HOUSE OF ASSEMBLY

Wednesday 23 March 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:02 and read prayers.

PUBLIC WORKS COMMITTEE: LYELL McEWIN HOSPITAL REDEVELOPMENT—STAGE C

Mrs VLAHOS (Taylor) (11:03): I move:

That the 393rd report of the committee, entitled Lyell McEwin Hospital Redevelopment—Stage C, be noted.

The Lyell McEwin Hospital was established in Elizabeth Vale in 1958 and provides some very important community services to the people of the northern suburbs, where I am the member. It provides a comprehensive range of specialist and diagnostic treatment services for the population, based around 196,000 people living primarily in the northern suburbs of Adelaide within the Playford and Salisbury council areas, and has a wider catchment area, including the township of Gawler.

Due to the limitations imposed by the existing building stock, we have moved to increase the hospital's capacity in a number of ways since the year 2000. The proposed works include:

- construction of a new 96-bed acute inpatient facility building to support expansion of clinical services, including a helipad on the upper level;
- construction of the new ambulatory care building to accommodate expanded outpatient and allied health functions;
- construction of a new support service building to accommodate expanded women's health facilities and maternal assessment unit, administration, research, education, clinical offices and relocated expanded back of house services space; and
- a range of internal refigurations, relocations, refurbishments and upgrade works to suit existing and expanded functional requirements.

The total capital budgeted for the project, including a multi-deck car park (already constructed), is $201.65 million (GST exclusive). The works considered in this report, not including the car park, total $182.42 million.

The principal purpose of the Lyell McEwin Hospital Redevelopment Stage C is to provide the hospital with physical infrastructure and capacity to support the changed role of the hospital, where it will become one of the three adult tertiary hospitals in South Australia. The committee is told that the project will go through seven phases during the new construction refurbishment work, which will be rolled out, with the final project completion in June 2015. I give the above and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT

The Hon. M.J. WRIGHT (Lee) (11:06): I move:

That the 73rd report of the committee, entitled Annual Report 2009-10, be noted.

I present to the house the 73rd report of the Economic and Finance Committee. Madam Speaker, 2009-10 was a year of transition for the Economic and Finance Committee, covering as it did a state election and a change in membership. The presence of new members on the committee in 2011 demonstrates this process of renewal is ongoing. Nevertheless, 2009-10 saw the committee undertake a full range of oversight obligations and conduct inquiries into activities and issues that play a significant role in the local and national economy.

In terms of membership, following the 2010 state election, the sixth Economic and Finance Committee was appointed following the opening of the 52nd parliament in May 2010. Of the seven members appointed to the committee, the member for Newland was appointed presiding member at the first meeting. With regard to its oversight function, the committee considered the emergency services levy proposal for 2010-11, the application of grants under the sport and recreation fund, and passenger service tenders in the Gawler and Angle Vale areas. Consistent with its obligations under the Health and Community Services Complaints Act, the committee also discussed the

Health and Community Services Complaints Commissioner's budget for 2010-11. During this period, the committee completed inquiries into warranty protections for farmers and renewable energy.

In December 2009, the committee tabled its 70th report, Consumer Protection for Farmers: Reaping a Fair Harvest. The inquiry was initiated on a self-referral in September 2009. The terms of reference instructed the committee to inquire into the efficacy of current warranty and related laws to ensure they provided farmers with appropriate product protection and means to effectively address any grievances. The committee received 37 written submissions and saw 10 witnesses over three hearings in preparing its report, which was tabled on 3 December 2009.

The committee took evidence from government agencies concerned with consumer protection and workplace safety, the South Australian Farmers Federation and individual farmers. In addition, the committee received submissions from manufacturers and dealers, as well as a number of individual farmers, many from interstate. Some of the individual stories were harrowing and underlined the substantial financial and personal risk borne by many on the land, the narrow margins between viability and failure, and the devastating consequences of not being able to rely on the purported warranties and protections attached to these critical and often extremely expensive machines. At the end of this report, the committee made five recommendations, as follows:

1. the creation of a mediation scheme for disputes in the agricultural sector;

2. that this scheme be voluntary;

3. extending current state-based consumer protection to farm machinery;

4. creating a code of practice under new national consumer protection legislation for farm machinery, which would apply to purchasers, dealers and manufacturers; and

5. improving regulations surrounding the safety and resale of farm machinery.

Ministerial responses to the report indicate support for a South Australian Farmers Federation voluntary mediation scheme and the inclusion of these recommendations regarding extending consumer protection and enhancing resale safety regulations to the relevant national ministerial bodies working towards national consumer and workplace laws.

The committee also tabled its interim report on renewable energy (report No. 71) in December 2009. The terms of reference instructed the committee to inquire into barriers to investment and regulatory impediments to the positioning of South Australia as a leader in renewable energy.

The committee took evidence from South Australian government agencies directly involved in supporting the development of renewable energy projects in South Australia and received written submissions from industry. The committee received submissions from a variety of renewable energy operators—wind, geothermal, biofuel and landfill gas, among others—in which issues such as infrastructure building and capacity, regulation and the kinds of investment required to make various power sources viable were raised.

The first report of the current committee, Emergency Services Levy 2010-11, was tabled in 2010. The committee noted the total expenditure on emergency services for 2010-11 was projected to be $218.1 million. The committee noted total expenditure for 2009-10 was expected to exceed the original estimates and was estimated to reach $225.5 million. There were to be no increases in levy rates either for owners of fixed property or for owners of motor vehicles and vessels in 2010-11.

Throughout the changes in membership over the reporting period, the committee enjoyed the support of the executive officer, Dr Paul Lobban, and the committee's administrative officer, Mr Shannon Riggs. On behalf of all of the members, I thank them both for their efforts. I commend the report to the house.

Mr GOLDSWORTHY (Kavel) (11:13): I, too, am pleased to speak to the motion brought to the house by the Presiding Member of the Economic and Finance Committee, the member for Lee, in relation to noting the annual report for 2009-10 of the committee.

Having been a member of the Economic and Finance Committee for a number of years, I think I am perhaps the only member on this side of the house who has been a member of the

committee consistently throughout that reporting period, the 2009-10 year, because we had some members on this side of the house move in and out of the committee during that time.

As the presiding member outlined in his motion, the committee deliberated over a number of issues, and the member opposite has outlined those, including looking at some consumer protection for farmers in relation to warranties and the like on machinery—that was a self-referral. We had a number of witnesses appear before the committee to provide evidence on, I guess, the anomalies and the shortcomings of the existing system, and I certainly note the recommendations that were made in the report.

We also investigated the 71st Report—Renewable Energy: Release of Evidence. It is my understanding that a final report has not been tabled in relation to that investigation; however, an interim report which summarises the evidence taken to that point has been produced and all the submissions have been publicly released. No recommendations were included in that interim report, as the inquiry remained ongoing. I will just quote from the report:

> The committee took evidence from South Australian government agencies directly involved in supporting the development of renewable energy projects in South Australia and received written submissions from the industry. The committee received submissions from a variety of renewable energy operators—wind, geothermal, biofuel and landfill gas among others—in which issues such as infrastructure building and capacity, regulation and the kinds of investment required to make various power sources viable were raised.

It is interesting to note that, in terms of renewable energy and energy sources in general, we have had the debate concerning nuclear energy reignited by members opposite. Particularly, two prominent front bench members of the government have come out publicly obviously supporting further investigations into establishing a nuclear energy industry here in Australia.

Mr Pengilly: Two to the right or the left?

Mr GOLDSWORTHY: Indeed. There is certain speculation within the political sphere, if you like, on the reasons for that, and I think some of that was articulated very well by the deputy leader, the member for MacKillop, in his speech to the house yesterday. There are clear divisions within government ranks on the debate concerning nuclear energy and nuclear fuel. We saw that in question time yesterday, where a number of questions were put to a number of ministers. It is abundantly clear that they are divided on the issue. The Premier does not want to have anything to do with it; he does not want to talk about it, but the Minister for Mineral Resources Development and the Minister for Defence Industries certainly do want to talk about it. It is my understanding that the left of the party does not want to go anywhere near the debate. So, it is a further example of the divisions within the government ranks.

The emergency services levy report comes to the committee for its perusal and report, and it was noted that the total expenditure for the 2009-10 year was expected to exceed the original estimates. It was estimated to reach $225.5 million. Also, the committee noted that the cash balance in the Community Emergency Services Fund was expected to reach $1.5 million by the end of the financial year 30 June, but there were no increases in levy rates for either owners of fixed property or owners of motor vehicles and vessels in the 2010-11 year. There has been some discussion out in the community, given that some parts of our emergency services are looking for an increase in their budgets. Perhaps the gross amount of funds collected through the ESL needs to be increased, but that matter is for further consideration.

The committee also investigated a number of other issues. All in all, I think we had a reasonably successful year; however, I want to make the point that members of the opposition moved a number of motions to investigate certain issues, which were voted down by government members. What we are seeing is that the government is stifling investigations that can be taken by the Economic and Finance Committee. We see a lot of that role being taken by the Budget and Finance Committee in the upper house, because the government obviously does not have a majority in the upper house and does not have control, particularly of what the members in the other place do. I think that is to the detriment of the Economic and Finance Committee.

I know it is not in the reporting year that we are discussing in relation to this report, but the member for Davenport has moved a number of motions wanting the committee to investigate significant public works projects in this state. The member for Waite has also raised issues in relation to the rail yards hospital. That should either come to the Public Works Committee or the Economic and Finance Committee, but we see the government stifle those investigations.

For a government that says they are transparent, accountable, open and not a closed shop, the reality is something different from their rhetoric. We have come to understand how the

government actually operates; it is big on rhetoric, but small on action. So I think it is to the detriment of the Economic and Finance Committee that we do not receive support from the government members to look at some of these vitally important major capital works infrastructure projects. Having said that, as I indicated at the outset, I am happy to support the motion brought by the member for Lee.

Mr HAMILTON-SMITH (Waite) (11:21): I rise to speak on this matter because I was a member of the committee from 14 July 2009 to 13 May 2010, and had been on the committee for quite a number of years prior to that. I must say to the house that I think this report is an embarrassment, an absolute embarrassment. It is an embarrassment to the committee, it is an embarrassment to the parliament and it is an embarrassment for every one of us who have served on it.

The fact that the minister has had to stand up and point out the highlights of the report, and has had to reveal that the highlights are: a report by the committee into consumer protection for farmers—reaping a fair harvest, and the Sport and Recreation Fund, important though these matters may be for the parliament to inquire into, is a disgrace. The reason it is a disgrace is that this is the public accounts committee of the parliament. This is the economic and finance committee of the parliament. It should be looking into very, very important matters to do with fiscal management, and the budget. That is what it was intended to do it, and that is what it does in every other state, but it does not do it here.

The only time I have seen this committee work as it should was from 1997 to 2002, when I was on it, with the good member for Fisher, and other members still present in chamber. We had a hung parliament and we had a minority government. The opposition was able to use the independent members to ensure that the committee did look into a wide range of matters. Since then, this committee has virtually become nothing more than a pillow full of feathers.

The Hon. R.B. Such: A lame duck.

Mr HAMILTON-SMITH: It is a complete lame duck. The fact that it is the highest paid committee in the House of Assembly means that there is a long line-up of people wanting to be on this committee ahead of all other committees—to do virtually nothing. That in itself is an embarrassment.

Some years ago I had the benefit of being able to attend at Westminster a CPA seminar, during which the committee system was a major point of inquiry. Yes, it is a much bigger parliament, with well over 600 members, but can I say that the House of Commons values the role of lower house committees. Backbenchers, whether they are in government or opposition, use those committees to make their mark and to represent the parliament, not the government.

I just remind members opposite who have silenced this committee (and I admit that, were we to be in government after March 2014, the same thing may well occur, because it is a temptation for governments of the day) that, by neutering this committee, what you have done is neuter the House of Assembly. You have weakened this house. You have weakened this house to a point where the other place has had to form the Budget and Finance Committee to do the sorts of things that this committee should be doing.

In so doing—and this is the stupidity of this tactic for the government—they have handed over the role of interviewing CEOs of key departments, of delving into budget matters and of exploring controversial fiscal issues to the other place where they do not have control of the numbers in the Budget and Finance Committee and where the opposition and the Independents can roam free and create whatever havoc they want for the government without any reports having been modified by a majority of government members. This is the absolute stupidity of the current government's approach.

Were they to enable the Economic and Finance Committee to do its job, yes, the opposition would be able to create merry hell and, yes, they would be able to cause public scrutiny, but at least in the final reports the government, through having a majority of members, would be able to have some influence on measuring up the outcomes and on adding whatever balance the government feels needs to be added to those outcomes. I think it is madness. I think slowly, bit by bit, the House of Assembly is giving up its role.

We are also seeing this with the increasing trend for bills to be simply rubber stamped through this house in their debate and for amendments to be made in the other place later. Again, this house is, in my view, abrogating its responsibilities and handing them over to the other place. I

have great respect and admiration for the good work done in the other place by our colleagues; they do a fantastic job. I bring this to the attention of the house, because bit by bit this house is giving up its role.

I think the next question that will be asked by the media and by the public is, 'Why do we need an Economic and Finance Committee?' Why are these people drawing salaries for attending a committee if all it can look into are the sorts of things that have been mentioned earlier by the member for Wright? It completely fails to do its job, which is to delve into the public accounts.

That leads me to the next point that I would make, and that is that on pages 9 and 10 of the report it refers to the Industry Development Committee. This most important subcommittee of the Economic and Finance Committee is charged by statute with looking into loans the government may be making to private companies. Many of them are interest-free loans and some of them have clawback facilities, etc, but this government has been completely abrogating its responsibility to refer matters to that committee.

I note that on page 10 it says, 'There were no research resources required by the committee during this period,' but it also says, 'During the reporting period the Industry Development Committee did not meet.' It did not meet. For this entire period the Industry Development Committee has not met, and yet the government has dished out millions of dollars worth of loans and grants to private companies, most of it in secret, from a basket of funds. Some of that money may have been lost to the taxpayer, and it is all being kept secret.

I have raised this publicly and I have raised it with the minister. I have written to the minister. I have written to the Auditor-General. The minister claims to have legal advice to say that he does not need to put those grants through the Industry Development Committee but, just like the legal advice they have, supposedly justifying that the hospital does not have to come through the Public Works Committee, his legal advice is secret. It is secret; we have not seen it. As Mike Rann, the Premier, said to this house when he was Leader of the Opposition, all the crown law officers are are the government's lawyers. They are not judges; they are not courts. Sure, you might have a legal opinion; let it be tested.

I see the Attorney is here, and I ask him to participate in this debate in cabinet. Let it be tested. If the government is going to come in here and say they have legal advice that tells them they do not have to comply with statutes, do the decent thing and at least put that legal advice on the table, because, I tell you what: we can then take it and get an independent legal opinion and see if it stacks up. It paints a picture of a government that is a secret government that is dispensing the taxpayers' money—possibly irresponsibly—and does not want to be held to account.

So, this committee should have been looking into tax reform, and it should have been looking into levies and charges far more thoroughly. It should have been examining the public accounts, and it should have been calling CEOs forward to justify their spending and their savings measures. It should be monitoring things like Shared Services and other programs the government is running, and it should be advising the parliament—not the government but the parliament—on what is going on.

The reason that these committees were formed—most of them in the aftermath of the State Bank—was to ensure that the disasters we saw in the late nineties never happened again. The idea was that members of parliament, acting responsibly regardless of party government or opposition, would hold the executive to account. The committee system is failing. It is failing, and it has failed for nine years in this house because the current government is telling its members on those committees to toe the minister's line, to toe the government's line.

We have two responsibilities in this place: we have one to our party, but we have a far more important responsibility and that is to the people of South Australia and to this parliament. We are MPs first, we are members of a party second, and we should be looking after the public's money. It is their money not ours and not the government's, and the Economic and Finance Committee should be making sure that the Industry Development Committee is doing its work and that this committee works. Quite apart from the issue that our Westminster system is being dumbed down by this process at the expense of the House of Assembly, I think this report is a disgrace to this government and a disgrace to the parliament.

Time expired.

The Hon. R.B. SUCH (Fisher) (11:31): I have a lot of sympathy for the remarks made by the member for Waite. I think he is on the money in what he is saying. I believe a review of the

committee system in this house is long overdue. It has just been allowed to continue on, and it is not delivering for the people of South Australia and it is not delivering for the parliament. As the member for Waite said, we are in here to represent the people of South Australia, but in the committee system—and not just the Economic and Finance Committee—I think there needs to be—

Mrs GERAGHTY: I rise on a point of order: I have been listening quite carefully to what the member is saying, and I do not think that he is actually speaking to the motion we have before us. His remarks seem to be more of those of a grievance debate and more general than speaking to the report, and I ask that he comes back to the report.

An honourable member interjecting:

The SPEAKER: Order! I will listen very carefully to what the member says.

The Hon. R.B. SUCH: The member obviously was not listening: I mentioned the Economic and Finance Committee. That is but one committee, but it is part of a bigger problem and, as the member for Waite highlighted, the committee system is not delivering. We are one of the slowest parliaments to reform ourselves, and that includes the committee system. We are so far behind other parliaments that it is embarrassing.

Last week, I was in Queensland and I met with people in the Queensland parliament and went there on several occasions. They have just undertaken a complete review of their committee system. I have not digested all of their report yet, but I urge members to look at what they have done in terms of how they deal with and run their committees.

The government here consistently opposes select committees, unless it sees them as having little political impact for them, and that is why the government supports the grain industry select committee, because it is not going to upset its core focus. But when it comes to other select committees, it opposes them, which means that the only real avenue for inquiry is through the standing committees of this parliament.

They have become toothless tigers, in my view. They are under-resourced, and they are not going to be resourced at the level of the federal parliament, which can produce very significant reports very, very quickly. Our committees are under-resourced, and that comes back to the government providing enough resources for parliament to do its job. We know that in the past there have been moves for parliament to have independent funding, which would help ensure that the committee process was adequately and appropriately funded. Currently, it is not. We have different pay rates for people on committees. Some chairs get chauffeur-driven cars. I can tell you why a car and chauffer is allocated to the Economic and Finance Committee. It is because years ago a member missed out on being a minister and got the booby prize, which was chair of the Economic and Finance Committee.

Now, that is ridiculous and that practice has continued ever since and no government since—Liberal or Labor—has had enough spine to deal with giving the chair of a committee that might meet for an hour a week, if you are lucky (or unlucky), a chauffeur-driven car 24 hours a day seven days a week. You have people out in the community struggling to pay their basic living costs and yet we pamper some people in here by giving them a chauffeur-driven car for chairing a committee, as I say, once a week for an hour, if you are lucky. It may be even less than that.

It is time that the system be reviewed, not just in terms of what the committees do but their remuneration. All those aspects need to be looked at. I have been on committees where some of the members have never attended or rarely, if ever, attended. They still get paid. You try that in any other walk of life, if you do not participate, if you do not turn up for the committee for which you are paid and then still claim that entitlement.

Members interjecting:

The Hon. R.B. SUCH: The other point I would make in relation to the committees is—and the Economic and Finance Committee is in the same category as the others—they are normally looking at what has happened rather than trying to look at what may happen. I have argued for a long time that, following the lead of other countries, we should have a committee that I call a 'foresight committee'. It is not crystal ball gazing, but it is knowing that you are going to have an ageing population, knowing that technology is changing, knowing that you could have natural disasters, and you get in before the critical time and plan and prepare for something like that. What we tend to do is look at what has happened, events of the past, and that, in my view, is not sufficient.

Some of the members opposite obviously suggest that I might not always be in here. That is true: I go out to the electorate because a lot of the time in here is not in the best interests of my constituents. They are the judge of what I do, and not the members sitting opposite. They determine whether or not I get re-elected. I just point out to the members opposite that if they have any concerns about whether I am in here for every minute of the day that we sit, that is a matter for my electorate to judge and, thus far, none of them have raised any concerns about that because if I am not here I am out in the electorate and working for them, and they know it.

I conclude by saying that this report will not change the world, but it is just another example of a process continuing on that is outmoded, needs reform and is not delivering for the people of South Australia.

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (11:38): I just wanted to say a few words about this. First of all, I think many of the members who have already spoken have not given appropriate recognition to the good work that the committee has done, and I commend the chair and the other members of the committee for the work they have done.

That work has been useful, and it has been very good work, involving (as, I think, the member for Waite mentioned) areas such as farm machinery and so forth—extremely important areas for the people involved, and these were people who had never previously had a hearing before a parliamentary committee. So, I think it is regrettable that some members do not fully value the work that the committee has done.

The second thing I would like to say is that those opposite are really crying crocodile tears about this because, of course, when they were in government, they had a view that was far less inclusive than that of the present government about the use of committees and, in particular, that one. They have actually created in the other place a committee, which is chaired by the Hon. Mr Lucas, as I understand it, which basically goes about doing exactly what the member for Waite is on about. If the member for Waite is not happy with the way the Hon. Mr Lucas is conducting himself on his committee, I suppose he could have a chat to him about it. I would just—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I would just like to say, too, that I have had—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, member for Waite!

The Hon. J.R. RAU: I have had the privilege of serving on a couple of committees since I have been in this parliament. The Natural Resources Committee, now chaired by my friend the member for Ashford, has worked extremely well over many years, with people of all different political colours on it. At one point there were Democrats, members of the Liberal Party and members of the Labor Party—it is a joint house committee—and, from memory, I think every single report from that committee was a unanimous report. I do not think anyone would suggest that that committee was not interested in exploring issues or taking up matters that came to it—it has always done that. It did so before I was on it and it has continued to do so since I have left.

The Hon. S.W. Key: Even more diverse.

The Hon. J.R. RAU: Even more diverse, quite right. It is quite unfair and uninformed, in a way, for people to paint parliamentary committees with a broad brush. Another thing I would like to ask those who are really distressed about the way parliamentary committees are performing is: if your distress is limited to parliamentary committees presently, why don't you get yourself really distressed and have a look at what is going on in this chamber? The contempt with which the opposition is treating this chamber presently is absolutely breathtaking, and I will explain why. I will give you one example which illustrates it extremely well.

On 11 November 2010 the government introduced into this chamber a bill called the Summary Offences (Weapons) Amendment Bill. The second reading debate occurred in this chamber. Guess how many amendments the opposition moved in this chamber? Have a guess.

Silence. The answer is zero—not one. A couple of members made a few general remarks about being slightly uncomfortable about things but were not able to particularise them so, as a result, the government in this chamber did not have an opportunity to consider, hear or debate one single amendment from those who sit opposite—not one. Guess what? Yesterday, the opposition in another place had 56 amendments.

So, before you complain too much about parliamentary committees why don't we see a demonstration of good faith by members of the opposition being prepared to do what the member for Fisher does, which is to debate anything as and when it comes on and offer his contribution on that, and put an amendment up if he has one. When you are prepared to treat the House of Assembly as part of the parliament then some of the complaints that the member for Waite and others have made today might have a little bit more credibility, but this is certainly not the way to conduct yourselves.

I know that the member for Bragg is perfectly capable of moving all of these amendments and is perfectly capable of arguing them. For the life of me I cannot understand why the member for Bragg is not given the opportunity to do so. She is a perfectly competent member of this house.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: It is not as if she is not able to do it. The idea that it all has to be kept away from the member for Bragg and she cannot be allowed to touch it is, I think, very disrespectful to the member for Bragg, quite honestly. Another thing I would like to say—which is a more important matter and I would like to finish on it—is that I understand the honourable member for Adelaide is having a special day today. I would like to say, certainly on my behalf and I am sure on behalf of all of those here, that we hope today is a magnificent day. We are not going to explore the question of how many days like this you have had because that would be ungentlemanly. In any event, congratulations on achieving yet another milestone, and we trust that you will have a splendid day today and that you will be able to use the euphoria of your day to convince your colleagues to start debating matters in this chamber.

Members interjecting:

The SPEAKER: Order!

Mr PENGILLY: Point of order, ma'am. I think it is quite erroneous of the minister to congratulate the member for Adelaide on her birthday and not congratulate the member for Mount Gambier on his yesterday!

The SPEAKER: Yes, I will uphold that point of order.

Motion carried.

PUBLIC WORKS COMMITTEE: RGH TEACHING AGED CARE AND REHABILITATION FACILITIES DEVELOPMENT

Mrs VLAHOS (Taylor) (11:45): I move:

That the 392nd report of the committee, entitled RGH Teaching Aged Care and Rehabilitation Facilities Development, be noted.

Based on the evidence presented to it, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr HAMILTON-SMITH (Waite) (11:46): I rise to support the motion, and I will be extremely brief. This is a very worthwhile project. The only concern raised by the opposition during its passage through the Public Works Committee was the lack of consultation with the community and Mitcham council that had occurred in the early stages of the matter. We needed to be assured that the material we had been given would stand up to public scrutiny. That resulted in a delay of a couple of months while the department was forced to go back and speak to the council. A process has now been put in place as a result of that, and we are happy.

The aim was never to try to replicate the planning processes but simply to make sure that, before a department brings a project to the parliament through the Public Works Committee, it has done the homework and the very basics of consultation. It is a good project, and it has our full support.

Motion carried.

PUBLIC WORKS COMMITTEE: MAGILL SCHOOL CONSOLIDATION

Mrs VLAHOS (Taylor) (11:47): I move:

That the 394th report of the committee, entitled Magill School Consolidation, be noted.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed works.

Mr PENGILLY (Finniss) (11:47): I rise to indicate support for the motion. The opposition does indeed support this project, and I believe that the member for Morialta wants to say something.

Mr GARDNER (Morialta) (11:47): It gives me great pleasure to rise to support the motion, and indicate my support for the building works that will be undertaken at the Magill school site. The Magill Primary School and the Magill Junior Primary School will enjoy the benefits of $5.644 million worth of works.

I went to Magill school in 2008 to meet with the chairman of the governing council, Sharon Wachtel, the then principal of the Magill Primary School, Helen Calvert, and the then principal of the Magill Junior Primary School, Wilma Sullivan, to talk about this project. Under the Education Works budget, the two schools had been encouraged to come together and form just one school, on the understanding that this sort of important work would be carried out. Magill Primary School students, teachers and administration staff had been operating very well in difficult conditions for far too long, for several decades in the same transportable classrooms that were insufficient to the ongoing needs of a school such as Magill Primary, with over 800 students, in the 21st century.

That meeting was the first time I had the opportunity to meet Wilma Sullivan, who for 14 years was the principal of the Magill Junior Primary School, and who retired last year, and I want to place on the record my appreciation for her role in that position. She is a very fine educator indeed, and during the year that I have been the member and the two years prior when I was the candidate for Morialta, I am yet to meet anyone who does not hold Wilma in the very highest regard. She is a credit to the profession and I wish her well in the future.

I also indicate that at the beginning of this year, I understand that Sharon Wachtel will be concluding her several years as chairman of the governing council at Magill Primary School. She has been tireless in her advocacy for this project and in the ongoing representation of the parents of Magill Primary School. I indicate my recognition of her strong work there. It will be a tough job to fill her shoes in the year ahead, and I wish good luck to whoever does that.

The proposal provides a site power upgrade with electrical transformer and electrical infrastructure; a new administration and staff facility for the R-7 school, which is now united under the principalship of Di Fletcher; some minor refurbishment of the primary resource centre into general learning areas; minor refurbishment of the existing junior primary resource centre into general learning areas; and minor refurbishment to the junior primary building. There is asbestos removal in several buildings. There will be links that will require earthworks, retaining walls, paving, stormwater, structure and lighting. There will be the provision of multipurpose space and the demolition of high maintenance relocatable buildings.

There will be the development of the oval playing field and irrigation. I remember that, until this project, the initial oval at Magill Primary has been incapable of being used for full facility because there was a dentist's office on the corner of it, so this will be greatly appreciated. The landscaping, signage and additional car parks will be useful.

