

HOUSE OF ASSEMBLY

Tuesday 22 November 2011

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (11:02): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

LOCAL GOVERNMENT (MODEL BY-LAWS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2011.)

Ms CHAPMAN (Bragg) (11:03): I rise to speak on the Local Government (Model By-laws) Amendment Bill 2011. As lead speaker, it is my pleasure to indicate that although the opposition considers there are some difficulties with this bill, on balance, we will be supporting it. I indicate that the member for Adelaide will also be making a contribution to these debates.

The position is that, pursuant to section 250 of the Local Government Act 1999, a council can adopt model by-laws which have been gazetted and not been disallowed under the Subordinate Legislation Act 1978. That is after the 14 sitting days of the parliament. This legislation proposes to change the date at which a council can adopt a model by-law to the beginning of the disallowance period. In the event that the model by-law is disallowed, that is, at some subsequent determination, then the adoption by the council will have no effect on or after that date of disallowance.

The process in respect of the by-law variation or implementation is one which has really been brought into line with our regulatory arrangements. Members would be aware that, under the regulatory procedure, in essence we pass laws in this parliament by way of statute and it is accepted that for the purpose of implementing the obligations and responsibilities under that statute law there needs to be the machinery to operate.

This is done in two forms. One is by regulation of a minister and one is, as in a number of areas, by establishment of rules. Sometimes they are rules of a court, sometimes they are codes of practice, and sometimes they are in the form of guidelines, and these are all really in the area of subordinate management rules and regulations to bring into effect the law that we pass here in the parliament. They have different processes, different hoops to jump through and different thresholds to achieve, but what happens with the by-laws is that they need to go through a cabinet approval process before their gazettal and can then be adopted by individual councils before they take effect.

It is one of a number of different procedures that can operate, which has its own set of implementation and amendment rules attached to it. What the government has done is to make the decision that this is the process by which some assistance and relief will be given to what has become the Rundle Mall problem, about which many of us have read in the newspapers and which has been the subject of concerns in correspondence to us.

This is the whole issue of how we best manage the people who remain or loiter in a public space and who espouse their views on a particular product or performance or religious mantra. The problem has arisen in the public arena in recent times as a result of apparent complaints from other users of the Rundle Mall area, which is a shopping precinct, indeed a premier shopping precinct for Adelaide, when the other users of this area have been interrupted or interfered with. Some allege they have been accosted or assaulted, and by assault I mean quite vicious verbal assault towards people who are in the precinct.

Whether this is in response to their reaction to somebody preaching their message for their product or particular brand of religion or whether it is something that has been uninvited and there has been no inciting whatsoever for a disturbance to occur I am not here to judge or pass any comment on. What I will say is that as a general rule I think it is fair to say that the public is concerned, not just on questions of safety, but to have the quiet enjoyment to undertake shopping or attendance of a restaurant or cafe facility in the Rundle Mall area.

It is unacceptable if people cross that threshold; that is, the opportunity to present their argument on a particular aspect of their view, to have a freedom of speech, to be able to espouse a particular opinion, the right to rally, and the right to be able to congregate as a community to espouse a particular message. Sometimes it is a political message, as we have recently seen in Hindmarsh Square from those who are having some kind of sit-in there. I do not see them as an additional adornment to what are otherwise rather modern and attractive pieces of artwork in that square. Nevertheless, some obviously take the view that their tent city is of some benefit to the state. I will leave that for others to judge.

What I will say is that, where you bring together an individual or a group of individuals who have a particular view on a particular product or service, or a particular policy or a religion, whilst they might have an entitlement to be able to espouse it and to have freedom of speech, it cannot run into tension or friction with the rest of the community being able to have peaceable enjoyment of their environment to undertake their own lawful activity, whether it is to shop, go to work, pick up their children, get on a bus or whatever their activity may be.

That is the problem with which we are faced. The government's answer to this is to introduce this model by-law legislation. It is the opposition's view that this is not adequate or necessarily appropriate. However, the Hon. Ian Hunter in another place has, during the course of debate on this bill, confirmed that legal advice has been obtained on this matter and that it should, therefore, be of some reassurance to the house that we can accept that this is the appropriate procedure. Presumably, other alternatives have been looked at and this reassurance has been given to the parliament so that we may feel confident that this is a procedure that will actually work and we will be able to manage this tension and ensure that we balance the rights of both groups.

Much has been said in another place but I will simply comment about the pre-existing position prior to the determination by the Full Court of the Supreme Court, which has thrown this issue essentially into chaos. The District Court judgement of *Corneloup v the Adelaide City Council* was delivered by Judge Stretton on 25 November 2010.

The by-law which was the subject of that determination and which was struck down as invalid was promulgated in February 2011, three months after the District Court judgement. The determination of this raises questions about whether there was some tardiness or at least neglect in the application of the process by the Adelaide City Council in promulgating a by-law which offends this judgement—three months later, but, nevertheless, that is what has occurred.

The by-law which had previously been disallowed had the word 'preaching' in it and we are left with a situation where we are unable to utilise the by-law to restore order in Rundle Mall. Perhaps some careful attention to this matter would have meant that we could have avoided this problem but, nevertheless, we need to remedy it one way or the other.

Members would be aware that the member for Adelaide has presented another option to this parliament to consider. We think it is a very good option and we in the opposition think it is one that will ultimately prevail as the most effective to deal with this issue. However, we are in a circumstance where the government of the day has presented an alternative model—it says, clothed with the benefit of crown law advice—that is meritorious and a superior model to that offered by the member for Adelaide. We will see how that goes.

That is not to say that the opposition is not looking, with the government, for some effective remedy to this problem. Of course we look to some resolution of it. We want—at all times, but particularly as we go into a busy shopping period in the Rundle Mall area, as the weather improves and as there is a rush to acquire 25 December celebration presents—a precinct that is going to be a very busy place, and we all know, with the school holidays imminent and the return of that great group of schoolies from the beach, that we are going to find Rundle Mall a very busy place within weeks. Obviously, we hope that that will be at a time when those people will be able to enjoy those facilities and that they will be able to be protected from any offensive or intimidatory approaches, let alone assault, by those who may espouse their views.

We support this bill as a measure that we think is deficient but that we hope will still work and, if it does not, that the government will have sufficient courtesy, at least, to welcome a further initiative that was being presented by the member for Adelaide as an effective way to deal with this. In some ways we hope that may never have to happen and that the government's promises on this will not just evaporate in spin and they will deliver. In that regard we are hopeful. I will be seeking to go into committee but, with those words, indicate my support for the bill.

Ms SANDERSON (Adelaide) (11:17): I rise to support the bill. I think the house is very well aware of the issues that have been occurring in Rundle Mall and the effect they are having on businesses, shoppers and visitors to the mall, along with the image of the mall as a family-friendly shopping precinct. We all agree that Rundle Mall needs a firm set of regulations that visitors to the mall, including the preachers and protesters and shoppers, can all abide by.

However, as an opposition, we believe that this should be statute law and not just a council by-law, as the events that have occurred in Rundle Mall in the last year, which have caused significant concerns to businesses and visitors, will not be remedied simply by a by-law. However, in the interests of bipartisanship, I support this bill which will allow the fast tracking of the model by-law.

The council already had by-laws in place, but they were ineffective, and I believe—and I would like to be proved wrong on this—that if the model by-law is in place, we will continue to have council workers trying to issue infringement notices unable to obtain a person's details and SAPOL looking on, unwilling to police council by-laws. I have met with police and they feel that policing a by-law is a low priority, which is why I believe a state law would be more effective.

I hope I am proved wrong and the events in the Rundle Mall between the preachers, Spread love not hate, Stop Rundle Mall Hate Speech and any other group using Rundle Mall do not escalate any further. We have already seen the preachers disrupting the opening of the Feast Festival parade events in Victoria Square. The issue has also moved to the Paradise Community Church; there was a story in the paper.

My concern is that I am unsure whether this model by-law will be effective, because the council workers do not have the right to ask for a name and address, so how will they even enforce the by-law? But say that people do abide by the by-law, I am worried that it will just move it to other areas in Adelaide. The preachers have already stated to me that the very next place they will go will be the Adelaide Central Market.

They want an audience. They want to be where there are a lot of people. We have already seen that they have gone to the Paradise church. What is to stop them going to any other large church when the congregation is leaving at the end of the day? What about all the different public events and Christmas carols that are held throughout the city and at Glenelg? We have the Bay Sheffield run. What is to stop them from going anywhere else?

Whilst this law that we are passing now will fast-track the by-law, which I hope will help Rundle Mall in time for the Christmas trading, which is why this is a matter of great urgency, I am concerned that we are just shifting this issue. We do need statute law, which we do have on the table in this house and which has passed the upper house. I am more than happy to make any amendments that will make it a better law, but we do need to work together. This is an issue that I know we are all concerned about, and we need to work for a better outcome.

The Hon. Stephen Wade from the other place and I have been working on this issue for many, many months. I do have quite a big folder, as you can see here, of emails and letters of concern from shop owners, visitors to the mall and all the different people who are affected by this. There are people outside of the mall who are affected, and that is my concern, that we are just moving this issue.

If I am proved correct, we the opposition continue to offer the government our bill, which could comfortably sit side by side with this by-law and provide substantial power to confiscate and fine for the unauthorised use of amplification equipment, while also providing the protesters in Rundle Mall the opportunity to use a designated space, or a speaker's corner, so that they are provided with protection from criminal and civil liability if that space is used. In fact, the preachers have stated to me that they think this is a good outcome.

The best way to have a law abided by is by having the people you seek to restrict, control or look after in favour of your law. I think that goes a long way to making the law a successful law.

Only time will tell if the government bill is a panacea for all problems that exist in Rundle Mall, but I do urge members of the house to please consider further state legislation on this issue.

Mr PENGILLY (Finniss) (11:22): I rise also to indicate support for this bill, but I would particularly like to acknowledge the work of the member for Adelaide and the Hon. Stephen Wade from another place, who have put a huge amount of effort into this Local Government (Model By-Laws) Amendment Bill. It has all been done with a bit of indecent haste, quite frankly. I find it unfortunate that, given the freedom of speech in this country and the right of people to express their views one way or the other, the parliament has had to pick up on this matter and ram this bill through very quickly. It is not through yet, but I presume it will get through.

I took the time recently to do a bit of wandering up and down through the city centre to get a personal appreciation of what was going on up there. I found it to be rather an ear shattering experience to say the least, unfortunately. Religious freedom and religious tolerance are things that I will support all the time and, indeed, we are a Christian nation. However, I do think that the fact that it has got to this stage where we have to have legislation brought in to fix up something that is not working properly is unfortunate. I do hope that this legislation does work. I do not know what, if any, amendments are planned down here.

I read the *Hansard* from the Legislative Council with a good deal of interest. The member for Adelaide (Rachel Sanderson) and the Hon. Stephen Wade, as I said earlier, have certainly gone out and about and consulted with many, many groups, organisations and people in an effort to get a clear message through the parliament on this bill. I note the comments of the minister, the Hon. Russell Wortley, in another place. I also note the comments of the Hon. Mark Parnell and the substance of the debate certainly from the Hon. Stephen Wade. I do not think we have to rattle around too long on it in here today, but I do acknowledge the problem. It is an unfortunate problem, and I hope this bill sorts it out.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (11:24): I would like to thank the honourable members for their contribution to this debate. I would especially like to thank the member for Adelaide for her considered and informative second reading contribution. I know that she has worked very hard on behalf of her constituents in this particular matter.

In passing this legislation, councils across the state will have the option of adopting a model by-law and exercising the powers underneath that by-law anytime after it is published in the *Gazette*. This amendment will be of particular assistance to the Adelaide City Council as it will be able to adopt the model by-law for the management of pedestrian malls.

In relation to the comments by the member for Finniss, I take issue with the idea that we are ramming it through the parliament. I think we all know why this is going through the parliament at this point in time—because (as the member for Adelaide herself has pointed out) this is in relation to Christmas coming up and shoppers being able to shop without fear or intimidation.

I understand that the Minister for State/Local Government Relations, the Hon. Russell Wortley in another place, and the relevant shadow ministers, have been in discussion about this matter and have agreed on this course of action. I also understand that the government is keen to work with the opposition and the Adelaide City Council in looking to develop a longer-term solution to this particular matter.

Bill read a second time.

In committee.

Clause 1.

