HOUSE OF ASSEMBLY

Tuesday 27 October 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

LOCAL GOVERNMENT (ELECTIONS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 4068.)

Mr GOLDSWORTHY (Kavel) (11:02): I am pleased to make a contribution to the legislation before the house, and I indicate that I am the lead speaker on this bill. This measure was introduced in the other place a number of weeks ago, and I thought that we may have debated it during the last sitting week; however, it has been listed on the sitting program for this week.

The bill has arisen from a comprehensive review undertaken after the local government elections in 2006. The review, which was undertaken by Ms Margaret Wagstaff, commenced in April 2007, and the final report was delivered in January 2008. I have a copy of the report, which is entitled 'Independent Review of Local Government Elections South Australia 2007: Final Report'. I will not necessarily hold up the house canvassing all the different issues. I could, if I was minded to do so, but I will not because I think it is important that we deal with this type of legislation in a relatively less than tardy manner.

I highlight that the report made some 27 recommendations, covering three main themes in relation to voter participation, representation and the election process, and the government supports 23 of those recommendations, which are included in this bill.

I understand that some amendments were moved successfully in the other place, which, obviously, are reflected in the bill that is before our house today. Specific issues were identified through the review process which resulted in the final report being produced; and the first of which the bill looks to address is a publicity campaign. I know that for some time there has been an issue in relation to encouraging those enrolled to vote in local government to participate and to cast their vote in an election.

I can make a contrast here between the state Liberal Party's position on local government voting and the Labor Party's policy in as much as, in its policy, the Labor Party has deemed that local government election voting should be compulsory, whereas this side of the house maintains that people should be free to make a choice and to vote voluntarily, and that view is also reflected in our position in relation to state elections. However, it is my understanding that the policy in the Labor Party's documents concerning local government elections was there prior to the 2006 election, and I am not aware that it has been changed since that date.

I asked the current Minister for Families and Communities, when she held the portfolio of local government relations, a question or two in previous years about that policy, but, in her usual manner, she artfully dodged the question and spoke all around it. I think that I have asked it in question time, and from memory in estimates committees, and the minister chose to speak about everything but the actual question that I asked. However, be that as it may, that is a bit of history in relation to looking at voter participation and some issues that have been raised in the parliament about that specific matter.

In relation to a publicity campaign, the bill proposes that responsibility for promoting local government elections be transferred from each individual council to the Electoral Commissioner. There are huge variations between councils as to how much they spend on advertising their own specific elections and how effective those campaigns are. It is felt that a statewide campaign will assist in promoting a higher voter turnout through a better level of awareness and education about the role of local government and the benefits of voting.

Obviously there are real benefits in voting because each individual person in a democratic society, which ours certainly is, exercises their democratic right in casting their vote. I cannot understand why people do not necessarily look to cast their vote in local government elections because local government is regarded as the level, sphere or tier, whichever way you want to describe it, which is the closest government to the community. They are the people who deliver services to the community on a week by week and day to day basis, whereas the state and federal

levels of government certainly deliver worthwhile services but are not necessarily as close to the community as is local government.

In view of the fact that local government has a direct impact, relationship and benefit to its individual communities, I do not understand why those who are able to vote do not choose to do so. It is a relatively simple process in that you do not have to go to a polling booth, as in state and federal elections, because the voting process is handled by postal votes. You get your ballot paper, envelope and all the other material you need, fill it out, complete it, cast your vote, put it in the envelope and post it off.

It is felt that a statewide publicity campaign will assist in promoting a higher voter turnout, which is very important; however, in the bill there is no detail of the actual cost of the campaign or how the costs will be apportioned amongst the 68 councils, except to say that the Electoral Commissioner will consult with the LGA.

The indication from the government is that the campaign could cost around $1 million, or approximately $1 per voter. We can talk about this more in committee, but I note that the LGA had some strong opposition to new section 13A(1), which related to educating the public about the role and functions of local government and its elected members. It was the LGA's opinion that that fell within its role and did not need to be provided for in legislation. An amendment moved in the other place was successful and that subsection was deleted; however, the other subsections were allowed to pass.

I consulted extensively with the Local Government Association on the bill. We had, from memory, at least two meetings to discuss the bill in depth, and I thank the LGA for its participation. Obviously, this is a key piece of legislation which will impact on the LGA. I also received a comprehensive briefing from agency officers in consultation with the minister. I thank those people who assisted me in developing the state Liberals' position in relation to the bill. I thank the LGA, officers of the Office of State/Local Government Relations and the minister's staff for their assistance.

The next aspect of the bill I would like to highlight is that of a property franchisee voters roll. What the bill proposes is that, if you are a resident ratepayer—a property owner—and you reside in the specific council area, you are automatically enrolled on the voters roll. However, if you are a non-resident property owner—meaning that you own property but live outside the council boundary—the bill proposes that you will not automatically be enrolled on the voters roll and, every four years (every election cycle), it will be the responsibility of the non-resident ratepayer to make application to enrol. The responsibility and the onus is placed on the ratepayer and not necessarily the local council.

We will explore this more in the committee stage, and the minister will obviously be aware that we will move some amendments in relation to this. The argument put forward by the government is that it is an administrative burden on individual councils to compile a separate roll and then match it with the House of Assembly roll. On this side of the house, the state Liberals do not agree with that. The council has a database, because it sends out the rate notices. It knows who its ratepayers are, whether they are resident or non-resident.

We do not buy the argument that it is a burden on the council, that it is administratively difficult and that it takes a substantial amount of time to do. In view of that, we do not support that part of the bill. We think that if you are a property owner, whether you are a resident or non-resident, you have an automatic right, if you like, to be able to vote for whoever you want as mayor and councillors.

Another part of the bill concerns body corporates and groups and, again, this is related to reform that applies to property franchisees who are bodies corporate or groups. The purpose of this is to prevent individuals from voting multiple times in various capacities in the same council election. The corporation or group would need to nominate a person to be a designated person. Obviously, this does not apply to the City of Adelaide scenario, because it has quite a different profile in relation to its ratepayers, bodies corporate and groups, and matters relating to those specific issues. The Liberal opposition does not have a real issue with this part of the bill, and we are prepared to support it.

Another aspect of the bill concerns the prohibition of the withdrawal of a candidate. This matter came to my attention after the 2006 local government elections, in 2006-07 when I was the shadow minister for state/local government relations. In one particular council the ward election failed because one of the candidates was not able to continue their candidacy in the election. The

act provides that, if a candidate cannot continue for medical reasons or for other substantiated reasons, that election fails.

For some time, I have been of the opinion that that is quite an outdated provision. The bill looks to bring local government elections into line with the state Electoral Act 1985, which provides that the withdrawal of a candidate would not lead to the failure of that election and basically would result in the candidate withdrawing from the election completely. As a consequence, the ward election would not be delayed, and I think that is quite a good measure.

The next aspect concerns the publication of all candidate statements, and the bill makes provision for a statewide website where the public can check out any candidate in any council district to ascertain what they stand for and what are their policies. The proposal is that the LGA would manage the website and that section of the bill removes any civil liability from the LGA in relation to candidate statements, and I guess that is reasonable. However, in our consultation with the LGA, it supported managing the site, where the state government provides some financial support for it. At present, the government has not committed to assisting in funding that and is likely to pass on the costs to the councils.

We have a different view in relation to the legislative requirement that a statewide website be constructed. We think the LGA could adequately cover this by implementing a policy stating that it is happy to provide a statewide website and publish the candidates' details. We do not think it is necessary to legislate that. Obviously, there is a place for legislation in this state, and there are certain areas where legislation is not necessary. It is the opinion of those on this side of the house that, in relation to this particular issue, it is not necessary that we legislate that requirement. Again, I flag that we have had an amendment drafted to see that this part of the bill is not passed.

In relation to publication of misleading material, the bill inserts provisions of the Electoral Act to apply in local government elections where the Electoral Commissioner will have the power to request the withdrawal or retraction of a candidate's statements that are inaccurate or misleading and that the failure to do so would lead to legal action.

Another very important initiative in this bill relates to caretaker policy; that is, when councils enter into what can be referred to as caretaker mode. This is to address problems that occurred back in the 2006 election campaign, where some controversial decisions were made by some councils in relation to financial commitments during that election period. The bill outlines this in a reasonably comprehensive manner and seeks to insert section 91A, which contains eight subsections and is headed 'Conduct of council during election period'. Referring to 'designated decisions', it states:

> (a) relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
>
> (b) to terminate the appointment of a chief executive officer; or
>
> (c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of $100,000 or 1% of the council's revenue from rates in the preceding year; or
>
> (d) allowing the use of council resources for the advantage of a particular candidate or group of candidates...

Following on from that, the bill provides the following meaning of 'prescribed contract':

> a contract for the provision of goods, services or any other matter that has been included in an annual business plan and budget of the council.

I think that is quite a reasonable inclusion in the act, notwithstanding the fact that the LGA did have some issues in relation to some of those details I have just outlined. I understand that there were some amendments successfully moved in the other place in relation to those specific issues concerning caretaker policy.

There are some other provisions relating to provisional enrolment for 17 year olds that bring local government into line with state and commonwealth spheres. The bill seeks to fix a time of 4pm for the drawing of lots to determine the order of the names on the ballot paper. The opposition has some issues in relation to that. For each of the 68 councils, it may not be appropriate or convenient to have the drawing of the lots at 4pm. Again, we will explore that matter in the committee stage.

There are also issues relating to reducing the time frame to provide campaign donation returns. The campaign donation returns are to be retained for four years, and we think that is a

reasonable proposition. Some changes are proposed in relation to the way in which members of the community can access the copy of the voters roll. The LGA is strongly in favour of all election candidates receiving an electronic copy of the voters roll, whereas at present candidates can receive a printed version.

This was actually a recommendation from Ms Wagstaff's review, and the government has rejected that and is actually in favour of the candidates receiving a printed version. There are some issues relating to this matter; again, the state Liberals' position involves a different view, and the government is seeking to change the act so that members of the public are not able to purchase a copy of the roll. They are only able to visit the council and view the roll and, obviously, record the relevant information that they want. However, we have some issues in relation to that aspect of the bill, which we will explore in the committee stage.

Finally, I refer to the term of the local government election cycle of four years. When this proposal was before the parliament some years ago seeking to change the term from three to four years, the Liberals' policy supported three-year terms for local government elections. Again, we will take this opportunity with this bill, now that the act is open, to revisit and address that issue in the committee stage.

Considerable consultation has been carried out during the review process. Approximately 6,500 surveys have been forwarded, with 358 replies being received from groups and individuals, representing a response of 5.4 per cent. The state Liberal opposition received representations from the LGA, 12 councils, seven resident groups and the Property Council in relation to this specific matter. I am comfortable that the consultation process has been reasonable.

As I said earlier, the Local Government Association has had some issues of concern with the bill and had members in the other place move a number of amendments to address them. Some were successful and some were not; however, I am not aware, at this stage of the debate, whether those amendments will be tabled and moved in this place.

It is the Liberal opposition's intention to support the bill with a number of amendments, which will obviously be moved at a later stage.

The Hon. R.B. SUCH (Fisher) (11:34): I would like to make a brief contribution. As we know, this bill is focused primarily on elections as they relate to local government. I am still looking forward to the government coming forward with a complete reform package for local government. For some reason they are very shy—and I can understand that there is an election coming up—about any local government reform to any significant extent.

This bill has a lot of good features, although I think it could have been improved by tackling some other issues. It needs to make clear that candidates are required declare anything that may pose a conflict of interest; some of that is addressed. There should be clear guidelines for lobbyists and interest groups. That is a bigger issue that goes beyond local government, but it certainly applies to that area. In fact, local government is probably the area most vulnerable to corrupt practices, because they are dealing with land zoning, and so on.

I have argued for a while that residents and ratepayers should be able to respond to articles published in council-funded material. At the moment, since they are effectively conveying the views of the mayor, elected members and senior council staff, there seems to be little opportunity, in the articles I have looked at, for ratepayers or residents to respond to claims or the views expressed in those newsletters, and I think that is a fundamental requirement in a democratic society.

I do not believe that, close to an election, councils and elected members should be producing newsletters expressing particular views. I suggested three months. The minister did not accept that, but I do not think that councils should be pumping out material that will give the incumbent an advantage in the three months prior to an election. As we know, in state and federal politics the incumbent has an advantage anyway. I do not think that that should be reinforced by allowing the use of ratepayer-funded material to entrench an incumbent even further.

I have argued for a long time that the Auditor-General should have greater power to oversee the finances of local government and their business enterprises, and I think that should be part of a reform package, an ICAC-type package. I have put up an alternative package that I believe will deliver the goods, and that is part of it.

I have also argued that voluntary enrolment and voting for 16 and 17 year olds should be allowed. The review of local government elections did not come down with a view one way or

another. I take it that the minister is not opposed, because the correspondence that I have received suggests that the minister does not have a strong view one way or another on that.

I will be seeking to amend the bill to allow 16 and 17 year olds to vote in council elections if they so desire. I think it is important that they be able to vote, particularly at local council elections, because a lot of what councils do affects young people in particular and, by the time they move from being a young person to someone in their early 20s, that opportunity—now with a four year cycle for elections—to have any influence on issues that are pertinent to them, as young people, often passes them by; and it could be trying to get a skate park or something like that.

You can have all the consultative committees you like, but the only time that people listen—whether it is federal, state or, in this argument, local—is when the people who are making the decisions can be affected by your vote. That is the only time that they will listen. You can talk all day, you can have as many youth forums as you like and young people can run around naked, but no-one will take any notice. The only notice that will occur is when those young people have the opportunity to cast a meaningful vote, and that is what I think should happen.

As I said at the start, this bill is limited in its focus, so I will not get on my hobby horse too much about the wider reform of local government. However, I point out that in the metropolitan area of Adelaide—if you include Mount Barker as well, which I think is part of the metropolitan area—there are close to 300 elected members in local government, including mayors, and that is just within the metropolitan area. I think that country areas are a special case.

If you compare that with Brisbane—and, as I have said on many occasions, I am not necessarily advocating a one council model; I think it should be determined after an inquiry by an independent judge—they have 27 paid councillors. The councillors in the Brisbane model deal with a budget of $2.2 billion, which is bigger than the budget for Tasmania, and the total operating budget for the metropolitan area of Adelaide is $971 million. So, Brisbane council has a budget more than twice the size.

As I have pointed out on many occasions, the number of employees is very similar: in South Australia it is just over 8,000 within the metropolitan area, and in Brisbane it is about 8,600, and that includes the bus drivers and people working in water and sewerage. You do not have to be a genius to work out that the potential for savings is enormous and that it would translate to hundreds of dollars, I believe, for households if you had a genuine reform package. So, I hope the government will eventually come around to that and not just tinker with local government issues, as this bill does.

Having said that, I think the bill is a step forward. I pay tribute to the people in councils who put in a lot of time and effort. I was at the Callington Show at the weekend, as was the member for Kavel; and Ann Ferguson, the mayor of Mount Barker, and Allan Arbon, the mayor of the Rural City of Murray Bridge, were also there, like many other councils' elected members, giving up their time to be volunteers.

They do not get much in the way of financial assistance. In a newsletter put out by city councillor David Plumridge he suggested that I had said somewhere that people in local government get perks. Well, the elected members certainly do not, and if I have ever said that I was wrong, because they do not get any perks at all; they get very modest financial assistance. I would say that, in most cases, an ordinary councillor would put in a minimum of 20 to 30 hours a week. They should be praised for the time they put in and for their effort. I am constantly amazed to see the mayor of the City of Onkaparinga at every function that I go, to as well as many others; she must rarely be at home. I give her full marks for her commitment.

In any comment I make about local government I pay tribute to the elected members. Like us in here, they are trying to do what they believe is best for the community. We will always have different opinions about whether someone's view is the right one or not; nevertheless, I believe the sense of commitment and community service is there.

Overall, I believe this bill does offer some significant improvements. I think it could have gone a bit further in certain regards, and I will be testing the parliament to see whether this chamber agrees with giving 16 and 17 year olds the right to vote—as they do in many parts of Germany and in many other countries in local government elections, and as they do in places such as the Isle of Man in elections beyond local government.

I believe that giving young people the opportunity to vote will make local government even more meaningful for them and give them an opportunity to have a real say at a time in their life

when they can realise the benefit of their actions during the ensuing four years. I think that at the moment young people are often neglected and overlooked by the wider community; lip service is paid to them. This is an opportunity to allow them to have a meaningful say via a vote.

As I said at the start, the review of local government elections did not come out for or against this proposition, so I take it that there is no strong feeling against them having the vote. I can tell people who say that they do not know what they are doing that the young people with whom I have contact are pretty smart cookies. Most of them are very capable and articulate—in the City of Onkaparinga, I think the deputy mayor is only in his early 20s—so the argument that young people are not with it and cannot understand what is going on is ridiculous.

This is an opportunity for people in the Liberal Party to show that they are progressive and genuinely liberal—

Mr Venning: What about the government?

The Hon. R.B. SUCH: —and for the government to show that it is committed to young people. The sky will not fall in if you allow young people to participate in local government elections.

Mr WILLIAMS (MacKillop) (11:44): This is an interesting piece of legislation, and I, for one, question some of the motives behind it. However, before going into the details of that, I would like to make some general comments about local government.

I served an apprenticeship in local government some years ago, and when I was involved in local council matters I was very frustrated by the continual interference from this level of government in the affairs of local government and the continual cost burdens that were imposed.

The Hon. J.M. Rankine: Are you keeping a straight face while you say that?

Mr WILLIAMS: Not at all. I was frustrated with the continual cost burden that was imposed on local councils by this level of government through that continual interference. At this level of government, we often lament the failings of local government. The reality is that we should look in the mirror more regularly and, in a lot of matters, allow local councils to get on with the job which they are charged with under the legislation.

The first matter I want to talk about is the insertion of new section 13A, and this is just one of those areas where, in my opinion, we will be enforcing yet another burden on local government. This is supposedly to give the Electoral Commissioner the authority to carry out a publicity campaign to increase the vote at the local government level. To my mind, this is an exercise in money wasting. It is building another layer of bureaucracy, which will be paid for by ratepayers. More often than not the complaint from this level of government is that local council rates are too high, yet we would impose another level of cost on councils and impose it in such a way that it would be totally out of the control of the council (the elected members) to manage this cost.

Again, at this level, we lament the low voter turnout at local council elections. I am of the opinion that, if you give somebody the ability to vote and they choose not to exercise their right to vote, that may well indicate that they are satisfied with the status quo. It may well indicate that they are satisfied that their peers are doing a good job either in electing a council (a responsible body) or in standing for election, being elected and managing the district. That is the way I look at this matter.

If we try, through some artificial mechanism, to force people to go to a place of polling to vote when they do not particularly want to and they do not have any great interest, I do not know that that serves any great purpose at all, and I do not think it stands to improve the standard of decision-making at a local council level. It might make some of us feel a bit better—it might make us think that we are doing a grand thing—but in reality I think it is possibly doing the complete opposite. I do not believe that the Electoral Commissioner will, across the variety of councils that we have in South Australia, effectively encourage more people to vote. I question the cost of doing this. I have serious concerns about the sense of that particular clause.

The other series of clauses which particularly concerns me is the voters roll and the methodology used to put people who own land and who are thus ratepayers onto the roll if they are not resident within the council or ward. Traditionally, to be a voter on a council we had a situation where you needed to be a landholder. I know this is a particular hate of the Labor Party and, in some ways, I accept the points that it has made over generations about universal franchise. The reality is that still a large proportion of council revenues come from land-based rates, and I think it

is only fair and reasonable that people who are contributing substantially to the cost of running the council should have some say in the way it is run.

I think for us to put roadblocks in the way of those people being on the roll is a detriment to good governance. Might I suggest that this is more about the government's wont to increase voter turnout than increasing the quality of both voting and the subsequent actions taken by councils. Making it more difficult for people both to get on the roll and stay on the roll will diminish the number of people on it, and thus the voter turnout will look bigger. I do not think this is designed to do much more than that, or further to fulfil the Labor Party's much-vaunted policy that everybody should have an equal say, whether or not they contribute in other ways, particularly financially. That is a philosophical argument and a philosophical difference between this side and the other side of the house, and it will continue.

As a body corporate, or a landowning ratepayer resident outside the council or the ward, having gone to the trouble of getting onto the roll, you will have to continue to do so prior to every election. For the roll to expire on 1 January in every election year is an absolute nonsense because those people who have made a conscious decision to be on the roll, to have a right to have their welfare represented at a council election, will, at the stroke of a pen, be taken off the roll, and they will have to put themselves back on it.

That seems to be a nonsense, and I seriously question the government's motives behind it. I strongly suspect that it is trying artificially to improve the voter turnout, and I think that is lamentable. I would be overjoyed if voter turnout improved at local council elections. However, having been a councillor before the last significant series of amalgamations that took place across the state, and having been an active follower of council matters in my hometown, I know that amalgamation is one of those things that has driven down the vote.

The beautiful thing about local government is the word 'local'. I have heard the Minister for Health say that the closer you make a decision to where the service is delivered the better the decision will be—that very minister has been key to the centralisation policies of this government—and the same thing applies to local government. I believe that we have taken the 'local' out of local government to a significant extent, and that has meant that people have lost interest.

People in a community 40, 50 or sometimes even 100 kilometres away from the seat of the council—and this is a contentious issue happening in their backyard—lose interest in what is happening. Those very same people had a much greater interest when the local council was seated in their small community, but that is just human nature.

I cannot see that the Electoral Commissioner running a campaign which will largely be based in the city at great cost will have an impact in small communities, such as those in my electorate, and Beachport comes to mind, where I served on the council for eight or nine years in the 1980s. I cannot see that an advertising campaign, with maybe a couple of ads in the local paper—something the local council already does—will make any difference to voter turnout.

What will make a difference to voter turnout in a place like Beachport are issues such as the lack of action to get the local boat ramp fixed up and sand management and the row between the local council and the state government about who is responsible for it. That is what will get voters out; whether the council can then achieve anything because of the intransigence of the state government is another matter. However, it is those local issues that drive people to vote. Making it difficult for people who pay rates to be on the roll and subsequently to vote detracts from the quality of local government.

The shadow minister did a very good job of putting the case for the opposition. I will not repeat all the matters he raised, but I did hear him talk about the length of term of local councillors. I served willingly on council when they were two year terms, which suited me at that time. I thought it was a retrograde step going to three year terms and I think it has been an even more retrograde step going to four year terms.

Quite often, we think young people would be a little more dynamic, but a four year commitment is a great thing in a young person's life. I think going beyond two year terms goes against what most of us would like to see; that is, greater representation from those people who are time poor. Women, particularly those with a family, and young men and women building their careers find it difficult to make a commitment of four years.

I do not know whether anyone has done a study on this issue, but it has always been difficult to get young people enthused about local government—particularly getting them involved in

local government—and the longer the term the greater the disincentive for younger people to offer themselves up.

In my experience, I made a commitment for a two year term. During the first two year term I was more than happy to extend my time in local government, and I stood for another subsequent three terms. If it was a four year term, I may not have taken that decision in the first instance as a young man in my 20s.

I put those matters on the record. I briefly reiterate that continual fussing, changing and mucking around with the Local Government Act and the regulations and bullying local councils has not helped the relationship between this level of government and the local government sector or councillors carrying out their duties effectively. A lot of them carry out their duties looking over their shoulder to see whether abuse will be heaped on them from above or what sorts of obligations will be put in front of them, burdening them with extra work, extra obligations and extra cost.

Mr VENNING (Schubert) (11:58): I support this legislation, subject to minor amendment as outlined by the shadow minister. I congratulate the shadow minister on his first legislation—

Mr Goldsworthy: No.

Mr VENNING: Anyway, he did it very well. I also support generally the Local Government Association—not everything it does, but most of it. I served 10 years on Crystal Brook council and got involved with the process—

Mr Williams: And survived it!

Mr VENNING: Certainly survived, and thrived, so much so that the council amalgamated with Red Hill and, after I left council, it further amalgamated with Port Pirie Regional Council. I have seen huge changes in the time I have been involved, as both a councillor and a state member of parliament.

We have seen big changes. In 1993 the Liberal government came into office and the Liberal government, under both Dean Brown and John Olsen—but mainly under Dean Brown—amended the Local Government Act to enable a whole new area in which local government could work. I think that was done in approximately 1995-96. I was directly involved with that legislation, and a lot of discussion was held back then.

We on this side of the house have a fair bit of experience in local government. Our leader, Isobel Redmond, was a councillor on Stirling council. She was very proactive in that role and made many headlines, not controversial but certainly noteworthy, particularly when there was conflict or discussion with the mayor—who is still the mayor. Also, I note that the member for MacKillop, who has just spoken, is a former mayor. The member for Goyder was a CEO of a council—and a very good one, to boot. The member for Finniss is a former mayor of Kangaroo Island. I have been a long-term member of local government and, of course, the member for Fisher was also a councillor. So there is a fair bit of expertise on this side of the house.

An honourable member interjecting:

Mr VENNING: And, of course, the member for Light is an ex-mayor of Gawler (and soon to be returning to the role).

The Hon. J.M. Rankine: You'll be laughing on the other side of your face after 20 March.

Mr VENNING: I note the interjection, Madam Deputy Speaker, although I know that Cosie Costa is doing a fantastic job in Light.

In relation to the publicity campaign, this is probably the area that is causing a fair bit of controversy. Responsibility for promoting local government elections will be transferred from each individual council to the Electoral Commissioner. There are huge variations between councils as to how much is spent on election advertising and how effective the campaigns are. I am fully aware of this. So, to keep it fair and equitable, and I know the member for MacKillop does not agree with me, it needs to be controlled by an independent authority.

I have seen firsthand in some councils that it suits incumbent members not to advertise, especially with non-compulsory voting. Certainly that is an avenue for some manipulation of results, particularly for those who are comfortable sitting on councils (as I did for 10 years). They can say, 'We need to keep this low key. This is a club. Don't tell anyone. It doesn't matter if only 25 per cent turn out to vote. Don't advertise, keep it all quiet, and we'll look after each other.' Those days are past, and I believe that elections need to be promoted.

The member for MacKillop would say that this is probably another level of bureaucracy, and that could be argued. I believe the Electoral Commissioner has responsibilities. I have never had a beef with him, or her, or the department, and I have no problem with that at all. There should be independence, absolutely, and no-one argues about that.

Removing the property franchisee voters roll would make it appear as though they had achieved an increase in voter participation. I do not know why we would want to do that. I think it is just in relation to the State Strategic Plan that they wanted to increase that vote. We oppose this measure and want to retain the status quo, whereby councils are compelled to maintain a non-resident property franchisee roll. The Property Council also supports this proposal. The roll exists, so why would you want to change it? It is already there.

The purpose of the restriction on bodies corporate and groups is to prevent individuals voting multiple times in various capacities in the same election. The corporation or group would need to nominate someone to be a designated person. I have no problem with this, particularly where one of these nominees wants to be a candidate. That person has to be the named nominee of that group or corporation, otherwise all sorts of things can happen. We have no problem supporting that, because it is commonsense.

I move to the issue of prohibition of withdrawal of a candidate. This is a tricky one, and I do not agree with my party on this issue. It brings local government elections into line with the Electoral Act 1985 where the withdrawal of a candidate for medical reasons after the close of nominations would not lead to the failure of the election for that ward or in cases where a council does not have wards. The measure is supported by both the government and the opposition and, in fact, addresses an issue. However, I have some private reservations about this.

I think there has to be an umpire who would sit in judgment where a high profile candidate deliberately pulls out after nominations have closed to allow a mate who has no profile to be either elected unopposed or just walk straight into the job. It happens all the time. Someone sees a high profile candidate standing for election and says, 'She's popular and very effective. No, I won't stand.' A second person who has a lower profile is also contesting and, all of a sudden, the high profile person pulls out. I believe that the minister or someone should have the right to say, 'Whoa.' There ought to be an appeal basis to say, 'Hang on; that's not fair. We need to call it again.'

I absolutely think it is open to rorting. When members are about to retire from local government they will deliberately nominate again as a high profile candidate, get their friend to stand as a running mate and then drop out and leave them standing there, 'Oops', and feign sickness, or whatever. The minister smiles, but she can see this happening. I have been there, done that. We have been through this trick. It happens in this place—but I do not believe with my party.

This is on the record, and I will bet the minister comes back a short time after this legislation passes and will change it, because it will be rorted. The member for Fisher would know this; he spent a long time on council. If someone was about to retire from a council and was not too happy with who was going to replace them, you would nominate again, get a mate of yours to stand alongside you and look around and think, 'There's no-one else there,' and you would pull out and then, hello, you have an automatic councillor. I do not believe that is right: it is rorting. I hope that the minister—

Mr Piccolo: Then don't do it if it's rorting.

Mr VENNING: The member for Light says, 'Don't do it.' Is he referring to me as the member for Schubert? It will not happen, I can assure him, as long as I am of sound mind and body. However, it does happen, and I think the rules need to ensure that it cannot happen.

With respect to the publication of candidate statements, this provides a state wide website where the public can look up any candidate in any council district to find out more about them and their policies. There is no problem with that at all. The LGA would manage the website, and this section of the bill removes any liability from the LGA and the web hosts with respect to any candidate statements. It is a good idea. However, someone has to pay for it. We cannot expect local government to pick up the bill. It will in some cases (the hardware and everything else), but I think the running of it needs to be paid for externally. I think it is a good idea. We also have to question whether this measure needs to be in the legislation. The LGA should have some autonomy with respect to issues such as this. I do not believe that it should be in this legislation at all. Leave it to the LGA. We have provided guidelines, and it is up to them.

With respect to the publication of misleading material, the Electoral Commissioner has the power to request the withdrawal or retraction of a candidate's statement that is inaccurate or misleading (I presume in her or his judgment), and the failure to do so would lead to legal action. I have no problem with that. It is the same as our rules in this place: the Electoral Commissioner is the umpire.

The next point is the caretaker policy—this is a ripper. In my time I have seen some funny things happen in the caretaker period. A council voted to reappoint a CEO for another two year contract just before a council election, which has caused controversy in recent times (and we all know about that). Certain decisions should be prohibited during an election period. However, the LGA is opposed to this. I think we need to define quite clearly what is an election period. Is it just when the election is called or can it be, say, a period of one or two months before an election is due? It is almost a fixed term now, so you know when it will be held. Council planning should be such that they avoid these decisions during this period of time. If they were smart, that would not happen. So, I have no problem with that.

With respect to time for the drawing of lots, I do not believe this is necessary, because every council will be different. If an election takes place in the middle of harvest, in a country council, doing the ballots at 4 o'clock might not be very convenient. I think it is up to each council to make that decision there and then. I cannot see that being a problem or that it could be rorted.

The next point is reducing the time frame to provide campaign donations. We support that, because it is the same as we do in this place: it is automatic. With respect to campaign donation returns to be retained for four years, again, the opposition does not support four year terms.

Mr Goldsworthy: Yes, we do.

Mr VENNING: I don't, anyway. I have never supported four year terms for local government.

Mr Goldsworthy interjecting:

Mr VENNING: Irrespective of that, I am not happy that it remains at four years. As the member for MacKillop just said, I believe four year terms are too long for what is essentially a volunteer service—far too long. In relation to the voters roll, the LGA is strongly in favour of candidates receiving an electronic copy of the voters roll. I do not have a problem with that, but apparently the government and the opposition both reject this. I cannot understand why, but I will not die in a ditch over it. It does not matter too much to me; I am just interested to know why that is the case.

We are proposing an amendment to reinstate three year terms of government, as the shadow minister said. I will certainly support that. The Liberal policy is to support three year terms. Essentially, councillors are still volunteers, as I said. I commend the Local Government Association for sticking to voluntary enrolment and voluntary voting, because I believe it works. It makes all councils more accountable. It is amazing—and I say this for the first time in my 19 year career. I was always in favour of voluntary voting, but once you become a member and are here for a while, it is very comfortable to sit behind compulsory voting, because you know almost exactly what the return will be. My vote does not fluctuate more than 4 or 5 per cent, but I can assure members that, if it was voluntary voting, it would fluctuate more than that.

If it was voluntary voting, I am sure we would all have to be more vigilant about what we are doing as sitting members, because compulsory voting certainly assists sitting members, no doubt about that. It is amazing how your point of view changes when you get into this place and you have been here for a few years. I have always been a believer in voluntary voting, and the LGA has proven that it works and I hope it long holds that view. It makes us all more accountable.

Can I also say how I feel about councils' DAPs? It is not quite on the subject, but I think it is relevant to say here—

Mr Piccolo interjecting:

Mr VENNING: No, DAPs, the planning groups. It was with the good intention of this house that it came in. There was much debate at the time by both sides. It came in under this government, I believe. We thought it was a good idea to bring in these panels where councils did not have the majority say and there was an independent chairman. Can I say, in hindsight, after road-testing this, it has not worked. It has failed because these panels can make decisions which the council does not support and the council has to pick up the tab, it has to pay the bills. Really, I

believe that councils should always have control of things for which it has to pay. Many instances are happening now. They can come up with these grandiose schemes, knowing that the council will have to, first, accept the decision and, secondly, pay for it.

I stress that I take this opportunity to say that I am not happy about that. It is not right. I believe that the planning side of councils is the most important part, and this is why I am happy to support the introduction of an ICAC for councils, particularly in planning, because we all know of examples where the planning issue has been sort of rorted—a bit touchy. I know of one well-known case in my electorate, which I will not name, where there has been a rorting of the process.

I believe an ICAC is essential, especially in the planning area, because you only need to change the land use and look at what it does to the value of some of these properties. There are too many planning delays at the moment. I think we need legislation to assist that. We did have legislation to assist that—that is, to extradite the process—but it has not worked because we are still seeing huge delays.

Finally, I support more autonomy for local government. Many of these matters should be for their decision, independent of us as members of state parliament. I would support very much all those who serve on councils as volunteers right across the state. They put in a lot of time and effort, and 99 per cent of them are honourable and try to do their best.

I pay tribute also to the CEOs, even though some of us would say that some are getting very highly paid—and they are. The salary level of some CEOs is pretty high. I will name one, the CEO of the Barossa, David Morcom. He is paid a lot of money, but can I say that the guy is worth every cent he is paid, because he manages a very big and complicated council. The most important thing is that the council is getting it together; he is performing. I do not mind paying the money when people perform. Morcom was brought in at a difficult time for council; and can I say that, even though he is paid more than I am, he works well, he is respected and I have no problem with the money the council pays him, because he is worth it.

Finally, I pay tribute to the LGA itself, particularly the CEO, Wendy Campana. I appreciate her efforts. I notice that the AGM is this week, so that is appropriate. Hopefully, I will get down there very briefly. Finally, I congratulate the president, Felicity-ann Lewis, on the role she is carrying out. It is always a pleasure to meet her and discuss local government, because I have fond memories of it; and no doubt, when I leave this place in years to come, I will probably go back there.

Mr PICCOLO (Light) (12:16): I rise in support of the bill, and I would like to comment on a couple of the clauses. The first one I would like to discuss, and I also declare my interest in this matter, is the issue of being eligible to enrol and correcting the roll so that, when you are 18 on election day, you can vote. This was brought to the committee's attention and to the attention of the previous minister some years ago by my eldest son, who wanted to run for local council in 2006. He was born in October and, at that time, the elections were held in November—

An honourable member: Raffael?

Mr PICCOLO: Raffael; that is correct. If there had been a state election or a commonwealth election on the same day as the council election he could have run for the commonwealth or the state parliaments but was ineligible for local government, which I thought was a rather curious anomaly given that level of involvement. As I said, he could have been a state and a federal candidate but not a local council candidate, so this bill overcomes this problem. At the time, I remember my son writing to the LGA about this matter, and he got a three or four page letter back from the LGA justifying why it should be different.

I am glad to see that the government has not listened to the LGA on this issue, because clearly this is an area where if one is eligible for state and federal elections one should be eligible for council elections. That brings me to the issue of engaging young people in local government. Coincidentally, last night I went to a meeting of my local Youth Advisory Committee, which is part of the Gawler council, and we talked about what issues will impact on young people. The issue of voting was not raised. However, I am of the view that we need to engage young people in community affairs around school time, because once they disengage from the process it takes a long time to re-engage later in life.

You find that in a lot of community groups—whether it is local government or other community groups—you have this big age gap. You have some people of school age involved and then you have this age gap—some people do not get involved until their 40s and 50s. As with most community groups, particularly in Gawler, that average age is getting higher. The average

membership age of one organisation in my council is about 75, which is not healthy in terms of the organisation's long-term viability.

The Hon. R.B. Such: And that is the youth group!

Mr PICCOLO: Yes. It is very important and we need to engage young people. At a personal level I think that, in the long term, we need to look at the possibility of lowering the voting age to attract younger people. I am not of the view that they are too immature or unable to make sound decisions, particularly at local government level. Over the last few months I have been mentoring a group of young people about a skate park issue, and certainly they showed quite a bit of understanding about how things work. We need to engage young people and I would be supportive of any measure to look and see whether it could be possible to involve young people more in local government.

The issue of voter turnout and non-participation is always a complex one, and I disagree with the member for MacKillop who wondered whether, if there is a low turnout, people are generally happy with the way things are going. I am not sure you can draw that conclusion. My experience has shown that, where people think there is no chance of change or way of improving things, they do not participate. They are more likely to participate and be involved when there is a chance that their vote will change things. The lower participation does not necessarily reflect that people are happy but rather dissatisfied with things, and often they feel powerless to change the way things are.

The issue of getting people active and voting in local government is very important and we need to look at those barriers. We need a better understanding, and getting the Electoral Commissioner involved is a good step as she has a lot of understanding of voter behaviour and how to influence it, and often marketing is important in getting the right messages out.

The issue of property franchise or enrolment of property owners who are not on the electoral roll was interesting. I listened to the arguments of the member for MacKillop. It sounded as though he would like to return to the good old days, where one actually had to own property before one could vote—a bit like the upper house prior to 1973!