I have to say that, while I am very grateful to the government for going through with supporting this project, as the school community understood it would when they voted to close the original two schools and merge into one, it highlights a great disparity in the way that other schools are now being treated as a result of last year's budget.

There are 68 schools that are being forced to amalgamate, and the education minister has indicated that schools, such as Stradbroke Primary School and Stradbroke Junior Primary School in my electorate, will have to go through their processes of finding out whether the parent community wishes the schools to merge. We understand from the minister's words that, even if those school communities vote against it, they will be forced to merge. This is a budget savings measure that is in the budget.

The Magill Primary and Junior Primary School communities were willing to do that, and they have been suitably compensated with the building works that are now being undertaken. At Stradbroke Junior Primary School and Stradbroke Primary School, and the other 68 schools that have been offered the opportunity to merge in last year's budget savings measure, we see the compensation for those schools as being something like $400,000 per site. So, the message this government is sending to school communities now is, 'If you don't play ball with us, we will punish you.'

The schools that are now being forced to merge against their will are getting less than 10 per cent of the support they previously received for the infrastructure they might need. It is a terrible signal to send to school communities. It suggests to me that this government really does not care what those school communities think, and that is very disappointing.

However, I want to finish on a positive note. This is excellent news for Magill Primary School, and I look forward to working with the school in future years and thank all those involved in making this project happen.

Motion carried.

PUBLIC WORKS COMMITTEE: NORTH TERRACE CULTURAL INSTITUTIONS SECURITY UPGRADE

Mrs VLAHOS (Taylor) (11:53): I move:

That the 395th report of the committee, entitled North Terrace Cultural Institutions Security Upgrade, be noted.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed works.

Mr HAMILTON-SMITH (Waite) (11:54): The opposition supports the motion and looks forward to seeing the works completed.

Motion carried.

PUBLIC WORKS COMMITTEE: YAMBA REST AREA AND HEAVY VEHICLE INSPECTION/WEIGH STATION

Mrs VLAHOS (Taylor) (11:54): I move:

That the 396th report of the committee, entitled Rest Area and Heavy Vehicle Inspection/Weigh Station on Sturt Highway at Yamba, be noted.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed works.

Mr WHETSTONE (Chaffey) (11:54): I would just like to briefly say a little bit about the new heavy vehicle inspection/weigh station and also note that the existing quarantine station will be demolished and a new quarantine station built. I find it quite ironic that the existing quarantine station is about to have funding cut for the night shift, yet we are seeing the existing facility knocked over. The total amount of $6.3 million is being put into the project, only to have it close for night shift.

I acknowledge that this inspection weigh station and quarantine inspection station is something that is warranted. History shows that my front gate used to be opposite the previous weigh station, which was at Spring Cart Gully on the Sturt Highway, and trucks or heavy vehicles that were flaunting the law, trying to get around the system, were always ring-routing that weigh station to get all the way to Yamba without being inspected.

This new weigh station will be the net that catches the culprits trying to flaunt the law. My major concern is that this new inspection station is not only for weighing and inspection of heavy vehicles, it is also a quarantine station, not only for the horticulture sector, but it is vital for South Australia's economy and for its fruit fly free status.

I will refer to the project description. The proposed rest area upgrade is on the South Australian section of the Sturt Highway which forms part of the national network link. The Sturt Highway forms the primary freight route between Sydney and Adelaide with a high percentage of the daily total traffic consisting of heavy vehicles. The upgrade of the rest area and the inspection stations is to provide facilities to efficiently service the estimated increased traffic volumes for the Sturt Highway.

I would like to highlight the increased traffic volumes, and that is not only the heavy vehicles, it is the tourists, the people who travel past Yamba who could potentially be a threat to the horticulture sector, to the fruit fly free status that the region holds and that all of South Australia benefits from. Again, it states that the facilities upgrade is intended to meet a number of South Australian strategic targets that meet the Council of Australian Government's requirements and address a range of important needs of Sturt Highway road users.

It is not only to inspect vehicles to keep them safe on our roads, but it is, again, to keep the region fruit fly free. It is to protect the River Murray primary production area against exotic pests and diseases by improving quarantine facilities and ensuring compliance with the Plant Health Act 2009. It is to improve the energy efficiency of government buildings with the aim of meeting the five-star energy rating for the quarantine inspection facilities.

Why are they going to spend a large amount of money on keeping a five-star energy rating when they are not going to be operating a night shift? If this government is going to close the weigh station for night shift, I think it is a fly in the face of the horticulture sector. I support the inspection weigh station and quarantine station, but it must keep the night shift open. To spend $6.3 million on a facility and then close the night shift is absolutely outrageous.

Mr VENNING (Schubert) (11:59): I want to raise a matter in relation to these rest areas. I certainly support them and the recent upgrades to them, but last week we saw the setting up of the scales and the shaker in a rest area at Daveyston, which is right opposite the Laucke Flour Mills.

I have had truck drivers ringing me up who are very concerned. I rang the minister about this, because it is a designated rest area that trucks have to use because of the law, and when I made the inquiry, the minister's staff got back to me and said, 'Well, there was room for them to drive in there.' You have got to be kidding! What truck driver is going to drive in there when the shaker and the scales are in there operating? How naive and stupid is that? So I really do complain. They are set up for rest areas and they should not be able to do that. I am happy to see it set up anywhere, but not in a designated rest area because truck drivers have planned a rest visit that they have to do by law. A very expensive area has been built at Blanchetown—same road—that is where they should operate their shaker and scales.

Motion carried.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—PENALTIES) BILL

Adjourned debate on second reading.

(Continued from 10 March 2011.)

Mr GOLDSWORTHY (Kavel) (12:01): I indicate that I am the lead speaker for the opposition in relation to this legislation. I understand that the bill is to amend the Road Traffic Act 1961, the Motor Vehicles Act 1959 and the Harbors and Navigation Act 1993. It is my understanding that the changes to the Harbors and Navigation Act are consequential to the changes to the two other acts.

Furthermore, the purpose of the bill is to increase the maximum penalties that can be imposed for a number of offences under those three acts, and a maximum level at which expiation fees can be set for offences against the acts and the regulations. It is my understanding that here in this state we have two systems running side by side in relation to imposing penalties, for a variety of offences under those acts, that being the expiation fee penalty system and the court imposed fine/penalty system.

Over time, with the expiation fees increasing every year or so, whenever fees do increase, the difference between the expiation fees and the maximum that the courts can impose in terms of fines has narrowed. The explanation from the government, government officers and the minister in his second reading explanation is that it has lessened the deterrent for those who have received an expiation fee to actually pay the fee and rather to take the matter to court.

My understanding is that one of the fundamental reasons for having the two schemes in place is that minor offences are dealt with through the expiation fee system and not taken to court—that was the case previously—where the courts are able to deal with more serious offences under these and other acts. Over time the gap has narrowed. The difference between the fees and the court imposed fines has narrowed and we see that defendants are looking to take matters to court and consume the time of the court.

There is nothing wrong with that: everybody has the opportunity to take a matter to court if they so wish—it is part of our basic democratic rights in this state and country that matters are able to be dealt with in court. However, if a person pleads guilty to the offence they pay the expiation fee and I understand that there is no conviction against them. They pay the fine and there may be some other penalty in terms of the accrual of demerit points and other things, but basically it is a low cost way of dealing with the minor part of offending.

The bill is looking to do two things, on my understanding: to increase some of the maximum fines the court can impose and, also, allow an increase in the threshold limit that can be set under regulations in relation to expiation fees. I will deal with those two issues separately through the course of the debate.

I want to state that the opposition in this place will not provide unqualified support for the bill at this juncture. We are prepared to allow the bill to pass through this place; however, we have consulted on the bill and not yet received feedback on the consultation, so we will consider the matter between houses. I can advise the minister and the government that we do not oppose it, but it does not have our unqualified support. We have conducted consultation with the key stakeholders but (and the minister may like to correct this) I am not convinced that the government has consulted with key stakeholder industry groups.

As I said, the bill will increase the maximum fines the courts can impose, and we do note that there has been quite a number of years in which some of the fines have remained static. Looking back through the history of these matters, we see that some of the offences under the Harbors and Navigation Act have not changed since 1994. Some have been amended as recently as just last year but, under the Motor Vehicles Act, some matters have not changed from 2001, 1998 and 1999; and some in the Road Traffic Act go back to the early 1990s as well.

The house can see that some of these fines have not been changed for quite a number of years. Some have been changed more recently than others: in 2005 and 2006 I see there have been some amendments in relation to penalties concerning driving with prescribed drugs and matters relating to those issues. So, we do not necessarily have an issue with the reason for the amendments. However, as I said, we are not prepared to give unqualified support until we get feedback from the industry groups.

One of the questions that was raised is, in comparison to the existing fines, the significant increase in the proposed fines—and I note that these are maximum penalties that the courts can impose. They will increase from $250 to $750, and it is my understanding that part of it relates to what is known as the Acts Interpretation Act which has a system in place called divisional penalties and, under that act, the penalties increase in those increments. I also understand that in 1996 the cabinet's direction was to set a scale of penalties that went from $125 to $250 to $750 to $1,250, and so on. There is consistency, I think, in the application that the government has brought to the house in relation to the incremental increases in the penalties.

I also want to talk more about the regulations and the change to the regulations of the acts, where we see the threshold limit which currently can be set for expiation fees increased under the Road Traffic Act and the Motor Vehicles Act to $5,000 for both acts. There is some complexity in this, and I will just read this out. There is a degree of complexity in understanding this because we talk about offences under the regulations against the act and offences against the regulations; so, there are two aspects to this.

The bill proposes to increase the maximum expiation fee penalties that can be set under the regulations. In the regulations of the act, two types of expiation fees can be set for offences against the regulations and offences against the act. Currently, the expiation fees for offences against the regulations of the Road Traffic Act can be set at a maximum of $2,500 and the Motor Vehicles Act to a maximum of $1,250.

The bill proposes to increase the maximum expiation penalty to $5,000 for both acts. For expiation fees for offences against the act, the maximum fine is currently $750, whereas the bill would increase that amount to $1,250. It does take a bit of concentration to understand those two aspects—that there are offences against the act under the regulations and offences against the regulations under the regulation. I am not sure whether the minister has been briefed on that aspect. He is looking a little—

Mr Griffiths: We're confused, too, Mark.

Mr GOLDSWORTHY: It's all in the briefing paper, mate.

The Hon. T.R. Kenyon: I want to see where you're going with this.

Mr GOLDSWORTHY: It was just an explanation. One aspect of this whole process does concern me—and that is why we are not giving unqualified support to the bill at this stage—is the lack of consultation that the government appears to have undertaken.

I understand that the government has gone to SAPOL and got some feedback from the police, which is, really, intragovernmental consultation, but I am not aware of any consultation out to key industry stakeholder groups. I have raised this issue with the previous minister for road safety on another bill that we dealt with, and I got a bit of a rant and a rave as a response from the then minister, who said that it was in the government's election policy, that you went to the election with the policy and that you retained government even though you were returned with only a minority state vote.

However, on perusing—and I am pretty sure that your 2010 policy documents have been taken down from the government's website, because I tried to access it yesterday—

The Hon. T.R. Kenyon interjecting:

Mr GOLDSWORTHY: The ALP website, not the government website, I beg your pardon; but I always kept a copy. It is important to keep hard copies of things for future reference. We know that things can come and go off websites.

The Hon. T.R. Kenyon: Like the Adelaide Oval committee's website.

Mr GOLDSWORTHY: No, that's got nothing to do with it. Looking at the road safety policy that the ALP released last year, there is nothing that I could see in these points about increasing the maximum penalties that a court can impose for a range of offences concerning the Motor Vehicles Act and the Road Traffic Act. There is nothing in the policy about that.

So, if the current Minister for Road Safety tries to use that as a reason for not going out to key stakeholder groups to consult with them, well, it does not wash this time. There may have been a semi-plausible argument—and I was not convinced at all—but that was the argument put forward by the previous road safety minister in a ranting and raving dissertation he gave to the house that particular day.

I think he was spruiking for higher office. He was sort of puffing his chest out and saying, 'Well, I can be the Treasurer and I can be something else.' I think that was an audition really to show his own side—not on this side of the house, for sure—that he had the credentials for higher office. He was successful in terms of achieving the position, but I think the jury is still out in relation to his performance in the current role.

I know we have a number of other speakers on this side of the house who want to make a contribution in relation to the bill. I think I have covered matters reasonably in my contribution. With those comments, I am happy to pass it to other members of the house.

Ms CHAPMAN (Bragg) (12:17): I rise to speak on the Statutes Amendment (Transport Portfolio—Penalties) Bill 2011. Our lead speaker has addressed a number of issues in relation to road safety. I wish to address my comments to the amendments foreshadowed in this bill, to the Harbors and Navigation Act 1993. The principal amendments under consideration are to increase the monetary penalties for a number of offences for alcohol and other drug consumption whilst on a boat or motor vessel on the ocean.

This legislation, that is, the principal act of 1993, is one which sets out a number of things which I just wish to briefly refer to. Obviously, it is there to ensure that there is a level of safety for navigation in South Australian waters, and, largely, there are sections of this act which provide for regular surveying of motor vessels, the availability for them to be inspected, and the capacity for authorised officers to be appointed and to be able to board a vessel either in a harbour, wharf, slipway or, indeed, on the water.

I think it is fair to say that, in relation to sections 70 to 74, this largely relates to the penalty and process that applies for the operator of a marine vessel or a member of the crew if they have partaken of some alcohol or drug and the penalties that apply to them.

The principal section, which is not under review, under this division in the Harbors and Navigation Act, sections 69 and 69A, precede the sections which are under review by this bill. Under section 69 there are penalties if a person operates a vessel without due care; they can be

guilty of an offence. The penalties for an aggravated offence is 12 months imprisonment or, for any other offence, $2,500.

Aggravated offence is defined as it is in a lot of these acts, so I will not go into the detail that is there. If there is an aggravated offence which relates to serious harm, then obviously the penalties are reflected in the period of imprisonment. The dangerous operation of a vessel—similar to dangerous driving that we have on the roads—can attract a maximum penalty of imprisonment for two years. They are not being touched, but I will have some questions to the minister about this whole section.

Sections 70 to 71 essentially provide that a crew member or an operator of a vessel cannot operate whilst under the influence of intoxicating liquor or a drug to the extent that they are incapable of exercising effective control of the vessel or effectively discharging their duties; and there is a fine regime for them. There is also a prescribed concentration of alcohol offence, which sets out this regime of different monetary penalties for breaches of those.

This whole section of the act is under review for increased penalties. As I say, it is not only the person who operates the vessel. That is also defined as being, I think, the driver—perhaps I will put on *Hansard* exactly what it is. I will come across it shortly, but essentially it is the person who is in control of the vessel, but in addition to that—

An honourable member: The captain?

Ms CHAPMAN: It can be the captain, yes, but we are also talking about members of the crew, and the crew, of course, can include everyone from skippers across to deckhands, and they have a responsibility on these vessels, not unimportant, but remember that we are talking about quite a broad spectrum of people who have responsibility, unlike in motor vehicles, where the driver attracts all the penalties. The person who might be navigating next to the driver is not necessarily going to be in any way in breach if they are under the influence of alcohol and drugs. So, we are talking about quite a broad spectrum of personnel.

The other thing that it is important to note about this act before I go to the penalties themselves is that this act, along with a tranche of other legislation, has specific provision in it now for marine parks. We do have some marine parks. We are having some controversial discussions about no-go zones or exclusion zones within them at the moment, both in the community and here in parliament, but we do have them, and it is important to note that when authorised officers are carrying out their duties under this act they are to have regard to marine park legislation and the policies and regulations under that legislation as well.

That is important because these authorised officers have a lot of powers, as they need to, for the purposes of having the capacity to board a vessel, inspect it, take it into charge, and to actually take into custody someone who is in breach of their regulations. It is a little bit the same as fisheries inspectors, who have another set of rules to board vessels, take possession of the catch, and take into effective house arrest someone who is in breach of their regulations. So, they are people of some significance and power, and under the regime of penalties that has been proposed here by the minister the authorised officers under this act, that is the Harbors and Navigation Act, are also to be obeyed, and in fact he is proposing under this tranche of legislation an increasing penalty if they are disobeyed. So, they are very much relevant, not only to the powers that they have but, in this instance today, to the penalties that will be imposed to be increased if there is a breach of them.

I would invite the minister to provide some information to the house about the offences that it is proposed to increase the penalties on, which are quite significant in proportion to the current penalties. The amount of $400 might not sound a lot when you are looking at the amount in your explanation, and I cannot find much in the minister's second reading speech, because he only addressed two sentences in his contribution. Can the minister provide the following information to the house—and I will confine this to the last two-year period but it can be a longer period if it will help the minister to identify the numbers?

How many persons have been convicted (I will not go into prosecutions because that will complicate it for the minister) pursuant to sections 69 or 69A of the act in the last two years? How many persons have been convicted pursuant to section 70 in two distinct categories—one as a person who operates the vessel and one as a person who is a crew member? In addition, can the minister advise whether anyone has been convicted of disobeying a testing procedure, under section 74—Compulsory blood tests of injured persons including water skiers, which is one of the amendments I think the minister is proposing?

I think it is mostly in section 71, but there is provision under the current act for the authorised person to require this alcohol test and breath analysis when they have boarded the vessel, etc., and there are quite significant penalties if they disobey. However, section 72, which is also under review by the minister, provides that the authorised officer can require a drug screening test, oral fluid analysis or a blood test. In this instance, my recollection is that it makes provision that, to enforce this, they have to ensure that the blood sample or oral fluid test is taken within eight hours of the apprehension, but there is a time limit on that for the reason of reliability of evidence later in court hearings; similarly, that also applies for road traffic offences.

Of course, the point is that, unlike the detaining of a person from a motor vehicle, where there is some opportunity for a reasonably approximate testing facility for them to be taken to, in the case of a marine vessel, obviously the situation would be much more difficult, at no fault of the authorising officer, to stop the ship and board it, identify that there is a problem and give notice of a requirement and, having done the test, take the vessel back to the coast, moor it and get to the appropriate facility for the purpose of testing, etc. It does not matter whether it is crew or driver in this case, but can the minister advise whether anyone has been prosecuted for failing to comply with an authorised officer, pursuant to section 72 of the act?

The Hon. T.R. Kenyon interjecting:

Ms CHAPMAN: I am sorry if I said prosecuted; I meant to say convicted. The other matter that I think needs to be dealt with is the question of who is going to monitor people, whether it be in a marine park or an exclusion zone, when a marine vessel is where it is not supposed to be and it is carrying, for example, fishing equipment or anchors and things? Who is going to be the policing officer for that? In this instance, as I read it, it is the department for transport and the department of marine and harbors, or whoever covers that, who have the authorised officers to deal with this.

In the marine park areas—and I am not talking about a breach of the Marine Parks Act, which may be that people are fishing in an exclusion zone or something of that nature; I appreciate that that is not your jurisdiction, minister—if they are out there traversing the park area or just sitting looking at the seagulls or taking pictures of something, all of which are assumed to be legal activities, if I can put it in that sense, but they are drunk and a danger to themselves or others on the vessel, then this is the area that you are seeking to protect. So, I would like to know who is going to be responsible for that and whether the authorised officers from the department of transport can traverse into the marine parks area to bring them back to shore or, alternatively, whether there is going to be some transfer of that role to the police department.

It may be that, at present, in certain circumstances (and I think this is the case from my own personal knowledge) there are sometimes situations where a marine vessel is undertaking activity—not necessarily fishing in a prohibited area, or whatever—but might be in an area that they should not be. It may have illegal cargo on it, so it may become a national customs issue, and the like, where other jurisdictions come into play. In this instance, we are talking about someone who is out there on the ocean and, for good reason, we have a raft of legislation to ensure that they do not consume alcohol or drugs while they have a responsible position out there.

We need to know who is going to deal with it: a transport officer as an authorised officer under that act or the police, who may be called in perhaps in a circumstance where the transport officer as the authorised officer says, 'I've been out there, I've viewed the situation. It's quite serious. There's more than one person. I'm going to contact the police to come out here to actually board the vessel because I don't want to put other authorised officers of the department at risk when dealing with the situation.' I can imagine that there would be situations where police, Customs, the Australian Federal Police, and the like, would be brought in to manage or support transport officers, but I would like to know who would have jurisdiction in the marine parks area.

The Hon. R.B. SUCH (Fisher) (12:33): In speaking to the Statutes Amendment (Transport Portfolio—Penalties) Bill, I understand the rationale for trying to ensure that the nexus between expiation fines and court appearances is maintained in a sensible, rational way, but I believe this bill will deter people from accessing the court as an option if they want to challenge an expiation fine.

From my own experience—and I have had a bit of experience in this area—I do not believe anyone eagerly rushes off to contest a matter in court, because the cost is significant. Legal Aid, I am advised, does not fund basic traffic matters in court. It may fund, say, a drink-driving matter, but it does not, and will not, fund basic challenges to what are in the context of crime overall relatively minor traffic matters.

In my case, from memory, there was something like 10 or 11 half days' attendance at the Magistrates Court and there were three days of trial. Now, someone in business, or anyone else, would have lost that time and those work days. The cost of that is significant. The lawyer's fees, if you have a lawyer, are significant. In my case, the lawyer said, 'Look, I love representing people who are going in on principle,' and after the trial he said, 'That will be $14,000.' That is a lot of money. I suspect that was 'principle' plus interest.

I am strongly opposed to people speeding. I would like to point out to the house, first of all, that a nephew of mine and his girlfriend were killed by a speedster. I am back to zero demerit points. I have never had a speeding fine in my life, up until what I believe is a false allegation made by a police officer. I have never had a speeding fine in my life. I have never had an accident. My nephew, who was a lovely lad, was killed. He was innocently sitting in the back seat with a female passenger, who was also killed, by someone who was speeding and behaving recklessly. So I do not condone speeding at all.

In terms of the court process, I think there are several aspects which are relevant. The first is that a magistrate may not have the technical expertise to deal with certain traffic matters. A magistrate might be well qualified in civil matters and might have a strong background in that area, but may not be well-equipped to deal with, for example, a technical matter involving maths, physics and spatial elements. That is the case, for example, in a laser-type situation.

Following my experience, I raised with Chief Magistrate Elizabeth Bolton, for whom I have very high regard, the question—and I have raised this with the Attorney—of whether or not we should actually have a specialised traffic court division of the Magistrates Court. Some jurisdictions do have that; we do not. I think it may not be relevant in all traffic situations but, certainly when you have a technical issue, I think it is important.

In my case, the police officer, in his affidavit, claimed that he saw my car at 500 metres and could tell what speed it was doing. In court, he later changed that to 420 to 440 metres. He claimed to get me with the laser at 416 metres, which you would have to be very agile to do that. In court, with the expiation notice (this is a key point in what I want to say), he was allowed to change his location from where he said he was (20 metres north of Crossing Road). He said that he was further down the road, the magistrate allowed that, and said he did not change it, because you cannot pull people over 20 metres north of Crossing Road. To cut a long story short, the magistrate ruled in favour of the Crown (the police).

The key point that I want to make is that one of the difficulties with the expiation notice is that, at the moment, the police officer only gives the top tear-off slip, which says, basically, the allegation that you were speeding in a street at a certain speed and the penalty. What they do not give you in South Australia at the time is the complete expiation notice, even though they are supposed to fill it out at the time. What the police are doing now, and what happened in my case, is they do not give you the complete expiation notice—that one-page sheet—unless and until you go to court.

In my case, seven months after the event, I found out that the police officer claims to be somewhere he was not, in my view. Seven months after the event, your witnesses have gone, so it makes it very hard to defend yourself. That sheet that is filled out also includes things like the amount of traffic, whether or not you were breath tested and comments by the police officer, which is another problem, because in South Australia they write comments on the bottom of that expiation notice and you do not get to see them, as I said, until and unless you go to court, and that could be months after the event.

In my case, they had the wrong initial charge and they had to go to court and get it changed; they had the street name wrong and a few other things. What that means in relation to this measure here, and the general thrust of this, is that people have to elect within a minimum number of days whether or not they are going to contest the fine, but you cannot have the expiation detail unless and until you go to court. In the meantime, you have to commit yourself either to contest it or pay the expiation. That is, in my view, totally unsatisfactory and needs to change. There is no reason why the expiation notice, which is filled out at the time by the officer, is not handed to the motorist. That way the motorist can make a better assessment about what the likely evidence claim will be.

I have just been to Queensland and met with the police, who were fantastic and cooperative. They said, if there is a conversation with a motorist, they record it electronically so there is no dispute. In my case, the officer claimed in court that he had written the comments in

longhand. If you look at my expiation notice, you will see that the comments were pre-typed and all he put in was a word like 'yes' or 'no', but he had pre-typed all the sentences. That is not longhand, in my view.

The point is there are a lot of problems with the current system just in terms of the road user knowing whether or not to contest an issue. The other thing that we lack here is that, if you want to challenge an expiation initially, you write to the expiation branch and who looks at it? The people who issued it. That is ridiculous. So the police are going to assess whether or not the police issued the notice appropriately and whether it stands. That is completely unacceptable.

In New South Wales they have a different body to look at contested expiations in the first instance, within a different agency. I am not sure whether it is the transport department or whether it is some other agency, but they definitely have a different agency. If we had that system it would save not only a lot of time, effort and money but also court time, because you could have some experts who look at the issue and say, 'This complaint has merit or it doesn't have merit.' You would not go back to the people who issued it to say, 'Did you issue this properly?' Of course they are going to say they issued it properly. There are a lot of other aspects I will not touch on today but will leave for another day.

The independent panel, as I say, is an excellent idea. I believe the Liberal Party has a commitment to have something similar to that (maybe an ombudsman or someone similar) as part of their election platform for the next election. I think it is an excellent idea and I would encourage them to keep pursuing that.

There are a lot of other points that I could raise in relation to allegations of speeding and so on. One is that I think there should be more emphasis on demerit points. I think the focus should be more on demerit points rather than on fining people. In fact, I think there should be a system where someone who has a good traffic record could exchange some demerit points in lieu of paying the fine. I think that makes sense as well.

If someone has been a good driver they will have, in effect, a bank balance of quite a few demerit points. For instance, they could give up the appropriate number of demerit points in lieu of paying a particular fine. That way you get around the criticism that is often made that the government is only interested in making money. If you are interested in road safety, I think it is better to focus on demerit point loss. There is a real incentive there if someone is going to lose their licence, because at the moment, if you are wealthy enough or if you have a business, you can dodge some of the consequences that way, too, in terms of nominating drivers. I think focusing on the demerit points is a better way to go.

Victoria is very strong on this next point and we are not. People say you can write to the commissioner and ask that he regard it as a trifling matter. I personally do not regard speeding as a trifling matter, and the commissioner here generally says no. However, in Victoria, if you have been accused of speeding at the lower end—I am not talking about speed dangerous or things like that—you can (and it is done frequently in Victoria) write in and they will waive that first non-serious speeding offence so there is no penalty. I think that is another very good incentive and it only applies, obviously, to people who have committed a minor traffic offence rather than more dangerous speeding.

This particular bill in front of us is seeking to keep the nexus between the expiation system, which is a curial system, by not having everyone rush off to court. I do not believe it will do what is sought and I think it will discourage people who may have a legitimate right to take the matter to court, because there is no such thing as a cheap visit to court—whether it is time, paying a lawyer, even representing yourself, it is a very expensive business—and the current system is geared against the ordinary citizen, and I do not believe that that is fair or appropriate.

Traffic enforcement should be fair, it should be transparent and it should be reasonable, and people forget that we have gone from a situation where the police used to follow a motorist for something like 300 metres or yards to basically ascertain their intent. During that time, the motorist could slow down and the police officer was able to acknowledge that the person was temporarily over the limit or not aware of the speed limit, and drop their speed. Now it tends to be 'sudden death' when you cross a camera.