Ms CHAPMAN: My first question is: has the government obtained legal advice on this bill and the model being proposed?

The Hon. C.C. FOX: Yes, it has.

Ms CHAPMAN: Has the legal advice been obtained from the Crown Solicitor's Office?

The Hon. C.C. FOX: Yes, it has.

Ms CHAPMAN: Has legal advice been obtained from any other independent party?

The Hon. C.C. FOX: My understanding is that lawyers from the Adelaide City Council were consulted during this process.

Ms CHAPMAN: Did the lawyers from the Adelaide City Council express a different opinion from the crown law office as to the model proposed?

The Hon. C.C. FOX: No, they did not.

Ms CHAPMAN: Were each of the sets of lawyers provided with the model proposed by the government or were either of them (and, if so, which ones) asked to give advice on the effectiveness of other models?

The Hon. C.C. FOX: They were developed through consultation with the Adelaide City Council lawyers and crown law.

Clause passed.

Clause 2 passed.

Clause 3.

Ms CHAPMAN: My question, minister, was whether either of these parties were invited to present any alternative models to the model now being proposed by the government.

The Hon. C.C. FOX: My understanding is that the answer to that question is no. I believe that you asked whether an alternative model was proposed, and I understand that that was not the case; that they were consulted in relation to this one model and that they were in agreement with that.

Ms CHAPMAN: I think that, from the information provided by the Hon. Ian Hunter, that legal advice was obtained and the model by-law was drafted by legal officers with the Crown Solicitor's Office and in consultation with parliamentary counsel. I think that what you are saying to us is that no other models were put to them to consider.

The Hon. C.C. Fox interjecting:

Ms CHAPMAN: Yes. And since the government has been aware of the model proposed in a bill by the member for Adelaide (and, indeed, has had that in correspondence, I think, from the Hon. Stephen Wade), has that model been presented to the Crown Solicitor's Office or any other legal adviser of the government for their opinion as to the validity of that?

The Hon. C.C. FOX: It is my understanding that, when the member for Adelaide's particular model was considered, the feeling was that it could have certain legislative ramifications which were really, I guess, not to be encouraged at that point in time. So, we did not want to find ourselves in the situation where we brought something forward that was immediately going to be challenged or, indeed, unenforceable by the various agencies involved.

Ms CHAPMAN: Just so that I am clear about that, on the advice, minister, that your government has received, the member for Adelaide's model could have been challenged either on its enforcement or on its validity, or both. Can you elaborate a little on that as to what the problem foreseen by the government was from this advice?

The Hon. C.C. FOX: As I understand it, the member for Adelaide's model had broad implications, but I will seek some further advice on that. I thank the member for Bragg for her question. The Crown Solicitor examined the model by-law and the Crown Solicitor did also examine the Statutes Amendment (Public Assemblies and Addresses) Bill. It was felt that the model by-law was more appropriate because the public assemblies and addresses bill would have been open to challenge, perhaps, in the courts by—I do not quite know how to say this nicely—a group of people who might be becoming increasingly litigious.

Ms CHAPMAN: I take it that you do not see the same problem with a model by-law on the basis that you see that this legislation would avoid the Supreme Court and Full Court that we have already had on by-laws.

The Hon. C.C. FOX: I cannot speak for what the Supreme Court or the Full Court may eventually approach; I cannot predict those things. Those are hypothetical events that may or may not occur, as is the way of hypothetical events. Having said that, I think I said earlier on in my response to the second reading that this is certainly something that the government wants to work on with the opposition and we are going through this process at the moment, but that certainly does not preclude the idea of working further with the opposition, particularly with the member for Adelaide, to come to a more long-term solution.

Ms CHAPMAN: One of the problems, I think, minister, is that there has been a standing back from dealing with these issues, and I think it is fair to say it has been convenient for one agency to leave it to the other. What we have actually seen over the years is the use of by-laws to keep some public order in public places, via in this instance the Adelaide City Council, and to a large measure they have been effective.

In this area, where there has been public disorder and even breaches of our criminal codes and legislation, I think it is fair to say there has been a reticence on the part of the police to get involved in what they would otherwise see as a state matter by saying that it is a matter for the council. So the people at large, in this instance in the precinct of Rundle Mall, have been left unprotected, and I think it is fair to say for those who might be advocating or presenting their vocal discord that they are not given any clear set of guidelines as to what behaviour is acceptable and what is not because there has been no threshold enforced by anyone, so that is why we are all here I think. We are trying to work out a remedy that is going to be effective.

My next question is under the scheme we are going to have a permitted use, and you are going to get a permit to be able to provide for this activity in that public space—and this question was raised in another place but I would like your answer to this on the record, minister. When two people have received permission—

The Hon. C.C. Fox: Two opposing persons?

Ms CHAPMAN: Not necessarily opposing, but two people who have the right to be able to broadcast their message. We are talking about two permit carriers, and they are undertaking an activity that would otherwise be prohibited by the by-laws, and one interrupts the other. What is the consequence of that?

The Hon. C.C. FOX: It is my understanding that both of those people, as you say not necessarily opposing people, could be liable to the penalty as pointed out by the model by-law. Yes, even if they shout each other down they can both be pinged.

Ms SANDERSON: Was any remedy sought to allow council workers to enforce this or any other by-law? At the moment the problem with the by-law is that they cannot ask for name and address, so I was wondering whether you had sought to fix that.

The Hon. C.C. FOX: It is my understanding that authorised officers of the council will be able to enforce that particular by-law. I believe also that in the past they have called on the police for assistance and, if needs be, they can do so again.

The Hon. I.F. EVANS: Is there not a power under the Local Government Act for the authorised officers to be able to gain the person's name and address when they commit an infringement?

The Hon. C.C. FOX: Member for Davenport, I have sought advice, and it would appear that the authorised officers can obviously ask but they cannot compel those people to give them their details; however, the police can compel them.

Ms CHAPMAN: I might conclude on this aspect: because the opposition has identified where we see some deficiencies in this regard, can we be assured that the government will ask, or at least put in a request at this point to the Commissioner of Police, that where a request for assistance is sought by an authorised officer there will be an assurance given of a backup for that?

Obviously, in a major event, like Christmas pageants and so on, we are aware of and understand the terrific support that the police provide to those events, but the situation where I think it is more critical is where there is no major event, there is no public festivity happening, there are just people around who are at risk and where the authorised officer needs backup and needs support.

In those circumstances, I think other members of the committee would want some reassurance from the government that everything is done to give assurance for that backup, that is, backup will be provided. Obviously, if it is a major resource issue, the government will need to consider that. Given there are people in the force who are required to be on duty in the precinct of the Adelaide city region, surely they could be available on call and support that reassurance, if that could be given, minister.

The Hon. C.C. FOX: As I understand it, the Hon. Russell Wortley from another place is organising a meeting with the police to talk about this operational matter and also to talk to them

about the options that are available. I understand that the member for Adelaide has been contacted, or will be contacted about this in the very near future, as will the Adelaide City Council.

The Hon. I.F. EVANS: Minister, following your earlier answer about authorised officers, section 261 of the Local Government Act addresses the powers of the authorised officers. Under subsection (6) there is an offence created where someone (that is, a member of the public) fails to obey a requirement or a direction of an authorised officer. There is also an offence where a member of the public fails to answer to the best of the person's knowledge without reasonable excuse a question by an authorised officer.

Is it not true that, under that provision of the Local Government Act, a member of the public must answer the question about name and address unless they have a reasonable excuse to withhold it? The reason I raise this question is that it is often put out on radio that the local government officers have no power. When I have sought advice on this issue, the advice back to me, from people who work for the same entity from which you are getting advice, has been that authorised officers do have the power to require the name and address because that section, section 261(6), enables them to issue a penalty if the member of the public fails to cooperate.

The Hon. C.C. FOX: I thank the member for Davenport for his question. My understanding is that it is another offence but that the authorised officer still cannot force the person in question to give their name and address in the same way that the police can.

The Hon. I.F. EVANS: I will leave it there, but if the minister would like to seek further clarification between the houses that might solve the problem. I will be totally upfront with the minister in saying that the advice I have received from the same body that you are receiving advice from was different to that.

We need to clarify that between the houses to be crystal clear, because the power of authorised officers goes to the matter of the issuing fines for litter and a whole range of other things, and the government might want to contemplate, when it gets its final advice: if the authorised officers cannot issue a litter fine because they cannot get people's names and addresses, does the government think it has a problem? You might want to contemplate that between the houses. We do not need to deal with it now, but you can look at it between the houses.

Clause passed.

Schedule passed.

Bill reported without amendment.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (11:53): I move:

That this bill be now read a third time.

Ms CHAPMAN (Bragg) (11:53): I want to say to all of those who are going to occupy the space in Rundle Mall, forthwith of this being returned to the upper house: Merry Christmas.

Bill read a third time and passed.

The DEPUTY SPEAKER: Before we continue, just for the record, that was the minister's first bill through parliament. Congratulations.

WORK HEALTH AND SAFETY BILL

In committee.

(Continued from 10 November 2011.)

Clause 6.

The Hon. I.F. EVANS: Clause 6 deals with matters concerning the meaning of supply. The minister will be pleased to know that I only have one question on this clause. I just want to check that my understanding of this clause is right, and that is that supply, under this particular bill, means the resale or resupply of something, including by second-hand marts, such as Lions marts and those sort of things. The local Lions club in my electorate has a second-hand mart where it onells or indeed gives away on occasions a whole range of second-hand goods. I just want to check that under this particular provision, the meaning of supply includes the resale or gifting of items.

The Hon. J.J. SNELLING: Yes; that is correct as long as the supplier is a PCBU. For example, it would not apply to a volunteer organisation or something like that, because they are not a PCBU—meaning a person conducting a business or undertaking.

The Hon. I.F. EVANS: Now you've mentioned that word 'undertaking'. From your previous answer when we were debating this last week, an undertaking includes not-for-profits and an undertaking includes a volunteer organisation if they employ staff.

The Hon. J.J. SNELLING: Yes.

The Hon. I.F. EVANS: So given that the Lions clubs employ a chief executive on a statewide basis, is the club running a second-hand mart caught by this supply provision if they supply, for instance, a power saw? If they sell a second-hand power saw or a second-hand kettle, are they then caught by this provision as being persons conducting a business or undertaking?

The Hon. J.J. SNELLING: Yes; they would be a PCBU, and my advice is that that is the case now anyway.

The Hon. I.F. EVANS: I just want to check that supply means that, when I am on a building site and I lend my power saw or my drill to another tradesman (which happens every day of the week on a building site), that is covered by the definition of supply and that then means that I inherit a whole range of other duties under the bill about the warranty of that particular piece of equipment to be able to do the job that I am lending it for?

The Hon. J.J. SNELLING: There has to be some sort of exchange, so if you are just lending a power tool to another worker then, no, it would not apply.

The Hon. I.F. EVANS: So if you are gifting it or there is no exchange of money, then there is no obligation; is that right?

The Hon. J.J. SNELLING: Yes; it has to be a commercially based supply.

Clause passed.

Clause 7.

The Hon. I.F. EVANS: Amendment No. 4 is consequential on amendment No. 1, which I lost in the previous week of sitting. In an outrageous vote by the government I went down on it. It is surprising, really.

The CHAIR: So you are not proceeding with that?

The Hon. I.F. EVANS: I will not proceed with amendment No. 4, but I will move amendment No. 5. I move:

Page 19, after line 23—Insert:

- (4) Furthermore, where a person (the *contractor*) is engaged to perform work for another person (the *principal*) in connection with a business or trade carried on by the principal, the contractor, and any person employed or engaged by the contractor to carry out or to assist in carrying out the work, will be taken to be employed by the principal but the principal's duties under this Act in relation to them will only extend to matters over which the principal has control or would have control but for some agreement to the contrary between the principal and the contractor.

The amendment goes to one of the central issues of the bill, which is the question of control. If you look back at my second reading speech, which must now be four or five weeks ago, I quoted from a number of the industry associations that raised concerns that the government in this particular bill was broadening the control issue to a point where it has become quite ambiguous. For instance, Business SA wrote to the opposition on 12 September, and this goes to the issue of the control test. Business SA stated:

The Control Test—currently an employer is responsible for safety where the employer has 'control' over the matter. Under the proposed Bill, the 'control test' is removed and the obligations on the employer are more onerous and somewhat ambiguous. This is likely to lead to litigation and new precedent case law. In addition, it contradicts the ILO Convention No. 155, article 16.