The Hon. R.B. Such: Men only!

Mr PICCOLO: Perhaps men only! It sounded as though the member for MacKillop would like a return to the good old days, where one had to own property to be a voter. Generally speaking, that left out the left-leaning rabble and so on. He would like to return to the days when the upper house was full of conservatives; perhaps he wants our councils to look conservative as well. They are the natural leaders, so they think. They have a 'born to rule' mentality and I think he would like to go back to that.

On a serious note, we need to increase participation in local government because it is healthy to increase participation. In those council areas where there is an increase in participation, even though people do not like what the council does, they believe there is a way of changing things, so it is not unusual to have a higher turnout in country or smaller councils, because people believe their vote or participation will change things. We need to look at ways of improving the voter turnout.

With the issue of the four year term, I understand why some people would be a little uncomfortable with that as it is a big commitment. We need to move away from thinking that councils are still in the old 'tea and scones' days, when people upon retirement decided to fill in their time by sitting on the local council. Councils are complex institutions these days, and they make decisions that impact on people's lives, sometimes more so than does state parliament from time to time. We need to ensure that people understand the decisions they make and that they are better trained, and all those things take time.

I was in local government for almost 25 years and after that time I still had an enormous amount to learn: the more I was in local government the more I realised how much I did not know about how it worked, and things change. People who think they can go on to council for two years and then move on are kidding themselves and not making a commitment or contribution required of local government today.

I went on to council back in 1981, and I was asked recently what has happened over that time. I am sure the member for Goyder will support me when I say that the professionalisation of the staff has increased considerably in those years. People are now generally tertiary educated and a whole range of things. In most organisations you would now have a qualified engineer, a

qualified accountant, a CEO with a degree in something, and a whole range of qualified staff. When you look at people who run for councils, it has not changed much in 20 years, so we have this big intellectual gap between the administrative wing and the political wing of the council, and that is a problem because often councils find it hard to cope with the information and with understanding issues.

That is why I do not believe that reducing the term by two years will deliver better local government. It may attract people who think they can get in for two years and do it but they really cannot. I think that will diminish the quality of local government if people are not able to make a commitment by that time, because it does take a long time to learn and to understand. I am still in touch with a lot of people in local government who come to me to talk about things. Some of them have been there for three or four years but they still do not know some of the basics because it is a huge job to be in local government today.

I would very much counsel against the view that it is just a bit of volunteering. Yes, the people who do that work are, in essence, volunteers but the job cannot be compared to volunteering in other community groups and organisations, because the issues involved are more complex; there are decisions required, and a large amount of reading and understanding is involved. It can impact on people's lives in a much bigger way than perhaps involvement in other committee groups.

With those few comments, I support the bill and put on the record my view that local government is very important. As a sphere of government, it is one which impacts on people's lives, and that is why we need to get it right.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (12:26): I wish to make a brief contribution to this bill and I do so on the basis of recognising the precis that has been put together by the shadow minister, the member for Kavel, and the contributions made by other members in this chamber.

I wish to bring the perspective that I have, having being an employee of local government for some 27 years. During that time, on quite a few of those occasions, I was the returning officer for the area and, therefore, the person who had to run the elections (prior to the Electoral Commissioner being involved) and the person who had to coordinate the counting of the votes—and quite often I did that myself. That gives me a perspective on not only how local government works but how the election process works. I understand that it is challenging—there is no doubt about that. It is very difficult, in some circumstances and in some localities, to get people really interested in local government and to be prepared to vote in an informed fashion.

When I talk to people anywhere about voting the one thing I stress for them is to be sure to vote in an informed way and that they understand the relative merits of the candidates who may be standing, and the groups or political parties to which they belong, as well as the principles they bring to it. There is no distinction, that I see, between state or federal government and local government because it is about a collection of individuals having the opportunity to vote, and you have to ensure that you put the right person there.

In relation to local government, it is difficult to engage the community to make sure that it takes the fullest opportunity provided by living in a democracy that encourages people to vote. Across metropolitan areas the voter turnout has been relatively low and that is disappointing for people in local government, who would prefer to see a larger number of people voting.

Having experienced it quite often in regional South Australia, I have seen voter turnout in the 50 to 70 per cent range, which is exceptional. That probably reflects the potentially closer engagement that local government has in some regional communities compared to the metropolitan area. However, it is also fair to say that in recent years voter participation has been decreasing as our society has tended to be not as closely related to local government: 30 years ago there were rallies in the street about any proposal to amalgamate councils.

What occurred in 1995-97 still resulted in a lot of people being concerned about the amalgamation process but they were more accepting of it because it meant good quality service at the lowest possible cost; it is all part of the whole thing. Any bill that brings forward proposals to support the greater engagement of communities and ensure that as many resources as possible are put into getting people to vote is a good one. I know there is difference of opinion about this but the Liberal Party is very supportive of any process that does that.

I suppose that is why I was a little bit concerned when I read the proposal, in a briefing paper put together by the shadow minister, whereby the property franchise voters roll could be removed on 1 January following any local government election. That disappoints me because I know that an enormous effort goes into the maintenance of that roll to ensure that it reflects opportunities for non-resident property owners to vote in the area in question.

It is easy to say that those people are not engaged with the community, but I can assure you that that is not correct in all circumstances. In one of the councils within the Goyder electorate, in the District Council of Yorke Peninsula, something like 40 per cent of properties in that council area (I think that numbers some 12,000 or 13,000) are owned by non-residents.

When 5,000 or 6,000 properties are owned by people from outside the area, those people still want to have an input into the activities of the council. They can do that via letters to the editor in the local press, and that opportunity is taken up quite often. But, importantly, they want to make sure that they are involved in a process of electing the people who make decisions on their behalf and who have control of substantial dollars—and in the case of that council, the amount involved is probably getting towards $23 million now. A substantial amount of the council's revenue comes out of these people's pockets, with rates in that council area amounting to more than $10 million. If it is the responsibility of all of these people to pay, I think it is fair enough that they be provided with the opportunity to vote.

The bill, as I understand it, does not remove the opportunity to vote, but it requires each of the property owners to nominate to be on the role for every four year cycle. That is a process where the concern I have is really expressed. Yes, I understand that the opportunity is still there but, unless it is foremost in people's mind and they remember whether they did it last year—or whether they did it for the last election, or they are not aware of the legislative change—they might just presume they are still on the property franchise voters role. Then, when it comes to the period close to the election, it is too late to make any change. They wait patiently for their postal vote to arrive, and when it does not, they contact the council to find out what is going on. They will then be told, 'Sorry, legislative change went through the parliament in 2009 that now requires you to nominate for each four year cycle,' and that will give some people a lot of concern.

I know that the position has been put by the shadow minister, but the opposition does not support that clause in the bill. Certainly, it is relevant that the property details remain the same, so that if a transfer occurs those people are automatically removed from the role if they do not own the property any more. However, our position is that, where property ownership exists, nomination to the role continues until withdrawn either voluntarily or in the case where a person no longer has property interests in the area. It is not just the Yorke Peninsula councils that are involved: many councils among the 68 councils in South Australia have a very large proportion of non-resident property owners. So, I would hope that there is an opportunity to review that part of the bill.

I also want to talk about the term of representation on council. The member for Light referred to this issue and, no doubt, other members have referred to it also. These days, being an elected member on a council is an enormous challenge, both time-wise and intellectually. In relation to the people skills required, it is a very similar situation to that required of a member of parliament in that you are the public face of an organisation. You are elected by a group of people and there are certain challenges in place; and you are elected with very high expectations—and it will never work out perfectly.

Having worked within local government for many years, I have certainly seen many instances where councils have made every effort to make absolutely the best decision, with the information presented to them, but there will always be sections of the community that will be upset by the decision made, whether it be in terms of a wrong priority in relation to expenditure or a development approval of some kind, possibly involving a development plan amendment report that provides scope for an opportunity for a development. It will never be the case that people will be happy all the time. In itself, getting people in the first place to nominate for local government presents an enormous challenge.

The people within councils I have talked to consider it is a wonderful honour to serve on a council. They know that it consumes an enormous amount of their time, but it is a commitment they are prepared to make. I was very surprised when the term of office was extended to four years. Within the regional area where I worked—that is, the central region of Yorke Peninsula, extending to Quorn and all the way across to Burra and the communities in between—it was something of a great surprise that the term was extended from three years to four years.

I think it would be fair to say that, while existing members might be more comfortable with the extension of the term, it will be quite difficult to get new people who will be prepared to nominate for council when it will be for such a long period—and it is these new people we need to continually encourage to become involved in the process. Councils demand a change of thought process. I have always thought that the best councils operate better when there is a diversity of opinion, where recommendations from staff are challenged and questioned and real thought goes into decisions and there is not just a resounding 'Yes' every time a recommendation is put up.

While it is easy to have some personal tensions involving elected members who might challenge staff, I have always supported the fact that every elected member should have the right—and, indeed, should demand the right—to question recommendations, actions and decisions.

The issue will be that it is very difficult to upskill oneself, to be in a position to do that and have the confidence to do that. While some would say that that in itself demands a longer period in office, and therefore four years is an optimum time, I think certainly in South Australia the lives of people are increasingly becoming so much busier that it is hard to get that level of commitment.

That is why, once you are elected, you might think, 'Four years, I can actually deal with' but as a potential candidate, debating the impact upon the family, one's own opportunity to work, arrangements with children, associations with other sporting or community groups and then having a knowledge of what the impact actually is of becoming involved in local government, they think, 'Three years; I could live with that. Two years might be even better, three years I could live with, but four years is too long for me to commit to.'

My great fear is that the current term prevents many really good people from nominating, and we need really good people. It has traditionally been dominated by more of a retired age group or people who are able to fund their involvement in it because, while the remuneration received by elected members is subject to a lot of debate in the community, it does not compensate them fully for the effort that they put in. There are some issues there, and I support the shadow minister in his comments in regard to the term of office that he has flagged.

The final comment I wish to make is in relation to the caretaker provisions, and I must admit that I am rather interested in this. Having worked in local government and understanding that the process is that there is quite a large degree of delegation that occurs between elected members and the CEO and then in turn to the officers of the council, I know that the delegation that occurs is only based upon budget provisions that are put in place and the policy decisions that have been previously made, and there is very little discretionary opportunity.

So I think that, yes, I can understand that a caretaker policy provision can apply as it relates to decisions that elected members can make because they have to ensure that they act appropriately but, from what I have seen certainly with the professional members—and the member for Light referred to the increasing quality of the professional staff of local government—these people know that they operate within restrictions provided to them by the members who are elected by the community.

I agree, and the example provided to me in respect of a decision on the employment and remuneration of a CEO within what is defined now as the caretaker period is rather surprising. I am personally disappointed that a council would make that decision, because I think that is beyond the scope of what their authority might have been at that time but, in relation to the absolute majority of the actions of council—the works procedures of councils, the policies of councils and the role that they undertake—I do not think the caretaker policy period is relevant.

The debate that has occurred this morning has been quite heartening. It shows that there are a lot of people within this house who have strong opinions about local government, and I know that the opposition very much supports local government and what it brings to the community.

I am fearful of the position other members in the chamber might take on occasion, I must admit, having been involved in some committees where it has been debated, but, in the many years that it has operated across all of incorporated South Australia, local government has proven itself to be the forum through which important services and activities are undertaken.

The challenges to local government now are changing a bit, moving away from the traditional role—still having those infrastructure and service roles but now social conscience issues to deal with, too. However, I am sure that local government will hold its head high for many years to come and serve the community of South Australia well.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (12:39): I thank members for their contribution to the debate on this legislation. The government undertook comprehensive consultation and this legislation is based on a very comprehensive report prepared for the government. It is fair to say that it is a report of high quality and, in saying that, I would like to publicly thank the Hon. Ian Hunter from another place and Margaret Wagstaff for the incredible amount of work that they put into preparing this report for the government.

To those opposite, should they ever find themselves in government again, I would say that it was a real lesson in community consultation. They did not just go out and talk to councils, as important as that is: they talked to a whole range of community organisations, interest groups and young people. We just heard from the member for Light about the interest of his son, Raffael, and the impact that that had. Being encouraged to make a submission, his interest has resulted in some legislative change around young people wanting to be involved in local government.

I also thank the Local Government Association, which was an active participant in this whole process. The review was done in concert with the LGA, which was also on the reference group that guided the consultation and development of the report. We appreciate the support for the bill, generally, from members opposite, although we are now debating a whole raft of amendments that have already been debated in the upper house, for which we were not given notice, but that is beside the point. They were lost in the upper house, but we are happy to have that debate again and for them to have another go. That is, I guess, what democracy is all about.

Listening to the concerns raised by those opposite, you do have to raise your eyebrows just a little. Clearly, the issue around the Electoral Commission actively promoting involvement in local government elections is causing them quite some concern. I do not know how anyone in their right mind could argue against the promotion of involvement in an election process or oppose the promotion of people being actively involved in their community and taking a real interest. It really does defy logic.

The member for MacKillop told us that it was a waste of money. Goodness gracious me! He does not have a problem with local governments spending extraordinary amounts of money going out and seeking people who need to be on the roll and trying to actively engage them. It is one of the areas that local governments themselves are very concerned about. He does not think it is a waste of money saying to people, 'If you want to be on this roll, being a non-resident, you need to register', but he thinks it is a waste of money educating people about local government, the impact they might have on their community and how they might be involved.

The fact of the matter is that the turnout for local government is inadequate. I think at the last election there was a turnout of around 30 per cent, or a little over. In our largest councils—the 13 councils, which represent something like 800,000 people—there was a 30 per cent turnout. Some of those councils spend something like—this came out of the consultation done by Margaret Wagstaff—$300 promoting the elections.

Mr Griffiths: $300?

The Hon. J.M. RANKINE: Yes, $300. With multimillion-dollar budgets, they spend about 2¢ per elector. In whose interest is that? You have to ask yourself: is that democracy at work? I do not think anyone could argue that. The member for MacKillop claimed that we were forcing people to go to the poll and vote. Well, we are not doing that either. What we are asking in this legislation is for the Electoral Commissioner to be able to promote an election and the benefits of being involved. No one is being forced to vote, and it has been some time since people have had to go to the poll and vote; so, the member for MacKillop needs to update his information.

There is clearly some dispute amongst the ranks about some of the opposition's amendments. I draw the member for Schubert's attention to clause 6, which amends section (7), in relation to the failure of an election in certain circumstances. This clause deletes the subsections that permit a candidate to withdraw after the close of nominations, which, I understand, is exactly what he was arguing for. It means that only a candidate's death can stop an election.

The change has been made because of a concern that the current provisions may allow a candidate to manipulate elections—and, I understand from what he was saying that that is what he was involved in during his time in local government—by arranging for a colleague with a known medical condition to nominate as a rival and then later withdraw. Intimidation of a rival is also a potential risk. Under the current provisions either of these scenarios would force the election to be abandoned and would require a supplementary election to be held at a later date.

The proposed change would bring local government elections into line with state parliament and commonwealth parliament elections. I think that addresses the concerns raised by the member for Schubert. No longer—when he leaves this house and decides to run for local government again, should that take his fancy—will he be able to manipulate an election, as he indicated he has done in the past.

Mr Goldsworthy interjecting:

The Hon. J.M. RANKINE: No; he did. He said, 'That's what we did.' If I am wrong then I am happy to correct the record, but that was certainly my understanding of what he was saying. There is some concern about the election cycle. The opposition wants to revert to a three year election cycle before the first ever four year term is finished. It has not even allowed the first four year term to finish before it wants to amend the legislation to revert back to three years.

There is a concern about people not nominating, that they would be happy for two years or maybe three years but not four years. If you look back at the nominations from the last election, I might be wrong here, but I do not think we had a drop in nominations. There was some concern among older members, and some people in their late 60s and 70s decided not to run, but I understand that during the consultation period not one submission was received from a person who wanted to revert to a three year election cycle.

I would urge that, before the opposition comes into this place with amendments to legislation, it consult with a wide range of communities, not just a couple of meetings here or there but actually get a real feel of what the community wants and what the feeling of those people involved in local government is, those who are actually in there for this first four year term. I look forward to further debate on these amendments as we work through the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.B. SUCH: I move:

Page 3, line 11 [clause 4, inserted definition of designated person]—Delete 'majority' and substitute: '16'

I regard this as a test amendment because if it fails, which I understand that it will, because there are two Tory parties represented in this chamber, then I will not pursue the rest of the amendments, because they would be redundant.

This is an unfortunate situation, because the government and the opposition have indicated to me by that they do not support including young people. I thought this government had a policy of social inclusion, but obviously that does not relate to young people, and that is very disappointing.

If Don Dunstan were alive today I think he would be absolutely horrified that here we have two conservative parties—one very conservative and the other one almost as conservative—which are denying young people the opportunity to have a vote in local government. The world is not going to end. Germany is not falling apart; nor are the other countries that already do it.

This state used to pioneer reform. Back in the 1850s it actually gave Aboriginal men the right to vote, and it gave Aboriginal and European women the right to vote back in the 1890s. Sadly the other states were racist, and when we had Federation they would not allow Aboriginal people to have the vote; Aboriginal people had to wait for over 50 years for the right to vote in federal elections because of the racist and intolerant attitudes of the other states. South Australia was a pioneer, giving Aboriginal men and women the right to vote, and the people of that day, who brought that about, are to be commended. In fact, in this chamber we acknowledge the quest to give women the vote.

The same arguments that were used to deny women and Aboriginal people the vote are now being used to deny young people the vote; 'They don't know what they are doing; they're ignorant, they don't understand.' The same nonsense that we heard in relation to Aboriginal people and women is now trotted out in relation to young people. I have seen some of the silly comments made by one or two councillors who trot out the nonsense that young people are not mature enough. Well, a lot of young people are, at the age of 16 or 17, a lot smarter than some of the older people who can vote in council elections. In fact, you can vote in council elections even if you have dementia. That is a great start, isn't it?

South Australia also pioneered the secret ballot. Commissioner Boothby developed it and then Victoria introduced it before South Australia did; nevertheless it was invented here. This state was way ahead of other states and way ahead of the rest of the world. In fact, it was called the Australian secret ballot, and it was developed right here in South Australia. Yet when we have an opportunity for a minor concession to young people, to allow them to participate and engage in local government, we say, 'Not now.' Why not? We used to have a property franchise in this state. We still have an age-based franchise.

You can get a licence at 16 or 17, you can join the military at 17 in certain occupations, you can consent to medical treatment, but you are not allowed to vote in a council election. How ridiculous and insulting to young people out there. At the next election I do not want to hear the major parties come out and say that they support young people: they do not. They have to be classified as anti-young people, because they are not prepared to give them a vote. It is disgraceful.

I heard the minister say that this is democracy at work. This is not democracy at work. Democracy is when you give people a chance to have a say in things that affect their lives. Local government always claims to be local and near the people; well, if that is the case then it would be the closest to young people in terms of facilities, cycle ways and skate parks. However, if you look around the community you will find that there are plenty of facilities for senior citizens, because people are keen to capture their vote, but there are very few facilities provided for young people in the metropolitan area, in particular, as well as the country. Why? It is because they have no real voice. All they have is the condescending opportunity to participate in some forum or discussion. It is outrageous that in this day and age we treat young people, who want to get involved, that way.

If they get involved at an early age then it is likely that they could become councillors in their early 20s, before family and commitments tie them down. What you get now in local government is an increasingly ageing population of elected members. You do not get many young people in local government at all—and why would you? If you get them involved at an earlier age, 16 or 17, it is likely that by the time they are in their early 20s some of them will be participating as elected members.

This is a wasted opportunity. Margaret Wagstaff's inquiry did not recommend against allowing 16 and 17 year olds to participate—it was neutral on the position—which one would take to mean that there is no strong opposition to it. This is a very disappointing outcome for young people. As I said at the start, I think Don Dunstan would be horrified—as would Steele Hall, someone else who was pretty progressive in electoral matters—to think that this chamber, which took a long time to give women the vote, is still procrastinating and denying young people a vote. I have moved my amendment but I know the fate of it. Sadly, young people can make their own decision in the March election.

The Hon. J.M. RANKINE: I thank the member for Fisher for his amendment which I understand was also moved in the upper house by the Hon. David Winderlich.

The Hon. R.B. Such: Not my amendment; he works independently.

The Hon. J.M. RANKINE: Did he try to steal your thunder maybe? He got wind of what you were doing. Never mind; that happens. You want to keep your ideas closer to your chest otherwise he will be jumping all over them. The member for Fisher referred to the report, saying it was neutral on this issue. In fact, the report quoted the member for Fisher on this subject but it also noted that, of all the hundreds of people they consulted, there were only three other people who thought this might be a good idea.

The legislation has been amended to allow 17 year olds to enrol so that they can vote should they turn 18—a proposal, as we have heard, that was put up by Raffael Piccolo. So, the government does take notice of young people. We are very active in promoting young people's participation.

The Hon. R.B. Such interjecting:

The Hon. J.M. RANKINE: To call that condescending is just nonsensical. The member for Fisher might be better off promoting those people who are eligible to vote to get out and vote.

Amendment negatived; clause passed.

New clause 4A.

Mr GOLDSWORTHY: I move:

Page 3, after line 17—Insert:

4A—Substitution of section 5

Section 5—Delete the section and substitute:

5—Periodic elections

Elections to determine the membership of each council must be held in accordance with this Act at intervals of 3 years on the basis that voting at the elections will close at 5pm on the last business day before the second Saturday of November in 2010, at 5pm on the last business day before the second Saturday of November in 2013, and so on.

This clause inserts a new clause 4A, substituting section 5. It is in relation to periodic elections. This is the issue about conducting local government elections in a three-year cycle, not four years. I want to make a couple of points in relation to this and I take some issue with some of the comments the minister made in her concluding remarks to the second reading. In her usual aggressive manner she told the state Liberals that we should go out and consult on this matter.

I remind the minister that extensive consultation was carried out when this proposal to change the term from three years to four years was first put before the house a number of years ago. If the minister would like to go back and research this issue, there was considerable concern in the community about amending the term of local government from three years to four years. Consistent with our position on this side of the house then, as now, we believe that a three-year term is more suitable for local government elections. There are some reasons for that.

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:00]

STATUTES AMENDMENT (ELECTRICITY AND GAS—INFORMATION MANAGEMENT AND RETAILER OF LAST RESORT) BILL

His Excellency the Governor's Deputy assented to the bill.

NATIONAL GAS (SOUTH AUSTRALIA) (SHORT TERM TRADING MARKET) AMENDMENT BILL

His Excellency the Governor's Deputy assented to the bill.

PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL

His Excellency the Governor's Deputy assented to the bill.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor's Deputy assented to the bill.

ARKAROOLA WILDERNESS SANCTUARY

The Hon. I.F. EVANS (Davenport): Presented a petition signed by 77 residents of South Australia requesting the house to urge the government to prevent exploration and mining in the Arkaroola Wilderness Sanctuary.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

PUBLIC TRANSPORT CONSULTANCIES

253 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 4: public transport services, what are the details of all consultancies for 2007-08 including, whether tenders or expressions of interest were called for, the reason for each consultancy, payments and which consultants received the funds, which consultancies submitted reports during 2007-08, the date on which the report was received by the government and whether the report was made public?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

There were no consultancies engaged in relation to Program 4: Public Transport Services during 2007-08.

TAXI COUNCIL

259 Dr McFETRIDGE (Morphett) (21 October 2008). Why is there no police officer on either the South Australian Taxi Council or the Premier's Taxi Council?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

The South Australian Taxi Council is a privately incorporated association and as such, the government does not determine its membership.

South Australia Police has been invited to meetings of the Premier's Taxi Council where matters of safety and security have been discussed and require police input. Neither the taxi industry or South Australia Police have requested ongoing representation by the South Australian Police on the Premier's Taxi Council.

TAXI SERVICES

261 Dr McFETRIDGE (Morphett) (21 October 2008). Are there any taxi vehicles that have been given permission to operate as a 'bus' style service and if so, are these vehicles registered as buses, hire cars or a taxi service and what kind of licence and plates do they have?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

Taxis, hire cars and buses are separately accredited. Multi-seat taxis (e.g. people movers) operate as taxis. Taxis and passengers may negotiate a fare, but it must not exceed a fare displayed on the meter. No taxi vehicles have been given permission to operate a 'bus' style service in Metropolitan Adelaide.

Adelaide Metro services can and do sometimes contract with taxis to provide services for passengers as replacements or extensions for bus, train or tram services (e.g. where services breakdown). In such instances, taxis do not charge passengers a metered fare. The fare is part of the Adelaide Metroticket structure.

TAXI DRIVER TRAINING

262 Dr McFETRIDGE (Morphett) (21 October 2008).

1. What section of the department is responsible for the assessment of registered training courses for taxi drivers?

2. What assessment measures and criteria are applied to the assessment of courses requiring departmental for approval?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

1. The Quality Directorate, Department of Further Education, Employment, Science and Technology (DFEEST) in conjunction with the Accreditation and Licensing Centre and the Passenger Transport Division of the Department for Transport, Energy and Infrastructure are responsible for the assessment of the Registered Training Providers (RTOs) who provide taxi driver training and the course/assessment tools which have been developed to ensure that taxi driver training meets National Standards.

2. Course materials and assessment tools are assessed by the Quality Directorate, DFEEST, in the course of their audits of RTOs. The course for taxi drivers is approved under the Passenger Transport Act 1994.

TAXI INSPECTORS

263 Dr McFETRIDGE (Morphett) (21 October 2008). Are taxi inspectors trained by the department and what other aspects of the taxi industry are these inspectors responsible for?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

Transport Safety Compliance Officers (the Officers) recently completed Certificate IV in Government (Statutory Compliance) in Road Transport Compliance and Investigations through registered training organisations including Adelaide TAFE. This training has them placed as the most qualified Officers in Australia to undertake compliance activities within the public transport sector.

The Officers are trained in applying legislation under the Passenger Transport Act 1994 and Regulations, Road Traffic Act 1961 and Regulations, and the Motor Vehicles Act 1959.

The Officers provide a compliance service primarily across the taxi and limousine industry and to a lesser extent the bus industry. Using their various legislative authorities the Officers conduct the following road compliance examinations/verifications:

- vehicle roadworthiness to ensure the safety of passengers, the driver and other road users
- taxi identification and accreditation
- ensure drivers are booked into the Central Booking Station through the PIN system
- taxi security cameras (ie is fitted and operating correctly)
- current vehicle inspection labels
- drivers and vehicle registration & licensing requirements
- vehicle & driver presentation and image
- correct information and taxi identification displayed on the vehicle
- equipment (including meters are fitted correctly and working in line with legislation; and
- driver behaviour and general responsibilities.

RAIL NETWORK UPGRADES

283 Dr McFETRIDGE (Morphett) (21 October 2008). What works will be undertaken as part of the $2.043 million allocated for 2008-09 as part of the upgrade/replacement of bridges on the Metropolitan Rail Network?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

The $2.043 million will be used to upgrade the Port Adelaide Viaduct structure. Approximately $0.5 million was spent in 2008-09 with the remainder to be spent in 2009-10.

LEVEL CROSSINGS

286 Dr McFETRIDGE (Morphett) (21 October 2008). What are the details of the level crossing safety upgrades that will occur as part of the $2.7 million budget expenditure allocation for 2008-09?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised:

A total of $2.7 million has been assigned to the following areas:

- Enforcement—$0.2 million

Funding going towards the development of a level crossing red light and speed camera program for implementation commencing in 2009-10.

- Level Crossing Black Spot Program—$0.5 million

A black spot program to undertake safety improvement works at level crossings nominated by local government on a 50/50 cost sharing basis.

- Level Crossing Infrastructure Upgrades—$2.0 million

  Infrastructure projects including:

  - Completion of four activation projects from 2007-08:
    - Mallee Highway, Jabuk

- Mallee Highway, Yappara
- Bethany Road, Tanunda
- Alexandrina Road, Mt Barker

- Activation of three new crossings:
  - Magpie Road, Tailem Bend
  - Lochiel Road, Nantawarra
  - Mattner Road, Balhannah
- Active advance warning signage at two crossings:
  - Germain Road, Coonamia
  - Barrier Highway, Ucolta
- Passive advance warning signage at four crossings:
  - Port Pirie—Bungumba, Coonamia
  - Warnertown Road, Coonamia
  - Main North Road, Winninowie
  - Olympic Dam—Pimba Road, Out of Districts.

LONG LIFE ROADS PROGRAM

310 Dr McFETRIDGE (Morphett) (21 October 2008).

1. Why has there been a $7.711 million underspend in the Long Life Roads program in 2007-08?

2. Why has this program been reduced by $4.150 million in 2008-09?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

1. The $7.711 million difference was due to delays in land acquisition for Penola Bypass as well as delays in finalising design and unavailability of contractors to construct wire rope safety barriers on Port Wakefield Road.

2. The 2007-08 budget includes one-off safety projects that were intended to be completed in 2007-08.

ROAD SAFETY

311 Dr McFETRIDGE (Morphett) (21 October 2008). Why was there a $1.240 million overspend on the 'Road Safety—Reaching the Target' program?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Road Safety has provided the following information:

I refer to page 6.22 of the 2008-09 Portfolio Statement Budget Paper 4 Volume 2, showing a 2007-08 Original Budget of $1,904,000 and a 2007-08 Estimated Result of $3,144,000 for the 'Road Safety—Reaching the Target' project. The variation of $1,204,000 was as a result of bringing forward the expenditure from the 2008-09 financial year to complete more safety camera installations in 2007-08.

ROAD SAFETY

325 Dr McFETRIDGE (Morphett) (21 October 2008). How much of the budgeted $15.350 million in 'SAPOL—expiation notices' for 2008-09 will be spent directly upon road safety, breath testing and speed cameras, respectively?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Road Safety has provided the following information:

All revenue collected from anti-speeding devices goes into the Community Road Safety Fund.

The Community Road Safety Fund was established on 1 July 2003 and since then it has funded a wide range of key road safety initiatives including infrastructure such as shoulder sealing, overtaking lanes and Black Spot treatments, education and enforcement programs.

TRANSPORT POLICY AND PLANNING COSTS

333 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 1: policy and planning, what was the itemised cost of additional expenditure for the following:

(a) AusLink 2 planning studies;

(b) Adelaide freight movement studies;

(c) urban congestion studies;

(d) Intelligent Access program; and

(e) the implementation of the national model legislation to introduce chain of responsibility for heavy vehicle speed compliance?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

The cost of additional expenditure in 2008-09 for the following are:

(a) Auslink 2 planning studies—$3.0 million

(b) Adelaide freight movement studies—$1.0 million

(c) Urban congestion studies—$3.0 million

(d) Intelligent Access Program—$0.2 million; and

(e) The implementation of the national model legislation to introduce Chain of Responsibility for Heavy Vehicle Speed Compliance—$0.73 million.

TRANSPORT DEPARTMENT EXPENSES

342 Dr McFETRIDGE (Morphett) (21 October 2008). What items constitute the $979,000 'other' expenses in 2008-09 and why has there been a $17 million from the previous year?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

The Department's Budget for 'Other' employee benefit expenses increased from $0.962 million in 2007-08 to $0.979 million in 2008-09, an increase of $17,000.

TRANSPORT INFRASTRUCTURE

346 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 2, transport infrastructure services, Is there an increase to employees working within this program to constitute a further $139,000 in increased employee benefits and costs?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

Yes.

TRANSPORT INFRASTRUCTURE

347 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 2, transport infrastructure services, why has 'supplies and services' been budgeted at $57.811 million for 2008-09 when the estimated result for 2007-08 was $89.2 million?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

The 2008-09 'supplies and services' Budget varies to the 2007-08 estimated result due to the following:

- a change in accounting treatment reclassifying expenditure from operating to investing for road resurfacing and rehabilitation works in 2008-09; and
- the transfer of property management functions and activities from sub-program 2.3 Managing Public Transport Assets to sub-program 8.4 Commercial Property Management in 2008-09.

TRANSPORT INFRASTRUCTURE

352 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 2: transport infrastructure services, why is there a $170,000 decrease in income from 'fees, fines and penalties'?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

There is a $170,000 increase in fees, fines and penalties between 2008-09 and 2007-08.

COMMUNITY ROAD SAFETY FUND

387 Dr McFETRIDGE (Morphett) (17 November 2008).

1. Are funds budgeted to be received from SAPOL as an inter-government transfer in 2008-09, held within an account specifically to be used for road safety initiatives?

2. Is this expenditure itemised to indicate how much is spent directly on road safety measures, breath testing and speed cameras?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Road Safety has provided the following information:

Funds are received as an appropriation from the Department of Treasury and Finance and are held in the Community Road Safety Fund and used specifically for road safety initiatives.

Whilst the expenditure in the Community Road Safety Fund is recorded against various programs and projects, it is not specifically reported against categories such as road safety measures, breath testing and speed cameras.

SHARED SERVICES

427 Ms CHAPMAN (Bragg) (2 December 2008). What services are going to be removed from each respective country hospital and shifted to Adelaide under the Shared Services Program?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): I have been advised:

1. Services transferring from Country Health SA to Shared Services SA in this phase of the project are Payroll and Accounts Payable.

BUS DRIVER TRAINING

450 Dr McFETRIDGE (Morphett) (24 February 2009).

1. How much State Government financial assistance for training is provided per bus driver?

2. How much State Government financial assistance for training is provided to Transitplus per bus driver?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

DTEI make contract payments to the three bus contractors to provide the specified bus services. Whilst some of this funding is obviously used to fund each contractor's training programs, there is no component of it specifically identified as a State Government contribution to the training of drivers.

ROAD MAINTENANCE

457 The Hon. G.M. GUNN (Stuart) (10 March 2009).

1. What is the Department's proposed spending on the Marree to Lyndhurst road in 2009-10?

2. Has the Department allocated funds to seal the unsealed section of the Morgan to Blanchetown road in 2009-10?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

1. The Department estimates that $1.275 million will be spent on the Marree to Lyndhurst Road in 2009-10.

2. No.

TRAM TICKETS

476 Mr HANNA (Mitchell) (19 May 2009). Why is it not made clear to city tram commuters (including international visitors) that there is no need to validate a ticket on trips between Victoria Square and North Terrace?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised as follows:

The information for commuters regarding free travel through the Adelaide Central Business District (CBD) from South Terrace to City West is widely displayed.

The tram route maps and timetables displayed on tram stop shelters within the CBD, as well as those in trams, show free travel for the sector. This information is also prominently displayed on the front of all tram timetables. Information regarding free travel on the tram from South Terrace to City West is also available on the Adelaide Metro website and on page 4 of the Adelaide Metro Tourist Guide.

NATURAL DISASTER RELIEF

498 Mrs PENFOLD (Flinders) (21 July 2009).

1. How much of the $10 million funding from the Federal Government Natural Disaster Relief Arrangements has been recovered by the State Government as a result of the 2005 Wangary Fires?

2. Have any claims by the State Government been made to the Federal Government's Natural Disaster Relief Arrangements and if so, what are the details?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):

1. Under the Natural Disaster Relief and Recovery Arrangements (NDRRA), formerly known as the Natural Disaster Relief Arrangements (NDRA), the State Government received $2.019 million from the Commonwealth in 2008-09 for the 2005 Eyre Peninsula Bushfires.

2. The Department of Treasury and Finance is currently collating data for other eligible natural disasters in 2006-07 and 2007-08 with a view to making further claims for these events later this year.

SUSTAINABLE BUDGET COMMISSION

549 Ms CHAPMAN (Bragg) (15 September 2009).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that the Sustainable Budget Commission has met twice. On both occasions all members were present.

SOUTH AUSTRALIA POLICE

In reply to the **Hon. I.F. EVANS (Davenport)** (2 July 2009).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): I am advised by the Commissioner of Police that no SAPOL employee has received a bonus or is able to receive a bonus for meeting SAPOL finance or budget targets.

OPERATION NOMAD

In reply to **Mr HANNA (Mitchell)** (8 September 2009).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): Operation Nomad is a State wide activity with pre-planned activation of policing resources, in support of the SA Country Fire Service, when fire bans are declared. The aim of the operation is: 'Keeping the Community of South Australia safe through policing activities that reduce the incidence and the adverse effects of bushfires during periods of severe, extreme or catastrophic fire danger.'

SAPOL's planning framework is flexible so that it facilitates the most appropriate allocation of resources to any incident or pre-planned event regardless of the organisation's structural boundaries. Operation Nomad is one example of a major corporate operation that has an identified need for the re-allocation of dedicated resources on the basis of a high level of risk to the community. It is not an isolated case and policing operations in support of other community need events such as Clipsal, Royal Show, New Years Eve and the Christmas Pageant are other examples of resource sharing to meet a pre-planned operational need.

All SAPOL Local Service Areas (LSAs), except Western Adelaide, have Fire Ban Districts within their boundaries and all support Operation Nomad. Western Adelaide LSA and other operational support sections provide resources, in a planned support role; to assist LSAs who have Nomad patrols in the near Mt Lofty Ranges where the most significant fire risks often exist.

BRIDGESTONE AUSTRALIA

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: On Friday, 23 October 2009, the Bridgestone tyre group advised the government that it would close its Salisbury manufacturing facility by April 2010, resulting in the loss of 600 jobs. This is a devastating blow for the loyal workers at Bridgestone and their families. It reflects the very difficult circumstances that some parts of our manufacturing sector are in right now, particularly in the automotive sector. Of course, members would be aware of the closure of other tyre plants around Australia.

The loss of 600 jobs at Bridgestone requires an immediate and significant response from government. Having been advised only on Friday about the company's decision, the government has been working with the commonwealth government, unions and the company to establish a support package to assist the Bridgestone workers.

I met with officers—indeed, the directors—of both the Department of Further Education, Employment, Science and Technology and the Department of Trade and Economic Development on Friday, and again yesterday, to discuss an immediate response to assist those workers transition to employment as soon as possible after their exit from the company.

