due to additional funds for NLIS projects, as well as the approval of additional research projects on lead poisoning in cattle. So, they are all approved projects, but obviously the long-term aim is to keep these schemes in balance. It is industry money, and industry, in consultation with government, obviously sets the priorities and decides the expenditure.

The Hon. R.G. KERIN: Also on the same page, in regard to the South Australian Pig Industry Fund, again we see a deficit, but I assume the deficit is to do with the sale of SABOR, which was the industry and department boar testing facility. I was interested to see the way that was treated as a loss in the fund, but over the next year or two will the fund be expected to recoup that money, and what plans are there to work out who carries the loss?

The Hon. R.J. McEWEN: The member is right in that obviously we have to look at the accounting treatment of the deal we did with SABOR and how we dealt with those assets, but I will take that on notice.

The Hon. R.G. KERIN: Again on the same page, the South Australian Sheep Industry Levy Fund is dealt with, and that fund has done some very good work over time. I see that in the last year payments out of the account were down quite a bit whereas the revenue was up so, overall, it looks like a pretty good result. Can the minister provide me with some details about the funding of the dog fence? For instance, how much was spent last year, what is to be spent in the coming year and is any major work to be done in the near future?

The Hon. R.J. McEWEN: I can give the member some advice about the higher level of expenditure in 2004-05 compared to 2005-06. This was as a result of the changed emphasis on vaccination to control disease and the new national risk-based program. In 2004-05, the program included a significant educational program to introduce the new risk-based system and a large increase in the use of vaccine, because it was the first year of the subsidised program. The 2005-06 expenditure was reduced because there was no need to provide the educational program, and the level of vaccination for year 2 of the five-year program is also at a much lower level; about $350 000. The other factors that contributed to the decrease in expenditure included the change in the control program, that is, the lower analysis testing required. With respect to the second part of the question about the dog fence, I will have to obtain the details.

The Hon. R.G. KERIN: Also, with respect to the funds (and I do not think it is dealt with here, because it would not have been gazetted), I am aware of the fund that is about to come into existence for the Eyre Peninsula rail under the same legislation. Can the minister explain the consultation process for the forming of that fund? Consultation with respect to the legislation first took place in 1996-97, and it was introduced in 1998, and industry was given many assurances that any of the funds that were set up would be at the initiation of industry, and that the mechanism was not there for government to identify issues that could be funded out of this. It was more the case of industry going to government and basically saying that, as an industry, or an industry group in a region, they wanted to strike a levy to raise funds

to market their industry or pay compensation for disease; there was a range of issues.

My concern about that (and it certainly would not have come from within PIRSA that the industry needed to help fund that rail) is that, in this case, it is really the industry that, like anyone, pays its taxes, or whatever, to start with, but it will also be the one who pays the freight. Can the minister explain how the consultation with respect to this funding scheme matched the legislation and the intent?

The Hon. R.J. McEWEN: Madam Chair, you could well rule this question out of order, because it is not alluded to in any way in the Auditor-General's Report. Obviously, sitting underneath these funds is a philosophy around how one sets them up. The shadow minister is absolutely right. These are voluntary funds, and whenever industry representatives have approached me, I have said that they must demonstrate to me significant industry support. They have asked, 'What do you mean by that?' and I have said, 'I think 70 to 80 per cent, to my mind, would be at the lower end.' We have to keep in mind that they are voluntary schemes, and anyone is entitled to ask for their contribution back.

This was captured in the Auditor-General's Report in relation to the marine scale fishery, where we had some conversations with the Auditor-General because, quite frankly, one cannot ask for that money. Obviously, it is not our money; it is a voluntary contribution. There is nothing wrong with an industry development board, or another group trying to put together a number of partners to fund the scheme, asking whether or not an industry will be a co-contributor. In terms of Eyre Peninsula rail, obviously, the state government was prepared to put in some money, ABB was prepared to put in some money and, rightly, the local farming community was asked whether or not, through a funding scheme, it would be prepared to put in some money. However, it had obviously convinced me that there was significant support for that—and there was. So, on that basis, I was happy, on its behalf, to use the scheme to collect its levies to contribute to that program. I would say that, in so doing, the calculations it made this year amounted to less than the sum it would collect because, obviously, it is a levy on grain delivered. Again, it will have to look at that.

I think it is an appropriate way within the scheme for a producer group to say that it would like to be part of a capital raising, if you like, for a specific project. However, again, those decisions ought to be left to the industry bodies that are making the contribution. The one that was more difficult, of course, was SAFF's sustainability fund. They were looking to industry to support that fund. There were two issues with respect to that. One was that it had to be a fund that promoted and developed policy in agriculture, and that it was not a political vehicle. They had difficulty, and could not convince me that there was enough support for that. So, that was an example where I said, 'No, I do not think that the producers have said, on a voluntary basis, that enough of them are prepared to contribute.'

The Hon. R.G. KERIN: My concerns are probably along the lines of other portfolios. I was aware of this at the time we brought it in. We went to some length at the time to try to ensure that ministers from other portfolios—Treasury—could not look at a funding application and say, 'We want the producers to fund that,' and then put pressure back on the producers to come up with the money. I will not ask the minister to comment on that, unless he wants to. It has always been the fear that it would be used to pay for general infrastructure in regional areas. I will leave it to the minister to decide whether he wants to comment.

The Hon. R.J. McEWEN: I need to reiterate the point that it is not well understood, and Mr Ron Gray often communicates through the media about these compulsory levies and compulsory unionism. I find it very difficult to convince either him or the media that they are neither of those things. These schemes, under the Primary Industries Funding Scheme Act, allow producers to make a voluntary contribution. And it is exactly that. Any producer can choose at any time to ask for their money back. There is no coercion, and there is no pressure on individuals. If they believe that it is a legitimate use of a levy, obviously, they will leave the money in the scheme. If they do not, or if they are unhappy with whatever that money is being used for, they simply have to ask for the money back and they get it back.

The Hon. R.G. KERIN: This scheme will continue until $2 million is reached. Is there a set target for it?

The Hon. R.J. McEWEN: My understanding is that the industry set about to raise a specific amount of money. Once the voluntary levies accumulate to $2 million, that is their contribution: they have done their bit in terms of investing in the capital.

Progress reported; committee to sit again.

EMERGENCY MANAGEMENT (STATE EMERGENCY RELIEF FUND) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 1370.)

Mr GOLDSWORTHY (Kavel): I am the lead speaker and have responsibility for the carriage of this legislation on behalf of the opposition. The bill intends to amend the Emergency Management Act 2004. The government has introduced this legislation to broaden the use of the emergency relief fund in two specific ways. First, it looks to broaden the events which are covered in order to include the drought situation the state is currently experiencing; and, secondly, to broaden the range comprising those who can be assisted to include communities and organisations, as well as individuals. I understand this outcome arises from the Eyre Peninsula bushfires. The current legislation, in terms of the allocation of relief funds, can be distributed only to those who are directly affected by the fire. An example was cited of a group of schoolchildren who were to be taken on an excursion or an outing. It was discovered that the current legislation allowed only those schoolchildren directly affected by the fire to undertake this activity, and the other children, who were not affected but who were still part of the same school community, were not able to utilise these funds to participate in the event. Obviously, there is a need for the legislation to be improved and enhanced so that community groups, school groups and any other organisation within the community, if deemed appropriate, can avail itself of the funds collected.

I will provide the house with some background and discussion. The act currently authorises the use of the fund in an emergency situation. It defines 'emergency' by reference to a specific event; for example, the floods at Virginia, the Wangary fires on Eyre Peninsula, the horrific tragedy of the explosion at the munitions factory at Gladstone, and also terrorist acts. They are examples of specific events. I am advised that the Crown Solicitor has given advice to the government that the way in which the act currently stands does not provide for the fund to be used in

circumstances such as drought. I have some questions to ask the minister during the committee stage, but I will highlight some of the issues in the course of my contribution.

The bill intends to amend section 37 by enabling the Governor to proclaim a situation or a circumstance where a proclamation would enable use of the fund in respect of that proclaimed situation or proclaimed circumstance. The bill specifically talks about proclaimed situations. That is the first part of the intent of the legislation. The second part of the bill relates to those who can be assisted. At present only individuals can be assisted. It was found during recent emergencies, such as the Eyre Peninsula fires, the Virginia floods and the Gladstone explosion, that it would be beneficial if community organisations could be assisted; and I gave the example a few minutes ago of some schoolchildren on Eyre Peninsula who were affected by the fire (although not directly affected) and who were part of the community; they were not able to avail themselves of these funds.

On the surface, we believe that this piece of legislation is worthwhile. However, some quite specific questions need to be answered. As I said, we will look to put those to the minister in committee. I advise the house that we intend to support the legislation, albeit with some reservations, and it will pass through this place reasonably quickly this afternoon and then through the other place by the end of the week (we would anticipate). Once the legislation has been passed through the parliament, I understand that a committee will be formed. We have some concerns about who will constitute this committee.

The drought is a statewide situation, it is not just in a specific area of the state. It runs from the South-East, from Mount Gambier right through the lower South-East, the mid South-East, upper South-East, all through the Mallee, the northern Adelaide Plains, a fair bit of Yorke Peninsula and the vast majority of Eyre Peninsula, so pretty well the whole cropping and grazing districts of the state. It is an enormous area. It is the vast percentage—98 per cent, if you wanted to have a guess or take a stab at it—of the farming country in the state.

So, who will constitute the committee? Will it be some local government representatives or will it be some other leading members of the community? It is not just one specific area. For the Virginia floods, we would have nominated some people involved locally, perhaps from local government, the mayor or somebody of a similar standing in the community, and perhaps some Farmers Federation representatives to sit on that committee. This is a statewide proclaimed situation, so I just wonder how many people will be involved and what will be the criteria for the selection of those who will take up positions on that committee, and have responsibility for the distribution of the money.

I thank the minister for providing a briefing to us on this matter. We asked those questions in the briefing but we did not receive any significant answers to those questions. I understand that the government intends to launch this initiative and to advise that the Australian Red Cross will be the organisation that has the responsibility to collect the money on behalf of the government for the state emergency relief fund. We certainly support that. The Red Cross is a very honourable, well known, professionally run, high profile organisation in the nation, so we have no real issues with that organisation being responsible for the collection of the moneys.

The second issue that we need to raise is this. Once the moneys have been received and deposited in the fund, what criteria will be used to then determine which communities and which individuals will receive those funds? As I stated earlier, it is a whole of state situation that we are facing, whereas—and I use these examples again—the Gladstone explosions, the Virginia floods and the Eyre Peninsula bushfires affected specific communities and specific individuals in much smaller district areas, as compared to the drought-affected areas of the whole state. We will ask those questions and seek a response from the minister during the committee. I do not expect him to necessarily address them when he closes the second reading debate.

I want to raise some other specific points in relation to this. I get the strong feeling that this is another example of the government grandstanding on an issue, particularly as the Premier is 'Good News Mike'—out there heralding good news all the time. There is no reason why an organisation such as the Red Cross cannot or should not administer the whole initiative: collect the moneys, form a committee itself from the community and then make the decision on where the funds are distributed. I make that point, that we have quite a strong suspicion of the Premier and the Labor government itself grandstanding again on what is really an extremely serious situation that the state finds itself in. It is not always the role of government to administer public appeals such as this. As I said, charitable organisations such as the Red Cross—and I am sure there are others—have the capacity to deal with these issues. We also got the strong impression that the Premier is taking over the goodwill of the community. This provides a choice for members of the community who may or may not wish to donate to this cause. It is really the Premier stealing the goodwill of the community. In a certain way, it is hijacking the goodwill of the community.

As I said, the issue of who will constitute the committee that will make the decision on distributing the funds, and what criteria will be applied, will be raised at the committee stage, and we will seek answers at that time. The opposition is pleased to support the bill.

Mrs REDMOND (Heysen): I am pleased to support this bill, although I have some of the same misgivings about it as the lead speaker in relation to the government's motives in dealing with this. Looking at the act which is being amended, that is, the Emergency Management Act, I note that this emergency fund is set up almost as an afterthought at the end of the legislation. I think the Disaster Relief Fund existed prior to the Emergency Management Act of 2005, and the provision in the second-last section of that act simply enables that fund to continue under a new name, as the State Emergency Relief Fund.

I understand the need for the amendments that are being sought and, whilst fire is clearly an event which would fall within the current definition of 'emergency', a drought is not necessarily something which would fall within that definition. Whilst something like the Gladstone explosion is clearly an event, it is different from a bushfire, which is an emergency. All the way through people could miss out on the benefit of the fund because of that definition. The way it was set up under the act, it refers to administering the fund for the benefit of people, so I understand the need to amend the legislation so that the approach can be broader.

What is interesting to me is the matter that the member for Kavel just touched upon: the fact that the Red Cross is going to collect money on behalf of the government. It is that which causes me some concern. After the Tsunami appeal, I think, people contributed to an appeal for prostheses, I believe. I

think that was run by the Red Cross and it got into a bit of strife because, in its administration of it, the money was not entirely devoted to that purpose.

The existing act—and this bit is not being amended—provides that if you make a contribution to this state-run fund then the state (or the committee that will administer it) has a right to apply it to other purposes. If the committee decides that it has already applied enough funds to whatever the particular emergency or event may have been that the money has been collected for, it can keep what is left over in that emergency relief fund and apply it to the next emergency that might be declared. I see the minister nodding. Whilst at some level that seems a reasonable thing to do, I have a real concern that, as an individual who contributes to a lot of things, I expect the money that I contribute for a particular purpose to be used for that purpose. I would be highly resentful of an organisation which accepted my money for a particular purpose and then failed to apply it to that purpose.

I have some real concerns about why the government wants to get into the business of administering this. As the member for Kavel said, there is no reason why organisations as big and as organised as the Red Cross, CARE and World Vision, all those sorts of organisations, are not perfectly competent. I, for one, would be much more comfortable making a donation to an organisation rather than to anything that is heralded as the 'Premier's Drought Relief Fund', or whatever. I have no doubt that it will get some sort of name like that to laud the Premier's involvement in drought relief, when in fact the money is still coming from people in the community who want to make donations. The Premier is somehow going to get some kudos for that when, in fact, it could go through any one of these other organisations.

There is no need for legislation to cover that because any of those organisations can simply set up a fund. They clearly get the cooperation of banks, and so on, in allowing people to make deposits in a convenient way. It seems to me that there is no reason for this fund to take on the role which should be taken on by other organisations in our community. As I said, I support the need to change the act slightly inasmuch as it is too narrow in its definition of 'emergency' and it is too narrow in saying that only people and not, for instance, an organisation—a group of people, a school or something that has suffered a loss—can be helped. I understand the reason for that, but I do not understand that further extension, that we are now going to have the Red Cross collecting for the government's drought relief fund.

Quite frankly, I am sure I will not be alone in saying that the last people I am going to give any of my hard-earned money to by way of donation will be a government-run organisation. I will continue to make donations for all sorts of charitable purposes, but there is no way that I will support this idea that the state should become the manager of funds. As I said, I support the thrust of the amendments, but I have some serious reservations about the way in which the government is wanting to meddle in areas where governments do not belong.

Ms CHAPMAN (Deputy Leader of the Opposition): This bill is to amend the 2004 Emergency Management Act, an act that was designed to cover very important management issues in the event of a state emergency; that is, who would be in control, what delegation powers there would be, and the like. That was a very important bill, and tacked onto it in section 37 was provision for the State Emergency Relief Fund. It is fair to say that in the debate at that time it did not get much attention and, relative to the other important aspects of the bill, that is probably understandable. However, those of us who remember the Ash Wednesday bushfires and the shocking loss, damage and death that occurred as a result, would recall that there were a number of bushfires around South Australia and a number of lives lost.

One of the relevant aspects of that disaster was that some people were insured and some were not, and there was much confusion as to where the donations of the outpouring of goodwill from South Australians should be allocated. The State Emergency Relief Fund was established to try to remedy that situation and to ensure that those in need and those deserving should have the assistance from those who had kindly given donations. Section 37 was part of the 2004 bill, which maintained some structure. I note that in the second reading explanation of this bill the minister says that it was to provide a robust and transparent arrangement to administer public-donated and charitable moneys following a disaster, and that is exactly what it was.

It sets up a committee appointed by the minister, which identifies a particular emergency event that has caused injury, loss or damage, and the money is then administered. If they cannot find anyone to administer it to, or if there is too much money left to allocate, it is kept in the fund for the next emergency, and if they pay out too much they have the right to get it back. It sets out some structure in those circumstances. However, I never intended at that time, and I do not know that this has been drawn to the attention of the house, for this to be some expanded government enterprise for getting into the business of charity and raising funds for events per se. It is true to say that, since 2004, we have seen three events that were referred to at the time of the second reading—the Eyre Peninsula bushfire, the Virginia flood and the Gladstone factory explosion—that utilised this facility for the purpose of collecting and distributing funds.

That is apparently at the discretion of the minister, and the government advises the Governor in relation to what events are to have the allocation. That in itself raises the question of who already decides what is an important event and what should attract the attention of the utilisation of this fund. I think that everyone in this house would agree that the Eyre Peninsula bushfire and Gladstone factory explosion were tragic events and deserved all our care, consideration and support, and the Virginia flood likewise. But here is a classic example of where the government decided that it would give funding to the flood victims of Virginia but nothing to the flood victims of Waterfall Gully, which occurred within weeks of each other. People at Waterfall Gully had their homes ruined, had inadequate insurance, damage to property and damage to those who were involved although, fortunately, no lives were lost.

They, equally, suffered considerable damage, but where was the State Emergency Relief Fund or the appeal announcement by the government for assistance to those people? The concept of the government taking over the charitable management of fundraising in the event of a disaster already has some problems. To then move it, as this bill proposes, from an event that is a clearly identified emergency arising out of a particular event into the new category—that is, to be a proclaimed situation—what on earth is that going to mean? What will that involve? We look to the bill but that does not help us very much, because it is whatever the minister says it will be. It has not actually defined it at all. We still have a situation where the government can be highly selective as to what it determines should

attract the attention, support and ultimate distribution of funding for those events.

The bill also seeks to extend the powers to deal with provision to an organisation or a community rather than to a person. In other words, if you cannot find a particular person who is a victim but the whole community might have suffered as a result of circumstances adverse to it, there is the opportunity under this bill to provide to the community. I want to say something about each of these two things. First, in relation to the emergency event moving to a proclaimed situation, the examples given are drought or an occasion of outbreak of foot and mouth disease. These are events where, frankly, the state government already has a direct responsibility to the people of South Australia, and one way to shirk that responsibility and offload it is to try to say that this is now a responsibility for South Australian people to donate and to assist.

What the government should be doing in a drought—which we have known of now for several years—is dealing with the water aspects of this state. It should be doing a proper audit. It should be making sure that our irrigation across the southern part of Australia is operating in a manner that ensures that we maximise the water available to all those who rely on River Murray water. We should be making sure that our neighbouring states honour their obligations. We should be making sure that we have infrastructure provision for our towns and our pipelines and for every other aspect of the delivery of water to metropolitan and rural South Australia.