I understand that is one of the Treasurer's favourites. Most of the industry associations have written to the opposition in similar terms about this control test. What we are seeking to do with our amendment is to reinstate the existing obligations back into the bill. We do not seek to take it any further than what currently exists. We have had extensive consultation with industry groups about it, and that consultation is still going on.

The instructions for the drafting were to take the government's bill and return it to the current provisions of the act so that it is crystal clear on the issue of control. All of the industry groups out there understand the current act. The employers and businesses have dealt with the current act now for some years. There is some understanding in the workplace about this issue.

What we are trying to do through this amendment is take the issue of control back to what it currently is, and that is if you are in control of a workplace then you inherit the obligations. The government's broadening of the issue of control and who then becomes liable and who has responsibilities makes it very ambiguous under its bill, and all the industry associations are raising this as a matter of concern.

This is one of the central amendments that we are moving, and we would hope the government would have sense to bring it back to what were their amendments to bring in the current act. All we are saying is that we accept the current act in this particular clause has some community and business understanding—it is crystal clear. All the industry associations are saying if you go down the government's model it is ambiguous as to who ultimately has the responsibility.

If you want workers' safety to be paramount and, indeed, employers' liability to be crystal clear then you cannot afford to have ambiguity in the provision that talks about who is in charge of occupational health and safety on the site. That is why we are moving this particular amendment. I have a couple of other questions outside of the amendment, but I will deal with them after the amendment is dealt with.

The Hon. J.J. SNELLING: I think we will have to agree to disagree on this. The government does not support the member for Davenport's amendment. I will go on to the prepared text in a moment, but the important qualifier on the extent to which an employer is responsible for what happens in that employer's workplace is 'as is reasonably practicable', which is contained later in the bill in clause 19. That is an important qualifier, and it deals with the concerns that have been raised about the bill, in particular by the Housing Industry Association.

The bill does not contain any specific definition of control. It establishes a primary duty of care which requires the duty holder to ensure, so far as is reasonably practicable, the health and safety of any workers whom they have the capacity to influence or direct in carrying out work. The incorporation of the standard of 'reasonably practicable' in the duty will provide for a consideration of control in relation to compliance. So, if a duty holder does not have control over an activity, or a matter relevant to health and safety, then it cannot be reasonably practicable for the duty holder to do anything in relation to it.

For example, for a builder who has multiple building sites, as to the extent to which they can control what happens on any of those individual building sites, the important qualifier in their control of those building sites is what is reasonably practicable. It is simply not reasonably practicable for a builder to exercise direct supervision over each individual building site on which an activity might be occurring. So, if the control able to be exercised by the duty holder is limited, then that limitation will be relevant to determining what is reasonably practicable for that duty holder in the circumstances.

An advantage to this approach is that any focus on control occurs when considering compliance, at which time the focus is on effective management of risk rather than on whether a duty of care exists, and the parameters to it. The substantive provisions of the bill including the duties of care have been subject to extensive consultation at both a local and national level, and the primary duty as currently drafted has formed part of the model Work Health and Safety Act since its early drafting.

The Workplace Relations Ministers' Council agreed that there should not be a control test in the model Work Health and Safety Act. Those who argue against, including controls to determine the duty holder, or the extent of the duty, assert that existing duties of care that include reference to control, can encourage somewhat of an avoidance—or a focus on avoidance—of control so as to avoid the duty, rather than on practical compliance measures taken to meet the relevant duty.

The CHAIR: Member for Davenport, do you wish to say anything further?

The Hon. I.F. EVANS: Not particularly on the amendment. I will come to the issue of what is 'reasonably practicable' when we come to have an enlightened debate on clause 18 but for the purpose of the amendment—I have some other questions on clause 7, so if we can vote on the amendment.

Amendment negated.

The Hon. I.F. EVANS: Treasurer, I am just trying to work out what is work. Clause 7—

The Hon. J.J. SNELLING: Can I quote you on that?

The Hon. I.F. EVANS: I am sure you will. Clause 7 deals with the meaning of worker. A person is a worker if the person carries out work, so it is a fair question to ask what is work? Go to the Treasurer's explanation of clauses about the meaning of worker. It says that the term 'work' is not defined in the act but is intended to include work, for example, that is carried out under a contract of employment, a contract of apprenticeship, or a contract for services. On that point, can the Treasurer please explain what are the circumstances where I pay a cleaner to come into my home? Is that then defined as work and therefore the act applies in my residence?

The Hon. J.J. SNELLING: The first point to make is that nothing is changed by the provisions in this bill. In the example of a cleaner, it is likely that the cleaner will either be self-employed, in which case the cleaner themselves are the PCBU; or you will have engaged the cleaner through a cleaning agency, in which case the agency is the PCBU. Similarly, if a householder engages a tree feller at a domestic residence, the householder is not the PCBU. The tree feller might be running his or her own business, in which case they are the PCBU; or the tree feller might be an employee of a tree-felling company, in which case the company is the PCBU.

However, if the householder is operating a business from his or her own home, then that householder would be a PCBU and would have some obligations under the act. If the home business employs other staff, then the business operator will have a health and safety duty towards those staff. As I said, this is no different from the current obligations that exist under the current act.

The Hon. I.F. EVANS: Just so I am clear, if I am running a single-person business from a home office and that business pays for the cleaner to clean the whole house (or for the gardener), I understand from your answer that, at that point, an obligation then applies to wherever the cleaner or gardener goes. An OH&S obligation comes in at that point on the person conducting the business from home; is that correct?

The Hon. J.J. SNELLING: Yes, so they would be treated the same as any other business. If they are undertaking a business in the home, then they would have an obligation to the cleaner, under the act, for the activities of the cleaner at that workplace.

The Hon. I.F. EVANS: If they are paying the cleaner or if the business is paying the cleaner?

The Hon. J.J. SNELLING: If the business is paying the cleaner. That obligation would apply to anyone who was visiting the home, so I am told.

The Hon. I.F. EVANS: This is the point I wanted to get to to make sure that I am crystal clear. If someone is running a small home office, under this bill they have an OH&S obligation. If kids come and play at home, they have an OH&S obligation because dad is running an architect's business in the office.

The Hon. J.J. SNELLING: I am advised that that would happen under the current act. There is nothing in this bill which changes that fact. If you are running a business from home, you have occupational health and safety obligations under law to anyone who visits your home.

The Hon. I.F. EVANS: Treasurer, the explanation of clauses then talks about the term 'work', which also includes 'an officer of a body corporate, member of the committee of management of an unincorporated body'. I just want to check this so that I am crystal clear where we are.

The Hon. J.J. SNELLING: Are you reading from clause 7?

The Hon. I.F. EVANS: I am reading the explanation of clauses. This is the government's explanation of what the clause is meant to say, 'The term 'work' is not defined in the Act but is intended to include work, for example, that is carried out' by—and one of the examples is a 'member of the committee of management of an unincorporated body'. Does that mean that the organisers of our community Christmas pageants (and I declare that I am one), as that is an unincorporated association, then inherit OH&S liabilities for the whole of the community Christmas pageants, because 'work' is defined as being 'an unincorporated body'? Does that mean that all the activities of unincorporated bodies are now deemed to be work under the act and therefore the unincorporated body inherits OH&S obligations?

The Hon. J.J. SNELLING: It goes back to who the work is being done for and whether that organisation is a PCBU. If the unincorporated organisation, the organiser of the pageant, is a PCBU, then the obligations under the act would apply, but if they are not then they will not.

The Hon. I.F. EVANS: So, the Credit Union Christmas Pageant, which is conducted by, I assume—

The Hon. J.J. SNELLING: Events SA.

The Hon. I.F. EVANS: —Events SA, which is a person conducting a business unit, one assumes, then the whole of the Adelaide Christmas Pageant is covered by OH&S obligations?

The Hon. J.J. SNELLING: I have a conflict of interest to declare: I was a participant in the Christmas Pageant this year.

Mr Bignell interjecting:

The Hon. J.J. SNELLING: Indeed.

Mr Bignell interjecting:

The Hon. J.J. SNELLING: Thank you, member for Mawson. I need to get some firm advice, but I have every reason to expect that the organisers of the Christmas Pageant would be a PCBU. I think that it is undertaken by Events SA, or there might be a board or something like that which is responsible for it. There is no doubt that the Credit Union Christmas Pageant is a PCBU and that means, yes, the PCBU that runs the Christmas Pageant does have occupational health and safety obligations to the people it employs, the volunteers who participate in the pageant, and the act applies to them. Again, I would say that this is no different from what would currently be the case under the existing act.

The Hon. I.F. EVANS: Ultimately, what is different—and this is the whole issue—there are now different definitions. For instance, the whole control issue is different. The government may well argue that the pageant is already covered to some extent but there are different implications by the different constructions of the words, and they will actually place greater liabilities and responsibilities on these groups, and that is ultimately the layer cake effect of this bill.

Clause passed.

Clause 8.

The Hon. I.F. EVANS: I want to check my understanding of this clause. The 'workplace' is defined by clause 8 and clause 8 defines a 'workplace' as:

...where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

The issue of ducking down to the shop for lunch, for instance: you are on a building site, you shoot down to the hardware store to pick up something, you shoot around to the deli to pick up lunch, you head back to the building site. Is that worker covered for the whole of the journey? When he is going from the hardware store to the shop for lunch, is he still at work and therefore covered? Where does work kick in and kick out?

The Hon. J.J. SNELLING: Going to the hardware store obviously would be work, going to the deli for your own lunch would not be work, but what it really comes down to is the reasonably practicable test. Obviously, an employer cannot mitigate every single risk that might pertain to an employee undertaking such a journey. Really, if there was legal argument over an employer's responsibility with regard to a journey accident, the argument would not revolve around whether the journey accident was to the deli or back to work via the deli, and whether that constituted work; it would revolve around what was reasonably practicable. That would be the key thing.

Other than an employer encouraging an employee to do something reckless, as long as the normal protocols, the normal advice, were in place and guidelines were in place, an employer would be doing everything reasonably practicable to ensure the health and safety of their employee on that journey. Also, under the act the worker in these examples has a duty to take reasonable care for his own health and safety when carrying out the requirements of the job. This is also consistent with existing laws.

The Hon. I.F. EVANS: Just on the issue, can you confirm that a workplace can be an area where there is no work actually being undertaken?

The Hon. J.J. SNELLING: If I have missed what the member for Davenport is getting at I am sure he can get up and perhaps clarify. It is certainly the case that a workplace remains a workplace even though there may not be work being carried out in that workplace at a particular time. So, an office after hours when there is no-one present remains a workplace even though there is no work being done. As I understand it, somewhere there is an example of a shearing shed where shearing is not being undertaken at a particular time—it remains a workplace; if that is what the member for Davenport is getting at.

The Hon. I.F. EVANS: I read the explanation of clauses, and that was the explanation in there. I was more interested in the issue of people trespassing and what obligation, then, falls on the, for instance, shopkeepers for break and enter. What obligation is there? My understanding of the bill is that it applies to all people visiting the site regardless of whether they are authorised or unauthorised.

The Hon. J.J. SNELLING: In that case the only obligation on the shopkeeper is to guard against unauthorised access. So, as long as they take the normal security precautions—locks on the doors and things like that—then they have done all they are responsible for under the act.

The Hon. I.F. EVANS: Can the minister tell me what part of the bill actually says that? I cannot see any clause in the bill that states that out clearly. But if it is stated out clearly, then that would be good. If it is not stated that clearly would the minister consider an amendment between the houses so that it is crystal clear? I am concerned that some poor shop or pub owner is going to get done over by someone who breaks in and ultimately gets injured.

The Hon. J.J. SNELLING: That provision is contained in the regulations. The regulations have been released. They are up on the Safe Work Australia website. I will get you the exact number of that reg.

The Hon. I.F. EVANS: Send me a copy. That is all on clause 8, thanks.

Clause passed.

Clauses 9 to 15 passed.

Clause 16.

The Hon. I.F. EVANS: This clause is headed, 'More than one person can have a duty' and I am just trying to understand the ramifications for those in partnerships. Maybe the minister can explain what the impact of this bill is on those in partnerships. Also, I am intrigued as to how people are meant to discharge their duty in relation to the clause that says:

If more than one person has a duty for the same matter, each person...must discharge the person's duty to the extent to which the person has the capacity to influence and control the matter or would have had that capacity but for the agreement or arrangement purporting to limit or remove that capacity.