Since Friday, discussions have been held with Bridgestone Australia Limited, the commonwealth government and the unions to determine how to best provide support for workers at this difficult time.

I can announce today that the state and commonwealth governments will provide a $5.7 million package of support for job search and training. This will include the following services offered by the state and commonwealth governments:

- funding for training and upskilling, including help to gain licences, certificates and other qualifications;
- skills development;
- referral and placement into employment (a brokering system to help broker jobs);
- practical assistance to begin applying for jobs, such as help with resumes, job applications, interview skills and presentation techniques;
- access to job search facilities offered by Centrelink and Job Services Australia providers; and

- work experience opportunities.

State and commonwealth officers will provide skills assessment and recognition of workers' competencies to formally accredit the skills these people already have. Training will then be provided to meet any gap that remains between a worker's skills and full qualifications that they will need.

Under the commonwealth Structural Adjustment Productivity Places Program, funding will be provided for workers to retrain that will include $2,500 for a certificate 2 qualification, up to $5,000 for a certificate 3 and as much as $10,000 for a diploma or higher level qualification. This will provide the Bridgestone workers with the skills needed in the key areas of employment growth.

The state government will also work closely with industry bodies to assist workers find employment and gain skills in areas of demand, and these projects will be undertaken in partnership with entities such as the nine industry skills boards, the Resources and Engineering Skills Alliance, and the Defence Teaming Centre. A joint commonwealth-state task force involving senior Bridgestone representatives and the unions has been established to oversee the delivery and coordination of services and support to staff.

The government's response is similar to the job placement and training components of the successful state and commonwealth Mitsubishi assistance package which was put in place following the closure of the Tonsley plant. The funds available for Mitsubishi exceeded the amount being provided for Bridgestone. However, the Mitsubishi package, of course, also included funds for industry attraction, which is not required in this case given the work already being undertaken in this area. As a result of that joint package for Mitsubishi workers, 735 workers affected by the closure (660 from Mitsubishi and 75 from supply companies) have been placed into employment in both manufacturing and non-manufacturing sectors.

The government expects Bridgestone to meet all of its obligations to those employees that have or will be made redundant by the decision of Bridgestone to close the plant and ensure that all employees receive their full entitlements. Anything less than this would be unacceptable to the government. The government assistance I have announced will not, of course, extinguish the obligations of Bridgestone to pay its workers the appropriate severance amounts. I have spoken with Bridgestone executives as recently as this afternoon, who have assured me that they intend to meet their obligations to their workforce.

There have been questions asked about the impacts that this closure will have on Bridgestone customers such as Holdens. I am advised by the company that the closure of the Salisbury plant will not have an impact on production at the Holdens Elizabeth operations, as Bridgestone will work to ensure continuity of supply. While there is no question that this is a difficult time for some parts of our manufacturing sector, I believe that the state's economic position provides grounds for optimism for those Bridgestone workers looking to find new employment. The state is experiencing jobs growth with an annual rate of employment growth that has exceeded the national average for eight consecutive months—in fact, there are now over 100,000 more South Australians in work than seven or so years ago.

In addition to major economic stimulus from both the commonwealth and state infrastructure projects, the ongoing diversification of the state's economic base will provide new employment opportunities. Opportunities in the defence and mining industries, in particular, are significant. While I am disappointed about the decision that has been made by Bridgestone, I reiterate that this government's key commitment is to help Bridgestone workers. We will work with the commonwealth, unions and the company to deliver this package and ensure that as many workers as possible find new jobs, just as we did with Mitsubishi workers from Tonsley.

NORTHERN FLINDERS RANGES

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:11): I seek leave to make another ministerial statement, and I apologise for the length.

Leave granted.

The Hon. M.D. RANN: The future of the Northern Flinders Ranges, including the Arkaroola Wilderness Sanctuary, requires a careful balance between minerals and energy exploration and preservation of the unique environmental beauty of this world-class tourist area. Resource companies need both certainty and clarity when making decisions about their high risk

long-life investments. While the Northern Flinders Ranges has been explored for decades, it has long been recognised by the industry and government that iconic areas in the Northern Flinders need clear and appropriate levels of protection. I am announcing today that the South Australian government is moving to ensure this balance is achieved by adopting a Northern Flinders Environmental Management Framework and putting it out for public consultation for the next eight weeks.

Despite the impact of the global financial downturn over the past year, mining continues to be a foundation stone of South Australia's ongoing economic growth and prosperity. A key reason for the huge increase in minerals exploration in our state over recent years is the state government's Plan for Accelerating Exploration (or the PACE program, as it is better known). This $31 million investment that we launched in 2004, in partnership with the resources industry, is a key part of our strategy to diversify the economy of our state in order to increase economic growth. Never has any scheme delivered better bang for buck than the PACE scheme in mining. PACE has resulted in—

Members interjecting:

The Hon. M.D. RANN: Oh, they are still going on about Tasers. They spend all their time Tasering each other! PACE has resulted in an unprecedented boost in mineral exploration activity, which—

Mr Williams interjecting:

The SPEAKER: Order! The Premier will take his seat. The member for MacKillop.

Mr WILLIAMS: It is the convention of the house, when a minister obtains leave to make a ministerial statement, that they supply other members with a copy of it.

The Hon. M.D. RANN: I have got them here.

Members interjecting:

The Hon. M.D. RANN: No, I want him to read it, because he will see that there was $30 million a year in exploration under the Liberals and there was $355 million a year in 2007-08. So, that is the difference. PACE has resulted in an unprecedented boost in minerals exploration activity, which grew from around $30 million a year at the start of this decade to $355 million in the 2007-08 financial year. From a total of four operating mines when this state government came to office—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. M.D. RANN: —South Australia is now home to 11 mines—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. M.D. RANN: —with that number expected to increase to 16 by the end of next year—a fourfold increase in the number of mines in this state.

In addition, we have more than 20 projects that are currently progressing through the approvals process. That growth reflects the climate of investment certainty that the government has created over the past 7½ years. But the PACE initiative is not solely about attracting exploration and investment. Among the eight themes that underpin our PACE scheme are balancing resource development with conservation and also resource development and sustainable communities.

Of course, balancing the realisation of mineral resources with the needs and sensitivities of our environment is a challenge for governments the world over. That is why the South Australian government continues to work closely with the industry to help ensure that our resources sector grows in concert, not at the expense of our natural environment.

We have shown our preparedness to act when our stringent environmental requirements are not met. The government has responded to inappropriate activities by Marathon Resources in the Flinders Ranges by imposing stringent licensing conditions and an ongoing ban on ground-disturbing activities. The company cannot drill or do anything with their licence beyond flying over the area or picking up rocks exposed on the ground for the next 12 months. In October 2010, the

company will have to apply to have their licence renewed and the government will again determine what conditions will be imposed at that time.

This government has an equally strong record in protecting and enhancing our natural environment. For instance, since coming to office, we have placed about 800,000 hectares of wilderness under wilderness protection, the highest protection level we can provide. And now we get on to Arkaroola and the Northern Flinders which has been the subject of such controversy.

The Northern Flinders is an area of South Australia which has been a focus for mineral exploration since early last century and which has had high mineral prospectivity and a potential source of geothermal energy, but it is also an area of wild beauty, high conservation values and significant tourism potential. It is home to the Arkaroola Wilderness Sanctuary, a place that South Australians identify as greatly untouched wilderness. Its habitat includes plants and animals unique to the area, including the Flinders Ranges purple spotted gudgeon, the spidery wattle and the endangered yellow-footed rock wallaby. It is also a place of significant cultural value to the Adnyamathanha people who retain a living connection with their country. That is why the future of the Northern Flinders Ranges requires a careful balance between exploration and the preservation of these areas of great environmental and cultural value.

Today, I am announcing that the state government will be adopting an environmental management framework to balance the environmental and prospectivity values of the Northern Flinders Ranges. The new framework provides a sensible set of guidelines that exploration companies can use while working in the Northern Flinders. And here is the rub. Areas with particularly high conservation and tourism significance will be zoned such that no access for exploration or resource development is allowed. At the same time, environmentally and culturally important areas in the Northern Flinders Ranges such as the Mawson Plateau, Freeling Heights, Mount Gee, Mount Painter and Arkaroola Creek will be managed in a way that preserves areas of local heritage and scenic beauty for generations to come.

The framework is based upon a joint project by Primary Industries and the Department for Environment and Heritage to identify the heritage sites of the Northern Flinders Ranges. This project has established a set of management policies and zones to identify the most important environmental and landscape values. Some sites will be zoned to allow lower impact exploration, while other sites will be zoned to allow for standard exploration and mining access, but also, of course, there will be zones where there is a total, absolute prohibition.

The framework clearly provides for ongoing access to areas of high mineral prospectivity. By implementing these zones, the framework will provide the kind of certainty and clarity that resources companies require when making decisions about their high-risk, long-life investments. These management arrangements are in addition to existing protection—in addition to existing protection—under the Aboriginal Heritage Act and other relevant legislation.

The government will be seeking feedback from key stakeholders, such as the state's Chamber of Mines and Energy, traditional owners, the Wilderness Society, the owners of the Arkaroola Wilderness Sanctuary, as well as mining, exploration and other lease holders. The draft framework will also be available for broader public consultation for eight weeks, and I encourage people to have their say to make sure that we get the balance right. The final policy documents will be released by the government in early 2010. But, in conclusion, and this is the most important thing, areas with particularly high conservation and tourism significance will be zoned that no access for exploration or resource development will be allowed.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Anzac Day Commemorative Council—Report 2008-09

By the Minister for Transport (Hon. P.F. Conlon)—

Essential Services Commission of South Australia—
South Australian Rail Regulation—Report 2008-09
Tarcoola—Darwin Rail Regulation—Report 2008-09
Proposal to Establish a Bulk Handling Facility for Iron Ore at Brennans Jetty, Port Lincoln—Report

By the Minister for Infrastructure (Hon. P.F. Conlon)—

Surveyors Board of South Australia—Report 2008-09

By the Minister for Energy (Hon. P.F. Conlon)—

Regulations made under the following Act—
Electrical Products—Labelling Standards

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

Legal Practitioners Education and Admission Council—Report 2008-09
Office of the Commissioner for Equal Opportunity—Report 2008-09
South Australian Classification Council—Report 2008-09
Regulations made under the following Act—
Courts Administration—Participating Courts

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

Balaklava Riverton Health Advisory Council Inc—Report 2008-09
Country Health SA Board Health Advisory Council Inc—Report 2008-09
Eudunda Kapunda Health Advisory Council Inc—Report 2008-09
Gawler District Health Advisory Council Inc—Report 2008-09
Kangaroo Island Health Advisory Council Inc—Report 2008-09
Kingston/Robe Health Advisory Council Inc—Report 2008-09
Leigh Creek Health Services Health Advisory Council—Report 2008-09
Lower North Health Advisory Council Inc—Report 2008-09
Millicent and Districts Health Advisory Council Inc—Report 2008-09
Mount Gambier and Districts Health Advisory Council Inc—Report 2008-09
Naracoorte Area Health Advisory Council Inc—Report 2008-09
Optometry Board of South Australia—Report 2008-09
Penola and Districts Health Advisory Council Inc—Report 2008-09
Physiotherapy Board of South Australia—Report 2008-09
Port Augusta, Roxby Downs, Woomera Health Advisory Council—Report 2008-09
Port Broughton District Hospital and Health Services Health Advisory Council Inc—
Report 2008-09
Port Lincoln Health Advisory Council—Report 2008-09
SA Ambulance Service Volunteer Health Advisory Council—Report 2008-09
South Coast Health Advisory Council Inc—Report 2008-09
Southern Flinders Health Advisory Council—Report 2008-09
Yorke Peninsula Health Advisory Council Inc—Report 2008-09
Regulations made under the following Acts—
Gene Technology—General

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Animal Welfare Advisory Committee—Report 2008-09
Dog and Cat Management Board—Report 2008-09
Land Board—Report 2008-09
Maralinga Lands Unnamed Conservation Park Board—Report 2008-09
South Australian Heritage Council—Report 2008-09
Upper South East Dryland Salinity and Flood Management Act 2002—Report 2008-09
Vulkathunha-Gammon Ranges National Park Co-management Board—Report 2008-09

By the Minister Assisting the Premier in Cabinet Business & Public Sector Management (Hon. J.W. Weatherill)—

Administration of the State Records Act 1997—Report 2008-09
Privacy Committee of South Australia—Report 2008-09

By the Minister for River Murray (Hon. K.A. Maywald)—

Department of Water, Land and Biodiversity Conservation—Report 2008-09
River Murray Act 2003—Report 2008-09
Water Amendment (Murray-Darling Basin Agreement)—Regulations 2009—No. 1

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

Activities Associated with the Administration of the Retirement Villages Act 1987—Report 2008-09

By the Minister for Agriculture, Food and Fisheries (Hon. P. Caica)—

Fisheries Council of South Australia—Report 2008-09

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Death in Custody—John Frederick Wanganeen—Report on Actions taken following the Coronial Inquiry—dated June 2009

By the Minister for Gambling (Hon. A. Koutsantonis)—

Club One (SA) Ltd—
Financial Report 2008-09
Report on Distribution of Funds among Community, Sporting and Recreational Groups
Independent Gambling Authority—Inquiry into Barring Arrangements Report 2009

By the Minister for Science and Information Economy (Hon. M.F. O'Brien)—

Bio Innovation SA—Report 2008-09
Playford Centre—Report 2008-09

KNIGHT, ASSOC. PROF. JOHN

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Yesterday, the Director of the Cardiac and Thoracic Surgical Unit at the Flinders Medical Centre, Associate Professor John Knight, was suspended from his employment by the Chief Executive Officer of Southern Adelaide Health Service. The suspension relates to the circumstances surrounding cardiac surgery provided to an elderly patient on 25 November last year. The patient died a day after extensive surgery.

The patient's death was reported to the Coroner's Office at that time as the patient had died within 24 hours of a general anaesthetic. The Coroner made a finding as to the cause of death in March this year and did not conduct an inquest at that time. Further information has come to light in regard to this case. That information has been reported to the Coroner, the Crown Solicitor's Office and the Medical Board of South Australia.

The Crown Solicitor's Office has engaged the Government Investigations Unit to look at the case. The information relates to the reporting of the surgery and the patient's death and the appropriate supervision and credentialling of an interstate practitioner who was involved in the surgery.

On 16 October, the Coroner indicated that an inquest would be held into the death. This matter is now before the Coroner. I will await any findings by the Coroner and the Government Investigations Unit before making any comment on the case. I want to reassure the community that our public health system is one of the best in the world with very dedicated staff who strive every day to help our community.

VISITORS

The SPEAKER: I draw to honourable members' attention the presence in the gallery today of students from Sunrise Christian School, who are guests of the member for Morialta and the member for Unley, and students from Our Lady of the Sacred Heart College, who are guests of the member for Enfield.

QUESTION TIME

SOUTH AUSTRALIAN JOCKEY CLUB

Mrs REDMOND (Heysen—Leader of the Opposition) (14:28): My question is to the Minister for Recreation, Sport and Racing. Given the minister's current statements about Mr Steve Ploubidis, can he explain why he had such a close working relationship to the extent that Mr Ploubidis was consulting with his office on confidential recommendations regarding the South Australian Jockey Club and the Bentley report?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:28): I would not say that I had a close working relationship with Mr Ploubidis at all. Obviously, as the racing minister, working with the chief executive officer of the SAJC, there would be a relationship. I would meet with him occasionally. If I went to the races, of course I would be in contact with him.

What I denied on Friday, and what I repeat for the house again today, is that Mr Ploubidis has made some allegations about me in regard to my knowing about vote stacking at the SAJC. I deny that. I repeat my denial. Why on earth would Mr Ploubidis want to brag to the minister—any minister for that matter—that he was involved in vote stacking? For me to have any knowledge of any impropriety at all is false.

BUILDING THE EDUCATION REVOLUTION

Ms BREUER (Giles) (14:30): Can the Premier inform the house how South Australia is benefiting from the Building the Education Revolution component of the commonwealth government's economic stimulus package?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:30): I thank the honourable member for her question. I think it is very appropriate that the member for Giles has asked this question, given her advocacy for schools in her electorate over many years.

From the outset, the South Australian government has fully supported the Australian government's efforts to mitigate the worst effects of the global financial crisis through the Nation Building Economic Stimulus Plan. The economic stimulus plan was a timely and targeted intervention at a time of enormous global economic uncertainty. Its rapid implementation by all levels of government has ensured that the Australian economy has been supported during a period of much diminished world growth and serious recessions in many of Australia's key trading partners.

It is interesting that those who attack the stimulus would be the ones now attacking the lack of a stimulus if it had not happened. The fact that Australia is coming through these difficult times better than anywhere else in the world, the fact that South Australia has been doing particularly well, I think, speaks for itself. In particular, the decision to direct some of the stimulus funding towards local smaller scale school infrastructure projects under the Building the Education Revolution program was critical to the construction sector both nationally and in South Australia. The building and construction industry is a prime driver of the economy and wealth of South Australia. It amounts to approximately 6 per cent of gross state product and is traditionally characterised by peaks and troughs in activity.

The school program consists of three initiatives: Primary Schools for the 21st Century; science language and learning centres; and National School Pride, which the Prime Minister told me was based on our School Pride initiative in South Australia.

The BER package, designed to fend off the worst of the global financial downturn on the Australian economy, has had a significant and positive impact in our state. I am advised that these programs will support an estimated 7,000 direct jobs over a year in South Australia. These are new jobs that are being created or jobs not lost during the global financial crisis.

Under the Primary Schools for the 21st Century program alone, more than $1.37 billion of capital works is being rolled out across government and private schools. That is an enormous injection of money dedicated to improving our school infrastructure. In South Australia, 142 building contractors have been employed on government school projects alone so far, including in our regions. The majority of these contracts went to medium and small-sized businesses. There are also well over 300 subcontractors working with these building contractors.

This package is important to South Australia, and to that end the South Australian government has made a submission to the Senate Education, Employment and Workplace Relations Committee inquiry into the program. Our submission outlines that, while South Australia's economy was in a strong position at the time the global financial crisis hit, by the March quarter of 2009 there was a noticeable downturn in most economic indicators.

With the introduction of the economic stimulus package, SA has experienced better-than-expected employment, spending and confidence statistics. However, there is still uncertainty about the future, and our submission makes it clear that this initiative must continue to be implemented and resourced as originally planned in order to support the construction industry and the broader economy.

Builders have made commitments to staff based on their expectations of the full three phases of the programs, and schools that are involved in the latter phases of the program should not be disadvantaged. We are strongly of the view that this is an outstanding initiative. It is not just about jobs but also about the future of our education system. It will provide benefits to students, teachers and schools for many years to come through the provision of social infrastructure that supports better learning outcomes.

Around 800 South Australian schools are receiving new infrastructure and facility upgrades as a result of the building education package, which includes new classrooms, libraries, gymnasia and halls. Along with the South Australian government's $323 million Education Works Stage 1, $82 million Education Works Stage 2 programs and $25 million South Australian School Pride program which has been running since 2004, this whole building program in our schools is the biggest improvement in school infrastructure that anyone can remember.

Our management of P21 and other BER programs at the state level has ensured this program is implemented efficiently and with the best possible outcomes for the economy and schools. I commend all those involved.

SOUTH AUSTRALIAN JOCKEY CLUB

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:36): My question is to the Minister for Recreation, Sport and Racing. Was the minister aware that Mr Ploubidis was consulted on confidential issues relating to the South Australian Jockey Club that were provided to the Premier? Mr Ploubidis stated:

> I was also very privileged in that Philip Bentley would also often pass on to me fairly confidential information, which included briefings to the minister, press releases that he would write on behalf of the minister and also briefings that he would provide to the Premier for my input.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:36): I am not too sure what point the shadow minister is making. Really what they are trying to do is dress up the accusations that were made by Mr Ploubidis under parliamentary privilege in a select committee on Friday. What I have said in response to those is that I vehemently deny them. Any assertions that I knew about vote rigging at the SAJC is simply not true. If I had been made aware by Mr Ploubidis, or for that matter anybody else, I would have reported that as a matter of urgency to the Independent Gambling Authority. I do not know any other minister who would have done any differently. That would have been a natural course of action.

We should not ignore that already Mr Ploubidis has form on this topic. Previously—it is all on the public record—Mr Ploubidis has made similar assertions about Mr Bentley, which were vehemently denied. He has also made similar assertions about the Director of the Office for Racing, Denis Harvey, which was vehemently denied. Of course, what I did at the time that the Lipman Karas report was announced is that I acknowledged it and I called for it to be made public to me. It subsequently was made public to me in March. As a result of the recommendations within the Lipman Karas report, I then referred it, as I should, to the police and the police are continuing their investigations.

Interestingly, if you have a look at the Lipman Karas report, and I quote them direct, this is what they have to say:

> Lipman Karas called it membership stacking. Mr Ploubidis played the dominant role in the membership stacking activities leading up to the 2008 election. He undertook these activities in a clandestine fashion.

CHILDREN IN STATE CARE

Ms PORTOLESI (Hartley) (14:38): My question is to the Attorney-General. Can the Attorney-General inform the house about recent developments in the government's approach to claims for compensation made by people allegedly abused as children in state care?

Ms Chapman interjecting:

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:38): The member for Bragg interjects 'totally inadequate'. We will cost that promise of the member for Bragg. I am pleased to inform the house that the government will be allocating more than $7 million in additional resources to administer claims for compensation made by people allegedly abused as children in state care.

Members interjecting:

The Hon. M.J. ATKINSON: I am not sure what the Liberal opposition finds funny about that. Additional funding is being directed to the management of these claims to ensure that all claims are handled expeditiously and with the utmost sensitivity. The government's improved management of claims from alleged victims of abuse in state care combines a compassionate approach to litigation—

Ms Chapman: Half a backflip.

The Hon. M.J. ATKINSON: Half a backflip? I see—a compassionate approach to litigation, which has always been our approach, with an alternative option of applying for ex gratia payments under the Victims of Crime Act 2001—something I announced, I think, on the day the Mullighan report was tabled.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: No. It was announced: you just weren't listening. Although the state always acts as a model litigant, the government has decided to take an especially compassionate approach to this litigation—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, is the member for Bragg saying that she would write a cheque for an amount nominated by each claimant?

Ms Chapman: Every other attorney-general around the country has; you should hang your head in shame.

The Hon. M.J. ATKINSON: So, let us get it on the record: the parliamentary Liberal Party is promising to write a cheque for an amount nominated by any claimant.

Mr WILLIAMS: I have a point of order, Mr Speaker. I am not sure that the Attorney-General is answering the question. I think you should remind him that it is question time.

The SPEAKER: Perhaps the member for MacKillop might lean over to the member on his left and ask her not to interject.

The Hon. M.J. ATKINSON: We hope that claims can be dealt with quickly and appropriately, rather than treat these common law claims in the same manner as ordinary litigation. This compassionate litigation will include a sympathetic approach to applications by victims for an extension of time where the state would not suffer insurmountable prejudice as a result. I do not believe it is in anyone's interests, either the victim's or the state's, to allow cases of serious abuse to be heard at trial when a settlement on fair terms is available.

Nevertheless, the government accepts that compassionate litigation alone will not provide redress for all legitimate claimants. I expect that there will be a large number of people who may have been abused as children in state care but who, through no fault of their own, are unable to bring a claim in court and have a hope of proving it on the balance of probabilities.

Such claimants include those who are statute barred. I have previously stated that such claimants may be eligible for a payment from the Victims of Crime Fund. I reiterate this and take the opportunity to clarify this option. Although the Victims of Crime Fund is potentially available to all victims of crime, in most cases it is necessary for the applicant to establish beyond reasonable doubt that a crime has been committed. Further, in most cases compensation is not available under the act for claims relating to offences before 1969—and some of these cases are pre-1969.

Further again, the amount of compensation that may be awarded for offences before 1987 is small. These requirements would prevent almost all the victims of abuse in state care from accessing adequate compensation under the Victims of Crime Act. However—

Ms Chapman: Finally, at least, you admit it.

The Hon. M.J. ATKINSON: Well, we always said this. The act confers a broad discretion on me as Attorney-General—

Ms Chapman: Wouldn't have anything to do with this legislation being tabled?

The SPEAKER: The member for Bragg is warned.

The Hon. M.J. ATKINSON: Well, the member for Bragg seems to think it is all about the member for Bragg. We all react to the member for Bragg and that is how events happen. The member for Bragg is the locomotive of history.

If I am satisfied as Attorney-General that the ex gratia payment is being made to a victim of crime and the payment will help a victim recover from the effects of the crime or will advance their interests in other ways then I can go ahead under that section of act. I said as much at my news conference on the day the Mullighan report was released.

Eligible claimants can apply for a payment of up to $50,000 from the Victims of Crime Fund. The government has decided that ex gratia payments under the act are a real alternative for legitimate claimants, such as those identified in the Mullighan report as being in state care.

I as Attorney-General will determine the amounts to be awarded, depending on the level of serious and lasting harm suffered as a result of the abuse. Monetary compensation is, however, only one component of the government's response to victims of sexual abuse in state care.

In 2003 the government took up Pastor Evans' initiative and changed the law to remove the statute of limitations that prevented sex offenders from being prosecuted for offences that occurred before December 1982. This has seen about 40 offenders being found guilty of over 150 offences, including indecent assault, unlawful sexual intercourse, carnal knowledge and rape.

If the previous Liberal government had got its way, not one of those offenders would have faced prosecution. The former Attorney-General—albeit for a blink of the eye—the Hon. Robert Lawson made the decision that the statute of limitations would not be lifted under a Liberal government. We changed that; but let us make it clear whose idea it was—it was Family First's idea. As a result of this important change in the law, 30 paedophiles have been imprisoned for periods ranging from three months to 25 years. I am surprised at how many of those offenders pleaded guilty, given the difficulties of proving sexual offence cases after so many years.

Since the Mullighan report was handed down, the government allocated an additional $2.24 million in funding to the Office of the Director of Public Prosecutions to prosecute alleged perpetrators of child sex abuse coming out of the Children in State Care Commission of Inquiry. After the inquiry, and as a result, SAPOL's Paedophile Task Force commenced investigating 501 matters relating to 295 persons of interest and 170 alleged victims. Critically, on 17 June last year, the Premier offered an apology in this place on behalf of current and previous governments to victim survivors; and the government responded to all the commission's recommendations in June 2008.

The government further demonstrated its pledge to keeping children safe through the largest ever investment in protecting children in the state's history. Over $190 million has been directed towards implementation of the inquiry's recommendations, in particular, appropriately placing children in care and better supporting children in care and their carers. Also, Post Care Services was established to provide information, advocacy, referral and support to adults who were previously under the guardianship of the minister or secure care orders, or in institutional care in children's homes or orphanages. The service offered for adults post care includes assistance with referrals to community services, counselling, housing support, education, life and parenting skills, support with locating family, and accessing entitlements such as criminal injuries compensation and transition to the independent living allowance.

The government takes the horror of abuse victims very seriously and this is one reason the government has been careful in its deliberation of how to respond and also why action is being taken on so many different levels to address the needs of this group of victims. I encourage claimants wanting to know more about applying for an ex gratia payment under the Victims of Crime Act to contact the Commissioner for Victims' Rights, Mr Michael O'Connell.

SOUTH AUSTRALIAN JOCKEY CLUB

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:48): My question is to the Minister for Recreation, Sport and Racing. Will the minister make himself and his staff available to appear before the Select Committee on Certain Matters Relating to Horse Racing in South Australia; and will the minister make available and table all records of emails and telephone conversations he has had with Mr Ploubidis during his term as CEO of the SAJC?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:48): As I have said before, no minister—Labor or Liberal—would allow allegations of irregularities or improprieties to be put to him or her and not do something about it. As I have said previously, as a matter of urgency, I would report that to the Independent Gambling Authority.

With regard to the tenor of the question, I have done better. I have already written to the select committee. This select committee, of course, is the Liberal parliamentary committee—the kangaroo court, which is not supported by the racing industry—which is abusing the propriety of the racing industry. I have written to this select committee to inform it of what I said to the media on Friday, re-emphasising those points, and I stand by those points.

SOUTH AUSTRALIAN JOCKEY CLUB

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:49): I have a supplementary question. Given the answer by the Minister for Recreation, Sport and Racing, will he give an undertaking not to destroy any such records?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:49): What I can assure the member of is that on this side of the house we do not operate the way they used to. The other thing that I would say to the member—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —is that members of this parliament have the opportunity to ask me any question they like about Mr Ploubidis's evidence. I will be more than happy to answer it.

REDUNDANCY ASSISTANCE

Mr PISONI (Unley) (14:50): Will the Premier advise why the same level of assistance has not been given to other employees who have lost their jobs in South Australia as has been offered to Bridgestone workers? In 2008, Commander Communications was forced to cut 600 staff and 80 Adelaide-based Jetstar workers were made redundant and yet the same assistance was not given by the state government to these employees.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:50): Do you know, the best thing that this government has been doing is creating jobs: 101,000 extra jobs in this state compared to when you were in power, when you had the highest unemployment—

Members interjecting:

The Hon. M.D. RANN: No, I will answer—

Mr PISONI: Sir, I rise on a point of order. My specific question was about government assistance to Bridgestone employees as opposed to others.

The SPEAKER: Order! The Premier has just begun his answer, but he must answer the substance of the question.

The Hon. M.D. RANN: It does not surprise me that the Liberal Party would attack assistance to Bridgestone's loyal workforce, because that is what this is about.

Mr PISONI: Point of order, sir.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: It was simply a question, sir. There was no attack.

The SPEAKER: Order!

Mr PISONI: I am asking—

The SPEAKER: Order! The member for Unley will take his seat. The Premier must not debate.

The Hon. M.D. RANN: What we have been doing is working with industry to create jobs—$44 billion worth of defence projects won in the past five years; the PACE scheme, which has seen a tenfold increase in mining exploration. Also, there has been assistance—

Mr PISONI: Point of order, sir.

The SPEAKER: Order! There is a point of order. The member for Unley.

Mr PISONI: My question was about assistance to Bridgestone workers and not others.

The SPEAKER: Order! It is not for the chair to direct the Premier how to answer the question, as long as he is answering the substance of the question and is not engaging in debate.

The Hon. M.D. RANN: Thank you, sir. What we have been doing is creating jobs; the reverse of the Liberals, who cut jobs, who privatised, who did not give a damn—

Members interjecting:

The SPEAKER: Order! the Premier must not debate. The member for Florey.

WORLDSKILLS COMPETITION

Ms BEDFORD (Florey) (14:52): My question is to the Minister for Employment, Training and Further Education. What support has the state government provided for the 2009 WorldSkills Adelaide Region competitions?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:52): Known as the Olympics for tradies, WorldSkills Australia is the premier showcase of youth skills and trade excellence. WorldSkills competitions provide young people, their employers, their teachers and their trainers with a wonderful development opportunity whereby they pit their skills and knowledge against their peers in the form of trade-based competitions.

The state government recognises the benefits that this competition provides not only to the competitors but also to the employers. The employers benefit from the increase in confidence and skills that participation brings, and that is why the state government provides funding to support the coordination of the WorldSkills regional and national competitions.

The regional competitions are run in South Australia every two years, and this year 30 competitions were held in Adelaide with more than 250 competitors. Participants competed in a diverse range of trades, spanning heavy vehicle mechanics, welding, baking, carpentry and beauty care.

Tonight I will be attending an event to celebrate the achievement of the successful competitors in the 2009 WorldSkills Adelaide Region competition and I will be awarding over 80 young people with their hard fought and hard won gold, silver and bronze medals. The young men and women who win gold tonight will have the opportunity to go on to compete against Australia's best at the national WorldSkills competition in Brisbane next May. They also have potentially the chance to represent Australia as part of the Skillaroos at the international competitions to be hosted in London in 2011.

I must point out that the competitions are not possible without the strong support from the training providers, who not only train the students but also volunteer time and support towards the running of the event, and the employers who support and encourage their employees and staff to participate in this important learning experience. These competitions are vital in providing young people with the opportunity to challenge themselves to excel in their particular field and to know that they measure up to world-class standards. I would like to reiterate: it may well be that a

number of young South Australians will be in London in the very near future pitting their skills against the very best in the world.

BRIDGESTONE AUSTRALIA

Mr PISONI (Unley) (14:55): My question is to the Minister for Employment, Training and Further Education. Did the minister meet with Bridgestone three weeks ago; what was discussed at that meeting; and did he provide a briefing to the Premier on the outcomes of that meeting?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:55): Yes, I did meet with Bridgestone about four weeks ago as part of a process that I have been running with various industry sectors. We have chosen nine industry sectors, aligning themselves with our skill boards. I have met with three industry sectors. One of the industry sectors was the automotive/advanced manufacturing sector. The Chief Executive Officer of Bridgestone TG Australia attended. He was asked to comment, as part of discussion that occurred in a room with 16 other industry leaders, on the state of the automotive sector and the advanced manufacturing sector. He was given the opportunity. He did not at any stage indicate that Bridgestone was in difficulty. I then had, approximately, a five minute discussion with him at the conclusion of the event, and even in private discussion the Chief Executive Officer of Bridgestone TG Australia did not indicate that the company was in difficulty, and I have briefed the Premier on the nature of the discussion.

SA AMBULANCE SERVICE

Mr BIGNELL (Mawson) (14:57): My question is to the Minister for Health. How are recent changes to the SA Ambulance Service benefiting South Australians?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:57): I thank the member for Mawson for the question and, in answering it, I note his own commendation of the ambulance service just recently. The member for Mawson, for the interest of members, was doorknocking in his electorate a couple of weeks ago when he found a man collapsed in the front seat of his car, I think with the engine running. The member for Mawson got on to the local ambulance service which was there very quickly and which was able to revive and look after the person who was unconscious. I must say—and I thank the member for Mawson for doing it—he then wrote to me advising me of the great work that the local officers had done and I passed that on to them. I know that they are always pleased to get positive feedback, particularly from members of parliament.

Last year, SA Ambulance Service launched a new strategic plan, Defining the Road Ahead (2008-2015). The plan responds to the increasing demands on ambulance services by moving SA Ambulance Service away from a traditional model of treat and always transport to treat and, in some cases, leave; treat and sometimes refer; or treat and sometimes transport. This reform process is about ensuring that patients receive a level of care which is appropriate to their need.

As the demand for ambulance services has been increasing at around about 8 per cent a year over the last three years, it has been necessary for the service to change the way it does business in order to remain sustainable. Treating people more efficiently and more appropriately to the level of need has also enabled services to improve.

According to reports released recently by the Council of Ambulance Authorities, SA Ambulance Service has the best patient response times in Australia, getting to 90 per cent of life-threatening cases within 14.2 minutes in urban areas after a call is received. The ambulance service, in fact, is the only service in the nation to meet the national response time guidelines of reaching 90 per cent of life-threatening emergencies within 15 minutes. When comparing response times from the moment the ambulance crew starts their journey to attend the emergency, our ambulance service officers were also the best in the country. In urban areas, SA Ambulance Service staff responded within 6½ minutes 50 per cent of the time and 10.7 minutes 90 per cent of the time.

In addition, SA Ambulance Service swept the board at the Council of Ambulance Authorities Awards held in New Zealand on 14 October, bringing home seven out of 16 national awards. The Extended Care Paramedics Program was amongst the SA Ambulance Service initiatives recognised. Extended care paramedics are specially trained paramedics who, if medically appropriate, assess and treat patients in their own homes or residential care facilities.

This avoids a trip to hospital for the patient and, of course, helps to reduce pressure on our emergency department presentations.

Ten more extended care paramedics will become operational in the metro area from 14 December this year, bringing the total number of extended care paramedics to 17. This expansion follows the success of a seven-month pilot that ran in southern Adelaide. During the pilot around half the 1,100 or so cases that were attended by extended care paramedics avoided an emergency department presentation—so, over 500 avoidances in the pilot stage. The program is just one of many progressive and nation-leading programs being developed by the SA Ambulance Service.

I would like to take this opportunity to acknowledge the work undertaken by Ray Creen and his team. All the hardworking ambulance officers—the men and women, the everyday heroes of our ambulance service—do an outstanding job, both the paid and the volunteer staff. I would also congratulate this year's recipients of the chief executive officer's commendation, which is given for those who utilise their skills in response to a medical emergency on an international scale. With less than two hours notice, Executive Director of Clinical Services Hugh Grantham and rescue paramedics Ray Cossey and Phil Dalton were joined by Bill Griggs, Director of Trauma Services at the Royal Adelaide Hospital and SA Ambulance Service medical officer, on a plane bound for Samoa.

Within two hours they were the only team around Australia that was able to get their act together so quickly, put the right number of people in a plane and have them in the air within two hours—an outstanding achievement and one which all South Australians should be proud of. On arrival they were able to provide expert medical assistance to the region affected by the tsunami that struck American Samoa and Tonga on 30 September this year. They were also able to make quality medical and scene assessments and provide this intelligence back to Australia and New Zealand in order to inform further deployments.

The rapid response from the Australian medical team certainly played an important part in reducing the long-term effects and severity of the disaster. All South Australians can be proud of that team and, indeed, all South Australians can be proud of the SA Ambulance Service. Our ambulance officers deserve our praise and gratitude for their dedication to the community 24 hours a day, 365 days a year.

BRIDGESTONE AUSTRALIA

Mrs REDMOND (Heysen—Leader of the Opposition) (15:02): Has the Premier met with Bridgestone at any time since January this year on behalf of his constituents to discuss their possible job losses? In an article in today's media it is stated that, back in January this year, Bridgestone refused to commit to the future of its Adelaide plant, and further that Bridgestone has been receiving financial assistance from the federal government's Automotive Competitiveness Investment Scheme since 2001, as well as state grants from as early as 1986.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:03): The key point is that, as I understand it, no-one in the industry—the workers, the unions, other major industries or customers—were aware of a decision which I believe was made in Japan and which I believe was withheld from us in advance. I think I have made that very clear. I first found out about the announcement around 1 o'clock on Friday. On Friday afternoon I met with the heads of government departments to offer what assistance we could give to help place these workers in jobs beyond April 2010, which is what people would expect a premier and a South Australian government to do. I am more interested in the workers. It has had a very loyal workforce.