Obviously you have to have sudden death cameras at intersections, but we have gone from a system which allowed people to correct their speed because they suddenly realised 'Gee, what is the speed here?' and slowed down. We have gone from a system that was based on intent to a system which is now based on sudden death, and that system is, in my view, unfair.

Technically, you should have two cameras to measure speed between two points and average it, or do something like that.

In South Australia, our speed cameras are checked under a certain regime standard and protocol, but not lasers (as I found to my cost). Justice Tim Anderson ruled that in South Australia there is no legal requirement for lasers to have any standard either in their testing or in their use. In the Full Court appeal (which the court did not accept) the Crown argued that the annual calibration of the laser, in their view, was hearsay, had no meaning and they did not have to abide by that.

At the moment, and I think this is totally outrageous, there are no photographs in our lasers here, unlike New Zealand or the UK, where the UK has video camera. In New Zealand you get a photograph—they can show you, here is your vehicle. Former ministers have acknowledged in their letters to me that here there is no objective evidence in using a laser, it is purely subjective, and that is unacceptable, too. Queensland police are looking at getting lasers with cameras, but they told me that their lasers have to meet the Australian standard and other standards as well. Even the distance—where they check them behind a police station—has to be measured by an independent surveyor, not by the police.

Justice Timothy Anderson ruled—and he is quite right: I am not a lawyer but I can see the logic of his argument—that parliament has not put in any legislation any requirement for lasers to meet any standard whatsoever, and he ruled that they do not even have to meet or comply with the commissioner's standards. I find it amazing that the traffic police out there using lasers today do not have to comply with any standard whatsoever, and do not even have to obey the commissioner's instructions in their use. So, in my view, we have a recipe for injustice, and that is the current situation in Adelaide and South Australia and that needs to change.

Most police, I believe, are honourable people with integrity but, sadly, not all of them. In any organisation, particularly under a quota system which we have here, you will get police doing things that they should not do. What it all means is that people can be falsely accused; even with the cameras, there can be mistakes. The police argue that, with a laser, they cannot get it wrong: they can. You get a reading or an error. You can get an erroneous reading. You can get a reading off a different car, for example, going in the opposite direction, which is what happened in my case, but the magistrate said that, because I could not say exactly how many metres the red Falcon with its lights on was from my car when I got pinged, she would not accept that evidence.

You have to have a system that is fair and reasonable. A truck driver recently got a speeding fine on Portrush Road near Loreto Convent and the police argued strenuously, despite our objection that he was not speeding. Fortunately for him, the trucking company had an electronic logging system, and we were able to show that the truck never reached that speed that whole day. The police never admit that they get it wrong with the cameras or lasers, and they said, 'Maybe someone cut in front of him.' That was fanciful.

I recently heard of a case where a lady in the western suburbs got two readings nine kilometres apart in a 50-k zone and, according to the cameras, they happened four minutes apart. That is just not feasible. Someone who is a member of the Uniting Church at Aberfoyle Park—the biggest Uniting Church in Australia—got a ticket in the post for allegedly speeding past a camera on South Road when he was in church with 200 fellow worshippers. The police just let that reach its time limit and then quietly let it fade away.

The point is that we do not have a system that is foolproof. We do not have a system that is perfect. We have an expiation system where a lot of people pay up. Even one of my lawyers said to me, 'I got a speeding ticket. I'm not contesting it; it's not worth the hassle, the time, the money,' but why should you be forced to tell a lie? If you do not want to tell a lie and pay the expiation fee, then your only option is to go to court and test that.

For your effort in taking it to court, as in my case, you get a conviction if you lose, yet if it is an expiation you do not get a conviction. People say, 'Well, you take your chances,' but I believe the system should be fair. If you go to court, I do not see why you should be treated differently, and the fine should be the same as if it were an expiation. In a court situation, if you lose, you get not only the fine but the court costs as well. What we have is anything but a very fair and transparent system. In summary, this bill is, in theory, headed in the right direction, but I believe it needs some changes, and I think we need to change the Expiation of Offences Act.

Mr VENNING (Schubert) (12:52): I rise to speak to this bill. I note the comments by my shadow minister, and I largely agree with them, but I also very much agree with the member who

just sat down—the member for Fisher. I do note the case he has and how determined he is to see his rights abided by and what it has cost him personally.

This is a bill to amend the Road Traffic Act 1961, the Motor Vehicles Act 1959 and the Harbors and Navigation Act 1993. As we know, the purpose of the bill is to increase the maximum penalties that can be imposed by a court for a number of offences in the aforementioned acts and the maximum level at which the Governor may set expiation fees for offences in the acts and the regulations.

This is an area that I had some difficulty discussing with my shadow minister. As far as I am concerned, this area does also affect the severity in the long term of the expiation fee. The current penalty system operates with both expiation notice fees and court-imposed fines and, of course, the costs of the court go with that. An expiation notice is given when the law is breached and it is considered appropriate for the perpetrator to pay a fine rather than take the matter through the court system.

The expiation fee system is designed to allow a person to take responsibility for their offence, avoid the cost of having the matter dealt with by a court and also prevent the courts from being clogged up as a result of dealing with minor offences, such as minor traffic infringements. We agree that that is all well and good, but I believe other people are intimidated, as the member for Fisher has just said. They pay the fee because they do not want the threat of going to court and incurring the costs. So, to some degree you can say it is an intimidation. For people who have broken the law there is no problem, they pay the expiation fee without any problem at all—end of the issue. They say, 'I'm caught, I'm guilty, I'm happy to pay'—and they pay. However, when you are contesting it because you feel it is not right, the police officer expects you to pay the expiation fee and move on. Well, in the member for Fisher's case and others, no, that is not necessarily so, and that aggrieves me.

More serious offences (such as drink and drug-driving and others), or if the offender elects to be prosecuted for a minor offence, require the offender to attend court where a penalty is imposed or a not guilty verdict is returned. Expiation fees are increased annually and represent a portion of the maximum fine set out in the act, which means that it is almost beneficial financially to pay the fee rather than go before the court. It is believed that the diminishing difference between the fine and the expiation fee encourages people to have a minor matter dealt with by the court as there is the possibility that the court may impose a fine that is less than the expiation fee or, even better than that, be found not guilty.

The intended aim of this bill (and I emphasise the word 'intended' there) is to restore the deterrent effect of the penalties and to discourage people from appearing before the court on minor matters. Yes, I have no problem with that but, as I said, due to the recent publicity about the use of speed cameras and devices and the heavy fines—whether these are revenue raisers or life savers—and the $250 fines that are inflicted on people doing, say, 57 km/h in a 50 zone, brings it into question. Is it saving lives or is it revenue raising?

At the risk of being hypocritical and supportive of all those law-abiding citizens out there who are aggrieved by the over-zealous use of speed cameras, I make these comments today. I have a motion to a select committee before this house. I am told today that the government will not be supporting it and I am quite disappointed. I was happy for them to amend it. All I was asking was as follows:

> That this house establishes a select committee to examine the effectiveness of speed cameras and other speed-measuring devices used by the South Australian police.

What do they have to hide? Why would the government not say, 'Yes, let's clear this up once and for all—it is an issue out there'? It certainly is. What have you got to hide? Okay, if you are not going to do it, I will get somebody to do it in the other house. Let us have a full inquiry into what is going on here. There are two sides to the argument—yes, there is. Nobody is going to say that they would oppose anything that is going to save lives, especially not me. However, I am upset, first of all, that the government blatantly will not debate it or, if we are able to get it up for debate, they will just defeat it, or it falls off the *Notice Paper*. That really upsets me.

Mr Goldsworthy: They don't want to be transparent.

Mr VENNING: They don't want to be transparent. So, I am annoyed at this legislation. When you see some of the increases in this legislation you are talking about a $400 to

$500 increase. If you are going to lift those penalties for a person doing 57 in a 50 zone to $500, if that is the case—

The Hon. T.R. Kenyon interjecting:

Mr VENNING: He is trying to do that. I am taking the position of the rank and file citizen out there. If you cannot convince me then you are not going to convince them. I have said my bit and it will be interesting to see what happens between the houses.

The DEPUTY SPEAKER: Would you like to seek leave to continue your remarks, which you could also do?

Mr VENNING: No, I think I have made my point. Madam Deputy Speaker.

Debate adjourned.

[Sitting suspended from 12:59 to 14:00]

BONYTHON, MR H.R. (KYM)

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) (14:00): I move:

That the House of Assembly expresses its deep regret at the death of Kym Bonython AC DFC AFC, a distinguished South Australian who served his country in World War II, places on record its appreciation of his dedication and service to the state in civic life, the arts, music and motorsport, and places on record its appreciation of his contribution and service to our state; and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

As I informed the house yesterday I, like every member of this place, was saddened to learn last Saturday of the passing, at the age of 90, of Kym Bonython, a great South Australian whose renown and influence was recognised across the nation as well as overseas.

Kym was a decorated RAAF pilot who served our nation with extraordinary gallantry and extraordinary distinction. He was a passionate promoter of, and participant in, the world of motorsport, regularly pushing himself and the machines he piloted to the limits. He was a trailblazer in the world of art and music, and, as a dealer and collector, he introduced the world, and particularly Australia, to the talents of many great home-grown painters, particularly some of the greats that he introduced to South Australian arts lovers. His lifelong passion for jazz helped bring some of music's great names to Adelaide, and he remained active and prominent in the wider community, making an enduring contribution to committees and causes that was recognised in 1987 when he was appointed a Companion of the Order of Australia, which is, of course, Australia's highest civilian honour.

Hugh Reskymer Bonython, known universally as Kym, was born in September 1920 into the heart of Adelaide's establishment and the heart of Adelaide's public life. His grandfather, John Langdon Bonython, was a member of Australia's first federal parliament. His father, Sir John Lavington Bonython, was a long-serving Adelaide city councillor and former lord mayor of Adelaide. Both his father and grandfather also served as editors of *The Advertiser* newspaper.

Kim was educated at Queen's College and then St Peter's College and upon leaving school briefly contemplated taking up a career in accountancy. But the outbreak of World War II led him to volunteer for the Royal Australian Air Force and changed his life's path irrevocably. He served in the Dutch East Indies (now, of course, Indonesia) and in New Guinea and was in Darwin when it was bombed by Japanese fighter planes in February 1942.

Kim was in the Darwin base hospital that day, having developed dengue fever, but was able to flee to safety shortly before a shell destroyed the ward in which he had been housed. Equally fortunate (he often claimed) was the fact that his beloved gramophone and collection of records, which were kept in the living quarters, survived the attack. Sadly, his extensive collection of art pieces, as well as probably the best collection of jazz records in the nation, were lost to the ravages of the 1983 Ash Wednesday bushfires.

Kym was awarded the Distinguished Flying Cross and the Australian Flying Cross for his wartime services. Following the war, he raised cattle on a property at Mount Pleasant where he was badly injured after being gored by a Jersey bull. He then decided he would be much safer

racing speedway cars and motorbikes, and ran, as well as competed, at the popular Rowley Park Speedway for more than two decades.

During that time, he also pursued his passion for the arts, running galleries in Sydney and Adelaide, publishing a number of books and awakening Australia and the wider world to the talents of such celebrated artists as Sidney Nolan, Arthur Boyd and Brett Whiteley.

From the age of 17, Kym had hosted his own jazz music radio show on the ABC, a program that ran for a remarkable 38 years. During that time, he also organised numerous concerts of the world's jazz greats in Adelaide, as well as bringing the legendary Chuck Berry to Apollo Stadium in 1975. Kym later described his dealings with the rock and roll icon as 'the biggest nightmare of my entrepreneurial career'. I mentioned yesterday, he was also instrumental in bringing people like Louis Armstrong, Dave Brubeck, Duke Ellington, Dizzy Gillespie and others to Australia.

These details, of course, chronicle but a small portion of Kym Bonython's rich full life and the enduring contribution he made to so many facets of South Australia's history. With John Bannon, he became a driving force in securing the Australian Formula One Grand Prix for Adelaide in 1985. Of course, as a result of that, we have built a culture of motor sport which we saw celebrated this last weekend with the Clipsal 500.

He served as board chairman for South Australia's 150th jubilee celebrations the following year and was a delegate to the 1998 Constitutional Convention. A staunchly outspoken monarchist, he was also a tireless champion for numerous other causes, including, in his latter years, voluntary euthanasia legislation. In 2008, his contribution to the arts was deservedly recognised when he received the Premier's Lifetime Achievement Award at our arts industry's prestigious annual Ruby Awards.

Kym's achievements were as many as they were varied and his legacy, along with his memory, will continue to endure. On behalf of all members on this side of the house, and I am sure everyone in the state, I extend my condolences to Kym's family and friends, particularly his wife, Julie, his five children, 15 grandchildren and seven great-grandchildren.

As I told the house yesterday, Kym's family has accepted the government's offer of a state funeral which will be a terrific celebration of all facets of this extraordinarily rich and varied life. It will be held at St Peter's Cathedral at 11am on Tuesday.

VISITORS

The SPEAKER: Before I call on the Leader of the Opposition, can I just mention that in the gallery we have a group of students from Our Lady of the Sacred Heart, year 11, who are guests of the Attorney-General. Welcome and I hope you enjoy your time.

BONYTHON, MR H.R. (KYM)

Debate resumed.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:08): I rise to second the motion. It is both an honour and a privilege and a pleasure in some ways to do so. Kym Bonython was an extraordinary man in every sense of the word. In some ways, he could almost have been famous without doing anything, as the son of a former mayor of Adelaide and editor of *The Advertiser* and the grandson of the great benefactor of this parliament, Sir Langdon Bonython, whose portrait hangs in the hall of the Legislative Council because of his gift of £100,000 that enabled this building to be completed in 1939.

Sir Langdon himself was, of course, also a member of parliament and the owner of *The Advertiser*. Indeed, it was because of one of the conditions attached to the gift that the reporters from *The Advertiser* look down on proceedings of this parliament each day from their separate box, away from the rest of the media.

Kym was never going to be one to rest on his laurels or the benefits that the circumstances of his family inevitably bestowed on him. Instead, at the age of 20, in 1940, he joined the RAAF and became a pilot—a singularly dangerous occupation in World War II. He flew in New Guinea and the Dutch East Indies, and I seem to recall that he had some connection, or at least, good knowledge of Lancaster bombers at the time of the attack on Darwin by the Japanese. He certainly at that time flew in Mosquito aircraft and was involved in several dogfights with the Japanese. He was almost killed when he crashed his Mosquito aircraft on an Indonesian island and was stranded in the

jungle for several days. He was awarded the Air Force Cross in 1944 and the Distinguished Flying Cross in 1946, just after the war ended.

That wartime service to his country alone would be enough to make Kym Bonython's passing worthy of note, but it is probably the part of his life for which he is least well known. It was largely his love of the arts—both visual and music—and fast cars and racing for which he became famous and known throughout Adelaide.

In the visual arts, he not only ran galleries both here and in Sydney but he also presented the very first exhibitions of artists such as Sidney Nolan and Arthur Boyd. These are but two of the names who went on to achieve recognition as great Australian artists, but Kym Bonython recognised and nurtured their talent before they became famous. In the art world that can be the risk equivalent of flying a Mosquito aircraft in World War II. It is no wonder he was awarded a lifetime achievement award for his role in the arts.

As I said, he was not confined to just one art form. A lover of jazz, he broadcast ABC radio's jazz program for nearly 39 years until 1975, as well as running a jazz music shop and helping to bring to Australia such jazz greats as Duke Ellington, Louis Armstrong and Dizzy Gillespie, the original and best.

Kym was not restricted to jazz, of course, and I also understand he was instrumental (if you will pardon the pun) in bringing The Beatles to Adelaide—an event many still remember. It was jazz that he truly loved, and I remember well the sense of desolation on the day after the Ash Wednesday fires in 1983 when news was broadcast that not only had the Bonythons' beautiful home, Eurilla, on Mount Lofty been destroyed but what was probably the best collection of jazz records in Australia had also been destroyed as a result.

It signifies the extraordinary strength of the man and his family that they were able to pick up the pieces of their shattered lives and move on, not just getting on, but continuing to contribute significantly to the cultural life of this great state. Remembering that Ash Wednesday had taken so much that was dear to him in 1983, I think it remarkable that Kym was then fundamental in bringing the Grand Prix to Adelaide in 1985, just two short years later. His love of motorsport was as legendary as his love of the arts, and I understand that not only did he help to establish Rowley Park and run it for some 20 years but he raced there for more than a decade.

As was pointed out in a beautifully written tribute by Christie Peucker in the *Sunday Mail,* it was entirely fitting that Kym passed away just as an FA18 jet was soaring into the sky above the Clipsal 500 track. This was a man who, in every sense of the word, was deserving of the award of the Companion of the Order of Australia, Australia's highest civil honour, which was bestowed in 1987.

I did not know Kym all that well personally, although we met on a few occasions. In fact, we spoke on the phone a couple of times before we ever met, due to the curious circumstance that our phone numbers were almost identical. With his gracious home up on Mount Lofty—that some might describe as a castle—and my modest cottage in Stirling both being on the Stirling exchange, the last four digits of my phone number were 3769 and his number was exactly the same except that the last four digits were something like 3976, so we fairly regularly received each other's intended calls.

I still remember seeing the devastation of their beautiful home, Eurilla, on the day after Ash Wednesday as I travelled to Yarrabee Road to help clean up the houses that had survived. One of the most recent times that I saw Kym and spoke with him was on the 25th anniversary of Ash Wednesday. He was, of course, so much more frail by then but it seemed somehow important that he be there as part of the commemoration.

He was certainly an extraordinary man and a great South Australian. He lived his long life with passion and enthusiasm. He will be sorely missed by his wife, Julie, his children, Chris, Robyn, Tim, Michael and Nicole, and their 15 grandchildren and seven great-grandchildren. I offer condolences, on behalf of myself and the entire parliamentary Liberal team, to the family.

How lucky he was to have been born into such privilege but to never let that define his life, instead using its benefits to benefit so many others; to have been gifted and to have used all of his many talents to their utmost; to have brought joy to the lives of others through his passion for art, music, car racing and so much more; to have survived events that might easily have taken him earlier; and to die at the grand age of 90, with his loving family by his side, after eating a chocolate Clinker and passing peacefully from this world.

We, in this state, have been blessed that this extraordinary individual and proud South Australian lived his life with us. I have pleasure in commending the motion to the house.

Honourable members: Hear, hear!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:14): I am very pleased to join the Premier, the Leader of the Opposition and other members to speak in honour of Kym Bonython and note his passing. In the wake of the arts and motor racing frenzy that was the Adelaide Fringe and Festival and the Clipsal 500, it is fitting that we pay tribute to the life of Kym Bonython.

Kym was driven by what some would see as an incompatible passion for both art and speed. Carving a remarkable career in a range of seemingly incongruous fields, including art gallery owner, concert promoter, accountant, farmer and stock car racer, Kym Bonython packed much into his life. He had an appetite for life and a desire to share the magic of his passions with others. I want to talk today particularly about his contribution to the arts.

I met Kym a number of times over the years, usually at an arts event. He was still an active participant in the arts culture of Adelaide. He was instrumental in whetting South Australia's appetite for both jazz and contemporary art, as has been mentioned.

As a child, Kym Bonython gained a passion for jazz, and this influenced a number of his later pursuits. At the age of 17, as I think has been mentioned, in 1937, he entered into the media with an ABC radio jazz show, and that continued right through until 1975. His involvement in the jazz scene also extended to making and selling music. In 1952 he became a member of a jazz band as drummer, a talent he learned as a child, and he opened his first record store in Bowman's Arcade on King William Street in 1954.

His passion for music also led him to create his own concert promotion company in the 1950s (Aztec Services) and, as a promoter, he brought to Adelaide some of the greats of jazz, as has been mentioned, including Dizzy Gillespie, Count Basie, Dave Brubeck, Duke Ellington and Louis Armstrong. Later, at the urging of his children, he expanded his range to rock-and-roll, bringing in Chuck Berry and also The Beatles as part of that tour arrangement in 1964. So he had an extraordinary career in that field.

After his service as a pilot in the Second World War, Kym also developed an interest in modern Australian painting, purchasing art works which were the basis of a collection of national significance. In fact, I understand he began his collection in 1945. In 1966 he moved to Sydney to open the Hungry Horse Gallery in Paddington. In 1967 he opened the Bonython Art Gallery in North Adelaide, which later became the Bonython Meadmore Gallery. His time with the Sydney gallery ended in 1976 and he returned to Adelaide to buy back his original gallery, operating that until 1983. From 1988 Bonython managed the Sydney gallery once more, managing the BMG Fine Art for a short time.

In his autobiography, *Ladies' Legs and Lemonade*, Kym comments that, as a novice art collector, his taste was predictably conservative. Clearly, his tastes evolved over time. With his eye for contemporary art, Kym Bonython fostered the careers of many emerging Australian artists (as, I think, the leader mentioned) who developed into major identities in the Australian and international arts world. These included a number of South Australian artists such as Jeffrey Smart, Jacqueline Hick, Louis James and Stan Ostoja-Kotkowski. His Adelaide and Sydney galleries promoted artists including Sidney Nolan, Pro Hart, William Dobell and Arthur Boyd, and he is widely acknowledged to have discovered and fostered the work of Brett Whiteley. In his autobiography he says:

> ...my judgment was not unerring, but most of the artists who appealed to me were to make their names in contemporary art and only a few sank into obscurity.

The Bonython gallery was a beacon of art and culture in the 1960s in Adelaide. On an exhibition of Sidney Nolan's work at the Bonython gallery during the 1964 Adelaide Festival of Arts, the author George Farwell said:

> ...if a bomb had fallen on the Bonython gallery during the Nolan opening, Australia would have lost most of its major painters, writers, composers.

Among more conservative members of the community his exhibitions could provoke a stir. Along with the art galleries and his personal collection, much of which was destroyed by the Ash Wednesday fires which have been referred to, Kym also wrote a lot about art. He published

Modern Painting and Sculpture, one of Australia's first comprehensive volumes on contemporary art, now a collector's item, as well as two books on modern Australian painting.

His impressive contribution to arts and culture in South Australia has been recognised in a number of honours and awards, as has also been mentioned, including the Premier's Award for Lifetime Achievement, one of the Ruby awards, in 2008. In fact, I had the honour of presenting that award to his son at that ceremony because Kym was ill at the time and he was not expected to survive more than a few days. Of course, he went on to live another couple of years.

I was also there when he won the Lifetime Achievement Award from the Adelaide Critics Circle in 2007. Although once again ill, he was at the ceremony, and I was told that he was not expected to live beyond the month and, of course, he kept surviving. The Kym Bonython Fellowship, first awarded by the Adelaide Festival Centre in 2010, provides support to upcoming visual artists, ensuring that his name lives on.

I think that in the arts we have lost a real friend in Kym Bonython. His rich and remarkable arts and cultural legacy, however, does continue. He has ensured that the name Bonython is inextricably linked with the arts not only here in South Australia but also internationally, and I join with others in passing on my condolences to his wife and his family.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:20): I rise to support this motion. Kym Bonython is one of those men whose name from time to time came up in South Australia because of all the things he has done. I first came across him in the celebration of the sesquicentenary when I was chairman of the Beachport council. He visited Beachport at that time, in 1986. That was the first time that I met Kym Bonython.

The most recent time I bumped into him was quite recently at Eurilla, his former home, which was destroyed in Ash Wednesday but which has been rebuilt. That occasion was quite recently at the launch of a book on a journey of George Milne into the South-East in the mid-1800s. George Milne first built Eurilla; consequently the launching of the book was held at that home.

The reason I wanted to put on the record one memory of mine of Kym Bonython was that, probably 18 months, two years ago, I happened to be in the museum in Christchurch, New Zealand. Walking through the museum I saw a gold-plated Jawa speedway motorcycle, and it took my interest.

There was quite a blurb associated with the bike, and it told why it had become gold plated. It was because the New Zealand rider had won three world championships in a row. An American millionaire made a bet that he would gold plate the bike if the rider won a third, which would be a historic win. It also went on to say that every part of the bike was gold plated, including the internal parts.

The reason that I relate this story is because the rider, when he was starting his career, came to Adelaide to ride at Rowley Park in the early 1960s. He had quite an unsuccessful year, but he was invited to come back so long as he had a new bike, a new engine and a mechanic. This lad did not have the means to do that, but the story is told that Kym Bonython sponsored him.

As well as being associated with the arts, music and sponsorship, and obviously with motorsport, his generosity, I think, was probably as fine as you would see in any South Australian. I certainly echo the words of the leader who said that not only was he born into privilege but also he took advantage of that. You would not have known it, but he used his position to help a great many other people. I also pass on my sincerest condolences to his family. Vale, Kym Bonython.

Dr McFETRIDGE (Morphett) (14:23): The first time I ever spoke to Kym Bonython was in 1985. I had my veterinary practice at Happy Valley, and I had been asked to go to Clarendon to look at a very old dog that had collapsed. It was Kym Bonython's dog. Kym was overseas at the time. I had a phone call from New York and we had a chat about what was going to happen. I know that was a very sad day for Kym, and I had to euthanise his dog.

Kym was always a gentleman on the occasions I met him over many years. Certainly, in more recent years at the Glenelg Jazz Festival he was there in full force, making his thoughts known and helping drive that festival. It was certainly not in any way attributable to him that it did not continue in the way that he wanted it to because Kym was doing everything he could.

The last time I saw him was 12 months ago at the opening of the Glenelg Fine Art Gallery. He was there encouraging me to buy artworks for my office, for home and things like that. He never gave up promoting the arts. I used to work for his business partner Trudy-Anne Meadmore. She

had horses, and she would tell me how the gallery was going. She would also try to get me down to buy artworks, but I was only a poor vet then.

The fact is that Kym was always a great bloke. He was never pompous, he was never a silver-spooner. He would always talk to you, on a daily basis, about various things. I should say I have very fond memories as a teenager of going to Rowley Park, the smell of the ethanol fuels, the midget racing cars and ducking the clods of dirt as they went past you. It was always great fun.

We knew it was owned by this bloke, Kym Bonython, but it was later in life that I got to meet him both as a client but more latterly as one of South Australia's gentlemen. I pass on my condolences to his family.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:27 to 14:36]

MOUNT LOFTY BOTANIC GARDEN

Ms CHAPMAN (Bragg): Presented a petition signed by 57 Residents of South Australia requesting the house to urge the government to take immediate action to ensure recurrent government funding is provided for adequate horticultural staffing of the Mount Lofty Botanic Garden.

PAPERS

The following papers were laid on the table:

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

Pharmacy Board—Annual Report 2009-10
Psychological Board—Annual Report 2009-10

SA WATER

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:37): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: In December 1995, SA Water entered into a contract with United Water by which the management, operation and maintenance of Adelaide's water and waste water systems were outsourced to United Water. The term of the contract expires on 30 June this year. The prices for the services from 1996 to 2001 were specified in the contract. The contract contains a mechanism for the fixing of prices for two subsequent periods: from 1 July 2001 to 30 June 2006 and from 1 July 2006 to 30 June 2011.

In about 2001, SA Water and United Water agreed the prices to be paid by SA Water to United Water for the period 2001 to 2006. In and after 2006, SA Water and United Water attempted to agree prices to be paid by SA Water to United Water for the period 2006 to 2011. SA Water and United Water were not able to reach agreement in relation to those prices.

In 2009, SA Water issued proceedings in the Supreme Court against United Water alleging misleading and deceptive conduct and breach of contract in relation to the agreement between them as to the prices to be paid by SA Water for the period 2001 to 2006. In March 2010, SA Water and United Water agreed to resolve the pricing dispute between them by referring to independent experts the question of pricing both for the period 2001 to 2006 and for the period 2006 to 2011.

The independent experts' role was to establish the prices payable under the contract in two consecutive expert determinations. The first expert determination process, which determined the prices payable for the period of 2001 to 2006, was completed on the 18 February 2011. On 21 March this year, in accordance with the experts' determination, United Water paid to SA Water the sum of $14.061 million, including interest, to 21 March 2011.