Does that mean that I can, by agreement, exit myself from that duty and by agreement pass it to someone else? I am not sure how anyone is going to judge the words 'capacity to influence'.

The Hon. J.J. SNELLING: Basically, the effect of the clause is to make it so that you cannot waive your responsibilities and obligations under the act. Those obligations apply to you even though you may have signed a document saying otherwise and that is the purpose behind that provision.

The Hon. I.F. EVANS: The issue of partnerships, Treasurer?

The Hon. J.J. SNELLING: In the example of a partnership, the partnership is the PCBU; each of the partners have equal responsibilities and equal obligations under the proposed act. That is qualified under clause 19. It is qualified insofar as is reasonably practicable. Obviously, if a partner was overseas at a particular time or a partner was not engaged in the day-to-day running of the business then that would be taken into account but, all else being equal, all partners have equal responsibility under the act. It was pointed out to me that if you refer back to clause 5(3) it states:

If a business or undertaking is conducted by a partnership (other than an incorporated partnership), all reference in this Act to a person conducting the business or undertaking is to be read as a reference to each partner in the partnership.

The Hon. I.F. EVANS: The Treasurer gives examples of partners being overseas or not engaged, to use the Treasurer's word, but under this particular bill if you do not take action, if you do nothing, that in itself comes into the definitions of taking action or not taking action. A partner is not going to be able to say, 'I was not engaged', because you actually have a duty to be engaged,

first of all, so it does not matter where you are as a partner you are going to have a duty to be engaged. Then, under clause 16, you have the capacity to influence as a partner. The fact that you decided not to will not exclude you from the risk.

My lay reading of it is that there is nowhere to hide by saying, 'I am a disengaged director' or, 'I wasn't responsible for that role', because in taking no action you are brought into the loop; having the capacity to influence you are brought into the loop; and if you actually are the person responsible then you are clearly in the loop.

The Hon. J.J. SNELLING: Again, it comes back to what is reasonably practicable, and it may only be reasonably practicable for a partner not engaged in the day-to-day activities of the business to ensure that his or her partners are fulfilling the requirements of the act. It would depend on the particular incident that happened but, again, it all comes down to what is reasonably practicable. For a partner who is not engaged in the day-to-day activities of the business, their obligations under the act in what is considered to be reasonably practicable could be somewhat less than another partner who is engaged in the day-to-day activities of the business.

The Hon. I.F. EVANS: I will not hold the house any longer on this issue, but I will just make this point: one partner gets done for not fulfilling some occupational health and safety duty, but the other director or partner is clearly going to be caught in, because the first question I would ask as the representative of the worker is, 'So obviously, as the partner who wasn't directly responsible, you no doubt asked this partner if he was meeting all obligations under the Occupational Health and Safety Act, and you obviously checked that, didn't you, director; didn't you, partner? You obviously checked that. Now, just walk me through exactly what you did to check that.' And the answer is that 90 per cent of people would just take that person's word for it. Did he have the capacity to check? Yes. Did he have a duty to check? Is it practical and reasonable that you would check? Probably. This is where it is so open-ended, in my view.

The Hon. J.J. SNELLING: In terms of general requirements, there is nothing in this bill that changes what currently applies now with regard to partnerships and what might be the responsibilities—

The Hon. I.F. Evans: Except with different definitions of the words.

The Hon. J.J. SNELLING: Again, it comes down to what is reasonable, and what constitutes reasonableness in any particular situation is a well-developed concept in the law over which much case law exists. It is not at all a vague notion. It is a notion with which the courts are very familiar.

Clause passed.

Clause 17 passed.

Clause 18.

The Hon. I.F. EVANS: Clause 18 is the clause much quoted by the minister because it defines what is reasonably practicable. It is interesting that, under clause 17, the minister keeps saying there is no new obligation on anyone under this particular bill. It is all as it is currently in the act. My point to the committee and my point to the business community out there is to go and get the current act and this bill and highlight all the different words.

All the different words have different meanings. There is no better one than in clause 17, which talks about 'A duty imposed on a person to ensure health...' To ensure health is a new wording in the bill. It is new. That means something different to what exists, so I disagree with the Treasurer that this bill is essentially the same as the act.

Clause 18 deals with what is reasonably practicable to ensure health and safety. It comes down to a number of issues and what this really means is that the whole system simply relies on someone's judgement about what is reasonably practicable. Ultimately, if you look at what this clause means, it simply says that:

reasonably practicable...means that which is, or was at a particular time—

which I assume is the time of the injury. I assume that means time of injury. Why it does not say at the time of the injury, I am not sure, but it says 'at a particular time'—pick a time—

reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters—

so the employers out there have an obligation to keep themselves abreast of 'all relevant matters' because they have to weigh them up. They have to weigh them up, so if there is some change somewhere out there in business world, some new procedure or some new guide to a piece of equipment, ultimately the employer would need to be aware of that, because they have to weigh up:

all relevant matters, including—

- (a) the likelihood of the hazard or risk concerned occurring; and
- (b) the degree of harm that might result from the hazard or the risk; and
- (c) what the person concerned knows—

I assume this refers to the person with the duty and not the person who is injured. I will ask this question to the Treasurer in due course: I assume 'the person' in clause 18(c) is referring to the person with the duty, not the worker. It provides:

- (c) what the person concerned knows, or ought reasonably to know—

so if the employer does not know something they should have known, then they are done in relation to this—

about—

- (i) the hazard or the risk; and
- (ii) ways of eliminating or minimising the risk; and

Interestingly enough, the way the government has it drafted, it does not have to worry about the ways of eliminating or minimising any hazard. Under clause 18(c) it only talks about eliminating risk, not hazard. It continues:

- (d) the availability and suitability of ways to eliminate or minimise the risk; and
- (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk—

Again, it comes back to you don't know what you don't know. Then it is judged against whether the cost is grossly disproportionate to the risk. What is 'grossly disproportionate to the risk' is highly interpretive, ultimately, so the whole obligation falls on this particular provision. If you look at the minister's answers, based on his advice, it is all about, 'Well, don't worry, it is what is reasonably practicable.'

My point is that it would be nigh on impossible for most businesses to be abreast of all relevant matters at all times and therefore be able to weigh them up, or to have knowledge of available ways of minimising all the risks. The simple fact is that you do not know everything all the time. I understand where the government is coming from with this clause and that it is almost identical—not quite identical, but nearly identical—to the existing provision. However, when you add in the other changes to all the other words (the number of definitional changes, etc.) and apply them with this background, I think businesses are more exposed under this bill than they are under the current act.

My questions to the minister are: first, where it says 'or was at a particular time' is the time referred to the time of injury; and, secondly, in clause 18(c) where it talks about 'what the person concerned knows', is the person concerned the person with the duty or is the person concerned the worker? If it is the person with the duty, where is the clause that says that the employee undertaking the action should consider what they know or do not know about it? Where is the obligation on the employee on this particular issue?

The Hon. J.J. SNELLING: 'At a particular time' is the time at which there is an assessment taken of the risk. The second question was: who is the person? As the member for Davenport said, that is the person who has the duty within the PCBU.

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: The person with the duty within the PCBU.

The Hon. I.F. Evans: The first one.

The Hon. J.J. SNELLING: 'At a particular time' is the time of the assessment of the risk.

Clause passed.

Clause 19.

The Hon. I.F. EVANS: My amendments are consequential, and therefore I will not proceed with them on the basis that the issue has been decided by the committee. I want to check, as the way I understand clause 19 is that you have a primary duty for all visitors to the site. How does that work for clause 19(3)(f) where it talks about 'the provision of any information, training, instruction or supervision that is necessary to protect all persons'? I assume that, for any visitor to any workplace, there needs to be some process in place to make sure that they have information, training, instruction or supervision—indeed, all of those four things—to make sure that they do not get injured.

The Hon. J.J. Snelling: That happens already.

The Hon. I.F. EVANS: I want you to put it on the record for me.

The Hon. J.J. SNELLING: That happens already. I have visited many factories and workplaces—sawmills—where, before I have been allowed to enter the workplace or leave the office enclosure and visit the workplace, I have been given appropriate safety garb and appropriate instructions to remain within certain areas and, on several occasions, been shown a short video as to what the obligations are. It would be in proportion to the risk of the sites. Obviously, with a sawmill or a factory dealing with dangerous chemicals, more stringent measures have to be taken than with an office.

The Hon. I.F. EVANS: So it would apply to, obviously, retailers and their customers?

The Hon. J.J. SNELLING: Obviously not, because it would be in proportion to the dangers of the workplace and what would need to be reasonably explained to a person in such circumstances.

Clause passed.

Clause 20.

The Hon. I.F. EVANS: I am just trying to get my head around the issue of the duties of persons conducting businesses or undertakings involved in the management and control of a workplace, in regards to residences. The way the bill is drafted is that a person with management or control of the workplace means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in part or in whole, of the workplace. It goes on to say that the workplace does not include the occupier of a residence unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking. I just want to get this on the record so we are crystal clear: if someone is running a single-person business from one room in the house, then the whole of the house becomes a workplace for the purposes of this bill.

Progress reported; committee to sit again.

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

SMALL BUSINESS COMMISSIONER BILL

His Excellency the Governor assented to the bill.

RAILWAYS (OPERATIONS AND ACCESS) (ACCESS REGIME REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

VISITORS

The SPEAKER: I have much pleasure in welcoming a group of students from the Stuart High School in Whyalla. It is lovely to see them here today. As I mentioned before, we have three ex-students from Whyalla who are members of parliament in South Australia, so we are very proud of that. It is good to see you here. It is lovely to see you here. Of course, they are my guests.

Mr Venning: Do they know their local member?

The SPEAKER: Yes, they know their local member. I know them all by name—not quite.

EDEN VALLEY WIND TURBINE

Mr VENNING (Schubert): Presented a petition signed by 687 residents of Keyneton, Eden Valley, Sedan, Cambrai and greater South Australia requesting the house to urge the government to immediately reject the proposed development of a wind turbine power station at Keyneton, Eden Valley.

SCHOOL AMALGAMATIONS

Mr HAMILTON-SMITH (Waite): Presented a petition signed by 588 residents of the City of Mitcham and greater South Australia requesting the house to urge the government to take immediate action to stop the amalgamation of Belair Junior Primary School and Belair Primary School; and Mitcham Junior Primary School and Mitcham Primary School.

SCHOOL AMALGAMATIONS

Ms CHAPMAN (Bragg): Presented a petition signed by 423 residents of community of Linden Park Schools and greater South Australia requesting the house to urge the government to take immediate action to reverse the decision to amalgamate Linden Park Schools so that these schools can continue to provide high quality public education to its current and future students.