Mr GRIFFITHS: Point of order, Mr Speaker. The question from the Leader of the Opposition referred to January this year when reports were circulating about the difficulties at Bridgestone and whether the Premier met with them.

The SPEAKER: The Premier is answering the substance of the question.

The Hon. M.D. RANN: The fact is that when we were told—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —of the decision to close Bridgestone, which was on Friday at lunchtime, we immediately went into action to help those workers because they are the people we care about, unlike you.

Members interjecting:

The SPEAKER: Order!

BRIDGESTONE AUSTRALIA

Mrs REDMOND (Heysen—Leader of the Opposition) (15:05): As a supplementary question: how can the Premier describe the closure as sudden given the statements in January this year? Isn't it just another indication that the Premier has lost touch with his own electorate?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:05): I saw the results of the last election in the Leader of the Opposition's own electorate, so, in terms of being in touch with the electorate, I will put my being in touch with my electorate far ahead of hers.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The point of the matter is that it is reflected in the outcome of the voters and we saw what they thought of their local member in the last election. I will put my result up against hers any day of the week, because I actually care about those people which is why we are doing everything we can to help them. That is the bottom line.

The Hon. P.F. Conlon interjecting:

The Hon. M.D. RANN: That's right. The Leader of the Opposition seems to think that 600 people losing their jobs is a laughing matter. We don't, and that's the difference between the two parties.

LIQUOR AND GAMBLING COMMISSIONER

The Hon. P.L. WHITE (Taylor) (15:06): My question is to the Minister for Gambling. Can the minister inform the house about the appointment of South Australia's new Liquor and Gambling Commissioner?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (15:06): I thank the member for her question, and yes I can inform the house about our new commissioner. On Monday 19 October 2009, Mr Paul White began a five year term as the state's Liquor and Gambling Commissioner—no relation to the member for Taylor, of course.

Mr White only recently returned to South Australia after an eight year absence having served the people of the Northern Territory as police commissioner and Chief Executive Officer of Fire and Emergency Services since late 2001. Mr White was responsible for the leadership, management and control of the Northern Territory Police, Fire and Emergency Services, comprising approximately 1,800 employees. His hard work and tireless efforts have seen a 50 per cent fall in property crime in the territory, working hand-in-hand with an exceptional Labor government in the Northern Territory.

He leaves a mark in the fight against violent crime—in particular, domestic violence. Mr White is highly regarded and I am delighted that someone of his calibre has returned to our great state. He has already served the South Australian community for over 34 years, starting out as a police cadet in 1968 and having various roles within SAPOL before attaining the rank of assistant police commissioner in 1997. In 2000, Mr White was awarded the Australian Police Medal for distinguished and outstanding service to policing and the community.

Mr White's experience in South Australia and the Northern Territory has seen him develop an intrinsic understanding of the issues around problem gambling and alcohol that face our community, having overseen several strategic initiatives focusing on the most vulnerable. He will undoubtedly lead compliance and regulation of the liquor, gaming, casino, small lottery and charity industries in South Australia in a timely, well-organised and fair manner.

The Office of Liquor and Gambling Commissioner conducts inspections of each and every gaming venue, SA TAB outlet and bookmaker betting operations at racing events at least once per year to ensure compliance with the act, regulations and codes of practice. The casino's audit program is constantly monitored and there is better disclosure than ever before about collections and events that collect for a charitable purpose. I am certain that the vital role carried out daily by the OLGC will continue to improve under the watchful supervision of Mr Paul White.

I take this opportunity to congratulate and thank the outgoing acting commissioner, Mr Warren Lewis, for the outstanding job he did for the OLGC after the retirement of the former commissioner Mr Bill Pryor. Mr Lewis was constantly seeking to improve service delivery of the Office of Liquor and Gambling. He became acting commissioner after Mr Pryor retired after 21 years. He is a great public servant and an example to us all.

LAW AND ORDER ISSUES POSTCARD

Ms CHAPMAN (Bragg) (15:09): My question is to the Attorney-General. Is it correct that the Attorney-General and/or his office were consulted by the Australian Labor Party state secretary, Mr Michael Brown, prior to the distribution into state electorates of a postcard relating to law and order issues?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:09): I will ask my staff and get an answer for the member for Bragg.

LAW AND ORDER ISSUES POSTCARD

Ms CHAPMAN (Bragg) (15:10): Is the Attorney-General aware of section 85N of the Crimes Act 1914? It provides:

> A person shall not intentionally cause an article in the course of post to be delivered to, or received by, a person other than the person to whom it is directed or that person's authorised agent. Penalty: Imprisonment for 1 year.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:10): Back in the 1990s I caused to be distributed a DL postcard-style leaflet calling on the Liberal government to support my private member's bill to abolish the drunk's defence. I think members opposite will recall that—

An honourable member interjecting:

The Hon. M.J. ATKINSON: Indeed. I also caused to be printed a DL calling upon the then Liberal government to change its position on an extended right to self-defence of householders in their own home in the aftermath of a case in my electorate of Mr Geisler, members will recall. Indeed, the DLs were in the form of calling upon Trevor Griffin, the attorney-general of blessed memory, to change his stand on these things. I think there might have been only about 11 of us in the house at the time—the Tarago parliamentary Labor Party. To try to make these DLs have a greater impact I recall going out driving with the now member for West Torrens letterboxing them—

Members interjecting:

The Hon. M.J. ATKINSON: —I don't drive—in streets in the metropolitan area containing a Liberal MP. So, most of you had your street letterboxed to give the impression we had letterboxed the entire metropolitan Adelaide. Now, we got many thousands of responses to that DL. We know that the current DL is hurting the parliamentary Liberal Party. That is why these questions are being asked. We feel your pain.

The fact of the matter is that in this chamber—and it is on the *Hansard* record—in the committee stage of the bill on young offenders, the parliamentary Liberal Party took the position that we could not use the expression 'recidivist youth offenders' in the bill, because that would stigmatise members of the Gang of 49 and others. Apparently, calling them 'little turds, shits and wankers' doesn't stigmatise them.

Mr GRIFFITHS: Point of order. It is a standard question to the Attorney-General. It is a matter of relevance to a specific question that was asked. His comments have no issue with it.

Members interjecting:

The SPEAKER: Order! The problem was that the question was not specific. The Attorney-General.

The Hon. M.J. ATKINSON: I know that when the member for Bragg says her bedtime prayers in the evening, she says, 'I give thanks, Oh Lord, that I am not as others who stigmatise young offenders.' It is on the parliamentary record that the parliamentary Liberal Party wants to oppose this bill unless the government drops its—

Ms CHAPMAN: Point of order. The bill that is being referred to is currently before the house, and, therefore, ought not be referred to. My question was: is the Attorney-General aware of a certain section of the Crimes Act? It has nothing to do with what he is talking about.

Members interjecting:

The SPEAKER: Order!

LAW AND ORDER ISSUES POSTCARD

Ms CHAPMAN (Bragg) (15:14): If the Attorney-General has finished, I have a supplementary, sir. Will taxpayers have to bear the cost of the Attorney-General's defence if he is prosecuted for aiding and abetting the commission of a serious commonwealth offence?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:15): I have seen the card concerned. I believe it has gone to tens of thousands of households and many people have responded to express their disagreement with the Leader of the Opposition's position. The Leader of the Opposition, of course, adopts the member for Flinders' position that sending members of the Gang of 49 into youth detention is a breach of their human rights.

Mrs Penfold interjecting:

The Hon. M.J. ATKINSON: I'm sorry? The response has been so overwhelming and is creating such an outstanding and useful debate that I have requested, in my capacity as the member for Croydon, some surplus copies of the card and I intend to circularise it in my own electorate—of course, in hand-addressed envelopes. I can tell the member for Stuart that, if there are some left over, I am willing to share them with him.

AFFORDABLE HOUSING

The Hon. L. STEVENS (Little Para) (15:17): My question is to the Minister for Housing. Can the minister provide the house with the latest information regarding social housing construction in South Australia?

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: On a point of order, Mr Speaker: the leader just said I am soft in the head. I am offended. I would like it withdrawn.

The SPEAKER: There is no point of order.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:17): I thank the member for Little Para for her question. I am pleased to inform the house that the state government has received commonwealth approval to proceed with stage 2 of the Australian government's $42 billion Nation Building Economic Stimulus Plan.

Our combined state government and federal government investments will see the largest level of social housing activity in South Australia in 20 years. Not only is this going to provide a boost in affordable rental housing and create more work for the construction industry, it is going to have a real impact on the lives of people in need of social housing.

Stage 2 of the stimulus plan will deliver approximately 1,100 new homes built across South Australia. The funding of about $350 million for stage 2 will construct homes for people with different housing needs to ensure we are catering to the diverse mix of social housing tenants—on top of this, $30 million to refurbish 500 existing homes to return them to stock and $50 million to build 250 homes in stage 1.

The new homes will consist of apartments, townhouses, stand-alone houses and housing that is accessible for those with a disability. Every one of the new builds means that another family

is safe and secure, and we are already seeing a positive impact. Sixty of the stage 1 new homes are underway, and just last week I paid a visit to a Housing SA tenant, Susan, who after nine months of being homeless finally has a place to call home, thanks to one of the 500 homes being refurbished under the stimulus plan.

The northern suburbs house that we provided for Susan is just one of 150 upgrades that have already been completed. This refurbishment included a new bathroom and a new kitchen with stove and rangehood; the wooden floorboards were also sanded and polished, with new doors fitted throughout, and there is also a new carport, roller door and fencing. The house has been painted and the front garden has been landscaped. It was a thrill to meet Susan and see face to face the impact these initiatives are having for the people in this state.

There are many more South Australians just like Susan who will benefit from the stimulus plan. We will see housing built right across the state, with more than 25 per cent of homes being built in the country to support South Australians in regional areas. Under the Nation Building Economic Stimulus Plan, 75 per cent of the new homes must be finished by the end of December 2010 and the larger projects will be finished by the end of June 2012.

We are also keeping the environment in mind. The homes will have a six star energy rating and most will have rainwater tanks and solar hot water systems, creating sustainable and environmentally friendly living. But, most importantly, this federal-state investment is giving South Australians a place to call home. It is a privilege to work with a federal government that has a real commitment to support social housing.

SERIOUS REPEAT OFFENDERS

Ms CHAPMAN (Bragg) (15:20): Will the Attorney-General advise how many adults have been declared serious repeat offenders since the Criminal Law (Sentencing) Act became operational in 2003.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:20): Far fewer than I would like. In fact, I was talking about this issue to a judge not long ago and he said that he did not use the declaration provisions because he gave them a just sentence, independently of using those provisions. Is the opposition advocating that I compel the judges to use the serious repeat offender provisions? We are dealing with a parliamentary Liberal Party which is unrecognisable to those people who used to support it. Just when the Democrats were going out backwards from state parliament, the parliamentary Liberal Party adopted the Democrats' criminal justice policies.

GANG OF 49

Ms CHAPMAN (Bragg) (15:22): I have a supplementary question. How many members of the Gang of 49 are suspected to be adults?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:22): Many.

SUPPORTED IMPROVED LITERACY ACHIEVEMENT PROGRAM

Ms THOMPSON (Reynell) (15:22): Will the Minister for Education inform the house about the Supported Improved Literacy Achievement Program, particularly as it relates to Flaxmill Junior Primary School and Flaxmill Primary School in my electorate?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:22): I thank the member for Reynell and comment on her advocacy for education in her electorate, in particular her detailed knowledge of the programs and teaching methods used in her schools and their comparative efficacy. She is very effective as a local member and particularly interested in this area.

She would know that quality education is fundamental to the success of South Australia and a foundation for the future not only of our state but also for every individual within her electorate and all our schools. Of course, the government is committed to the principle of educational opportunity for all, but it recognises that, in order to have equity in educational outcomes, sometimes it can only be obtained by putting different levels of resourcing into the education and support that children receive.

We know that in order to reach their potential children sometimes need unequal levels of support by our schools. They come to our schools with differing levels of not only capacity but also proficiency and readiness for schooling. Students with relative disadvantage often require additional support, not only from teachers but also the community, school leaders and, often, the government.

One of the elements that we have been using to intervene in the lives of these young people is funded through the commonwealth government. The Supported Improved Literacy Achievement (SILA) pilot project is the program of which the honourable member speaks. These SILA programs are part of the National Action Plan for Literacy and Numeracy, which is funded with $3.39 million from the federal government and which builds on more than $10 million a year that the state government invests in improved literacy programs within our schools.

These SILA programs generally go to schools in suburbs with levels of disadvantage, and implicit in making the program work is that the school community should never be satisfied with a child attaining a low level of achievement in their school. Those decisions are very important, and the best impacts are acquired when the whole school community will never allow a child to underachieve.

That is particularly true of an inspiring example of this form of governance and reform in education as seen in the school she describes—the Flaxmill Junior Primary and Primary School. That community, in the reviews of the SILA program, has been found over the last two years to have the advantage of really inspirational school leaders and teachers who have worked incredibly hard with the whole school community and parent and family groups to make sure there is a supportive environment that is committed to learning.

The two principals have in collaboration undertaken very significant levels of work to bring together the junior primary and primary schools into a birth-to-year-7 approach for education, which is particularly focused on literacy in their school where many of the students have special needs. There have been significant improvements in behaviour management, and all staff have been involved in training related to managing abuse-related trauma as well.

The efforts of the school are making a huge difference, with this year's National Action Plan results showing a marked improvement particularly in the year 5 cohort of students. Those school communities should certainly be commended for the efforts they have put in to making sure no child is left behind because, as I have said many times before, the worst brain drain is not a child moving interstate but a young person not reaching their potential.

The state government initiatives in this area have guaranteed that extra funds and resources are directed towards those communities in most need, and I commend my colleague the Minister for Early Childhood Development for recognising that the development of children's centres together with the work over the AEDI (Australian Educational Development Index) allows us to target more clearly those communities in need. That, together with the additional investment through our teacher salaries for the early years schooling, has helped to ensure that those who require additional support receive it within our schools.

I commend the Flaxmill Junior Primary and Primary School for being a beacon in terms of its efforts with this pilot program, which is just one of the many ways that the state government is working with the federal government in order to guarantee that we have good achievement throughout our educational system. It is a novelty for our government to be able to work with a federal government, and the programs that are part of the national partnerships and the National Action Plan are very specific and targeted. This investment in money is part of the education revolution and is crucial to making sure that all young people in South Australia can reach their potential.

Much has been said about the way these programs work. I know they require extra effort on the part of our school communities and teachers, and some of those opposite have criticised very significantly the amount of extra effort required, the paperwork and the documentation, but one of the views this government has is that you should not spend taxpayers' money without making sure you review and make every action accountable, and we are committed to making sure we review these programs and put the funding into the best way it can be spent, because we would not want to spend this money except in good programs, and the evidence we have to date is that SILA is a great program and being worked on very well in Flaxmill.

GRIEVANCE DEBATE

AGRICULTURE AWARDS

Mr PEDERICK (Hammond) (15:29): I have the privilege today to pay a tribute to rural residents, businesses and organisations whose contributions in some way have benefited all regional industries. I first make mention of some winners in the Spirit of Excellence in Agriculture awards of the Agricultural Bureau of South Australia, which I was fortunate to attend the other evening.

The first cab off the rank that I want to talk about today is the Services to Primary Production Award won by Phil Roberts, who happens to be an agricultural teacher at the Coomandook Area School, the local school that my two lads attend. He is the vice president of the local agricultural bureau branch and involved with the River Murray Youth Council, he is the vice president of the teachers association of South Australia, involved in Landcare and the national agricultural teachers organisation, and also is the editor of the South Australian teachers' magazine. During the 1990s he established a website to connect teachers around the nation to facilitate the sharing of ideas and resources and to improve agriculture education.

Phil Roberts said the most satisfying thing for him was watching students grow and take on more challenging tasks that often involved leadership and managerial responsibilities. His dedication is in part aimed at helping students to enjoy agriculture and see it as a real career option rather than just a job. I really endorse those comments. Phil is a friend of mine and he does a great job at the local school.

I also want to talk about young Jason Schulz of Coonalpyn, who won the Peter Olsen Fellowship for his work in genetics and cattle breeding. With his wife Penny he developed a Limousin stud at Coonalpyn, where they have combined Limousin and Angus cattle to produce Black Limousin composites. This award enables Jason to undertake further study into genetics and cross-breed performance data that will support his own research and development, and he will take that trip through the United States.

Another winner was Abbey McKenna of Naracoorte, who won the Rural Youth Bursary. I had Abbey speak to a group with which I was involved with a commitment to teaching students who face various challenges, including social, cultural and emotional difficulties. This award enables Abbey to undertake study in Sudan. Jared Schmaal of Saddleworth won the Lois Harris Scholarship for achieving the highest tertiary entrance rank to study for a Bachelor of Agriculture at the University of Adelaide. Well done.

The other night I attended the SA Great awards for the Murray and Mallee, and I just want to mention some winners from my electorate. Young Jeremy Shutz, when he was attending the Lameroo Regional Community School, won the Adelaide Showground Youth Award for his work in organising a 45 kilometre walk from Lameroo to the Victorian border to raise money for the Victorian bushfire relief appeal. His involvement with the local CFS had exposed Jeremy to the devastation of bushfires and he saw this as a way to make a positive contribution to the relief campaign.

I also want to acknowledge the Swan Reach and District Museum's SA Tourism Commission Award. A small town of 260 people, Swan Reach established the museum only eight years ago, and it now has more than 3,000 visitors a year. In the past three years, volunteer involvement has doubled and the visits have increased by 63 per cent.

I also acknowledge Anthony and Rachel Hartwell of Karoonda, who won the Westpac Community Individual Award for their tireless work with the Karoonda Football Club and the community. All clubs have their stalwarts—their silent achievers—who quietly make things happen for others, but the Hartwells established a social inclusion project to assist a number of local youth with social and financial difficulties to join, train and play for their local club. This proved to be very beneficial in many aspects of community life.

Also, Murraylands Training and Employment, a Murray Bridge based non-profit agency, won the Australia Post Small Business Award for providing the region with outstanding service over many years, and I congratulate John and Monica Muelengraf and their staff on an outstanding effort in what they do with getting trainees and apprentices placed throughout the region.

The final winner in my electorate of Hammond was T&R Pastoral of Murray Bridge, which won the Australia Post Large Business Award. Not only is it a major meatworks but it is also a

primary producer, which has grown up in the heart of rural South Australia. It has shown great commitment to the local community and is a significant employer in the region, employing about 1,300 people, which makes it the biggest regional employer in South Australia. I congratulate and pay tribute to all these worthy winners and thank them for their contribution to the fabric of life in this state.

Time expired.

LITHUANIAN ANNIVERSARY

Ms CICCARELLO (Norwood) (15:34): One thousand years ago, in the convent of Quedlinburg Abbey in Germany, an unknown annalist was writing a historical chronicle: the Annals of Quedlinburg. In it, the annalist described St Bruno's mission to Christianise the pagan king Netimer, and I quote a translated version of the Latin text:

> St Bruno, also known as Boniface, archbishop and monk in his 11th year of conversion, was struck in the head by pagans at the border of Rus and Lithuania, and along with 18 of his followers went to Heaven on the seventh day before the Ides of March.

Although the journey of the monk ended tragically, his demise also served as the first documented mention of the name Lithuania.

Almost 1,000 years later, on 5 October 2008, the Ambersail LTU 1,000 set off from the port of Klaipeda, as do thousands of sea-faring vessels every year. However, this was no ordinary yacht and it was certainly no ordinary trip. Rather, it was the beginning of a 200 day global voyage that would cover 43,427 nautical miles and visit 26 communities in 20 countries across five continents, including South Australia in December last year. The mission was the Millennium Odyssey. The goal was to bring together communities all over the world in celebration of a momentous anniversary. The motto was: One Name—Lithuania. It is this milestone that Lithuanians all over the world have been celebrating in 2009.

Recently, I was thrilled to attend Lithuanian House in Norwood with the Attorney-General and to join with the local Lithuanian community in adding our voices to the global chorus of acknowledgment and respect. It is no small understatement to say that Lithuania and her people have travelled a rocky road. It is a journey steeped in struggle and chaos, in foreign occupation and intervention, and in prosperity and devastation. However, it is also a journey of courage, endurance and hope, and the yearning to be an active member of a world that can make a difference.

It is the story of many South Australian Lithuanians who left their homeland with nothing more than the hope of refuge and the promise of a new beginning. Like so many people from far away shores who made Australia their home—either through necessity or choice—they studied, worked hard and strove to provide their families with opportunities that had been denied to them at home. Though small in number, they proved that cultural survival and development did not depend on a collectively loud voice, but rather on a clear vision, willingness and determination.

I am proud to be a member of a government which is so committed to multiculturalism and the integration of our state as a culturally diverse and accepting community. In turn, I am also delighted that the Lithuanian community has accepted the challenges we have given them and played such an important role in building the economic and social prosperity of South Australia. The parallels of countryman to homeland are striking. Faced with adversity, both have endured; faced with separation, both have prospered; and faced with isolation, both have become integral players on their respective local and world stages.

Just as her citizens have achieved great success in their new homes and communities, Lithuania (as a nation) has also stepped forward. Today, Lithuania is an independent, free market democracy, and before the global economic crisis had the enviable title of being one of the fastest growing economies in the European Union. But not content with looking inwardly, Lithuania also wanted to ensure her voice was heard. Through her relatively recent membership of the European Union and NATO, Lithuania embarked upon her agenda of contributing enormously to peace and security throughout Europe.

Lithuania also plays a significant humanitarian role further afield in contributing to missions in Afghanistan, Iraq, Bosnia, Kosovo and Georgia. And that, I believe, is the true essence of courage and what marks Lithuania and her citizens as unique. To re-assert yourself successfully after so many years of uncertainty and turmoil is noteworthy in itself, but then, in turn, to reach out and help others is the ultimate achievement.

I pay tribute to the members of the Lithuanian community for their selfless and unswerving commitment in supporting their members, whether they are newly arrived or simply needing extra support in their senior years. I appreciate your efforts in establishing the museum which documents your story and journey. This is a fantastic way to educate the younger generations and enable them to appreciate the history of their homeland and ancestors. A sense of tradition and an awareness of the travails and accomplishments of those who paved your way is so important and this goes a long to ensuring that those links are developed and fostered.

The museum is also a testament which the wider community can enjoy, and I thank you, on behalf of all South Australians, for allowing us to share in and appreciate your rich cultural heritage. And last, but certainly not least, I congratulate Lithuania on her 1,000 year anniversary and wish her continuing success for the future.

MOUNT CRAWFORD FIRE SIREN

Mr VENNING (Schubert) (15:38): Today I raise the important issue of the bushfire hazard that will face our state in a matter of a few days. I first raised the issue of a lack of a fire siren in the Mount Crawford area in this house in July, after being contacted by several constituents concerned about the lack of a fire siren in the area. I again raised the issue during the debate on the Fire and Emergency Services (Review) Amendment Bill in September. To date, no action has been forthcoming, so imagine my surprise when I learnt that, last week, the Minister for Emergency Services, when questioned on radio about the lack of a fire siren in Clare, answered: 'My personal belief is that sirens play an important part.'

I understand that the minister has now asked the CFS to make an assessment about fire sirens right across the state as currently some CFS brigades use sirens and others do not. My question to the minister is: why has this taken so long? Here we are in late October, the fire season is only days away and the minister has just asked the CFS to assess the viability of fire sirens. I do not understand why such an assessment could not have been undertaken throughout the year so that, whatever the outcome, a decision could have been made prior to this bushfire season.

A constituent who has lived at Mount Crawford for more than 35 years wrote to the Premier in January this year outlining the concerns of the community because it does not have a fire siren. He requested that the fire siren be made operational once again. It was once previously located and operated by the local forestry office. Mount Crawford has a state forest and a fire is a real fear to the community. The constituent did not even receive acknowledgment of his correspondence to the Premier, so he contacted me to advocate on his behalf and on behalf of the community.

I wrote to the minister and received a response in May—six months after the initial letter raising the issue. The response stated:

> ...fire appliances and the crew that service the Mount Crawford area belong to Forest SA...the CFS has stations adjacent to the Mount Crawford area at Williamstown, Forreston and Mount Pleasant. Both Mount Pleasant and Forreston have sirens that are activated according to the CFS siren policy.

During last week's radio debate on the use of fire sirens, South Australia's CFS Chief Officer, Euan Ferguson, explained that CFS sirens were originally used to alert volunteers that there was an emergency and to come to the fire station. He went on to say:

> We're changing our policy of sirens and we're saying where there is a working siren, that where the brigade turns out to a rural fire, the siren should be sounded and sounded continuously if there's a bushfire emergency warning issued.

When questioned by the presenter as to whether the use of fire sirens will be sorted out prior to this year's bushfire season, Mr Ferguson answered:

> This won't be a short-term issue. We've got a significant number of sirens in various states of repair and there's various sizes and coverages.

I understand what Mr Ferguson is saying but, this being the case, why did the state Rann government not act sooner to commission an inquiry into the use of sirens? It cannot say that it was not aware that fire sirens—particularly in bushfire prone areas—were an issue in the community.

In relation to a lack of a fire siren specifically in the Mount Crawford area, the government has been told about this situation since January this year but has not acted at all to alleviate the concern the community has. Now, here we are, on the cusp of what is predicted to be another hot summer and possibly a bad bushfire season and what has the government done? It is all very well to have a bushfire task force and expect people to have adequately prepared their homes and to

have a bushfire plan in place, but without a sufficient warning system we are leaving ourselves wide open to another bushfire with tragic consequences with fires like those that occurred in Victoria happening here.

The bushfire season has already well and truly started in Queensland. Before it starts here in a week or so I implore the Rann Labor government to reinstate the Mount Crawford fire siren and give the community some peace of mind. Sirens are an important part of a rural community, as the member for Hammond and the member for Flinders would know. When it goes off, we can hear our fire siren at Crystal Brook for four or five kilometres. Everyone hears it and knows that there is an emergency. People want this. I cannot understand. I have deliberately put this on the record. I hope I do not have to say or even think, 'I told you so.'

I cannot believe that, for a relatively small cost, the government will not reinstate the fire siren at Mount Crawford. No doubt the foresters will be happy to operate it—turn it on and off; it is probably automatic, anyway. I implore the government to heed this, because as we head into hot weather the community needs this safety.

Time expired.

DESLANDES, MR T.

Mr BIGNELL (Mawson) (15:43): Today I rise to commend and congratulate one of the true champions of our community in the southern parts of Adelaide. Mr Tim Deslandes, for the past 15 years, has done a wonderful job at the Hackham West Community Centre not only by bringing members of the community together and giving great service to the community but also providing hope to so many with so little hope in their lives. It is amazing to see the number of people's lives he has turned around. He has done it by getting a great team of paid staff, volunteers and committee members together at the Hackham West Community Centre and providing programs through the centre for children and the adults in the area.

It really has become a focal part of Hackham West, and Hackham West would be much the poorer without this community centre and without the great contribution of Tim Deslandes during the past 15 years. Last Monday, many of the local community gathered at the community centre to farewell Tim, who 15 years ago to the day started the community centre and built it up to the wonderful centre it is. Obviously, Tim did not do it on his own: many other people have played a role in that time, including Eric Bennett, who has just stood down as the chair of the Hackham West Community Centre, and I also congratulate Eric on his tireless work.

Both Eric and Tim have often been on to me to help them get grants to get more programs into the Hackham West Community Centre to teach people about adult literacy or to get kids learning about computers or in fact keeping primary school kids at school, which has been a really difficult thing over many years, and getting some of those children fed before school has also been a priority for both Eric and Tim. I congratulate them on their determination and the way they have stuck at making Hackham West a better community through all their efforts.

Last Tuesday, I went to a morning tea with the Minister for the Southern Suburbs, John Hill. We went to Copeland Industries, which is one of the beneficiaries of the structural adjustment fund which the federal and state governments put in place after the demise of Mitsubishi. On the old Mitsubishi-Lonsdale site, many great companies have been able to expand because of money that they themselves have put in but also money from these government grants. We are seeing a lot more people employed in the south in these smaller industries, and people who lost their jobs at Mitsubishi are now getting on with a job in a new workplace.

I am very pleased to keep monitoring the unemployment figures in the south. In June we had an unbelievable 3.3 per cent unemployment rate which, given the backdrop of the global financial crisis, is quite amazing. The latest figure I saw was just over 4.1 per cent, which is still very good, and employment is at record highs.

On Sunday, I was in McLaren Vale again, in the electorate of Mawson, where we had the launch of the Piazza Della Valle, which is a square that is going to be built in the main street of McLaren Vale with local and state government money and also money raised through the community. It is in recognition of the Italian community in and around McLaren Vale. When you look at names like Joe and John Petrucci, Steve Maglieri, Vicki Vasarelli, Joe Di Fabio, Michael Scarpantoni and the like who were there on Sunday or have been involved in getting this project together, I think it is a great thing to honour these families and other families in the area.

It is going to be a great thing for McLaren Vale to have a focal point for its people because it used to be two towns when the area was first settled. Anyone who has been down the main street realises that it goes for about two kilometres without a real focal point, so we are hoping that the piazza will in fact give locals a place to congregate and celebrate and have fun together and maybe even have a few games of bocce and things like that.

I also want to congratulate Woodcroft Primary School students who made the grand final of a statewide soccer tournament at the end of last term. Unfortunately they finished runners-up, but it is just such a great thing for those 16 kids at Woodcroft Primary. Not only have I presented each of those 16 boys with a 'Leon Bignell scoring for the South' soccer ball (so all 16 of those students have them) but also I have put in another 16 for the school to keep on behalf of each of those 16 students, so Woodcroft Primary has 32 soccer balls with 'Leon Bignell scoring for the South' printed all over them.

Mr Pederick interjecting:

Mr BIGNELL: I will sell the member for Hammond one as a bit of a fundraiser. Another school doing a great job down there is the Sunrise Christian School at Morphett Vale, which I visited last Thursday. They were filling two big shipping containers with school equipment which they will take over to Papua New Guinea to set up a demonstration school where they will not only teach the students but also teach other teachers from Papua New Guinea how to teach in a class environment. I congratulate them on their great fundraising efforts.

Time expired.

SOUTH AUSTRALIAN TIME ZONE

Mrs PENFOLD (Flinders) (15:49): Labor's rhetoric under Premier Rann tries to convince South Australians that we are doing well and have a place on the world stage. If that rhetoric had any substance, the government would revert to true central standard time for this state. Our state should have a bit of state pride, and a one hour time difference between the Eastern States and Western Australia instead of the current half-hour anomaly. The further extension to daylight saving has brought out more supporters who are asking for the change in a large measure to reduce the disadvantages of the longer daylight saving fiasco. The Eyre Peninsula Local Government Association is one of the latest in a long line of individuals and groups asking for the change, with some interesting facts on the manipulation of survey results, so that it supposedly supports the extension of daylight saving. The Eyre Peninsula Local Government Association Executive Officer, Diane Laube, wrote to the Minister for Industrial Relations, the Hon. Paul Caica, stating:

> After hearing the discussion (on radio), I was most intrigued to see the survey results posted on the SafeWork SA website claiming support for the daylight saving extension. The applied 'doctoring' of the figures provided great mirth at our meetings where members were astounded to see that you had applied a multiplier to the self-initiated vote to conclude that 54 per cent of the state was in favour of the extension.
>
> The raw vote resulted in 1,292 people indicating they were NOT in favour of the extension, and 698 voting for. This was then adjusted according to the proportion of voters in the metropolitan area (74 per cent) so a statistical adjustment applied to arrive at the 54 per cent. Even allowing for this dubious statistical tampering, a slim majority seems to suggest a great deal of dissatisfaction. Indeed, previous figures supporting daylight saving have been claimed to be resounding. No longer does this seem to be the case.

Talkback radio confirmed Ms Laube's comments. She states:

> During the April 2009 extension period, a number of talkback sessions were offered in metro Adelaide with my personal experience mostly with AM station 891. Never before have I heard the volume of dissatisfaction from metropolitan callers, with most suggesting inconvenience getting to work...A number of callers also raised the issue of our time zone being skewed a half an hour... suggesting that to revert to our 'solar' time would alleviate some of the issues.

Ms Laube commented on my attempts in 2005 to revert the state to true universal time, which resulted in resounding support for the proposition. Ms Laube states:

> ...anecdotal suggestions that extended daylight saving period is not well received by metropolitan voters and some adding their voices to call to return us to GMT +9 hours. Everyone is aware that this would lessen the negative impacts of that extended period.

South Australia is the only place in the world where the time line does not go through the geographical area to which it relates. There are three or four other half-hour time zones in the world, but in every instance the time line goes through the geographical region to which it relates. Because South Australia's time line is out of the state, Adelaide is not put on some world maps. Therefore, South Australia loses out on world recognition as a state and as a place to do business.

Computers do not, I understand, compute half-hour time zones, and, according to some in the tourism industry, that results in South Australia being completely ignored as a separate region of Australia.

The half-hour time zone also presents a safety issue for aviation and sea rescue. Some pilots wear two watches so that they are sure of giving the correct time when reporting. Mayday alerts from boats and shipping can be picked up elsewhere in the world and transferred to Australia where the alert may not have been heard, which has happened. When transferring information, the position of the boat in distress can be given incorrectly, because, if using the South Australian time line, it could be put near Tasmania instead of South Australia. This is a critical safety issue for Port Lincoln, which hosts the biggest tonnage of fishing boats in Australia.

The fact that South Australia is on a different time lines in the Eastern States is no impediment to business, contrary to what Mr Vaughan of Business SA tries to put forward, but the half-hour difference is and should be increased to a full hour.

The United States of America has five time zones across an area about the same size as Australia. Not all these zones follow state boundaries; that is, some states have two time zones. It is time South Australia caught up with the rest of the world and changed to true central standard time with, at most, three months of daylight saving. Mr Speaker, I will read a poem entitled 'At the End of the Day':

Back when the nation was in its prime

They invented a thing called 'Standard Time'

The clocks had been dithering, all of a bother

And now they finally agreed with each other.

But such are the ways of human nature

—And this was not lost on those men of stature

Who decide what we earn and how we spend—

That stability is a dangerous trend.

Seize the day!' they boomed. 'And the daylight, too!

Rule the sun before it rules you!

Time's a commodity to be bought and sold!

Control the clocks and you won't grow old!'

Time expired.

ERNIE AWARDS

The Hon. S.W. KEY (Ashford) (15:55): In this house I have reported before about a publication that was launched in South Australia in 2008 called *The Ernies book: 1000 terrible things Australian men have said about women*, by Meredith Burgmann and Yvette Andrews. Sadly, the Ernie Awards continue because men (and women, sadly) do continue to say terrible things about women.

I feel embarrassed about this particular award that was given this year, particularly after the contribution from the member for Schubert who raised some very important issues in his community with regard to the bushfires and warnings, so I hope he will know that I am not associating anything that he has contributed with this particular award. I could barely believe that this had happened. Apparently, the Ernie Award for this year—and this is the golden award—was given to an evangelical church pastor who blamed the Victorian bushfire tragedy on the state's abortion laws as being somehow connected. This took out, as I said, very sadly, the annual top award for sexist comments.

The Ernies, which are now in their 17th year, bestow awards on those whose public utterings are regarded as the most sexist. There are also awards for positive comments that are made as well, and I will get to them in a minute. About 250 women gathered at a gala event at the New South Wales Parliament House in early October and the comments by Pastor Danny Nalliah, head of the Catch the Fire Ministries, won the top prize.

Ms Bedford interjecting:

The Hon. S.W. KEY: Also very badly named, as the member for Florey said. Shortly, after the February bushfires, the pastor is alleged to have said—and I can hardly believe this:

> God's conditional protection has been removed from the nation of Australia, in particular Victoria, for approving the slaughter of innocent children in the womb.

It is a pretty astounding comment in itself. The second prize for the Silver Ernie was shared among several men, including shock jock Kyle Sandilands, as well as the New South Wales police force for exhibiting outstanding sexism. The police force came under fire from equality groups in September this year after reports that an employee was made to work overtime for every minute she spent expressing milk for her baby. Again, that is absolutely amazing. I am glad these awards do not reflect happenings in South Australia. I know that our police force would in no way support that action. The other award to Sandilands was well reported. He took out the Clinton repeat offender award. I might say he has had a number of claims made against him for his radio stunt that we sadly heard about with regard to the teenage girl who had revealed that she had been raped.

The Ernie Awards were named after a former New South Wales Labor Council president, Ernie Ecob, who was known for his sexist remarks. Although there were many, his most famous one was for his comment that women only wanted to be shearers for the sex. Again, I do not really understand that comment.

There have been some positive people nominated. For example, Michael Monaghan, Manly Sea Eagles rugby league captain, was quoted as saying that sexual assault is a cowardly act and also Adam Goodes, an AFL player, said his mum was his inspiration and, as a consequence, had taken her to the Brownlow Medal dinner. So the Ernies do try to acknowledge positive comments that have been made by men, in particular, with regard to women.

Time expired.

AUDITOR-GENERAL'S REPORT

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:00): I move:

> That standing orders be and remain so far suspended as to enable the report of the Auditor-General for the year ended 30 June 2009 to be referred to a committee of the whole house and for ministers to be examined on matters contained in the report in accordance with the timetable as distributed.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

In committee.

The CHAIR: I remind members that the requirements are the same as for normal committee processes. Questions must relate to the Auditor-General's Report and must be referenced.