Both United Water and SA Water have reserved their rights in relation to the payment and the outcome of the first expert determination. The second expert determination, to determine the prices payable for the period from 2006 to 2011, has now commenced. SA Water is hopeful that the second expert determination will be delivered in September 2011.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! There will be order in the house.

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order, former treasurer!

Members interjecting:

The SPEAKER: Order! Members on my right also will be quiet.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:41): I bring up the 20th report of the committee.

Report received.

QUESTION TIME

HOSPITAL EMERGENCY DEPARTMENTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:42): My question is to the Minister for Health. Why has the government failed to deliver upon its election promise of having 95 per cent of emergency department patients seen within four hours when data for the Adelaide Health Service reveals that only 56 per cent of patients, on average, were seen within four hours and, at The Queen Elizabeth Hospital, only 26 per cent were seen within four hours?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:42): I am very pleased that the Leader of the Opposition would ask this question, because it highlights that the government—this party—has a target to make sure that 95 per cent of patients are seen and treated within four hours—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: We have a target to make sure that 95 per cent—

An honourable member interjecting:

The Hon. J.D. HILL: Yes, that's right. They've got a small target, they've got a small heart and they've got a small-minded approach to everything in this state. Small, very small, that's what it's about.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: But this side of the house, Madam Speaker, has a target to make sure that 95 per cent of patients who go to the emergency department are seen, treated and either discharged or admitted into a hospital bed over the course of this government. So, I think it is interesting of course that, at a one-year interval, we should be asked this question. It was never our intention that we would have this achieved in the first year.

Members interjecting:

The Hon. J.D. HILL: They mock, but they have absolutely no substance behind their mocking.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: If they had a policy which they could go out to the public and defend as something superior to the one that we have, then maybe we could have a discussion about this. We have a target to achieve this and we have done much, which I am more than happy to go through for the benefit of the house, to implement this. In 2005-06, 62 per cent of patients were seen in time in our metropolitan public hospitals. This improved—

Mr Marshall interjecting:

The SPEAKER: The member for Norwood will be quiet.

The Hon. J.D. HILL: This improved to 66.9 per cent in 2009-10, despite there being 11.4 per cent (that is nearly 40,000) more presentations. So we are seeing more people more quickly, getting more attention, through our public hospitals than ever before. This increased to an even better rate of 70.7 per cent achieved by our metropolitan public hospitals over the three busy months of winter last year. As the member said, a key government election commitment allocated $111 million over four years, aimed at ensuring that 95 per cent of patients presented to emergency departments are seen, treated and either admitted to a hospital ward or discharged within four hours by June 2013. This strategy is also aligned to the current national health reform agenda, which the opposition opposes. Strategies to improve access to health services include:

- implementing models of care such as acute medical units to support emergency departments, so that patients who will need a stay in hospital can be moved straight into an acute medical unit bed rather than have to wait in the emergency department;
- improving access to diagnostic services—we want diagnostic services to operate around the clock rather than just during office hours;
- implementing the emergency department information technology system;
- improving health literacy;
- increasing support for discharge planning;
- increasing workforce capacity by employing more doctors, nurses and other staff across metropolitan hospitals. This includes more senior staff after hours, and that is something we have to negotiate with the union representing doctors, because this is a change to their working conditions; and
- enhancing access to diagnostic services to support emergency departments.

Capacity across our public hospital system will also be increased by more than 250 additional beds through major capital works at the Royal Adelaide, the Lyell McEwin and Modbury hospitals (of course, the Modbury hospital site was attacked yesterday by the opposition). That is in addition to the extra 200 beds that we have already brought on line.

In terms of reducing demand, measures that have been introduced, or are being planned as part of the Health Care Plan to reduce hospital demand—because it is not only about trying to deal with supply, it is trying to reduce the supply where we can—include:

- the development of additional GP Plus healthcare centres and networks at Elizabeth and Marion, in addition to centres already open at Woodville, Morphett Vale and Aldinga;
- two GP Plus super clinics are being built at Modbury and Noarlunga in collaboration with the commonwealth;
- the payment of additional extended care paramedics to provide treatment to patients in their homes. This is a really important thing: extended care paramedics can go to the home of someone who is ill to treat them there rather than having to take them to an emergency department; and
- the introduction of an enhanced range of healthcare packages—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —to reduce emergency department attendances. The health advice line, HealthDirect Australia, is also assisting busy hospital emergency departments by allowing South Australians access to high-quality health services over the phone.

The strategies that have been implemented have resulted in some success in slowing the growth in emergency department demand. For example, the annual average growth rate in emergency department presentations between 2004-05 and 2007-08 was 4.9 per cent. If this growth rate had remained unchanged, 401,000-plus emergency department presentations would have been expected in 2009-10. This is 27,325 more than the actual end of year figure of 373,700. In other words, we have been able to reduce growth in demand for emergency departments.

Further, it is projected that there will be approximately 382,600 emergency department presentations in 2010-11, using year-to-date December 2010 results. This is around 38,000 less presentations than if the 4.9 per cent growth had been continued. So we are on track to achieve that target. We are working very—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, we have a target, and we are happy to be judged on how well—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —we achieve that target. We have a time frame to achieve that target, we have extra resources to put in to help us achieve that target. What do the Liberals have? They have no target, they have no plan. They have a small target approach, a small mind, and a very small heart.

Members interjecting:

The SPEAKER: Order!

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert will behave.

CULTURAL INSTITUTIONS, PRIVATE BENEFACTORS

Mrs VLAHOS (Taylor) (14:49): My question is to the Premier. Can the Premier outline the significant contribution private benefactors make to the state's cultural institutions?

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) (14:49): It seems particularly appropriate that when we celebrate the life of Kym Bonython we should acknowledge the role of private benefactors to cultural organisations. Since the inception of our state's cultural institutions, private benefactors, with their support and generosity, have played a vital role in ensuring our public collections are the finest in the country, with areas of some international significance.

Private donations take the form of works of art or other acquisitions and cash donations used to expand the collections. All of our cultural institutions have invaluable relationships with their supporters, so important that occasionally significant benefactors are honoured through lending their name to a collection or space. I was delighted to officiate at such an occasion recently at the Art Gallery of South Australia.

The Art Gallery of South Australia Foundation is the principal source of private donations for works of art and cash. As patron of this foundation, I am pleased to report that, since its establishment in 1981, under the former Liberal government, works of art to the value of $100 million have been acquired through it, which is simply extraordinary.

In addition, over 90 per cent of the Art Gallery's collection has been built from gifts of works of art or cash to fund the purchase of works. In 2009-10, the foundation was gifted works of high-quality in the principal collecting areas of Australian, European and Asian art. Despite strained financial times, funds and bequests increased significantly.

Recent gifts of notable significance include Louis Buvelot's *Upper Falls on the Wannon*, which was about 1872, and *Winter Morning After Rain, Gardiner's Creek*, Tom Roberts, 1885—both given by Max Carter AO. Max, of course, has been just a fabulous benefactor of the South Australian Art Gallery for so many years.

Other gifts include *A still life with a roemer, a crab and a peeled lemon*, 1643, by Pieter Claesz, given by the Fargher Foundation, and *A church interior with elegant figures strolling and figures attending mass*, c.1630s, by Peeter Neeffs the Elder and Frans Francken II, given by the James and Diana Ramsay Foundation.

The Walker Lowe Collection, with the assistance of the foundation, enabled the acquisition of *Vase*, 1745-79, created by Chelsea Porcelain, and Susan Armitage gave *Untitled*, 2003, by Nyurapayia Nampitjinpa. In 2010, gallery 21 was named the Michael Abbott Gallery in honour of the current chair's extraordinary longstanding contribution of nearly 1,000 Asian art objects since 1976, valued well in excess of $3 million.

The most recent dedication, however, was renaming gallery 20 the Gwinnett Gallery, in honour of the impressive personal contribution Andrew Gwinnett—an active member of the gallery's board since 2004 and the current deputy chair—and Hiroko Gwinnett have made to the gallery's Japanese collection. Andrew and Hiroko's first gift was given in 1998. It was an 18th century pair of Japanese screens, entitled *Legendary Landscapes*.

Since then, the Gwinnetts have given a range of significant gifts, including a further six pairs of screens, including an extraordinary, rare 17th century screen showing a map of Japan and Portuguese traders, and a remarkable pair of map screens detailing the Osaka to Nagasaki sea route to Seto, which is understood to be the only pair of its kind in existence outside of Japan.

Other gifts cover a diverse range of media, including ceramics, lacquerware, textiles, scroll paintings and, of course, several major works of sculpture. The philosophy that underpins the Gwinnetts' philanthropy is how best to encourage a deeper love and appreciation for Japanese art and culture amongst all the gallery's visitors, from South Australia and beyond.

These generous gifts, of course, build upon a rich tradition of Asian art collection, with a number of prominent South Australians developing a passionate interest in Japanese art, including philanthropist and politician Sir Edwin Smith; chief justice and lieutenant-governor Sir Samuel Way; and, of course, the family of Charles Rasp, the man credited with unearthing the mineral riches of Broken Hill.

Members of the Foundation Collectors' Club also assist the gallery with the acquisition of works of art. In 2010, 43 members of the collectors' club enabled the acquisition of seven works of art. The Art Gallery's Contemporary Collectors is the gallery's primary contemporary art benefaction group. In the 2009-10 financial year, Contemporary Collectors raised $294,000 from membership subscriptions, events, sponsors and donations, bringing the total funds raised since its inception to $1 million.

Recent gifts of notable significance funded by Contemporary Collectors include Patricia Piccinini's *Big Mother* (2005), which had over 50,000 visitors in the first six weeks of display in 2010, Benjamin Armstrong's *Hold Everything Dear II* (2009) and Ben Quilty's *Inhabit* (2010). I want to say, on behalf of everyone in this chamber, how fantastic it is that we have people of extraordinary generosity in this state who continue to make donations to our cultural institutions.

It is great that there are members of parliament, including the minister assisting in the arts, who have benefacted artistic organisations with paintings of their own: three sold to critical acclaim and, in my case, perhaps not so critical acclaim but they have sold.

HOSPITAL EMERGENCY DEPARTMENTS

Dr McFETRIDGE (Morphett) (14:56): My question is to the Minister for Health. What immediate action is the government taking to combat overcrowding in public hospital emergency departments? Two days ago on Monday 21 March, the Royal Adelaide Hospital emergency department was at 139 per cent capacity, the Flinders Medical Centre emergency department was at 148 per cent capacity and the Lyell McEwin Hospital emergency department was at 135 per cent capacity.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:56): The emergency departments of our hospitals are very busy places, let's not beat about the bush. They are very busy places.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The opposition asks questions and as soon as any member tries to answer, even if it is without hyperbole, without politics or without yelling, they just come up with the same barrage of senseless, abusing comments. If you want to have a discussion about emergency departments—you think it is important and you have asked questions about it—then at least listen to the answer. You may disagree with the answer—get up and debate it—but if you don't want to hear me, don't ask the question.

Members interjecting:

The SPEAKER: Order! Member for MacKillop, be quiet.

The Hon. J.D. HILL: The member asked about busy emergency departments. It is true that from time to time emergency departments are very busy. That is why in 2007 we produced a state health care plan to provide us with capacity in our healthcare system right through to 2040.

Mr Williams: That was four years ago!

The SPEAKER: Order!

The Hon. J.D. HILL: The state Health Care Plan was about providing additional capacity and about reducing demand for hospital services right through to 2040. The reason 2040 is important is because that is the year that the baby boomer generation stops putting pressure on our healthcare system, if I can put it in that way.

Members interjecting:

The Hon. J.D. HILL: This is a serious and important issue. We as a state, and it is the same—

Members interjecting:

The Hon. J.D. HILL: Don't mock the answer, listen to what I am saying. You might disagree; you tell us what your solutions are. I am telling you what our solutions are. Our solution is to take a long-term approach to building infrastructure sufficient to make sure that over the next 30 years we have sufficient capacity in our hospitals for emergency care and for elective care. We are seeing real growth in demand on our emergency departments, so what are we doing to deal with that?

What we are doing is to build extra capacity at our hospitals, and I just highlighted some of the things that we are doing now to create extra capacity. So, we are building more capacity at the Flinders Medical Centre, and the new Royal Adelaide Hospital will have more capacity. Today I was at the Women's and Children's Hospital announcing a new ward that will be open by the end of this year, early next year. That is about putting in more capacity. We are rebuilding The Queen Elizabeth Hospital to get better capacity there; we are doing the same at Modbury—

Ms Chapman: What are you doing now?

The Hon. J.D. HILL: All of these things are happening now. We are building more capacity at Modbury Hospital. All of these things are happening now. Infrastructure is something that is required to give us capacity. Making the systems work better in the hospital is also required. That is why we are investing in more doctors and nurses. That is why we are having diagnostic services operating around the clock, so patients do not have to wait in emergency departments until a technician comes the next morning who can provide the service. We have put in place acute medical units associated with the emergency departments so there is extra bed capacity so patients do not have to wait in the emergency department.

There is a whole range of things that we are doing. There is no one single fix for this issue. This is something that is facing every government in the western world. It is happening right across Australia. It is particularly an issue in our state because we have an older population. As populations age, more and more demand is placed on hospital services. That is why we are building GP Plus healthcare centres. That is why we have got doctors going into a GP Super Clinic in Modbury, that is why we have got doctors going into a GP Plus healthcare centre in Elizabeth and that is why we are doing similar things in Marion.

All of this creates extra capacity outside of hospital so the lower category triage patients, categories 4 and 5, have other places to go. We know that, as a result of the Aldinga GP Plus

being opened, with GP services being available after hours and on weekends, a large number of patients who would have otherwise gone to the Noarlunga Hospital now go to that hospital. All of that is happening now. As a result of that, we have seen a reduction in the growth of the number of people going to our hospitals. It is still growing and there is more that needs to be done, but we have seen a reduction in the number of people who are going to our hospitals.

It is very easy in opposition to score points and point to a busy hospital ward on a particular day, but it is incumbent on the opposition not to be a small target but to tell us what their target would be. How would they deal with these issues? How would they look after people in the emergency departments in our hospitals? How much money would they invest? How many hours would people have to wait under their plan if they were in government?

Members interjecting:

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

Mr WILLIAMS: The minister is debating the answer.

The SPEAKER: The minister, I think, is about to wind up his answer.

The Hon. J.D. HILL: I am, Madam Speaker, but I have to say that all through my answer, which was non-political and non-debating, I was interjected upon with claims that deserve to be answered. I make the point to the opposition that if they think a four-hour target for 95 per cent of patients to be seen and treated—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —is the wrong target, they should tell us how long they think people should be waiting in the emergency department.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you are very noisy today. You are about to be warned. The Leader of the Opposition.

HEALTH SYSTEM

Mrs REDMOND (Heysen—Leader of the Opposition) (15:03): My question is to the Minister for Health. Now that the government has had nine years in power, could he please tell us when the government will meet its very specific promises in relation to the health system in this state?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:03): I thank the member for her question. We have many specific promises and commitments that we have made and I am happy to go through as many of them as I can with you, but in relation to the one that the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: In relation to the emergency department target, I have already answered that question in my first answer, which was the middle of 2013. The resources that we are putting in should see us meet that target by 2013.

We are getting good support, I have to say, through the commonwealth, which is also assisting us fund some of the extensions. We have to create extra capacity, which we are doing. That requires physical activity. At the moment, Flinders Medical Centre is being extended as a result of the building works there and that has put a bit of pressure on that hospital. I made a public announcement. I went down to the hospital and said, 'We are going to be expanding this hospital and it will cause some problems over the next few months.' It is not surprising that there are problems when you do that.

Members interjecting:

The Hon. J.D. HILL: They think they know it all, Madam Speaker. The point is that we have a plan which is being rolled out. One of the key achievements of that plan will be to build a new Royal Adelaide Hospital. That will be completed by the end of 2015. That will give us more

capacity. By the middle of 2016 we will have put another 250 beds into our system, that is on top of the 200 beds that we have opened up. Over the course of this government, that will be the equivalent of opening up a hospital about the same size as the Flinders Medical Centre. At the same time, of course, we are increasing capacity in country South Australia so that fewer people have to travel to the city from the country.

If the member wants to ask more specific questions about targets, I am happy to give them. We are not afraid to have targets and to be measured against those targets. They are opposed to targets. The only target they have is a small political target.

The Hon. P.F. CONLON: Point of order.

The SPEAKER: Order! Point of order.

The Hon. J.D. HILL: Their target is avoiding the hard issues.

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: The member for Chaffey is making a strange droopy signal with his small finger. I do not know what it means, but I do suspect that it is unparliamentary.

Members interjecting:

The SPEAKER: Order! I did not see the movements, but I would hope that the member for Chaffey was not doing anything inappropriate.

Members interjecting:

The SPEAKER: Order! I am talking.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

COOBER PEDY DISTRICT COUNCIL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:05): My question is to the Minister for Energy. Can the minister explain why he sent a letter today—

Mr Marshall interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —to the mayor of the District Council of Coober Pedy, stating that the council will be paid 'in excess of $2 million once the agreements are signed', when he told the mayor at a meeting last Thursday that he had already instructed DTEI to release $2 million in reconciliation payments to the council—money that it has been agreed is owed to the council under the Remote Areas Energy Supply Scheme? Is the council now being blackmailed?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (15:06): I thank the member for the question. I think that the use of the term 'blackmail' is highly inflammatory.

Members interjecting:

The Hon. M.F. O'BRIEN: Yes.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: Look, I had a detailed briefing on this matter this morning, and the advice that I was given is that the negotiations with the three independent providers of electricity in remote areas welcome the final arrival of a negotiated settlement. There has been a degree of uncertainty in place, I believe, for probably two decades, which has severely impacted particularly on council's ability to run its affairs.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: As the member would be aware, I think that the council is currently operating in deficit at around $2 million. It welcomes the payment, and it welcomes the

certainty that the agreement will give it for its forward operations. I have witnesses to that discussion, and I gave a clear undertaking that that money would be paid.

My understanding is that council wants to enter into the agreement and that the discussions are amiable. I do not think that there is any blackmail. I think that we are going to arrive at an outcome that is going to be highly beneficial to council, and it has not—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —demurred from that particular proposition.

Members interjecting:

The SPEAKER: Order! The member for MacKillop has a supplementary question.

COOBER PEDY DISTRICT COUNCIL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:08): Is the payment of the $2 million dependent on the council signing the agreement?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (15:08): My understanding is that the two are intertwined, and—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —without the signing of the agreement, council will not get the certainty that it requires, and—

Members interjecting:

The Hon. M.F. O'BRIEN: —no—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —member for MacKillop, it may find itself in a similar situation several years out. It wants the certainty of the agreement. It is very much interlocked, and I believe that the agreement will be signed and the moneys will be paid across.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:09): My question is to the Minister for Environment and Conservation. Is the government testing for contamination outside the areas already identified as contaminated at Edwardstown and Clovelly Park?

Members interjecting:

The SPEAKER: Order! The Minister for Environment and Conservation.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:10): Thank you very much, Madam Speaker.

An honourable member interjecting:

The Hon. P. CAICA: Yes, I know. Quite simply, I am somewhat surprised at the way in which *The Advertiser* reported the situation at Clovelly, which, on any fair assessment, was handled, I think, extremely well, and continues to be. Testing will happen everywhere around the state when it is identified to us that there is contamination in that area. I remind the house that it was legislation that we brought in in 2009 that requires a mandatory notification to occur. As a result of that, assessments will be made when testing is necessary.

However, I make this point very clear. The advice that we receive from our good friends at health is quite simply this: do not use groundwater. If you are going to use groundwater have it tested, have it tested every two years, and continue to have it tested thereafter, but the advice is don't use it.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:11): Supplementary question: will the government immediately notify residents in the suburbs affected by testing if—

An honourable member interjecting:

Mrs REDMOND: It's a supplementary question. The minister said he was going to—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —continue testing. My question is—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: If the testing proves—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: If the testing proves positive, will the government undertake to immediately notify residents of the testing results?

The Hon. A. Koutsantonis: That's a new question.

The SPEAKER: I think it is a new question; however, minister.

An honourable member interjecting:

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:11): She does get grumpy. Thank you very much, Madam Speaker. Again, for the benefit of the Leader of the Opposition, in 2009 legislation was introduced. The member for Elder back in 1994 was calling for their government to put in place—

An honourable member: Mr Wade.

The Hon. P. CAICA: Mr Wade. Of course, as I mentioned—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport will be quiet!

Mr Pisoni interjecting:

The SPEAKER: And the member for Unley won't respond!

Mr Pisoni interjecting:

The SPEAKER: Member for Unley! Minister.

The Hon. P. CAICA: As I mentioned, during that period of time from 1993 through to 2002, diddly-squat was done by the opposition on this particular matter.

An honourable member: What does that mean?

The Hon. P. CAICA: It means 'nothing'. Again, for the benefit of the Leader of the Opposition, it is not the EPA that does the testing. We have a principle here that says that the polluter pays. In areas identified, either the former owner or the new owner—depending on what the circumstances are—will be required to undertake a series of testing. That will then be provided to the EPA, which, in turn, will work with our friends at health to determine any health risks whatsoever. We will notify people when there is information that is appropriate for those people to know, and we will do that as soon as practically possible to let them know that there is either a situation or, indeed, there is not a situation that they should be concerned about. That is appropriate.

I think the member for Schubert chaired—and I understood he was quite a good chair—the ERD Committee, which did an inquiry into the EPA back in 2000. It was a fairly comprehensive report, but in reading aspects of that report many members of what was the authority then—the equivalent of the board today—plus others said, 'Look, there's a precautionary principle here, and

that precautionary principle is that you let people know when you've got information that is going to better inform them about what the situation is.' Not to—

An honourable member interjecting:

The Hon. P. CAICA: Well, it depends entirely on what information you have available to you. That was no different, with the greatest respect to the opposition, than the policy and procedure that was adopted under their watch, save and except that we did things during our watch and continue to do so, and they did diddly-squat.

WOMEN'S AND CHILDREN'S HOSPITAL

Ms THOMPSON (Reynell) (15:14): My question is to the Minister for Health. How is the upgrade of the Women's and Children's Hospital progressing?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:14): I thank the member for Reynell for her question. It is very good to get a sensible question about health for a change. Prior to the 2010 election, the government committed $64.4 million to the upgrade of the Women's and Children's Hospital.

The major upgrade will provide more operating theatres, children's rooms and intensive-care cots for our most vulnerable babies and children. It is part of our broader plan to redevelop or rebuild every single public hospital in metropolitan Adelaide. So I am delighted to announce today that approval has been given for the first stage of this major capital works project. The initial stage will fit out the new Gilbert Building level 6 medical ward. Level 6 is one of the three new levels of the Gilbert Building, built as part of a separate $24 million project to develop a children's cancer centre and redevelop the gene therapy laboratories and pulmonary medicine clinics.

In fact, we had money from the commonwealth to assist us to build two of those wards. We decided to build a third ward as part of the building works so that we could use it for other purposes when funds became available. They have, and now we are going to make that ward into 14 single patient rooms, each with a private ensuite bathroom. Importantly, there will be provision in each of those rooms for parents or guardians to be able to stay with their children when they are in hospital. I guess most of us would understand that when children are in hospital they are at their most vulnerable and are most worried, and the parents are also most worried. So, to have the parents being able to stay will help comfort a great deal.

Two single patient rooms dedicated as type 5 isolation rooms, each with a private ensuite and an anteroom, are meeting Australian standards for those patients at risk of transmitting respiratory infections. There will also be two, two-bed patient rooms, each with a shared ensuite, also with accommodation for parents available. There will be an assisted bathroom; parent's room and an activity playroom; a family care room to support the transition of long-stay patients; a multipurpose office and workstation areas, of course, for staff; a multipurpose meeting room that can be used for handovers; utility rooms and store rooms; and appropriate staff facilities, including a staffroom.

So, this upgrade will improve the capacity to isolate patients, thereby improving infection-control, and will reduce the need for multiple and unnecessary patient movements between wards by maximising suitable rooms. The first stage will also improve safety, dignity and privacy for patients and their families, and will include the creation of a confidential setting to communicate with children, parents and families. Importantly, appropriate space will be provided within the rooms to allow parents, as I said, to stay overnight.

The Gilbert Building level 6 ward fit-out project is the first stage of the $64.4 million project that I mentioned before, and that will involve the Good Friday Building fourth floor medical ward as well. Master planning for this broader project is continuing. These two buildings align due to the slope across the Women's and Children's Hospital site, and will collocate similar services. I am advised that level 6 of the Gilbert Building will provide improved facilities and increased benefits, such as maximising natural light.

Undertaking the fit-out in this newly constructed level will minimise disruption to the operational requirements of the hospital. Hansen Yuncken Pty Ltd, which is overseeing the existing Gilbert Building development works, will undertake the fit-out project with construction scheduled to

start next month and completion expected early in 2012. We hope that this new ward at the Women's and Children's Hospital will make a difficult time in the lives of sick South Australian children and their families a little brighter.

CONTAMINATION TESTING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:18): Has the Minister for Environment and Conservation requested additional resources from cabinet to enable further contamination testing in metropolitan Adelaide? The EPA does not seem to have the resources to conduct such testing in a timely fashion.

The Hon. P.F. CONLON: Point of order: the question contained argument.

The SPEAKER: Certainly the explanation did.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The explanation is not allowed to contain argument either. I would just point out, Madam Speaker, that they can't complain about debate if they can't ask an orderly question.

The SPEAKER: I will uphold that point of order; however, the minister can answer the first part of the question.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:19): Thank you very much, Madam Speaker. I guess there are—

Mr Pengilly interjecting:

The SPEAKER: Order! Member for Finniss, restrain yourself. Minister.

The Hon. P. CAICA: Thank you, Madam Speaker. There are a couple of points I would like to make in answering this question. I am not being disrespectful to the deputy leader, but, clearly, he was not listening to my answer to the first question.

Under the system that we have in place, that was part of the legislation that we put in place that they did not bother to do when they were in government—the polluter pays. So the testing and the costs involved with the testing are done by an independent company that is engaged by the company that is responsible through that polluter pays process. What we do have, then, is that information to be independently audited through an independent auditor. That is the process that is in place.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I have not gone to cabinet, nor to the Treasurer, seeking more funds for the EPA in relation to testing.

SUSTAINABLE SEAFOOD

Mrs GERAGHTY (Torrens) (15:20): My question is to the Minister for Agriculture and Fisheries.

Members interjecting:

The SPEAKER: Order!

Mrs GERAGHTY: Can the minister update the house on recent changes that some companies have made to their corporate policies to stock only sustainable seafood?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (15:20): I thank the member for Torrens for her question. Coles and Woolworths have recently announced new policies—

Members interjecting:

The SPEAKER: Order! The members on my right will behave.

The Hon. M.F. O'BRIEN: Coles and Woolworths have both recently announced new policies to only stock sustainably certified seafood in their stores across Australia. Coles has established a partnership with the World Wildlife Fund, while Woolworths is working closely with the Marine Stewardship Council. The World Wildlife Fund is the world's largest independent conservation group, while the Marine Stewardship Council is a leading certification and eco-labelling program for sustainable seafood.

As the minister for fisheries, I believe that this marketing approach by Coles and Woolworths may have some pluses, but by and large it fails to acknowledge the high standard of fisheries management in South Australia.

Members interjecting:

The SPEAKER: Order! I warn the member for Finniss.

The Hon. M.F. O'BRIEN: Coles in particular has embarked on a series of sensationalist marketing campaigns in areas such as pork production and beef production and have erroneously characterised the regulatory regimes that have been put in place by governments around Australia as either being detrimental to animal welfare or to consumer health. Similarly, Coles' foray into substantial price reductions for home brand milk, where it is sold at a price less than bottled water, threatens to undermine the financial viability of Australia's dairy industry.