RENEWABLE ENERGY

Ms BEDFORD (Florey): Presented a petition signed by 10 residents of South Australia requesting the house to urge the Premier to enable South Australia to be a global exemplar in large-scale renewable energy, by replacing the Playford B coal power station with a solar thermal facility with energy storage.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Agency Audit Reports Supplementary Report November 2011
Ombudsman SA—Valuing Complaints—An audit of complaint handling in South Australian councils Report [Ordered to be published]

Local Government—

City of West Torrens Annual Report 2010-11
District Council of Ceduna Annual Report 2010-11
District Council of Cleve Annual Report 2010-11
District Council of Franklin Harbour Annual Report 2010-11
Rural City of Murray Bridge Annual Report 2010-11
Tatiara District Council Annual Report 2010-11

By the Attorney-General (Hon. J.R. Rau)—

Regulations made under the following Acts—
Supreme Court - Definition of prescribed court

Rules made under the following Acts—

Magistrates Court—

Court Rules—

Amendment 38

Amendment 41

Supreme Court—Civil Rules—Amendment 17

By the Minister for Planning (Hon. J.R. Rau)—

Development Plan Amendment—Interim Operation of the Mid Murray Council—
River Murray Zone Minor Amendments Development Plan Amendment
Regulations made under the following Acts—
Development—Regulated Trees

By the Minister for Business Services and Consumers (Hon. J.R. Rau)—

Regulations made under the following Acts—
Gaming Machines—Exemptions
Liquor Licensing—
Dry Areas Long Term—Victor Harbor Area 1 and Area 2
Dry Areas Short Term—Victor Harbor Area 1, Area 2 and Area 3

By the Treasurer (Hon. J.J. Snelling)—

Construction Industry Long Service Leave Board—Annual Report 2010-11
Industrial Relations Advisory Committee—Annual Report 2010-11
SafeWork SA Advisory Committee—Annual Report 2010-11
Senior Judge of the Industrial Relations Court and the President of the Industrial Relations
Commission—Annual Report 2010-11

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

Australian Health Practitioner Regulation Agency—Annual Report 2010-11
Health Performance Council—Annual Report 2010-11
Health Service—
Bordertown and District Health Advisory Council Inc Annual Report 2010-11
Far North Health Advisory Council Annual Report 2010-11
Naracoorte Area Health Advisory Council Inc Annual Report 2010-11
Port Lincoln Health Advisory Council Inc Annual Report 2010-11
Port Pirie Health Service Advisory Council Annual Report 2010-11
Quorn Health Services Health Advisory Council Annual Report 2010-11
SAAS Volunteer Health Advisory Council Annual Report 2010-11
Southern Flinders Health Advisory Council Annual Report 2010-11
Veterans Health Advisory Council Annual Report 2010-11
Whyalla Hospital and Health Services Health Advisory Council Annual
Report 2010-11
Pharmacy Regulation Authority of South Australia—Annual Report 2010-11
Retirement Villages Act 1987—Annual Report 2010-11
Regulations made under the following Acts—
Health Services Charitable Gifts—General—Property—Advisory Committee—
Reports

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

Adelaide Festival Centre—Annual Report 2010-11
Australian Children's Performing Arts Company—Charter October 2011
Country Arts—Annual Report 2010-11

By the Minister for Sustainability, Environment and Conservation (Hon. P. Caica)—

Adelaide Dolphin Sanctuary Act 2005—Including Adelaide Dolphin Sanctuary Advisory
Board Annual Report 2010-11
Botanic Gardens and State Herbarium, Board of—Annual Report 2010-11
Coast Protection Board—Annual Report 2010-11
General Reserves Trust—Annual Report 2010-11
Native Vegetation Council—Annual Report 2010-11
Regulations made under the following Acts—
Aquaculture—Fees

By the Minister for the River Murray (Hon. P. Caica)—

Save the River Murray Fund—Annual Report 2010-11

By the Minister for Finance (Hon. M.F. O'Brien)—

SA Lotteries—Annual Report 2010-11

By the Minister for the Public Sector (Hon. M.F. O'Brien)—

Freedom of Information Act 1991—Annual Report 2010-11

By the Minister for Education and Child Development (Hon. G. Portolesi)—

Child Death and Serious Injury Review Committee—Annual Report 2010-11

By the Minister for Employment, Higher Education and Skills (Hon. T.R. Kenyon)—

Regulations made under the following Act—

Technical and Further Education—General Variation 2011

By the Minister for Transport Services (Hon. C.C. Fox)—

Mining and Quarrying Occupational Health and Safety Committee—Annual Report 2010-11

Local Council By-Laws—

District Council of Cleve—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

No. 6—Cats

ANSWERS TO QUESTIONS

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

HEALTH SERVICES, WAITING TIMES

17 Dr McFETRIDGE (Morphett) (1 June 2010).

1. How many patients have been on the waiting list to receive endoscopy procedures at each major South Australian public hospital in each year since 1999?

2. How many people were on the specialist outpatient appointments list for those waiting for endoscopic procedures at each major South Australian public hospital in each year since 1999?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

The Department does not collect outpatient waiting list data on how many patients have been on the waiting list for endoscopy procedures because this type of outpatient is currently reported as aggregated data by clinical specialty.

MENTAL HEALTH FACILITIES

56 Dr McFETRIDGE (Morphett) (1 June 2010).

1. What is the current status of the 20 bed aged Acute Mental Health Unit at the Lyell McEwin Hospital, the two intermediate care facilities at Glenside and Noarlunga?

2. What is the current status of the 10 intermediate care beds for regional South Australia and where will they be located?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. The 20-bed Older Persons Mental Health Service Acute unit at the Lyell McEwin Hospital commenced operation in November 2009. The Eastern Intermediate Care Centre (ICC) at Glenside was opened on 14 December 2010 and the Southern ICC at Noarlunga was opened on 18 March 2011.

2. Country Health SA Local Health Network (CHSA) was allocated 30 of 90 Intermediate Care beds and places arising from the recommendations of the Social Inclusion Board's *Stepping Up* report.

The regional Intermediate Care rollout includes a mix of facility and community-based services.

Community-based services commenced from March 2011 at the four major country centres (Port Augusta, Whyalla, Port Lincoln, Mount Gambier) and Kangaroo Island.

Bed-based services will commence in-line with capital works programs in the four country general hospitals.

CHILDREN, YOUTH AND WOMEN'S HEALTH SERVICE

72 Dr McFETRIDGE (Morphett) (1 June 2010). What savings initiatives are expected to be met by the Children, Youth and Women's Health Service and what programs and services will be reduced to meet the required savings targets in 2009-10 and 2010-11?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. The savings requirements that were allocated to the Children, Youth and Women's Health Service in 2009-10 are based on savings initiatives approved by Cabinet, as part of the 2006-07, 2007-08, and 2008-09 Budgets.

The Children, Youth and Women's Health Service funding allocations for 2009-10 and 2010-11 include the following savings initiative:

- Procurement and Supply Chain Savings—this savings represents efficiencies expected from the Procurement and Supply Chain Centralisation project that was approved as part of the 2008-09 Budget.
- In addition, the Region is implementing a number of initiatives aimed at improving the efficiency of the Region and improving its financial performance.

2. The Region has not identified any reductions to the front line services it provides. The financial benefits which are expected to be derived from the savings initiatives are principally a result of productivity and efficiency improvements.

CHILDREN, YOUTH AND WOMEN'S HEALTH SERVICE

73 Dr McFETRIDGE (Morphett) (1 June 2010). What savings initiatives are expected to be met by the Children, Youth and Women's Health Service to meet the requirements of the National Partnership Agreement on Hospital and Health Workforce Reform?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

The Commonwealth Government's National Partnership on Hospital and Health Workforce Reform agreement aims to improve efficiency and capacity in our public hospitals and does not refer to savings initiatives requirements.

HEALTH BUDGET

77 Dr McFETRIDGE (Morphett) (1 June 2010). How much government funding is allocated in 2009-10 to each of the following non-government organisations—the Royal District Nursing Service, Shine SA, community hospitals, palliative and mental health services?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised that in 2009-10 the Department of Health allocated:

- \$11.015 million in funding to the Royal District Nursing Service
- \$4.699 million in funding to Shine SA
- \$24.469 million to non-Government Organisations (NGOs) for mental health services
- \$78,600 to NGOs for palliative services were allocated.

It should also be noted that across SA Health, it is estimated that \$4.6 million was provided to private community hospitals.

ROYAL ADELAIDE HOSPITAL

83 Dr McFETRIDGE (Morphett) (1 June 2010). Why did the accounting provision for the Private Public Partnership in respect of the new Royal Adelaide Hospital change between the 2008-09 Budget and the 2009-10 Budget?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

The accounting provision was changed to align with the Auditor-Generals recommendation for the accounting treatment of Public Private Partnerships across Government. Consulting and project management costs are treated as operating expenditure up until financial close. From financial close, project expenditure will be treated as Investing.

SA AMBULANCE SERVICE

97 Dr McFETRIDGE (Morphett) (1 June 2010).

1. With respect to the South Australian Ambulance Service uniforms, has the following correspondence been publicly released—

- (a) from Dr Fitzgerald; Principal Toxicologist from the Department of Health, dated 26 September 2007; and
- (b) from Dr Jankewicz; Occupational Hygienist, Discipline of Public Health—University of South Australia, dated 14 April 2008?

2. Has a copy of the Uniform Review Group minutes; dated 14 November 2007, been publicly released?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1.

- (a) Correspondence from Dr Fitzgerald has not been released publicly.
- (b) Correspondence from Dr Jankewicz has not been released publicly.

2. The Uniform Review Group minutes dated 14 November 2007 have been provided to the members of the committee.

MOUNT GAMBIER AMBULANCE STATION

103 Dr McFETRIDGE (Morphett) (29 June 2010). What locations are being considered for the new ambulance station in Mount Gambier?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

Among other possible options, SA Ambulance Service has identified land located at 54 Sturt Street, Mount Gambier as the preferred option for the new Mount Gambier Station.

PORT AUGUSTA HEALTH SERVICES

123 Dr McFETRIDGE (Morphett) (27 July 2010). Will the government be supporting the establishment of a privately funded MRI facility in Port Augusta which will be able to provide a service for both public and private patients and which will not require the State Government funding?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. The Australian Government determines the location of Medicare-eligible MRI sites, which can be accessed as an outpatient and provide for Medicare rebates.

Following a selection process, the Commonwealth decided not to proceed with the proposed tender for an MRI machine for Port Augusta.

HEALTH DEPARTMENT LIBRARY

131 Dr McFETRIDGE (Morphett) (27 July 2010).

1. On whose advice or recommendation was the decision made to close the former Department of Human Services Library?
2. How many people were retrenched or offered a targeted voluntary separation package who were previously working within the Department of Human Services Library?
3. Were these former staff consulted or given any notice prior to being retrenched or redeployed?
4. How many people are currently working in the Health Services Library that is now housed within the Royal Adelaide Hospital and what is the extent of their workload?
5. Will the Health Services Library be transferred to the new Royal Adelaide Hospital?
6. What guarantees are there that independent research can be undertaken by staff currently working within the Health Services Library at the Royal Adelaide Hospital during times of need?
7. Where do leading oncology researchers currently undertake their independent health research now that the Department of Human Services Library has closed?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. The closure of the Department of Health's central library and the transfer of its functions to the Royal Adelaide Hospital/Pathology SA library was one of a number of decisions resulting from a review of core business functions within the Central Office of the Department of Health. In the lead up to the decision all Government agencies were set targets to reduce the number of full-time equivalent (FTE) employees.
2. The Government has a policy of no forced redundancies in the public service, and all six library staff (5.4 FTE), were offered a targeted voluntary separation package.
3. Affected library staff were advised of the decision in a meeting with the Department of Health's Chief Executive, the Executive Director of Workforce Services and other senior managers. Staff were advised that they would be offered a separation package, given priority for suitable vacancies, and given opportunities to enhance existing skills and develop new ones.
4. Seven staff in total (6.1 FTE) are currently working in the Health Services Library within the Royal Adelaide Hospital. The library staff workload has not noticeably changed as work practices have been streamlined to become more efficient through, for example, the use of online resources.
5. A library function will be provided in the new Royal Adelaide Hospital. It will rely more on online resources than a physical presence, in-line with contemporary library practice. A 'library hub' will be established as part of the Academic Learning Centre, but details on shape, size and function are still to be determined as part of the design development process.
6. Research undertaken by library staff is normally done at the request of other staff, and is supported, in times of need, by the availability of the online resources (available via the internet and externally 24 hours a day, 7 days a week) which include journals, clinical support tools, research databases and online books. Assistance from library staff is available on request.
7. Oncology researchers in the State health system have access to the library services of their own institutions. In addition, any previous patrons of the Department of Health Library have full access to the present library service as described above.

FAMILY HOME VISITING PROGRAM

137 Dr McFETRIDGE (Morphett) (27 July 2010). How much funding is provided to manage and operate the Family Home Visiting Program?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

The budget for the Family Home Visiting Program for 2010-11 is \$13.6 million.

ROYAL ADELAIDE HOSPITAL**147 Dr McFETRIDGE (Morphett)** (27 July 2010).

1. What are the final results of site and soil contamination reports and how will these results affect the future plans for the new Royal Adelaide Hospital?
2. What is the final expected cost of soil and site remediation at the site of the new Royal Adelaide Hospital?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. The results of the site testing have been given to the two consortia bidding to build the new Royal Adelaide Hospital and are part of that confidential bidding process.
2. The cost of remediation of the railyards site has always been included within the total figure for the new Royal Adelaide Hospital project.