That is what the responsibility of government is; not to run around funding or managing the funding of a disaster relief appeal for what they declare to be an area for which they have responsibility. What is particularly galling about that, when they should be giving their attention to a drought, is that when I pick up today's paper I find that for nearly two days a pipeline has burst and water is gushing down Glen Osmond. Today there was also this fantastic flood from a burst pipeline at Blair Athol. That ran from 5.30 yesterday morning until 10.30 when it was stopped. This is on Monday for the Murray Day! This is the aspect that the government should be looking at in dealing with drought in this state and not getting all the attention about what fund they are going to have and what they are going to have control of.

Of course, the other aspect of this is very interesting, because what is this appeal going to be? We are about to see the Premier's appeal challenge, the Premier's drought challenge. With every challenge of the Premier, he will have his face splashed all over every publication to promote himself. This is the Premier's PR campaign, creating an opportunity to deal with something with which he has an obligation to deal but with which he is not dealing. He wants to window-dress it and bask in the goodwill of what decent charitable organisations in this community do.

Just to make it absolutely clear, we had a serious drought across South Australia in 2002. What did Farm Hand Foundation do for drought relief? They, with the Red Cross, had a nationwide appeal. In fact, for those who are not familiar with the Farm Hand Drought Relief organisation, I point out that it is an organisation chaired by Bob Mansfield, who is also the chairman of Telstra. He has had eminent members and principals in this organisation, including Alan Jones, Richard Pratt, John Singleton—I am sure the government will be pleased to hear—and the late Kerry Packer. These are people who got together with the Red Cross, established the appeal, raised $24.64 million and distributed it to Australians in need who were devastated and/or disadvantaged or damaged by the drought. That is an organisation that operates quickly, it gets on with the job and does it well, and we do not need an extra level of supervision.

I just want to highlight here where the levels of supervision exist. If the government's proposal is to say, 'Well, we are going to utilise this fund; we want to expand its purpose, we want to expand the potential beneficiaries of it, and we want to expand the definition to give it to whomever we wish or to those who we declare are in need as a result of any particular circumstance that is out there,' we will have a situation where a fund will be administered by the government, they will subcontract to the Red Cross, which they have told us that they may do for the purpose of the exercise, and therefore create another level of administration through that organisation, and if they determine that it is an event that involves a community organisation, then that will involve yet a third level of administration. That local council, community organisation or group that has been determined to be a suitable recipient will have to make decisions as to distribution in the community from this fund. So we have three levels of administration to deal with one event.

The government's action in this regard, at best, is one through which the Premier wants to bask in the glory and the goodwill that these charitable organisations enjoy and regarding which they are respected in the community. The Premier wants to take all the glory in these events. At worst, he just wants to avoid his own responsibility in dealing with drought and in terms of really serving the infrastructure needs of South Australians.

Just to comment on the foot and mouth disease situation, I point out that this is a public health issue. The Minister for Health, the Premier and, indeed, the entire cabinet, have a statutory obligation to ensure that if foot and mouth disease is identified anywhere in South Australia, they—

Members interjecting:

Ms CHAPMAN: Thank you. They have to notify relevant authorities, and they have the power to shut down a whole zone in the state—whole zones across the country if necessary. That is an obligation that this government has, and they do not need a public appeal to go out there and say to good South Australians, 'You need to put all this money in so that we can administer this,' and look like the good guys as though they are doing something. They have that obligation and they do not need a state disaster fund or a state emergency relief fund, as it is now called, to undertake their responsibility.

So I say to the government that it is important that, rather than be sidetracked on these issues and swayed by, no doubt, the Premier's desire to make himself out to be the good guy, let the people who know what they are doing do what they do well and get on with it, and listen to what they are saying. I leave the house with this scenario: let us assume we broaden the definition and the Premier decides that his popularity is plummeting. He could declare an event a prescribed circumstance or a proclaimed situation involving disaster and authorise an appeal. He could then use those funds by allocating them to XYZ company or some organisation to undertake a PR campaign for him. As a result of what the Premier determines to be a disaster, we have a situation where the government can manipulate funds provided through the good intentions of decent people in South Australia and use those funds for its own benefit, and that is a disgrace.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I am grateful for the intimation by those opposite that they will support this bill. I must say I do have to take issue with some of the more recent hysterical contributions that have been made in this debate. The point on which the honourable member just closed has caused me some concern, because it would be—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: No, I would be alarmed indeed if somebody were to make an application perhaps on behalf of an impoverished organisation which really had been reduced to a rump in terms of popular political—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: —for instance, like the Liberal Party of Australia, South Australian Division—which was somehow seeking to drag itself up off the floor. So I think these are wise warnings that the honourable member draws to our attention.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: I think that was meant to be delivered with levity, if that could be noted for the purpose of *Hansard*.

Mr Hanna: Put a little smile in *Hansard*.

The Hon. J.W. WEATHERILL: That is right, a little smile. One needs to go back to the historical basis for this provision. But for this, with charities that were otherwise raising money for disasters, in the case of those in the past or now with the broadened definition we propose, we really had to rely upon the law of trust, and that caused those organisations to get into difficulty. Whenever there was an issue of the establishment of the trust and certain defined beneficiaries, and then the nature of the disaster changed, it meant that there were difficulties in terms of who would be the recipients of the largesse of the trust. There were also difficulties associated with funds that might have been left in the trust at the end of the process. This was the very circumstance in 1985, post the Ash Wednesday bushfires, that led to the establishment of this legislation.

It is merely enabling legislation passed by this parliament to facilitate what are otherwise private charitable arrangements for the raising of funds for the benefit of South Australian citizens. Before one becomes hysterical about the ulterior purpose of legislation of this sort, one needs to remember that it has its antecedence in 1985. Nobody in this house has opposed it—it has been amended and nobody has suggested that it has sinister motives. Its only motive was to assist a community organisation—often the Red Cross or other like organisations—to carry out their process. It is not the government's intention to do anything other than to assist organisations like this to raise funds and provide a framework through which they can distribute them. The rather hysterical suggestion of the motives for this legislation is ill founded and not borne out by the legislative history.

I will leave the remainder of my remarks to respond directly to the questions that the shadow minister has foreshadowed he will ask me concerning the composition of the committee and the criteria for the distribution of potential funds.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr GOLDSWORTHY: I refer to clause 3(2)(vi), which refers to whether the committee is satisfied. In my second reading contribution I raised a question in regard to who would sit on that committee and how it would be constituted, in view of the fact that the drought is statewide. All other events that have occurred are specifically located to a district or smaller region. Who would determine who sits on that committee and who would constitute it? What members of the community would sit on the committee?

The Hon. J.W. WEATHERILL: Formally under the act, this responsibility resides with the Premier, but he has delegated it to me in this instance as Minister for Families and Communities. With respect to the number of people on the committee, that would be a matter for the minister, but it would be envisaged that there would be sufficient representation of people with some administrative expertise—maybe some public servants, but largely representatives drawn from the community. To give a particular example with the drought, the drought appeal would include people from, for example, the South Australian Farmers Federation, Business SA, the Local Government Association, Australian Red Cross (South Australian Branch) and the Country Women's Association. So, they are the sorts of people, but it really would depend on the nature of the disaster or event.

Mr GOLDSWORTHY: I understand the minister's answer, but I am talking specifically about the drought, because that is what the legislation currently before us relates to. The minister talked about local government, the CWA, the farmers federation, other bodies and some bureaucrats. Can the minister assure the house that the majority of the committee would be made up of members of the community and not the bureaucracy?

The Hon. J.W. WEATHERILL: We have not settled on the final composition of the committee, but we would certainly expect that to be the case.

Mr GOLDSWORTHY: Coming to the second part of our concerns in relation to this, the devil is in the detail. We understand the broad principles of the drought and collecting money by the Red Cross and holding it in the state emergency relief fund, but it really does get down to some operational management issues. What criteria would be applied to determine which communities and individuals will receive the moneys? The drought affects areas from north of Mount Gambier (Lucindale) around to Lock, for example—from the Lower South-East around to the Eyre Peninsula. There are hundreds of communities, thousands of affected farmers (primary producers) and thousands of affected businesses and associated companies that obviously support the rural sector, so the question is fairly straightforward.

The Hon. J.W. WEATHERILL: In a sense, by the nature of the question, you can see that you really need to gather information about the particular drought in question to be able to answer the question of who would receive the benefit of the fund. That is why the committee of the fund has to be constituted of people who are able to supply and assist in the gathering of that information. The criteria for distribution would be set down in Governor's instructions which would be published in the *Gazette*, and they would be quite broad because they would give the committee, once again, the discretion to make the right decision in an individual case. But the essence would be to try to distribute the money in the most equitable and fair way possible to assist people to deal with the losses associated with the drought, and obviously they would take into account a range of principles based on fairness and equity. So, they will be published and made transparent for the community to consider.

Mr GOLDSWORTHY: I want to cite an example to demonstrate how difficult it may be for the committee to

determine who receives some of these moneys. I can understand it perhaps would not be as difficult to determine the communities that are affected more severely than others but, when it comes to assessing an individual farming family and how severely they have been affected, I will cite an example. There are farmers who are neighbours. They are in the same farming district and have experienced the same severe climatic conditions. How does the committee determine which of those farming families receives the money and which does not? How does the committee determine the amount of moneys they will receive? The committee will be appointed to distribute the funds, but what criteria would it use to determine which of those two farming families receives a certain level of relief? Is it based on the equity in their property?

A farming family with no debt and an unencumbered property, so they do not have to meet an interest bill to the bank and make a principal reduction from their loan, arguably would be in a better financial position than, for example, their neighbour who may have only 50 per cent or 60 per cent equity in their property and a fairly large indebtedness to a financial institution and who would have to make a significant interest payment and, arguably, a principal repayment. They will look to financial assistance for the next season for working capital and all those expenses incurred in relation to sustaining their farming operation into the future. We really have to get down to the nuts and bolts on this and determine the criteria. I cite that as an example, because it will be extremely difficult, I imagine.

The Hon. J.W. WEATHERILL: I think that is a good question, but one has to think about it in the context of the difficulty that any appeal would have grappling with the same questions. This is not a peculiar difficulty for the government framework, or for this statutory framework. This would be the same question that would confront the Red Cross if it was just setting up a trust fund for these purposes. Indeed, I think that, in the context of a drought, where it is so diverse and diffuse and where things change over time and it is a gradual, slow moving thing, there is an even stronger argument about the need for a statutory basis to deal with an appeal fund of this sort, because I suspect that the difficulties of drafting a trust that would meet all those questions would be quite a task.

Ultimately, the answer is that the committee has to make policy calls with respect to this matter. It will make judgments about what is the threshold for assistance, but it will draw on other eligibility criteria that might be established by Centrelink, for instance, or PIRSA, for the grant of various other government provided entitlements. That might not be the complete answer: it might decide that there are other nuances to the eligibility criteria that it would seek to apply. Ultimately, however, it is a matter for the committee, having regard to the particular circumstances that it sees.

Mrs REDMOND: I want to follow on from the question of the member for Kavel, because it seems to me that there are significant problems in that area. I know, for instance, that the emergency circumstances funding that is dealt with under the commonwealth provisions is problematic, to some extent, because one of the criteria it has laid down as its policy principle is the viability of the farm. As the member for Kavel suggested, that could come back to how much money has been borrowed. If the fundraising is established on a statutory basis through this bill, does that mean that it will be subject to audit by the Auditor-General, reporting to parliament or complaints to the Ombudsman by one person who has missed out on funding compared to their next door neighbour, who did receive funding? Will the normal things that flow from governments setting up statutory regimes such as that apply to this legislation?

The Hon. J.W. WEATHERILL: I understand that this fund is audited in the ordinary way, the same as any statutory fund, including the Auditor-General's being involved. Not only will the criteria for the distribution of the fund be the subject of a Governor's direction that will be gazetted, but also there will be some publication, or some capacity to become aware of the particular purposes for which the funds were disbursed. The practice is that they are published in local communications in the affected areas.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

DEVELOPMENT (BUILDING SAFETY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That this bill be now read a second time.

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

Leave granted.

Over time, a building that was once considered safe when it was first approved for construction can become unsafe. This may be due to a number of causes such as poor maintenance, changes in technology and changes of use.

To deal with this issue, Section 53A of the Development Act enables a relevant authority to require work to be done to improve the safety of such a building if it considers that the existing building is unsafe while considering a development application for alterations or additions to the building.

The provision allows a significant degree of flexibility for the relevant authority to take all of the circumstances into account and decide on the extent to which such work is reasonably necessary for proper structural and health standards.

When the Development Act was first introduced on 15 January 1994, these provisions were written to apply only to buildings built prior to the commencement of the Development Act. This was reasonable at the time as any new buildings would of course be built to the prevailing requirements for safety.

However, it is now 12 years since that time and the Government's intention to correct this situation was identified in the Sustainable Development Bill that was introduced in 2005 and is now being dealt with in separate Bills.

Recently, the Ministerial Truss Taskforce established following the Coroner's findings on the collapse of a trussed roof at the Riverside Golf Club has been made aware of a potential defect issue with particular roof trusses that affect the safety of buildings constructed after 1994 up to 1997.

The Riverside incident has focused attention on roof trusses and research by the investigating structural engineer Mr John Goldfinch has recently been presented to the Ministerial Truss Taskforce identifying that there are problems with a particular type of steel connector for roof trusses that are no longer made. The connectors were used between 1970 to 1997 and have a tendency to come loose over time leading to the potential for a collapse of the roof. Fortunately only some roof trusses are affected in some buildings.

It is important to note that this particular issue was not the cause of the roof failure at the Riverside Golf Club, but given the issue has been identified by a highly experienced engineer and the Taskforce has unanimously recommended that this issue be addressed as a matter or urgency, the Government is taking all possible action to ensure this.

The issue highlights that there is an urgent need to change the relevant date in the Development Act so that relevant authorities are

able to use their powers under the Development Act to deal with the potential safety issues arising from the use of these steel connectors on trusses in buildings after 15 January 1994.

The amendment will allow the regulations to prescribe a particular date that can be readily changed in future to ensure there is the ability for relevant authorities to address safety issues in existing buildings that currently fall outside of the ambit of the current provisions contained in section 53A of the Development Act.

This Bill is an essential measure to ensure that both local and State Government have an ability to ensure that buildings that fall outside of the current restricted ambit of operation of the Act, can be required to be upgraded where there is a potential for roof failure and the catastrophic consequences that may ensue.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 53A—Requirement to upgrade building in certain cases

The relevant date for the operation of subsection (1) of this section will be able to be fixed by regulation.

Mrs REDMOND secured the adjournment of the debate.

STATUTES AMENDMENT (JUSTICE PORTFOLIO) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. M.J. ATKINSON: I move:

That the Legislative Council's amendments be disagreed to.

The proposed amendments provide for situations where a person has had fingerprints taken in the past. The effect of the amendments is that the Commissioner for Consumer Affairs could, where he considers it appropriate, rely on the existing prints instead of requiring an applicant for a security licence to have his or her fingerprints taken again. SAPOL is concerned that the proposed amendments will increase the risk of identity fraud. If a person comes to SAPOL and claims to have had fingerprints taken in the Northern Territory, how does SAPOL satisfy itself that the person who stands before them is the same person who was fingerprinted in the Northern Territory? SAPOL would need to obtain the relevant documents from the Northern Territory and check that the documents match the person in question. This would be time consuming, costly and far from foolproof.

The possibility of modern criminals obtaining false documents and attempting to manipulate the licensing system is a real concern. The only satisfactory means by which a person could satisfy the Commissioner of Police that he had had his fingerprints taken in another jurisdiction would be for the fingerprints to be taken again in South Australia and compared on the national fingerprint database. A further difficulty with the proposed amendment arises with the ownership of the fingerprints. The Security and Investigation Agents Act provides that fingerprints taken within the South Australian jurisdiction can be destroyed only with the authority of the Commissioner of Police. This would enable police to retain the fingerprints and use them as part of the national database. These same provisions do not necessarily apply in other jurisdictions. Some jurisdictions do not place their security agent fingerprints on the national database and others may have differing destruction protocols, meaning that there is no guarantee of South Australia's having access to the fingerprints in the medium or long term. It seemed like a good idea on the surface, but when one drills downs it is not.

I understand the main reason for the proposed amendment is that 'a constituent who is registered not only in South Australia but also in the Northern Territory finds himself in a position where he has to pay a $100 fee to have his fingerprints taken in Darwin and then another fee in South Australia'. The Office of Consumer and Business Affairs says that applicants are not charged a fee for fingerprinting. There is no additional cost to applicants. It is true that the licensing fee for security agents has increased since the introduction of security industry reforms, including the introduction of fingerprinting.

However, the increase represents only a partial recovery of the cost to the taxpayer of, amongst other things, increased policing of the industry, drug and alcohol testing of crowd controllers, background checks for applicants and licensees after fingerprinting (including checks of associates), identifying on a continuing basis security agents who have been charged with offences, administering the licence suspension and cancellation scheme, psychological testing of crowd controllers and applicants, and education and information campaigns. The proposed amendments will not save individual applicants any money and they will increase the risk of identity fraud. Both SAPOL (for the information of member for Flinders, that is South Australia Police) and the Office of Consumer and Business Affairs oppose the amendments. The government agrees with its advice and it, too, opposes the amendments.

Mrs REDMOND: Not surprisingly, the opposition supports the amendments which have come about through the member for Flinders being made aware of a particular problem. As the Attorney-General has correctly indicated, all five amendments essentially relate to the one issue; that is, this idea that there is a national database of fingerprints. It flies in the face of reason, it seems to me, to suggest we have a national database of fingerprints yet for some reason we cannot use it nationally. The essence of fingerprinting is that you have to have a fingerprint with which to compare it in any event. The Attorney-General misses the point. When the Attorney-General talks about the fee, the issue came about because the person was required to pay the fee—not just have the fingerprints done again but, rather, pay an increased fee to the security industry. It was not a casual inquiry. The security industry made an inquiry as to why the fee was higher than it had been—it went up from $140 to $210—and they were advised by the Office of Consumer and Business Affairs that it was precisely because of the need for the fingerprinting.

The Hon. M.J. Atkinson: No; it's not just that.

Mrs REDMOND: That is what they were told. That is what the Attorney-General does not seem to understand. This is empowering legislation. It is not mandatory for them to accept it. It is to enable them in appropriate circumstances to agree that they do not need to refingerprint this person. It seems to me to fly in the face of reason to say that we have a national fingerprint database, but you have had your fingerprints—

The Hon. M.J. Atkinson: How do you prove it is the same person?

The CHAIR: Order!

Mrs REDMOND: The fraud will occur because of someone fronting up in the first place with a false identity and having their fingerprints taken with a false identity that they

can perpetrate through the system. I think the Attorney fails to understand the nature of small business, that imposing this extra cost on an annual basis when you have been told—as the security industry was told—that it is for fingerprinting and that is why there is an additional cost, that is why it has gone up by 50 per cent. That does not make any sense.