I would like to encourage supermarket chains to look beyond seafood certified by environmental groups and also to look to South Australia as a world leader in sustainable fisheries and aquaculture management. Just because a fishery does not have an independent certification, such as those offered by the Marine Stewardship Council or the Worldwide Fund for Nature, does not mean that it is not sustainable.

South Australia's fisheries management arrangements, including our stock assessment methods, have proved to be accepted as international best practice. In fact, the Spencer Gulf Prawn Fishery was recently recognised—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: The Spencer Gulf Prawn Fishery was recently recognised as one of the best managed fisheries in the world, according to the Food and Agriculture Organisation of the United Nations. In its report 'A global study on shrimp fisheries', the organisation praised the Spencer Gulf Prawn Fishery as a global model of fair, flexible and accountable management.

South Australia has a strong fisheries management base, established by legislation in 1968, which requires sustainable use, development and protection from overfishing. This strong legislation, accompanied by the solid science of SARDI, has allowed South Australia to enjoy sustainable fisheries and regional economic development and has also resulted in some of our world-first management initiatives being recognised as international best practice.

I would urge Coles and Woolworths to reach out beyond environmental groups and engage in discussions with Australia's various fisheries management authorities about the status of local fish stocks and the fisheries management practices that underpin their sustainability. Similarly, Coles should exhibit a higher degree of responsibility in dealing with both its consumers and the various sectors of our primary production and seafood industries.

Members interjecting:

The SPEAKER: Order!

SUSTAINABLE SEAFOOD

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:25): I have a supplementary question. In view of the minister's answer that we have the best managed and most sustainable fisheries anywhere in the world, how will marine parks improve our fisheries?

The SPEAKER: That is not a supplementary; that is a completely different question.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:25): Quite simply, the establishment of representative marine parks in this state is not a fisheries management tool; it is one of—

Members interjecting:

The Hon. P. CAICA: I have said that ad nauseam. It is not a fisheries management tool, despite the fact that people—

An honourable member interjecting:

The Hon. P. CAICA: Of course he does. Despite the fact that people in the opposition continue to promote—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —misconceptions; and, indeed, (if I may say it) mistruths.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Madam Speaker, it is not a fisheries management tool. I have said that and will continue to say that. But it is one of the very important tools in the toolbox that ensures that the marine environment is one that sustains all species within it, species which include fish.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:26): My question is to the Minister for Environment and Conservation. Is it the government's intention that the contaminated water at Edwardstown and Clovelly Park be decontaminated? What is the estimated cost of decontaminating these areas, and who will pay for it?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:27): I guess one of the things I failed to mention in my earlier answers is that the EPA does do some testing. It may have been construed that I said that the polluter does that but, of course, where that organisation cannot be identified we do take on a role of testing.

At this point in time there is no intention of cleaning up all the water in that particular area. I have no idea of what the costs might be if such an exercise were undertaken. At the moment we are doing an analysis (amongst other things) of what the threats are, how far the contamination has spread. More importantly it is a reinforcement, if you like, of the advice that exists from health: it doesn't matter whether you are in Edwardstown or other parts of metropolitan Adelaide, don't use the groundwater for drinking. If you are going to use it for other purposes have it tested, and have it tested every couple of years thereafter.

NARRUNG BUND

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:28): My question is to the Minister for Water Security.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Not at all; actually, it is for your entertainment, Patrick. Now that the commonwealth has refused the state government's request for further funds to remove the bunds at the Lower Lakes, will the minister get on with the removal of the bund at Narrung, given that his department received $2.3 million from the commonwealth for this removal almost two years ago?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:28): I think that when I was on my holidays the Deputy Leader of the Opposition went down for a little bit of a photo opportunity where, I understand, he was in his muscle T-shirt shovelling the bund. My point would be—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: That's right. It was my holiday, Patrick, not his.

The SPEAKER: Order! The minister will answer the question.

The Hon. P. CAICA: I will, ma'am. He was on holiday when his town was blowing over.

The SPEAKER: Order!

The Hon. P. CAICA: This is a pretty silly question—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I would like information to be provided to me by the Deputy Leader of the Opposition as to why he has concluded that the federal government has refused to provide funding for this matter. You ask the questions, but don't ask the questions in a misleading way. Base those questions on fact and you will get answers that are based on fact.

Members interjecting:

The SPEAKER: Order!

KICKSTART TRAINING PROGRAM

Ms BEDFORD (Florey) (15:30): My question is to be Minister for Employment, Training and Further Education. Can the minister tell the house what the government is doing to help young people make a start towards gaining an apprenticeship?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:30): I would like to thank the member for Florey for her question—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —and recognise in the house her commitment to the employment and training of young people, particularly through apprenticeships, in her electorate.

As members would be aware, young people who complete an apprenticeship, particularly in high demand trade areas, gain the skills and experience of a trade that will see them into successful and secure employment. I am pleased to inform the house that South Australia is now in the second phase of providing the $3.5 million pre-apprenticeship training program Kickstart.

The program is an initiative under the National Partnership Agreement on Pre-Apprenticeship Training between the Australian and South Australian governments. It will allow nine organisations to deliver 44 training courses providing over 500 pre-apprenticeship training opportunities in South Australia by June 2011.

The focus of this project is to increase the number of apprentices in areas of industry skill needs by providing pre-apprenticeship training opportunities and to accelerate apprenticeship completions through the recognition of prior learning and competencies. Currently, 354 participants have already commenced pre-apprenticeship training under the program, with 94 per cent of participants being under 25 years of age.

Members interjecting:

Ms BEDFORD: Point of order: I can't hear the answer and he is almost right beside me. If the others have something else to say, could they say it outside?

Ms Chapman interjecting:

Ms BEDFORD: You are not.

Ms Chapman interjecting:

The SPEAKER: Order! Minister.

The Hon. J.J. SNELLING: Pre-apprenticeship training is delivered in high demand trade areas such as electro-technology, cooking, construction and wet trades, mechanical and fabrication engineering, including training to become a toolmaker, fitter and turner and sheet metal worker.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, member for Waite!

The Hon. J.J. SNELLING: The Kickstart program provides a great opportunity for school leavers to get a head start in a trades career and gain a better understanding of the training and work components of an apprenticeship.

An honourable member: Did you say Kickstart?

The SPEAKER: The member for Bragg!

The Hon. J.J. SNELLING: Kickstart, yes; that is the program. I know that the member for Bragg would not have much familiarity with the apprenticeship area, but Kickstart is the name of the program.

These apprenticeship training opportunities are underpinned by mentoring and apprenticeship placement support to maximise the outcomes for students, governments and industry needs. Four courses will be delivered in the regional communities of Port Lincoln, Ceduna, Clare and Victor Harbor.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: This project complements the state government's commitment to invest $194 million over six years to create 100,000 new training positions, to boost the skills and qualifications of our workforce. We have also committed to modernising and renewing our vocational education and training sector with the release of our Skills for All reform program, to ensure South Australians have the skills needed for the future growth and existing new and emerging industries. I look forward to continuing to update the house once I hear more about the results of this innovative program.

Members interjecting:

The SPEAKER: Order, member for Finniss! You are disgraceful today.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr PISONI (Unley) (15:34): My question is to the Minister for Education. What are the government's concerns with the new SACE, as expressed by the minister to a delegation of the History Teachers' Association at a recent meeting?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:34): My concerns are that it keeps being misrepresented horribly in the media by the member for Unley; that is my major concern. It is one of the most—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: It is one of the most important reforms that has been undertaken in senior secondary schooling that we have seen in a generation. Historically, we have had a system where the senior secondary certificate has too much been about, and solely about, providing a means of entry into tertiary educational institutions. This is now genuinely a high school leaving certificate where we can warrant to the whole world that there will be minimum standards of both literacy and numeracy. We can now provide, for the first time, a genuine career path for those young people who are not destined for university but want to also take on the important and genuinely rewarding and worthy occupation of a trade.

So, instead of there being the provision in the later years of high schooling, of there being a narrowing of the arrangements that have been directed at taking people into university, this provides a vocational pathway now where young people can get a start on their trades, also ensuring that they will stay at school so that they complete year 12.

We have seen, under the previous government, the appalling situation where high school retention rates fell to 67 per cent. They took an education system which was the envy of the nation and threw it into reverse and they got the most extraordinarily bad results—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —where 67 per cent of our young people commencing high school did not actually complete their high schooling. We have now taken it this year to 84 per cent during the life of this government: a commitment to a future for our young people.

Our new SACE not only introduces minimum standards of literacy and numeracy, it not only provides vocational pathways, but it also introduces two other very important measures—the personal learning plan and the research project—which are about ensuring that our young people gain the research and inquiry skills that not only help them in the world of work but in life as well.

Increasingly, we are understanding that the types of jobs that exist in our community are going to be jobs requiring people to have the capacity for self-directed learning, for people to be able to understand how to solve problems themselves—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —and fundamentally being able to shape the questions themselves. These are the core skills that will enable young people to be successful in the world of work. We have had an education system which, in the past, has been about people sitting there and supplying answers to questions. We need inquirers. We need young people who actually become genuinely inquiring learners so that we can give them the sorts of skills that are going to assist them.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr PISONI: The question was about the concerns about the new SACE that the minister raised—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —with the History Teachers' Association of South Australia. I ask that you direct him to answer the question.

The SPEAKER: I listened carefully to your point of order, but I think the minister is answering it in his own way and it is relevant.

The Hon. J.W. WEATHERILL: Madam Speaker, I am addressing the sorts of points I made in all of the meetings that I have had—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —with the various associations that have come to see me. This is about providing a broader range of choice for our young people, being able to ensure that our young people, many of whom are not destined for university, can actually complete 12 years of schooling, because we now know that the sorts of jobs, even trade jobs, that exist out there, require the sort of literacy and numeracy skills and the high level of learning that will be available to us through 12 years of learning. We are proud of this certificate. That is not to say that it is not a challenge, because this is the first full year of its implementation. We will reflect upon all of the challenges that this new—

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: Exactly, we will learn from our experience here. We have committed to a review of the new SACE which will be completed at the end of this year. We are committed to a thorough review of it and we will learn any lessons that emerge from that review.

ETHNIC COMMUNITIES

The Hon. M.J. ATKINSON (Croydon) (15:40): Would the Minister for Multicultural Affairs tell the house how the South Australian government is supporting our state's ethnic communities, particularly the most recently arrived?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister

Assisting the Premier in Social Inclusion) (15:40): I thank the honourable member, whose work and commitment in this field is without question. Thank you, Michael.

An honourable member interjecting:

The Hon. G. PORTOLESI: Unsurpassed.

Members interjecting:

The Hon. G. PORTOLESI: I am trying. I only have eight functions this week but I am trying, Michael, to keep up. There is no doubt that in South Australia we have an enviable track record in respect of multiculturalism, and it is worth noting that this has not happened by accident. One such example of our commitment to multiculturalism is the work we are doing in relation to settlement services. This work was largely motivated by the very tragic death of a young Sudanese man in 2008 at the hands of another young Sudanese male. The government took this tragedy very seriously and examined very closely the way in which our service delivery impacts on the settlement of young refugees and their families, even though settlement is largely a service funded and provided by the commonwealth.

The project involved a very extensive community engagement process involving government and non-government service providers and seven humanitarians from refugee communities from Africa, Asia and the Middle East. This phase aimed at identifying the gaps in services and it culminated in the coordination of the Settlement Services Conference on 16 and 17 March this year (just last week). This has been the very first initiative of its kind in Australia, and what makes it so innovative is the fact that it is about action. It is not about rhetoric: it is about action. It is about forming strong partnerships between the government and non-government sectors. It is about redesigning the system so that it is fair and supports our future generations of refugees.

Secondly, this government is supporting our ethnic communities by doubling our multicultural grants scheme from $300,000 to $600,000 (an election commitment), and I have to say it is extremely valued by our ethnic communities. We have also changed the way that grant applications are received. That means that organisations can now submit their applications throughout the year.

HISTORY CURRICULUM

Mr PISONI (Unley) (15:42): My question again is to the Minister for Education. How is South Australia's 40 per cent decline in history students for year 12 in 2011, the first year of the new SACE, consistent with history being part of the soon-to-be implemented national curriculum?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:42): It is too early to tell yet the nature of the changes that have been brought about by the new SACE. That material certainly has not been brought to my attention, and we will review that when we receive it. I must say there is a lack of logic in the connection with the national curriculum. The national curriculum provides for the content of the national curriculum and, when it is taught, that will be the curriculum that is taught.

GRIEVANCE DEBATE

McTERNAN, MR J.

Mr PISONI (Unley) (15:44): Before travelling to Australia in May 2007, at a fundraising dinner for the British New Labour think-tank Per Capita, the former director of political operations at Downing Street under Tony Blair, John McTernan, said, 'In politics, "fear" may trump "hope" but "time for change" trumps "fear".' So it is no wonder that we see him in New South Wales helping the Labor Party try to recover the mess it has delivered over the last 16 years. This was an obvious reference to his hope that the assistance that he was planning to give Kevin Rudd would result in the defeat of the Howard government in the election in that year.

Of course, this is the same John McTernan who was interviewed under caution by Scotland Yard over the Cash for Peerages scandal, being linked as director of Labour PM Tony Blair's political operations unit, in preparation for a list of names to be nominated for peerages in exchange for donations to Labour. So he was involved in nominating people for the House of Lords in the UK in exchange for donations to the Labour Party. It is no wonder he is working for the New South Wales Labor Party. He fits right in.

In 2007, British Labour tried to reward John McTernan for his loyal services by giving him a safe Labour seat, but he was soon dumped. I will read an extract from the *London Evening Standard* on 28 January 2007. It said:

> The position of a top Labour Party aide involved in the cash-for-honours affair was described as 'untenable' amid reports that he had been dumped as a potential MP.

Meanwhile, Downing Street denied reports that a handwritten note by Tony Blair was among new evidence uncovered by police investigating the affair. Well, of course they would. The *Scottish Daily Express* reports that John McTernan was being lined up to contest a by-election for a safe Labour seat in Glasgow, but the paper claimed that the plans had now been shelved as a result of his involvement in the 'cash-for-honours' probe.

Last week it emerged that Mr McTernan was questioned for a second time by police investigating the allegations that peerages were given away in return for loans that were later converted into Labour Party donations.

Although British Labour's attempt to reward John McTernan failed by removing his options for a parliamentary career, Mr McTernan has been rewarded for his services to the Labor Party here in Australia by having used his influence and experience from the British Labour Party to arrange high-level meetings with Tony Blair for ALP leaders such as John Brumby and Steve Bracks, and of course to advise Kevin Rudd—and we now know the Premier of South Australia.

Coincidentally, Mr McTernan was also made Thinker in Residence at the Victorian Department of Sustainability and Environment in 2004. It is not even an original idea of Mike Rann's to have him as the Thinker in Residence here in South Australia. In the Melbourne *Age*, John McTernan is quoted as saying in regard to the great assistance the Australian Labor Party in this country has given to the British Labour Party:

> I have always been aware of the debt the British Labour Party owes the Australian Labor Party. They were very generous to us and it mattered to us to learn from them.

This, of course, is the Hawke/Keating government when Labour was in opposition in the UK. I just wonder what government resources were sent over to the Labour Party in the UK to help it while it was in opposition.

In the transitional Labor club it seems that it has been a case of 'you scratch my back and I'll scratch yours'. It is obvious that Rann Labor is giving Mr McTernan's back a really good rub at the moment—

Members interjecting:

Mr PISONI: —on behalf of the Australian Labor Party.

The DEPUTY SPEAKER: Member for Unley—

Mr PISONI: It would appear that the taxpayers of South Australia—

The DEPUTY SPEAKER: Member for Unley, I am speaking, so you are not. Sit down; and I was just about to help you as well. Hold the clock. Member for Unley, the people who are interjecting the most and making it impossible to hear you are the people on your own side. You may well be cheering but you are not cheering in a very helpful way. I am not using your time, but I would point out to you that almost no-one can hear what you are saying because of your own people. Now, everyone brings something useful to a discussion, and what your colleagues can bring you is silence.

Mr PISONI: It would appear, of course, that the taxpayers of South Australia are footing the bill for the loyalty that Mr McTernan has given to the Australian Labor Party. If we look at its front page, the Thinker in Residence website asks, 'Who is John McTernan?' The website states:

> John McTernan is now the Director of the recently established New Scotland Foundation which is a non-partisan think tank.

You have to believe it—it's on the Premier's website, it must be true. While the South Australian government is paying him, he is also still writing articles for the British press. Just last Monday (21 March) he wrote quite a lengthy article for the *British Telegraph*, so he has been working for everyone else but being paid by the South Australian taxpayers. But he is very proud of his political affiliations because he tweeted just this morning:

> New South Wales Liberals on me: 'One of Britain's most controversial political operatives.' That is going straight into my CV.

ALCOHOL CONSUMPTION

Ms BEDFORD (Florey) (15:48): For many years now, each day in this chamber I have seen the faces of three significant women involved in winning enfranchisement for this state's female population on the tapestry on the other side of the chamber: Catherine Helen Spence, Mary Lee and Elizabeth Webb Nicholls. Each led a full life working for a better world, especially for women.

Debate now rages around limiting the hours when alcohol should be available in Adelaide. Elizabeth Webb Nicholls was involved with the South Australian branch of the Woman's Christian Temperance Union whose members knew the harm that came from substance abuse. They worked to restrict the sale of alcohol, put in place measures to ensure that breadwinners did not drink the entire weekly wage before they went home, helped women who found themselves victims of alcohol induced violence and worked with women who had turned to drink for whatever reason.

During discussions with people in the past 24 hours, several aspects of the debate have been explored, and it is plain to see that alcohol and substance abuse and all forms of addictive behaviours pose a great problem for our community. Australia has an acknowledged problem with youth consumption of alcohol, with binge drinking appearing to be an accepted way of life. From Schoolies Week to university life, it seems the responsible use of alcohol should be part of the curriculum from the very earliest days.

This Friday, many of the 80 clubs and societies at Adelaide University will be involved in pub crawls. For decades now, pub crawls have been embraced by universities all over the country almost as a rite of passage with, perhaps, the most high profile of these claiming to be the biggest in the southern hemisphere in our city—the Adelaide University Engineering Association Pub Crawl.

The AUES coordinates this much anticipated annual event, which will see this year probably almost 2,000 young people participating, wearing T-shirts emblazoned with a theme. In the past, they have been garnered as collectors' items. This year, they will be wearing a T-shirt with the theme 'plaster chef'. I hope that licensed premises across Adelaide will be particularly vigilant about the responsible service of alcohol to participants and, most importantly, that these young people have a safe and enjoyable evening free of alcohol-fuelled violence.

There are many ways we need to encourage and promote the responsible use of alcohol. There are many benefits to be had if we are able to minimise alcohol and substance abuse. According to the March edition of *Of Substance*, alcohol remains the most common drug for which Australians seek treatment, making up almost half of all drug and alcohol related treatment episodes in the '08-09 year.

I quote from the 10 November report of The Australian Institute of Health and Welfare. The report represents information on publicly-funded alcohol and other drugs (AOD) treatment services and their clients. It also shows the proportion has risen for four years in a row. *Of Substance* also highlighted Dr Frances Kay-Lambkin, who received a Young Tall Poppy Science Award in October 2010 for her work on developing the SHADE program (self-help for alcohol/other drug use and depression), which helps to work out treatments for those suffering co-occurring depression and substance abuse problems. The Tall Poppy Award is of particular interest to me because it is associated with the Florey Foundation.

In the time I have left, I would like to put on record some of the effects of the earliest form of substance abuse that humans are exposed to, that is, foetal alcohol syndrome (FAS). Alcohol consumed by a pregnant woman can harm an unborn baby. FAS includes a range of features seen in some babies exposed to alcohol before birth. Two other terms—foetal alcohol effects (FAE) and alcohol-related neurodevelopmental disorder (ARND)—refer to effects on babies who have some but not all of these features. Research into the number of babies born with FAS varies. Figures range from 0.02 to 2.7 per 1,000 babies born. FAS effects may be more common than this but the exact rate is unknown.

The exact incidence varies from study to study for a number of reasons. While FAS is considered internationally to be the leading preventable cause of intellectual and developmental problems, there is little public awareness of the syndrome in Australia. Parents and doctors may not realise that FAS is the cause of a child's developmental problems.

FAS is hard to isolate because alcohol is often not the only drug consumed during pregnancy. Evidence suggests that a woman who drinks while pregnant is also more likely to

smoke cigarettes, use non-prescription and over-the-counter drugs, or take recreational drugs such as cannabis. Like alcohol, these substances cross the placenta and affect a growing baby's development. The affected child may also be diagnosed with other conditions such as autism. Environmental and individual factors contribute to learning and behavioural problems, and alcohol is linked to many of these.

The syndrome appears to occur more often in Indigenous communities. This could be related to drinking patterns, nutrition and environmental factors, and it remains a huge issue in Australia and the reason the Closing the Gap program is so important. Babies severely affected by FAS are at risk of dying before they are born. Current knowledge suggests there is no safe level of alcohol consumption during pregnancy, but there is no convincing evidence that a small intake is harmful. Heavy alcohol consumption in the early months of pregnancy is regarded as particularly dangerous.

FLOOD WATCH ALERTS

Mr WHETSTONE (Chaffey) (15:54): I rise today to bring to everyone's attention the flood watch alerts that have been with us over the last few months, particularly in the Riverland. People in the seat of Chaffey have been very much affected by the continual flood watch alerts, which have been spread right across the media, portraying that the region is underwater. The reports have been saying, 'Don't come near the region because it is flooded.'

I would like to make sure that everyone here today knows that there has been no flood in the River Murray in South Australia. What we have witnessed is a high flow. The potential for tourism has been undone by what has been touted as a flood watch: the alerts issued by SA Water. The tourism industry is an emerging industry within the River Murray, particularly up in Chaffey. Over recent years, we have seen water restrictions, hardship with commodity prices and difficulties that people, irrigators and communities have experienced with water restrictions in particular.

Over these last few months we have been almost gifted with high flows that have come down from the Darling, out of Queensland, and the high flows that have come down the Murray from New South Wales and Victoria. It has produced an ebb and flow of a just higher river and just an average river. So, what we are seeing is continued high flows; we are not seeing a magnitude peak.

I think a lot of this was exacerbated by the unfortunate floods that happened in Queensland and Victoria. People were almost traumatised by what they saw on the TV, what they read in the media and what was portrayed happening to those poor people of Queensland and Victoria, but that was not happening here in South Australia. As I said, we were given almost a gift of just a very gradual rise in the river, a high flow. That high flow reached flows of about 94,000 megalitres a day. As I say, it was a gift to the environment; it was a gift to all the regions and all the communities that live up and down the river.

The caravan parks on the River Murray have reported up to 45 per cent reduction in their business during January and February, and some days they did not have even one single inquiry from the grey nomad, which is one of their big industries. They did not have any inquiries, such as, 'Can we come up and visit your region? Can we come and stay at your caravan park?' People were given the perception that there was a flood, and the flood watch was almost entirely to blame.

The reality is that it was a high river and not a flood event. As I said, the flows peaked at 94,000 megalitres a day and the peak height of the river was 6.3 metres recorded at Morgan. Just as a bit of history from what we have seen over time with true flood events, back in 1980 we saw 11 metres at Morgan, nearly five metres higher than what we saw this year. In 1956, which is the year of one of the historic flood events of this state, we saw 12.3 metres at Morgan, a flow of 350,000 megalitres a day. We are comparing 94,000 megalitres a day versus 350,000 megalitres.

I would like the minister and his Department for Water to recognise the impact that the flood watch had on not only tourism but on every visitor who wanted to come to the region but was put off by, 'Don't go to that region; it's underwater.' The current river height is not even as high as in 1993. That was 108,000 megalitres a day, and that was an event not considered a flood.

I note that last week SA Water ceased issuing flood watch alerts. Immediately after it stopped issuing those flood watch alerts, caravan parks received inquiries; people started coming to the region and it started to flourish again. This grieve is about the government and the

Department for Water maybe changing the wording. Instead of using 'Flood watch alert', maybe we should use the words 'high river advisory'.

TAYLOR ELECTORATE

Mrs VLAHOS (Taylor) (15:59): I would like to speak today about a visit that occurred in my electorate last Thursday 17 March, where I was fortunate to have a full day with the Minister for Education. The minister toured my electorate, starting with a breakfast in the morning with principals of the local public schools at the Watershed Cafe, which is a delightful venue that was developed at the back of the suburb of Mawson Lakes and near the edge of the electorate of Taylor. Many of my schools were able to come and hear the minister talk about the challenges and also the government's views about how we are going to increase the value of teaching and education over the next couple of years. The principals were very happy to have the opportunity to speak to the minister directly on this occasion, and I thank them for making the time to come out of their busy days before schools actually commenced.

Later on in the morning, we had the opportunity to visit a recently amalgamated site that commenced at the beginning of this year, which is the Lake Windemere Primary School CPC-7 site at Uraidla Avenue in Salisbury North, with the new principal, Angela Falkenberg, and the governing council chair, Dawn Westmorland, leading us through the site and the advancements that are happening for the community and families there.

We were fortunate to see some of the parents helping their children learn some of the important skills that they need before they even enter the kindergarten environment, so we had quite a few young children there learning how to use scissors, painting and doing St Patrick's Day activities. It was a really great opportunity for the minister to see the many things that are happening on that exciting site, and the guidance that Angela Falkenberg is providing that school as its new principal.

Later that morning we went across to Elizabeth South, one of the most needy areas in my electorate. I am very aware of some of the challenges of the people who live in that area. We visited the Sir Thomas Playford Childcare Centre and met its new director, Kate Walker, and a couple of the parents, Lauren and Tammi, and spoke about the needs of that childcare centre and its numbers. It also provides some occasional care. I was very heartened to hear them discuss the future plans for that site, and I look forward to seeing some developments in that area over the next couple of years. The numbers are about 25 on some days, but many of those children feed into Settlers Farm, Elizabeth South and many of the other primary schools in the area. The early childhood learning capacity that they secure there is vital for them to get ahead in a primary school setting.

Later, we went just down the road to Chivell Street in Elizabeth South, and met with Jocelyn Osborne, who is the principal of Elizabeth South Primary School—which I have visited quite a few times since becoming the member for Taylor—and the school's governing council. We also met with student representatives from the senior years of that campus who came and greeted us and talked about what they love about their school and why it is so special. We also talked to some of the teachers and teaching staff about the challenges of that site and what we could do to support that school and the area, and that was a great thing. I particularly loved having the opportunity to speak with the mix of new and old governing council members who had recently been elected at the AGM they had held.

Later in the afternoon, we went to Settlers Farm Junior Primary School and Settlers Farm Primary School with Annette Vincin, the principal, and Eva Raymond, the principal of the second site. We went to a junior primary school assembly and, again, we had some fantastic student-led leadership, demonstrated by our guides, Mitchell and Caitlin. They were dynamic and engaging and thoroughly wowed us from the moment we met them at the school gate. If that is the quality of children who are leaving that school as they enter high school in the northern suburbs, I think we have a bright, bright future in Taylor. They really were awe-inspiring.

Later on in the day, we had chats with some regional DECS people at Elizabeth House, and we finished with a very important dinner, where we talked about pathways for post-secondary employment with employers in the north. We had a very productive and useful conversation with mayors Docherty and Aldridge, who are both mayors within the local area. I would like to thank the minister for his time and support of education in the north. It was a truly worthy visit and I would encourage other people to look at such a course.