STATE LIBRARY DELEGATION TO NEW ZEALAND**253 Mrs REDMOND (Heysen—Leader of the Opposition)** (13 July 2011). With respect to 2011-12 Budget Paper 4—Volume 3, p139, Sub-program 4.1—

How much taxpayer money was spent on the State Library delegation to New Zealand and how many public servants attended the trip?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

1. None. All airfares, accommodation and incidental expenses were covered by a grant from the Libraries Board from the Mortlock Bequest Fund.

MEMBERS' TRAVEL PROVISIONS**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development)** (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Over the past week there has been significant debate about the use of travel allowances by members of parliament. I think there is legitimate community concern about aspects of the travel provisions, so I intend to initiate a review into those arrangements. The debate I spoke of has focused upon, but not been confined to, the use of the allowance by the Minister for Education and Child Development for her daughter to travel with her to India in April this year.

As we know, the minister had inquired in 2007 as to whether she was entitled to have her daughter as her nominated travel companion in lieu of her partner. This was approved and then reapproved following the March 2010 election. This approval was provided by officers of the parliament quite independent of the political process. This process of approval by officers of the parliament was the same process as has been applied to a number of members on both sides of the chamber who have nominated their children—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —as their nominated travel partner; and of course the actual travel itself was approved. It has been suggested in the media and by others that the officers of the parliament should not have been deciding who the travel partner should be. There has been a suggestion in particular by the Hon. Robert Lucas in another place that decisions about application of the rules can only be made by cabinet. I find this odd, given that these are the travel rules essentially put in place by the previous government, and in respect of which Mr Lucas, when treasurer, advised the Speaker of the following:

Ultimately, these matters will be matters of judgement for you as Speaker, as all possible circumstances of travel for members cannot be explicitly provided for in any guidelines.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley, you are warned. You will listen to the Premier in silence. This is a matter that has occupied the media for the last week and a half.

Mr Pisoni: Absolutely!

The SPEAKER: Order!

Mr Pisoni: What an embarrassment!

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: When in government, Mr Lucas obviously understood the travel provisions to be guidelines, and ones which leave judgement to the Speaker, whereas now in opposition he has tried to persuade the public that they are rules of strict application allowing for no decision-making. Madam Speaker, there is community disquiet about the travel entitlements insofar as they provide for spouse, partner and family member travel.

In respect of travel generally, while I accept that travel for members of parliament is not particularly popular, I believe that it makes a very valuable contribution to our legislature. If people want to debate the merits or otherwise of any particular travel, the system is transparent and the fact of the travel is all laid out for them in the mandatory travel reports.

For my part, I make clear that I would not want to limit any members from pursuing the ideas or concepts that they believe will assist them to discharge their duties, but I share with the community their concern about whether accessing travel allowance for partners and/or family remains appropriate in the 21st century. It is not something that is commonly provided for people in other walks of life, but I also accept that there may be occasions where it may be appropriate for the member of parliament to be accompanied by a family member.

Last week the Leader of the Opposition stated that she thought a review of the use of travel allowance was appropriate. I indicated that I would support such a review if undertaken on a bipartisan basis. I spoke to the leader yesterday to foreshadow an approach which I think is reasonable and independent and which allows bipartisan input. I therefore announce that I will refer to the remuneration tribunal the issue of the entitlement of members of parliament to access parliamentary travel allowance to provide for their spouse, partner or family member to accompany them.

I will request that the tribunal convene a sitting for these purposes pursuant to section 81 of the Remuneration Act. The government will make a submission to the tribunal and I invite the opposition to do so, as well as individual members and the public. I will request that the tribunal report on its deliberations by the time parliament reconvenes in the new year, and I call on those members opposite who are genuinely interested in the policy debate and the improvement of the lives of South Australians rather than political pointscoring to counsel their colleagues to take a bipartisan approach to matters such as this.

Mr Pisoni: A big vote of no confidence there, guys.

The SPEAKER: Order!

PARLIAMENTARY REMUNERATION ACT

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:17): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise to make a ministerial statement on proposed amendments to the Parliamentary Remuneration Act. The act links the basic rate of a federal member of parliament to that of a state member of parliament. The nexus between the basic salary of a state MP is fixed at a value of \$2,000 less than commonwealth members. Earlier this year the federal government passed legislation enabling the Commonwealth Remuneration Tribunal to independently set base salaries for parliamentarians. These determinations will be non-disallowable.

Following on from this amendment, the Commonwealth Remuneration Tribunal is currently considering a determination on base salary for federal MPs. Under the Parliamentary Remuneration Act any increase to the base salary of federal MPs will flow directly to South

Australian MPs. This would be, however, without an offset in allowances and other non-salary benefits.

Any changes to the remuneration of federal MPs will need to be assessed before there can be an automatic flow-on to South Australian MPs. I therefore propose that the Parliamentary Remuneration Act be amended to suspend the nexus between state and federal parliamentarians' remuneration until 30 June 2012 so that an assessment to any changes can be made. It will be necessary for this measure to proceed through both houses before parliament rises for the year and so I ask for cooperation from the opposition to enable the speedy passage of the bill, if necessary by suspension of standing orders.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:22): I bring up the report of the committee entitled Inquiry into Stillbirths.

Report received.

QUESTION TIME

MINISTER'S TRAVEL, INDIA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:22): My question is to the Minister for Education and Child Development. Will the minister explain what was the 'enormous benefit' to the community of taking a seven year old business class to India, and does the minister accept that the public thinks that this was not an enormous benefit to the community? The minister told radio last Thursday, 'There was for me, and for the community, an enormous benefit,' but then failed to explain what the benefit was.

The Hon. J.M. Rankine: What was the benefit of your child going with you?

Mrs Redmond interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! If members want to shout across the chamber, they can go outside.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:23): I am very happy to answer this question, because I think it is about time that we deal in the business of facts here, and there are two very important facts here. The first one is this: every time I sought to access my parliamentary travel allowance, I did so—as the Premier has explained in his ministerial statement—with the appropriate authority of the parliament. I also sought cabinet approval.

Mr Pisoni: From who?

The SPEAKER: Order! Member for Unley, you are warned for the second time.

The Hon. G. PORTOLESI: I certainly played by the rules. It is very clear, I think, however, that the community now wants to have another discussion and debate about what is appropriate, and the Premier, as he outlined in his ministerial statement, is doing that. I absolutely support that. If we want to have a debate about what are appropriate rules, we are about to get that, and that is a good thing.

Mr WILLIAMS: Point of order, Madam Speaker. The point of order is relevance. The question was very specific and asked the minister to explain what the enormous benefit was, as she claimed on public radio last week.

The SPEAKER: Thank you, member for MacKillop. I think the minister is answering the question in the way she chooses, and I do not have a problem with the way she is answering it. Minister.

The Hon. G. PORTOLESI: I am done.

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, behave.

SKILLS FOR ALL

Mr PICCOLO (Light) (14:25): My question is to the Premier. How is the state positioned to respond to the skills demand arising from the growth of the mineral resources sector in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:25): I thank the honourable member for his question. Can I say that one of the biggest challenges that we face as a state is the emerging skills shortages, not just in the state but indeed across Australia. It obviously is the product of a range of factors, but even on the precipice of the extraordinary mining boom we have defence industries that are also making extraordinary demands for skills, and this is a great challenge for us.

We responded in the election—shrieks of silence by those opposite. We responded with a package designed by the former premier and member for Ramsay, the Skills for All package of \$194 million to support 100,000 training places. This program was designed to deliver the skilled workers our economy needs and to ensure that South Australians benefit in our future prosperity. This was not just about meeting the needs of industry; it was making sure that the benefits of these industries flow to South Australians. We do not want—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We know that the decisions that have been taken over the last nine or 10 years have created enormous opportunities, but whether those opportunities are realised to the extent that they should be by South Australians, as opposed to people flying in and gaining these jobs, will depend on our capacity to rise to that challenge in terms of skills. This is an unprecedented package—\$194 million over six years.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg, you are warned.

The Hon. J.W. WEATHERILL: The recently released Skills for All reforms outline the strategic direction that we are taking vocational education and training in South Australia. Skills for All aims to modernise and revitalise vocational education and training so that they are more responsive to the needs of students, business and industry, as well as being linked to our schools and universities. The reforms improve training accessibility and will simplify the arrangements through which all South Australians can increase their skills and employment prospects.

Training will be available to those without qualifications who are seeking new skills and opportunities and for existing workers who want to lift their skills with new technologies and improve their productivity. We are well positioned to respond to the demands that we know are emerging in our industries. The state government, in conjunction with industry, is implementing a number of industry-specific measures in the mining industry. The Industry Workforce Action Plan has been developed with the mining and resources sector and is being led by the Resources and Engineering Skills Alliance, key resource industry companies and major contractors in South Australia.

A draft workforce plan by BHP for its Olympic Dam expansion has also been developed, with input from the Department of Further Education, Employment, Science and Technology. This was an essential part of the Olympic Dam arrangements, and I know that members have been briefed on it. The department is involved in a range of initiatives to assist the growth of the mining sector in South Australia, including support through the involvement of the Resources and Engineering Skills Alliance.

Just yesterday I had the great pleasure of opening the Cooperative Research Centre for deep exploration and drilling technologies training operation up at Brukunga. The disused mine really is proving to be an incredibly important addition to South Australia's skills acquisition for the mining industry. That particular mine now provides an opportunity for new drilling techniques to be piloted. Those new drilling techniques will prove up more efficient ways of getting at the oil, which is becoming increasingly difficult to find.

We obviously have all the low hanging fruit in terms of accessing our mineralisation in this state. We now know that you have to go deeper to be able to find the sorts of mineral deposits that

exist and, so, increasing the efficiency of our exploration techniques is at the heart of ensuring that we unlock the wealth that we know exists in South Australia. This particular facility is allowing companies to trial new techniques, and they will create the manufacturing businesses that will grow off the back of the mining industry. The mining services industry is the great growth sector that will piggyback off the mining industry.

At this site we are seeing a whole range of people gaining extra skills. They do it in an environment that is a Country Fire Service training ground, so during the week they are able to use the accommodation. It resembles camp accommodation in the mining industry, so they are able to replicate the conditions that exist on mine sites, which is very valuable to prove up those young people who might go on to take a place in the mining industry.

They have also made a real commitment to social inclusion: 24 long-term unemployed young people have been trained at that site. A large proportion of them are now working in the mining industry. That is our commitment: not only ensuring that the needs of the mining industry are met, but to ensure that all South Australians enjoy the benefit of this mining boom.

Mr Williams: Ten years.

The SPEAKER: Order!

MINISTER'S TRAVEL, INDIA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:31): My question is once again to the Minister for Education and Child Development, and it is simply: why can't the minister explain the enormous benefit that taxpayers gained through the minister taking her daughter business class to India?

The SPEAKER: Point of order.

The Hon. P.F. CONLON: Madam Speaker, I think most people would recognise this as being the same question asked and answered.

Members interjecting:

The SPEAKER: Order! I must admit that I did initially think it was the same question, but I think there are one or two words that are different in it. Before it was 'what'; this time it was 'why can't'. Minister, do you choose to answer the question?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:32): I am very happy to repeat what I said a moment ago, and that is—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —that I have always behaved, and I have always played by, the rules. If the members opposite don't like those rules, they are going to get an opportunity now to say what they should be. I look forward to hearing from them about what their plans are.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Madam Speaker, I have complied with the rules as set by parliament.

ACCESSIBLE TAXI SERVICES

Mr SIBBONS (Mitchell) (14:32): My question is to the Minister for Transport Services. Can the minister inform the house about access taxi and bus services organised for Christmas Day?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:33): Thank you, and I thank the member for Mitchell. This year there are nearly 100 (that is 96) access taxis registered to provide services on Christmas Day, and that is an increase of seven access taxis on last year's number. Access cabs have been preparing for the Christmas rush from August, ringing nursing homes and other clients to plan ahead. This year, Christmas Day for access taxis is not yet fully booked; however, customers are asked to book as soon as possible to secure their preferred time.

Also, additional accessible vehicles will be sourced from the Julia Farr Centre and bus service providers. There are four extra accessible minibuses on standby, two based in the south at Lonsdale and two based in the north at the Elizabeth depot, which will be used as required. Further to that, I am advised that arrangements have also been made with each contractor to ensure that every single Adelaide Metro bus on the road on Christmas Day is accessible to those using wheelchairs. Peak periods such as these are always difficult to manage, but the department, taxi and bus companies have more services available this year than ever before to cope with increasing demands.