It seems to me, and to the Liberal opposition generally, that, if you have a national database, once you are on that national database, having satisfied whoever that you are you and you are entitled to registration, subject to there being different requirements for registration in terms of who is a proper person in a particular state, there is no reason why your identity is not recognisable in a different place. We, of course, have not had the benefit of a discussion with SAPOL, and unless I see it in writing I have no reason to accept what SAPOL said. It is a national database. There is a reasonable argument to say that once someone is registered on a national database that should be sufficient nationally. That is all that this series of amendments seeks to do.

The Hon. M.J. ATKINSON: We will get advice for the member for Heysen from the police. What we see here is the opposition willing to embrace an unreasonable position, which is not supported by the South Australia Police or the other principal agency involved, for the expediency of the member for Flinders ingratiating herself with one constituent in the safest Liberal seat in the state. If that is the opposition's strategy for a return to government then they need their heads read.

The committee divided on the motion:

AYES (22)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Caica, P.
Foley, K. O.	Fox, C. C.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rau, J. R	Simmons, L. A.
Snelling, J. J.	Stevens, L.
Weatherill, J. W.	White, P. L.

NOES (8)

Goldsworthy, M. R.	Griffiths, S. P.
Hamilton-Smith, M. L. J.	Pederick, A. S.
Penfold, E. M. (teller)	Pisoni, D. G.
Redmond, I. M.	Venning, I. H.

PAIR(S)

Conlon, P. F.	Chapman, V. A.
Rann, M. D.	Evans, I. F.
Bignell, L. W. K.	Gunn, G. M.
McEwen, R. J.	Kerin, R. G.
Rankine, J. M.	McFetridge, D.
Ciccarello, V.	Pengilly, M.
Kenyon, T. R.	Williams, M. R.

Majority of 14 for the ayes.

Motion thus carried.

ROAD TRAFFIC (NOTICES OF LICENCE DISQUALIFICATION OR SUSPENSION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a second time.

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

Leave granted.

The *Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Bill* addresses the consequences of the Supreme Court's decision in the cases of *Police v Conway* and *Police v Parker* on 26 June 2006 and makes other amendments aimed at clarifying and improving the relevant provisions of the *Road Traffic Act 1961*.

In the cases of Conway and Parker, the Supreme Court found that the notices of immediate licence disqualification for driving with a blood alcohol content of 0.08 or more were invalid because they did not correctly describe the offence for which the drivers were being disqualified. The notices contained, in a footnote, an incorrect reference to section 47B(2) of the *Road Traffic Act 1961*, instead of section 47B(1).

The Government rectified the error in the notice by amending Schedule 1AAA of the *Road Traffic (Miscellaneous) Regulations 1999* on 27 June 2006. Police stopped issuing immediate licence disqualification notices for a number of weeks until they were able to distribute newly-printed amended notices throughout the State.

SAPOL wrote to all drivers who had received, and were still subject to, an immediate licence disqualification for any reason to explain how they were affected.

The Crown Solicitor advised the Government that the major impact of the notices being declared invalid was that any period of disqualification already served under an invalid notice could not automatically be taken into account to reduce the period of disqualification imposed by a magistrate when the matter was heard in court. It would be a matter of sentencing discretion by the magistrate, and as a matter of law, the magistrate could not reduce the disqualification below the mandatory minimum period of disqualification.

Because of this unfair outcome and in the interests of ensuring that defendants are treated justly, the Government has introduced this Bill to ensure that notices issued up to the date of the Court's decision are held to be valid.

At the same time as dealing with the matter of validity of the immediate disqualification notices, the Bill addresses matters related to these provisions that were decided or discussed by the Supreme Court in its decision, or raised with the Attorney-General from within the magistracy, or have been suggested by the Crown Solicitor in advising the Government on the effects of the decision.

The Bill makes notices that the Supreme Court held to be invalid, valid to the time of the Court's decision, and as a matter of caution, confirms that immediate disqualification notices for all offences, and the regulations which create them, are held to be valid. This is done purely to ensure that the immediate disqualification schemes for both excessive speed and drink driving achieve what the Government and Parliament intended when the amendments were passed in 2005.

This Bill will not detrimentally affect anyone's rights, but rather it will restore them so that any time served under a disqualification will be able to be taken into account, as the drivers expected when they served the time.

The Bill is aimed at clarifying the operation of the immediate loss of licence provisions for excessive speed and drink driving, and ensuring that the opportunity to challenge past and future notices is minimized. The proposed amendments deal with the matters detailed below.

- Through the introduction of new subsections 45B(11) and (12) and 47IAA(15) and (16), the Bill ensures that the regulations prescribing the form of immediate suspension or disqualification notices and all notices issued under them are taken to be and always have been valid. This will minimise the possibility of an appeal against the validity of a suspension or disqualification for the other offences listed on the same notice (refusal or failure to submit to an alcohol breath or blood test and excessive speeding) and resolve any confusion arising from the Supreme Court's decision.
- Through the introduction of new subsections 47IAA(17) and (18), the Bill specifically ensures that particular notices that were held to be invalid (for offences of blood alcohol content of 0.08 and above) are taken to have been valid until the date of the court order (the date from which disqualified drivers could properly have begun to drive

again) and the offences are taken to be properly described as Category 2 and 3 offences.

· The Bill amends section 45B(8) and (9) and section 47IAA(10) and (11) by adding into the phrase "exercise of powers" the words "or the purported exercise" to ensure the Crown and police officers acting in good faith are protected from claims of compensation where an action may be held to be invalid through some deficiency in process, for example a notice may be held to be invalid for reasons other than the Supreme Court's decision in *Conway* and *Parker*.

· Sections 45B(7) and 47IAA(9) of the Act currently specify that a period of suspension or disqualification will be counted as part of the court-imposed disqualification. The Bill clarifies the manner in which the court must take this period into account by amending these sections to specify that the court must take into account the time served under an immediate suspension or disqualification and may therefore impose a period of disqualification that is less than the mandatory minimum period of disqualification set in relation to the relevant offences. Without this, the mandatory minimum period of disqualification cannot be reduced or mitigated, or substituted by any other penalty or sentence.

At the same time, the Bill requires that the court must impose a disqualification period that is not less than the difference between the mandatory minimum for the offence for which they have been convicted and whatever period they have served under the immediate suspension or disqualification. This ensures that the driver will serve a total period of disqualification or suspension at least equal to the mandatory minimum for the offence.

The Bill provides further amendments to subsections 45B(7) and 47IAA(9) to clarify the operation of those subsections and to ensure that drivers who have completed the period of immediate suspension or disqualification before the matter comes to court are treated in the same way as drivers whose hearing comes on while they are still serving their immediate disqualification.

A person who is sentenced before the immediate disqualification ends will almost always receive some additional court-imposed period of disqualification that also operates to cancel the person's licence and which will trigger the requirements of the *Motor Vehicles Act 1959* in relation to a person obtaining a licence after a period of disqualification. The Bill therefore ensures the same consequences apply to those who have completed the period of immediate suspension or disqualification before the court hearing.

To do otherwise would be unjust and would encourage defendants to postpone hearings until the period of immediate suspension or disqualification ended so that they could avoid returning to driving on a probationary or lesser provisional licence or learner's permit.

· Following the Supreme Court's decision that reference in the legislation to "evidence" in support of an appeal against the immediate suspension or disqualification does not mean evidence on oath, the Bill clarifies the original policy intention by requiring that evidence be given by the appellant orally on oath. In recognition that the appeal is not intended to be a mini-hearing where the evidence can be tested, the Bill also specifies that the prosecution is not entitled to cross-examine the applicant.

· In response to the Supreme Court's comments that the legislation does not require the police to lay charges, the Bill requires police to make a decision about whether to charge a driver; to do so within a reasonable time; and to notify the driver of the decision as soon as possible. If the driver is notified that charges are not to be laid, the period of immediate suspension or disqualification ends. However, failure by the police to do any of these things will not prevent the police laying charges at a later date. The amendment provides a legislative framework for the current operational practice. Requiring police to lay charges does not affect a driver's right to appeal the suspension or disqualification immediately.

· In connection with this new duty, the Bill provides an additional ground of appeal against an immediate suspension or disqualification, which is that the police have not laid charges and that they have had a reasonable time in the circumstances to make a decision.

· To improve the administration of section 47IAA, the opportunity is taken to simplify the arrangement for allowing police to postpone the commencement of an immediate suspension or disqualification by not more than 48 hours, and if appropriate upon conditions. The Bill amends this provision by specifying only that any postponement will be for a period of 48 hours (with no conditions applying).

· The Bill also makes a consequential amendment to section 47J (which concerns recurrent drink drive offenders who apply for an end to a court-imposed disqualification resulting from an assessment that they are drug or alcohol dependent). The amendment sets a minimum of six months that must elapse before an application can be made (equal to the shortest period of immediate licence suspension or disqualification) and requires the court to consider the mandatory minimum disqualification period for the offence and the effect, if any, of sections 45B(7) and 47IAA(9) (as amended by the Bill) in determining the period that must elapse.

In conclusion, this Bill has been made necessary by unintended consequences of the Supreme Court's decision on drivers who have served a period of immediate suspension or disqualification for Category 2 and 3 offences. The opportunity has been taken, however, to also try and clarify the provisions as much as possible.

The Bill contains amendments that will remedy the issues raised by the Supreme Court's decision; endeavour to make clear to a future Court considering these provisions the definite intention of Parliament to remove from the road as quickly as possible drivers who offend against the specified sections; and improve the general operation of the sections.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of section 45B—Power of police to impose licence disqualification or suspension

This clause amends section 45B of the Act—

· to clarify the manner in which a period of licence suspension or disqualification is to be taken into account on conviction of an offence and the orders that should be made by the court on conviction;

· to ensure that the liability provisions in the section apply to powers purportedly exercised under the section;

· to put beyond doubt the validity of notices already given under the provision.

Section 45B(7) is deleted and a new version substituted which goes into more detail in relation to the orders to be made by a court on convicting a person who has already been disqualified, or had his or her licence suspended, by a notice under the section. The proposed provision is expressed to apply to both the offence in relation to which the notice was given or another offence arising out of the same course of conduct because it would be possible, for example, for a person to be given a notice under section 45B for an excessive speed offence (and to commence a period of licence suspension or disqualification under that notice) and then for the police to subsequently become aware of other information that renders the conduct more serious, causing the police to withdraw the expiation notice for excessive speed and instead charge the person with driving in a manner dangerous, or perhaps to charge the person with excessive speed and illegal use of a motor vehicle. The provision would therefore require the court to take into account the period of licence suspension or disqualification under the notice even though the person, in the end, was convicted of some other offence as a result of the incident.

The provision requires that all convicted persons have some period of disqualification ordered by the court (although the period could be quite short if that is appropriate taking into account the length of the period that has applied to the convicted person under the notice) and if a convicted person is the holder of a licence, the disqualification will operate to cancel the licence. This will ensure the proper application of the various provisions of the *Motor Vehicles Act 1959*, and of corresponding interstate legislation, that refer to a person applying for a licence after a court ordered period of disqualification.

Section 45B(8) and (9) are amended to ensure they apply in relation to a purported exercise of powers under the section.

New subsections (11) and (12) are proposed to be inserted to declare the validity of regulations made before commence-

ment of the measure prescribing the form of notices under the section and the validity of any notices given in that prescribed form and in the circumstances specified by subsection (1).

4—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause proposes amendments to section 47IAA consistent with the amendments discussed above in relation to section 45B and in addition—

- inserts a new provision about the laying of charges against a person given a notice under the section;
- amends the provisions relating to postponement of the period of licence suspension or disqualification under a notice;
- makes special provision in relation to the particular types of notices invalidated by the Supreme Court on 26 June 2006 in Police v Conway and Police v Parker [2006] SASC 186.

Proposed new subsection (7a) requires the Commissioner of Police to ensure that, where a person has been given a notice under the section, a decision is made within a reasonable time as to the charges to be laid and, if a decision is made that the person is not to be charged with any offence to which the section applies, that the person is notified of that decision. A consequential amendment is made to subsection (12)(b) to provide that the period of licence suspension or disqualification under the notice ends on the person being so notified. Proposed new subsection (7b) ensures that the laying of charges against a person will not be prevented by failure to comply with subsection (7a), or the making of a decision or notification of a decision referred to in that subsection. Similarly, proposed new subsection (7c) ensures that the operation of a notice is not affected by a failure to comply with subsection (7a) (unless an order is made by the court under proposed new section 47IAB(2)(a)(ii), discussed below, in relation to the notice).

A small amendment is made to subsection (8) to make it clear that the offence charged must still be one arising out of the same course of conduct for that provision to apply.

The amendments to section 47IAA(12)(a) and (14), and the deletion of subsection (13), simplify police procedures in giving notices by ensuring that, when postponement of the period of disqualification or suspension is to occur, it will always be by a period of 48 (rather than the current "not more than 48 hours") and will not be subject to conditions.

In relation to the notices declared invalid by the Supreme Court, proposed subsection (17) provides that—

- notices alleging a blood alcohol concentration of 0.08—0.149 will be taken to have alleged commission of a category 2 offence and notices alleging a blood alcohol concentration of or above 0.15 will be taken to have alleged commission of a category 3 offence; and
- the relevant period under such a notice (ie the period of licence suspension or disqualification) will be taken to have ended on 26 June 2006 (unless it had ended before that date in accordance with subsection (12)).

5—Amendment of section 47IAB—Application to Court to have disqualification or suspension lifted

Section 47IAB is proposed to be amended—

- to require an applicant to give oral evidence on oath; and
- to add a new ground for an application (in proposed subsection (2)(a)(ii)) where the court is satisfied that the applicant has not been charged with any offence to which section 47IAA applies and the prosecution authorities have had a reasonable time, in the circumstances, within which to make a decision as to the laying of charges; and
- to specify that counsel representing the Commissioner of Police at the hearing is only entitled to make submissions to the court as to the application and are not entitled to cross-examine the applicant.

6—Amendment of section 47J—Recurrent offenders

This clause consequentially amends section 47J to ensure that the section works with proposed new sections 45B(7) and 47IAA(9). Under the amendment, a court ordering that a person be disqualified until further order is given a discretion in setting the period before which the person subject to the disqualification cannot apply for revocation of the disqualification, provided that the period cannot be less than 6 months and the court must take into account the minimum period of disqualification applicable to the relevant offence and any effect of section 45B(7) or 47IAA(9) on that period.

Schedule 1—Transitional provision

The Schedule ensures that the other amendments proposed in the measure will apply in relation to a notice given before commencement of the measure (but not so as to affect any proceedings determined before commencement).

Mrs REDMOND secured the adjournment of the debate.

SUMMARY OFFENCES (GATECRASHERS AT PARTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1246.)

Mrs REDMOND (Heysen): I indicate that I am lead speaker on behalf of the opposition and that, with some misgivings again, the opposition will be supporting the proposed legislation. The legislation is aimed at a particular problem and, by way of example, I will talk, first of all, about a particular event of which I am aware that illustrates where the difficulty is. The event that I am talking about occurred in the home of a friend, who is a member of my Rotary Club. He has a few children, and when one of them was turning 15 she decided to have a party. Her parents were quite conscious of the possibility of gatecrashers at a 15-year-old's birthday party. They issued written invitations. They had a well-fenced large property of a couple of acres. This person in my Rotary Club (who would be about six foot two) organised for a couple of other men from the club to come along and be on the gate with him at the party.

Notwithstanding their efforts to ensure the security of the party, a large number of young people gatecrashed it. The police were called, and they attended on three occasions. The police did not arrest anyone, sadly, and, ultimately, the people concerned were left to try to fend for themselves in the havoc created by the young people who gatecrashed the party. In fact, they had furniture thrown into their swimming pool, and my friend's wife was bashed in the course of this private party. So it can be a significant problem.

Indeed, I had events at my own home when I went away for a weekend some years ago. My eldest son was in year 12 and he foolishly let it be known that we were away that weekend. I think that every private school boy in Adelaide found out that we were away that weekend and they all turned up at our place. We were relatively lucky in that we did not have major damage to the house. It did not matter what my then 16 or 17-year-old son said, either to the people who attended at the house or to the parents who rang the house, when he said to them, 'There's no party. I haven't invited anybody and I don't want anyone here'.

We were, as I said, relatively lucky. We had a couple of new walls in a new section of the house with holes in them. We had our front light ripped out. We had the chandelier pulled off the ceiling. I found lots of corks in the clothes dryer, and so on, but overall there was not a massive amount of damage and there was no need for an insurance claim or anything else. But, certainly, very serious things can happen as a result of gatecrashing and, in particular, gatecrashing private parties.

Whilst I and the Liberal Party will support this bill, I do not think that it is going to solve the problem. It is another example of this government putting some window-dressing around a situation: because it looks good, how could anyone

oppose legislation aimed at addressing the issue of gatecrashers at parties? However, in my view, the reality of the situation is that we need more resources for police and we need police instructed to actually take action. As I said, in my friend's circumstance, where his 15-year-old daughter's party was gatecrashed, the police were called on three occasions and, whilst they attended three times, they did not take any action. I spoke to the chief superintendent who came in to the area shortly after that and obtained from him an assurance that he had a very different attitude and that in future such things would not go without action by the police.

It seems to me that if the police had taken the matter in hand, while I accept that they could not have arrested 45 young people at once, they could have arrested one or two and taken them back to the cells in Stirling, come back and got the next one or two, and I would guarantee that, by the time they went for their second trip, the young people who were gatecrashing that party would have been dispersing. They would have realised that there was trouble brewing. If the ones who were arrested were held in the cells for a while, (a) that may have woken them up to the fact that this is serious and not something they could just get away with; and, (b), when their parents got called to come and get them, even if they were not charged, I am sure that, if their parents were anything like I am as a parent, they would have given them the rounds of the kitchen for having behaved in that way.

I believe that the way to address gatecrashing of parties is with more resources for our police and more specific instruction to our police about intervening in a very solid way as soon as gatecrashing is reported to them. What this legislation does I do not think will actually address the problem. We need to look first at where our legislation is at the moment. The Summary Offences Act at the moment has a regime that basically says that, if a person trespasses on property or premises, such as to interfere with the enjoyment of the premises by the occupier, and they are asked to leave by an authorised person and fail to leave or come back again within 24 hours, then they are guilty of an offence and a fine is imposed, which at the moment is $1 250.

That is the actual offence provision and there is a further offence of using offensive language and a requirement to give a name and address if asked by an authorised person to do so and, indeed, a requirement on the authorised person to provide their name and address to a trespasser who is being asked to leave. That is basically the regime that is set up. An authorised person is basically the occupier or person acting with the authority of an occupier, and 'premises' means any land, building or structure, any aircraft, vehicle, ship or boat. There is quite a comprehensive regime already under the Summary Offences Act to deal with this issue of trespassers in a generic sense. What this legislation does primarily is insert two new clauses dealing specifically with trespassers at private parties, and that is where we have some difficulty.