Dr McFETRIDGE: I refer to Part C: State Finances and Related Matters, page 51, and savings which were to be achieved but which have not been achieved. Minister, advice given to the Auditor-General was that operational savings would not be achieved. Yesterday in the Budget and Finance Committee, evidence was given that the department in 2006-07 was $90 million over budget, in 2007-08 it was $70 million over budget and last year it was $144 million over budget.

It is estimated that there will be a blow-out in 2009-10 of $78 million. Can the minister advise the committee how you are able to meet the government's savings target without cutting any services? It appears from the Auditor-General's Report and the evidence given to the Budget and Finance Committee yesterday that the department is not going to meet those targets.

The Hon. J.D. HILL: I am happy to try to answer the question, but I point out that this is really outside the audit. The audit is really examining the financial statements, and so on, but I am happy to talk about what we might do in the future.

As I have said many times, the health budget consumes just under 30 per cent of our state's budget. The growth in expenditure is somewhere between 8 and 9 per cent. That is driven

by a range of factors, primarily the demand for services, which, in turn, is connected to the ageing of our population and the incidence of chronic disease amongst older people. If you are over the age of 65 you are twice as likely to need a hospital bed, for example, as someone under the age of 65, so the older you are the more likely you are to need health services and, of course, we have a growing population.

There is enormous pressure on our health care system. It is a similar pressure that every state in Australia and every comparable jurisdiction in the world is trying to deal with. We have embarked on a reform agenda, which is multifaceted and which aims to make our health care system sustainable. To make it sustainable, we have to bring down demand for health services and at the same time optimise the supply that we have. We also have to find additional resources to increase supplies. So, we have embraced a range of strategies to reduce costs.

Just this week, for example, the health regions announced a new strategy for dealing with the costs associated with staff going on leave and a greater coordination of leave. We will be putting more effort into making sure people take leave when it falls due and also coordinating the leave that staff have at a particular time of the year so there is less interruption during the course of a year. That will save a sum of money. There will be no fewer services delivered by doing this: it just means the same number of doctors and nurses will be working and providing services and they will just do it in a more coordinated way.

Of course, when this was brought out in the media during the week it was attacked by certain media organisations, and it was attacked and criticised by the opposition. In fact, the opposition said it would not go down this track if it were in office. When we announced we will build a new Royal Adelaide Hospital to create greater capacity in our system to ensure we have sufficient numbers of beds, operating theatres and emergency department space by the year 2016 and, in addition, make recurrent savings of, we believe, somewhere between $50 million and $100 million a year, it was of course once again attacked by the opposition. Every single time the government attempts to implement a strategy to reduce costs while maintaining services, the opposition attacks us. It cannot have it both ways. It cannot, on the one hand, cry crocodile tears over alleged overruns in the cost of the provision of services yet resist every single strategy that is embarked upon to make savings.

We are committed to ensuring that no services are reduced. In fact, we have been putting more resources into the system to ensure there are more services available to our population—more doctors, more nurses and more hospital beds. We are doing all of that and, at the same time, we are trying to make the system work more efficiently by reducing overlap and duplication and ensuring we are optimising the use of the existing resources. Sometimes that is politically painful, but if you are a grown up government you have to take the political pain to make the gains that you know the system needs. We are seriously looking at every aspect of our health service to ensure that we make savings. There will be little bits of work that are done all over the system to make sure that happens, so the holiday leave provisions that I identified will be continued with.

We are working with the various regions to ensure that we make efficiencies in how we do our accounting. A number of positions within those financial management services and human resources services can be done away with. We have had reports—I think Ernst & Young produced a report for us which identified a potential 300 salary saving without any reduction in services and, in fact, producing a stronger and more resilient system in our services. So they are the kinds of things we are doing.

In relation to clinical services, we obviously do not instruct doctors about what services they provide to staff, but I have spoken to surgeons as recently as last week and they said they are happy to work with us to try to reduce waste so that when there are alternatives in terms of devices or procedures that can be used they will work on making sure that they use the best device which gives the best value for money. So there is a range of things.

I acknowledge that we have not met all the savings targets that have been set for us, but we have done the best we can in the circumstances we find ourselves in without reducing services. A lot of the extra growth in the cost overruns is related to the increase in demand for services and the increase in the cost of provision of services. The inflation rate within health is far greater than the inflation rate in the rest of the community and so when we have to provide those services it sometimes costs more. That is the reality of health. It is the same here as in every other state and it is the same whichever side of politics is in government.

Dr McFETRIDGE: I refer to the same document. It states at page 51:

The shortfall of $38 million was essentially due to the Department of Health where health service reforms and operations savings would not be achieved.

Can the minister guarantee that no services will be cut? Yesterday, the Under Treasurer Mr Wright, in evidence to the Budget and Finance Committee, indicated on page 1166 'there is scope for us to provide a lower level of service in some areas'. He went on to say, 'there are policy choices there at the edges to save some money'. Will it be dental treatment or will it be outpatients where the patients will have services cut?

The Hon. J.D. HILL: My reading of what the Under Treasurer said was that hypothetically there is a range of ways that you can reduce costs. When the Liberal Party was in office, the way it reduced costs was to cut the number of beds and reduce services. That is what it did. It privatised one hospital and attempted to privatise another. We are still trying to clean up the mess from that decision in relation to Modbury Hospital.

Theoretically, you could cut costs by cutting services, but that is not our intention. It has never been our intention. In fact, our commitment has been to maintain and expand services, and that is what we have done. We just want to deliver those services in a more efficient way. If that means coordinating services in one hospital rather than having them spread over a range of hospitals, we will do that. That is not reducing services: it is making better use of resources so that we can continue to give the best delivery for the community, and there are some great examples of this coordination and focusing of services.

On the other hand, we want to provide more services in country South Australia, and we have had some success. In the last year or so, we have increased the amount of elective surgery occurring in country South Australia and, as a result, there has been something like a 5 per cent reduction in the number of country patients on any given day using a hospital bed in Adelaide. That is equivalent to freeing up about 25 metropolitan beds. That is a good outcome. It is cost effective, because it means we are using the resources in the country more efficiently and it takes the pressure off the city hospitals.

So, they are the kinds of things that we will do with services. However, it is not about cutting services: it is about delivering services in a cost-effective way and going through the process of ensuring that every single part of the department works as effectively and efficiently as it can. If we find waste, we will get rid of it. However, I just point out to the member for Morphett that it is really outrageous for the opposition to be critical about overexpenditure in budget and at the same time be critical about every single decision that the government makes to try to reduce it.

Dr McFETRIDGE: It is not about cutting services, it is about cutting some of the bureaucrats, and we will talk about that in a moment. I refer to the same document with respect to savings. Yesterday the Under Treasurer told the Budget and Finance Committee: 'The obligation is still on the agency to deliver the savings in future years.' Will those blow-outs—the $90 million in 2006-07, the $70 million in 2007-08 (I think there have been some bail-outs there, to quote from the Paxton report), the $144 million in 2008-09 and the estimated $78 million so far this year—be bailed out again or will they be carried over?

The Hon. J.D. HILL: This government, unlike the former government, continues to put in additional resources. When the former government was in office (I think when Dean Brown was the last Liberal health minister), money that was overspent by regions was maintained on the books as a debt. So, it avoided, as I understand it, this level of scrutiny. It just sat out there as a debt. In fact, we had to bring a $50 million debt (from memory) to book two years ago. That was a debt that had accumulated when Dean Brown was minister for health—and he was last minister for health at the beginning of 2002. So, that debt was dealt with some six or so years later.

Do not come in here and pretend that the overexpenditure in health is something new. All governments of all persuasions have difficulty properly estimating the amount of cost required over the course of the year. We budget appropriately and then we make whatever changes are required in order to make sure there are sufficient funds to cover the cost of the services and any increase in the range of services. You cannot—

Dr McFetridge interjecting:

The Hon. J.D. HILL: You can ask any number of questions you like, just let me answer, please. You cannot estimate or anticipate unforeseen things. For example, the flu pandemic that occurred in the course of the last 12 months, that was unforeseeable. In the first two or three

months of this year, we have had an increase of something like 12 per cent in attendances at our emergency department associated largely with this pandemic. That is unforeseeable.

What we had done though in 2007, when we released our Health Care Plan, was provide extra investment in out-of-hospital care and, as a result, we saw attendances at our emergency department which had been averaging around 5 per cent I think—in 2006-07 it was about 5 per cent—decline to about 2.5 per cent in 2007-08, and in 2008-09, it had gone backwards—negative growth in our attendances at our emergency department—because of the many things we had done. However, that turned around very quickly in the first two or three months of this calendar year as a result of the swine flu.

It is very hard to predict in an orderly way. It is much easier, for example, in education—and I am not reflecting in any way on the education system—because you know how many children there are, you know they are going to go to school and you can make reasonably good guesses. It is a bit difficult at the year 12 level perhaps, but you can make pretty good guesses about how many kids will be in the system. It is very difficult to anticipate accurately how many services will be required in the health system.

The member sort of obiter dicta made some reference to getting rid of bureaucrats. That would be his response. I say to him that, every time I or the government announce a plan through shared services, the Ernst & Young report or the Paxton review to reduce bureaucratic staff or services, the opposition has criticised. One of your country members will say, 'Oh, you can't have shared services because it will take jobs—that is, bureaucrats—away from country regions. You can't reduce the financial and human services areas because it will take jobs away from country regions. You can't coordinate the purchase of goods and services through one procurement office because it means people will not be buying toilet paper in country communities.' All those things which I have described reduce bureaucracy and reduce costs, yet every single time the opposition has been critical. They come in here with a false argument in relation to this.

Let me just tell you in relation to full-time equivalents in the health service, since the member referred to 'bureaucrats', at June 2009, there were 28,888 full-time equivalents employed in SA Health, representing an increase of 4 per cent since June 2008. The health regions represent 93 per cent of that: 62 per cent of employees were employed under the nurses award; 18 per cent were medical officers; 11 per cent were other health professionals; and a large proportion of the remainder are people who work in non-medical areas but in hospitals—orderlies, hospital services, all those kinds of things. In the same period, when we have had a 4 per cent increase in all the other staff across the system, there was only an increase of 0.2 per cent in administrative and clerical within the system. Our emphasis has been on employing more—

Ms Chapman interjecting:

The Hon. J.D. HILL: —0.2 per cent, I said—non-administrative, non-bureaucratic staff, more people who provide services and fewer people who do the administrative work. You cannot run a smart system without smart public servants. I really reject the underlying sort of notion that public servants—'bureaucrats', as we like to characterise them—are somehow a problem. We need smart public servants like those joining me today to help us manage our system, because if we do not have smart public servants we will not be able to run the system at all.

Ms CHAPMAN: My question relates to Part A: Audit Overview, page 20 and the USB memory stick. The Auditor-General reports on the incident in respect of its loss and describes it as having 'the potential to weaken the integrity and competitive strength of the procurement process'. We know from the information the minister has already provided to the parliament that this was lost on 2 June 2009, and that you and the Hon. Mr Foley were informed on 12 June 2009. When did you and/or any member of your department report this incident to the Auditor-General?

The Hon. J.D. HILL: I fail to see the point of this question. It is not a reference to the Auditor-General's Report. Again, it is a little witch-hunt that the former deputy leader of the opposition likes to pursue. It is this kind of pseudo legalistic nitpicking she is famous for, which is why she has been dumped from the deputy leader's position and why she has been dumped from the health portfolio. I have given a full account to this parliament on numerous occasions in relation to the USB, and the deputy leader and I will make further statements in days to come.

Ms CHAPMAN: On the same subject—

The CHAIR: Member for Bragg, I did not get the reference?

Ms CHAPMAN: Page 20 of the Audit Overview, Part A. The minister also reported to the parliament (as has the Attorney-General and, I think, the Treasurer) that the Crown Solicitor's Office conducted an investigation into this matter and had reported. One of the matters about which the Treasurer advised the parliament in response to a question I asked you, minister, in June was that he would be seeking some information as to why it took nine days for each of your respective departments to tell you of this incident. Now that the report has been received, what is the explanation as to why you were not told about this incident for nine days?

The Hon. J.D. HILL: Let me read, for the benefit of the committee, everything the Auditor-General says in relation to this issue. I refer to page 20, which states:

> In an incident that has received recent attention, a USB memory stick containing confidential and sensitive information in relation to the new Royal Adelaide Hospital Public Private Partnership procurement process was lost.

True. Page 20 continues:

> Such an incident has the potential to weaken the integrity and competitive strength of the procurement process.

That is the view expressed by the Auditor-General. The next paragraph, headed 'Management of incidents', states:

> The government's policy on notifiable incidents requires agencies and contracted suppliers to notify the Office of the Chief Information Officer about security incidents which disrupt government information and telecommunication services. Notifiable incidents can include disruptive events, misconduct, or criminal activity. They can have an adverse impact on the trust and confidence in government services.
>
> The matter of the need for improvement in security incident notification arrangements was the subject of audit comment in the review of DTEI in relation to arrangements with external contracted service providers.

All those things we have taken on notice. As I have said—

Ms Chapman: What is the answer?

The Hon. J.D. HILL: I say to the member for Bragg that I am happy to answer any question she would like in question time. You go ahead. This is not related to the Auditor-General's Report. You are playing funny buggers with this, Vickie.

The CHAIR: This question will need to relate to the Auditor-General's Report.

Ms CHAPMAN: It certainly is and I refute the assertion that it does not. It is clearly in the report. In fact, he raised his concern about it.

The CHAIR: Order! Member for Bragg—

Ms CHAPMAN: My question now is in relation to the Modbury Hospital—

The CHAIR: It is not anywhere relating to a word.

Ms CHAPMAN: I will tell you exactly where it is. The Modbury Hospital is referred to in Part B, Volume II, page 607. It relates to the staff at the hospital. I will refer to this as well because it refers to outstanding issues from the 2008 report, which is detailed at Part B, Volume II, pages 541 and 542. Minister, you provided a statement to the parliament in respect of a $3 million liability that you estimated the government may have to guarantee—in fact would guarantee—in respect of employee entitlements on 14 July this year. My question first is: have you and/or your department informed the Auditor-General that there was legal action pending and that in fact Healthscope was already suing you for $2.3 million, and, if so, when?

The CHAIR: Order! That is not the reference to the Modbury Hospital in the Auditor-General's Report. If the minister wishes to place any comments on record, he is welcome to.

Ms CHAPMAN: Madam Chair, I just want to direct you again to that. I am talking about the Auditor-General's Report 2008. I have given a reference and I have also given the Modbury Hospital staff, Part B, Volume II, page 607—which relates to the staff.

The CHAIR: That's right, and I have read that section. Minister, do you wish to make any comments?

The Hon. J.D. HILL: I do. Any member of parliament can ask any question in question time about any of the issues that are of moment in South Australia for which I am responsible, and that is clearly one that I have some responsibility for. I am happy to answer any of those questions

should the member for Bragg wish to raise them. She chooses to raise them in an inappropriate place in relation to another—

Ms Chapman interjecting:

The Hon. J.D. HILL: Speaking over me, member for Bragg, will get you nowhere.

Ms Chapman interjecting:

The CHAIR: Order, member for Bragg!

Ms Chapman interjecting:

The CHAIR: Order, member for Bragg! Member for Morphett, do you have a question?

Dr McFETRIDGE: Thank you, Madam Chair—

The Hon. J.D. HILL: I have not finished, Madam Chair.

The CHAIR: Sorry, member for Morphett, the minister wishes to continue.

Ms Chapman interjecting:

The Hon. J.D. HILL: I am so grateful for your presence, member for Bragg. I would just say to the member for Morphett: you may well go around the health service saying you are not the member for Bragg, and they are very grateful for it, but if you allow her to use up your Auditor-General's time with the kind of muck and nonsense that she does, then you will be tarred with the same brush.

The relationship between us and the Healthscope issue is one that is problematic, and it does involve legal action on both sides. Where that legal action is, I cannot say, because I am not briefed today in relation to that because it is not part of the question before us in relation to the Auditor-General's Report. If any member wishes to ask me questions about it, I am happy to get a report. Needless to say, we have claims against Healthscope. It believes it has claims against us and those matters are being worked through. Whether or not it goes to court is a matter for our legal advisers.

That is what that issue is about. It has absolutely nothing whatsoever to do with the Auditor-General's Report, and for the member for Bragg to try to use this report to make base political points against me just shows how pathetic she is and why she has been dumped and why she has lost every time she has tried to stand for leadership of that party, which is so hopeless; they have been through four leaders in four years. She cannot even get up in that sort of poor competition they have over there.

Dr McFETRIDGE: The reference is to the Auditor-General's Report, Part B, Agency Audit Report, Volume II, page 607, 'Health Sector Staffing Statistics'. I will read the *Hansard* and see what the minister said about the numbers of staff that are increasing, but my accounting there—and I think I can add up—is that there are 13,885 staff who are not doctors and nurses and there are 13,865 who are doctors and nurses—20 fewer—so there are more staff who are not doctors and nurses than those who are.

According to me, in the department staffing stats of the Department of Health full-time equivalents, there is an increase from 819 in 2008 to 938 in 2009—a 14.5 per cent increase. The target for TVSPs in health was 750 but only 64 have been reached yet. What are you doing about attaining that target of TVSPs because obviously there are significant savings?

The Hon. J.D. HILL: In relation to health regions, if you refer to page 607 of the Auditor-General's Report 2009, it shows that there are 11,337 nurses, 2,528 medical staff, 1,188 scientific and technical staff and 5,078 administrative and clerical staff, of whom a large majority are hospital-based people who work to support doctors and nurses in their day to day duties. Then there are 6,680 largely allied health staff, but also some hotel and other staff. The categorisation does not make it plain how many people sit outside of a hospital, but the advice I have, as I said before, is that there is an increase of about 0.2 per cent in administrative and clerical staff generally. A large number of ambulance staff need to be brought into the equation as well.

The Department of Health itself, that is, the head office, has 3 per cent of the total workforce; that is 938 full-time equivalents. Many would be considered as bureaucrats in that sense. There are, of course, public health officials, environmental health officials, and the like, contained within that. That has increased 15 per cent, by 119, since June 2008.

The reasons for those increases include the following: the full-time equivalent cap adjustment based on recommendations of the SA Health Review of all positions in 2008-09 (that was a technical adjustment made when we worked out exactly how many full-time equivalents, so it is not an actual increase; it is an apparent increase); the transfer of full-time equivalents related to the major projects office from health regions (we brought together various health regions into one central office so that we can get better bang for our buck); the creation of the SA Health Distribution Centre and the transfer of distribution warehouses from the Department of Treasury and Finance (more public servants, if you like, working in health, but they are public servants who are working elsewhere); and the commencement of centralisation—and this has been the largest part that growth—of ICT services across SA Health.

The coordination of ICT has brought together staff who are spread out across the regions, and that will eventually produce efficiencies and reduce the number of staff required. All these figures can be explained. The central point is this: we are increasing the number of doctors, nurses and allied health and reducing the number of non-essential public servants.

The CHAIR: The time for the examination of this section of the Auditor-General's Report has expired. I now call the Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers and Minister Assisting the Minister for Multicultural Affairs. I repeat that the normal procedures for committees occur, not the arrangements for estimates committees, and all questions must be directly referenced to the Auditor-General's Report.

Mr PENGILLY: I will come to the page number. Where did the extra $4 million for correctional services' net cost of providing services come from? For example, noted on page 4.153 of the 2008-09 budget, for the net cost of providing services for correctional services, there was an estimated budget of $172,455,000. However—

The CHAIR: Order! The minister does need to be able to follow this, so can you give him the page reference?

Mr PENGILLY: Yes; I am coming to the number, Madam Chair.

The CHAIR: Order! Other members need to be able to follow the questions. Give the page reference at the beginning. It is polite. The member for Finniss.

Mr PENGILLY: If it helps the minister, I refer to page 191 of Part B, Volume I. There was an estimated budget of $172,455,000. If the Auditor-General's Report summarised a figure on page 191, Part B, Volume I of $176 million, therefore leaving a financial gap of $4 million, where did this extra funding come from and what projects has this money been taken away from?

The CHAIR: Member for Finniss, I remind you that other members are present in the chamber and they deserve the consideration of being able to follow every question.

Mr PENGILLY: It is page 191 in the Auditor-General's Report: 'Net cost of providing services'. It is about halfway down the page.

The CHAIR: Yes, I have that one, but I have no idea about the rest of the data you gave.

Mr PENGILLY: Well—

The CHAIR: Order! That will do.

The Hon. A. KOUTSANTONIS: Was the question: what is the increase?

Mr PENGILLY: There seems to be a financial gap of about $4 million in actuals.

The Hon. A. KOUTSANTONIS: In the budget?

Mr PENGILLY: Yes.

The Hon. A. KOUTSANTONIS: I thank the member for his question. I understand that in the Mid-Year Budget Review we received extra funding for extra prisoner accommodation.

Mr PENGILLY: I refer to page 191. My question to the minister is under the heading of 'Net cost of providing services'. It states that the increase in prisoner numbers is costing the government $14 million, along with employee benefits and other additional expenditure. Given that the government scrapped the new prisons and secure facilities (NPSF) project in June 2009, how does the government place this expenditure as adequate spending and how long will the rack 'em, pack 'em and stack 'em approach continue?

The Hon. A. KOUTSANTONIS: This government is committed to providing humane custody and we do it exceptionally well, and we make no apology for the way we incarcerate our prisoners. Opposition members, who cry tears for prisoners who are doubled up, are happy for us to have people six to a room in the old Royal Adelaide Hospital and sharing one toilet. It is okay for people in the public health system but for our prisoners we demand the very best and latest accommodation!

I shed no tears for our prisoners, and our prisoners are accommodated humanely. We are investing in our prisons in South Australia. We are investing in additional beds: 12 in Port Augusta, 41 at Mobilong, 20 at Mount Gambier, 22 at Cadell, and 232 beds to come. We are investing in new accommodation. We make no apology for our tough law and order policies. We make no apology for our prison system accommodating more prisoners and we make no apology for doubling up—no apology at all. But I know that the opposition cries tears of sympathy for people who are doubled up in prison and has no sympathy at all for those people in our old Royal Adelaide Hospital who are six to a room and sharing one toilet.

Mr Goldsworthy: Are you going to build a new hospital?

The Hon. A. KOUTSANTONIS: We are.

Mr Goldsworthy: We are.

The Hon. A. KOUTSANTONIS: No, you are not.

Mr Goldsworthy: Yes, we are.

The Hon. A. KOUTSANTONIS: You are fixing the old one.

Mr Goldsworthy interjecting:

The Hon. A. KOUTSANTONIS: What is for the people there? Where are they going to go?

The CHAIR: Order!

Mr PENGILLY: I listened with interest to what the minister said and I do not know that he has been listening properly, but never mind. My question to the minister relates to page 191 of the Auditor-General's Report, under the heading 'Net cost of providing services'. Will the minister elaborate on and break down how much of the $14 million is spent on providing services for the increasing number of prisoners?

The CHAIR: The honourable member does not seem to really understand the Auditor-General's Report process, but I will ask the minister whether he wishes to respond.

The Hon. A. KOUTSANTONIS: This is my first Auditor-General's Report, as well.

Mr Pengilly: A pair of virgins together.

The Hon. A. KOUTSANTONIS: We are a pair of virgins together. The Auditor-General has made no adverse finding on this matter. The honourable member concedes that point. The Auditor-General has made no adverse finding. We are talking about the net cost of providing services—labour, rehabilitation, food, utilities, and so on.

I will get a more detailed answer for the honourable member but, with all due respect—and I am not trying to be smart—this is a budget estimates question rather than an Auditor-General's question. I am happy to take the question on notice. Given this is my first time, I know the honourable member is being gentle, so I will get back with a more detailed answer.

Mr PENGILLY: Thank you, minister. I refer to page 190, 'Payroll'. The audit review identified a number of control weaknesses in relation to payroll. The first dot point states that a bona fide certificate register was not maintained by the department to ensure all bona fide certificates were reviewed on a timely and consistent basis.

I note that the department has responded that it is expanding requirements for reviewing bona fide information. Will the minister give an explanation as to why this was not occurring and whether the systems that are now in place are satisfactory?

The Hon. A. KOUTSANTONIS: This is my first Auditor-General's question. The Auditor-General noted that no register of bona fide certificate return was maintained. The Department for Correctional Services communicated with all managers to ensure that they maintain a bona fide

register within business units. The managers were also reminded to review bona fide certificates and leave returns on a fortnightly basis; so we have accepted the criticism and acted upon it.

Mr PENGILLY: Continuing with that line of questioning on the same page, the next dot point says that the bona fide policy issued by the department did not include a requirement to check all relevant information and was not consistent with the requirements of the service level determination between the department and Shared Services SA for human resources services. Is it a difficult task for the Department for Correctional Services to comply with this monstrosity called Shared Services and its demands? Yes or no will do.

The Hon. A. KOUTSANTONIS: Like any new program, there are always teething problems, but there is no problem too large for the Department for Correctional Services.

Mr PENGILLY: The third dot point says that documentation, including bona fide certificates, was unable to be provided to audit relating to some areas of the department. Why?

The Hon. A. KOUTSANTONIS: The audit found that a number of documents could not be located and provided, and the action that we took related to the bona fide certificates relating to Mobilong and Adelaide Women's Prison and supporting documentation relating to the termination of one employee. The revised bona fide certificate policy has been communicated to all managers. The circulation of the policy has provided further opportunity for the Department for Correctional Services to remind managers of the importance of maintaining bona fide certificates and other standard documentation, and the auditor was satisfied with that response.

Mr PENGILLY: The next dot point says that human resources delegation documents have not been updated and do not reflect current business practice relating to the approval of certain types of allowances. Why was this not done, as it probably should have been, and I am assuming that it is now? However, I ask the question why it was not done in the past. Indeed, how long had this been occurring?

The Hon. A. KOUTSANTONIS: I will discuss the finding first. The audit found and noted that the human resources delegations were outdated and did not reflect the department's current business practices. This issue had been raised in the previous year. Human resources delegations are currently being reviewed and updated (this should be completed by November this year), with the intention of communicating the information to the relevant areas of the agency and Shared Services as soon as possible, and the auditor was satisfied with that response.

Mr PENGILLY: Under the heading 'Expenditure' on page 190 again, could the minister expand on and give more information about the fact that the audit testing identified a material payment not approved within delegated authorisations? The department clearly has indicated it has responded to this matter, but I would like the minister's answer to flesh this out a little bit further and tell the house why this occurred and what the problem was.

The Hon. A. KOUTSANTONIS: An invoice payment was found—and I am talking about one out of thousands—that was authorised even though it was slightly out of the delegation. There was one invoice—not hundreds, not thousands, but one. The department reinforced to all staff the requirement to adhere to the approval delegations of authority when financial authorisations were reviewed and revised in July of this year. Corporate Finance conducts sample testing of invoices to monitor compliance with authorisations. This was a one-off mistake.

Mr PENGILLY: The minister has demonstrated that the audit process of the Auditor-General has identified that, indeed, the department has acted most appropriately probably 99.99 per cent of the time, so I take the opportunity to commend the department for the way it operates. In the short time I have been in this role, I have been around and looked at a few of the facilities and am most impressed with the officers and management. So, really, on this section of the Auditor-General's Report there is not a lot to ask. I understand the member for Kavel has a question about another of the minister's portfolio areas so I hand over to him and thank his officers for their replies.

The Hon. A. KOUTSANTONIS: I thank the member for his glowing references to the hardworking public servants of the Department for Correctional Services, and how wonderful they are and how hard they work; and how the Auditor-General, an independent officer, has found almost no complaint with the way they operate. It still surprises me that the opposition calls for an ICAC.

Mr GOLDSWORTHY: My next question is directed to the Minister for Gambling. I refer to the Auditor-General's Report, Volume I, page 101. Given that the government was cutting the

number of poker machines several years ago, why has there been an increase in machines from the year 2008-09? On page 101 it is noted that the number of gaming machines installed as at 30 June increased by 55 from 2008 to 2009 and by 101 from 2007 to 2008. I thought it was the policy of the government to reduce poker machines, not to increase them.

The Hon. A. KOUTSANTONIS: I will take the majority of that question on notice. However, I will say this. It is the policy of this government to reduce the number of poker machines, but I also remind the member for Kavel that there are people who hold poker machine licences that are not active; that is, the machine is not physically on the floor, like the casino and some other clubs. I can only imagine that that is part of the reason. However, I will obtain a more detailed answer for the member for Kavel and bring it back to the house.

The CHAIR: There being no further questions of the minister, the examination is concluded.

Mrs GERAGHTY: Madam, I draw your attention to the state of the committee.

A quorum having been formed:

The CHAIR: We now proceed to examination of the Auditor-General's Report in relation to the Minister for Employment, Training and Further Education, Minister for Road Safety and Minister for Science and Information Economy. I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet and all questions must be directly referenced to the Auditor-General's Report.

Mr GOLDSWORTHY: I refer to the Auditor-General's Report in relation to road safety. There is not a great deal in the Auditor-General's Report on that specific area of responsibility, but there are two pages to which I would like to refer. I first refer to Volume V, page 1497, which has a schedule of expenses and income which obviously relates to the office of road safety. Can the minister tell the committee how many staff are in the office of road safety—because there is an employee benefit expenses line, and so on?

The Hon. M.F. O'BRIEN: Can we reverse the order? I have just come from a meeting, and the Chief Executive of DTEI is in the building.

Mr Goldsworthy: What do you want to do?

The Hon. M.F. O'BRIEN: If the member is agreeable, we will deal with further education.

Mr PISONI: Madam Chair, can we start the clock again, please?

The CHAIR: We have just stopped the clock.

Mr PISONI: Can we start it again, was the question.

The CHAIR: No, we have stopped the clock.

Mr PISONI: You are not going to start it again? A minute has gone by.

The CHAIR: The member for Kavel asked a question—

Mr PISONI: But the minister cannot answer it. He said his advisers are not here and he cannot answer it.

The CHAIR: No; the question is on the record. It is all right. Proceed with questions. The member for Unley, do you wish to ask questions?

Mr PISONI: There are only 28 minutes on the clock, chair. It is in *Hansard* that we are being robbed of this time to question the minister. In last year's Auditor-General's Report, the department advised that the Scanning Workflow Accounts Payable System (SWAP) has been implemented and was effective in reducing the risk of unauthorised invoices being processed for payment. However, this year, the Auditor-General's Report highlights that unauthorised accounts, payable invoices, are still going unchecked. The system does not ensure the correct authorisation of transactions in accordance with delegated authorities and there are no checks and balances regarding a single officer purchasing, receipting and approved payment of goods. Such examples of blatant non-compliance not only increase the likelihood of serious fraud but highlight the complete lack of accountability in managing the expenses.

The CHAIR: Can we have an identification for this, please, a reference? You are making many statements.

Mr PISONI: Part B, Volume II, page 530, under 'Expenditure'. However, apparently the department does not consider this to be a high risk. Can you explain that minister?

The Hon. M.F. O'BRIEN: In response to the comments contained within the Auditor-General's Report, the chief executive officer of DFEEST responded in writing in September. I will read in the propositions outlined by the Auditor-General. In relation to SWAP and expenditure, the Auditor-General said:

The Scanning Workflow Accounts Payable (SWAP) system was implemented in May 2008. Audit review revealed some control deficiencies:

- SWAP does not ensure authorisation in line with the Delegations of Authority.

The chief executive officer responded:

- The scanning workflow accounts payable system (SWAP) has significantly reduced the risk of unauthorised invoices being paid.
- The system automates the entire accounts payable process.
- Insertion of the authorising officer's position title and name is a mandatory requirement.
- The responsible officer receives email notifications of an invoice for authorisation which includes reference to delegations and direct links to the delegations manual.
- Immediately prior to payment processing, the responsible officer is again prompted to ensure they have the appropriate delegation.
- Internal Audit reviews are undertaken to complement this system's functionality to ensure Delegation of Authority compliance.
- SWAP is now managed by Shared Services SA who has indicated that it will eventually be replaced by an Electronic Procure to Pay system. This will be the next opportunity to consider automation of links to Delegation Manuals.

The Auditor-General then commented:

- Independent checks are not performed where scanned invoice balances are overridden in SWAP.

The chief executive officer responded:

- A system problem was identified by DFEEST several months ago whereby payments were being allowed to be processed for amounts that varied from the scanned invoice.
- It should be noted though that the system advised the delegate of the difference, and provided an opportunity to abort the process, prior to the payment being processed.
- This issue has since been rectified and corrective action initiated for the erroneous payments.

The Auditor-General also commented:

The Department responded that it considers the introduction of SWAP has significantly reduced the risk of unauthorised invoices being processed for payment and that the processes that are now in place through SWAP improve and appropriately manage the risk of inappropriate payments. It was also advised that the system has provided additional controls and importantly systems generated notifications to those exercising delegations for payments. This response will be considered as part of the 2009-10 audit of expenditure.

- A lack of segregation exists as the same officer purchases, receipts and approves payment of goods.

The chief executive officer responded:

- This was a potential risk which had arisen from a problem with the Scanning Workflow Accounts Payable (SWAP) system which has since been rectified.
- The goods or services are receipted in the financial system (Masterpiece) prior to the invoice being scanned in SWAP.
- SWAP recognises the goods or services have been received against the Purchase Order file uploaded each night and automatically checks the 'goods received' box.
- An independent officer then authorises the payment via SWAP.

I refer again to the Auditor-General's Report:

In addition, the Department has investigated the lack of segregation and, although it does not consider the occurrences are frequent or high risk, it intends to resolve the issue through a system modification to be undertaken by Shared Services SA (SSSA).

That is dealing with expenditure under SWAP and that is the strategy that the chief executive officer intends to implement in dealing with those issues identified by the Auditor-General.

Mr PISONI: Given that the Auditor-General last year identified similar areas of non-compliance with basic internal controls such as delegated authorities and accuracy of invoices were being disregarded and this year's report outlines the same flaws, does that indicate sloppy government to the extreme? Two Auditor-General's reports in a row!

The CHAIR: Order! Last year's Auditor-General's Report is not under consideration.

Mr PISONI: I know that the chair does not want to hear it, but it is two Auditor-General's reports in a row.

The CHAIR: Order! The member for Unley will resume his seat. There are to be no comments in relation to the chair.

The Hon. M.F. O'BRIEN: I will quote from the Auditor-General's Report in reference to the claim made by the member for Unley in relation to assessment of controls. The Auditor-General said:

> In my opinion, the controls exercised by the Department of Further Education, Employment, Science and Technology in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, except for matters raised in relation to expenditure, grant expenditure, student revenue, payroll, risk management, budgetary control and policies and procedures, as outlined under 'Communication of Audit Matters', are sufficient to provide reasonable assurance that the financial transactions of the Department of Further Education, Employment, Science and Technology have been conducted properly and in accordance with the law.

Mr PISONI: I refer to page 51 of that same volume, 'Payroll'. The Auditor-General's Report revealed that fortnightly payroll disbursements can be manipulated prior to release as they are transferred through multiple departmental networks. The department's response is that it will undertake to investigate tighter systems controls. Will the minister advise how many staff have been overpaid in the last 12 months, and will the minister advise when these tighter systems controls will be implemented? In light of these inconsistencies, will the minister confirm that the actual sick leave being accurately recorded in the Employee Self Service (ESS) system is correct, and have the average sick days taken per DFEEST employee increased above the 7.49 days as per his advice to my estimates committee question in July this year and his response dated 9 September this year?

The CHAIR: Can the member for Unley give that reference again, please?

Mr PISONI: Volume II, 'Payroll', page 531.

The Hon. M.F. O'BRIEN: The department has put a great deal of effort into the issue of overpayments and has been able to establish that they are negligible in number, but I will take that matter on notice and return with precise figures. Again, I will return to the comments of the Auditor-General and the department's response which was provided by way of correspondence between the chief executive officer and the Auditor-General. The Auditor-General's Report under 'Payroll' states:

> The audit of payroll revealed control deficiencies in the following areas:
>
> - Although statistics have improved from last year [a sign of improvement, and this is not in the report], some managers are still not reviewing and returning bona fide certificates within the required time frame.

The chief executive officer responded as follows:

- Human resources departments are increasing their monitoring and follow-up of outstanding bona fide certificates.
- Bona fides are being sent out on or just after the period end date, which provides another level of internal control to ensure that appropriate certification and return can only occur.
- The human resources director will personally analyse outstanding or late returns and will follow up with non-compliant areas and remind them of their management responsibilities.

The Auditor-General's Report further states:

> The department responded that managers will be reminded of the need to return bona fide certificates in appropriate time frames and will report upon and action non-performance. The department does not review payroll master file information prior to or after SSSA process changes. The fortnightly payroll disbursement files can be easily changed prior to disbursement as they are transferred through multiple computer network drives to which numerous department and SSSA employees have access.

This is a point picked up by the member for Unley. The response of the chief executive officer states:

- DFEEST processes have been reviewed extensively and it is considered that the risk of inappropriate file manipulation is well managed through the timing of file transfers and the monitoring of system-generated error messages by designated finance staff.
- Discussions have been held with Shared Services SA regarding their component of the process, and an undertaking has been given to investigate tighter systems controls as recommended by audit. This undertaking will be formalised and service agreements adjusted where appropriate.

Mr PISONI: The minister provided some information showing that the total average sick days per full-time equivalents in sections of his department, such as the Director, Employment Services, Planning and Support, ACE & Community Partnerships is up to 11.53 sick days a year; regional initiatives, 6.74; Skills Recognition Services, 8.68; and Aboriginal employment initiatives 11.11 days. Bearing in mind that this is the average, it means that a lot more are taking many more days than the average number of sick days. Will the minister confirm whether these figures are higher than the average in the South Australian public sector? Also, what happens to the payroll for those members who have taken more than their entitlement of sick days? Are they, for example, working extra time, are they taking annual leave or are they being paid from some other mechanism available to the minister?

The CHAIR: Member for Unley, are you referring to some prior communication with the minister?