KING STREET BRIDGE

Dr McFETRIDGE (Morphett) (16:04): Most members would be aware, because it has been extensively covered in the media, that there was a very serious accident at the intersection of Africaine Road and Tapleys Hill Road on Monday morning. I understand the young man was critically injured and is in a serious condition. This intersection has been the subject of a lot of attention by me, the federal Labor member, Mr Steve Georganas, the councils (both the City of Holdfast Bay and the City of West Torrens), the residents, the police and the office of public transport because this intersection is a very dangerous intersection under any normal circumstance, where you have 45,000 cars a day going down Tapleys Hill Road, which is a four-lane road. There is a large radius bend there in Tapleys Hill Road, and it is very difficult to see what is coming. That means that, at the intersection with Africaine, traffic is trying to negotiate across those four lanes from Africaine Road itself, which is an S-shaped road.

These circumstances—more traffic and more risk, and we predicted an accident there—have come about because the King Street bridge has been closed for repairs. This had to happen, and it was known that it had to happen, because I have been lobbying the state government since 2008 to get some extra money down there. At the moment the federal government has put in $4.5 million and the City of Holdfast Bay has put in $4.5 million, and the bridge is now closed for repairs. It will be out of action until December at best.

I hope it will not be longer than that, because what is happening is that the 7,500 cars a day, the 400 buses a week, and the hundreds if not thousands of cyclists who used the King Street bridge are now going out along Military Road and turning right at Africaine, trying to get out on to Tapleys Hill Road. It is just bedlam. Traffic is going north to West Beach Road and then further north to Burbridge Road, and there is massive congestion at the Tapleys Hill Road/Africaine Road intersection.

We knew there would be an accident there, and we have been asking for traffic lights. Initially we sought temporary traffic lights, but I am told that the difference between temporary and permanent traffic lights is not a lot of money, so we have been asking for traffic lights. People say that it will cost too much, that it is not worth it for the short time, that it will disrupt traffic on Tapleys Hill Road. Traffic lights were put in at Harbourtown because they knew it would be unsafe, and that was a good move. There are lights just south of Africaine Road at Warren Avenue, and I am sure two sets of traffic lights—at Africaine Road and Warren Avenue—could by synchronised. We do it with 17 sets of traffic lights on North Terrace.

There was a serious accident on Monday, and I understand that the Motor Accident Commission puts the cost of those sorts of accidents at over $1 million. That one accident has shown that traffic lights could have been put there for between $300,000 and $500,000—half the cost of the accident, never mind the personal cost involved. I do not know the circumstances of that accident, but I have film on my website and on YouTube showing what a dangerous intersection it is, with cars queueing there.

Prohibiting right-hand turns is not the answer, prohibiting traffic—trucks, caravans and boats, as it is now—from travelling along there is not the answer. In fact, I have just been told that the estimated cost of a fatal road crash is about $1.5 million, and the costs to the state per year from road accidents is $1.5 billion. The cost of a set of traffic lights there could have been well and truly covered, and I would be very surprised if that accident could not have been averted.

This is a very dangerous corner. As I said, the police, the office of public transport, the councils, the local federal Labor member and the local sub-branch of the Labor Party have all been asking the minister to do something about it, and I am pleading with the minister to do something. It is a small cost. This is a short-term solution for a long-term problem; the intersection will get more and more busy. The Crows are playing Saturday afternoon. Last time they counted, 11,500 cars went over King Street bridge after the footy. It will be bedlam on Tapleys Hill Road on Saturday afternoon.

This is a long-term problem and it needs a long-term solution. Traffic lights are the only solution for that problem. They can come up with alternatives such as banning right-hand turns, trying to restrict access by trucks and buses, things like that, but that is not the answer. It is not just a local problem; it is a statewide problem.

MITCHELL ELECTORATE

Mr SIBBONS (Mitchell) (16:09): I would like to talk about my electorate of Mitchell. I have to say that it is full of unique reminders of the past, from the Marion Historic Village in the north to the many historic features of Old Reynella in the south, and many thousands of years of Indigenous and natural heritage in between.

One historic place worthy of further explanation is the former Reynella Horse Changing Station, which is located on Old South Road at Old Reynella, in the car park of the shopping complex. Built in the 1850s, the changing station and stables were used as a halfway changing station on the Cobb & Co coach run from Adelaide to Willunga. It was set close to a permanent water well at the end of Smithy Lane and the Crown Inn Hotel, on the other side of what was known as the Great South Road, for the convenience of passengers. It is believed to be the only known changing station in South Australia which was not attached to a hotel.

Changing stations were usually sited at hotels where horses and drivers were changed. Old Reynella's changing station is also probably the only one of its kind still standing. The building is built of brick and stone with corrugated iron roofing. The former stables are situated beside the main building. The stables were used as a changing station and the dwelling was used as accommodation for the ostlers who took care of the horses. The building is also believed to have been used at one stage for Methodist church services.

The changing station ceased to operate in February 1915 with the introduction of train services from Willunga to Adelaide. The property was purchased in 1916 by Walter Reynell, son of wine industry pioneer John, after whom Reynell and Old Reynella are named. It was to be used as housing for winery employees.

The Old Reynella Horse Changing Station was in very poor condition prior to the restoration work starting in 2005. The station is managed by dedicated volunteers, and I would particularly like to thank Geoff King, Mal Thiele and others for their tireless efforts in opening up the changing station to local schools and the public, as well as their work for the Reynell Business and Tourism Association in restoring this amazing piece of our local history.

The horse changing station has a fantastic collection of historical artefacts, heritage displays, photographs and information. A visit to the station allows you to rediscover the rich fabric of the history of our southern region. Local wine, heritage walking booklets and mementos can also be purchased with money raised assisting the future restoration work and promotion of the station.

To celebrate History Week this year, the horse changing station will be open from Friday 21 May to Sunday 30 May. A barbecue and other celebrations, including music and poetry, are being planned by the Reynell Business and Tourism Association over the week.

I invite members to my electorate to celebrate the ongoing restoration work. I am particularly proud of the extra financial commitment the Rann government is making to History Week, or rather History Month, in the 175th anniversary year of European settlement in South Australia. An extra $175,000 will go on top of the $54,000 already set aside in response to overwhelming public interest in celebrating this important milestone for our state.

As I have already suggested, the additional funding means History Week will expand into a month-long festival throughout May of more than 400 events involving around 90,000 people. I would encourage all members present to take part in one or more of the wide-ranging events which will be run across our great state, celebrating the things, places and people who have helped South Australia become what it is today.

SUPPLY BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (16:14): Obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 2012. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (16:15): I move:

That this bill be now read a second time.

A Supply Bill will be necessary for the first three months of the 2011-12 financial year until the budget has passed through the parliamentary stages and the Appropriation Bill 2011 receives

assent. In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is $3.32 billion. Clause 1 is formal. Clause 2 provides relevant definitions. Clause 3 provides the appropriation of up to $3.32 billion.

Debate adjourned on motion of Mr Goldsworthy.

ELECTRICAL PRODUCTS (ENERGY PRODUCTS) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (16:16): Obtained leave and introduced a bill for an act to amend the Electrical Products Act 2000 and to make related amendments to the Gas Act 1997. Read a first time.

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (16:17): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill I am introducing today is a key step in implementing South Australia's commitment to improving residential and business energy efficiency and reducing greenhouse gas emissions.

The purpose of this Bill is to amend and rename the *Electrical Products Act 2000* and make consequential amendments to the *Gas Act 1997* to enable Minimum Energy Performance Standards (MEPS) to be applied to gas and other energy products, and thereby reduce greenhouse gas emissions.

The *Electrical Products Act 2000*, which is administered by the Technical Regulator, provides for certain electrical products to display labelling to indicate their compliance with applicable safety and performance standards and energy efficiency (the 'star rating system'). It also provides for registration of products to indicate their compliance with MEPS before they may be sold, as well as the power to prohibit the sale or use of unsafe electrical products.

The MEPS and labelling program is a national program to implement measures to address energy efficiency requirements in the residential and commercial/industrial sectors. MEPS is an energy performance measure that a given product type must meet while an energy label is for the benefit of consumers to compare the energy efficiency/performance of appliances prior to purchase. Any MEPS and labelling is subject to public consultation, requiring public meetings, publishing of technical reports, fact sheets and culminating in a publicly released Regulatory Impact Statement.

The products to which this Act applies, and the standards that are to apply to particular products, are established once these rigorous regulatory assessments and consultations are completed, and then implemented through proclamation by the Governor.

The *Gas Act 1997* enables the Technical Regulator to declare particular classes of gas appliances, thereby requiring them to be safety approved and labelled by a declared body or the Technical Regulator before sale, but does not specifically provide for MEPS or energy rating for gas appliances.

The impetus for the Bill came from the decision of the Ministerial Council on Energy (MCE) to bring the existing industry sponsored gas labelling scheme within a consistent regulatory framework. This required the development of MEPS and energy efficiency labelling for gas products similar to that for electrical products. The first gas appliances to which this will apply are gas water heaters. Other gas appliances are likely to follow after MEPS and labelling requirements have been developed for them.

The Bill extends the scope of the *Electrical Products Act 2000* to cover gas appliances (natural gas and LPG) and also, in the future, further products powered by other energy sources (such as solar powered products or products powered by more than one energy source), and renames it the *Energy Products (Safety and Efficiency) Act*. This creates a single Act able to cover all appliances.

The requirements relating to energy performance and energy efficiency labelling are addressed in a new and separate section to those relating to safety.

The Bill extends the Governor's power to make proclamations from electrical products to energy products and also to declare a body to be a certification body which is able to certify energy products. The range of standards that may be proclaimed has also been expanded to include energy efficiency labelling standards and information standards.

The Bill enables the Technical Regulator to issue public warning statements about unsafe energy products and uses of such products or installation practices that, in the opinion of the Technical Regulator, are likely to pose a danger to persons or property.

The Bill extends the existing administrative framework of the *Electrical Products Act 2000* to gas and other products, but also makes some significant improvements.

The 'authorised persons' under the *Electrical Products Act 2000* are renamed as 'authorised officers.' This is the term used in numerous other Acts including the *Electricity Act 1996* and *Gas Act 1997*. The information gathering powers of authorised officers have been expanded to bring them more into line with the powers of authorised officers under other Acts. Such new powers include power to stop and inspect vehicles and to require persons reasonably expected to have committed a contravention of the Act to identify themselves. This will discourage the loading of unsafe energy products onto vehicles to prevent authorised officers from inspecting them. Another power is to seize energy products pursuant to a seizure order and have them tested, where the authorised officer reasonably suspects that they may constitute evidence of a contravention of the Act. This expands the more limited power in the existing power in the *Electrical Products Act 2000* to seize stocks of electrical products that are suspected to have been prohibited from sale, and also formalises a clear procedure for their disposal or return.

The Bill modifies the privilege against self incrimination. The existing privilege against self incrimination in section 11 of the Act has been used by traders to avoid answering questions and providing information, thereby making it difficult to enforce the requirements of the Act and regulations. In view of this, it is proposed to modify the privilege with respect to safety issues, so that it is retained for natural persons including directors of bodies corporate, but removed for bodies corporate. It is proposed that incriminating information must be provided, but cannot be used in legal proceedings (except with respect to an offence relating to the making of a false or misleading statement or declaration) against a natural person. The proposal is based on section 70(5) of the *Gas Act 1997*, which applies to gas rationing.

The Bill provides that information classified by the Technical Regulator as of a commercially sensitive or private confidential nature is not liable to disclosure under the *Freedom of Information Act 1991*. This brings the Act into line with the *Gas Act 1997* and the *Electricity Act 1996*. The aim of this change is to maximise the ability to elicit critical information by ensuring that commercially sensitive or private confidential information that has been provided to the Technical Regulator will be protected from disclosure to third parties such as competitors.

The Bill contains 'grace period' and 'grandfathering' provisions that enable traders, within a certain time, to clear stocks of energy products manufactured in or imported into the State before compliance with requirements or changes in requirements become applicable to them. The existing 6 month grace period in the *Electrical Products Act 2000* is retained for applicable safety and performance standards, certification and information standards. A 12 months 'grandfathering' arrangement is established for energy performance standards and energy efficiency labelling. These aim to addresses industry concerns about the risk of retailers being left with stocks of unsold 'old' stock.

The Bill also exempts the Crown from liability for an act of the Technical Regulator in good faith in the exercise of powers with respect to the prohibition of sale or use of unsafe energy products and with respect to the making of public warning statements.

The Bill makes consequential amendments to the *Gas Act 1997*, the most notable of which is to repeal provisions dealing with the approval and labelling of gas appliances, as this will be dealt with in the *Energy Products (Safety and Efficiency) Act 2000*. The installation of all gas appliances, and the commissioning or modifying of industrial and commercial appliances will continue to be regulated under the *Gas Act 1997*.

The Department for Transport, Energy and Infrastructure (DTEI) has consulted with the gas industry, including manufacturers and retailers of gas appliances and the industry association. The participants indicated general support for the proposals and their concerns have been addressed in this new legislation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

Clauses 1, 2 and 3 are formal.

Part 2—Amendment of *Electrical Products Act 2000*

4—Amendment of long title

Clause 4 is consequential on the proposed inclusion of gas and other energy products in the principal Act.

5—Amendment of section 1—Short title

Clause 5 proposes to amend the short title of the principal Act, resulting in the Act being known as the *Energy Products (Safety and Efficiency) Act 2000* rather than the *Electrical Products Act 2000*. This is to reflect the proposed inclusion of gas and other energy products in the principal Act.

6—Amendment of section 3—Interpretation

Clause 6 proposes to insert various definitions into the principal Act deemed necessary for the measure. In particular, it includes a definition of *energy product*. This is defined as—

- an electrical appliance or a component of an electrical appliance; or
- a gas appliance or a component of a gas appliance; or

- an appliance powered by an energy source other than electricity or gas (such as solar, wind or water) or a component of such an appliance; or
- an appliance powered by any combination of electricity, gas or other energy source, or a component of such an appliance; or
- a device used for, or in connection with, the conveyance of electricity, gas or other energy source or a component of such a device (including a meter for measuring consumption); or
- an instrument for measuring a characteristic of electricity, gas or other energy source,

but does not include an appliance, component, device or instrument excluded by regulation.

7—Amendment of heading to Part 2

Clause 7 is consequential on the proposed change to the principal Act from being an Act about electrical products to an Act about energy products.

8—Amendment of section 5—Proclamation for purposes of Part

Clause 8 proposes to amend section 5 of the Act to provide that the Governor can make proclamations with respect to energy products rather than only electrical products. It also provides for the Governor to declare, by proclamation, a body to be a certification body and includes energy efficiency labelling standards and information standards as standards to be declared by proclamation.

9—Amendment of section 6—Offences relating to safety and performance, certification and information

Section 6 of the principal Act makes it an offence for a trader to sell declared products unless those products are labelled or registered to indicate compliance with safety and performance standards or energy performance standards, or labelled to indicate energy efficiency. Clause 9 proposes removing the subsections dealing with energy efficiency from section 6 in order that it be dealt with in proposed new section 6A. It also creates 2 new offences. Firstly, a trader must not sell an energy product of a particular class unless it is labelled under the authority of a certification body or the Technical Regulator so as to indicate its certification by that body or the Technical Regulator. Secondly, a trader must not sell a particular energy product unless the trader provides information in respect of the product to the purchaser in accordance with applicable information standards. For both offences the proposed maximum penalty is $5,000 with an expiation fee of $315.

10—Insertion of section 6A

Clause 10 proposes to insert a new section 6A into the principal Act to deal with offences relating to energy performance. It is proposed that the offences with respect to energy performance that are currently in section 6 of the principal Act be moved to this new section.

11—Amendment of section 7—Offences relating to labels

Clause 11 is consequential on the proposed change to the principal Act from being an Act about electrical products to an Act about energy products.

12—Amendment of section 8—Prohibition of sale or use of unsafe energy products

Section 8 of the principal Act provides, amongst other things, that if the Technical Regulator is of the opinion that an energy product of a particular class is unsafe, the Technical Regulator may prohibit the sale or use of energy products of that class. The proposed amendment provides that the Crown incurs no liability for an act of the Technical Regulator in good faith in the exercise or purported exercise of powers under this section. Section 8 also provides that a prohibition or requirement under the section may be imposed by notice in writing to a particular person or by public notice. The proposed amendment provides that a person incurs no liability for publishing in good faith a notice under this section or a fair report or summary of such a notice.

13—Amendment of section 9—Mutual recognition

Clause 13 is consequential on the proposed change to the principal Act from being an Act about electrical products to an Act about energy products.

14—Insertion of section 9A

Clause 14 proposes to insert a new section 9A into the principal Act to deal with public warning statements about unsafe energy products. It provides that the Technical Regulator may make a public statement identifying and giving warnings or information about any of the following:

- energy products that, in the opinion of the Technical Regulator, are or are likely to become unsafe in use and persons who supply the products;
- uses of energy products, or installation practices, that, in the opinion of the Technical Regulator, pose a danger to persons or property;
- any other dangers to persons or property associated with energy products.

Under this proposed clause the Crown incurs no liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under the clause and a person incurs no liability for publishing in good faith a statement made by the Technical Regulator under the clause or a fair report or summary of such a statement.

15—Substitution of Part 3

Clause 15 proposes to substitute Part 3 of the principal Act, constituting of sections 10 to 13 inclusive. Both section 10 of the principal Act, and the proposed new clause 10 provide for the appointment of authorised officers. Under section 10, the Technical Regulator appoints a person to be an authorised person for the purposes of the Act. The proposed new clause 10 provides that the Minister appoints a person as an authorised officer.

Both section 11 of the principal Act and the proposed new clause 11 deal with the general powers of authorised officers. The proposed new clause 11 gives authorised officers new powers to—

- enter and inspect;
- give directions with respect to the stopping or movement of a vehicle to which the clause applies;
- take photographs, films or audio, video or other recordings;
- examine any energy product made available to the authorised officer or found in the course of an inspection;
- examine, copy or take extracts from a document produced to the authorised officer or found in the course of an inspection or require a person to provide a copy of any such document;
- seize and retain, or issue a seizure order in respect of, an energy product that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of the Act;
- cause tests to be carried out on an energy product that has been purchased or seized or in respect of which a seizure order is in force;
- give a direction required in connection with the exercise of a power.

The proposed new clause 12 contains provisions relating to seizure. The provision provides that if a seizure order is issued, a person who, knowing of the order, removes or interferes with the energy product to which the order relates without the approval of an authorised officer before the product is dealt with under the section or the seizure order discharged is guilty of an offence. There is a maximum penalty of $10,000.

The proposed new clause 13 provides for the recovery of costs. It provides that if an energy product tested under the Act does not conform with an applicable safety and performance standard or an applicable energy performance standard, or does not conform with the information as to its energy efficiency contained in a label affixed to the energy product in accordance with the Act, the Minister may recover from the trader by whom the energy product was sold the costs incurred in purchasing, seizing and storing, or issuing a seizure order in respect of, the energy product and in having it tested.

Section 13 of the principal Act contains an offence for the hindering or obstructing of an authorised person. The proposed new clause 13A also makes this an offence and adds the extra offences of—

- refusing or failing to comply with a requirement or direction of an authorised officer under the Act;
- refusing or failing to answer a question to the best of the person's knowledge, information and belief when required to do so by an authorised officer under the Act;
- falsely representing, by words or conduct, that he or she is an authorised officer.

A maximum penalty of $10,000 is proposed.

16—Amendment of section 14—Power of exemption

Section 14 of the principal Act provides that the Technical Regulator may exempt a person from the Act, or specified provisions of the Act. Clause 16 proposes to provide that such an exemption may be varied or revoked by the Technical Regulator.

17—Amendment of section 20—Evidence

Clause 17 is consequential on the proposed change in the principal Act from a person being appointed as an authorised person to a person being appointed as an authorised officer.

18—Amendment of section 22—Delegation

Section 22 of the principal Act provides for the Technical Regulator to delegate his or her powers under the Act. Clause 18 proposes a new subclause to allow the Minister to delegate his or her powers under the Act to the Technical Regulator or any other person.

19—Amendment of section 23—Confidential information

Clause 19 proposes a new subclause to section 23 to provide that information classified by the Technical Regulator as of a commercially sensitive or private confidential nature is not liable to disclosure under the *Freedom of Information Act 1991*.

20—Amendment of section 26—Regulations

Clause 20 is consequential on the proposed change to the principal Act from being an Act about electrical products to an Act about energy products.

21—Repeal of Schedule

Clause 21 is a drafting amendment.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Gas Act 1997*

1—Amendment of long title

Clause 1 is consequential on the proposal that gas appliances be dealt with in the *Electrical Products Act 2000* (as amended by this measure) rather than in the *Gas Act 1997*.

2—Amendment of section 8—Functions of Technical Regulator

Clause 2 is consequential on the proposal that gas appliances be dealt with in the *Electrical Products Act 2000* (as amended by this measure) rather than in the *Gas Act 1997*.

3—Repeal of heading to Part 5 Division 1

Clause 3 is consequential on the proposal that gas appliances be dealt with in the *Electrical Products Act 2000* (as amended by this measure) rather than in the *Gas Act 1997*.

4—Repeal of Part 5 Division 2

Clause 4 proposes to remove gas appliances (other than fixed gas appliances) from the *Gas Act 1997*.

5—Amendment of section 67—General investigative powers of authorised officers

Clause 5 is consequential on the proposal that gas appliances be dealt with in the *Electrical Products Act 2000* (as amended by this measure) rather than in the *Gas Act 1997*.

6—Amendment of section 95—Regulations

Clause 6 is consequential on the proposal that gas appliances be dealt with in the *Electrical Products Act 2000* (as amended by this measure) rather than in the *Gas Act 1997*.

Part 2—Transitional provisions

7—Authorised officers

The proposed transitional provision provides that a person who held office as an authorised person under the *Electrical Products Act 2000* immediately before the commencement of this clause continues to hold office under that Act (as amended by this measure) as an authorised officer.

Debate adjourned on motion of Mr Goldsworthy.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:17): Obtained leave and introduced a bill for an act to amend the Corporations (Commonwealth Powers) Act 2001. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:17): I move:

That this bill be now read a second time.

The Corporations (Commonwealth Powers) Act 2001 refers from the Parliament of South Australia to the parliament of the commonwealth the power to enact the text of the Corporations Act 2001 and the Australian Securities and Investment Commission Act 2001. The act also enables the commonwealth to amend legislation in relation to the formation of corporations, corporate regulation and the regulation of financial products or services.

All state parliaments have enacted legislation referring these matters to the commonwealth parliament. Relying upon the references, the commonwealth parliament has, under section 5(1)(xxxvii) of the constitution, enacted the corporations legislation: the Corporations Act 2001 and the ASIC Act. This legislation is the basis for the corporations scheme, the legislative and regulatory scheme under which companies, securities and financial services markets are regulated in Australia.

South Australia's participation in the corporations scheme is fundamental to our economic wellbeing. It provides a regulatory framework under which South Australian based corporations can operate and trade nationally and internationally. The state's participation in the scheme in turn depends upon South Australia's status as a referring state; a status that will be lost if the references of power terminate.

Section 5(1) of the Corporations (Commonwealth Powers) Act 2001 originally provided that the references would terminate on the fifth anniversary of the day on which the legislation commenced. In 2005 the provision was amended so that it currently provides that, unless terminated earlier, the references of power terminate on the 10th anniversary of the commencement of the corporations legislation. As the corporations legislation commenced on 15 July 2001, that date is to be 15 July 2011.

The bill amends section 5(1) to extend the references of power from the 10th to the 15th anniversary of the commencement of the corporations legislation. All other states have agreed to extend their references to the same date.

This will extend the operation of the corporations scheme and South Australia's participation in it until 15 July 2016.

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

Leave granted.

The Corporations Scheme commenced on 15 July, 2001 after more than 18 months of negotiations between the Commonwealth and the States over the establishment of a constitutionally-sound system of corporate regulation.

The Scheme replaced the national scheme laws (based on the Commonwealth's administration of the States' and Northern Territory's *Corporations Law*), the Constitutional certainty of which was undermined by the *Wakim* and *Hughes* decisions of the High Court.

Although the Commonwealth sought open-ended references of power from the States, this was not agreed. The States were prepared to refer power only for a fixed period, in the end, five years. There were reasons for this: The States were of the view that the references of power should not be a permanent solution to the problems posed by the *Wakim* and *Hughes* decisions.

The States were also concerned about the Commonwealth misusing the referred amendment power to legislate in areas unconnected with corporate regulation and the regulation of financial products and markets. Although the referral Acts and the relevant inter-governmental agreement, the Corporations Agreement 2002, contain safeguards against this, in reality, these measures are limited. The States believed that the best protection against misuse was to limit the references of power to a fixed period of time.

The first extension of the references of power occurred in 2005. The Commonwealth initially sought agreement from the States to replace the five-year references with open-ended references. However, while recognising the need to ensure certainty for the business and investment communities, the States' still favoured a permanent constitutional solution and had concerns about the potential for misuse of the referred power. Therefore, the States and the Commonwealth agreed to a five-year extension of the references of power in 2005.

As the references are now due to expire on 15 July 2011, there have been negotiations as to the length of the next extension of the references. There was initially a suggestion from the Commonwealth that the States consider a ten year referral, rather than five. However, the States are still of the view that the period of referral must balance the desire for consistency and continuity with the risk of the misuse of the power. Therefore, another five year extension has been agreed.

Unlike all other States, the South Australian legislation requires Parliament to approve an extension by amendment to the *Corporations (Commonwealth Powers) Act*. The opportunity could have been taken to allow for future extensions by proclamation. However the Government has taken the view that this is of sufficient importance to the State to warrant Parliamentary consideration of future extensions.

Section 5(1) of the Act provides that both references of power terminate on the day that is the 10th anniversary of the day of commencement of the Commonwealth's corporations legislation. This date is 15 July, 2011.

To extend the references for a further five years, clause 3 of the Bill amends section 5(1) of the Act to move the termination of the references back to the 15th anniversary of the commencement of the national scheme. The new termination date will be 15 July, 2016.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Corporations (Commonwealth Powers) Act 2001*

4—Amendment of section 5—Termination of references

It is proposed to amend section 5(1) to provide that the references terminate on the 15th anniversary of the commencement of the Corporations legislation.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (DE FACTO RELATIONSHIPS) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:21): Obtained leave and introduced a bill for an act to amend the Criminal Assets Confiscation Act 2005, the Family Relationships Act 1975 and the Stamp Duties Act 1923. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:21): I move:

That this bill be now read a second time.

This bill is consequential upon the Commonwealth Powers (De Facto Relationships) Act 2009, which came into operation on 1 July 2010. That act refers legislative power to the commonwealth over the division of property of de facto partners upon their separation. As a result of the referral of powers, some minor consequential amendments are required to three acts to ensure that couples covered by the newly applicable Family Law Act 1975 de facto property regime are treated in the same way as other couples. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without reading it.

Leave granted.

The first amendment is to the *Criminal Assets Confiscation Act 2005*. That Act deals with the question of what property should be considered to be proceeds of crime for the purpose of confiscation. It rules some property in and some out. One example of property that is ruled out of the scope of the Act is property of former couples that has been distributed between them at least six years previously according to law. The Act currently covers the property of married or formerly married couples that has been distributed in accordance with the *Family Law Act 1975* and the property of a domestic partner that has been distributed under the *Domestic Partners Property Act 1996*. This provision should equally apply to property of a *de facto* couple that has, as a result of the *Commonwealth Powers (De Facto Relationships) Act 2009* been similarly distributed under Part VIIIAB of the *Family Law Act 1975*.

The second amendment is to the *Family Relationships Act 1975* and concerns the criteria to be applied by a court in deciding whether the relationship of domestic partners existed between two people at a given time. Among the many factors to be considered is whether the couple had made an agreement under the *Domestic Partners Property Act* about the division of their property upon separation. Now that some couples will, instead, be making agreements under Part VIIIAB of the *Family Law Act 1975*, it is necessary to add a reference to that Act. This ensures that the court is able to consider that agreement when weighing up whether the two persons should be judged to be domestic partners.