In fact, I have filed a couple of amendments that I hope will overcome the difficulty, which relates to the definition of a private party, and I will just go to the full definition in the legislation as proposed. It reads:

private party means a party, event or celebration to which admittance is allowed by invitation only but does not include a party, event or celebration that is held—

(a) by or on behalf of a company or business; or

(b) in a public place; or

(c) on premises, or a part of premises, in respect of which a licence is in force under the Liquor Licensing Act 1997.

If we just go back to the various elements of that, obviously I have no difficulty with the idea that a private party includes a party, event or celebration. The next phrase is 'to which admittance is allowed by invitation only'. I take it that that does not mean that there has to be a written invitation. That would be simply onerous if every private party had to have a written invitation to those who were invitees, and it would change the nature of our Australian culture, I suggest, if people could not just be invited casually for a barbie and have that classified as a private party for the purposes of this legislation. I make that assumption in reading it.

It goes on to say that it does not include a party, event or celebration that is held by or on behalf of a company or business. I do not quite understand why that is in the definition. It is not in any part of the definition in the existing offence and it seems to me that there could be any number of situations in which a company or business decides to hold a private party. Indeed, at this time of year, particularly, lots of companies and businesses are doing just that. The employees and employees' partners and children come along and, indeed, Santa often appears at these events at this time of year, and there is a big celebration and it is by or on behalf of a company or business but is very much still in the nature of a private party and often in a private home. We have proposed an amendment that deletes that part of the definition, because there seems to be no justification for excluding from 'private party' one that is held by a company or business.

The second part of that exclusion is that it does not include a party, event or celebration that is held in a public place. I can understand that part of the definition, because I assume that what is being got at there is that, if someone wants to hold their private party in the middle of the Botanic Gardens, they cannot expect that other people cannot approach. Most people would not have the audacity to participate in someone else's private party, even in the Botanic Gardens but, if you are going to hold your party in a public place, you cannot then require people who might otherwise be classified in a private home as gatecrashers to not be at the location. So, I do not have any difficulty with subsection (b) of that definition.

Then again, subsection (c) seems to me to be somewhat problematic. This is the last part of the exclusion, and that is a party held on premises or part of premises in respect of which a licence is in force under the Liquor Licensing Act. It seems to me that there are problems in excluding that group as well. For instance, if one rented the Wistow hall for a 50th birthday party, and if that hall was licensed either permanently under the Liquor Licensing Act or under the Liquor Licensing Act a licence was obtained by the people holding that party just for that event but it is very much a private party by invitation only, I do not understand why you would not wish that group to be able to use the same gatecrashers legislation.

Now, admittedly if it was a 50th birthday party, it is much less likely to attract gatecrashers, but let us assume it is an 18th birthday party, which could well attract gatecrashers. Parents may have decided home is not big enough or adequate, for whatever reason. If home is not the place where you want to hold your private party you might rent a hall, and having got your child to the age when they are allowed to indulge in alcoholic beverages, never having indulged in alcoholic beverages before, nevertheless you go to the bother of getting your licence for that night. You have got your little hall, you have got your invitations out, you have got every-

body there, and then you get gatecrashed. Why would you not want this legislation to protect that party as much as any other party? So that is the essence of the amendments that we will be proposing when we get to the committee stage of this bill.

I also have a question which perhaps the Attorney-General can address in his response to the second reading debate. In the Attorney's second reading speech he indicated that it did not include private parties for which the organisers should organise their own security. I did not see any reference in the actual legislation that indicated where that particular aspect would fit within the proposed bill, because I could not see any reference to people who had to organise their own security, and I would like some sort of clarity as to why there is that reference first of all in the second reading. I note that he talks about those who hold parties in corporate boxes at the football and so on, although mostly I do not think those people do organise their own security. My understanding is that mostly that security is organised via security firms who provide security at places such at the Adelaide Oval, where my sons are working as we speak, so I would like some clarity about that.

As I said, the essence of the bill is essentially to say, well, now, what we are going to do is make it so that a person, if they are having a private party, has the right to ask someone to leave. What it does is a very similar process to what is already in the act. If an authorised person reasonably suspects that someone who is on premises that are being used for a private party is not entitled to be on the premises, the authorised person may require the person concerned to produce evidence that he or she is entitled to be on the premises.

I can just imagine some parent trying to get a drunk youngster to provide evidence that they are supposed to be there, but I assume that when one is sober one is talking about having an actual invitation to produce to say, 'Yes, I am one of the people allowed to be here.' I just see some difficulties about the way this actually might work in practice. Anyway, the legislation goes on to say that, if they had been asked to produce that evidence that they are entitled to be there and they refuse or fail to produce the evidence, or fail to produce evidence that is satisfactory to the authorised person, that person (the authorised person) can advise the person in question that they are a trespasser on the premises, and on being so advised the person will then be taken to be a trespasser on the premises for the purposes of section 15A of the Criminal Law Consolidation Act. Then it goes on to talk about if a person trespasses on premises that are being used for a private party and the trespasser is asked by an authorised person to leave the premises, whether individually or as a member of a group, the trespasser is, if they fail to leave the premises immediately, guilty of an offence, with a maximum penalty of $5 000 or imprisonment for one year. I have no difficulty with the idea that we do make it a fairly serious offence, but I do have some difficulty with how this will actually work in practice. When you have often got youngsters who may be high on dope or extremely inebriated, trying to say to them that there are provisions in the legislation strikes me as being problematic at the least. Again, the rest of the clauses go on to reflect very much what is already in there, but with higher penalties. So if a person having been asked to leave the private party on private premises uses offensive language, they are guilty of an offence with a maximum penalty of $2 500. If they trespass and refuse to give their name and address to the authorised person, again a maximum penalty of $2 500 is provided.

I can just see the wonderful case coming up in the Magistrates Court when this youngster who has gatecrashed a party cannot even remember the events, let alone whether they answered a question. It will be quite interesting in terms of the evidence and how that all occurs. New section 17AB(7) provides that if a police officer attending at premises being used for a private party reasonably suspects that a person on the premises is committing an offence against the section—that is that either they are trespassing or they are using offensive language, or they have failed to leave and so on—and an authorised person at the premises requests the police officer to remove the person, the police officer may remove the person from the premises. I do not understand why it is necessary—maybe I am just dumb—to authorise the police to remove the person when the legislation that we already have creates an offence, and the police are authorised to arrest people who commit offences. So it seems to me that there is really no need for that.

As I said, I do not have a problem with the fact that we are looking to put in quite significant offences in terms of both a potential term of imprisonment for the primary offence and up to $5 000 as the financial penalty. I do not have a difficulty with the idea that the offensive language and other things be added on, and quite significant penalties in terms of $2 500, assuming that most of these people will be young people. I have not actually come across a situation where people gatecrash 50th birthday parties. They are usually things you want to get away from.

Debate adjourned.

[Sitting suspended from 6 to 7.30 p.m.]

AUDITOR-GENERAL'S REPORT

In committee (resumed on motion).

(Continued from page 1475.)

Ms CHAPMAN: I refer to the Auditor-General's Report, page 561, the health portfolio, delegations of authority at point 5. In the last paragraph reference is made as follows:

> As part of the audit of the Department of Health for the year ending 30 June 2006, Audit requested a copy of the delegation of authority to incur expenditure from the Minister of Health to the Chief Executive. Despite exhaustive checks, the departmental officers could not locate any such delegation for the year ending 30 June 2006. The last delegation on the file was signed on 31 July 2004 and based upon this delegation the department had established a series of sub-delegations which underpinned its operations throughout the 2005-06 financial year.

Did the minister ever sign a delegation of authority for the subject year?

The Hon. J.D. HILL: I thank the member for Bragg for her question. This is the key question: if one is looking in the Auditor-General's Report, this is the issue that stands out as the one that requires a response. I will come particularly to the question asked. I am advised that there was an administrative oversight by the department, which resulted in a delegation by the Minister for Health to the chief executive to incur expenditure not being updated from 2004. This was brought to the attention of the department in August 2006 and, although the Auditor-General has identified this as a control weakness for that specific area of the department, the overall audit opinion is an unqualified report, with the financial statements complying with relevant standards and, as I quoted, page 554 presents fairly the results of its operation.

The point to make is that it is an unqualified report, which is a good thing for health. The Auditor-General also reported that the department had established a series of subdelegations based on early ministerial delegations that were in operation during 2005-06. The Auditor-General also noted that the obligations of government to external parties acting in good faith, that is, parties with whom the department had contracted, etc., would not be affected. It is important to put that on the record, given that the Hon. Rob Lucas in another place suggested there was some doubt about those issues. The department has acted to ensure controls are in place to comply with Treasurer's Instructions, and these instructions no longer require an annual granting of authority by the minister but rather an annual review of delegations is required. The instrument of delegation for the 2006-07 period was also signed by me on 4 November this year.

To get particularly to the point, the retrospective instrument of delegation for this period was signed on 4 November 2006. We have complied now with the letter of the law. It is regrettable that this did not occur, but it was an administrative oversight and, as we understand it, there is no ill affect, other than not complying technically with the letter of the Auditor-General's requirements.

Ms CHAPMAN: This relates to a Treasurer's Instruction issued pursuant to the Public Finance and Audit Act 1987. In any other portfolios for which the minister is responsible, did he sign an authority for the relevant year?

The Hon. J.D. HILL: The line we are reviewing at the moment is the health portfolio and I believe we are limited to that in terms of questioning today. If the honourable member wants to ask me about the southern suburbs, I have signed a delegation in relation to that just recently. In relation to arts, I will have to get back to the minister—the honourable member—in that regard.

Mr Pengilly: She should be a minister.

The Hon. J.D. HILL: You wish! It will be a long day before that happens. I will certainly find that information for the member.

The CHAIR: For the information of the committee, this examination can relate to all portfolios held by the minister.

Ms CHAPMAN: Minister, do you recall, in your other portfolios whether you signed that delegation of authority just recently, or had you signed it within the required time as per the Treasurer's Instruction?

The Hon. J.D. HILL: I will get a report for the house in relation to those other areas. The southern suburbs budget is about $400 000, so I am not sure there were too many instruments of delegation to worry about, but I will check and get back to the honourable member.

Ms CHAPMAN: Who in the Department of Health is responsible for ensuring the minister is presented with the delegational authority each year?

The Hon. J.D. HILL: The person responsible for all administrative acts within the department is the CE of the department.

Ms CHAPMAN: In relation to this authority, what was the last date the minister was obliged to sign the authority, which he had not done but which he has indicated, when the oversight was identified, he has since signed on 4 November? What was the last date on which he was required to sign it pursuant to the Treasurer's delegation?

The Hon. J.D. HILL: I am not entirely sure what the honourable member is driving at here. When it was brought to my attention we corrected it. Normally the signing of those delegations occurs within the financial year for which the delegation refers, so I suppose some time in the 2005-06 year was the time in which it should have been signed. It is regrettable that it was not, but the Auditor-General gave an unqualified report and made the point that, as all parties were acting in good faith, no contracts ought to be affected.

Ms CHAPMAN: To the best of the minister's recollection, he cannot recall signing any other delegation of authority in his other portfolios at this stage?

The Hon. J.D. HILL: As I said to the honourable member I will get information for her. I have signed I do not know how many delegations since I have been a minister. I have certainly signed delegations in the past year. Regarding exactly what those delegations were for, I will tell the member on which dates I signed particular delegations for which departments. As far as I know, the delegations that I ought to have signed have been signed, but I will check again. I can only say the same thing so many times.

Ms CHAPMAN: It is indeed fortunate, as reported by the Attorney-General, that there appears to have been no attempt to renege on a contract, so that there appears to be no direct financial loss at this stage as a consequence of the failure to comply with the Treasurer's Instruction. A Treasurer's Instruction, according to the Auditor-General, is one which, if breached, in his words, is the commission of an unlawful act and exposes the offender to criminal sanctions, and we are aware how serious that can be. We only have to look at the Kate Lennon exposure in the stashed cash affair to understand the serious consequences if an officer of any department were to breach or be negligent in their failure to comply with such a direction and, in this case, expose you, minister, to the wrath, I suppose, of the Auditor-General for noncompliance. So, from South Australia's point of view, we are indeed pleased that at this stage there is no-one attempting to withdraw from any liability under the contracts that have been signed, but it has exposed the minister, of course, to questioning by parliament in this committee and in the public arena.

So I wonder what process has been put in place to identify what was disclosed to the Auditor-General, because this report suggests that, when this was identified by the Auditor-General as being inadequate, I think in about August this year according to the minister's statement, and that there had been a failure to comply, whilst action had been taken to remedy that, the explanation to the Auditor-General was that the department had done exhaustive checks and could not find it. The implication, I suggest, of that is that it is left open-ended as to whether you had ever signed one. If you are satisfied that you have actually never signed one, then my question to you, in relation to the health delegation, is: what action have you taken as minister in regard to the chief executive who was responsible at that time?

The Hon. J.D. HILL: I know that this is the kind of juicy little tidbit that the opposition finds in the Auditor-General's Report that they want to hang a lot of hats on. It is unfortunate, it is regrettable, it should not have happened, it did happen and we apologise for it. The way these things work—and the way they have worked when I have been minister in other portfolio areas—is that the department has a protocol in place and they bring to the minister's attention a whole lot of delegations to sign. In fact, I signed a lot of delegations when I first became Minister for Health, as I recall it—presumably, not financial delegations but a whole lot of other delegations under various pieces of legislation. There is a process in place where departments keep track of this matter. It is unfortunate in this particular instance that this did not

occur. It may well have been that the department was of the view that a permanent delegation was in place and it may have been anticipating, incorrectly, the change in the Treasurer's Instructions because, as I have said, the Treasurer's Instructions are now such that there is a permanent delegation in place that then has to be reviewed on an annual basis.

I can tell the house that when I heard about this failure to provide me with a delegation of authority to sign, I was not so pleased and I made my feelings of displeasure known to the CE of the department, who has put in place mechanisms to make sure this does not happen again. In any event, as I said, I have now signed a permanent delegation in 2006, and we have also fixed up a retrospective instrument of delegation for the previous year. So, any errors have been corrected and we are now moving ahead.

Ms CHAPMAN: As indicated, that of course is most fortunate, but what this report records is that the department's explanation here is that they simply could not find it, the implication being that you had signed it but they had lost it. We now know from what you have said that, in fact, you had not even been asked to sign it. I am not being critical of you in that regard—it may be the fault of someone in the department whose responsibility it was that you were given that document. But this report of the Auditor-General leaves us with the inescapable conclusion that the information given by your department to the Auditor-General was that they had looked for it and, to use their words, made exhaustive checks, and they could not find it, as though you had actually signed one and they had lost it, which may of course be negligent behaviour on their part if that had occurred. But why was the Auditor-General not informed by your department that you had never even signed one?

The Hon. J.D. HILL: Mountains and molehills, Madam Chair.

Ms Chapman interjecting:

The Hon. J.D. HILL: Well, you have had your turn and I will have my turn, and I will make comment on your claims. I think your claims are exaggerated and you are trying to make a mountain out of a molehill. I have explained it and apologised, and we have moved on. You are coming back to the same situation and you want to go through it all again. You are trying to mount a dramatic interpretation of a series of events. The Auditor-General asked for the authority, the department said, 'We cannot find an authority.' You cannot therefore draw the conclusion that therefore they have lost it. It is an insupportable conclusion. It is perhaps one of a range of conclusions you could draw but not the only one. The department's own view, and they have said it to me and they have said it publicly and I have repeated it, is that there was no authority given to me to sign. It was a mistake, it should not have happened, and we have moved on.

Ms CHAPMAN: I appreciate the minister thinks this is a mountain being made out of a molehill, but it is a $2.42 billion molehill that is at risk when this type of thing does not occur. Whilst I am not making any direct criticism of the minister, what I do ask is: did anyone in your department, at any time during this Auditor-General's inquiry for the purpose of the preparation of the 2005-06 report, tell the Auditor-General that you had not even been given the document?

The Hon. J.D. HILL: The advice I have is that, during the process when the request by the Auditor-General for the delegation was being sought, the department explained that it could not find the delegation, and it was its view that no delegation had been created. That is as I understand it, and that has been confirmed to me.

Ms CHAPMAN: On page 556 reference is made to a Strategic Direction 2004-06 document and, in particular, a priorities for action 2006-07 companion document. Why has the priorities for action 2006-07 (which we are five months into) companion document not been prepared, or even been developed?

The Hon. J.D. HILL: I am advised that the current document has yet to expire—it does not terminate until the end of 2006—and that the new document is under compilation at the moment.

Ms CHAPMAN: I understand that with respect to the document that is titled Strategic Direction 2004-06, because that could expire in 24 days, or thereabouts. However, the priorities for action 2006-07 companion document is the document that is referred to that has not been developed. Why has that document not been developed?

The Hon. J.D. HILL: Perhaps this advice might assist the member. The Auditor-General has highlighted the preparation of a strategic direction document as integral to effective risk management. The AG acknowledges that the department's Strategic Direction 2004-06 document was linked to the State Strategic Plan and that the strategic directions and objectives of the department have been under review for some time, and remain under review, pending government's consideration of its long-term strategy for the provision of health services within the state in future. The Auditor-General noted that, as at April 2006, a number of risk registers and treatment plans were outstanding. The report acknowledges that a relevant pragmatic risk management practice is continuing to be followed within the department, and each division within the department has since completed a risk register and treatment plan. Is it that area to which the member is referring?

Ms CHAPMAN: I am indebted to the minister for indicating that. My question is: what are the department's priorities for action in 2006-07?

The Hon. J.D. HILL: Is the member referring to a particular document, or does she just want me to give a general overview of the department's plans for health over the next 12 months or so?

Ms CHAPMAN: The report refers to the priorities for action 2004-05 document, which was developed by June 2004. The priorities for action 2005-06 document was developed by June 2005. It would seem to follow that the priorities for action 2006-07 document would have been prepared at least by June this year, which was five months ago. We do not have one, according to this report. One may have been produced in the last few weeks; I do not know. However, if that is not the case, my question is: what are the department's priorities for action, as per what is yet to be produced in this plan?

The Hon. J.D. HILL: I am certainly prepared to take that on notice and provide the member with the overall strategic direction statements that the department has. In general terms, what the government and the department are attempting to do is to achieve the state's strategic goals. In particular, we want to reform the health system so that we have a systematic approach to the delivery of health services in South Australia. That means that we need to reduce our dependence on our acute sector and increase primary health care. We need to make our acute system work more efficiently and treat more patients in a timely manner.

I indicated to the house today some of the successes that we are having in relation to elective surgery. We have

increased demand on our emergency departments, and we are going through a process of reviewing and reforming the emergency departments. Flinders Medical Centre is a prime example of where that has happened. That is something that we want to roll out right across the system. We are reforming the governance arrangements within the state—and the member would be aware of some of the issues in terms of country health. We are also reforming the governance arrangements within the metropolitan area. We are establishing a whole range of clinical networks to ensure that the medical profession and allied health workers are involved in setting priorities and planning and strategic development processes to ensure that we have a very well focused and managed health system. So, there is a range of initiatives. I am happy to provide some documentation to the member in due course that outlines all that in greater detail.