Mr PISONI: I am referring to the Auditor-General's Report on payroll.

The CHAIR: And the average number of sick days, etc., where is that documented?

Mr PISONI: I am referring to payroll.

The CHAIR: I do not find the number of sick days in that data that you cited. If the data is not before the committee, then it is not a committee question.

Mr PISONI: The question is about payroll and the way it is administered. The Auditor-General has been critical—

The CHAIR: Member for Unley, I am aware of that.

Mr PISONI: —of the way in which the payroll is administered, and I am using my knowledge of the portfolio and this opportunity of the Auditor-General's examination to get some more information about the inefficiencies that are occurring in this department.

The CHAIR: Member for Unley, questions in this section are only related to data and figures in the Auditor-General's Report. Questions relating to general issues such as sick leave, for instance, can be asked of the minister at any time during question time. Minister, you are not required to answer this question, but do you wish to?

The Hon. M.F. O'BRIEN: I think the member for Unley is referring to figures that arose through the estimates process. I suggest that he frames that as a question on notice and I will definitely reply, but it is not dealt with.

Mr Pisoni interjecting:

The Hon. M.F. O'BRIEN: Member for Unley, we will expedite this, but there is an enormous amount of data collection involved. You have asked for comparisons across the South Australian government by way of averages and that is going to take a little while to pull together. Supply it as a question on notice, otherwise I think we are corrupting the process.

Mr HAMILTON-SMITH: I want to ask a question of the Minister for Science and Information Economy. In Volume II, page 553 of the report deals with grants and subsidies, and I notice that for science and technology programs, there has been a reduction from $29.6 million in 2008 to $24.9 million in 2009. Just beneath that, under 'Grants and subsidies paid/payable to entities within the SA government', for science and technology programs the report notes a drop from $13.7 million to $11.2 million. I am just interested in how these two figures disconnect, what the total reduction in the number of grants and subsidies is across programs and also what the impact of this has been on portfolio outcomes?

The Hon. M.F. O'BRIEN: I thank the member for Waite, a fellow MBAer, so I can refer to accounting process. Science research grants are actually treated on a cash flow rather than an accrual basis, so it really is a question of the time that the money was received. The discrepancy really is a result of a timing issue rather than there having been a drop away in the level of commonwealth funding.

The majority of the decrease relates to science and technology related grants of $4.73 million and a one-off higher education capital-related grant of $5 million shown in other specific grants paid to the University of Adelaide to enable the university to establish a new veterinary science school at the Roseworthy campus in 2007-08 which was not paid until 2008-09, so it was really an issue of the timing of the payment.

Mr HAMILTON-SMITH: I seek the minister's guidance. In the same volume on page 530, the Auditor-General observes that there were some control breakdowns in the area of grant payments. Could the minister explain to the committee in more detail the substance of those control breakdowns and what has been done to fix the problem?

The CHAIR: Can the member tell us which section that is under?

Mr HAMILTON-SMITH: Page 530, under 'Grant expenditure', halfway down: 'Audit found that the effectiveness of control activities differs across each grant area', etc.

The Hon. M.F. O'BRIEN: I will not read out the section within the Auditor-General's Report—I think the member for Unley has done that—but again referring to the correspondence of September, the chief executive's response states:

> A review is underway which will develop a Grants Management Framework with a consistent set of principles that will underpin the administration and distribution of grants. Detailed reviews of the system and processes associated with the specifically highlighted grant arrangements have been undertaken and it is considered that all reconciliation processes have been streamlined and are effective in ensuring appropriate controls.

So, we are addressing that particular matter and the chief executive officer has indicated that one of the things we will be doing within the new grants management framework is separating out the process that allocates the grants from the grant recipient so that there is no blurring of responsibilities.

Mr HAMILTON-SMITH: Page 551 of the Auditor-General's Report, Volume II, outlines subprogram expenditure, particularly the subprogram on 'Science and innovation' and the subprogram on 'Information economy'. There just seems to be some overlap here with the functions of the Department for Transport, Energy and Infrastructure which manages the ICT projects for the government's own business. I would just like to ask what overlap or duplication is there, if any, between the activities of this particular subprogram mentioned in the Auditor-General's Report and the ICT program in DTEI for whole of government business? Does your subprogram have some connection there?

The Hon. M.F. O'BRIEN: My understanding is that there is no overlap. This is a high-level policy group that advises government on strategy. It was responsible for the broadband black spot program, among other things, with the commencement of a rollout in the Adelaide metropolitan area. It was responsible for the network put in place on Yorke Peninsula, which is regarded as nation leading. I know that the federal government is looking at that model, which was run out of that particular secretariat, as a nationally applicable model. My understanding is that there is no overlay of functionality between the two departments.

Mr GOLDSWORTHY: My question refers to issues of road safety. I will just pick up where we left off before: Volume V, page 1497. There is not a lot in the Auditor-General's Report in relation to road safety issues. As it relates to the expenses and income schedule, in '08 the employee benefit expenses and the like was $6.7 million, increased to a fraction over $7.4 million. How many employees are employed in the office of road safety?

The Hon. M.F. O'BRIEN: There is not an office of road safety as such. As you would appreciate, it is an administrative unit within DTEI, entitled the Road Safety Directorate. The financials, by and large, are the responsibility of the Minister for Transport, but I can inform you that there are approximately 140 staff within that directorate.

Mr GOLDSWORTHY: What was the reason for the increase of $700,000 from '08 to '09 in the employee benefits expenses line?

The Hon. M.F. O'BRIEN: I will take that on notice, but I think the response will probably come from the Minister for Transport.

Mr GOLDSWORTHY: How does the relationship between you and the Road Safety Directorate work? If you have the Minister for Transport and you are the Minister for Road Safety

and you have a Road Safety Directorate, what is the relationship? Do they report to you or the Minister for Transport? What is the deal?

The Hon. M.F. O'BRIEN: My function is that of policy development, and the financial management of DTEI in its entirety is the responsibility of the Minister for Transport. I can make general comments and take matters on notice, but as to the actual financial management, ultimately the Minister for Transport has the responsibility for the entirety of DTEI.

Mr GOLDSWORTHY: I presume, referring to page 1499, the balance sheet or assets and liabilities schedule is all zero because it is all part of DTEI, part of the department, and you do not have a separate asset liability for the Road Safety Directorate.

The Hon. M.F. O'BRIEN: That would be correct.

Mr GOLDSWORTHY: I refer to Volume V, page 1513. The Road Safety Advisory Council employs Mr Alex Gallacher and Sir Eric Neal. The remuneration of board and committee members shows that 26 are in the remuneration bracket of $1 to $9,999. How many people comprise the Road Safety Advisory Council? Is it just Mr Gallacher and Sir Eric Neal, or are there other people? I presume there are other people. Do those two people only receive sitting fees for the advisory council? Do other members of that council receive sitting fees?

The Hon. M.F. O'BRIEN: That is correct. In 2008-09, two members of the Road Safety Advisory Council were remunerated through the Department for Transport, Energy and Infrastructure, and they were Mr Alex Gallacher and Sir Eric Neal. Each member received remuneration for the cost of performing board and committee member duties, including sitting fees, superannuation contribution, fringe benefits tax and other salary sacrifice arrangements. The total payable by DTEI and received by members of the council was the princely sum of $5,400.

Mr GOLDSWORTHY: How many members are on that council? There would be some that obviously don't receive remuneration. Just ballpark—six, ten?

The Hon. M.F. O'BRIEN: There are seven. The other five are not paid.

The CHAIR: The time for examination of this section of the Auditor-General's Report having expired, we will now move to the Minister for Families and Communities, Minister for the Northern Suburbs, Minister for Housing, Minister for Ageing and Minister for Disability.

Ms CHAPMAN: The Hon. Stephen Wade is the opposition spokesperson on families and communities and he has conferred with me on his concerns, particularly arising out of the Auditor-General's assessment of this portfolio this year. I refer to page 477, Volume II. I am talking about the administered items of the Department for Families and Communities, in particular consultancies. There is one consultancy fee paid at $150,000 during the subject year. My question is in respect of the details of this consultancy: who was engaged, for what purpose and for whom was the consultancy engaged?

The Hon. J.M. RANKINE: That was not one consultancy but three consultancies.

Ms CHAPMAN: It says there is one.

The Hon. J.M. RANKINE: I am sorry, I do not have that information. I will get that for you on notice.

Ms CHAPMAN: I refer to page 611. This is a question about HomeStart. There is a statement of the comprehensive income of HomeStart. At about point 8 or 9 on that page it refers to the net interest income and interest margin of HomeStart. In the explanation as to why there had been a net interest income by some $7.2 million in the past financial year—that is, extra income of HomeStart—one of the reasons identified there is as follows:

> HomeStart not passing on some Reserve Bank of Australia interest rate cuts to customers, in line with the general market response.

In other words, there is a bigger profit margin because they have not handed the interest rate benefit back to the customers. My question is: why didn't HomeStart pass on the interest rate cuts to its customers, considering the criticism of the federal Treasurer that failure to pass on rate cuts was hijacking Australia's monetary policy?

The Hon. J.M. RANKINE: I am happy to get a detailed response from HomeStart, but my understanding is that in some instances, when the federal government was urging other banks to pass on the interest rate cut, HomeStart did do that, but we found ourselves not where we would

want to be placed within the market. We did not want HomeStart being seen to be the cheapest interest rate and undercutting commercial banks in South Australia. We are mindful to ensure that HomeStart is about mid ranking as far as interest rates go in South Australia.

Ms CHAPMAN: That would be a perfectly reasonable explanation if that was a question of each year adjusting the interest rate rebate, depending on whether or not you stay as middle of the market, but there is absolutely no reference here or in the HomeStart documents that that is a requirement of that entity. I am not aware of any Treasurer's Instruction which requires that.

As you know, HomeStart recipients are people in the community who struggle to get finance anywhere else, so this service is provided. It is a very good service, but there is a massive increase in income and profit in a situation where even the federal Treasurer speaks of this as hijacking Australia's monetary policy.

I have asked the Treasurer previously about why there has been a delay in the refund given to clients of HomeStart, when there is an expectation that clients of all the other banks would get theirs a day or so later. He has explained quite reasonably that from time to time, when there is a rate adjustment, it takes some time to work it through the system and sometimes it is not exactly the same as the Reserve Bank credit. Similarly, on occasions it is not given the debit.

It is very clear that there is an expectation for the banks across Australia to provide relief to their customers. Unless the minister can explain that a new direction requires that it be middle of the road, in the sense of a service that is available, when in fact its own documents suggest it is a facility which is available to a select group in the community who are not usually able to access loans elsewhere.

The Hon. J.M. RANKINE: The honourable member is correct. HomeStart does provide loans to people who generally cannot access finance through other banking institutions. We provide very different products from those which are available through banks. Customers are much more high risk than those who borrow from banks. The way in which the loans are structured is different from the way in which they are structured for the banks.

In the main people generally would not pay more than 25 per cent of their income on a loan repayment and, rather than have a set period of time in which to repay the loan, it is structured to take into account their ability to pay. HomeStart needs to juggle a lot of different factors. We are very fortunate to have HomeStart operating here in South Australia, and we have managed to get about 50,000 people into home ownership who would not otherwise have been able to do that.

Ms CHAPMAN: Has the federal government made any request that HomeStart pass on interest rate cuts and, if so, when?

The Hon. J.M. RANKINE: I understand that we have passed on interest rate cuts where it has been absolutely appropriate.

Ms CHAPMAN: Perhaps the minister misunderstood my question. I did not ask whether they had been passed on. I asked whether the federal government has asked HomeStart to pass them on.

The Hon. J.M. RANKINE: As far as I am aware, we have not received any correspondence from the federal government in relation to that matter. We have passed on interest rate cuts, as deemed appropriate by the board.

Ms CHAPMAN: I refer to page 431, which relates to one of the most significant areas of interest raised by the Auditor-General, that is, the general management of grant payments. One of the recommendations of the Auditor-General, with respect to the findings of the department's risk management and internal audit report in 2008-09, refers to the need for a high level needs assessment and for the mapping of services to these needs. I have a number of questions in relation to this matter. First, has such a high level needs assessment been conducted by the department, particularly of the unmet need in South Australia?

The ACTING CHAIR (Hon. P.L. White): I am on page 431, 'Management of grant payments—internal audit review'. To which line are you referring?

Ms CHAPMAN: About point 8. It starts at the paragraph, 'strong evidence supporting...'.

The Hon. J.M. RANKINE: I point out, first, that we really do appreciate the work the Auditor-General does in highlighting areas in which we can improve our processes—and we act on them. In the section to which the honourable member refers, it is worth pointing out that the

Auditor-General has relied on the work DFC has done in-house to highlight these things. As he points out, our own risk management and internal report has highlighted these issues; and that is referred to in these particular paragraphs.

We have been examining existing grant management practices and implementing a number of reforms to streamline the functions, planning, funding, contracting, performance, management and evaluation of our grants over some months now. We recognise that it is essential to a strong evidence base underpinning our grant funding decisions in order to ensure that we target our resources appropriately and that we get best value for money in relation to our contracts; so that work is underway. We appreciate the Auditor-General noting the good work that has been done by the department.

Ms CHAPMAN: That is excellent, minister, but my question is: have you done the high level needs assessment which is recommended for each division? Has it been done? I will have other questions about whether or not it has been done.

The Hon. J.M. RANKINE: We have commenced the reform of funding and grants management process project, which examines existing grant management practices. As I said, we are implementing a number of reforms to integrate and streamline the functions of planning, funding, contracting—

Ms CHAPMAN: I have a point of order: I am not actually asking the minister about what the government is doing in respect of the management of grant payments. I am asking specifically about a recommendation in relation to a high level needs assessment being undertaken. My question is: have you actually done that?

The ACTING CHAIR: Member for Bragg, the minister had hardly begun to speak. I will let the minister speak in order to determine whether she is answering the question.

The Hon. J.M. RANKINE: I am trying to tell the member for Bragg that work is underway currently.

Ms CHAPMAN: On that?

The Hon. J.M. RANKINE: On all of it.

Ms CHAPMAN: Minister, does the high level needs assessment, which you are currently undertaking, include a term of reference to identify the unmet need and, in particular, the cost of that to the community, if it had to be provided? Is that part of the terms of reference of the report you are currently undertaking?

The Hon. J.M. RANKINE: I invite the member to access our website. The unmet need is already recorded on the DFC website.

Ms CHAPMAN: Do I take it, then, that the high level needs assessment that you are currently undertaking does not include that as a term of reference?

The Hon. J.M. RANKINE: It encompasses the whole portfolio.

Ms CHAPMAN: What is the cost of meeting the current unmet need in South Australia?

The Hon. J.M. RANKINE: Unmet need of what?

Ms CHAPMAN: The high level needs assessment refers to identifying the unmet needs and future priorities, which you have told us is already on the website. I am asking: what is the total cost of meeting the unmet need?

The Hon. J.M. RANKINE: I am referring to unmet need of disability services, which is on the website, and that is a complex calculation. I do not have that information. People are registered as having unmet need in a range of categories, with a range of different services required depending on the severity and complexity of their need and the service they require. So, it is a very individualised assessment. One person might require one service and another person might require four or five different services.

Ms CHAPMAN: The section I am asking about in this report relates to the whole department—in fact, it refers to doing this assessment in all of the divisions. Whilst I note there is a record of the unmet need in respect of the disability services the minister is telling us about, I ask this question: is the unmet need of all of the departments within families and communities, as per this recommendation, being undertaken as part of this high level needs assessment; that is, in addition to simply the disability?

The Hon. J.M. RANKINE: The needs assessment that is being undertaken is looking at what sort of services we require, the extent of those services and how we can get better value for money and better manage our contracts, service agreements and assets.

Ms CHAPMAN: When does the minister expect the high level needs assessment that is currently being undertaken to be completed?

The Hon. J.M. RANKINE: As the member would imagine, this is an extensive piece of work.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Well, I would expect it will take at least one or two years to be completed across the whole department.

Ms CHAPMAN: Can you tell me when it started?

The Hon. J.M. RANKINE: Around the time I became the minister.

Ms CHAPMAN: Give me a hint on that.

The Hon. J.M. RANKINE: I think that was about July last year.

Ms CHAPMAN: Will the government introduce individualised or self-directed funding to better map services to needs to meet the recommendation in the Auditor-General's Report—

The ACTING CHAIR: Order! Member for Bragg, to which line do you refer now?

Ms CHAPMAN: I am still in the same section.

The ACTING CHAIR (Hon. P.L. White): Well, I will listen very carefully.

Ms CHAPMAN: Will the government introduce individualised or self-directed funding to better map services to needs to meet the recommendation in the Auditor-General's Report and, if so, when?

The Hon. J.M. RANKINE: I thank the member for this question because it is one of great interest to people in the disability sector and, certainly, people with disabilities themselves and their families. I think it is over 12 months ago that the former minister announced that the government was looking at that. The Department for Families and Communities has been doing a considerable amount of work in relation to individualised funding, recognising again that it is a very complex process to go through. Whilst it might sound simple to say to people, 'Here is your bucket of money. You go away and organise your own services,' that would cause enormous disruption and, I think, concern to many people.

We know it is not a one-size-fits-all, but we have committed to working cautiously towards that to provide the opportunity for people who are very keen to manage their own funding and be in charge of the services that are provided to them so they can maximise the benefits. We are very committed to working towards that and, in fact, I have said on numerous occasions that we will be doing that and I expect to announce very soon that we will be calling for registrations of interest to do exactly that.

Ms CHAPMAN: At page 432, which goes on to another area of concern of the Auditor-General in regard to brokerage payments, one of the issues raised is the delay in putting in place the client service agreements. As the minister would appreciate, if there is a delay in this, either the service discontinues or does not start, or the NGO picks up the tab, and there is always the risk then that upon subsequent approval for a lesser hourly period, for example, the NGO does not get paid but has already provided the service. This is an area that has obviously been of concern because it relates to people with disabilities and the Auditor-General points out the importance of these agreements being put in place prior to the services being provided. My question is: what strategies has the department put in place to address those concerns to make sure that that happens?

The Hon. J.M. RANKINE: Certainly, I understand the concerns of the auditor in relation to that, but I think it is worth pointing out that the provision of disability services sometimes is just not like contracting any other service. It is not like Housing SA contracting a plumber, builder, or whomever. There are circumstances where there are quite urgent situations and you need to get a service in place immediately to support a particular person. So there are instances when the services have been engaged before the contracts have been put in place. Obviously, from an audit

point of view, that is not the ideal situation but it is, in fact, the reality in relation to disability services. Our focus is always about getting those services out to people.

I know that there was some concern at the end of the financial year around the renewal of some contracts with one particular agency. There were many hundreds of contracts with that agency and it was very keen for all its agreements to commence and end on a particular date, which put enormous pressure on the agency to get those contracts in place. We are working with it to have a different time frame across those contracts and stagger them so that we do not end up in that situation again. However, it was assured all the way along the line that payments would be made despite the fact that the contracts had not been finalised. So, there was no risk to anyone that they would not be paid.

Mr VENNING: This is the first time I have done this in relation to the Ageing portfolio, as shadow minister for ageing and also shadow minister for population. It is great to re-read the documentation. I found it fascinating; there is a lot of interesting stuff in here. When you look at it with a critical eye you can certainly find some detail. I refer to the Auditor-General's Report, Part B: Agency Audit Reports, Volume II, page 434. What impact has the inability of the Department for Families and Communities to comprehensively reconcile concession details with client details on the department's databases had on the concessions received by older South Australians?

The Hon. J.M. RANKINE: My advice is that they have received their concessions and, in fact, in some instances it was discovered, when some of the database came over from one of the other agencies, that a few people may have been receiving concessions to which they were not entitled. So, people have not suffered at all.

Mr VENNING: So, the Auditor-General, you think, did not get it quite right?

The Hon. J.M. Rankine: Sorry?

Mr VENNING: Does the Auditor-General update this material regularly? You are basically saying in your answer that he overlooked that.

The Hon. J.M. RANKINE: The audit identified that it had raised issues in the past about the ability of DFC to confirm concession payment details to the payments made to utility suppliers—so, water, etc.—and although the concessions utilises a database called CARTS to maintain client information, it is in the process of updating this system with the Concessions and Seniors Information System (CASIS). This system will significantly reduce DFC's effort and cost in managing concessions and senior cards, radically reduce administration required to reconcile payments with concession partners such as SA Water (as you can imagine, there are a lot of those), streamline relationships and services between concession customers and partners by using a single entry point to update and maintain customer records—and that is another good thing for seniors; one entry point for concessions and their not having to apply all over the place.

The implementation of CASIS will address specific concerns raised by audit re the validity of SA Water customer concessions by calculating all water and sewerage concessions and to system link via an automated system, ensuring that concessions applied by providers are to eligible customers. The reconciliation process allows matching details of the data sent from CASIS and the exceptions returned from providers.

Mr VENNING: It will certainly be interesting reading as we ponder over these in the days ahead. I refer to the Auditor-General's Report, Part B: Agency Audit Reports, Volume II, page 431. How has the department's practice of granting funding to the same non-government organisations year on year and making funding decisions prior to receiving the rationale and justification documentation for the proposal impacted upon funds available to organisations providing services for older South Australians? Is there a process, or is it just a rubber stamp?

The ACTING CHAIR (Hon. P.L. White): Member for Schubert, can you point to the line on page 431 to which you refer?

Mr VENNING: I certainly can, because I have read all this myself. I am referring to halfway down page 431, 'Needs based planning and sector analysis'. The last two lines of that paragraph state, 'funding was in many cases granted to the same provider involving the same amounts (plus indexation) year on year'.

The Hon. J.M. RANKINE: I would venture to say that the member for Schubert would be the first one to come in here bellyaching very loudly if we took HACC funding away from a range of agencies that provide services for older South Australians. In fact, HACC funding—

Mr Venning: Don't justify it.

The Hon. J.M. RANKINE: We are justifying it. If the member had listened to the responses to the member for Bragg he would have heard that we are going through a process in relation to contracts and our grant programs and service contracts. Home and Community Care is one of those areas in which there is significant funding growth, and we are doing a lot of work to make sure that we maximise the benefit of that funding for older people and people with disabilities.

Mr VENNING: I again refer to the Auditor-General's Report, Part B: Agency Audit Reports, Volume II, page 434. How has the $155 million in commonwealth revenue to the department been allocated and spent specifically in relation to the aged-care sector, and why has it fallen from $280 million the year before?

The Hon. J.M. RANKINE: That reflects the fact that the COAG payments are being made in a different way. The same amount of money is being receipted by the state, but it is going via Treasury before it comes back to the agency.

Mr VENNING: That really is a *Yes Minister* answer.

The Hon. J.M. RANKINE: But it is the truth.

Mr VENNING: Anyway, irrespective, I hear the answer. I refer to the Auditor-General's Report, Part B: Agency Audit Reports, Volume II, page 430. What guarantees can you give that the Department for Families and Communities will fully implement a financial management compliance program for the 2009-10 financial year when it was promised last year and did not occur; and what impact has this had on older South Australians?

The Hon. J.M. RANKINE: It has not had any impact on older South Australians. It is an internal requirement and one with which I understand a range of agencies have difficulty.

Mr VENNING: I understand we are finishing at 6pm. I have two other areas. Rather than miss out, can I put these on notice? I still have two to come.

The ACTING CHAIR (Hon. P.L. White): No, that is not allowed under standing orders. However, you can put questions on notice as per normal parliamentary procedure at any time.

Mr VENNING: I refer to page 431. What deficiencies and non-compliance were found by the department following its assessment of current controls and compliance programs, and how did they impact upon older South Australians?

The Hon. J.M. RANKINE: I am sorry, I am not sure what you are referring to.

Mr VENNING: What deficiencies and non-compliance were found by the department following its assessment of current controls? At the top it says:

Progress made as at June 2009 mainly involved evaluation of DFC's policies and procedures against Department for Treasury and Finance (DTF) guidelines. In 2008-09 implementation plan did not include work to ensure DFC complies with these policies and procedures.

The Hon. J.M. RANKINE: We have put in place some very robust compliance processes and, as I have said, we are doing ongoing work in relation to our contracts.

The CHAIR: The time for examination of this minister has completed.

Progress reported; committee to sit again.

[Sitting suspended from 18:03 to 19:30]

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 14 October 2009. Page 4314.)

The Hon. I.F. EVANS: I wish to conclude my remarks. The committee might recall that I was halfway through speaking to this matter when the debate was last adjourned, so I sought leave to continue my remarks. I will not hold up the house, but I wish to finish by clarifying the position in relation to the interjection made at the time by the Attorney in relation to Mr John Easling and—

The Hon. M.J. ATKINSON: Madam Chair, I rise on a point of order. I am wondering what the case of Mr Thomas Easling and the member for Davenport's attempt to smear his alleged victims has to do with the clause. What is the relevance of it?

The CHAIR: I will listen carefully. The member for Davenport.

The Hon. I.F. EVANS: Thank you, Madam Chair. Just before the debate was adjourned the last time this matter was before the committee, the Attorney interjected while I was speaking. It was in reference to that interjection that I wish to respond for 30 seconds and leave the committee to debate the rest of the amendments. I do not wish to hold the committee—

The Hon. M.J. ATKINSON: I rise on a point of order. Can I clarify? We are on amendment of section 7A.

The CHAIR: We are on amendment No. 6 which talks about the Commissioner for Victims' Rights.

The Hon. M.J. ATKINSON: Yes, the Commissioner for Victims' Rights.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Yes, an exempt agency under freedom of information. What relevance does the Easling case have to this clause?

The CHAIR: I will listen attentively.

The Hon. I.F. EVANS: I did not wish to regurgitate the debate. The Attorney knows that he is currently investigating the Commissioner for Victims' Rights in relation to a matter of the Easling case—

The Hon. M.J. Atkinson: No, the Crown Solicitor is.

The Hon. I.F. EVANS: —so I will not venture there. The Attorney acknowledges to the committee that there is a link. I raise the issue—

The Hon. M.J. Atkinson: No, I am not acknowledging any such thing; you just made that up.

The Hon. I.F. EVANS: Anyway, during the last debate I referred to the issue of not being able to gain access to documents under the FOI process. I used the Easling matter as an example because that involved people who were allegedly wards of the state under the guardianship of the minister, and I was questioning at what point you become a victim of crime.

The Hon. M.J. Atkinson: For the purpose of smearing.

The CHAIR: Order! The Attorney can answer all the points.

The Hon. I.F. EVANS: As the Attorney interjects tonight, he interjected last time. I simply want to place on the record in response to the interjection a clarification. The house has a longstanding practice, and we get told every day on this side of the house, 'You interject, you give the person on their feet the opportunity to respond.' During the debate, and it is on the record, the Attorney suggested by way of interjection that Mr John Easling joined the Progressive Business Alliance fundraising arm of Labor to gain access.

The Hon. M.J. Atkinson: About this issue.

The Hon. I.F. EVANS: 'About this issue' the Attorney interjects. I want to place on the record an email I have received from Mr Easling to clarify that matter. The email states:

> I refer to Michael Atkinson's slandering of both my brother Tom and myself in parliament on Wednesday 14 October 2009.
>
> It appears that Mr Atkinson has forgotten that I [that is, John Easling] co-sponsored (along with David Simmons, former chair of the SA Economic Development Board) a table of 10 at the Rann govt's first ever business fundraising dinner in (I think) August 2002.
>
> The ALP host of our table was none other than Mr Atkinson, who spoke at length about his love for the West Torrens Woodville Football Club...[having] regularly attended Eagles matches with his mother. He also spoke of the complexities of the inner sanctum of the ALP now that it was in power.
>
> The evening was even more notable for the fact that O'Leary Walker Wines were exclusively served, a business in which my family holds an interest. I was given the opportunity to say a few words about the wines on the microphone to all present, including the fact that the OWW 2001 shiraz was the runner-up in the Jimmy Watson Trophy that year.

About two weeks after the dinner I spoke to Ian Hunter, who I believe was then the state secretary of the ALP, who told me that he sampled the wines at the Edinburgh Hotel and had chosen them because he liked the story of the two winemakers leaving the secure corporate world to pursue their ambitions.

I also spent some time that evening talking to Steph Key, who was the minister that Tom worked for.

On the night of the fundraiser Mr Atkinson appeared very tired and spent much of the evening asleep, which explains why he can no longer recall my attendance, which of course contradicts his statements in parliament on October 12.

I would be grateful if you could raise this matter on my behalf.

I have done so. I have corrected the record. Thank you.

The committee divided on the motion:

AYES (22)

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

NOES (13)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Goldsworthy, M.R.	Gunn, G.M.	Hamilton-Smith, M.L.J.
Hanna, K.	McFetridge, D.	Pederick, A.S.
Penfold, E.M.	Pisoni, D.G.	Venning, I.H.
Williams, M.R.		

PAIRS (6)

Conlon, P.F.	Pengilly, M.
Fox, C.C.	Redmond, I.M.
Rankine, J.M.	Griffiths, S.P.

Majority of 9 for the ayes.

Motion thus carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be agreed to.

The amendments form part of a series explained in amendment No. 2.

Ms CHAPMAN: The same.

Motion carried.

INTERVENTION ORDERS (PREVENTION OF ABUSE) BILL

In committee.

(Continued from 13 October 2009. Page 4238.)

Clause 2.

Clause passed.

Clause 3.

Ms CHAPMAN: I move:

Page 5, line 15 [clause 3(1), definition of *defendant*]—

Definition of *defendant*—Delete 'section 6' and insert: sections 6 and 29A

There are 37 amendments standing in my name, and they all relate to the proposal to abolish the provision for police not just to prosecute but to determine interim intervention orders and to replace that procedure with a 24-hour time-out procedure. I did canvass this at some length during the course of the debate. Essentially, the position is that, under the current bill, the government proposes a rather novel approach to dealing with the execution, assessment and then ultimate enforcement of interim orders.

The government proposes a process whereby, for up to eight days, an interim order can be made via a police officer of a certain rank (or even a police officer of a lesser rank, with the approval of a police officer of a certain rank, by telephone approval even), and they may conduct the assessment and adjudicate whether an intervention order should apply and issue such an order. This is novel, and what is particularly unusual about it is that the Victorian Law Reform Commission considered this issue at length and rejected it last year. In fact, it proceeded with a model that enabled the opportunity for interim orders to be made but not by the police.

The problem is basically that, in a fractious and potentially very dangerous situation in a domestic environment, police particularly are often called to assist in that situation to restore calm, to protect those who are potential victims and to ensure that children, for example, are removed from a situation where they are at serious risk or any risk to that extent. The police are most often called to deal with this situation. Sometimes neighbours are called upon, and sometimes it is people who are of goodwill and working in industries that provide support, such as the local priest—all sorts of people can sometimes be called in such a situation. However, police very often are called at the pointy end of these disputes.

One of the concerns of those who deal with victims of domestic violence is that there does not seem to be a quick procedure to immediately protect the victim. What these people are looking for is a capacity to intervene which has some force which will ensure not only that the victim is protected but also that the offender in this situation is removed, and that is an idealistic and reasonable thing to aspire to. Obviously, the people who work in the industry of supporting victims want to make sure that every opportunity is there for that to occur.

However, the real life practical problem is that what is also evident in these situations and is always very difficult is the fact that in an overwhelming majority of cases there is no clear evidence as to who is the victim. What is being asked is the ideal, that is, that someone comes in and identifies the victim and protects a child, woman, husband, partner, carer, grandfather or grandchild. However, the truth is that, in most of these cases, it is very difficult to make that assessment in the first instance. Each person has a different story, quite often there is no evidence of any physical harm, and diametrically opposed statements are given to the police officers.

So, in the overwhelming majority of cases, there are statements of claim and statements taken on oath to the police claiming what has occurred, and they are diametrically opposed. In the lucky situation where the attending police officers have an independent witness, they might have some chance in hell of making an assessment that could reasonably predict an outcome to protect the real victim. So, not only is there competing testimony in statements given by people at the door, but also there is often no independent witness. On the face of it at least, quite often there is more than one victim and, arguably, there has been an escalation of events resulting in the final call to the police seeking protection and help.

So, how is it possible for a police officer in that situation to make an assessment independently—and, of course, we start from the premise that he or she is willing to do that—and be able to make a judgment that will be fair to the parties concerned?

It is near impossible and quite ridiculous to expect members of the police force in the heat of the moment to come in and make those judgments. What they currently have the power to do—and this is very important—if there is a threat of violence or evidence of the commission of violence, is arrest the offending party. They have the power to do that already. You do not actually have to hit somebody to assault them. They know that; they are trained in this area. They can detain that person and arrest them in those circumstances. They can take them down to the local precinct to be questioned. They have a number of powers to keep the peace, as we say in common day language. They do not have the power or the obligation and responsibility, and I suggest that the government's bill places an unreasonable level of expectation on police officers by asking them to make a decision in those circumstances. It is quite unacceptable.

The question I raised and canvassed with my colleagues on this side is why the government is in such a hurry to have the police do this. At the moment, the police attend an event where there is a call or plea for help or intervention. They then return to the station after having dealt with it. They spend, on my information from the police, about three hours on these cases, preparing them, drawing up the statement, interviewing the witness, taking it down to the Magistrates Court, waking up the magistrate in the middle of the night, if they have to, attending court, getting an order and making the application. It is time-consuming. None of that will stop because they still have to take the statements, even under the government's proposal.

What is being asked here is an unreasonable request of the police to be the judge and assessor of this, which is quite unreasonable and unnecessary for the immediate protection of those in question. If we do that, if we give a preliminary application of this nature to police officers, they will be under extraordinary pressure, and, under the bill, they are expected to give a statement if they do not proceed with it. They have to write up a report if they do not agree to do it, when an application is being made.

We totally confuse the boundaries of what we highly regard in civilised communities, that is, the separation of powers. We in the parliament set the legislation. The government has a responsibility to spend money to implement policy. The judiciary has a responsibility to interpret and apply the law, and the police have an important role in its enforcement, amongst other duties. To blur those boundaries through this bill can only be because the government believes that it is going to save money.

We do not accept that for one moment, and we do not think the government will save money, and to think that it will free up court time by having these interim orders on the basis that you do not have to re-serve the documents is nonsense. We have a situation where you can get an interim order and confirm it in court—you do not have to re-serve it under this bill—and the government thinks it will get out with some sort of cheap justice.

I do not think for one moment that the government will support the women and children (primarily) victims of these situations; not for one minute will it give that protection. It is not acceptable that we impose an obligation on police officers. The government itself admitted in the briefing that it does not know how to do it and that it will not even implement this law for another year. For another year it will keep women and children out there without any access to this because the police officers have to be taught what to do. Who is the priority here?

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: Yes, well, the priority here is the women and children. We have magistrates and justices of the peace ready to hear these cases. We do not need to adjourn this access to a time-out/interim order procedure. We do not need to do that. We can give this straightaway in the courts tomorrow once this legislation has gone through, without making those women and children wait.

It is a disgrace that I have to deal with a situation of women's groups now writing to me saying, 'Please push this bill through. We're desperate to get it through', and I have to explain to them that, in fact, we are very keen to get this bill through and were happy to deal with it two weeks ago when we were here. It was the Attorney who decided that he was going to put this off, not us. South Australia is the last state in the country to bring in reform for domestic violence victims, and he pretends to care about the women and children who are victims of domestic violence. What a disgrace!

The Attorney then has the gall to say that we have to push this through the parliament quickly because we have to be able to protect this. I have women's groups writing to me asking us to do that, which we are keen to do, and yet the truth is that, clearly, he has not admitted to them that he is not going to agree to the assent of this bill and its implementation until a year away. He is going to keep women and children, the victims of abuse, quarantined from access to important reform which is otherwise in this bill.

The truth is that this government has been slack in bringing in legislation to protect these women and children and other victims of abuse, including carers, grandchildren and so on. There is no question that it rests entirely with the government for its lack of commitment to advancing this legislative reform.

We have had Ms Pyke's report for two years. The Victorians have had their inquiry, put their legislation through and are implementing it, and yet the Attorney wants the women and

children of South Australia to wait until the end of 2010. What a disgrace! So, they will be told, well and truly, by me that we on this side of the house are not delaying this measure and that its progress rests entirely with the Attorney and his cabinet, who make the decision about how these matters are advanced. The people concerned will know that very clearly.

The opposition has been told that the Victorian system, which is obviously a Magistrates Court approach—keeping the courts involved—is cumbersome and that it would be better to have a streamlined system for this instant protection provision. So, we have gone back and had a look at the Western Australian model. Why have we done that? Because that is exactly what Maurine Pyke QC recommended. But this government decided that it did not want to follow anyone else; it wanted to do its own thing.

The Western Australian model is what is encompassed in the amendments now before the committee for consideration. I ask members to understand that this is a system which is in place, which works, and which adds to the powers of police to provide for immediate removal of someone on a time-out policy. What happens in Western Australia—and I want to make this point clear; it is a little like locking people up without giving them a rehabilitation program—is that a police officer has the power to require a person, who is suspected on the balance of probability to have been causing the problem and the threat of risk of abuse to another party, to be removed from that household.

The obligation in Western Australia, in those circumstances, is that they be required to vacate—usually a residence, sometimes it can be an office or place of work—those premises and they are taken to and placed in a shelter or facility—basically a hostel. They are not thrown out on the street; they are given accommodation where they can stay. I assume, from what I have read, which is pretty basic, and that is fine, but it is temporary. It is to calm the situation. It is a time-out model which works to the extent of ensuring that a party who, on the balance of probability, is the person causing the problem can be removed. As I say, very often there are some cloudy areas about who might have precipitated the issue. However, that person can be removed. Take into account, under the original bill that is before us, the importance of ensuring that children are not unreasonably disrupted from their residence, etc., and give protection to that person or persons who may be at risk.