Last year on Christmas Day there were 89 access taxis registered for duty; over 1,000 bookings were despatched; and 97% of those bookings were picked up within 30 minutes of the requested time. The average waiting time for passengers was four minutes. One complaint was received on Christmas Day in 2010, while seven commendations were received. This year, of course, we will be aiming for no complaints and for everybody to enjoy Christmas Day without any hassle.

MINISTER'S TRAVEL, INDIA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:35): My question is to the Treasurer. Given that the so-called travel exemption for the member for Hartley's daughter was granted when the Treasurer was the Speaker, will he advise the house who actually made the decision that an exemption was available under the rules, and the decision that it was to be granted?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:35): Exactly the same procedure as would have applied when the Leader of the Opposition asked for an exemption for her to have her child as her travel companion; absolutely no difference at all; exactly the same procedure.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: The procedure was this—I am not going to name the officers. They are officers of the parliament who are directly responsible for this. There was an email, which has been released to the media. The email is between a junior officer and his manager, and he has handwritten on the email that that manager has approved that it would be appropriate, in the case of the minister, to have her daughter as her travel companion.

Members interjecting:

The SPEAKER: Order!

STANDING COMMITTEE ON LAW AND JUSTICE

Mr BIGNELL (Mawson) (14:36): My question is to the Attorney-General. Can the Attorney-General please inform the house about outcomes of the recent meetings of the Standing Committee on Law and Justice in Launceston, and the implications for South Australia?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:36): I thank the honourable member for his question. Last Friday I attended a meeting of the Standing Committee on Law and Justice in Launceston, that is, the committee formally known as SCAG.

Mr Pisoni: Was that the main outcome; that you changed the name of it?

The Hon. J.R. RAU: We did other things. The meeting covered a number of national issues including DNA evidence, synthetic drugs, and serious and organised crime. Many of these matters, particularly the serious and organised crime matters, have confronted jurisdictions around the country with similar problems. We understand now, from the information we received at that meeting, that Western Australia will be introducing new serious and organised crime legislation later this week. Incidentally, I can say that New South Wales is looking at amendments to its legislation, as is the Northern Territory, which I believe has also recently introduced amendments.

All of the attorneys present expressed a strong commitment to serious and organised crime laws, but all stressed the importance of making sure that we do not take the risk of further High Court challenges, at least inasmuch as we are able to avoid them, given the current information. The commonwealth, state and territory solicitors-general will be meeting in Hobart this week to

discuss legislation to combat serious and organised crime. Finalising our laws in relation to this (the announcement of which occurred some time ago) will be benefited by these national discussions to ensure that the best possible laws are put in place to protect all South Australians. I expect to bring forward bills to this parliament early in the new year.

MINISTER'S TRAVEL, INDIA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:38): My question is once again to the Minister for Education and Child Development. My question is who is right: the minister who told the media in relation to her 2010 trip to India with her daughter 'when I was sick she was with me the whole time'; or Major General Vikram Madan who said that he accompanied the minister's daughter on a flight from Singapore to Adelaide while the minister was sick in Singapore?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:39): I did get sick, as did a number of other members of the party, whilst we were in India. However, I managed to board a flight from New Delhi with a number of other members of the party, including my daughter, and we made it to Singapore. My condition on the flight in Singapore deteriorated rapidly and that meant that we all got off at Singapore Airport. I went to the medical clinic where it became clear that I was going to have to stay in a hospital in Singapore. Singapore Airlines came to see me and sought my approval to take charge of my daughter's care. As to how they sought to arrange that on the flight is absolutely up to them.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Members on my left and on my—

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

ADELAIDE ZOO

Mrs VLAHOS (Taylor) (14:41): My question is to the Treasurer. Can the minister inform the house on what actions the government has taken to secure the future of the Adelaide and Monarto zoos and Warrawong sanctuary?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:41): I would like to thank the member for Taylor for her question and her interest in the future of these three locations. Adelaide Zoo is an iconic South Australian institution, together with Monarto Zoo and the Warrawong Wildlife Sanctuary. I can speak from personal experience that they have provided entertainment for generations of South Australian families. Earlier this year representatives from Zoos SA came to the state government to make us aware of financial problems that they had. Following the arrival of the pandas, there was a shortfall in corporate support—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: There was a shortfall in corporate support stemming from the global financial crisis, and the failure to secure a federal government grant meant that Zoos SA found itself in a position where they were unable to make loan repayments on a loan to Westpac of about \$25 million.

An honourable member interjecting:

The Hon. J.J. SNELLING: No, it wasn't. From the moment we were made aware of the zoo's financial plight, my colleague the Minister for Sustainability, Environment and Conservation

made a statement in this house in June. We made a commitment to do what we could as a government—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. J.J. SNELLING: And he made a statement in June—and March, in fact, when we first found out. So what?

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Come off it!

Members interjecting:

The SPEAKER: Order! If the two members want to get up and do a talk, they can do it later on but not now in question time.

The Hon. J.J. SNELLING: We made a commitment to do what we could do as a government to keep the Zoo open. As part of the process, it was necessary to forward future funds from Zoos SA's annual government grant so that the Zoo could meet its day-to-day operating expenses while we worked with Westpac and Zoos SA to reach a resolution on the financial impasse. From the start of those negotiations, we made it clear that it was not the responsibility of South Australian taxpayers to bail out a financial institution but we would work with Westpac to make sure the Zoo had a future.

I am pleased to say that last week we found that solution—a solution that will ensure the long-term financial viability of Zoos SA. As part of that solution, there has been an increase in the annual grant provided to Zoos SA from \$3.126 million per annum to \$4.5 million, as well as the grant being indexed. Zoos SA's annual grant has not been indexed or increased since 2003-04. Zoos SA will not have to repay \$2.3 million already brought forward from 2012-13. Importantly, Westpac has agreed to reduce its existing debt from \$25 million to \$7.5 million and will enter into a long-term—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Importantly, Westpac has agreed to reduce this existing debt from \$25 million to \$7.5 million and will enter into—

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, you are warned for the second time.

The Hon. J.J. SNELLING: Importantly, Westpac has agreed to reduce its existing debt from \$25 million to \$7.5 million and will enter into a long-term sponsorship arrangement with Zoos SA. The state government will provide a loan to Zoos SA of \$2.6 million to form part of the settlement arrangement with Westpac. Zoos SA will also receive additional financial assistance to ensure that it is able to service the interest on the Westpac debt and the interest and principal on the state debt. As part of the settlement arrangement, the state government will now work with Zoos SA on arrangements that ensure that it remains financially viable. This will include obtaining the approval of the Treasurer before it takes on any further debt.

I would like to thank Westpac for the good faith our negotiations were held in, and I do note again the significant write-off of its existing debt. I would also like to mention the hard work of the current Zoos SA President, Kevin McGuinness, who, since joining Zoos SA, has worked tirelessly with the government and Westpac on the solution that we have today. The Adelaide Zoo, Monarto Zoo and Warrawong sanctuary hold an important part in South Australian life. We now have a situation where we will see future generations of South Australians being able to enjoy going to the Zoo as generations have done before.

TEACHER EMPLOYMENT EMAIL

Mr PISONI (Unley) (14:46): My question is for the Minister for Education and Child Development. If the minister knows the perfectly rational explanation why student and contract teachers were incorrectly told they were short-listed for permanent teaching positions, could she

now give this perfectly rational explanation to the house? On 10 November, when the minister was asked a similar question, she said, 'I am familiar with the matter to which he refers and there is a perfectly rational explanation.' She then sat down without giving the explanation.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: The next day, the minister's office contacted my office asking for details on the issue.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:46): That's right, Madam Speaker. The member for Unley—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: The member for Unley raises a question in here, I presume because he wants an answer, so I sent my office to him—

Mr Pisoni: You make it up as you go along!

The SPEAKER: Order! Member for Unley, you have asked your question.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Point of order, Madam Speaker. I draw your attention in relation to what the member for Unley just said and standing order 127. The member for Unley said, 'You're just making it up', and I believe that imputes improper motive to the member for Hartley.

Members interjecting:

The SPEAKER: Order! Thank you, Minister for Transport Services.

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, order! Minister, sit down until we have got some order, and if the—

Members interjecting:

The SPEAKER: Order! I am on my feet. If the member for Unley did say that, then I would ask him to withdraw that.

Mr PISONI: I withdraw, Madam Speaker. I think that everybody knows.

The SPEAKER: Thank you.

Members interjecting:

The SPEAKER: Did he? Yes. I heard the 'withdraw that', but I did not hear the last bit. I think that he said that everybody knows. I would ask him to withdraw that, also.

Mr PISONI: I withdraw that 'everybody knows', but I can't help that, I'm afraid.

Members interjecting:

The SPEAKER: Member for Unley, you will withdraw the whole thing and stop making smart comments or you will leave the chamber. You will apologise to the minister.

Mr PISONI: I withdraw and I apologise, Madam Speaker.

The SPEAKER: Thank you. Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker, and to the former deputy speaker, I thank her as well. Yes, I did ask my office to contact the member for Unley in the spirit of

actually trying to provide a constructive response to the member for Unley—and what did he say? 'You write to me.' He said, 'You write to me.' As he would well know—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —there are about 1,000 sites that we are responsible for, but schools are responsible for their own recruitment. An online recruitment system was introduced in 2008, and in addition a new teacher recruitment and selection policy was implemented in June 2011 to allow more decision-making and recruitment at the local level and to provide greater—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —opportunities for graduates and contract teachers to gain permanent employment within the agency. Since being introduced, this system has resulted in more than 700 additional teaching positions being advertised to an open field, enabling temporary contract teachers and new graduates to apply for all positions and compete equally with existing permanent teachers. I would suggest that the member for Unley (and the shadow minister) needs to decide where his priorities lie. As recently as this morning on 5AA he was calling for schools to be given—

Members interjecting:

The SPEAKER: Order! Point of order, minister.

Mr WILLIAMS: Point of order: the minister is now debating. This is question time; it is not time for her to suggest what the member for Unley—

The SPEAKER: Thank you, member for MacKillop.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: On a second point of order, the question was seeking a perfectly rational explanation.

The SPEAKER: Thank you. I do not know what the point of order was but, minister, can you bring your answer to a close?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: On the one hand we have—

Members interjecting:

The SPEAKER: Order, the member for MacKillop and the Minister for Transport! The minister will be heard in silence.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. On the one hand we have the shadow minister calling for schools to be given 'the ability to self manage', something that we are doing here in South Australia. Now he seems to be complaining that the government is doing too little to intervene.

Members interjecting:

The SPEAKER: Order! The member for Reynell.

MOTOR REGISTRATION LABELS

Ms THOMPSON (Reynell) (14:52): My question is to the Minister for the Public Sector. Can the minister please inform the house of the benefits associated with the abolition of registration labels?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (14:52): I thank the member for Reynell for her question. The legislation to eliminate registration labels for light vehicles such as cars, motorcycles, trailers, horse floats and caravans in South Australia was introduced as part of the Statutes Amendment (Budget 2010) Bill and was

implemented from 1 July 2011. This initiative provides increased efficiencies in the way we do business, particularly around the processing and production of registration labels. Not requiring registration labels—

Mr Williams interjecting:

The Hon. M.F. O'BRIEN: They are having a bit of trouble with the introduction of new technology, Deputy Speaker. Not requiring registration labels affixed to light vehicles will deliver significant savings in the order of \$5.7 million over four years, which can be more strategically utilised. Although segments of the community and a few on the front bench might be hesitant to embrace change to our long-standing registration process, South Australians stand to benefit from being able to access—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —online services—and I will explain to the deputy leader what an online service is—supporting the initiative and the resultant reduction in queue waiting times in Service SA centres. Service SA has—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —implemented—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: You don't want to see improvement, then? Service SA has implemented a variety of facilities that allow customers to conveniently check the registration status of a vehicle, including via the EzyReg website, a 1300 hotline and—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —smartphone applications.

Members interjecting:

The SPEAKER: Order! Members on my left will be quiet. I can't hear the minister.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: Madam Speaker, you would be interested to note that to date more than 215,000 inquiries have been made using these methods. For those citizens who prefer the traditional way, they can retain the tear-off slip from the registration details certificate and place it in the glove box of their car. It contains no personal information. Alternatively, citizens can purchase a registration reminder sticker from the RAA for a nominal fee.