Ms CHAPMAN: I will look forward to seeing the publication of the priorities for action 2006-07 report. In relation to the Strategic Direction 2006-07 document (which, as the minister has noted, will expire in three weeks' time), these are documents that the Auditor-General has indicated obviously need to be there. They are the action statements from the State Strategic Plan, in the minister's portfolio, which are, presumably, to work towards achieving the goals or objectives or targets in the State Strategic Plan. So, they are important documents, and they are publicly available when they are published. However, we need to have them published. I think the point of the Auditor-General is that they need to be attended to.

In relation to what the government is doing in this financial year, on 19 October the minister told the estimates committee, in relation to the first $40 million of the extra $400 million that it is putting into health in the current 2006-07 year and how those funds will be allocated, 'Detailed work is being done at the moment' and 'The department is currently considering the best way of allocating those funds.' My question is: have you worked out how you will spend the $40 million; and, if so, on what?

The CHAIR: You referred to estimates papers but you did not refer to the Auditor-General's Report. What is your reference?

Ms CHAPMAN: I refer to page 556 and the Strategic Plan; in particular, the priorities for action 2006-07 which the minister has explained he has not yet published. He has another three weeks because it is still relevant to this year. He has outlined in a general way what he says have been the priorities for his department. I am asking on what will the $40 million be spent?

The Hon. J.D. HILL: I say to the honourable member that, in my opinion, her question is totally out of order. This report is about the audit of our books for the previous financial year. The honourable member is asking about budget matters for the coming financial year. I have commented on the broad strategic planning and I have said that I will provide that information for the honourable member.

The CHAIR: I am inclined to agree with the minister. The question does go beyond the scope of the examination tonight and the minister has answered it.

Ms CHAPMAN: Five of the six months relate to the document the non-production of which the Auditor-General has been critical in this report. For that five months, has any of the $40 million for this financial year been allocated or spent?

The Hon. J.D. HILL: This is an audit for the 2005-06 financial year, not for the first five months of the 2006-07 financial year. I make the same point about the matter which the honourable member is raising. The reality is that the government's commitment to spend extra funding is being spent. Today I gave the house an indication of how it is being spent. We are performing many more elective surgery procedures. We have the busiest emergency departments in our hospitals that we have ever had. That is where the money is being spent.

The CHAIR: I have now read the reference the honourable member has cited. I believe her line of questioning goes outside what is appropriate for the examination of the Auditor-General's Report. I ask her to return to matters relating to the Auditor-General's Report.

Ms CHAPMAN: I refer to page 559, commonwealth government grants. The report tells us that the commonwealth provided grants to South Australia in the 2005-06 year of $843 million. The Auditor-General proceeds to explain why it is important that it be properly controlled, that there be proper accountability and that certain policies be developed in order to ensure that the money is properly accounted for. The Auditor-General goes onto explain the control weaknesses that he noted. The report states:

- Absence of formal policies for all key activities including the receipt, management, monitoring and acquittal of commonwealth funds;
- Absence of verification process of the amount to be funded under the Australian Health Care Agreement to ensure the state receives all funding entitlements.

This is close to one-third of what is spent on funding for health each year. It is a substantial amount of funding, whether it has come from the commonwealth or anywhere else for that matter. It needs to be acquitted. Given the 2005-06 report, the 2004-05 Auditor-General's Report at page 595, and the report to which I have referred highlighting the need for verification of the process, why has verification not been put in place after receiving critical comment for two years?

The Hon. J.D. HILL: This government has reformed, quite dramatically, the management of the health portfolio. When the Liberal government was in office it was part of the human services department. It was an absolute shambles. We had an outside agency go through the books—Ernst & Young, from memory—which made a whole range of recommendations about things that needed to be brought into account.

The Hon. M.J. Atkinson: The chief executive had to get the bullet.

The Hon. J.D. HILL: That is true.

Ms CHAPMAN: I have asked about the 2005-06 financial year. Madam Chair, given your ruling that we confine ourselves to that period, I ask you to bring the minister to account and say why it has not been prepared since that time for those two years.

The CHAIR: Although I curtailed your line of questioning, you had considerable liberty before that. I ask the minister to proceed.

The Hon. J.D. HILL: The honourable member has asked why over two years this has not occurred. I was explaining to the honourable member why the department has been busy trying to fix up the books, which were in a shambles after the honourable member's party had control over them for a period of time. Let me advise—

The Hon. M.J. Atkinson: Eight sad years!

The Hon. J.D. HILL: Yes; eight sad years. Audit recognises in 2005-06 that significant progress has been made

since 2004-05 with regard to the existing commonwealth grant revenue controls and to centralising these processes, but noted that there are still areas for improvement. It noted improvement has been made over the previous 12 months. The views of audit are shared by the department and considerable further improvements have been made already to the control mechanisms in place for the management and monitoring of commonwealth funding agreements.

Where appropriate the major commonwealth agreements have been centralised within the department and communication between key divisions has also been strengthened. Since September this year the department has implemented new policies and procedures for the receipting, management, monitoring and acquittal of major commonwealth funding agreements, including improved procedures to verify the amount of funding provided under the Australian Health Care Agreement. I am also advised that of the $843 million in commonwealth revenue during 2005-06 key elements included the Australian Health Care Agreement ($692 million), highly specialised drugs ($35 million) and public health outcomes funding agreement ($12 million).

Ms CHAPMAN: I refer to page 594. The Auditor-General deals in this section with the need for reporting of key deliverables. These are indicators for the purpose of identifying how the performance of the operations of health in this department and through the hospitals, etc., are working. He states, in particular, to 'increase community understanding of the public health system'. So, having identified the need for reporting, and given the minister's announcement today that he has now placed on the website the elective surgery bulletin material (which has been promised since 2005)—

The Hon. J.D. Hill: That is last year.

Ms CHAPMAN: —last year—and which he kept saying would be here soon. We have noticed that it has arrived today. The Auditor-General says it is necessary on reporting of key deliverables. Can the minister explain why there is no such thing as the elective surgery bulletin now published on the website? It is actually in four or five different places on the health department website. So, apart from your commentary, the information has to be sought from various reports in the website, even to find comparable information on elective surgery.

The CHAIR: Order! The question is out of order. The Auditor-General may comment on whether certain reports are made to the public, he may not comment on the government's priorities or the shape of those reports, unless they offend completely.

Ms Chapman interjecting:

The CHAIR: The Auditor-General asked for a report, he did not specify whether or not the form of reporting was appropriate.

Progress reported; committee to sit again.

SUMMARY OFFENCES (GATECRASHERS AT PARTIES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1486.)

The DEPUTY SPEAKER: The member for Heysen, I believe, was in the process of concluding her remarks.

Mrs REDMOND (Heysen): You will be pleased to know that I was actually concluding my remarks and the time had got away from me, so I do not have many more comments to make. As I said, the opposition is supporting the legislation, although with considerable misgiving, not about the legislation itself but about the ability of the legislation to actually achieve what it is intended to achieve. We agree that there is a problem of gatecrashers at parties. We agree that it is appropriate to take action about that. Although this legislation will not harm that cause, I do think that there are more important aspects that we need to take action about. As I said earlier (before our evening meal break) it is a matter of making sure that we have enough police officers who are resourced sufficiently to attend at the parties and who are inculcated with the idea that they should take action on these things and make arrests, if necessary.

As I said earlier, the issue is not that we are against the idea of having legislation but, to a large extent, I think that the legislation, as it already exists, is probably sufficient, if only someone would actually use the legislation as it already exists. I have no difficulty with the idea that the penalties be increased, because I think these offences are quite serious, but it does seem to me that this bill pays lip-service to an issue which needs a serious attack in terms of how to address it. I have some difficulty with the idea that these usually drunk or drug-affected young people who are gatecrashing a party en masse will respond appropriately—and as one would suggest they should by reading this legislation—by giving their name, address and their details and by not swearing and all those things and saying, 'Yes, I recognise that you are an authorised person and you are requiring me to leave this party.' I just have some difficulty with imagining how this legislation is actually going to work in practice.

I can only hope that the police, having been given this extra weapon, as it were, in terms of their legislative armoury, decide that they will do a lot more. I seem to recall that the Attorney-General at some point just prior to the introduction of this measure was suggesting that people could actually get about with their baseball bats and take action themselves.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney corrects me. He made the announcement at the time he introduced the bill and it was a reference to a cricket bat not a baseball bat. Silly me! It is my Americanisms creeping in again, and I should really concentrate on cricket bats now that we have won the second test. I have some concerns about the Attorney's using those sorts of statements, which I think create an impression among the public that that is an acceptable thing to do. I would have thought that it was much more appropriate for the Attorney to encourage people to the view that there is to be a better legislative regime which will help them deal with gatecrashers at parties.

The last thing we want is our community thinking that the way to address these issues is by holding cricket bats and potentially bashing people, although I have to say that when I lived in Sydney many years ago and I had had my home there burgled on a number of occasions, I did end up wandering around the house with a fire poker ready to hit the next person who came in through the door.

I can understand someone's frustration, but I do not think it is appropriate that we encourage anybody, myself included, to be deciding to use physical force to resolve an issue like this. We need to ensure that when this legislation becomes law, the police use it and enforce the notion of people gatecrashing being an offence, a very serious offence. We need to get some people who commit that offence before the courts as soon as possible so that we start to get a message out to those who are likely to gatecrash that they will land

themselves in significant trouble if they proceed. That concludes my remarks for the moment. As I indicated earlier, I have an amendment filed which is quite brief and, in essence, both parts of the amendment deal with the same thing, but I understand there may be one or two other speakers.

Mr PISONI (Unley): As I rise to speak in support of this bill—

The Hon. M.J. Atkinson: Did you tell Father John how you support poker machines?

Mr PISONI: The Attorney-General has about 12 lines that he pulls out of his pocket. He uses them time and time again. I had a foreman in my workplace a bit like the Attorney-General. He used to think it was so hilarious, every time a young apprentice came in, he would send him out for the long weight and a left-handed screwdriver. That is what the Attorney-General is doing now. The bullyboy Attorney-General—there he is; he has to interject and bring in other issues that are not relevant to the legislation.

Mr Hanna: Did they sack that foreman?

Mr PISONI: The foreman should be sacked. As a matter of fact, I left and started my own business. That is what I did and it resolved the matter, but I plan to stay here for quite some time, I can tell the Attorney-General.

The Hon. M.J. Atkinson: Do you? Well, that's up to the electors of Unley, really.

Mr PISONI: I plan to stay here for quite some time.

The Hon. M.J. Atkinson: I think you might lose pre-selection. It took you a while to arrive here.

Mr PISONI: As I bring school students through this parliament, one of the first things we do is stop off in the foyer and admire the busts of two of our great premiers, one being the bust of Thomas Playford, premier for 27 years. I tell the students that he was credited with changing South Australia's economic base from that of a rural base to a much broader base that included manufacturing and other industries. He was premier for 27 years, which was quite an achievement. Then, of course, there is Don Dunstan, and I tell the students that Don Dunstan is there because he is famous for his—

The Hon. M.J. Atkinson: Is that because you don't know who Charles Cameron Kingston is?

Mr PISONI: I am talking about the modern premiers of South Australia. I tell the students that Don Dunstan is there for his recognition of the social reform that he brought to South Australia. As a matter of fact, he had recognition for a cookbook. I remember the cookbook, of course, and I also remember—

The Hon. M.J. ATKINSON: On a point of order, Madam Deputy Speaker.

The DEPUTY SPEAKER: Order! There is a point of order. The member for Unley will resume his seat.

The Hon. M.J. ATKINSON: Madam Deputy Speaker, it is not clear to me what the relevance to the gatecrashers bill is to former premiers of South Australia and their cookbooks.

Members interjecting:

The DEPUTY SPEAKER: Order! As the house knows, interjections are out of order, so there is no such thing as a disorderly or irrelevant interjection. However, by the remarks of the member for Unley, he is taking a long time to address the bill and I ask him to come to the matter of the bill.

Mr PISONI: I have 16 minutes left and I will be getting to the point. The Attorney-General would be the last person in this place to talk about getting to the point. Perhaps the Attorney-General could have a go at answering some questions every now and then. I was a young 15 year old when Don Dunstan retired.

The Hon. M.J. Atkinson: You were never young.

Mr PISONI: I was collecting glasses at the Parafield Gardens Community Club for $1.50 an hour. I remember seeing the—

The Hon. M.J. Atkinson: You were born with glasses on.

The DEPUTY SPEAKER: Order! The Attorney will cease interjections whether relevant or irrelevant.

Mr PISONI: I remember seeing Don Dunstan there in his—

The DEPUTY SPEAKER: Order! Member for Unley, remember to resume your seat when order is called or else we will be here all night. Member for Unley, you may now resume.

Mr PISONI: Thank you for your protection, Madam Deputy Speaker. There he was in his dressing gown, retiring after his service to South Australia. Sometimes I think we should even have a bust of John Bannon out in the foyer just to remind us how badly things can go wrong. Perhaps, of course, because of the State Bank collapse we could not afford one of those at the time, and now the Labor Party wants that to be ancient history so we will never see any recognition of the disgraceful performance during the Bannon period.

Members interjecting:

The DEPUTY SPEAKER: Order! Member for Unley, the question is the gatecrashers bill. You have now been speaking for six minutes without yet mentioning it. Please address the topic.

Mr PISONI: With all due respect, Madam Deputy Speaker, I have not had the protection of the chair.

Mr RAU: On a point of order, I think the honourable member might be reading a speech from another day. Does that help?

The DEPUTY SPEAKER: There is no point of order. The member for Unley will please address the bill.

Mr PISONI: I thank the member for Enfield for his concern. However, it is not warranted. Then again, if we cannot afford a bust, perhaps we could name a tunnel after him, but we need to find one that has no light at the end. No light at the end of the tunnel. Really, the next premier we will need to recognise in this foyer is Premier Mike Rann. Both Playford and Dunstan brought something new to this state. Playford brought a broad economic base—

Mr KENYON: On a point of order, the honourable member is defying your ruling, Madam Deputy Speaker. His speech is continuing to be irrelevant and he is defying your ruling given not 30 seconds ago.

The DEPUTY SPEAKER: The member for Unley is indeed dangerously balancing on the precipice. The member for Unley will please address the bill.

Mr PISONI: Getting to the bill, Playford was known for his broad economic base, Dunstan his social reform but, of course, Premier Mike Rann needs to be recognised for introducing legislation for no other reason than for populist political purposes. That is what this legislation is. It is a stand-out example of populist politics. I will support this bill with a couple of amendments, because how can you vote against motherhood! But I believe that the current regime in the Summary Offences Act covers the removal of gatecrashers at parties and that all that is needed are the resources to do it. The shadow attorney-general, the member for Heysen,

has given us the example of the lack of police resources and an unwillingness to act by her constituent.

Mr Kenyon interjecting:

Mr PISONI: If the member for Newland was here earlier, he would have heard the member for Heysen speak. Unfortunately, he was at the cricket, I believe. Is that right, member for Newland? This bill does what the Premier does well and what he will be remembered for when his bust sits in the foyer; that is, creating a perception of acting on a problem by introducing legislation rather than resourcing existing agencies. They can act on the existing acts of parliament that have been in place for years and that have been designed to protect the public from unlawful behaviour. The current regime in the Summary Offences Act says that, where a person trespasses on the premises and the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier, and if the trespasser is asked by an authorised person to leave the premises, the trespasser is, if he or she fails to leave the premises forthwith or again trespasses on the premises within 24 hours of being asked to leave, guilty of an offence.

In my view, homeowners are protected under the existing legislation. The problem for the government is that the government cannot take credit for the existing legislation. It has generated this bill so that it can take credit for setting up a perception that it is doing something about gatecrashers. It cannot claim to have fixed the problem. It cannot manage its resources, so it gets a couple of good headlines up about how it will introduce new legislation to fix the problem. The government knows that this legislation is not the answer. The only way to fix the problem is through resources. If new legislation alone was the key, we could simply have our tough laws for drink driving and speeding and no need for speed cameras or breath testing.

If legislation was the only way to deal with it, we would not need to waste those precious resources out there on the roads with speed cameras and breath testing. The Attorney-General is telling us that this legislation is going to be the be-all and end-all for gatecrashing. The Attorney-General is very happy to go out there and pound his chest and say, 'Look what we're doing: we're fixing a problem.' He has the ability to do that now but he cannot put his name on it and cannot get the headline, so off he goes and produces some specific legislation to deal with this. This legislation will only be successful if the police have the resources to deal with each situation as it arises.

I ask: what is the justification for clause 17AB(12)? This is the clause that refers to what actually defines a private party. Paragraph (a), for example, exempts a party being held by or on behalf of a company or business. It tells us what a private party is, but we need to ask why the government has excluded small business functions, for example. I believe the answer is quite simple: it does not understand business. More importantly, they do not understand small business.

Let me give you an example of why this makes no sense: a small panel shop, crash repairs, the boss has six staff and a couple of apprentices, and he is doing the right thing with this small number of employees. Because this government chose to ignore small business in the budget, he will be paying payroll tax on his $504 000 payroll. But he is still training staff, so he feels they are his family. So he invites them over for a Christmas function, asks them to bring their families, use the pool, 'We'll have a Sunday afternoon.' The company pays, of course—it is a legitimate company expense—so it is actually sponsored by the company. The company has paid for this. So then a disgruntled employee who was sacked a month ago for stealing some paint turns up with six of his mates. He is not protected by this law with this clause.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: But it is a company. Your clause, Attorney-General, exempts that situation. It says here 'on or behalf of a company or a business'. He is doing that on behalf of his business, Attorney-General, and he is exempt from this clause. You do not understand small business. That is your problem; you do not understand small business.

An honourable member interjecting:

Mr PISONI: I do not want to complicate the matter. So what happens, then, if the boss says, 'Look, I will buy the meat and the staff will bring the salad'? What category does that fit in, Attorney-General? Is that a private party or is that a company-sponsored party? I think this just shows you the political nature of this legislation. I can just hear the 131 444 call now from the police: 'So you have gatecrashers? Can you confirm who is paying for the party? Is it you or the company?' That is the question, Attorney-General. Will they need to do a company search? Will they need to check the—

The Hon. M.J. Atkinson: The ABN.

Mr PISONI: Check the ABN number; that's right, Attorney-General. Will they need to look up the directors on the ACCC site? So you can see that I have just illustrated what nonsense this bill is, and it just illustrates the knee-jerk reaction this government has to every issue that gets a bit of media.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PISONI: Five years in and they are still making decisions which react to media reports rather than being proactive and making decisions for the longer term that will pass the test of time. The cabinet sits around making these decisions. They have very little experience outside of politics and so have a lack of understanding of what really happens in business and family life. It is difficult to understand the rationale behind the exemption of a minor as an authorised person when many of the gatecrashing instances occur when the 16 and 17 year olds are having a party where mum and dad have gone away for the weekend.