The third amendment is to the *Stamp Duties Act 1923*. The law already exempts from stamp duty various agreements and instruments that relate to the division of property when a married couple or a *de facto* couple separates. The amendment expands s. 71CA of the *Stamp Duties Act 1923* so that the same exemptions from duty are available to orders, agreements and consequential instruments made under Part VIIIAB the *Family Law Act 1975*. This puts *de facto* couples covered by the Commonwealth law in an equal position with other couples, when it comes to the stamp duty consequences of their property division.

The Bill proposes that the amendments to the *Stamp Duties Act 1923* should be retrospective to 1 July 2010, being the commencement date of the referring Act. This is because there may be some *de facto* couples who are covered by the *Family Law Act 1975* regime and have lodged relevant instruments in that period. It is intended that they should enjoy the same exemption from stamp duty as do other couples. There is no disadvantage to any individual and there will only be a minor impact on State revenue, as a result of this retrospective operation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Part 4, which amends the *Stamp Duties Act 1923*, will be taken to have come into operation on 1 July 2010. The remainder of the measure will come into operation on the day of assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of section 7—Meaning of proceeds and instrument of an offence

Section 7(2)(c)(i) of the *Criminal Assets Confiscation Act 2005* refers to orders in proceedings under the *Family Law Act 1975* with respect to the property of parties to a marriage. This clause amends that provision so that reference is also made to property of the parties to a de facto relationship. Section 7(2)(c) is also amended so that reference is made to Part VIIIAB financial agreements under the *Family Law Act 1975* in addition to other financial agreements.

Part 3—Amendment of *Family Relationships Act 1975*

5—Amendment of section 11B—Declaration as to domestic partners

Section 11B(3) of the *Family Relationships Act 1975* lists circumstances that the District Court is to take into account when considering whether to make a declaration that two persons were domestic partners of each other on a particular date. This clause amends the list so that the Court can take into account any Part VIIIAB financial agreement made under the *Family Law Act 1975*.

Part 4—Amendment of *Stamp Duties Act 1923*

6—Amendment of section 71CA—Exemption from duty in respect of Family Law instruments

Section 71CA of the *Stamp Duties Act 1923* provides an exemption from duty for certain agreements under the *Family Law Act 1975* and instruments giving effect to, or arising as a consequence of, those agreements. This clause amends section 71CA so that the exemption applies to instruments under the *Family Law Act 1975* relating to de facto relationships.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (DIRECTORS' LIABILITY) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:24): Obtained leave and introduced a bill for an act to amend the Aboriginal Heritage Act 1988, the Air Transport (Route Licensing—Passenger Services) Act 2002, the Animal Welfare Act 1985, the ANZAC Day Commemoration Act 2005, the Architectural Practice Act 2009, the Authorised Betting Operations Act 2000, the Controlled Substances Act 1984, the Employment Agents Registration Act 1993, the Gaming Machines Act 1992, the Health Care Act 2008, the Misrepresentation Act 1972, the Opal Mining Act 1995, the Petroleum Products Regulation Act 1995, the Prohibition of Human Cloning for Reproduction Act 2003, the Racing (Proprietary Business Licensing) Act 2000, the Research Involving Human Embryos Act 2003, the Retirement Villages Act 1987, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995, the Supported Residential Facilities Act 1992, the Survey Act 1992, the Taxation Administration Act 1996, the Tobacco Products Regulation Act 1997, the Travel Agents Act 1986 and the Veterinary Practice Act 2003. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (16:27): I move:

That this bill be now read a second time.

This may, indeed, be a special parliamentary moment where the second reading explanation is actually shorter than the short title.

Mr Pederick: Better read it in then.

The Hon. J.R. RAU: So, I had better read it in, yes. This bill carries out the requirements set by the Council of Australian Governments as to the criminal liability of company directors for offending by the company. The council, concerned not to impose unjustifiable burdens on business or to discourage competent persons from becoming directors, has issued guidelines to be applied by all states and territories in statutory provisions creating such liability.

Broadly speaking, the effect of the guidelines is that statutes should not routinely create criminal liability of directors for the offending of the company. Instead, it is necessary to consider the policy justification for that liability, for example, the potential for significant public harm, such that it is reasonably necessary to hold directors liable so as to deter offending.

Where liability is justified, the guidelines specify that directors should properly be held liable either where they are a party to the offence or where they have been negligent or reckless in relation to the offending. In some circumstances, the guidelines provide, it may be appropriate to

put directors to proof that they have taken reasonable steps to prevent the corporation's offending if they are not to be personally liable.

South Australian statute law has been examined in the light of these guidelines. At present, in our statute book, where an act creates criminal liability of a director for an offence by the company, a standard form of provision is commonly used which holds the director criminally liable on proof of the company's offending, subject to a defence of due diligence which the director must prove. In accordance with the council's guidelines, those provisions have been reconsidered. This bill makes amendments to some 25 statutes to bring them into conformity with the guidelines.

As agreed by the Council of Australian Governments, not all acts containing such provisions are amended by this bill. A decision was taken by the council to exclude laws pertaining to environmental protection and to occupational health and safety. Also, amendments are not made in this bill to acts that are separately subject other reviews. In some cases, the present high standard of liability has been judged to be appropriate, and those acts are not to be amended.

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

Leave granted.

The Bill adjusts the liability of directors in some 25 Acts in light of the Council's guidelines. In some cases, it has been decided that directors should not be held criminally responsible for the company's offending, even if the director failed in due diligence, but should only be liable if the director was an accessory to the offence. In that case, the liability provision is removed from the Act or is disapplied to the relevant offence and the general law of accessorial liability applies. In other cases, it has been determined that because the offence is one that the directors should be vigilant to prevent, the law should hold directors criminally liable subject to a defence of due diligence which the director must prove, as is the case now. That is, the present law can be justified for the most serious offences. This is because to hold directors liable helps to deter offending by the company. In a number of cases, however, a middle ground has been taken because the offence is moderately serious. In those cases, the director will only be criminally liable if the prosecution can prove specified matters.

For this group of offences, the new form of provision requires the prosecution to prove, first, that the director knew or ought reasonably to have known that there was a significant risk that an offence of this type or kind might occur; second, that the director was in a position to influence the company's action in relation to this type of behaviour; and third, that the director failed to exercise due diligence to stop the company from offending. This form of provision is considered to be fair to directors in that they cannot be held responsible if they could not reasonably have known what was going on, or if they could not reasonably have done anything about it, but they are held responsible if they know or should know, they could do something, but they fail to act as they should. All of these are matters to be proved by the prosecution.

Thus, the overall effect of the Bill is to reduce the number of offences by a company for which directors will be criminally liable and also, where criminal liability is retained, to distinguish between those that are so serious that it should be left to the director to prove a defence of due diligence, and those that are not as serious, so that the required elements should be proved by the prosecution.

The Bill seeks, in conformity with the guidelines, to reduce the burden on company directors but without unacceptably increasing the risk that companies will commit offences. If these provisions are acceptable to the Parliament, it is intended in future legislation creating directors' liability to use the same type of provisions.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Aboriginal Heritage Act 1988*

4—Amendment of section 41—Vicarious liability

This clause amends the vicarious liability provision relating to members of the governing body of a body corporate so that it only applies to certain prescribed offences under the Act.

Part 3—Amendment of *Air Transport (Route Licensing—Passenger Services) Act 2002*

5—Repeal of section 23

This clause repeals the provision on liability of directors.

Part 4—Amendment of *Animal Welfare Act 1985*

6—Substitution of section 38

This clause substitutes new provisions on the liability of members of the governing body of a body corporate where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, a member will be liable in relation to certain prescribed offences committed by the body corporate unless the member proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the member will only be guilty if the prosecution proves that the member knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for members of the governing body at all.

Part 5—Amendment of *ANZAC Day Commemoration Act 2005*

7—Amendment of section 18—Restriction on public sports and entertainment before 12 noon on ANZAC Day

This clause repeals the provision on liability of members of the governing body of a body corporate and managers that currently applies to offences against section 18.

Part 6—Amendment of *Architectural Practice Act 2009*

8—Repeal of section 64

This clause repeals the provision on liability of members of the governing body of a body corporate.

Part 7—Amendment of *Authorised Betting Operations Act 2000*

9—Substitution of section 84

This clause substitutes new provisions on the liability of members of the governing body of a body corporate, and managers, where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, a member or manager will be liable in relation to certain prescribed offences committed by the body corporate unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the member or manager will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for members of the governing body at all.

Part 8—Amendment of *Controlled Substances Act 1984*

10—Repeal of section 45

This clause repeals the provision on liability of members of the governing body of a body corporate.

Part 9—Amendment of *Employment Agents Registration Act 1993*

11—Repeal of section 27

This clause repeals the provision on liability of members of the governing body of a body corporate.

Part 10—Amendment of *Gaming Machines Act 1992*

12—Amendment of section 85—Vicarious liability

This clause substitutes new provisions on the liability of persons occupying a position of authority in the body corporate where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, such a person will be liable in relation to certain prescribed offences committed by the body corporate unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the person will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for such persons at all.

Part 11—Amendment of *Health Care Act 2008*

13—Repeal of section 94

This clause repeals the provision on liability of members of the governing body of a body corporate.

Part 12—Amendment of *Misrepresentation Act 1972*

14—Amendment of section 4—Misrepresentation made in the course of trade or business

This clause repeals the provision on liability of members of the governing body of a body corporate.

Part 13—Amendment of *Opal Mining Act 1995*

15—Amendment of section 82—Offences

This clause repeals the provision on liability of directors and managers of corporations.

Part 14—Amendment of *Petroleum Products Regulation Act 1995*

16—Amendment of section 34—Controls during periods of restriction

This clause introduces a differential penalty for natural persons and bodies corporate.

17—Amendment of section 35—Controls during rationing periods

This clause introduces a differential penalty for natural persons and bodies corporate.

18—Amendment of section 36—Permits

This clause introduces a differential penalty for natural persons and bodies corporate.

19—Repeal of section 59—Offences by bodies corporate

This clause repeals the provision on liability of directors of a body corporate.

Part 15—Amendment of *Prohibition of Human Cloning for Reproduction Act 2003*

20—Repeal of section 29

This clause repeals the provision on liability of directors of a corporation.

Part 16—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

21—Repeal of section 46

This clause repeals the provision on liability of members of the governing body of a body corporate and managers.

Part 17—Amendment of *Research Involving Human Embryos Act 2003*

22—Repeal of section 34

This clause repeals the provision on liability of directors of a corporation.

Part 18—Amendment of *Retirement Villages Act 1987*

23—Amendment of section 42—Offences

This clause repeals the provision on liability of directors and managers of a corporation.

Part 19—Amendment of *Second-hand Vehicle Dealers Act 1995*

24—Amendment of section 45—General defence

This clause ensures that the general defence is not available for a director of a body corporate charged with an offence under section 47.

25—Substitution of section 47

This clause substitutes new provisions on the liability of directors of a body corporate where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, a director will be liable in relation to certain prescribed offences committed by the body corporate unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the director will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for directors at all.

Part 20—Amendment of *Security and Investigation Agents Act 1995*

26—Amendment of section 40—General defence

This clause ensures that the general defence is not available for a director of a body corporate charged with an offence under section 42.

27—Substitution of section 42

This clause substitutes new provisions on the liability of directors of a body corporate where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, a director will be liable in relation to certain prescribed offences committed by the body corporate unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the director will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for directors at all.

Part 21—Amendment of *Supported Residential Facilities Act 1992*

28—Amendment of section 52—Prosecutions

This clause repeals the provision on liability of directors and managers of a corporation.

Part 22—Amendment of *Survey Act 1992*

29—Repeal of section 55B

This clause repeals the provision on liability of persons occupying a position of authority in a trust or corporate entity.

Part 23—Amendment of *Taxation Administration Act 1996*

30—Amendment of section 109—General criminal defence

This clause ensures that the general defence is not available for a person who is concerned in, or takes part in the management of, a corporation charged with an offence under section 110.

31—Amendment of section 110—Offences by persons involved in management of corporations

This clause substitutes new provisions on the liability of persons who are concerned in, or take part in the management of, a corporation where the corporation has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, such a person will be liable in relation to certain prescribed offences committed by the corporation unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the person will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the corporation in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for such persons at all.

Part 24—Amendment of *Tobacco Products Regulation Act 1997*

32—Amendment of section 81—Vicarious liability

This clause repeals the provision on liability of directors of a body corporate.

Part 25—Amendment of *Travel Agents Act 1986*

33—Amendment of section 38—General defence

This clause ensures that the general defence is not available for a director of a body corporate charged with an offence under section 40.

34—Substitution of section 40

This clause substitutes new provisions on the liability of directors of a body corporate where the body corporate has committed an offence against the Act. The new provisions provide for three tiers of liability. Firstly, a director will be liable in relation to certain prescribed offences committed by the body corporate unless he or she proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. Secondly, in relation to most other offences the director will only be guilty if the prosecution proves that he or she knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed, was in a position to influence the conduct of the body corporate in relation to the commission of such an offence and failed to exercise due diligence to prevent the commission of the offence. Finally, in relation to some specified offences there will be no derivative liability for directors at all.

Part 26—Amendment of *Veterinary Practice Act 2003*

35—Repeal of section 73

This clause repeals the provision on liability of persons occupying a position of authority in a trust or corporate entity.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—PENALTIES) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (16:31): I thank the opposition members who spoke on this bill for their contributions. As members have pointed out and as I said in my second reading speech, the bill increases the maximum court imposed penalties that can be set for specific offences in the acts concerned. It provides for a corresponding increase in the maximum court imposed penalties that can be set for offences and regulations under the road traffic and motor vehicles acts and also increases the maximum expiation fee that can be set by regulation for offences under these acts.

The changes are necessary in order to maintain the deterrent effect of penalties by increasing them to keep in touch with the current value of money. Many of the penalties have not

been increased for over 10 years. The amendments to the Harbours and Navigation Act relate to drink and drug operation of vessels, the operation of vessels under the influence of alcohol and drugs, and are consequential on the changes to similar offences in the Road Traffic Act.

The majority of the changes to the Motor Vehicles Act to increase the lowest level of court imposed penalties for offences from $125 and $250 to $750. This increase is according to the general scale of penalties that have been applied since 1995 to provide some uniformity in penalty levels for offences under all South Australian laws. Rather than just an increase in the actual fines, it is a movement between categories for the particular offence. That is probably a more accurate way of describing it.

Expiation fees under the road traffic and motor vehicles acts are reviewed annually to ensure they keep pace with the cost of living. The current process has been in place since 1996. As expiation fee levels increase, the periodic review of court imposed penalties is necessary to ensure a sufficient difference between penalty and the expiation fee to encourage matters to be settled without going to court, thus giving the Magistrates Court more time to deal with matters where the alleged offender considers there are good reasons to challenge the expiation notice and with more serious, non-expiable matters.

I will now go on to some of the questions raised by members during the course of the debate. Specifically—and I have mentioned it briefly—the member for Kavel raised the issue of fines increasing from $250 to $750. The reason for that is not so much an increase in the level of fines—it is a technical argument—but moving them from a lower category to a higher category where higher expiation fees apply.

The member for Kavel mentioned a lack of consultation. The only thing I will say about that is that, generally, when people agree with the bill but resort to 'a lack of consultation', it is a fairly weak argument. Members would be well aware that these increases in the value of fines came out of the budget last year in September, so it is difficult to argue that they are not out in the public sphere for a reasonable amount of time. We certainly gave notice that there would be an increase in fines in the budget. A lot of the technical detail that is contained in this bill is a result of that decision to increase the fines in the budget.

It is not an unreasonable assumption on the part of the government that consultation on this would consist of us saying, 'Do you think we should do this?' and everybody else in the world saying no. So, I think in some ways the value of consultation on the raising of fines is an interesting point.

Both the Hon. Dr Such and Mr Venning discussed matters relating to the penalties. The bulk of their debate centred around their own personal circumstances. I note that the member for Schubert was particularly interested in a committee on the whole idea of speeding fines. I will just say to the member for Schubert that we cannot have a committee inquiry every time he gets a speeding fine, but we will get to that. That is a separate matter before the parliament, and we will get to that at the appropriate time.

The Hon. Dr Such, the member for Fisher, raised the issue relating to the specific details relating to his case. That is a matter he may choose to take up with the police minister or the police themselves. It is not particularly related to the bill in any way.

The member for Bragg raised some matters regarding the increase in penalties for refusing to obey a direction of an authorised officer. Essentially, what we are trying to achieve with that increase in the penalties is to make sure that it is not in the interests of people who are suspected of being under the influence of alcohol or drugs to refuse to take the test for such an amount of time until it becomes invalid. I think she mentioned eight hours. As long as the penalty is the same for being found to be under the influence as it is for refusing to take the test as such or, in this case, refusing to obey instructions, then there is no incentive for them to continue to refuse to obey.

Under the Harbors and Navigations Act, only police officers authorised by the Commissioner of Police can conduct drug screening or oral fluid analysis, and only a person authorised by the Commissioner of Police can conduct breath analysis tests. DTEI officers are not so authorised, so the appropriate procedure is for them to direct people suspected to return to shore or to call the police out onto the water so that those tests can be undertaken.

The member for Bragg also raised questions about how these provisions would operate in marine parks. For the sake of these powers, there is no boundary; it is taken to be just on the seas, as it were. There is no specific recognition of a marine park. There is no requirement for marine

park officers, as it were, to undertake those tests or to issue those directions for the purposes of drug and alcohol testing.

The member for Bragg also asked questions about the number of convictions. I will briefly read them into the *Hansard* with the indulgence of the house. Under section 69, there have been six convictions in total. In 2009, three people were convicted of operating a vessel without due care for the safety of a person or property, which was an aggravated offence. In 2010, one person was convicted of operating a vessel without due care for the safety of a person or property, which was an aggravated offence.

In 2010, two people were convicted of operating a vessel without due care for the safety of a person or property, which was not an aggravated offence. So, to be clear, in 2010, there were two people for a non-aggravated offence and one person for an aggravated offence, and in 2009 there were three people for an aggravated offence.

Under section 69A, one person was convicted in 2010 of operating a vessel at a dangerous speed or in a dangerous manner. Under section 70(1), three people were convicted during 2009 of operating a vessel, or being a crew member of a vessel, engaged in duties while under the influence of intoxicating liquor or a drug. Under section 70(2), in 2009 two people were convicted of operating a vessel, or being a crew member of a vessel, engaged in duties with a prescribed concentration of alcohol in their blood.

I think that answers most of the questions of members of the house, so I commend the bill to the house.

Bill read a second time.

The SPEAKER: Is it the wish of the house to proceed to the third reading?

An honourable member: Yes.

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (16:41): I thank particularly my new staff, who have come into this in a matter of weeks, to have to put a bill through the house, and also the officers of the department who have been particularly helpful. I also thank members for their contribution today. I move:

That this bill be now read a third time.

Bill read a third time and passed.

Mr GOLDSWORTHY: I said we wanted to go into committee.

The SPEAKER: I do not know why there is this confusion. I definitely heard, 'Yes,' when I said, 'Is it the wish to proceed to the third stage?' as did the clerks. So we seem to be in a spot of bother.

Mr GOLDSWORTHY: I apologise for the confusion, Madam Speaker, but it was my intention, when you asked the question of the house, to go into committee. So I apologise for any misunderstanding, but that was our intention.

The Hon. T.R. KENYON: I have no objection to going into committee, with the indulgence of the house. If there is a way of doing it, we are happy to do it.

The SPEAKER: We seem to be in a spot of bother here, and it may take a few minutes to sort out. I did put that the bill be read a second time, asked, 'Do you want to go to the third reading?' and then the bill was read a third time, so somehow we have lost track of what's going on here.

The Hon. T.R. KENYON: To help the house out, if it is purely a matter of the answering of questions and having them on record, is there a way of doing that without being in committee, if it is just a series questions and answers that are recorded in *Hansard*? Anyway, I will leave it in the hands of the people who know what they are doing.

The SPEAKER: No, I do not think that is possible. We have actually passed the bill; we have gone through the third reading.

Ms CHAPMAN: I have a point of clarification. I do not have the standing order in front of me but I think the house has the capacity to recommit the bill, with the permission of the house. We

have to vote to recommit the bill. I am sure the clerks will have the reference there to enable us to do that.

Mr GOLDSWORTHY: I do not want to hold up the house unnecessarily to recommit the bill. I have been advised that all that is required is for me to move a motion to rescind, is that right?

The SPEAKER: We could go back to the third reading, but we would need a motion and a majority of the house.

Mr GOLDSWORTHY (Kavel) (16:49): I move:

That the vote on the third reading of the bill be rescinded.

The SPEAKER: As there is not an absolute majority of the house, we will need to ring the bells.

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

Motion carried.

In committee.

Clause 1.

Mr GOLDSWORTHY: Minister, assuming that the bill is accepted and passed through the other place in its current form, when do you anticipate these new penalties being put in place?

The Hon. T.R. KENYON: From 1 July 2011.

Mr GOLDSWORTHY: Thank you for that. I have another general question, picking up on the closing remarks the minister made in the second reading part of the debate. It surprised me somewhat that the minister said that this was a budget measure. Now, I thank the government officers and ministerial staff for providing me with a briefing. It was a good, comprehensive briefing. I appreciate the haste with which the minister's office was prepared to act to organise that briefing because this was brought on fairly quickly. I think the minister introduced the bill the Thursday afternoon of our last sitting week and we had a holiday on the Monday, so we had to get onto it fairly quickly.

In the briefing, I specifically asked the question whether this had any impact on the budget or was a budget measure. It was my clear understanding that there was no actual impact on the budget per se and that any revenue generated through the increased fine structure through the courts system went into consolidated revenue and was sort of taken within the justice portfolio.

I checked through the Sustainable Budget Commission report, and I stand corrected if I am wrong, but I could not see where anything specific was mentioned in relation to increasing penalties under the Harbors and Navigation Act, the Motor Vehicles Act or the Road Traffic Act. So, I just want you to clarify to the house what you meant when you said it was a budget measure, given that the information that I thought we received was something different from that.

The Hon. T.R. KENYON: My advice is that there are a few things. I will respond generally and then come back to the courts revenue, just for the sake of clarity. The reason this bill came about was because in the 2010 budget there was a measure to increase expiation fees. Expiation fees are set at a certain amount and they rise by CPI every year. Also, separately from that, there are maximum penalties that a court can impose for the same offences.

For instance, and these are just numbers for the sake of the argument, there may be an expiation fee of $100 for speeding by less than 10 km/h over the limit. Now, obviously, it is more than that, but let's say $100. The maximum penalty that can be imposed by a court is, say, $500 and every year, as you increase the $100 expiation fee by CPI, you get closer and closer to the maximum penalty that can be imposed by a court. Courts rarely impose the maximum penalty, so it is a rare thing that you would go into court for speeding by less than 10 km/h and get fined, say, $500. You would, in fact, probably be fined $200 or $250 on the whole.

As the CPI adjustments increase the expiation fee, it becomes more and more likely that the expiation fee will be higher than the fine that you would receive from a court. Therefore, the incentive for people who are caught speeding in this instance is not to pay the fine or the expiation fee, but to go to court, contest it in court knowing you are still going to get convicted, but accept a lesser penalty. So, it is more cost-effective, in a way, to go through the court.

Of course, the effect of that is that the court's time is taken up with very trivial matters where people are merely seeking a lower fine or a lower penalty for breaking the law. So, the reason this bill came about was to increase the maximum fines that can be imposed by a court so that that differential is maintained so that the most likely penalty imposed by a court is still higher than the expiation fee. That is what we are trying to achieve with this bill.

When I say it is a budget measure, that is why it is a budget measure, because the act of putting up the expiation fees in the budget meant that that gap was further closed and that is why we need to increase the maximum penalties that can be imposed by a court, if you understand what I mean.

Mr Goldsworthy: That is the whole intent of the bill.

The Hon. T.R. KENYON: That is exactly right, but the reason we need to introduce the bill to do that is because the gap was closing as a result of a budget measure. So, the bill itself, while not actually a budget measure, in effect—we did not say in the budget, 'We are going to increase the maximum penalties.' You are right to pull me up on it, because, in fact, I have to correct the record in that regard because it was probably a little bit—

Mr Goldsworthy: It was wrong.

The Hon. T.R. KENYON: Yes, it was wrong. Let us be very clear about it, I was wrong. The reason we are here is because of the budget, but the bill itself was not announced in the budget.

You talked about the court-imposed fines and their effect on the budget, and whether or not they are accounted for in the forward estimates. Because we cannot know how many people will go before the courts and because we cannot know what penalties the courts will impose, there are no revenue projections—in fact, there are projections but they are based on historic amounts. So, court-imposed fines are paid into the Consolidated Account and there is a budget line for them under the courts' administered items. The estimates are based on historic amounts and are not adjusted when penalties are increased.

This is because the fines are a maximum and the court uses its discretion to set appropriate lesser amounts according to the circumstances of the case. Because the fines are not necessarily paid in the same year they are imposed, the amounts imposed and the amount paid to consolidated revenue often do not match. So they are balanced over the four-year period, but we are not increasing the estimates because it is not really possible to know what the income will be. We base it on historical records, and it is possible they will be higher and it is possible they will be lower.

Mr GOLDSWORTHY: Thank you for that explanation. I am pleased that you have admitted you were wrong in your previous comments when closing the second reading debate. The way you described it to me then, minister, is exactly the same as the briefing I received: hence the question.

Ms CHAPMAN: Minister, first, thank you for providing the information in your response as I requested in my second reading contribution. I appreciate the information relating to those who breach the alcohol and drug provisions in a boat and/or refuse to comply with the instructions of an authorised officer.

The minister also mentioned that a police officer is any person authorised to do the test, so the authorised officer can take possession of the vessel and ask the person who is allegedly under the influence of alcohol to submit to a test. Do they have to wait for a police officer to come to do that on the vessel or can they take them ashore? What is your understanding?

The Hon. T.R. KENYON: My advice on that matter is that they have powers to direct operators of a vessel to undertake actions and they will use them in the most practical way to get them to where they can have a test done. It may be that there is a police vessel nearby and the quickest way is to call that police vessel and have them come to the boat. It may be that they are concerned enough to direct the vessel to return to shore and test them on returning to shore. But the power is to direct, and they use that power to direct in the most practical way.

Ms CHAPMAN: The budget I have in front of me from 2010 identifies a number of budget measures, and I think now, as the minister has corrected, the increased revenue anticipated from this bill is not a budget measure at all, and that is confirmed by the fact that it is not in the budget initiatives under budget measures. The minister went on to say that there is not provision in the

forward estimates for the money to be recovered from an increase in fines or new fines because it is hard to predict how many people are going to be convicted and what the revenue will be.

I just point out to the minister as an example one of the measures in the budget: unroadworthy vehicles, introduced fines. It then identifies in the forward estimates period up to 2013-14 an annual amount that is expected to be recovered. It does seem that in other areas where there are new fines—this is not licensing or others, which is a little easier to judge—that there is some amount in those initiatives, and I am just referring to pages 79 and 80 of the budget measures by portfolio which relate to transport, energy and infrastructure.

It does seem that there is a capacity (and, indeed, several times referred to there) where a new fine is being introduced and the anticipated revenue to be recovered from it. The other matter, then, is that the bill (according to the minister's second reading explanation) states:

> This bill is further evidence of this government's commitment to reducing death and injuries on our roads.

I was a little puzzled by that. Does the minister have any data or research that suggests that this increase in fine is actually going to precipitate that? I appreciate that a lot of effort is made in different directions to try to keep the road toll down. We do keep statistics, sadly, of deaths—of injury, that is a little more difficult to be able to keep track of. We seem to have gone through a period where we have increased a number of other measures.

We had a little bit of a dip a couple of years ago, I think, for our annual fatalities, but now I think they have come up a little. Can the minister either present some data to us or provide some information as to how this increase in fines is actually evidence of the government's commitment to reducing death and injury on our roads?