That is a model which is operational and which was recommended by Ms Pyke but which the government has refused to accept. The government wants to go off on its own tangent of a police intervention order, but the direct consequence of that is that women and children in this state will wait for another year before they have the benefit of any of the balance of this bill which has primarily been developed on the recommendation of a major review spearheaded by Ms Pyke, whose work I have commended in the past. It is a disgrace that the government has taken so long to bring it in.

The whole thrust of this amendment is to bring it in line with what is workable. The time-out model is an important process which operates in Western Australia and of which we should take heed. Therefore, I endorse amendment No. 1 to clause 3 on the basis that I am not going to repeat this for every clause. Obviously, the house would have an understanding of our position on this and why we are moving it. It is a demonstrated model of success and it will avoid immediately the need to delay unreasonably the protection of the very victims we are attempting to protect in this instance.

The CHAIR: The member for Bragg has moved amendment No. 1 only but has spoken to all amendments. Would that be fair to say, member for Bragg?

Ms CHAPMAN: Yes.

The Hon. M.J. ATKINSON: I shall deal with the member for Bragg's amendments in detail in a moment but first I have to say that the member for Bragg asked the government to delay consideration of this bill so that we could properly consider her amendments. The member for Bragg filed amendments and I told her—and she will recall this—that I regarded the amendments as of no merit and could debate them and vote them down that very day.

Ms Chapman: Why didn't we then?

The Hon. M.J. ATKINSON: Because you asked me not to and, therefore, the government went away, considered the amendments, and I am about to tell you what the government's response to the amendments is—

Mr Hanna: Which you had already decided. You just told us you had already decided.

The Hon. M.J. ATKINSON: That is right, so I have gone away and I am about to give you extensive reasons why the government does not support the member for Bragg's amendment but line of sight I told the member for Bragg on that day that the government would not support the amendments and, therefore, if she consented, could expedite the bill that day, but the member for Bragg did not want that.

So, let's make it clear: the reason the bill is being debated today, and not on a previous occasion, is the member for Bragg because she wanted her amendments dealt with due dignity, and I am about to give them their due dignity. The second thing is that we tried to bring on this bill earlier for a second reading debate and the member for Bragg said she was not ready: the dog ate my homework; my raccoon has hepatitis and I have to stay home and tend it!

The member for Bragg was not ready to go when the government was, and this is a constant theme with the member for Bragg, that she is not ready to deal with government legislation after the due notice has been given. Not once in my entire seven years as shadow attorney-general was I able brazenly to go to the then attorney-general of blessed memory, the Hon. K.T. Griffin, and say to him, 'Sorry, Griff. I am not ready to go on this one. Could you give me an extension?' Not once did I do that in seven years. I had to come in here and debate it when the Attorney-General had given due notice. The member for Bragg is a serial extension-seeker, and the women's groups are right to correspond with her asking that she get on with it and deal with it.

Having said that, I appreciate that the amendments introduced by the member are not designed to obstruct the passage of the bill, I accept that; rather, they are out of an abundance of caution and take a more conventional approach to domestic violence restraint. However, I believe the amendments are not necessary to protect the rights of defendants and will greatly diminish the protection the bill offers to victims. I told the member for Bragg on the day that I was ready to deal with the amendments.

Ms Chapman: So were we.

The Hon. M.J. ATKINSON: No; you were not, actually. You did not want me to proceed that way; you wanted me to go away and deliberate on the—

Ms Chapman: Check the *Hansard*.

The Hon. M.J. ATKINSON: It is not on the *Hansard*. I will oppose all the amendments introduced by the opposition, as I told the member for Bragg at the time, and will outline my reasons in speaking to the first one.

Mr Goldsworthy interjecting:

The Hon. M.J. ATKINSON: Sorry?

Mr Goldsworthy: I was talking to Vickie.

The Hon. M.J. ATKINSON: You were talking to Vickie? That would be the first time. The opposition amendments are designed around one concept: removing the ability of police, in cases where the defendant is present, to issue interim intervention orders that simultaneously serve as applications to the court and as summonses to appear before the court for an intervention order. The amendments would replace that authority with a lesser authority to direct the alleged perpetrator, by means of a time-out order, not to contact or be near the victim and surrender firearms until noon of the next day. The idea comes from the Western Australian legislation—and the member for Bragg is a great imitator. I will speak more about that legislation later.

The bill allows police to restrain the defendant immediately if he is present or in custody on whatever terms will best protect the victim until a court determines whether restraint is necessary, and, if so, what the terms of the restraint should be. The defendant is served with the order on the spot, which is taken to be a summons to appear at a hearing within eight days, at which the order is either confirmed or varied, or the application is dismissed and the interim order revoked.

When police issue an interim order, there is no need for a preliminary hearing: the matter goes straight to a final hearing. The approach taken by the bill supports the government's Family Safety Framework and the SAPOL domestic violence policing model. The approach taken by the opposition amendments runs contrary to these models in not focusing on the safety of the victim and in substituting a one-size-fits-all short-term ban, which can last as little as 12 hours, for a carefully constructed and continuing restraint.

Experience in other jurisdictions shows that police are less likely to apply for long-term restraint where they can simply make a short-term cooling off order, and can do so indefinitely as each incident is reported. This incident-based approach relies on continual reporting by victims, placing them at risk of retaliatory abuse each time. It favours perpetrators of abuse because it lets them re-approach the victim within hours, and leaves the victim exposed unless an application for a restraining order is made to, and granted by, a court.

It should be emphasised that proceedings for intervention orders are not criminal proceedings: they are civil applications. Criminal charges that may arise from the incident are laid independently and are prosecuted and heard separately by a criminal court. Police issuing interim intervention orders will not be acting in multiple roles of investigator, prosecutor and adjudicator—as the member for Bragg claims—as, under the current law, they will first investigate a report of abuse and decide whether there are grounds for restraint.

The bill allows police either to apply to the court for restraint, as under the current law, or issue a temporary intervention order that serves as an application for restraint and must be scrutinised by the court within eight days, if it is to remain in place. In issuing the interim order the police are not adjudicating anything.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg scoffs. The considerations for issuing an interim order are the same as for those for deciding whether to apply to the court for an order. Police must evaluate the evidence before them to assess the risk of abuse to the victim. It is a similar process to that used routinely by police in deciding whether to report a person for a criminal offence. It does not require police to adjudicate the entitlements of the parties but simply to put in place a holding measure to protect a person from abuse, as they think, until the court can make the final decision.

Everyone who has been consulted on the bill so far, including magistrates, Maurine Pyke QC, police, DPP, Housing SA, Department for Families and Communities, the Guardian for Children, victim advocates, children's advocates, women's groups and domestic violence service providers to both victims and defendants, supports and welcomes the concept of giving the police the option of issuing interim intervention orders in some situations.

Ms Chapman: What about the Law Society?

The Hon. M.J. ATKINSON: I will pick up that interjection because the Law Society has improved immeasurably in the past seven days with the ascension of Richard Mellows to the presidency, and I am pleased to say that we had a very pleasant reconciliation lunch last week in Gouger Street, there on the Arab street.

Ms Chapman: That's how you avoid dissent: you just don't show them anything.

Members interjecting:

The DEPUTY SPEAKER: Order! The Attorney-General can just proceed and ignore interjections.

The Hon. M.J. ATKINSON: They see this approach as a breakthrough because it ensures the immediate safety of victims of domestic violence and simplifies the process of restraint in a way that does not diminish the entitlement of an alleged perpetrator to be heard before the restraint is confirmed.

To pick up the last interjection, that is a letter circularised by the previous president of the Law Society, John Goldberg, who seems unaware that he has a right under the changed procedures of the house to lodge a statement in *Hansard* rebutting what I had to say. Apparently Mr Goldberg still thinks it is fine to bill the guarantee fund for about $350,000 for only $130,000 worth of legal costs—that is just how John Goldberg operates. The other thing is that, apparently, he thinks that the public and the Attorney-General do not really need to know when Nick Niarchos is before the Supreme Court for practising insolvent because he has not paid taxes for a few years. Apparently that is nothing to worry about: according to Mr Goldberg, we do not need to know.

The ability to issue interim intervention orders is just one of the tools made available by the bill for police investigating alleged incidents of domestic violence. It is not mandatory. I repeat that for the benefit of the member for Bragg: it is not mandatory. The bill gives police three choices, apart from laying criminal charges, when they believe there are grounds for restraint: (a) to apply to

the court for an intervention order by written application; (b) to apply to the court for an intervention order urgently by telephone; or (c) if the defendant is present or in custody, to issue an interim intervention order immediately themselves in the same terms as an intervention order made by a court, for example, including firearms terms, and on the same grounds.

Ms Chapman: Or, fourthly, they do nothing.

The Hon. M.J. ATKINSON: Yes, (d), as the member for Bragg interjects, do nothing—and that might be indicated by the circumstances.

The opposition amendments would remove paragraph (c) and substitute a temporary order that must still be followed up by formal application to the court. Quite apart from the unfortunate name 'time out order'—which conjures up a parent disciplining a wayward child and detracts from the gravity of domestic violence—the opposition amendments would require police to carry out not one but two steps; first, the issuing of a time out order and, secondly, the making of an application to the court for an intervention order.

In practice these two steps would need to be done in close succession because time out orders expire at noon on the day after they are issued. As mentioned, the second step is unlikely to be taken in time in most cases—to the detriment of victims of abuse. The opposition amendments would also restrict the making of a time out order to circumstances where it is not practicable to make an application to the court for an intervention order, that is, in extremely rare cases where it is impracticable to make an urgent telephone application. It allows an unfortunate gap between the initial investigation and the issuing of the time out order, during which the impracticability of applying to the court must be established and during which police cannot search for and ensure firearms are surrendered because there is no relevant order in place requiring their surrender.

The opposition amendments offer no protection to the victim between the expiry of the time out order at noon the next day and when the court hears the application for an interim order. The bill enables police to issue an interim order to put immediate measures in place to deter further abuse. That order serves as an application for a final order. It stays in force until the court revokes it, confirms it or substitutes a different order. There is no gap between the expiry of one order and the start of another—no lapse in the protection of the victim.

The opposition amendments by contrast would leave victims of abuse without protection once the time out order expires. There is no guarantee under these amendments that once a time out order has been made an application for an order will be made to the court. If an application is made there will be a lapse in time between the expiry of the time out order and the making of the next order by the court. During that period the victim will have no protection at all.

The opposition amendments will set a higher bar for police intervention than under the bill. In order to issue a time out order police would have to believe on reasonable grounds that the order is necessary to prevent the immediate commission of abuse. By contrast, the bill allows police to issue an intervention order if it appears that there are grounds for that order; that is, there is reason to believe that the defendant will without intervention commit an act of abuse.

The bill does not require a suspicion that the abuse will be committed immediately for an intervention order to be issued. It will simply be a matter for the police to weigh up whether there is a risk that, without the orders being made, the defendant will commit abuse. Even if the choices available to police were limited to written or urgent telephone applications to court, there would be no need for a time out order to keep the alleged perpetrator away from the victim in the limited circumstances contemplated by the opposition amendments.

That is because (a) the bill already allows police to require the alleged perpetrator to stay in a particular place while the application or order is being prepared or is being served, and to arrest and detain this person for up to two hours, or up to eight hours with the permission of the court if the person does not comply with the requirement or there are reasonable grounds to believe that the person will not comply with it and, furthermore, (b) the bill gives police another important arrest and detention power that may be exercised when serving an intervention order if it is necessary to prevent the immediate commission of abuse against the victim or to enable measures immediately to be taken for the protection of the victim. The defendant may be detained for up to six hours or, with the permission of the court, an aggregate of 24 hours. If police are able to issue interim intervention orders themselves on the spot, they may also detain the defendant in such circumstances.

The opposition amendments will allow this authority to be invoked when serving a time out order but, because a time out order cannot be issued until police have tried and failed to contact a magistrate and cannot be issued until there is a reasonable suspicion of immediate abuse, there will be a gap in time when the defendant cannot be held at all.

The member for Bragg says that her amendment is a model on the police order powers under the Western Australian Restraining Orders Act and claims these advantages over the power given to police under the bill.

The first advantage claimed is that time out orders separate the role of enforcer and adjudicator. The separation had been a concern of the Victorian Law Reform Commission in recommending reforms to the Victorian restraining order legislation.

Giving police the authority to issue these time out orders still requires them to weigh up possibly inconsistent accounts of what has happened in the same way as they would when applying for an order or, indeed, issuing an interim order themselves. A similar decision-making role is required of police issuing barring orders under the Liquor Licensing Act 1977, but a barring order lasts for three months or more and is not automatically reviewed by a court. I hear no complaint by the opposition about the police role under that act.

By contrast, police interim intervention orders under this bill must be confirmed by the court within eight days and the defendant always has the opportunity to contest the matter. If this is adjudication, it is not the kind that worried the Victorian Law Reform Commission. That is a jurisdiction with human rights legislation, of which the member for Mitchell is an advocate.

The second advantage claimed by the opposition for its proposed amendments is that time out orders could be put in place faster than interim intervention orders because there would be no need to train police. That is a spurious claim. The government intends that everyone who is responsible for putting in place the legislation and for advising or assisting victims or defendants, including police, will undergo training in this new legislation, in the options available for victims and perpetrators, and in understanding domestic violence generally.

They will need to understand the new wider circumstances that are to constitute abuse and the kinds of relationship in which abuse will be considered to be domestic. Police would need the same level of training on the time out orders proposed by the opposition as for the interim orders proposed by the bill; for example, about the grounds for issuing the orders, the effect and duration of the orders and the procedure for making them; and when, in practical terms, the orders should be made. I know the member for Bragg has been stung by the letters sent to her by women's groups. So much is obvious from the debate.

Ms Chapman: I will set them straight.

The Hon. M.J. ATKINSON: No doubt the member for Bragg will set them straight in her inimitable manner, which had the Deputy Premier come in here earlier this evening asking for a reduction in the member for Bragg's volume because she could be heard throughout the building.

I understand the Western Australian Attorney-General's Department has recently reviewed its cooling off orders—the rough equivalent of the time out orders proposed in these amendments—and has recommended that they be replaced with a longer three-day order. The member for Bragg did not mention that.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: You just left that out. Anyway, we do our research in the Attorney-General's Department. More importantly, submissions to the WA review, although welcoming the instant police intervention that came with the ability to issue cooling off orders, raised concerns about whether 24-hour cooling off orders would provide real protection from domestic violence, particularly when, as in most cases, perpetrators are not suffering from an anger management problem but exercising a form of controlled domination. A submission from the Armadale Domestic Violence Intervention Project Inc. said:

> If we believe that somehow a perpetrator 'cools off' in 24 hours never to engage in violent or abusive behaviour again then we are taking on board a very unsafe way of reviewing Domestic Violence. As our practice indicates along with research that perpetrators of Domestic Violence are generally very good at managing their anger and choose to direct their violence with intent to control, frighten and intimidate their victim.

Dr Dot Goulding of the Centre for Social and Community Research at Murdoch University submitted that perpetrators of violence against partners would not, as a rule, be acting out of the

heat of anger which needs to be 'cooled' and says for that reason it is a mistake to imagine that perpetrators have an anger management problem and send them off to anger management programs indiscriminately. She confirmed that most perpetrators of domestic violence do not have an anger management problem.

The government believes that giving the police the option of issuing an interim intervention order offers a much more effective and appropriate immediate protection to victims of abuse. Laws that make immediate but less than 24 hour protection the easiest option for police and require the victim to then report again any subsequent abuse once the time-out period ends offers little real protection to victims.

The police interim intervention order option offered by this bill offers an immediate and appropriate response to domestic violence. In contrast to the time-out orders proposed in their place by the opposition, police intervention orders also serve as applications to the court for a final intervention order; can be made whenever the defendant is present and not only after hours or when it is impracticable to have a court make the order; continue in force until the court revokes or varies them, within a maximum of eight days; and do not need to be continually applied for or renewed because of their continuing effect.

Mr HANNA: I agree with what the Attorney-General says. I do not endorse his snide remarks, but I believe that the material prepared by the officers of the Attorney-General's Department is an effective rebuttal to the points made by the member for Bragg.

The concept of excluding the offender from the home where there has been a typical case of domestic violence is a concept that has been around, to my own personal knowledge, for more than 10 years, and the Labor Party and the Liberal Party were both lobbied on this issue at least 10 years ago. I know that to be true. So, I suppose it is a reflection on this 7½ years of Labor government that we come to this now: it is a reflection on the priorities of the Labor government. Nonetheless, I am very glad to see this legislation before the parliament.

I believe that it goes too far, and that will be explained in a minute. However, I do not think this is the point where it needs amendment. To have only a 24 hour exclusion of the offender would completely undercut the major reform of the legislation, and that is to get the offender out of the house, rather than what has happened for the last couple of thousand years, that is, that the woman (typically the woman) and children have to flee the house for their own personal safety.

If it was only a 24 hour exclusion in the typical case that I am imagining, where there has been actual violence or the threat of violence, the woman and/or children would be in perpetual fear during that 24 hours and would have to move out of the house, anyway. So, the prime policy objective of this legislation would be undercut. I cannot agree with the proposition put forward by the Liberal Party in this respect.

Amendment negatived; clause passed.

Clauses 4 to 7 passed.

Clause 8.

Mr HANNA: The legislation, as I have said, is worthy: I support it. I recall, probably in about 1998 but I think it was at least 10 years ago, there was a very effective presentation to members of parliament from a sergeant of the South Australian police force and a couple of victims of domestic violence. As is typical with presentations in this place, no matter how significant the issue, only a few members of parliament actually attended, but it was certainly a very powerful demonstration of the terror and the injustice of domestic violence, as the victims recounted what they had experienced. In addition to that, it has been an area of interest of mine. I have canvassed the research quite a bit and thought about effective reform in the area.

I do believe that the exclusion of the offender from the home under threat of gaol term is one of the most effective reforms that we could achieve in this area. However, I take issue with the definition of abuse that has been set out in the legislation. I have not prepared amendments. The issue itself has been canvassed publicly between the Attorney-General and me, so I know the Attorney-General's point of view and I know that he will not accept an amendment. An amendment may be moved in the upper house, and I hope that the Liberal opposition will give it serious consideration. For myself, I would pretty well delete a lot of the material after the reference to 'physical injury' in the definition of abuse.

I am very well aware of the studies of domestic violence and the variety of forms which abuse can take—and yes, they do include emotional, financial and sexual abuse—but the nexus that we are looking at is between that analysis of domestic violence and the police officer in the lounge room or at the front door considering whether to exclude someone from their home under threat of a gaol term. It seems to me that where there is some evidence of physical abuse—whether it be someone who is bruised, whether it be evidence of a scuffle, perhaps even property damage in combination with other things such as an overheard violent argument—I can perfectly understand the exclusion of an alleged offender from the house in those circumstances.

The people to whom I have spoken in the community, whether they are touched by domestic violence or not directly, have shown a lot of support for that. People can see the justice of the situation that the alleged offender should be excluded, rather than what happens; that is, typically, the woman and/or children need to move. This can mean that health services, for example, which are used by the woman, are now in another part of town. It can mean that the children have to move school. It can mean that there are consequences in Family Court proceedings if the woman and her children have basically been forced to flee the house and the man retains possession, and there is then an argument about who keeps the house.

For all those reasons, this reform has a powerful balancing effect in terms of giving the victim of domestic violence some more power in the situation. However, I am concerned that, if there is no question whatsoever of there being physical violence, so it is only a matter of distress that is caused by the various matters which are described as examples in clause 8, many in the community will not consider that to be domestic violence and therefore the law itself may be perceived as going too far in the community.

I think that would be a great shame because, as I have said, this is a really worthy reform. It is a radical reform. It is a radical notion for police on the spot to exclude someone from their house on pain of a gaol term if they return. I think the extraordinary circumstances of domestic violence warrant that. I am the first one to stand up for the individual's rights, and excluding someone from their home—which may have the effect of them not seeing their children, or have the effect of destroying their business which may be run from home—is an extraordinary incursion into the rights of someone; but, in the context of domestic violence, I do believe that is warranted because it balances out a situation which has been so unjust in the past for victims of domestic violence.

However, if it is just emotional distress we are talking about, I have to say that probably most families in South Australia would have experienced the level of distress that, under this legislation, could enable a police officer to exclude someone from the home, and I do not think that is what the community wants. I think that is going too far. If this legislation goes through and in the future we have just one case where we find that the allegations were not true and an order for exclusion has been made on the spot where there has not been any question of physical violence but just of distress, I can see this law falling into disrepute, and that would be a shame for all victims of domestic violence who stand to benefit from the legislation.

I think it has gone too far. I have not moved amendments. The issues are clear. I do not expect any favour from the government in putting this forward. It is a great shame in fact that I will probably lose a few friendships and contacts in the women's movement and in the domestic violence arena because what I am putting forward is directly contrary to what many of them hoped for with this legislation passing. However, I have to call it as I see it. My views are informed by consultation with people in my community. A number of people think that, where there is absolutely no question of violence, it is going too far to take someone out of the home.

As I said, I am very familiar with all the literature and many countless personal histories where women have been controlled and subjected to humiliation and degradation through means other than actually using physical violence—through financial control, through the threat of harm to children, pets or property and so on. I am aware of all that, but I think that, if we are taking such a radical step in terms of reform, we should go down the road which will find ready acceptance in the community, and they are the cases where physical violence has been threatened or in fact has taken place.

Remember, we are talking about the allegation of that occurring. It is unproven at the time that the police officer comes to investigate. I think it is placing a very difficult situation before police officers, no matter how much training they have. It will be the task of Solomon to determine the issue where two people, after a heavy argument, are both making counter-allegations about each other and the distress that has been caused by the other person when there is no claim of violence

occurring but plenty of claims of anxiety and distress. Then, if the government says, 'In those situations, there will not be exclusion from the home'—the commonsense view being, 'We will not exclude people from the home if that's all there is', that is what the legislation should reflect.

The Hon. M.J. ATKINSON: I make the point that exclusion is only one possible outcome of the order. I understand the points that the member for Mitchell is making, and indeed he made them, I think, in my presence in the Radio FIVEaa studio recently. I think it is unlikely that one partner would be excluded from the home on one of the nonviolent heads alone. I think that is an unlikely outcome, but we will see as the legislation is applied.

I also say that the member for Mitchell might be better served to turn his attention to a clause that would punish someone who made an allegation on the basis of which an order was issued which was subsequently proved to be false. That may be a better way to go in this legislation, but I do understand the member for Mitchell's argument. Time will tell and, if he is right, we will be back to consider this legislation again. I thank him for his contribution.

Clause passed.

Remaining clauses (9 to 41), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 15 October 2009. Page 4388.)

Clause 5.

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

Page 3, after line 4—Insert:

(1) Section 5(5)—Delete 'A motor' and substitute:

Except as provided in section 16(3), a motor

In the second reading I noticed that the measures in the bill represented an initial and immediate response by the government to the increasing prominence of hoon and dangerous driving by some sections of the public. Since the second reading the government has filed amendments to the bill. These amendments build on the initial measures in the bill to combat hoon driving on South Australian roads.

Amendment No. 1 seeks to permit temporary clamping by the relevant authority, namely SAPOL, on a public road or other area of a kind prescribed by regulation. It is consequential on the amendments to section 16(3). SAPOL has advised that police resources are being inefficiently used when patrol members who seize a vehicle under the authority of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act are required to wait by the roadside until the tow truck arrives. SAPOL have further advised that patrol members have, on occasions, waited with the seized vehicle for up to two or three hours for this to occur. Once clamped on the roadside, a tow truck will then be requested to attend the scene and remove the vehicle to a designated SAPOL impounding yard. This obviates the need for SAPOL officers to wait alongside a vehicle seized on a public road for the tow truck to arrive to take it away.

The general prohibition of clamping on public roads or other areas of a kind prescribed by regulation will remain under section 16(3) of the act but will make an exception to this. The practical effect of the amendment to the subsection will be to permit SAPOL officers to affix clamps temporarily or, indeed, any other locking device to the motor vehicle on a public road or in any other place to secure the vehicle until it can be seized and moved a short time later.

Amendment carried.

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

Page 3, after line 8—Insert:

(5) Section 5(6)(b)—Delete 'prescribed' and substitute:

clamping or impounding

This is a technical amendment that substitutes the word 'prescribed' for clamping or impounding period. For the purposes of section 5 of the act 'prescribed period' will refer to the period a seized vehicle is liable to be clamped or impounded.

One of the measures contained in the bill is to increase the period from seven to 28 days. This is the period to which the phrase 'prescribed period' relates. The amendment removes any ambiguity, as currently the phrase 'prescribed period' is not defined in the act. This amendment does not change the effect of this provision but simply clarifies what is meant by 'prescribed period'.

Amendment carried; clause passed.

Clauses 6 and 7 passed.

Clause 8.

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

Page 3, after line 16—Insert:

(a1) Section 8(1)—Delete subsection (1) and substitute:

(1) When the clamping or impounding period for a motor vehicle ends—

(a) a person entitled to custody of the motor vehicle must, after the end of the period and during ordinary business hours, apply for removal of the clamps or release of the motor vehicle; and

(b) on the making of such an application the relevant authority must release the motor vehicle, as soon as is reasonably practicable, into the custody of that person.

Page 4, after line 5—Insert:

(4) Section 8(3)—After paragraph (b) insert:

or

(c) obliges the relevant authority to remove clamps from a motor vehicle or release a motor vehicle into the custody of a person if the relevant authority is not satisfied that the person who applied for removal or release is entitled to custody of the motor vehicle.

(5) Section 8(4)—After the definition of *ordinary business hours* insert:

person entitled to custody of a motor vehicle means—

(a) an owner of the motor vehicle; or

(b) a person authorised by an owner of the motor vehicle to take custody of the motor vehicle; or

(c) a person legally entitled to possession of the motor vehicle.

This amendment is necessary to remove any ambiguity about the collection or release of motor vehicles at the end of the clamping or impounding period.

First, SAPOL has experienced cases where, at the end of the impounding or clamping period, alleged offenders seek the release or return of the clamped or impounded vehicle outside business hours. Secondly, this amendment will clarify that the onus falls upon the persons entitled to custody of the motor vehicle to apply to SAPOL to arrange the release of the vehicle at the end of the clamping or impounding period.

This will be achieved by deleting section 8(1) and substituting a new provision as proposed in the amendment. The government is aware of recent cases of motor vehicles being impounded in the early morning—for instance, 3am—by SAPOL and the registered owner or person entitled to custody of the vehicle expecting to resume possession of the vehicle at the end of the impounding period at exactly 3am. In such cases the government is of the view that it is reasonable for the vehicle to be collected during business hours.

Therefore, technical amendments to section 8 of the act are required to address the matter. It should be noted that, on receipt of such an application, the relevant authority, namely, SAPOL, must release the motor vehicle as soon as is reasonably practicable.

For the sake of completeness, it should be noted that, where an application is made by the person entitled to custody of the motor vehicle for its release and this falls outside of normal business hours and release during business hours would extend the period of clamping or

impounding by a day or more (for example, the vehicle was due for release on a weekend or a public holiday), no additional impounding or clamping fees will be incurred. This is necessary to ensure fairness and to remove any ambiguity as to whether additional fees should apply in these cases—you see, we are not, after all, a revenue raising government. This will be confirmed in the regulations.

Ms CHAPMAN: The information given by the Attorney seems to be quite reasonable for a change. I ask the minister: is the relevant authority only South Australia Police under the principal act, or is it some other body? I do not have the principal act in front of me.

The Hon. M.J. ATKINSON: For forfeiture it is the Sheriff.

Ms CHAPMAN: My understanding is that what has just been described is that the relevant authority is South Australia Police, which the Attorney mentioned several times. How do they fit into it?

The Hon. M.J. ATKINSON: It is the police for impounding and clamping, but it is the Sheriff for forfeiture.

Amendments carried; clause as amended passed.

Clauses 9 and 10 passed.

New clauses 10A to 10D.

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

New clauses, page 4, after line 40—Insert:

10A—Amendment of section 14—Commissioner may give notice prohibiting sale or disposal of vehicle

(1) Section 14(1)—Delete 'the sale or disposal' and substitute 'any owner of the motor vehicle from selling or disposing'

(2) Section 14(2)—Delete the subsection and substitute:

(2) If—

(a) a person—

(i) is to be, or has been, reported for a prescribed offence and has been advised of that fact; or

(ii) has been charged with, or arrested in relation to, a prescribed offence; and

(b) the Commissioner reasonably believes that, if the person were convicted of the offence, an application could be made under Part 3 in relation to a motor vehicle,

the Commissioner may give the owner of the motor vehicle (or, if there is more than 1 owner of the motor vehicle, 1 or more of the owners of the motor vehicle) a notice in the prescribed form prohibiting any owner of the motor vehicle—

(c) if the Commissioner reasonably believes that, if the person were convicted of the offence, an application could be made under Part 3 for forfeiture of the motor vehicle—from selling or disposing of the motor vehicle, intentionally damaging or altering the motor vehicle or causing or permitting another person to damage or alter the motor vehicle; or

(d) in any other case—from selling or disposing of the motor vehicle,

until proceedings relating to the offence have been finalised.

(3) Section 14(4)—Delete the subsection and substitute:

(4) If a notice has been served on an owner of a motor vehicle under this section, any owner of the motor vehicle who contravenes the prohibitions specified in the notice is guilty of an offence.

Maximum penalty: $2,500 or imprisonment for 6 months.

(4) Section 14(6)—Delete the subsection and substitute:

(6) If—

(a) a person is found guilty by a court of an offence against subsection (4); and

(b) the notice in relation to which the offence was committed was a notice described in subsection (2)(c); and

(c) the court is provided with evidence of—

(i) where the offence involved the sale or disposal of the motor vehicle—the value of the motor vehicle; or

(ii) where the offence involved damage to or alteration of the motor vehicle—the difference between the value of the motor vehicle before the damage or alteration and its value after the damage or alteration,

the court may, in addition to any other penalty imposed in respect of the offence, require payment by the person of an amount determined by the court to be a reasonable estimate of the value specified in paragraph (b)(i) or the difference in value specified in paragraph (b)(ii) (as the case may require).

(5) Section 14—After subsection (10) insert:

(11) An alteration to a motor vehicle that has no effect on the value of the motor vehicle, or that enhances the value of the motor vehicle, will not be taken to be an alteration to the motor vehicle for the purposes of a notice under this section.

10B—Amendment of section 16—Seizure

(1) Section 16(1)(c)—Delete paragraph (c) and substitute:

(c) any other place if—

(i) the owner or occupier of the place consents; or

(ii) it can be seen that the motor vehicle is at the place; or

(iii) a warrant is issued under this Act authorising the seizure of the motor vehicle from the place.

(2) Section 16(3)—After paragraph (b) insert:

(ba) entering into a place from which a motor vehicle can be seized in accordance with subsection (1)(c)(ii) and using reasonable force to break into or open any garage or other structure in which the motor vehicle can be seen to be stored at the place;

(3) Section 16(3)—After paragraph (d) insert:

(e) temporarily affixing clamps or any other locking device to the motor vehicle on a public road or in any other place in order to secure the vehicle until it can be seized and moved.

10C—Amendment of section 17—Warrants for seizure etc.

Section 17(1)—delete 'referred to in section 16(1)(a) or (b)) without the consent of the owner or occupier of the place' and substitute:

from which the motor vehicle may be seized without warrant in accordance with section 16)

10D—Amendment of section 18—Offences

Section 18—After subsection (2) insert:

(3) A person (other than a relevant authority acting under this Act) must not interfere with an impounded motor vehicle, or any item or equipment in or on an impounded motor vehicle, while the motor vehicle remains in the custody of a relevant authority in accordance with this Act.

Maximum penalty: $2,500 or imprisonment for 6 months.

Section 14(2) of the act allows the police, when they intend to apply to the court for an impounding or forfeiture order, to issue a notice prohibiting sale or disposal until the proceedings in the matter have been finalised. It is an offence to contravene such a notice. The offence carries a maximum penalty of a fine of $2,500 or six months' imprisonment. A person convicted of this offence is liable to an additional penalty of paying to the court an amount equivalent to the value of the vehicle. Moneys received in payment of this additional penalty are paid into the Victims of Crime Fund.

The government has identified that section 14 of the act could be manipulated by alleged offenders, so the bill provides the opportunity to remedy this. Section 14(2) deals only with the unauthorised sale or disposal of vehicles and does not contemplate deliberate damage or interference with a vehicle by its owner.

An owner intent upon subverting the forfeiture provisions can make the vehicle unsaleable or reduce its sale value by damaging it or stripping it of anything of value, including the very modifications that made it a hoon vehicle. As the law now stands, this would not be an offence under the act or any other law because the vehicle is not the property of another at the time it is damaged or interfered with: it still belongs to the owner.

Once an order for forfeiture is made and the property in the vehicle passes to the state, damage to it or interference with it may constitute an offence of damage to property or an offence of interference with a motor vehicle under the Criminal Law Consolidation Act. Similarly, the sale or disposal of a vehicle after an order for forfeiture has been made may constitute the offence of theft under section 134 of the Criminal Law Consolidation Act.

The government proposes that the subsection be amended to prevent an owner subverting the forfeiture provisions. In addition to prohibiting the sale or disposal of the motor vehicle, a notice will prove that the owner is intentionally damaging or altering the motor vehicle or causing or permitting another to damage or alter the vehicle. These amendments will apply only to vehicles that are the subject of forfeiture applications, not court imposed impounding, because, although an owner might try to sell or dispose of his or her vehicle to avoid impoundment, there is nothing to be gained by deliberately damaging or interfering with it, and there is no consequence of depriving the state of the proceeds of the sale. There is no loss to the state because the state was never entitled to this money.

The state is, however, entitled to proceeds from the sale of forfeited vehicles. Furthermore, in allowing the court to impose additional penalties that reflect the loss to the state of the proceeds of the sale when a vehicle is sold or disposed of in contravention of a prohibition notice, section 14(6) does not distinguish between notices issued in anticipation of forfeiture and notices issued in anticipation of impounding. That distinction is important.

The subsection should not impose the additional penalty for contravention of a notice issued under subsection (2) of the act when police intend to apply for an order to impound. This is because there is no loss to the state when a vehicle is impounded and damage is done before this occurs. Therefore, subsection (6) is proposed to be amended so that a court may impose an additional penalty that the owner pay an amount equivalent to the value of the vehicle or its depletion in value only in cases where the notice that was contravened was issued in anticipation of an application to forfeit the vehicle.

I will now move to proposed clause 10B, which is in two parts. The first aspect of this amendment will permit a relevant authority to enter any place to seize a vehicle where it can be seen without the necessity to obtain a warrant. Currently, in searching for a vehicle subject to clamping or impounding, the relevant authority has the power to enter into a place occupied by an offender or an alleged offender and, using reasonable force, break into or open any garage or other structure in which the motor vehicle may be stored at that place. The government is aware of cases where alleged offenders deliberately move the vehicle to another residence or place to evade seizure.

Where a vehicle is being stored at a place other than the place occupied by the offender, the relevant authority must either have consent to enter the premises (which is not always given) to seize the vehicle or apply to a magistrate for a warrant under section 17 of the act. Although a warrant can also be applied for by telephone, this is not usually a practicable option in most cases. This amendment authorises the relevant authority to seize a motor vehicle at any other place than those already prescribed in section 16(1) without the necessity of consent of the owner where the vehicle is in plain sight, that is, for example, on the frontline driveway or rear yard. The intention of this amendment extends to vehicles partially obscured within a garage or other like structure.

Provided the vehicle can be positively identified as being the vehicle subject to seizure under this legislation, the relevant authority can seize the vehicle. Where access is obstructed, for example, owing to a locked gate, the relevant authority will be authorised to break the lock to gain access. A warrant will still be required in cases where the relevant authority suspects that a vehicle is being stored, for example, in a locked garage, but cannot positively confirm this by sight.

Turning to the second limb of the amendment, as I explained in amendment No. 1, currently, section 5(5) of the act prohibits clamping of vehicles on a public road or other area of a kind prescribed by regulation, and this has created operational difficulties for SAPOL. The amendment will permit short-term clamping on public roads before the arrival of a tow truck to remove a seized vehicle.

It is proposed that section 16 of the act, which addresses seizure of vehicles, will be amended to permit this temporarily. SAPOL has confirmed that it will make designated towing proprietors aware of this new procedure and will also make guidelines for patrol officers to follow to ensure that any safety risk with clamping on public roads is minimised.

New clause 10C is consequential upon new clause 10B. New clause 10D introduces a new provision into section 18 of the act to make it an offence for a person other than the relevant authority to interfere with an impounded motor vehicle or any item or equipment in or on an impounded motor vehicle while the motor vehicle remains in the custody of a relevant authority in accordance with the act. The maximum penalty for this will be a fine of $2,500 or imprisonment for six months.

The amendment was necessary as a result of an incident in Mount Gambier where a forfeited vehicle was apparently damaged before it could be collected to be sold after the court ordered it forfeited under the act. The action may have been intended to subvert the penalty regime. Also, making the vehicle unsaleable, it deprived the state of proceeds of sale that would ordinarily be used to reimburse the expenses of SAPOL and the sheriff, to pay credit providers who have sought relief and to pay the Victims of Crime Fund.

As members would know, I take a lot of interest in Mount Gambier and was recently down there for dinner with magistrate Bill Morris. Mount Gambier is represented in this house by the member for Mount Gambier and in the other place by the Hon. Bernard Finnigan, resident in Crouch Street, Mount Gambier. Maybe the member for Bragg will have some cunning plan to get Liberal representation in the Mount, it is a very important city, but at the moment the only major party represented there is the Australian Labor Party. I hear a lot about—

Ms Chapman: Rory won't be too happy to hear that.

The Hon. M.J. ATKINSON: No, he is delighted to hear it. In fact, Mr McEwen and Mr Finnigan work together as a team, and I am sure that will be reflected in the results from Mount Gambier at the next state election.

Ms Chapman: I thought he was supposed to be an Independent.