Mr HANNA (Mitchell): The Labor Party is developing a list of legislative measures designed for inclusion in ALP election leaflets in about three years and three months from now, and this bill, the Gatecrashers at Parties Amendment Bill, will fit into that stream of measures very well. They have various things in common. Generally they are to do with the criminal law. First, the government will pick some social problem which has hit the headlines, and in this case we have had a couple of parties where there have been serious interruptions of the party from outsiders, including assaults and all sorts of problems for innocent revellers. Of course, those sorts of things do make the headlines because they appeal to our fears that it could happen to us or our children or cousins at any time when they have a party at home.

Secondly, the response generally is to increase penalties, and this bill certainly does that. It quite severely increases penalties for trespassing while someone is having a party. Thirdly, these bills are generally characterised by no accompanying promise of additional resources to actually enforce the law, and that is certainly the case in relation to this bill. Fourthly, in straining to insert some substance into the bill, there are several clauses which give rise to consequences

which will be a surprise to people out in the community. In other words, there are unexpected consequences from dabbling with the law in this way.

Take the examples in this bill. The fact that people can be asked for their name and address before entry will be a surprise to some people. When a young woman turns up at a party and a security guard says, 'I want you to give me your name and address,' and she says, 'Well, it's none of your business really,' no matter that she might be related to the host, that sort of situation is going to cause some people surprise. And, of course, many of these parties that go on every weekend around Adelaide do not involve written invitations but are often brought about through word of mouth, so it is not as though one can easily prove invitation to an event. In other words, the easy case to deal with is where a group of bikies arrive uninvited and come in and wreak havoc. We all know that is wrong and we should do something about it. There are, of course, existing laws to cover that very situation.

The DEPUTY SPEAKER: Order! Members on my right, please do the house the courtesy of hearing other members speak in silence.

Mr HANNA: And, of course, the laws where there is assault or even offensive language can cover the situation at present. The other novelty of this bill is that one can commit a serious offence—an offence for which one can go to gaol for up to six months—without assaulting anyone, without causing any property damage and without using any offensive language. One only has to trespass and infringe upon the enjoyment of the host, which could be coming in and nagging them. Presumably the courts are wise enough not to impose the maximum penalty, but that is a serious issue, because the penalties therefor in some cases could go beyond community expectations.

Finally, coming back to the point about resources, it all comes back to police response. Their needs to be a prompt police response where there is trespassing in the case of a party, but also it needs to be a judicious police response. Obviously one is looking for the police to be firm in these situations, without going over the top. I want to provide an example where police did go over the top, even though the vast majority of police behave impeccably, despite considerable provocation.

This was a notorious case down at Noarlunga where a private party was going on in a hired public hall. A man who had nothing to do with the party got into an argument with the police and assaulted a police officer near the hall. The police response was to chase the man and spray copious amounts of mace. The man ran into the hall and the police officers followed. With the influence of mace and the heavy-handed attempt to apprehend the offender, a number of innocent people got in the way and ended up being dragged before the courts for assault and resisting arrest. They were perfectly innocent. I mention that case because it underlines how important is the sensitivity of the police response and how important it is to get the facts straight before people are ejected.

We could have the situation where people fall out at a party and the host says, 'You're no longer welcome here, I'm calling the police.' One can imagine young people in romantic liaisons having that sort of argument and, with this legislation being highlighted in the media, one can imagine it being used in a heavy-handed way to eject rejected boyfriends, girlfriends and so on.

Again, in summary, one hopes that commonsense will prevail. There is no doubt there is to some extent a social problem with gatecrashers. The existing law covers the situation. The legislation will help to a marginal degree, but at the end of the day it comes back to police response in terms of promptness, sensitivity and firmness.

Mr RAU (Enfield): It is a very rare occurrence for me, having spent nearly five years in this place, to have experienced a situation where a single speech in this house has actually changed the votes of members on the floor. It is very unusual because we work within a system where there is, as the member for Mitchell quite eloquently describes it, guided democracy. But tonight I have to report that I think that is what we are about to see. I was reflecting earlier this evening on precedence for this and the only thing I could come up with was the speech made by Winston Churchill in 1940 in the House of Commons, as a result of which the Chamberlain administration had to tender its resignation to the King. In any event, in my brief experience in parliament, I have not seen it before. I have to say that I have listened very carefully to the remarks made by the member for Unley and I have changed my mind: I will be voting for this bill.

The Hon. P. CAICA (Minister for Youth): I will be brief. This is correct and proper legislation. Members may recall some time ago that in a grievance debate I outlined a set of circumstances that occurred in our house. My then 17-year-old son thought he was doing the right thing, and perhaps I did not do the right thing by not being home at that time, but we trusted him and had faith in him, as I am sure other parents in this place have had in their children from time to time. What occurred that night was an absolute invasion of privacy, an invasion of his space and an invasion of our space. There were 200 people milling around out the front of the house, not only in their vehicles but outside the house, wanting to come in. They held firm for quite a period of time. The gates were shut and at some stage during the night this group of young men decided that they wanted entry.

What occurred subsequent to that was a set of circumstances that would shock anyone, and not just the people of the house. Knives were pulled, CDs were stolen and cars were kicked in when they left. They decided to leave only when the police were contacted. Fortunately, my son and his friends—and I have a great deal of respect for them as they are sensible young people—decided that the first thing to do was call the police, and the second thing was not to engage these people, because I do not think these young men understood the consequences of what they were doing. In fact, there were little consequences for what they were doing, and that is what this legislation is all about: to make sure there are consequences for the actions of such people.

That night was a very unsettling experience for all who were there. I am sure that everyone here has been involved in school graduations, concerning which the first priority today is to hire security guards to make sure that the only people who come to the party held at someone's house after those high school graduations—

Mr Griffiths interjecting:

The Hon. P. CAICA: You are probably going to go through it, Steven, and I hope that you do not have to hire security guards. The first need is to hire security guards to keep out those people who are not invited. We talk about resourcing and, again, on the night of the circumstances that

occurred at my house, the police were a welcome sight, and they acted not only beyond reproach but they were also a shining example of what is good about our police force in South Australia. God knows what the member for Unley was talking about. I do not know.

Mr Pisoni interjecting:

The Hon. P. CAICA: No, I did listen, and I suggest that you go out and doorknock a bit more, because that will do us good. Keep doorknocking, because that will be good for us. The speeches tonight, particularly that of the member for Unley, have given me a prime example of why the perception is that we are dissociated from the people we represent. So, go and talk to them a little more, because I thought that was a little bit odd tonight. Read what Rob Kerin said after my previous contribution. This is good and proper legislation. I felt a little disturbed when the member for Mitchell spoke, but I thought he finished very well and made a lot of sense when he said that we need this legislation to be enacted and administered in a commonsense manner, and I appreciate the way my friend the member for Mitchell concluded. I commend this bill to the house.

The Hon. M.J. ATKINSON (Attorney-General): I thank the opposition for indicating it will vote for the bill. The member for Heysen gave an apposite example. Indeed, it is exactly at that that the government's proposal is aimed, and that is why the government will oppose the opposition's proposed amendments. We do not agree that this is window-dressing. It is a genuine attempt to give police and home-owners specific recourse. Of course, police need to take matters in hand. This is not all of the solution to the problem but it is a very useful part, and credit should be given for the effort. By 'organising their own security' we mean just that. The occupier of the corporate box at the Adelaide Oval or the holder of the function at the Hyatt relies on, say, SACA or the Hyatt to provide security, and properly so. It is all very well to cite the example of the Wistow hall, but two things need to be said about that.

Mrs Redmond: No-one knows where Wistow is.

The Hon. M.J. ATKINSON: I know where Wistow is. There is a managing solicitor at the DPP who lives in Wistow. It was the western-most extremity, I think, of Peter Lewis's electorate. It is on the way to Strathalbyn. First, a person who holds a party on premises licensed under the Liquor Licensing Act has a responsibility to ensure a safe and responsible service of liquor, and that should be a clear message. Secondly, if the proposed amendment passes, the scheme will cover every Hindley Street nightclub, for example. The government is not going to accede, alas, to changes to the legal regime dealing with premises licensed by the Liquor Licensing Act by a last minute opposition amendment that is simply not well considered. The government is glad that the shadow attorney-general recognises that this measure does offer an 'additional weapon' and a 'better legislative regime'. So it does.

I shall not comment on the member for Unley's speech because nothing in it was germane to the bill.

Moving to the speech of the member for Mitchell, the member for Mitchell was wrong. There is no power in the bill to require any person at all attending a private party to give name and address on demand. There is a requirement to produce evidence that he or she is entitled to be on the premises only if a reasonable suspicion exists that they are not. What is wrong with that? The requirement to give name and address is conditional on being a trespasser and in accordance with the rules set out sequentially in the measure. There is nothing wrong with that, either, and nothing unprecedented about it.

With those remarks, I thank the opposition and the member for Mitchell for contributing to the debate, and I look forward to the bill's swift passage this evening.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mrs REDMOND: I have a couple of questions. Clause 5 is the substantive clause, and the only substantive clause, and it inserts two major new sections, new sections 17AB and 17AC. After that there is a schedule, so clause 5 really is the only substantive measure in the bill. As well as an amendment which is a little bit further at the very end of new section 17AB, I have a couple of questions.

I want to clarify with the Attorney the very first provision, that is, the reasonable suspicion that a person who is there is not entitled to be on the premises and, in particular, the nature of the evidence that one is supposed to produce. I envisage that, when this legislation was being drafted, someone was thinking about a person who has an invitation. However, the nature of the evidence becomes more complex if, with respect to a large number of perfectly legitimate and perfectly ordinary private parties, the nature of the invitation is verbal or a telephone message or something like that. I would like to understand a little better what the Attorney has in mind when he talks about the production of evidence that he or she is entitled to be on the premises.

The Hon. M.J. ATKINSON: It is true that we came from a starting point of an invitation but, clearly, there are many reasons why persons might be on the premises legitimately without an invitation. That might be because they are public inspectors of some kind authorised by law; it might be because they are relatives of the householder; or it might be because they are police officers. So, the reasons for being there can extend well beyond having an invitation. Of course, in some cases, there will not be documentary invitations. So, the answer to the question 'Are you a trespasser?' might be, 'No. Please consult the governor of the feast. I am a person who is invited.'

Mrs REDMOND: I just want to be very clear about how all this will work. I think I understand where the Attorney is trying to head: it just seems to me to be a difficult path. It is simple if it involves a party with invitations and all those sorts of things. If we have the situation of a 17 year old inviting his mates around and the 17 year old's dad comes home, and so on, I just want to be clear about where we end up if we follow all these things. New section 17AB(2) provides that, if a person refuses or fails to produce evidence that is satisfactory to the authorised person, the authorised person may advise the person that he or she is a trespasser on the premises and, on being so advised, the person will be taken to be a trespasser for the purposes of that section and section 15A of the Criminal Law Consolidation Act. New section 17AB(3) provides:

> Nothing in subsection (2) limits the manner in which a person may become a trespasser on premises that are being used for a private party.

If someone has failed to produce evidence that satisfies the authorised person, that is one circumstance where they can be a trespasser. Is the effect of new subsection (3) that, even if someone produces that evidence, they can still somehow be a trespasser?

The Hon. M.J. ATKINSON: I think there are a couple of ways to get into the party. The first way is to come through the front, in which case one may be quizzed by the authorised person, that is, the person delegated by the governor of the feast to exercise authority under the act; namely, the hired security guard. If one does not have an invitation, one becomes a trespasser upon being asked to leave and not leaving. The second way to come into the party is to hop the back fence, in which case one will not be challenged by the authorised person but, nevertheless, one is a trespasser under the general law, and this preserves that.

Mrs REDMOND: I had read the legislation as intending that, when the governor of the feast (as the Attorney referred to the authorised person) finds this person who has hopped the back fence and come in without going through the process of exhibiting their invitation, the authorised person would then challenge them and say, 'Where is your invitation?' However, what the Attorney is saying appears to suggest that that is not the intention, and that the authorised person does not have to say, 'Look, I am an authorised person, and I want to see your authority for being here.' They become a trespasser per se straight away.

The Hon. M.J. ATKINSON: Yes.

Mrs REDMOND: I indicated in my second reading contribution that I am comfortable with the idea of there being significant penalties for these offences. The head offence will now attract a maximum penalty of up to $5 000 or imprisonment for one year. Was any consideration given to increasing the penalties for the existing trespass offences? It seems to me hard to justify a differentiation between the two natures of trespass. The Attorney-General said in his second reading explanation that the present legislation or regime was primarily introduced for magic mushrooms and people trespassing onto country properties to get magic mushrooms. Clearly, that will not usually result in other problems, but there can be lots of other circumstances where that current regime could apply and all sorts of damage could occur. The same sorts of consequences could occur as for a gatecrashed party situation. I wonder whether it is appropriate to have such a differential in the legislative regime between what we are imposing on the gatecrasher trespasser compared with what we are imposing on trespassers other than gatecrashers who may do things which are just as serious.

The Hon. M.J. ATKINSON: The point the member for Heysen makes is a good one. The Australian Labor Party went to the election with a policy of taking special measures on gatecrashers—and this is it.

Mr PISONI: The minister for further education explained a situation where his 17 year old son felt threatened by some gatecrashers. New section 17AB(12) refers to 'authorised person'. Will the Attorney-General explain how this legislation would have protected the minister's 17 year old son when it does not allow a minor to be regarded as an authorised person?

The Hon. M.J. ATKINSON: The scheme of the legislation is that an authorised person is clothed with the ability to trigger criminal sanctions. If a person who is not invited does not comply with the instructions of the authorised person then they are not merely civilly liable: they are criminally liable. Public law, criminal law, is brought into action by a private citizen who is an authorised person. We believe only adults, not children, should be able to trigger that.

Mrs REDMOND: I move:

Page 5, line 5—Delete paragraph (a)

I note the Attorney-General has already indicated he will not accept the amendment, but I will put it on the record in any event and try to persuade him it is sensible. I do not have difficulty with the idea of defining a private party and its being inclusive of a party, event or celebration to which admittance is allowed by invitation only. I take it 'invitation' is broader than 'written invitation' and a very inclusive term. Despite the Attorney-General's interjections and his comments in closing, I think the member for Unley did have a valid point to make on this issue. There will be many circumstances where a party, event or celebration is being conducted by a company or business and in every respect it is identical to any other private party, except that the invitees are people who have in common involvement with or connection to that company or business. It is extremely common for a small business to hold a private party, often in the home of the owner of the business, inviting the staff of the business, their spouses and children, Santa Claus, and so on.

On my reading of the bill that group does not get the benefit of this legislation. It seems to me that they should. If the Attorney-General can convince me that they do get the benefit of the protection, that is fine. If you define a private party excluding specifically that which is conducted by a business or corporation then I fail to see how you do anything but exclude a range of people who potentially deserve the protection of this legislation.

The Hon. M.J. ATKINSON: If a group of people holds a party together because they work together, then it is covered by this law. What is excluded is holding a party held by or on behalf of a company.

Mrs REDMOND: I think the Attorney-General misses the point I am making. Often it will be 'by or on behalf of' the business or company. If you run the local Baker's Delight and you invite staff to your home for a Christmas party, then that becomes a party conducted by or on behalf of that business. If it is at the private home of the owner of the business, I have a difficulty with why those people do not get the protection of the gatecrashers legislation.

The Hon. M.J. ATKINSON: What I have to point out to the member for Heysen is that, if this is a party held by or on behalf of a company or business, they are not thereby without any legal protection, because there is a default position, there is a safety net, and it is a section 17 trespass position. So, they fall back to the current position. The purpose of this law was to protect private parties, not corporate bashes. That is on the assumption, as the Earl of Chatham said, that an Englishman's home is his castle, and while the rain and the wind may enter, the King of England may not.

Mrs REDMOND: I do not want to hold up the house unnecessarily on this, but I would ask that the Attorney consider this between the houses because it seems to me that we are at one about what we are trying to achieve but I, clearly, am not reading this legislation the way the Attorney is, and the Attorney is not reading it the way I am reading it. I fear that we are unnecessarily depriving people who should get the protection of the law, and the Attorney is trying to stop unnecessarily giving people the protection of the law who he thinks should not get it.

I do not think there is a lot between us, and the Attorney correctly said that this has been introduced at the very last minute but, then again, the bill was introduced only on 15 November. I readily concede that it has been drawn up at the last minute and I would simply ask that the Attorney have a look at it between the houses, so that if it is not successful

here at least we all go on knowing very clearly what the application of this legislation will be.

The Hon. M.J. ATKINSON: I want to make some general comments on the amendment, rather than answer the questions. I hope I have answered the questions raised by the opposition directly. The amendment seeks to have the proposed regime apply to events held on behalf of a company or business. The reason the government proposes the exclusion of this kind of event is that the proposed scheme is not designed to protect the festivities of, say, corporate boxes at the cricket or the Entertainment Centre or the corporate reception at the Hilton; the government is interested in adding protection for ordinary private citizens holding ordinary private parties in their homes or at the local hall. Corporate events will usually have, and do have, their own security arrangements and, of course, as I say, they have the default position of the existing trespass provisions in the Summary Offences Act.

Amendment negatived.

Mrs REDMOND: I move:

Page 5, lines 7 and 8—Delete paragraph (c)

The amendment simply seeks to delete the third provision of this exemption in the definition of 'private party', on the basis that I believe that it is cast too broadly. I accept what the Attorney said about this at the conclusion of his contribution on the second reading. Neither of us wants to cover the situation of the nightclub in Hindley Street but, strictly speaking, lots of little premises where private parties are held are licensed under the Liquor Licensing Act, if only for that night for that particular event.

The Attorney correctly referred to the obligations imposed by the Liquor Licensing Act as an obligation for the safe and responsible service of liquor, and I do not think this goes anywhere near that issue. I think you can easily imagine circumstances in the Wistow hall or somewhere else where people have done the right thing, got a liquor licence for the night, they are responsibly serving liquor, and their private party could still be gatecrashed.

So, once again, if we are unsuccessful at this time I would ask the Attorney to reconsider it. As I said, I do not think that we are very far apart in what we are trying to achieve. I agree that we are not aiming to cover, with this legislation, licensed nightclubs and so on. On the other hand, I think that the way it is worded at the moment is likely to lead us to a situation where people who should get the protection of this legislation do not get it, simply because they are using premises which are not their private home and for which they have obtained a liquor licence, necessarily because of the terms of the Liquor Licensing Act.

The Hon. M.J. ATKINSON: I think those of us who have been here a long time really do not want to tangle with the Liquor Licensing Act. However, in the interests of a quiet night, we will consider both of the propositions of the member for Heysen between the houses. I can indicate, however, that I am a little more inclined to the first than the second. The amendment seeks to apply this scheme to licensed premises. The government is interested in providing additional protection for ordinary people holding private parties in their homes. People who have licensed premises to party at—hotels, clubs, nightclubs and so on—have a responsibility to provide their own protection and security. This proposal is not designed for that. The government has no intention of amending the Liquor Licensing Act and regime by a glancing blow, but we will reflect on the Wistow hall.