The Hon. T.R. KENYON: Just on the first point the member for Bragg made about fines and estimates of revenue, I will explain it this way. Where we have increased the value of an expiation fee, or an expiation fine that you get by the side of the road or on a boat as you are on the water, and you choose to pay the expiation fee, we are able to estimate that relatively accurately as much as you can.

We are actually trying to change behaviour, so the ultimate direction over time, with any luck, is actually to reduce the number of fines that are handed out because people are reducing their law-breaking behaviour. It is much easier to estimate that revenue because we have a history of the number of fines that have been handed out; so, that is expiation fees that have been handed out and paid.

Where we are not able to estimate very accurately are those fines that are imposed by a court itself as a result of going to court and disputing the fine or disputing the expiation fee—going to court. For instance, should I get a speeding fine and elect to go to court to defend the charge, the fine that I receive in court as a result of my conviction is entirely at the hands of the judge. He just has a maximum. It is up to him what he allocates in terms of a fine from the minimum of zero to the maximum fine under the law.

Because it is very, very difficult to estimate accurately the number of people who elect to go to court and the fines that the judges will impose in court, it is very difficult to have a reliable forward estimate. We use estimates. Basically, it is an average of past years, and that is factored into the thing. However, where we raise the maximum fee that a court can impose, it is not necessarily true that it is possible to predict the revenue that will result from that because there are so many variables in the equation.

With respect to the data for road safety, if the member likes and if this is acceptable to her, I am happy to provide some specific studies that relate to fines and being caught and their effect on speeding behaviour in general on driver populations. Most recently, some work was cited by Professor Wegman, when he was here as a Thinker in Residence. He talked about the number of times that you get caught as well as the dollar value of the fine, that both are important, but you need to have both. If there is a good chance of you being caught, or if you are caught a number of times, that will affect your behaviour. If you get caught and you get a sizeable fine, that will also affect behaviour. There are numerous studies on it. If it is an insufficient answer, I am happy to provide that at a later time to the member for Bragg.

Ms CHAPMAN: I appreciate, on the latter issue, minister, the provision of information. I think the Thinker in Residence concept of being caught is the critical issue. Getting caught for an offence is usually the greatest deterrent—the fear of being caught rather than the penalty. I would

be interested to see any data that suggests the actual increase in these fines will make a scrap of difference.

The issue of suspension or disqualification for holding or obtaining a licence, a boat permit, or whatever, may have some effect in modifying behaviour. Obviously, for a period of time it does because they are taken off the road or off the water. However, as to the fines, I would be very interested to have a look at that data, so I appreciate the minister indicating that they will be made available.

I am still not entirely clear—and we may not be able to cover it today—as to the minister's assessment for the purposes of estimated revenue from fines. I can see that if you have a certain average number in the last few years of people who are paying an expiation fee, that matter is relatively easily calculable. However, if you have a certain number of people who are going through the court system, you would still expect at least to budget for a similar amount, assuming, as you say—if you are right—that judges give less than the maximum in these assessments. You will still be able to look at the annual figures on that.

The other thing that would be a key to that, minister, it would seem to me, is that of each of the offences that we were talking about today—and there are a lot of them and I do not want to go through them individually—if you are given the data for the purposes of assessing whether you proceed with the bill such as this, and you are able to identify that, say, 95 per cent of these cases are dealt with by expiation and 5 per cent of people might go to court, because they think they are innocent or because they think they can get away with it, and they are going pay some hotshot to help them get through with a not guilty plea, that also would give an indication to you, minister, of whether it is necessary to proceed with this bill.

Your explanation, according to your second reading speech—and you have repeated it a few times today—is that the maximum under the expiations, which are increasing under basically an automatic annual CPI increase, is now getting perilously close to the maximum that would be applicable in a court situation. Therefore, there is this incentive for the alleged offender to plead not guilty and try to get away with it.

In that respect, there is a chasm of difference between what I understand is the situation and perhaps what you might have some new data on. If, in fact, as a result of that, you were right, surely we would see a corresponding diminution in people who are going to tick the box and pay the fine and an increase in the number of people who are going to court to challenge it in the hope that they might get some lesser penalty.

The factors, in my experience, that are much more significant to whether somebody ticks the box or whether they go to court to try to get a lesser fine, include the need to take a day off work; the cost of missing out on their work; the interruption to their academic training; the cost of going to see a lawyer, bearing in mind that for this level of fines they are not going to get legal aid to have someone's representation on the day; and the time taken to take the day off work, not just to go to court, but to go and give their counsel instructions, etc. These are a much more powerful disincentives when the person is looking at the expiation notice in front of them as to whether they can tick a box, or not.

The CHAIR: Member for Bragg, may I just interrupt briefly? This seems to be more of a wide-ranging comment than a question specifically, or even generally, about clause 1.

Ms CHAPMAN: I am happy to refer to the second reading reference to it.

The CHAIR: I am sure that there is reference that you can make to it.

Ms CHAPMAN: I am happy to get to the point. What I am trying to do, Madam Chair—and obviously I have lost you on the journey, but I think the minister understands—

The CHAIR: I was actually following you on the journey and the journey seemed to be a long and winding journey.

Ms CHAPMAN: Excellent. I think the minister understands where I am coming from. If the reason for bringing this bill in to increase fees is not just to get more money—which, on the face of it, would be the obvious reason—but, in fact, to deal with this dilemma of the closeness of the expiation fee to the maximum available in court (and there is some evidence that that would mean that a number of people would jump across to that option), then I would like to see the data on that. There is a demonstrable diminution in people who are electing to go by expiation and an increase in those who are going to court. For the reasons I have outlined, I would think that would be

unusual. However, if you have data on that but do not have it available today, I would appreciate if it could be provided.

The Hon. T.R. KENYON: There are a number of points that the member for Bragg makes, and many of them would relate to the way people consider whether or not to contest a fine. They would be valid, in a way, regardless of whether we did this or not. For the purposes of clarity, if I refer to fees, that is what I mean by the speeding ticket that you get on the side of the road, and a fine is something that a court gives you. So, for the purposes of the debate, we will just use those descriptions.

The fees you get by the side of the road increase by CPI every year under a scheme that was introduced in 1996 and has been in place ever since, where CPI ratchets up the value of the fee every year. Inevitably, that brings the value of the fee closer to the maximum fine payable that can be imposed by a court. Even if we agree that the member for Bragg's points are valid and that missing work and other such reasons were more likely to determine the result of whether to contest the fee or not, at some point they are going to run up against the maximum fine anyway because of the CPI increase in fees.

It is fair to argue that there are probably two reasons: coming close to the maximum fine as a result of the CPI adjustment to fees and also to remove any incentive that there might be for people to go to court simply to chance their arm on a lower fine than the fee they might have to pay. This bill just removes that and makes sure that it does not enter into their consideration, because what will happen is that, as with all things in these matters, one or two people will discover it and they will tell a few people, and three or four people will discover it and then you will get a rush on it.

The point about the reasons for avoiding paying a fee and going to court to chance your arm on a fine—about work commitments, and everything else—that the member for Bragg made is valid, but it is no reason not to do this bill. The reason to do this bill is that the chances of it being an incentive to go to court increase as the CPI adjustments are made to the fees. That is one fact. The second fact is that, over time, we can expect that the fees will increase as adjusted by CPI every year until they run up against the maximum fines that can be imposed by a court. So, there are two reasons for it. The suggestions that the member for Bragg makes about the other considerations when you take into account court action are not valid reasons for not undertaking this bill.

Ms CHAPMAN: I am nearly finished on this point, Madam Chair. Minister, I will just read what you actually said in your second reading speech:

> The present level of fines within the Motor Vehicles Act therefore no longer act as a deterrent and the diminishing difference between the fines and expiation fees encourages people to have a relatively minor matter dealt with by the court.

You do not say that this is a risk that might happen. You actually say that this is what is happening now. My question is: do you have any data to support that; for example, a reduction in the last year or so as this gap is closing? Otherwise, I accept from your point of view that it might happen in the future.

One way around that, of course, is to simply change the 1996 provisions on expiation fees. If we really go behind this and, in fact, you do not have any demonstrable data on this, what we are left with is purely an increase in fines overall to increase revenue. That may or may not be meritorious, but I am really asking for the justification of what you say the reasons are for doing this.

I say, if the data is not there, then this is really just an increase in revenue. It may well be that former treasurer Foley said, 'I want to know what transport can come up with as extra money,' and they said, 'Well, we haven't reviewed the fines for a while, so let's just whack up the fees.' Essentially, minister, if there is no data to support what you are saying as a justification for this, then let's be honest about it.

The Hon. T.R. KENYON: My advice for the member for Bragg is that we do not have that data. We do not keep that data about people's reasons—about why they are there or why they are not—but let me check that and, if there is, I commit to give it to you. Again, I just make the point that it is in many ways a risk management practice to stop it happening.

The whole point of the introduction of a fine system, or an expiation fee system, was to keep people out of court and to free up the court's time and to make sure that relatively mundane

issues about whether someone sped or not stayed out of the courts. Invariably such cases became: the policeman said, 'You did,' and the driver said, 'I didn't,' and the court sided with the member of the police force.

The whole point of the system that was set up was to keep people out of the courts. In order to maintain that goal of keeping people out of the courts and just paying expiation fees, we need to keep the system freed up, as it were. There are two issues. The more the chances are that you might get a lower fine in the courts, the greater the chance that you will elect to have a go. Secondly, my advice now is that, when people go to court to contest a fee, the court tends to impose a fine that is relative to the fee or in a similar sort of magnitude to the fee, but that still allows them a varying amount of discretion, one way or the other.

There is a concern, I am told, that as that fee pushes up against the maximum fine, the judge's discretion—while they still have discretion—is constrained somewhat. But as I said, if I can find that data, I am happy to get it to the member for Bragg.

Clause passed.

Dr McFETRIDGE: On behalf of the member for Kavel, I inform the committee that there are no more questions.

Remaining clauses (2 to 42) and title passed.

Bill reported without amendment.

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (17:25): I move:

That this bill be now read a third time.

In light of the fact that my previous third reading speech has probably disappeared into the ether, I would like to reiterate my thanks to departmental staff for their assistance. They have been very helpful for someone who has just come into the portfolio, and I appreciate that. I would also like to thank the staff in my office who have helped me put this together, because they have been more organised than I; and the opposition, which has contributed to the bill. I commend the bill to the house.

Ms CHAPMAN (Bragg) (17:26): On behalf of our lead contributor on this matter, the member for Kavel, I would like to also place on record his appreciation. He said, I think, that this may have been the minister's first bill as a minister, in which case I say well done. I want to confirm our position. That is, we look forward to receiving data, if it is available, first, on the increased incidence of those rushing to court to try to obtain a reduced penalty for their behaviour; and, secondly, data in support of the reduction of death or injuries on roads as a result of an increase in penalties.

I also urge that in future, in respect of second reading contributions, in the event that the minister wants to present an argument that suggests that there have been changes in behaviour to avoid pleading guilty to these things and going to court to contest—in fact, even going so far as to say that the election of prosecution will lead to all these other expenses—when no demonstrable data has actually been handed to him to support that, that it is reasonable that he ask his advisers what the real reason is, and be in a position to come to the house and tell us that.

Clearly, there is a case for increasing fines on a timely and regular basis that are commensurate with the cost of living, but please do not try to dress this up into something that it is not if that is not supported by the data—and, in fact, that is shown to you in the first instance. That is all I ask. With those few comments, I look forward to the third reading.

Bill read a third time and passed.

PIKA WIYA HEALTH ADVISORY COUNCIL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (17:29): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Earlier this year, on 10 February, I tabled the Pika Wiya Health Advisory Council Incorporated Annual Report 2009-10. Due to an administrative error, it appears

that the financials were not included with the tabled copy. I now table the financial statements for the Pika Wiya Health Advisory Council Incorporated.

SAFE DRINKING WATER BILL

In committee.

(Continued from 22 March 2011.)

Clause 1.

Ms CHAPMAN: Minister, in your second reading contribution, you indicated that, after the discussion paper was identified back in 2009, I think, there had been consultation, etc. You say in your second reading, and I am reading from page 4:

> Comments received have been addressed and the resultant revisions have strengthened and improved the bill. The outcome is a bill that is both effective and practical.

I cannot identify from your second reading speech what those changes were from the Safe Drinking Water Bill that you provided us with. The copy I have is June 2010, which was a draft. In any event, from the time the original bill went out and you did your consultation, I am really just asking: what were the changes in summary?

The CHAIR: I would just draw the entire house's attention to the fact that clause 1 is just about the title.

The Hon. J.D. HILL: But it says so much.

The CHAIR: It does say so much but I would just like to make that very clear to all of us, myself included. Thank you, minister.

The Hon. J.D. HILL: I thank the member for her question. Essentially, the question was: what did we change between the first draft and the final draft? I think the majority of the change was in the area of burden that would be placed on small business, particularly B&Bs that ran services that required rainwater tanks. I think, in the original provisions they would have been captured in the same way as bigger suppliers that would have been captured.

They pointed out the difficulties with this. We agreed with them and we created a framework which, I guess, is a light burden on them, as long as they let people know that it is rainwater they are likely to be drinking and they go through proper standards for maintaining a tank. As long as they let people know it is rainwater they are going to be drinking, then people can take their own advice. Of course, if they have a shonky water supply, they would be liable, as they would be under any other set of circumstances. If they are providing it to people, I guess, there would be civil action that individuals could take. That would be my understanding of it. Parliamentary Counsel agrees with me.

Ms CHAPMAN: The next question I have is on definition, so I am happy to either do it in the short title or do it in the definitions clause. Which would you prefer?

The CHAIR: Do it now.

Ms CHAPMAN: Thank you. You also indicate that all drinking water providers will need to register with the Department of Health, and there is a process with all that. Under the definition of drinking water providers, I just want to be clear about a private provider. For example, in Uraidla and the Piccadilly Valley, there is a private water provider, a private family company, that has its own water. They provide water to the township, for free actually, which is very generous of them; but, in any event, that water is provided. Largely, the town has its own rainwater tanks. There is a hotel and shops and various people there who obviously serve the public. The water provider, as I say, provides this water. It is excess to requirements, as such, but it serves a community purpose.

In fact, because SA Water does not provide any water to the local community and no-one is asking it to, if somebody does not use their own rainwater supply they can tap in and use this water. I suppose he is in this unique situation where the generosity of making that provision is one which would evaporate, pardon the pun, if he were to be required to do a whole lot of extra things, whether it is testing or giving notice to everyone who lives in Uraidla that they should not drink this water or, if they do it is at their own risk, or whatever the adequate notice would be. Can you clarify that?

I particularly alert the minister to this issue, because in the event of a bushfire I understand that the CFS is still going to be recommending that people go to the Uraidla oval. The Uraidla oval

does not have its own independent water supply. It will be relying on water from this particular family, and it is not just for putting out fires—that is easy—but the Uraidla oval is to be a meeting point for people from around the district, and what if they drink the water, because they are not going to have access to anything else? If no money changes hands in these situations, how is that going to be covered and, if it is not covered, are they going to be relieved of these obligations?

The Hon. J.D. HILL: I have two points to make. The first point is that this is about drinking water supplies, not about domestic, non-drinking water supplies. My advice is that the majority of suppliers in the Adelaide Hills have registered themselves as domestic non-drinking suppliers, so suppliers for bushfires and other purposes. Individuals have their own rainwater tanks as their source of drinking water.

The second point is, whether or not you charge or how much you charge for the water is not the trigger, it is the fact that you are a supplier of water. So, if you supply water under the circumstances that the bill discusses—there are exemptions for B&Bs and the like—then you are caught by the provision if it is for drinking purposes. I am not sure of the particular organisation to which you are referring, but if they say it is for domestic, non-drinking supply, then that is perfectly fine. They are not captured.

Ms CHAPMAN: I think we are at cross-purposes. I will clarify this. In a circumstance where there is a bushfire and people congregate at the oval because it is a meeting place and use this water for drinking, not just to put out the bushfire—that is easy—because there is no other water supply, is that covered? Is there some emergency provision which allows that to happen without them having to give notice and so on?

The Hon. J.D. HILL: I will seek advice as to whether I can get a response before the bill goes to the other house. However, just discussing it here, I am sure there is a common law notion of necessity under certain emergency situations. If somebody's house is on fire and you want to get them out, you break a window. It is illegal to break windows, but if you have to do it in certain circumstances, you do it, and the law allows you to do it.

I am sure that would be the case if there was no other drinking supply and people were told, 'This is rainwater.' If I have a rainwater tank and somebody comes to my house and wants a drink of water, and they drink some of my water, I do not have to be a registered provider in order for them to drink that water, but it is probably wise for me to tell them it is drinking water. That is the provision in relation to B&Bs.

I will get a more formal response for you, but I understand you are testing the extremities of the legislation. I would have thought common sense would suggest that in the circumstances you describe there would not be any sin committed, but we will get some advice and if it does require further clarification I am happy to do it between the houses.

Clause passed.

Clause 2 passed.

Clause 3.

Mr VAN HOLST PELLEKAAN: I have a few questions. The minister used the phrase 'testing the extremities' before. I am not trying to test the extremities but I would be grateful for some clarification. My questions really are about drinking water providers and I would like some clarification on the record that can allay some of my concerns.

There are situations that occur in the outback, for all the right reasons, in small communities that are very important. I would like to be sure that some of these situations will not be detrimentally affected by this legislation. I will give a couple of real world examples, and my questions are not limited to those examples but they help with the sort of thing I am talking about.

Drinking water is supplied to the town of Copley from the Aroona dam through the Leigh Creek system which is currently run by Alinta Energy. There is a pipeline to the township of Copley and it is sold to the township of Copley and then the township sells the water to its residents. By the way, there is some possibility that the Outback Communities Authority might take on that responsibility but that certainly has not yet happened. Would the Copley progress association be caught under this bill? Would they be obliged to go through all the things that any other drinking water provider would have to do, or would the fact that Alinta was taking care of that for the Leigh Creek township and they have just piped it another six kilometres be good enough?

The Hon. J.D. HILL: Before I get on to answering that question, I would say to the member for Bragg that I think the matter she was raising is covered by paragraph (b) of the drinking water provider definition where it provides:

> (b) any other person, or person of a class, brought within the ambit of this definition by the regulations,
>
> but does not include a person, or person of a class, excluded from the ambit of this definition by the regulations.

So, if there are any issues, we could cover any of those extreme situations. If that provider that you are referring to sought an exemption, I assume they could gain one reasonably straightforwardly. In relation to the member for Stuart's questions, I draw his attention to subclause (2) of the clause, which says:

> For the purposes of this act...a person will be taken not to be a drinking water provider if—
>
> (a) the person supplies drinking water that has been directly obtained from another drinking water provider.

I think that is generally the case. It goes on:

> (b) the other drinking water provider is registered under this act.

So, I assume that is also the case. And, further:

> (c) the person has not altered the water, or has not altered the water to any material degree, from the water supplied by the other drinking water provider.

I assume that is also the case. It continues:

> (d) the person satisfies the requirements (if any) prescribed by the regulations for the purposes of this subsection.

That is a general catch-all and one would always have to check the facts against that provision, but it would seem to me that if the initial supplier of water, say, SA Water, has gone through all the processes and connects the water to a hotel and then the hotel supplies that water to the guests at the hotel, as long as SA Water is covered, then the hotel is also covered. However, if the hotel provides the water from a bore, a rainwater tank or some other source, they are the initial provider of the water and they have to be captured.

I do not know the exact links but from what you have described I would assume that the initial provider is the initial company, which would be a registered provider, and the quality of their water would then flow through. Unless the township of Copley's progress association did something to the water, which is hard to imagine it would, then it would be fined.

Mr VAN HOLST PELLEKAAN: Just so that the minister is aware of the circumstances, it is approximately six-kilometres from Leigh Creek to Copley. I guess that it would be commonsense that there must be some bounds. If it was a 200-kilometre pipeline, you might say, 'Well, gee, that's not still the same supply.' It comes from Aroona Dam through the township supply of Leigh Creek, then through a five or six kilometre pipeline onto the next town (which is a very small town) of Copley and then a local network of reticulated supply to the residents and businesses.

If the minister is telling me that the Copley Progress Association, which sells the water to the residents and businesses (it buys the water in bulk from Alinta, then it sells it) and that the progress association would not have to undertake any more operational or statutory obligations than it currently does without this legislation, then I would certainly be satisfied.

The Hon. J.D. HILL: There are two ways we could manage it: first, we would check. There would be a matter of fact: is the water materially affected by this process of transmission of six kilometres? Interesting questions might be: who owns the pipeline? Are they maintained in good order? Is it Copley that owns that pipeline or is it the supplier of the pipeline? When does the water become Copley's? Is it the point at the end of the pipeline or at the beginning of the pipeline? That would be a material element which would need to be considered.

Let us assume that it is at the end of the pipeline, so it would not matter if it is 1,000 miles long as long as the supplier is covered from the point at which they put the water in the pipeline to the point at which it is taken out. They would be covered. It would have to be investigated, but it could be managed quite well.

The other way of doing it would be through the provision I referred to in relation to the member for Bragg's question, where there could be an exemption given to a particular supplier

because of the circumstances they are in. There would be an assessment. I guess that this process is about trying to make sure that safe water is provided. We are not trying to make life difficult for people who are doing things in a safe way.

We work through the particular circumstances, so it is a bit hard to be absolutely 100 per cent definitive in judgement without having basic answers to questions such as, 'Who runs the pipeline?' Along those lines. If the honourable member wanted, we could have a look at that particular issue for him to see what the issue might be in a more detailed way.

Mr VAN HOLST PELLEKAAN: I would be grateful for that because it is a real-world example. This is where my concern is, and, if I could paraphrase him, what the minister is saying is, 'Look, there won't be a problem so long as we could show that the water at the other end was all okay,' which is likely to mean fulfilling all these obligations which is likely to mean a change in operation for the Copley Progress Association.

The Hon. J.D. HILL: I am just getting it explained to me. It is not quite perhaps as the honourable member thought I have suggested. The department, the agency, would make a risk assessment. There would be a risk management approach, so they would make an assessment based on the risks, not through testing the water. They would make an assessment that all of the things that the honourable member has described are likely to be fine, and then there would be a process either to exempt or to exclude from whatever processes they might have to go through.

You would have to look at the facts of a particular case, that is the point I am making. The bottom line is that we want to make sure that the people of Copley and everywhere else are receiving good drinking water, and I imagine that the progress association of Copley would want that to happen as much as anyone.

It is really trying to work with the association to make sure that it is managed in a way which makes sure that the water is okay. On the face of it, if the supplier of the water at the beginning is registered and appropriately credentialled, then, if it comes through a pipeline, there would be a risk assessment as to whether that pipeline was in good order and it was not being affected by some other substance entering into it—there was not a leak which had something coming in. In those circumstances, I am advised that it would be fine.

Mr VAN HOLST PELLEKAAN: I take it that, assuming that the original supply is okay, if it can be shown that the end supply is okay, then there will be no further requirement as a general rule across these outback towns. That helps me with my other example. The next thing I want to ask about with regard to the definition of providers has not so much to do with the chain of supply but more to do with cartage than pipelines. I recognise that water carting is dealt with in the bill, but in a lot of country communities—this is more country than outback—there are lots of regular, real world situations where non professional carters move drinking water around for people.

It might be that a farmer with a tank and a truck in a dry year does half a dozen or a dozen loads a year, just filling up different people's rainwater tanks around the district, usually as a favour, not even for a charge. Some of those users might be commercial establishments. For example, he might cart water from a perfectly good source—a recognised quality drinking water source—but it might then go, in a volunteer way, to the football club, which is a commercial operation that sells food, beer, water and provides, in a commercial hospitality type way, drinking water.

Would that football club have to undertake any more difficult obligations, or could I assume that exactly the same principle that you mentioned with regard to the pipeline would fit; that is, if you start out with good drinking water at the beginning and you can show, regardless of the chain supply, that you have good drinking water at the end, that is enough and they do not have to get audits, tests and all those sorts of things?

The Hon. J.D. HILL: There is a range of possible scenarios, of course. Let's assume that the original water that the carrier is taking is safe and is captured by whatever the provisions of the act are, and this carrier does it infrequently. He or she would not have to test the water. He or she would have to, through an online form that they would have to fill in, assure the system that they are registered and that they are doing this. As long as the vehicle is safe and fit for purpose is really the point. If it had been used for taking a petroleum product or septic waste, you would not want it used for taking a water product. You would want to make sure that it is fit for that purpose. It would probably have to be inspected every couple of years, but it would be a very light touch. Provided that happens, the hypothetical football club would not need to be inspected, either.

This is a very light regime, but we do know that the carrier industry, if I can describe it in that way, is very keen on this. They are worried that some carriers of water are not up to standard and are undercutting those who are doing the job according to proper standards by not necessarily having good standards. You have to look at both sides of this.

By and large, legitimate water carrying businesses support it, because it means that they can go out and say that they are certified by SA Health as a proper carrier of water. Someone who is doing it infrequently would still have to go through the process I have described. As long as the original supply is safe, their vehicle is fit for purpose, there does not need to be any testing.

Mr VAN HOLST PELLEKAAN: I do then have a couple of concerns about that, and I understand what you are saying about the water carting industry. This would be, as I said, a local farmer, not a player in the water carting industry. It so happens that the member for Goyder mentioned to me yesterday whether the CFS will even do this on the Yorke Peninsula just to help. They will make sure their tanks are clean; they will make sure their trucks are okay. They will pick up some water from one place, use their CFS truck to take water to the football club, or wherever it happens to be, purely as a service. In these examples, there will not be a professional water carter involved. It is really just charity, a help, a community service. It is somebody who is not actually in the water carting industry but happens to have some of their own equipment for their own purposes who just does it out of the goodness of their heart.

The Hon. J.D. HILL: Firstly, in relation to the CFS, the advice I have is that the CFS no longer does this because they are worried about liability if something went wrong. However, if they registered, they would not have that liability problem. So, this is a protection for anybody who is doing this neighbourly thing. It is a bit like having a neighbour whose grass is long and you go and cut the grass, or help prune a tree, or something. You would hope that your neighbour had insurance so that, if something happened to you while you were doing it, there is some protection. So, this is really kind of like an insurance, if you like, for the good Samaritans so that something does not go wrong.

If somebody does this infrequently, that is fine, and there would be a very light burden on them. The most they would have to do is be checked every couple of years. I would have thought that, if someone was doing it for their own purposes, they would probably want to check that the vehicle is still fit for purpose because, if you are running a vehicle which is only infrequently carting water, who is to know what state it is in between the various episodes of carting water. The maximum cost that any carter would have would be about $80 every two years to just check the state of their vehicle. It is a very light burden.

However, this is about protecting the community from unsafe drinking water. There is a potential there for an exemption, and I suppose it would be possible for somebody to seek an exemption to this as well. That would be the other way we could do it, but this is an attempt to capture the field.

Mr VAN HOLST PELLEKAAN: A very light burden on a volunteer is not quite the same thing as a light burden on a professional participant in an industry. I appreciate the fact that, in those situations, if it happens as a one-off, they could seek an exemption.

The Hon. J.D. HILL: I would make the point that we have volunteers who drive people; they have to get a driver's licence, too. This is not having a go at volunteers, but anybody who volunteers has to have the skills necessary to do the job for which they are volunteering. If you had volunteers going in to a bushfire area with chainsaws and the like, you would want to make sure that those chainsaws were not going to do something damaging during the course of that process.

Obviously, in emergency situations—and this is the point I made to the member for Bragg—necessity kind of takes over and you do what you have to, but in a planned way, if you are going about doing something, even as a volunteer, you have to make sure that you have your driver's licence, a first aid certificate if you are attempting to give first aid to somebody, and the like. You cannot just go out there and do things which might create a risk.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Thursday 24 March 2011 at 10:30.