The Hon. M.J. ATKINSON: Of course, he is independent, fiercely independent, like the member for MacKillop used to be. The government has been made aware of the possibility—

Mr Williams: The member for MacKillop is still honourable.

The Hon. M.J. ATKINSON: No, the member for MacKillop has never held ministerial office and is, therefore, not honourable and, indeed, his ferocity has waned as time has gone by. The government has been made aware of the possibility that a registered owner may discover that their impounded vehicle is being stored in commercial parking premises and may try to drive the car away early by paying the car-parking fee or may remove items or accessories from the vehicle, later claiming that they were stolen while the vehicle was in the custody of the state.

This conduct may be a contempt of court, and I am sure that magistrate Morris would deal with that, but, except for making a false claim, it is not an offence. It is proposed that the act should cover this conduct explicitly. This amendment will ensure that those who engage in such behaviour will be prosecuted, and I am sure that *The Border Watch*, that august journal of Mount Gambier which has been so fierce in its defence of magistrate Morris against the calumnies cast against him by the now Leader of the Opposition, will approve of this measure to deal with the mischief that it first reported.

Ms CHAPMAN: Notwithstanding some of the gratuitous comments of the Attorney, his explanation of the need for this amendment and the insertion of new clauses 10A to 10D is worthy of support.

New clauses inserted.

Clause 11.

Ms CHAPMAN: I move:

Page 5, after line 15—Insert:

(5a) Section 20(6)(a)(iii)—delete 'paid into the Victims of Crime Fund established under the *Victims of Crime Act 2001*' and substitute:

applied towards prescribed projects for the rehabilitation of young offenders

This amendment deletes the provision for the proceeds of this exercise (if there is any profit out of clamping, impounding and forfeiture of vehicles) to be paid to the Victims of Crime Fund and substitutes a provision for these funds to go into prescribed projects for the rehabilitation of young offenders.

The opposition has moved this amendment because, on consideration, the parties who are largely at the end of this legislation (as the Attorney has said) are colloquially called hoon drivers, and they are irresponsible young males predominantly, who not only act in a manner that is in breach of the law but also face the consequence of being excluded from their vehicles either temporarily or permanently by these processes. With the amendments, the current regime for the clamping, impounding and forfeiture of vehicles, including the ultimate sale of these vehicles, is subject to third party interests—for example, the Commissioner of Police getting back his costs of carrying out these exercises. There are some anticipated net proceeds and, quite reasonably in the legislation, they have been directed to victims.

Victims, in this situation, can be people who have been at the brunt of the offending behaviour of the guilty party and they may suffer some physical or property damage as a result of the conduct of that offender. Victims of crime in these situations can include passengers in vehicles, pedestrians on the road and other innocent bystanders. If they are a victim and suffer personal injury, there is some opportunity for them to recover some compensation by applying for what was called criminal injuries compensation via a Victims of Crime Fund. All offenders, I think almost without exception now, pay a victims levy when it comes to the successful prosecution of their offences, and it is important that these measures are in place for the application of victims.

It is also important that some attempt be made to remedy the behaviour, induce some maturity perhaps, but certainly assist some of these young people to grow up and understand the responsibility they have when they are in the possession of a potentially lethal weapon. This is also important as it is a rehabilitation approach and, to that extent, the opposition considers that it would be meritorious to allow whatever small proceeds are netted out of this type of action to be allocated to some education or rehabilitation program—

The Hon. M.J. Atkinson: Instead of victims.

Ms CHAPMAN: As I have indicated—and the Attorney-General keeps interrupting—there are funds specifically available for victims, as should occur. This is a new source of revenue, so to speak. I do not know the figures or the actual breakdown of the proceeds for the Victims of Crime Fund from this revenue process in 2009—we have not had the Auditor-General's inquiry yet—but it may be only a small amount. In the cases on which I have information, the vehicles involved are usually of such low value that I imagine that the cost of recovery/seizure/clamping/storage/disposal outweighs the value of the vehicle, and so there may not be much in the way of proceeds.

However, it would be most helpful if the Attorney could inform the parliament how much money had been received as a result of the clamping of vehicles under this process. My understanding from the briefing provided is that the number of vehicles affected by clampings or impoundings was 3,156 in the last financial year (and I referred to that in the debate) and that fees from impounding and revenue were received as a result.

The opposition considers that it is important to direct some of this money, whatever small amount it might be, towards making sure that these young people do not do it again. The whole purpose of this legislation is targeted towards punishing those who undertake risky driving activity in their vehicles, which can cause very serious harm to others. Quite often, of course, these offenders have no financial means themselves and, in those circumstances, the capacity of a victim to recover any serious amount of compensation is negligible.

I invite the Attorney-General to indicate the net proceeds from this exercise in the past 12 months. He may have some estimate regarding the anticipated revenue that will come from the balance. I assume it will not be very much, but it is important to try to do some good with this legislation by imposing that these proceeds be applied to 'prescribed projects for the rehabilitation of young offenders', which I think was the wording we ultimately settled on.

The Hon. M.J. ATKINSON: No amendment more reflects the change in the parliamentary Liberal Party these past 10 to 15 years. The member for Bragg stands before us, on behalf of the parliamentary Liberal Party, and proposes to take money away from the Victims of Crime Fund, a fund which is unable to meet its outgoings from current levies and which relies partly on consolidated revenue, and give it to offenders.

Mr Hanna: For their improvement.

The Hon. M.J. ATKINSON: For the benefit of offenders. We have just had the Liberal Party in another place today defeated in its attempts to stop members of the Gang of 49 going into youth detention or, if possible, to minimise their stay in youth detention. So today, the amendments which the member for Bragg canvassed in this house, and failed to get up, also failed to get up in the other place. Therefore, the government is now in a position to apply the serious repeat offender legislation for adults to juveniles.

The member for Bragg says that we cannot apply the designation 'recidivist youth offenders' to people who are in the Gang of 49, and who have a list of convictions as long as your arm, because it would stigmatise them.

Ms CHAPMAN: Not only is this debate in relation to another bill in another place—nothing to do with this legislation—but also it is completely irrelevant to this bill.

The CHAIR: I just heard that the bill is no longer in the other place. Attorney, stick to the subject.

The Hon. M.J. ATKINSON: Long time Liberal Party voters would not even recognise this Redmond-led party and its attitude to criminal justice, which seems to have adopted the Democrats' criminal justice policy, just as the Democrats are carried out backwards, but have gone even further with this amendment than the Democrats would ever have gone.

Mr Hanna: You should look up rehabilitation.

The Hon. M.J. ATKINSON: Actually, the government spends $40 million of taxpayers' money every year on rehabilitation in our prisons, and we spend an additional amount of money on rehabilitation, education and courses in youth detention. For the members for Bragg and Mitchell, it would not matter if we spent the entire gross national product on rehabilitation, because they would always come up with an excuse for offenders. That is their ideological disposition.

The amendment seeks to amend section 20 of the principal act, which deals with the disposal of vehicles. Under the amendment the proceeds from the sale of a motor vehicle forfeited under the act would, after the relevant costs and fees have been paid, go towards projects for the rehabilitation of young offenders. I am not saying that that is not worthy, but I am saying that the parliamentary Liberal Party has decided to put that above compensating victims of crime. That is the key thing about this amendment. I hope the member for Bragg will go out there on the airwaves with me tonight and tomorrow and have the guts to debate this amendment.

Mr Hanna: This really is rhetoric, because you will top up the Victims of Crime Fund.

The Hon. M.J. ATKINSON: Oh, I see: so guiltless taxpayers will pay to top up the Victims of Crime Fund after we have ripped out this money and paid it out for the benefit of offenders. I understand the logic!

Ms Chapman: What if I put in another amendment to rehabilitate you?

The Hon. M.J. ATKINSON: I know the member for Bragg takes the view that women's groups, victims groups and the Attorney-General are suffering from collective false consciousness and need to be re-educated. I know that, but really the interjection is unhelpful at this stage of the evening and, as the member for Ashford rightly says, it would take a lot more revenue than will be raised by this measure to rehabilitate me.

I draw members' attention to section 31 of the Victims of Crime Act. Under that section the Attorney-General has an absolute discretion to make payments from the fund to a government or non-government association or agency for a purpose that will, in the Attorney-General's opinion, assist in the prevention of crime or advance the interests of victims of crime.

Ms Chapman: He's allowed to do it: we're not.

The Hon. M.J. ATKINSON: That is right: that is because I am the elected Attorney-General of the state, and currently Mrs Redmond has not been elected Premier; therefore, you are not the Attorney-General. That is right. The phrase—

Mr Venning: Stick around; you'll see it. You'll go the same way as Barton Road did: into the great abyss.

The Hon. M.J. ATKINSON: It is funny that the member for Schubert should mention that, because a Labor Party sub-branch other than my own had a resolution before our platform convention on the weekend about Barton Road, and if I am not wrong it was carried. It is part of the policy of the great Australian Labor Party. Hope for Barton Road lives!

Members interjecting:

The Hon. M.J. ATKINSON: As the member for Adelaide says, she worries that if I got Barton Road open I would evaporate.

The phrase 'prevention of crime' was inserted as it was recognised that preventing crime would help to reduce the number of persons injured by criminal offending; in other words, there is a nexus between crime prevention and victimisation prevention—so to that degree we agree.

In a criminal justice context I think it is clear that crime prevention would include strategies aimed at rehabilitation. The Attorney-General's Department fact sheet 'Crime prevention—what is it?' defines crime prevention as 'reducing the risk of occurrence and the potential seriousness of a crime by intervening in the causes'. It continues:

> Crime prevention can be described as having three levels—primary, secondary and tertiary.
>
> 1. Primary Crime Prevention—Directed at stopping a crime before it happens...
> 2. Secondary Crime Prevention—Aims to change people, typically those at high risk of becoming involved in crime…
> 3. Tertiary Crime Prevention—Focuses on the operation of the criminal justice system and addresses the issue of offending after it has happened. The main focus is on intervention in the lives of offenders in an attempt to prevent them from reoffending.

Likewise, at the national level the National Crime Prevention publication 'Pathways to Prevention—developmental and early intervention approaches to crime in Australia' recognises that crime prevention includes strategies such as traditional deterrence, incapacitation and rehabilitation strategies operated by law enforcement and criminal justice agencies.

Mr Hanna: You say it with feeling.

The Hon. M.J. ATKINSON: I am sorry to be so conciliatory this far into the evening, but the government is of the view that the existing law would allow an attorney-general to make grants to government agencies or non-government organisations for the rehabilitation of young offenders. There is no need for the amendment.

The challenge, however, is balancing the demand on the sum in the Victims of Crime Fund. The fund's prime purpose is to provide a quarantined pool of money to pay victim compensation and those costs resulting from the administration of the victim compensation scheme. In addition, grants are paid to victim assistance and care services, in particular about $1.4 million to the Victim Support Service, $72,000 to the Road Trauma Support Team and $5,000 to the Homicide Victims' Support Group.

Significantly, the member for Bragg and the member for Mitchell would be willing to take away twice the grant paid to the Homicide Victims' Support Group and redirect it for the benefit of offenders.

Mr Hanna: I wouldn't do that.

The Hon. M.J. ATKINSON: Well, you would have $10,000 less in the fund than is projected, once the bill passed. The fund currently receives revenue from several sources, including several million dollars from general appropriation. Indeed, any shortfall in the fund must be made up by an additional appropriation so that victims are not deprived of compensation, assistance and care.

Depriving the fund of an offender-paid revenue source would result in continued reliance on the non-offending taxpayer to fund victim compensation and victim support services. I am astonished that the parliamentary Liberal Party that I grew up with here in South Australia is

supporting this kind of counter-cultural Marcusian nonsense. Only the member for Mitchell would know about Herbert Marcuse; I am sure he studied him eagerly in his youth.

It is also worth noting that the government already runs a crime prevention and community safety grants program. Each year grants from $10,000 to $50,000 are available to any single project of up to 12 months' duration. The grant funding is non-recurrent. The program has an annual budget of about $600,000. This year's application material lists, among example projects, antisocial behaviour, including hoon and dangerous driving.

In any event, even if the government were to agree that the money should be specifically directed to the rehabilitation of young offenders, I do not think it could support the amendment in good conscience. The amendment does not include a mechanism for holding or disbursing the funds. Can the Sheriff hold the moneys until a reasonable sum builds up and then allocate it to a project or must he select a project every time a car is sold? If it is the latter, the amounts would be small. Between July 2007 and July 2009—a period of two years—19 vehicles were forfeited; of these eight had no value but costs were incurred in their disposal, and the other 11 raised the grand total of $10,976, of which $6,133 has been paid into the Victims of Crime Fund.

The other problem is that there is no guidance to the Sheriff on how the moneys should be applied. Should they be forwarded to the Department of Families and Communities? Would the government agencies and non-government organisations apply to the Sheriff for financial assistance for rehabilitation projects? On what grounds would he assess these projects? It is not, and should not be, the function of the Sheriff to make decisions on how to use what are public moneys for rehabilitation projects for young offenders.

The parliamentary Liberal Party is in such a frenzy of rehabilitation enthusiasm and victim denigration, such as we saw from the member for Davenport earlier this evening, that it comes up with a completely harebrained amendment—

Mr Hanna: Who was he denigrating?

The Hon. M.J. ATKINSON: He was denigrating the alleged victims, eight of them, in the Thomas Easling case.

Mr Hanna: You said they were victims then?

The Hon. M.J. ATKINSON: Yes. So, the government opposes the amendment.

Ms CHAPMAN: Disappointed as I am at the Attorney-General's approach to what I thought was a very meritorious contribution, I note that he raised in the course of his remarks the Barton Road reopening. This is a bill about vehicles. I do not know whether there is any hoon driving down there but, if the Attorney-General is happy to scribble out an amendment, I am happy to take it right now and we can get on with the vote.

Mr HANNA: I am going to direct this momentous debate in a slightly different direction. I admire the spirit of the Liberal Party in putting forward this amendment, because we do need more rehabilitation of young offenders in this state, but I must say that the Attorney-General's response, although perhaps overly fulsome, was effective in making some points against the amendment. It is as if the Attorney-General wants this night to go on forever.

I turn my attention to another part of clause 11. In particular, subclause (5) gives a very clear power to the Commissioner of Police to direct that motor vehicles may be destroyed or disposed of other than by sale. I simply wish to put on the record the views of some of the sober, sensible and thoughtful members of my community in relation to the headlines about cars being crushed. The people I have spoken to think it is stupid. It is just a stupid waste of resources. Tonight we have heard from the Attorney-General that, of the cars that have been seized under the legislation in the past year, I think it was—

The Hon. M.J. Atkinson: Two years.

Mr HANNA: —two years for which we have figures—about half of those cars had no value and a paltry sum was collected from the rest. If it cost more to sell the car than you would get from the proceeds, I can understand the crushing, but I suppose there would be a cost to that. But, of course, the way it was presented to the public was that it would be some highly effective knee to the groin of the offender to see their beautiful car crushed. That is the way it was presented to the public, not in cool, rational terms that it is simply a financial decision to have the cars crushed instead of sold.

So I have no problem with it if the basis of it truly is that it is just financially sensible to crush instead of sell, but that certainly is not the spin that was put forward by the government when it came up with the idea.

The Hon. M.J. ATKINSON: I think that to understand the member for Mitchell's contribution we have to go back to when this law was first introduced to parliament in the first Rann government.

The Hon. M.D. Rann: The second, actually.

The Hon. M.J. ATKINSON: Hoon driving?

The Hon. M.D. Rann: No; the first government lasted one day—

The Hon. M.J. ATKINSON: I am sorry; the Premier corrects me. There have been three Rann governments, apparently: the first was an oligarchy run by himself and the Deputy Premier. Anyway, after the first election victory of the Rann-led Labor Party we introduced hoon driving legislation, and the member for Mitchell was the only member of this chamber to oppose it. Not only did he oppose it in the chamber and vote against it on the voices—

Mr Hanna: You don't know whether that's the case or not.

The Hon. M.J. ATKINSON: I was here when you did it. You were a 'no', and then went on to—

Mr Hanna: Read the *Hansard*.

The Hon. M.J. ATKINSON: Well, 'read the *Hansard*'. The member for Mitchell was very careful not to have a division because, number one, he would have been the only member voting against it and the division would have been abandoned, and, secondly, he knew his opposition to the bill was electoral poison in his own state district. He did not want the people of the state district of Mitchell to know that he was against the hoon driving legislation on civil liberties grounds, so he came into this house and spoke against it. He then went on to ABC Radio the next morning and attacked me for introducing it and predicted these terrible violations of civil liberties, none of which of course have come to pass. Now he is continuing to oppose aspects of it, and tonight he condemns crushing. Well, let me deconstruct that opposition.

First of all, there are many vehicles that are forfeited that have no value. So, why would you object to crushing as a method of disposal of those vehicles when the crushing can be used as an expression of society's disapproval of what the owner of that vehicle has done? When it comes to that kind of sad music of humanity, the member for Mitchell has a tin ear. He does not understand the anger of his own constituents about hoon driving. I go to street corner meetings in his own electorate and I hear from his own constituents about how they abhor hoon driving.

Ms Chapman: Have you seen the photograph on your website of your street meeting with the little puppy dog?

The Hon. M.J. ATKINSON: That is Gus, the independent watchdog.

Ms Chapman: And the two other people who attended?

The Hon. M.J. ATKINSON: No, there were about 16 people at that street corner meeting, but only a few were in the—

Ms Chapman: In the photograph.

The Hon. M.J. ATKINSON: In the photograph; yes. Thank you for that. I am glad that you pay attention to my website. On one occasion we had 34 people at a street corner meeting on the border between West Hindmarsh and Welland. That was our record. I did, however, have a street corner meeting in one of the member for Bragg's suburbs on Derby Day 2006 where no-one turned up, and that was good—

Mr HANNA: Madam Chair, I rise on a point of order.

The CHAIR: You are wondering about the relevance?

Mr HANNA: I think it was more relevant when the Attorney-General was engaging in his personal attack on me rather than talking about his street corner meetings.

The CHAIR: There is no need to proceed, member for Mitchell.

The Hon. M.J. ATKINSON: I am sorry, I was distracted by the member for Bragg. We had a good meeting at Leabrook, where quite a few people turned up, but later on we had a meeting at a higher altitude where no-one turned up and I was therefore able to listen to the running of the Wakeful Stakes at Flemington, which was good.

The Hon. M.D. Rann: Who won?

The Hon. M.J. ATKINSON: You are testing me now—2006. But I will be there next Saturday.

Ms Chapman: With little Ben?

The Hon. M.J. ATKINSON: Gus.

Ms Chapman: No; Dineen, I am talking about. Your candidate, not the dog. I am talking about the Labor candidate for Bragg.

The Hon. M.J. ATKINSON: He will be in Bragg: I will be at Flemington. The member for Mitchell does not understand the depth of public feeling against hoon driving, the willingness of the public to forgo normal legal safeguards to combat it and the symbolic value of crushing vehicles as a symbol of society's disapproval. So, we are not going to crush vehicles of value! What else are we going to do? Take it down the dump? What good does that do? I think a symbolic crushing would be a good expression of society's disapproval. After all, it is plain from the figures I have put before the committee tonight that half these vehicles have no value at all.

The second thing to say is that crushing is important for those vehicles with a value but which are inherently high performance, dangerous vehicles with 'hoony' accessories on them. Why would we sell them at auction and put them back on public roads? Of course, we are going to crush them.

The CHAIR: Member for Mitchell, we do have an amendment before the chair.

Mr HANNA: That is right.

The CHAIR: You are dealing with the rest of the clause. Perhaps we will dispose of the amendment and then deal with the rest of the clause.

Mr HANNA: I want to say my piece.

The CHAIR: You will get an opportunity.

Mr HANNA: I claim my right now to respond directly to what the Attorney-General has just said about me.

The Hon. M.J. Atkinson: Would you wait just a minute, please?

Mr HANNA: I will only take a minute, so maybe that is the better way of doing it. It is the Attorney-General who is being difficult here tonight. We are obliged to indulge the Attorney-General in his character assessment of the member for Mitchell, but he knows very well that I am very much in touch with my community. I know that the public nuisance of hoon driving aggravates many of my constituents. I know that this legislation is popular legislation. I actually had the impression that it was working better than it is, but if only 19 cars were seized over two years, that really does raise a question about whether this is legislation that does substantive good or whether it is more spin than substance. In fact, it is about as much spin as the revving wheels of the hoon drivers doing doughnuts in my local car park.

Progress reported; committee to sit again.

NORTHERN FLINDERS RANGES

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (21:43): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.D. RANN: I beg the house's indulgence. Earlier today I made a ministerial statement in the house on balancing mining and conservation in the North Flinders. In the statement I referred to the duration of the suspension of activities imposed on Marathon Resources in connection with its exploration licence in the Arkaroola area. I would like to clarify that the licence extension has been granted only for a one year term, with conditions imposed including a

requirement for both the Director of Mines and the Chief Executive of the Department for Environment and Heritage to approve jointly all exploration activities.

All ground-disturbing exploration activity on the tenement, which includes Arkaroola, remains suspended at least until proposed amendments to the Mining Act come into force. The suspension has been in place since February 2008. Proposed changes to the Mining Act will strengthen compliance and enforcement provisions and the ability of PIRSA to better regulate activities on mineral tenements, including exploration licences. I thought, given the honourable member's interest in the lesser spotted gudgeon, that I should clarify that.

[Sitting extended beyond 22:00 on motion of Hon. M.J. Atkinson]

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 4483.)

Clause 11.

The CHAIR: The committee has before it the amendment No. 1 moved by the member for Bragg.

Amendment negatived; clause passed.

Clause 12 passed.

Schedule 1.

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

Page 5, lines 29 to 33—Delete Schedule 1 and substitute:

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendment to *Summary Offences Act 1953*

1—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *minor* insert:

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

2—Insertion of section 17AA

After section 17 insert:

17AA—Misuse of a motor vehicle on private land

(1) For the purposes of this section, a person *misuses* a motor vehicle if the person, in a place other than a road or road related area—

(a) drives a motor vehicle in a race between vehicles, a vehicle speed trial, a vehicle pursuit or any competitive trial to test drivers' skills or vehicles; or

(b) operates a motor vehicle so as to produce sustained wheel spin; or

(c) drives a motor vehicle so as to cause engine or tyre noise, or both, that is likely to disturb persons residing or working in the vicinity; or

(d) drives a motor vehicle onto an area of park or garden so as to break up the ground surface or cause other damage.

(2) However, conduct of a type described in subsection (1) does not constitute misuse of a motor vehicle if it occurs in a place with the consent of the owner or occupier of the place or the person who has the care, control and management of the place.

(3) A person who misuses a motor vehicle is guilty of an offence.

Maximum penalty: $2,500.

(4) Where a court convicts a person of an offence against this section, the court must, if satisfied that the offending caused damage to, or the destruction of, any property or damage to an area of park or garden or a road related area, order the convicted person to pay to the owner of the property, or the owner, occupier or person who has the care, control and management of the area, such compensation as the court thinks fit.

(5) The power of a court under subsection (4) is in addition to, and does not derogate from, any powers of the court under the *Criminal Law (Sentencing) Act 1988*.

(6) In this section—

road and *road related area* have the same meaning as in the *Road Traffic Act 1961*.

Part 2—Transitional provision

3—Transitional provision

The amendments to sections 20 and 21 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* effected by this Act apply in relation to an impounded or forfeited motor vehicle whether the impounding or forfeiture occurred before or after the commencement of those amendments.

This amendment is to give the member for Mitchell his wicked way. The amendment, although amending the Summary Offences Act, is a related amendment to the act as it seeks to introduce a new offence that will then be added to the list of prescribed offences under the act. It is proposed that schedule 1 of the bill be deleted and substituted with a new schedule that, in addition to the transitional provision, will insert the new offence of misuse of a motor vehicle on private land, as advertised and advocated by none other than the member for Mitchell. The road to Damascus conversion; now, like St Paul, he is leading the movement.

The new offence will only apply to private land where the alleged offender has entered private land or is on private land without lawful excuse or without the consent of the owner or occupier of the place. The regulations will subsequently be amended to include this new offence as a prescribed offence to trigger the application of the clamping, impounding and forfeiture provisions.

As stated, the offence will cover a range of conduct that includes racing vehicles, operating a vehicle so as to produce a sustained wheel spin, driving a motor vehicle so as to cause engine or tyre noise and driving a motor vehicle onto an area so as to break up the ground surface or cause damage. The maximum penalty for this offence will be $2,500. Provision is also made for compensation to be awarded for property damage upon conviction where the court is satisfied that the offending caused damage.

The clamping, impounding and forfeiture provisions already apply to some prescribed offences when they are committed on private land because these offences can be committed anywhere. These are:

(a) the prescribed offence of driving dangerously so as to cause serious injury or death, under section 19A of the Criminal Law Consolidation Act;

(b) the prescribed offence of driving to escape pursuit if members of the public are endangered, under section 19AC of the Criminal Law Consolidation Act;

(c) the prescribed offence of damage to property when it involves marking graffiti, under section 85 of the Criminal Law Consolidation Act;

(d) the prescribed offence of marking graffiti, under section 9 of the Graffiti Control Act; and

(e) the prescribed offence of failing to obey a police direction to cease emitting excessive amplified noise—that is the 'doof doof' offence—from a vehicle if the noise is excessive in being likely to unreasonably disturb persons in the vicinity of the vehicle, under section 54 of the Summary Offences Act.

This amendment would not extend the clamping, impounding and forfeiture to traffic offences that can be committed only on a road. That is the conduct described in the prescribed offences under the Road Traffic Act of driving at excessive speed, reckless and dangerous driving, driving while under the influence of alcohol and driving with the prescribed concentration of alcohol or drugs in the blood, and the offences under the Motor Vehicles Act of driving unregistered and driving while disqualified. These have always been road-related offences, and to extend them to private land, I think, is beyond the scope of the proposal, and I think the member for Mitchell would agree. That is the reason why the amendments are being made to the Summary Offences Act rather than the Road Traffic Act.

Mr HANNA: We are coming to the end of these amendments to the wheel clamping laws, and I am delighted to see that the government has picked up my proposal to extend this treatment of hoon drivers when they trespass on private property. The concern that led me to raise this in

parliament was in particular the hoon driving that has taken place on the Sheidow land over the years.

The residents of Trott Park, Sheidow Park and Reynella will be very delighted that the government has picked up my amendment. I appreciate the work that the Attorney-General has done in relation to this amendment. I was satisfied if simply the offence of trespass was committed. The Attorney-General has seen fit to enshrine this amendment in the Summary Offences Act and has specified the requirement for commission of the offence that the motor vehicle be misused.

Various examples are given: if there is a race on private property without permission; if burnouts are done; if there is excessive noise which is likely to disturb persons residing in the vicinity; and if the vehicle is driven on an area of park or gardens so as to break up the ground surface or cause other damage. These are precisely the sorts of problems that have been experienced down in Sheidow Park.

There has been some gross environmental damage done by the drivers who have trespassed there, and the residents are routinely annoyed by the noise of little buzzing bikes, as well as heavier vehicles like four-wheel drives. I also have in my electorate a number of young people who really enjoy driving those things. What I need to get across to those people (and what the government needs to get across to them) is that it is crucial to get permission, otherwise they will fall foul of this wheel-clamping legislation. They do not have many opportunities for off-road driving, and that needs to be addressed because young people do need to have legitimate recreational opportunities.

There are a few places they can go further down south. There is a farmer down towards Victor Harbor who allows them on his land to tear around but they have to pay, I think, to go on to the property. Something closer to home would be better. However, the point is that that sort of driving should not be undertaken without the permission of the landowner—that is the key to it—and it should not be undertaken in a way that disturbs the surrounding residents or causes environmental damage.

So, I am delighted that the government has seen fit to endorse this proposal that I have brought to the parliament. I am quite willing to concede that this improves the concept that I have brought to the parliament and it creates very specific guidance for those who dare to go on to private property, drive their vehicles and cause this sort of nuisance. I am delighted to support the government's amendment and I am happy for it to take the credit for it.

Ms CHAPMAN: I have not read the whole of the amendment in detail but I have listened with interest to the proposal. I was aware of the amendment initially anticipated to be dealt with by the member for Mitchell which did have a trespass element to it.

I will have a look, between the houses, at the extent to which this applies. My understanding is that there has to be not only misuse but also no authority to enter the property or use the property where this activity is undertaken. After hearing the contribution of the Attorney, that it may also apply where there is offensive noise and, therefore, even though it is a legal activity on a property (private land) where permission is granted, if it somehow or other offends or causes noise or nuisance to neighbours then this really does go quite a lot further than what the member for Mitchell had in mind, according to the draft of his amendment, so we will consider that between the houses.

Points have been made, quite appropriately, that it is important to allow people who enjoy this sort of activity to have space to undertake their hot rod, motorbike and other activities of this nature, which could easily be confused as something akin to hoon driving. But to impose this level of offence to behaviour on private land—if it is not in breach of any other laws, other than to emit noise, for example—is something we would be very concerned to have a look at, to ensure that it has not gone too far. However, we will look at that between the houses.

Amendment carried; schedule as amended passed.

Title.

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

After '2007' insert: '; and to make a related amendment to the *Summary Offences Act 1953*'

Amendment carried; title as amended passed.

Bill reported with amendments.

Bill read a third time and passed.

MAGISTRATES COURT (SPECIAL JUSTICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 4035.)

Ms CHAPMAN (Bragg) (22:01): The opposition supports the bill.

Mr HANNA (Mitchell) (22:01): I support the amendments to the Magistrates Court legislation, which allow special justices to sit in a much greater variety of cases—indeed, in a range of more serious cases—than they do presently. This bill sets out to amend the Magistrates Court Act 1991. It will allow special justices to hear uncontested matters, as prescribed; for example, at the moment, guilty pleas under the Road Traffic Act. This can include offences such as driving unregistered, uninsured; exceeding speed; and log book offences for truck drivers, etc. There are also applications for relief or review, including form 51 and form 48 business, which is done in chambers.

The government currently gets its money's worth out of special justices. They are paid $25 a session or $50 a day, and I believe they bear their own expenses, which includes parking, petrol and meals or refreshments, and they can be asked to do several hundred form 51s or form 48s per day. It is great that it is relieving magistrates, who earn several hundred thousand dollars a year, from such routine business. The balancing act in all this is to see how far this government and future governments are willing to go in extending the jurisdiction of special justices.

Bail applications may also be heard by a special justice sitting alone, but I understand this rarely occurs at this point. The bill intends to extend the powers of special justices to hear any expiation-type offence where the alleged offender elects to be prosecuted for the offence, the charge of a prescribed offence or a charge where the maximum penalty does not exceed $2,500. That is an increase of $1,250 over the present limit.

Section 7A of the Magistrates Court Act is amended, wherein part A remains unchanged and part B has an additional point to hear and determine uncontested applications of a class prescribed by the regulations (we do not know what those will be yet), and part C reproduces the former part B of section 7A. The amendments to section 9A set out to clarify the charges a special justice can hear, namely, wherein a person has received an expiation notice for an offence and they elect to be prosecuted. Obviously, we will need to hear more from the government about what the prescribed offences are going to be. This is truly a transition point for special justices. In the past, the work has been relatively straightforward and simple. This will certainly mean that more serious matters are heard by special justices.

This in turn brings up the question of training for special justices. I am willing to say in this place that the training for special justices up to this point has been woefully inadequate. There is a TAFE training course. It passes on quite a bit of information about justice in general, the structure of the courts, the nature of offences, and some basics of criminal law, but it is quite poor, I am told, in respect of the daily practices and procedures of the courtroom, and these are really the working tools of the special justices.

From what I have heard, the special justices tend to sink or swim by themselves. There is a lack of mentoring. What education special justices get tends to come from their more experienced colleagues, or, if they are lucky, from a magistrate, who might offer advice or some training. So, there needs to be, urgently, an improvement in the training provided to special justices.

Consideration ought to be given as to whether this could take place within the Graduate Diploma of Legal Practice. Perhaps law schools ought to be involved. I think it may have become something that is too important and too extensive for a mere TAFE course to cover. If we are going to stick with the TAFE model there needs to be a dramatic improvement in what is delivered.

The point I have already made about the honorarium for special justices needs a little comparison. Even juries these days are going to receive more than the special justices receive. I realise that the government wants to spend as little as possible on special justices, but I think it is only reasonable that, as the responsibility increases and we seek to have an ever higher standard of special justices hearing these matters, we need to review the payment that is made to them. I would have thought that what is perhaps paid to jurors in the state is probably quite a good benchmark to go on. It certainly is—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HANNA: —justice on the cheap; that is for sure. I think that there also needs to be improvement in respect of rostering. Recently, an employee of the Attorney-General's Department was appointed to draw up rosters, and that has improved the situation. The fact is, if we are going to have more special justices, we need to treat them with respect, not just in respect of their pay, but in terms of their work conditions and how the work is allocated.

On this point, I also refer to the extremely inconsistent treatment of special justices in the various courts. For example, Elizabeth, Holden Hill and Coober Pedy, I am told, allow the special justices to handle only paperwork; so, they actually do not see real, live people sitting on the bench. They are doing form 51s and other similar routine paperwork. If we are going to extend the jurisdiction of special justices, then let's treat them with respect, pay them some respectable honorarium, and let's pay them more respect in the workplace so that they are not seen as just clerical drudges. As I said, the training also needs to be improved, and with that we will improve the quality of justice dispensed by the special justices.

I also note, in terms of the support that is given to them, that there probably needs to be special consideration by the magistracy about how clerks are going to be used. That may take the form of mentoring, it may take the form of training, or it may take the form of allocating clerks' time to make some of the clerical duties of the special justices easier to process so that they can use their time for thinking rather than just ticking boxes.

With those comments, and raising those issues for the consideration of government, I am happy to support the legislation. It really comes back to being honest about having a fourth tier of the court system. We already have the Supreme Court, the District Court, the Magistrates Court, and I think it is time to acknowledge that we have a fourth tier being created here of special justices. The training and, I would suggest, the honorarium need to reflect that.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (22:11): I thank the member for Mitchell for his detailed consideration of the bill and I thank the member for Bragg for perhaps the most outstanding contribution I have ever heard from her.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT AND REPEAL (TRADE MEASUREMENT) BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (RECIDIVIST YOUNG OFFENDERS AND YOUTH PAROLE BOARD) BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Clause 24, page 18, lines 16 to 23—Delete the clause and substitute:

24—Social Development Committee to inquire into and report on operation of act

The Social Development Committee of the parliament must, within three years after the commencement of parts 3 and 4 of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009, in consultation with the Attorney-General, inquire into, consider and report on the operation of the act (including any effect the operation of the act has had on the criminal justice system in South Australia).

Consideration in committee.

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

That the Legislative Council's amendment be agreed to.

It requires the review of the controversial part of the government's bill on young offenders by the Social Development Committee after it has been in operation for a period. I am happy to subject our proposal to the review of the Social Development Committee.

It is significant that the other place considered the amendment made famous by the Labor Party leaflet, with a reply paid facility, and the Family First Party, the Hon. John Darley and the Hon. Ann Bressington all voted with the government to vote down the Redmond let-off clause for

the Gang of 49. I am quite happy for that provision to be reviewed by the Social Development Committee after it has been in operation for a period.

Ms CHAPMAN: The Social Development Committee, under this amendment, will conduct the review. Members might recall that the government's proposal under this bill was that it be reviewed by the Social Inclusion Unit. It was suggested that it was necessary for us to have a review, and we agreed with that. It was suggested that it be done by the Social Inclusion Unit, and that was supported by Monsignor Cappo, who had been consulted on this bill generally in correspondence with the Attorney-General.

It was disclosed ultimately, when we received a copy of the correspondence between the Attorney-General and Monsignor Cappo under freedom of information, that Monsignor Cappo had agreed that there should be a review and that he sought for the Social Inclusion Unit to be involved—not that it do the review but that it be involved in it. On this side of the house, we do not disagree with that. We think that the Social Inclusion Unit, like a number of other bodies, ought to have the opportunity to come forward to any review authority—in this case, the Social Development Committee (a committee of this parliament)—to review the legislation of this parliament. They would give evidence along with everybody else as to the successful operation or otherwise of the bill.

We welcome this amendment from another place. It is in line not only with what the opposition had expressed but also with the principle that we, as a parliament, should review our legislation or give it to a dedicated body for that purpose. The Attorney-General must start to learn to tell the full situation to this house when he masquerades support for various aspects of bills. This is just one example.

The second issue was a matter to which the Attorney just referred, that is, a second amendment that was presented by opposition in respect of this legislation: that the opposition did not agree that 'recidivist young offenders' should apply to juveniles. We made that very clear in the debate for the reasons I will not repeat again tonight.

Again, the Attorney-General, after repeated failed attempts to deal with juvenile crime—announcement after media statement after panels, reviews, you name it—it failed, over and again. He said that, in respect of this legislation, this was necessary to clear up this problem of the repeat offenders as had applied to adults.

We know from that correspondence between the Attorney-General and Commissioner Cappo that, since the implementation of that legislation to bring about a new regime for adult repeat offenders in 2003, not one single determination has been made in respect of adult repeat offenders. So, how can we possibly have any confidence that it would make a scrap of difference, as claimed by the Attorney-General, to the precedent upon which he would bring this about?

So, again, I advise members in this chamber that, when the Attorney-General comes in and masquerades his support and sets up the pretext of the precedent as the basis upon which he is moving legislation, they should look behind the documents. That will soon tell them, in relation to the two things that were relevant to the amendments debated in the other place, how shallow and insincere the Attorney-General was in that debate.

Nevertheless, the amendment from the other place is here, and it quite properly requires the Social Development Committee to review this legislation and report on whatever is to happen to it. I thank its members for their consideration and for proceeding with this. I welcome it, and the opposition supports it.

Motion carried.

At 22:22 the house adjourned until Wednesday 28 October 2009 at 11:00.