Mrs REDMOND: In closing, I think there is a potential for a situation which would be nonsensical in the law if parents A hold a party for their son's 18th birthday in their home and they are gatecrashed and the offenders have this regime, and parents B hold an almost identical party for their son's 18th in the Wistow hall and it is gatecrashed and the offenders only face a lesser regime in terms of the penalty. It seems to me to give rise to some problems that I think need reflection.

Amendment negatived; clause passed.

Schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

SOUTHERN STATE SUPERANNUATION (INSURANCE, SPOUSE ACCOUNTS AND OTHER MEASURES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a second time.

Although this is not the practice for myself, but since I am doing it for another minister, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill seeks to make some amendments to the *Southern State Superannuation Act 1994*, the statute that establishes and maintains the Southern State Superannuation Scheme (known as the Triple S scheme). The Triple S scheme provides superannuation benefits for government employees including police officers who commenced employment after May 1994.

The main amendments being proposed in this Bill deal with the invalidity and death insurance arrangements in the Triple S scheme, and when enacted will complete a package of insurance enhancements being made by the Government to the Triple S Scheme.

The legislation will also amend the definition of salary in the Act to provide that in all cases, superannuation benefits will be based on a member's salary before any component is sacrificed and taken in a non monetary form. Further amendments provide for spouses of members to have their own superannuation account in the Triple S Scheme and access to 'post retirement' investment products. The proposals will enable members to split or share their contributions with their spouse in line with the principles introduced for the superannuation industry by the Commonwealth Government. The legislation will also enable a spouse to take out death insurance cover in the Triple S arrangement. The package of proposals will also enable members who invest in a 'post retirement' investment product to have access to insurance cover through the Triple S insurance arrangement.

An actuarial review of the insurance arrangements in the Triple S Scheme undertaken in 2005, in accordance with the requirements of the Act, indicated that the existing premiums being charged to members were more than adequate to meet the cost of benefits expected to be paid under the insurance arrangements. In fact, the actuary undertaking the review reported that there was a surplus of $27m that had built up in the insurance pool. The actuary therefore advised that there was ample scope for enhancements to be made to the existing arrangements, and also premium reductions. The healthy state of the insurance pool gave the Government the opportunity to implement the changes recommended by the actuary and the Superannuation Board.

The changes to the insurance arrangements that have already been made by regulation, combined with the remaining changes dealt with in this Bill, will combine to make the total insurance package available through the scheme more attractive to members and ensure the arrangements are competitive with the insurance cover being offered by other government and industry superannuation schemes.

The most significant of the package of insurance changes has been those already introduced by regulation. The regulations introduced in October 2005 brought a reduction of at least 25% in the amount of premiums for most members, and an increase in the value of a unit of insurance of at least 50%. The premium reduction and increase in the value of a unit of insurance have been well received by members.

The legislation contained in the Bill will, when enacted, complete the package of insurance changes by proposing the following enhancements to the Triple S Scheme invalidity and death insurance arrangements:

- There will be an increase in the age at which a member is eligible for a temporary disability pension, under what is often called 'income protection insurance', from age 55 to age 60;
- There will be an increase in the amount of the temporary disability pension from 66.6% of salary to 75% of salary;
- There will be an increase in the maximum period over which a temporary disability pension can be paid from the existing 18 months to 24 months;
- Members will no longer have to exhaust their sick leave entitlements prior to accessing a temporary disability pension, as a member who qualifies for a temporary disability pension will commence to be paid the benefit after 30 days from the date that the member ceased to be able to work due to disability;
- Members who do not contribute will have an option to take out temporary disability insurance cover, provided they can provide satisfactory proof of no impending disability and commence making the required premium;
- The age at which members can access total and permanent invalidity insurance will be increased from 60 to 65; and
- Some of the current restrictions on certain members taking out voluntary insurance cover will be removed. In particular, this will enable members of the closed defined benefit schemes who are salary sacrificing contributions to the Triple S scheme to take out insurance.

All of the proposed enhancements to the insurance arrangements have been actuarially costed and can be provided within the new lower level of premiums that have been prescribed by regulation under the Act. As required by Section 13A of the *Southern State Superannuation Act*, the insurance arrangements will be actuarially reviewed again as at 30 June 2007, to ensure that the existing premiums being charged are adequate to cover the cost of the benefits expected to be paid under the insurance arrangements. The actuary who performed the insurance review believes the existing surplus in the insurance pool should enable the new discounted premiums to be maintained for about 15 years.

The Bill also proposes a minor amendment to the Act to remove the requirement for an enterprise agreement to be prescribed in regulations before non monetary salary under a salary sacrificing arrangement can be recognised for superannuation purposes. The requirement to prescribe an enterprise agreement was put in place before salary sacrifice arrangements across government were common place. Salary sacrificing arrangements across government are now common place, with a general acceptance that the part of an employee's salary sacrificed and taken in a non monetary form will be taken to be 'salary' for superannuation purposes. In the circumstances, the requirement to prescribe enterprise agreements can now be removed, bringing administrative efficiencies.

The Commonwealth Government recently passed the *Tax Laws Amendment (Superannuation Contributions Splitting) Act 2005*, and brought into operation several sets of associated regulations that enable members of superannuation schemes to split and share with their spouse, contributions made to a scheme on or after 1 January 2006. Superannuation entitlements accrued up to 1 January 2006, cannot be split.

Under the Commonwealth splitting arrangement only an accumulation interest in a scheme can be split. This means that if a member of the State Pension or Lump Sum Scheme wishes to split contributions with their spouse, they would have to be making salary sacrificed contributions to the Triple S scheme.

The Bill introduces legislation to not only enable members to split their contributions with their spouse in terms of the Commonwealth law, but also legislation that will more generally enable a member to establish a spouse member account. Once a spouse member account has been established by a member, a spouse may make contributions directly to a spouse account.

In conjunction with the provision of spouse accounts and the recent introduction of 'post retirement' investment products, the Bill provides that members of a public sector superannuation scheme and spouse members will also have an option to take out insurance through the Triple S insurance arrangement. Spouse members will be able to have access to death insurance cover, and members who invest in the 'post retirement' product known as the Flexible Rollover Product will be able to access voluntary invalidity and death insurance cover. The terms and conditions of this insurance cover will be prescribed in regulation as is the case for all insurance cover under the scheme. The premiums to be charged and insurance cover to be provided to these members will be actuarially determined and will take into account the risk profile of the persons who will be seeking this insurance cover. The insurance arrangements for people with post retirement investments will be subject to the same triennial review as the insurance arrangements for 'ordinary' Triple S members. This new option will generally allow members and spouse members of the Triple S scheme who retire with insurance cover, to continue with that cover if they roll over part or all of their benefit to the Flexible Rollover Product offered by the Superannuation Board. The insurance cover for persons investing in the Flexible Rollover Product will only be available until the person attains the age of 65.

The Bill also provides for some minor technical amendments to be made to the *Southern State Superannuation Act*. In particular, some amendments are being made to the provisions of Section 48 of the Act, which was intended to give the Superannuation Board the power to resolve any doubt or difficulty that arises in the application of the Act to particular circumstances. There have been difficulties for the Board in using the provisions of Section 48 as originally intended, as the Crown Solicitor has advised that the provision does not give the Board any powers to deal with a matter in a manner that may cause conflict with an express provision of the Act. The wording of the existing provision also does not allow the Board to determine rules to apply to circumstances and situations not covered by the provisions of the Act. The proposed amendments to Section 48 will address the current technical and legal issues associated with the provision. The new provisions will enable the Board to address issues and particular circumstances that may arise and are not dealt with in the Act, and also extend a time limit or waive a procedural step under the Act in certain circumstances. A similar amendment has already been made to the *Superannuation Act 1988* which governs the State Pension and Lump Sum Schemes. Any action taken by the Superannuation Board under this provision will require the Board to report on such action in its annual report to the Minister.

A further minor amendment is being made to Section 47B to clarify the roles of both the Funds SA Board of Directors and the Superannuation Board in setting the terms and conditions for investment in the 'post retirement' products.

The unions and the Superannuation Federation have been consulted with respect to this Bill and have indicated their support.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Southern State Superannuation Act 1994*

4—Amendment of section 3—Interpretation

This clause amends section 3 by removing the definition of ***non-monetary remuneration***. That definition is no longer required as a consequence of other amendments made to the section. A new definition of ***non-monetary salary*** is substituted for the existing definition. The new definition, which is substantially similar to the deleted definition of ***non-monetary remuneration***, provides that non-monetary salary is remuneration in any form resulting from the sacrifice by a member of part of his or her salary.

The definition of ***salary*** in section 3 of the Act is amended so that salary includes all forms of remuneration, including non-monetary salary. The exclusion of non-monetary remunera-

tion that is currently effected by paragraph (a) of the definition is removed.

Subsections (3) to (3a) of section 3, which are relevant to the current exclusion from the definition of salary of non-monetary remuneration and the inclusion of remuneration received as a result of salary sacrifice, are also removed. The clause inserts a new subsection (3) that provides that the value of non-monetary salary received by a member will be taken to be the amount of salary sacrificed by the member in order to receive the salary as non-monetary salary. This is consistent with current subsection (3b).

Other amendments to section 3 are consequential on the insertion into the Act of new provisions relating to spouse members. ***Spouse member*** is defined by reference to new section 26D (inserted by clause 18). A ***spouse account*** is contribution account, rollover account or co-contribution account established and maintained by the South Australian Superannuation Board for the benefit of a spouse member.

This clause also removes the definition of ***additional invalidity/death insurance*** and substitutes a new definition of ***voluntary invalidity/death insurance***.

Amendments are also made to section 3(5), under which members employed on a casual basis are taken to remain in employment for 12 months following the last time they perform work for their employer and are potentially entitled to certain benefits under the Act if they suffer incapacity during that 12 month period. The amendments do two things:

· first, they clarify that the provisions apply to persons employed on a casual basis pursuant to arrangements under which the persons work for nine or more hours each week or for periods that average, over a three month period, nine or more hours each week;

· second, they remove the current reference to section 34(8) of the Act (which has been problematic because of a reference in section 34(9) to subsection (8)) and make it clear that a member to whom the provisions apply may be entitled to benefits under section 34 on account of invalidity if the Board is satisfied that the member's incapacity for all kinds of work is 60 per cent or more of total incapacity and is likely to be permanent.

5—Amendment of section 4—The Fund

The amendments made by this clause are consequential on the insertion into the Act of provisions providing for the establishment of accounts for the benefit of members' spouses.

6—Amendment of section 7—Contribution, co-contribution and rollover accounts

The Board currently has a power under section 7(3) to debit administrative charges against contribution accounts established under Part 5A (Family Law Act provisions) or established to accept money rolled over under provisions that correspond to Part 5A. As a consequence of this amendment, the Board will be authorised to debit administrative charges against members' contribution accounts generally (that is, not just those contribution accounts established under, or for the purposes of, Part 5A).

7—Amendment of section 8—Other accounts to be kept by Board

This clause recasts subsection (1) of section (8) as a consequence of the introduction into the Act of spouse members and spouse accounts. The Board will be required to maintain proper accounts of payments made to, on behalf of or in respect of spouse members and, under new subsection (1a), to include in relevant financial statements information about amounts debited against spouse member accounts in respect of premiums for death insurance.

8—Amendment of section 13—Reports

This amendment to the provision dealing with the Board's reporting requirements is consequential on the introduction of new accounting requirements relating to payments made in respect of spouse members.

9—Amendment of section 13A—Report as to cost of invalidity/death insurance benefits

Section 13A currently requires the Minister to obtain an annual report on the cost of basic and additional invalidity/death insurance benefits. This clause amends the section to make it clear that the report must refer to the cost of voluntary death insurance taken out by spouse members and invalidity or death insurance granted to public sector superannuation beneficiaries under new section 47BA (inserted by clause 32).

10—Insertion of section 15A

New section 15A applies to persons who are members of the Triple S scheme by virtue of section 14(4) of the Act.

Under section 14(4), a member of the scheme of superannuation established by the *Superannuation Act 1988* becomes a member of the Triple S scheme whenever an entitlement to benefits needs to accrue to the member under the Triple S scheme to satisfy the requirements of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

Under new section 15A, if a person who is a member of the Triple S scheme by virtue of section 14(4) elects to make contributions to the Treasurer under section 25 of the Act, or if payments are made to the Treasurer on behalf of the member under section 26(1a) of the Act, the member will be taken, for the purposes of the *Superannuation Act 1988*—

· to have resigned from employment and to have preserved his or her accrued superannuation benefits (whether he or she has reached the age of 55 years or not); and

· not to reach the age of 55 years until he or she reaches that age and ceases to be employed in employment to which the Act applies.

The member will, in effect, be taken to have made an election under section 15(1).

11—Amendment of section 15B—Salary sacrifice by members of State Scheme

This clause recasts subsection (1) of section 15B. That subsection provides that a person who is an active contributor to the scheme of superannuation established by the *Superannuation Act 1988* may elect to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 5 of the Act by sacrificing part of his or her salary in accordance with a contract, award or prescribed enterprise agreement.

The subsection as recast potentially widens the group of persons who may elect to become members of the scheme under the provision so that in addition to active contributors to the State Scheme, certain persons prescribed by regulation may make such an election. Additionally, it will no longer be necessary under the new subsection to prescribe enterprise agreements.

The second amendment is consequential on the amendment made by clause 13 to section 22 of the Act, which will have the effect of allowing persons who are members of the insurance scheme by virtue of section 15B to apply for additional invalidity/death insurance.

12—Amendment of section 21—Basic invalidity/death insurance

This amendment has the effect of widening the group of persons who are entitled to basic invalidity/death insurance so that persons who are members of the scheme by virtue only of section 14(4) are no longer excluded from that group.

Section 21(2) as recast also provides that spouse members and persons employed or engaged for specific periods of time who are remunerated solely by a fee, allowance or commission are not entitled to basic invalidity/death insurance.

13—Amendment of section 22—Application for additional invalidity/death insurance

Section 22(1b) currently provides that a person who is a member of the Southern State Superannuation Scheme by virtue only of section 14(4), (5), (6), (10) or (10a) or section 15B cannot apply for additional (now to be known as "voluntary") invalidity/death insurance. Clause 13 amends that provision by removing the references to section 14(4) and (6) and section 15B, so that persons who are members of the scheme by virtue of one of those provisions is entitled to apply to the Board for voluntary invalidity/death insurance.

New subsection (1ab) has the effect of providing that persons employed or engaged for specific periods of time who are remunerated solely by a fee, allowance or commission are not entitled to apply for voluntary invalidity/death insurance.

14—Amendment of section 23—Variation of voluntary insurance

15—Amendment of section 24—Amount of invalidity/death insurance benefits and amount of premiums

16—Amendment of section 24A—Voluntary suspension of invalidity/death insurance

The amendments made by clauses 14 to 16 are consequential on the renaming of additional invalidity/death insurance as voluntary invalidity/death insurance.

17—Amendment of section 25—Contributions

Currently under section 25(1), a member of the scheme may elect to make contributions to the Treasurer at one of a series of specified percentages of the member's combined monetary and non-monetary salary between 1 and 10. This clause recasts subsection (1) so that a member may elect to make contributions to the Treasurer at any whole number percentage, or at 4.5%, of the member's combined monetary and non-monetary salary.

As a consequence of the second amendment made by this clause, persons who are members of the scheme by virtue only of section 14(4) will be entitled to make contributions to the Treasurer under section 25(1).

18—Insertion of Part 3A

This clause inserts a new Part into the Act. Part 3A is comprised of provisions relating to the establishment and maintenance of spouse accounts, and the provision of death insurance cover for spouse members.

Section 26A includes a number of definitions necessary for the purposes of Part 3A. An ***eligible member*** is a member of the scheme in respect of whom payments are being made to the Treasurer under section 15B or section 26. (Section 15B relates to salary sacrifice by members of the scheme of superannuation established under the *Superannuation Act 1988*. Section 26 provides for payments to be made in respect of members by their employers.)

A ***prescribed payment*** is the payment of an amount that is a spouse contributions-splitting amount for the purposes of the definition of ***contributions splitting ETP*** under the Commonwealth *Income Tax Assessment Act 1936*. The definitions of ***voluntary death insurance*** and ***voluntary death insurance benefits*** relate to insurance available to spouse members under Part 3A.

Under **section 26B**, an eligible member may apply to the Board to make a prescribed payment from the member's contribution account or employer contribution account into a rollover account established for the member's spouse. The application and the making of the payment are subject to, and must comply with, both the Commonwealth *Superannuation Industry (Supervision) Regulations 1994* and such terms and conditions as may be specified by the Board. The Board is authorised to fix fees payable in respect of applications under section 26B, and any such fee may be deducted from the applicant's employer contribution account or a spouse account established in the name if the applicant's spouse.

Section 26C provides that an eligible member may make monetary contributions to the Treasurer for crediting to a contribution account in the name of the member's spouse. A spouse member may also make monetary contributions to the Treasurer under the section. Under **section 26D**, if a prescribed payment is made by a member for the benefit of his or her spouse, or a contribution is made by a member under section 26C, and the spouse in respect of whom the payment or contribution is made is not already a spouse member of the Triple S scheme, the spouse becomes a spouse member.

The Board is required under subsection (2) to maintain a contribution account for a spouse member who is making contributions, or on behalf of whom contributions are being or have been made, under section 26C. The Board is also required to maintain a rollover account for a spouse member if a prescribed payment has been made for the spouse member or if an amount of money has been carried over from another fund or scheme for the spouse member. If a co-contribution is made in respect of a spouse member, the Board must maintain a co-contribution account in the name of the spouse member.

Administrative charges may be debited against spouse accounts in appropriate cases.

Section 26E requires the Board, at the end of each financial year, to adjust each spouse account that has a credit balance to reflect a rate of return determined by the Board in relation to spouse members' accounts for that financial year. The provisions of section 26E are substantially similar to those of section 7A of the Act, which relates to accretions to members' accounts.

Where a spouse member is or becomes a *member* of the Triple S scheme, **section 26F** authorises the Board to transfer the amounts standing to the credit of the spouse member's spouse accounts to an account in the name of the member. If all of the amounts standing to the credit of a person's spouse accounts are transferred by the Board under the section, the person ceases to be a spouse member of the scheme and, if he or she has any voluntary death insurance under section 26G, that insurance is taken to be voluntary invalidity/death insurance under section 22 of the Act.

Section 26G authorises spouse members to apply to the Board for voluntary death insurance. A spouse member may only apply for voluntary death insurance, and will only be covered by such insurance, while the spouse member is the spouse of a member of the scheme. The provisions of section 26G are substantially similar to those of section 22, which relate to voluntary invalidity/death insurance available to members of the scheme. An applicant under section 26G is required to provide the Board with prescribed information as to his or her health and may be required to provide additional information. The cost of any medical examination required will be borne by the applicant.

Under **section 26H**, a spouse member may apply to the Board to vary his or her level of voluntary death insurance. **Section 26I** provides that the amount of voluntary death insurance benefits and the amount of the premiums in respect of those benefits will be fixed by or under regulation. As with invalidity/death insurance for members of the scheme, the regulations may provide—

- for different amounts of voluntary death insurance benefits depending on the spouse member's age or on any other relevant factor; and
- for annual increases in the amount of voluntary death insurance; and
- for the amount of premiums to be fixed by the Board.

Premiums may be debited against any of a spouse member's spouse accounts.

Section 26J deals with the payment and preservation of spouse member benefits. If a spouse member is aged 55 or over and is the spouse of the member who caused him or her to become a spouse member (the ***relevant member***), and the relevant member's employment has terminated, payment of the amount standing to the credit of the spouse member's spouse accounts may be made to the spouse member subject to any restrictions imposed by the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth (the ***SIS Act***).

If a spouse member is not yet 55 years of age and is married to the relevant member, and the relevant member's employment has terminated, an amount standing to the credit of the spouse member's spouse accounts must be preserved. The amount must also be preserved if the member is not the spouse of the relevant member and has not reached the age of 55. If, however, the spouse member has reached the age of 55 and is not the spouse of the relevant member, the amount may be paid to the spouse member subject to any restrictions imposed by the SIS Act.

Where an amount is preserved as outlined above, the spouse member may elect to carry the amount over to some other fund or scheme approved by the Board. Alternatively, the spouse member may, at any time after he or she turns 55, require the Board to authorise payment of the amount. If no such requirement has been made on or before the date on which the spouse member turns 65, the Board will authorise payment of the amount to the spouse member.

If a spouse member suffers physical or mental incapacity and the Board is satisfied that the spouse member's incapacity for all kinds of work is 60 per cent or more of total incapacity and is likely to be permanent, the spouse member is entitled payment of the amount standing to the credit of the spouse member's spouse accounts.

If a spouse member dies, the amount standing to the credit of each of the spouse member's spouse accounts, and the spouse member's voluntary death insurance benefit (if any), will be paid to the spouse member's spouse or, if there is no spouse, the spouse member's estate.

19—Amendment of section 27—Employer contribution accounts

This clause amends section 27(7) so that the section provides that a disability pension premium, rather than "the disability

pension factor", is to be debited against the employer contribution accounts of members. A new subsection (9) is also substituted. This subsection provides that a disability pension premium is not payable by an employer under section 27(7)(c) in relation to a member who is not entitled to a disability pension under section 33A under any circumstances and a member who is exempted under new subsection (15) of section 33A from the ambit of that section.

An additional amendment recasts section 27(7a) so that premiums relating to voluntary invalidity/death insurance can be debited against the employer contribution accounts of persons who have elected to become members of the Triple S scheme under section 15B. This amendment is consequential on the amendment to section 22 made by clause 13.

20—Amendment of section 33A—Disability pension

Section 33A provides that a member of the scheme who is temporarily or permanently incapacitated for work and has not reached the age of 55 years is entitled to a disability pension. The first amendment made by this clause increases the age limit to 60 years. The amendment also makes it clear that a disability pension is only available to a member who is no longer engaged in work in respect of employment to which the Act applies on account of the incapacity. New subsection (1a) provides that an application for a disability pension must be made within 6 months of the day on which the member ceases to be engaged in work in respect of employment to which the Act applies.

This clause also increases the amount of a disability pension from two-thirds of the member's notional salary to 75 per cent of salary.

Section 33A(4) specifies the circumstances in which a member is entitled to a pension, the most significant being that the member has, for a period of at least 12 months immediately before his or her incapacity, made contributions from his or her salary. Clause 20 amends subsection (4) by the insertion of a new paragraph providing that a member may be entitled to a pension under new subsection (4a). This subsection provides that a member is entitled to a pension in respect of an incapacity for work if—

- the member does not qualify under one of the circumstances referred to in subsection (4); but
- the member is, at the time of the occurrence of the incapacity, paying premiums to the Board for the purposes of obtaining a benefit under section 33A in the event of an incapacity for work.

New subsection (4b) applies some additional provisions in connection with the requirement that the member pay premiums to the Board for the purpose of obtaining a benefit, namely:

- a member may apply to the Board, in a form approved by the Board, to pay premiums for the purposes of section 33A;
- the Board must, in order to assess the application, require the member to provide information about his or her health and the status of any medical condition or disability;
- the Board will be able to grant an application on conditions if there is a risk of incapacity for work due to the member's state of health;
- the amount of any premium will be fixed by the Board;
- a member who is paying premiums may, by notice in writing to the Board, elect to cease paying those premiums, in which case the person ceases to come within the ambit of the section.

An election to cease paying premiums will take effect from a date determined by the Board.

Section 33A(7) provides that a disability pension is not payable in respect of a period in which a member is entitled to sick leave. That provision is amended to provide that a disability pension is not payable in respect of the period of thirty days following the day on which the member ceases work on account of the disability.

Under section 33A(9), a disability pension cannot be paid for a continuous period of more than 12 months unless the Board thinks there are special reasons for extending the limit (which it may do for not more than six months). The provision is amended by this clause so that a pension cannot be paid for a continuous period of 18 months.

Section 33A(10) currently provides that a disability pension cannot be paid in respect of one incapacity, for an aggregate period of 18 months in any one period of 36 months. This clause amends the provision so that a pension cannot be paid in respect of an incapacity for an aggregate period of 24 months in any one period of 48 months.

Clause 20 also inserts a number of new subsections into section 33A. New subsection (14) states that spouse members and persons prescribed by the regulations for the purposes of the subsection are not entitled to a disability pension under any circumstances. Subsection (15) provides a mechanism whereby certain members may apply to the Board to be exempted from the ambit of section 33A. Those members are—

- members employed on a casual basis; and
- members who satisfy the Board that the majority of their income is derived from employment to which the Act does not apply, or that they are covered by an insurance policy that provides income protection entitlements superior to the entitlements provided under section 33A.

A member who applies successfully to the Board to be exempted from the ambit of the section will not be entitled to a disability pension under the section and, because of a related amendment to section 27, a disability pension premium will not be debited against the member's employer contribution account.

Subsection (16) provides that a member previously exempted from the ambit of section 33A under subsection (15) may apply to the Board to be brought within the ambit of the section. If the member's application is successful, the member will again be entitled to a disability pension under the section (subject to section 33A). The member will be required to provide the Board with information about his or her health and the status of any medical condition or disability.

Subsection (20) states that if a person who is a member of the scheme by virtue of section 14(4) (ie, a member of the State Scheme or any other scheme established by or under an Act or a scheme of superannuation established for the benefit of the employees of an agency or instrumentality of the Crown) becomes entitled to a benefit under section 33A, the person is not entitled to a benefit under section 30 or 36 of the *Superannuation Act 1988*. (Those sections provide for a disability pension payable to members of the scheme of superannuation established under that Act.)

Subsections (21) and (22) apply in relation to a member in receipt of a disability pension who is engaged in remunerative activities for the purposes of a rehabilitation or return to work arrangement. The member may receive a disability pension while engaged in those remunerative activities, but the amount of the pension will be offset by the amount by which the pension and income exceed, when aggregated, the member's notional salary.

21—Amendment of section 34—Termination of employment on invalidity

Section 34(1) lists the benefits payable to a member whose employment is terminated on account of invalidity before the member reaches the age of 60 years. Clause 21 amends the provision by increasing the age limit to 65 years.

Other amendments made by this clause are consequential on the change of the name of "additional invalidity/death insurance" to "voluntary invalidity/death insurance".

22—Amendment of section 35—Death of member

This amendment is consequential on the change of the name of "additional invalidity/death insurance" to "voluntary invalidity/death insurance".

23—Amendment of section 35AA—Commutation to pay deferred superannuation contributions surcharge—member

As a consequence of this amendment to section 35AA, a member who has become entitled to a benefit but has not received a surcharge notice from the Commissioner of Taxation may request the Board to apply an amount of the member's benefit in payment of the anticipated surcharge. The Board must, within seven days of the member's request, convert an amount of the member's benefit equal to the surcharge amount into a pension. The pension must then be commuted and the resulting lump sum paid to either the member or the Commissioner of Taxation. After the payment

has been made, the Board must reduce the member's remaining benefits by an amount equal to the amount of the member's surcharge.

24—Amendment of section 35B—Interpretation

25—Amendment of section 36—Information to be given to certain members

26—Amendment of section 41—Power to obtain information

27—Amendment of section 43—Division of benefit where deceased member is survived by lawful and putative spouse

28—Amendment of section 45—Payments in foreign currency

29—Amendment of section 47—Liabilities may be set off against benefits

The amendments made by clauses 24 to 29 are consequential on the change of the name of "additional invalidity/death insurance" to "voluntary invalidity/death insurance" or the insertion into the Act of provisions providing for the establishment of accounts for the benefit of members' spouses.

30—Amendment of section 47A—Confidentiality

Section 47A(1) currently prohibits members or former members of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia (the *Corporation*), or a person employed or formerly employed in the administration of the Act, from divulging information as to the entitlements or benefits of any person under the Act except in certain circumstances. This clause amends subsection (1) by extending the prohibition to information of a personal or private nature. This amendment is consistent with an amendment recently made to the corresponding section of the *Superannuation Act 1988*.

31—Amendment of section 47B—Post retirement investment

Under section 47B, the Board is authorised to accept money from public sector superannuation beneficiaries for investment with the Corporation. This clause amends the section so that the Board will also be able to offer to accept money from the spouses of public sector superannuation beneficiaries. Although the definition of ***public sector superannuation beneficiary*** as amended will include members of public sector superannuation schemes, under new subsection (1a), the Board will, in relation to a particular type of investment, be able to offer to accept money only from public sector superannuation beneficiaries (or their spouses) who have received a benefit under a public sector superannuation scheme.

Section 47B(2), which currently provides that an offer under the section will be on terms and conditions determined by the Board and the Corporation, is amended so that, rather than being involved in determination of the terms and conditions of an offer, the Corporation must be consulted by the Board about relevant matters for which the Corporation is responsible.

32—Insertion of section 47BA

New section 47BA provides that a public sector superannuation beneficiary may apply to the Board for invalidity/death insurance. The spouse of a public sector superannuation beneficiary may apply to the Board for death insurance. The Board is authorised to provide such insurance subject to the terms and conditions (if any) prescribed by regulation.

A person aged 65 years or over cannot apply for, and is not entitled to, invalidity or death insurance. The amount of invalidity and death insurance benefits and the amount of the premiums in respect of those benefits will be fixed by or under regulation. Under subsection (4), the regulations may provide—

- for different amounts of invalidity or death insurance depending on a person's age or whether a person is employed on a full time, part time or casual basis, or is not employed, or on any other relevant factor; and
- for annual increases in the amount of invalidity or death insurance for the benefit of persons who wish to have annual increases in their insurance; and
- for the amount of premiums to be fixed by the Board.

33—Amendment of section 48—Resolution of difficulties

The amendments made by this clause are consistent with amendments recently made to the corresponding section of the *Superannuation Act 1988*. The section as amended will authorise the Board to give directions if the Board is of the opinion that the provisions of the Act do not address particular circumstances that have arisen. The directions must be reasonably required to address the circumstances (but only insofar as the Board determines it to be fair and reasonable in the circumstances). Any such direction will have effect according to its terms. (The section already authorises the Board to give directions reasonably required if any doubt or difficulty arises on the application of the Act to particular circumstances.)

Under new subsections inserted into section 48, the Board may, in certain circumstances, extend a time limit or waive compliance with a procedural step. The section lists matters that the Board must have regard to in determining whether to extend a time limit or waive compliance with a procedural step. If such action is taken by the Board, the Board's report to the Minister for the year in which the action occurs must include details of the action.

34—Amendment of Schedule 3—Transitional provisions

This is a further amendment consequential on the change of the name of "additional invalidity/death insurance" to "voluntary invalidity/death insurance".

Schedule 1—Transitional provision

1—Transitional provision

This clause provides that the amendment made by section 10 to insert new section 15A only applies prospectively. The amendments made by section 20(1), (3) and (6) of the *Southern State Superannuation (Insurance, Spouse Accounts and Other Measures) Amendment Act 2006* ("the amendment Act") apply with respect to an incapacity for work that commences after the commencement of the amendment Act. The amendments made by section 20(2), (7) and (8) extend to a person who, immediately before the commencement of the amendment Act, is being paid a disability pension under section 33A of the principal Act. All of these amendments are to section 33A (Disability Pensions). The amendment made by section 21(1) to provisions dealing with termination of employment on invalidity apply with respect to a termination of employment that occurs after the commencement of the amendment Act.

A further transitional provision applies in respect of a person under the age of 65 years whose basic or voluntary invalidity/death insurance cover (within the meaning of the *Southern State Superannuation Act 1994* ceased before the commencement of the amendment Act only because the person had reached a particular age. Under the transitional provision, the person will be covered by the basic or voluntary invalidity/death insurance that applied in relation to the person before he or she reached that age, subject to the same terms, conditions and restrictions, as if the relevant provisions of the *Southern State Superannuation Act 1994*, as amended by the amending Act, had been in operation before the person's cover ceased.

The final transitional provision relates to the application of two new subsections inserted into section 48 of the Act by clause 33.

Schedule 2—Statute law revision amendment of *Southern State Superannuation Act 1994*

Schedule 2 makes various statute law revision amendments.

Mrs REDMOND secured the adjournment of the debate.

ADJOURNMENT DEBATE

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the house do now adjourn.

DROUGHT

Mr VENNING (Schubert): I always appreciate the opportunity at the end of the day to raise a matter of some importance to the house, where five minutes is not long enough in the afternoon, particularly when we only have three days left before the house rises. For quite some time now I have been telling the house about the extreme weather

conditions we have been having, and I started talking about this in July. I hate to say I told you so, but nobody could predict that it could be as bad as it is. We are well and truly in the worst drought; it is the worst five months on record in relation to rain. It is a very serious situation. We are seeing the harvest all but finished in South Australia, and it is well down on our lowest predictions; I would say below 25 per cent of normal. Any farmers with land in the heavier soils in the north have had total failures. The debt of farmers is as high as it has ever been; it is huge, and that concerns me greatly.

I am even more concerned about what could happen in the future. In 1994-95, when we were in government, the minister at the time (the then member for Unley) put out a paper called Waterproofing Adelaide. I suggest that members get a hold of that paper and read the things that were put forward. They were great ideas. What was done about it? Nothing. We were doing investigations in relation to the aquifers of Adelaide and storing stormwater in Adelaide, and all those sorts of things. The big worry is, of course, that when it does rain, it is going to be some months before we get any flows in the River Murray (Adelaide's chief source) and, also, it will be some time before the reservoirs will take water because all the nooks and crannies, all the small dams, are dry. The initial rains will be soaked up by those small dams, so it is going to be some time before we get any run-off.

If it does not rain—and we have to look at this scenario—by July/August of next year, where is Adelaide going to be? Where is South Australia going to be, and what are our options? We do not want to think about it because it is too hard and it is not palatable, but we have to consider our options in relation to what could happen if it does not rain by then. What is our fallback position in relation to what is possible and what is not? I was really incensed the other day to hear of the introduction of level 3 restrictions, which are going to start on 1 January. This is totally ridiculous. Fancy talking about them! The Attorney knows what is going to happen—and thank you for sitting here, Attorney. Two or three weeks prior to 1 January, water usage is going to go through the roof, so fancy flagging a thing like that. The restrictions should go on now, instantly, and the only restrictions that work are if you actually read the meters. Our meter readers should read the meters and say to people, 'We're cutting back 40 per cent and if you don't cut back 40 per cent you're paying a penalty—and it's a steep penalty.' That is all you can do. It is the only thing that will work.

Only watering on odd or even days is a nonsense because, on the day when you can, you put twice as much water on. It is a nonsense. I was really taken aback by that. Fancy flagging that so far out. I know that, people being cautious and conscious, if they have an empty tank they will put the hose in it and fill it up, because they all fear what is in front of us. I do not believe the water restrictions we have had in place for the last two months have saved a drop in Adelaide. Luckily, Adelaide is not a huge user of water per se but—

Mr Pederick interjecting:

Mr VENNING: —since we have had the restrictions it has gone up, as the member for Hammond just reminds me. I do not believe we have a choice in the matter. First, we have to get people used to the regime of cutting back on their water, and I think they are going to have to get used to that for many years, but we also have to look at the water bills people had for the same quarter last year. We have to look at their water use then and say, 'We're now going to ask you to cut back 25 to 40 per cent on that amount.' Included in that we should have an education program to teach people to read their meters. How many people have ever read a water meter? How many can?

The Hon. M.J. Atkinson: I can read my water meter. I read it from time to time just to check up on the family.

Mr VENNING: The Attorney can, and that is good, but I would say that at least half the people—and I am being generous—first, would never have read their meter and, secondly, could not, particularly one with the dials on, which take a bit of working out unless you sit there and study them. That is an education program that we need to have urgently. So, irrespective of whether it rains, we must address long-term issues. In other words, we must never ever get into this situation again. We have to do things as they have done in Israel. They do not waste a drop. All the stormwater that goes to waste here in Adelaide is a disgrace, and we have to do something about that. We have to establish a regime of recycling all our grey water, not just some of it, as they do in Israel.

Mrs Redmond interjecting:

Mr VENNING: The member for Heysen reminds me that London reuses the water in the Thames seven times. In other words, they drink it and use it again. The thought might be quite horrifying, but we recycle everything else so why do we not recycle water? In the end, we have to consider treating our water to such a level that it can be reused as potable water. We shudder at the thought, but I think that we have been living in this luxury land for too long. We may have no choice in the end. If they can do it in London, I am sure they can do it here. We all have to reduce our water usage by at least 40 per cent and get used to doing it for ever more, because we have all been too lax with water. It has been too cheap and we have thrown it around like, can I say, water.

Water is no longer a plentiful and cheap resource. It is expensive, valuable and essential. There are many things we can do to reduce water usage. We can have mini dual flushing toilets in all homes, not just dual flushers, which would use a fraction of the water that we currently use. People would know in the house, and I have made publicity about this—although not good publicity, I think—as to how many times people go to the toilet and, really, you just put in water after water. We have heard, 'If it's yellow, let it mellow; if it's brown, wash it down.' Members can laugh, but that is exactly how it is. We cannot just keep pouring good potable water down, and how many times a day some people go I hate to think. As I said, we should consider treating the water to such a level that we can drink it again. All our gardens should be on dripper irrigation.

I know it is nice to stand there with your watering can in your hand, but we must consider the evaporation. I suggest that people go to Israel and see how they do it. All the irrigation is by dripper, all underground, and with zero or minimal evaporation. This is a very important subject, and I think we have to look at this urgently, irrespective of whether it rains. We have to address this serious problem. I have great concerns. I ask the Attorney-General and the ministers: if it does not rain by July or August next year, what are we going to do? We cannot put in a big enough desalination plant that would do the job in that time. We cannot put the weir across the river in that time. What will we do? All I will say is that I hope it rains. If it does not, I do not know what we are going to do.

Motion carried.

At 9.22 p.m. the house adjourned until Wednesday 6 December at 2 p.m.