Further to these developments, the South Australia Police can check light vehicle registrations via mobile devices, moving to the next generation of technologies where computing and mobile devices are a natural alternative for conducting business.

Finally, those South Australians concerned about travelling interstate without a registration label can be assured that interstate road transport authorities have been advised of the elimination of registration labels in South Australia, and I understand a number of the states are contemplating following the lead that South Australia has taken on this particular matter. SAPOL has also been in contact with its interstate counterparts, who also carry the same technology in their police patrol vehicles.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (14:55): My question is to the Treasurer. Was former treasurer Foley right when he said that the loss of the state's AAA credit rating would 'send our state spiralling down into an abyss of debt'?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:56): The fact is, Madam Speaker, that economic conditions have changed considerably since—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Treasurer.

The Hon. J.J. SNELLING: The simple fact is, as I was saying, economic conditions have changed considerably since the former treasurer Foley—

Mr Marshall: Rubbish!

The Hon. J.J. SNELLING: 'Rubbish,' says the member for Norwood. The member for Norwood is such an expert on world economy and world economic events. Goodness me!

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, behave. You are on a warning.

The Hon. J.J. SNELLING: We are in a world where the United States of America, the largest economy in the world, has itself been downgraded to AA+; there are but—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The minister will sit down until we get some quiet. The member for Norwood and the member for MacKillop, you are very vocal and loud today and you are both on warnings. You are on your second warning, Norwood. You are on your first, MacKillop. Treasurer.

The Hon. J.J. SNELLING: There are but a handful of national jurisdictions that have a AAA credit rating. There is considerable speculation that France may be downgraded to AA+, and, indeed, it is highly unusual for a subnational jurisdiction like South Australia to have a AAA credit rating. I have said practically from the very moment that I took office as treasurer that retaining the AAA credit rating in the current economic environment would be extraordinarily difficult.

SCHOOL LEAVERS

Ms BEDFORD (Florey) (14:58): My question is to the Minister for Education and Child Development. How is the government ensuring that students are equipped for the future when they complete school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:58): I would like to acknowledge the outstanding community advocacy that the member for Florey does. This government appreciates just how important it is to lift the skills and job readiness of young people and also to broaden all opportunities for young South Australians. Indeed, this government has implemented a number of initiatives that are enabling thousands of young people to gain practical skills for further employment and training while they are at school.

We have acted to widen the opportunities for all young people, in particular to broaden choices to learn a trade or other skills through VET courses. Our initiatives also reflect the increasing demand by industries for more highly skilled people in a wide range of trades and occupations. These of course include our network of trade schools for the future that enable young people to gain school-based apprenticeships.

Importantly, it also includes our commitment to the new SACE, which links students into new vocational education pathways. This morning the shadow minister attacked the new SACE on two fronts. Firstly he said, 'Some interstate universities, for example, simply won't recognise the South Australian Certificate of Education because there are not enough prerequisites.' In fact, the South Australian Tertiary Admissions Centre (SATAC) has advised me that students can use the SACE to gain entry into any university in Australia and overseas, and that as far as they are aware there is no Australian university that will not accept an Australian Tertiary Admissions Rank (ATAR) based on SACE results.

We also believe that people should have a second chance at their education, which is precisely why we have refocused adult re-entry education for those over 21 who have not completed their SACE. Just for the opposition's benefit, because he was confused about this issue on radio, as well—because we know he often gets it wrong—I will recap. If you are under 21 years of age—

Mr PENGILLY: Point of order.

The SPEAKER: Order! Point of order, the member for Finniss.

Mr PENGILLY: The minister referred to 'he'. Is the minister referring to the member for Unley or someone else?

The SPEAKER: Minister, there is a question through the chair.

The Hon. G. PORTOLESI: I apologise. I am absolutely referring to the member for Unley when I refer to the fact that he gets it wrong.

Mr PISONI: Is she really able to say that I can get things wrong? I would argue that—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —she needs to apologise. She is imputing—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —127 on a member of parliament and I ask you to be—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —bipartisan—

The SPEAKER: Thank you.

Mr PISONI: —with your rulings. Can't have one rule for one side and not the other.

The Hon. P.F. CONLON: Point of order, Madam Speaker.

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Sit down. We already have one point of order. I will hear the Minister for Transport and Infrastructure.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: On your point of order—

Members interjecting:

The SPEAKER: Order! Both members will sit down. You will all sit down and be quiet. Did you have a point of clarification, Minister for Transport and Infrastructure?

The Hon. P.F. CONLON: I was going to offer on the point of order that it is—

Mr Williams interjecting:

The SPEAKER: Then tell me your point of clarification.

Mr WILLIAMS: A point of order has been taken and you have yet to rule on that point of order.

The SPEAKER: Thank you. Sit down.

Mr WILLIAMS: On a further point of clarification, Madam Speaker, every time the opposition raises a point of order the Minister for Transport and Infrastructure displays his lack of confidence in your ability to adjudicate on the point of order.

The SPEAKER: Thank you.

Mr WILLIAMS: And stands up and takes a further point of order in order to give you instructions.

The SPEAKER: Thank you.

Mr WILLIAMS: And I think it reflects very poorly on you—

The SPEAKER: Thank you, member for MacKillop. You can sit down; I don't need your protection, thank you. On my listening to the minister I did not think she particularly reflected on the member, but I will listen very carefully. If there was a reflection on the member, I would ask her to withdraw it.

The Hon. G. PORTOLESI: Thank you, Madam Speaker.

The SPEAKER: Minister, if you can go back to the answering of the question.

The Hon. G. PORTOLESI: Yes. I will recap for the benefit of the member. If you are under 21 years of age you can attend adult re-entry colleges regardless of whether you have the SACE or not, but anyone who has not completed their SACE, regardless of their age, is eligible to undertake the SACE.

This government absolutely has a plan for the future for our students which includes things like empowering local schools, the new SACE, our commitment to the national curriculum, additional support for numeracy, literacy and, of course, the radical creation of this new agency. Madam Speaker, I ask the member opposite, as I did last week—there was a stunning silence—'What's your plan?'

The SPEAKER: I think, listening to the minister's answer then, it probably clarifies the point that she made. However, if the member still feels upset by it he can come and talk to me after question time.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (15:04): Does the Treasurer stand by his own target in his own state budget, handed down less than six months ago, and I quote: 'to ensure that risk to state finances are managed prudently to maintain a AAA credit rating'?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:04): I do; nothing has changed. The simple fact is, though, that we are undergoing a significant reduction in revenues which will be spelt out in the Mid-Year Budget Review, and we are in a very difficult world economic climate. In that climate, retaining the AAA credit rating is going to be extremely challenging.

EMERGENCY SERVICES, COMMUNICATIONS

Mr ODENWALDER (Little Para) (15:05): My question is to the Minister for Police. Can the minister provide details on how the CFS and SAPOL are using social media to provide up-to-date information on key activities?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:05): I thank the member for Little Para for this important question and for his ongoing commitment to community safety. I know it is particularly important to him given he does have a very definite CFS/MFS interface and some very active CFS brigades in his electorate.

In a world where technology delivers information to your fingertips, the CFS and SAPOL have recently embraced the use of smartphone applications. It is important to note that these communication methods are not about providing last-minute advice on what action to take, and they do not replace what we have always done. They simply help spread key messages further. Nor must we overlook the fact that vigilance in any emergency situation is the responsibility of the individual.

The best way to be prepared is to have access to the latest information. This is why the new CFS smartphone application will be handy in planning for the bushfire season. The free service, available from the iTunes app store, will provide key features including: maps and tables showing all current CFS incidents, including prescribed burns; current fire ban and fire danger rating information; advice on what to do on days of high fire danger; information on nearby Bushfire Safer Places; a call 000 function; an email friends function to keep them informed of personal

intentions in the event of a bushfire; a bushfire-ready checklist; and the ability to listen to the standard emergency warning signal to alert the public before broadcast of warning messages.

I am pleased to advise that our police have become the first in Australia to launch their own mobile web-based application. The SA Police News application is also free and works straight on a smartphone by visiting their website. It will allow users to read the latest news from the SA Police News website, watch the 'caught on CCTV' clips from the SA Police YouTube channel—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —receive information about natural disasters and emergencies, check speed camera locations, find out how to report a crime, find the local police station, see the list of SA's most wanted, access SAPOL's social media sites and share news articles on Facebook and Twitter. As part of a broader social media strategy, these agencies also have dedicated websites, and users can also be kept informed through both Twitter and Facebook.

The extent to which people turn to social media in times of need was best shown during the Queensland floods. Fans of the Queensland Police Facebook site rose from 8,000 to 180,000 in just one day. Social media provides the latest information on our emergency services and is something we can expect to see more of in the future. I congratulate not only the teams who have developed these projects, but also the many brave people on the front line who will selflessly contribute to their ongoing operation and the safety of our community.

Ms Chapman: What about the Gawler Ranges?

The SPEAKER: Order! The Leader of the Opposition.

MARINE PARKS

Mrs REDMOND (Heysen—Leader of the Opposition) (15:08): My question is to the Premier. Why, after 10 years of process and numerous angry public protests, did the government only listen once the shoppies union told them to review their marine parks policy?

The SPEAKER: Point of order. The Minister for Transport.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order, Madam Speaker. Standing order 97 requires that a question be asked, not that in asking that question you engage in debate or argument. What has just been said by the Leader of the Opposition is plainly, by any standard, argument. It also requires you, if you do wish to explain a question, to do it in factual manner by the leave of the house. There was nothing in the least bit orderly about the question.

Mr Marshall: Was that an instruction or a question?

The SPEAKER: Order! Was that a reflection on the Speaker, that comment?

Members interjecting:

The SPEAKER: Order! I do agree with what the Minister for Transport said: that question was somewhat out of order. However, I will let the Premier answer it if he chooses to.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:10): Our vision for marine parks in South Australia is to have an international set of marine parks that are of a world-class standard and that do a couple of very important things. First, they protect our unique marine habitat but, critically, they also allow access for commercial and recreational fishers. I personally—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I have been involved in this process at one stage. It was commenced, in fact, by the member for Davenport when he was minister.

The Hon. I.F. Evans: I didn't invent your process, mate.

The Hon. J.W. WEATHERILL: In fact, you passed the legislation that embodied the process, so I think you were involved in it to some extent and you actually supported the legislation—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that embodied the process. In fact, I think there was an earlier father. It was John Howard who actually signed the arrangements that drew on an international covenant that created the process for the establishment of marine parks. The truth is that they have been wandering around the regions trying to scare up a bit of support. I thought there was—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —an important opportunity to bring together the parties, and I did that. The other week—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: No, we actually didn't have a meeting with them. We actually had a meeting with the recreational fishers' association, the commercial fishing association and also the environmental groups. There was a very broad—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: I did, regularly—agreement that we did need to hit the reset button. We have already achieved the outer boundaries of 19 marine parks, I think. We have achieved the outer boundaries of the marine parks. There has been some good local work done, but there is no doubt that the parties are a fair way apart. I wanted to take the opportunity of bringing people together. I wanted to take the opportunity to listen to people. I would have thought that's a good thing.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: When I was responsible for this exercise—and I know the minister who is now responsible for the exercise has been involved in detailed discussions the length and breadth of the state with the various interests. I think it is fair to say that this is a very big decision to take, but I can envisage a future where these regional communities will be proud of the fact they have marine parks. They will be proud of them. They will be used as a basis for promoting tourism and there will be commercial fishing interests that will promote their product on the basis that it is farmed inside marine parks.

BUILDING INNOVATION FUND

The Hon. S.W. KEY (Ashford) (15:13): My question is directed to the Minister for Sustainability, Environment and Conservation with regard to the Building Innovation Fund. What support is the government providing to help reduce the carbon footprint of our built environment?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the member for Ashford for her question and, as always, I do acknowledge her commitment to all aspects of environmental management. It is clear that our climate is changing and that this change is largely due to the increases in human-produced carbon pollution.

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am not going to say anything. It would be disorderly to respond, but—

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, you are on your third warning. The next time you will go out.

The Hon. P. CAICA: That's all right, third warning. The government is serious about reducing this carbon pollution. That is why we are supporting the uptake of developing technologies to help reduce the carbon footprint of our built environment. Today I am pleased to announce the opening of the fourth round of the \$2 million Building Innovation Fund. This fund was established in 2008 and provides grants for both capital works and feasibility studies to owners of private office buildings, universities, not-for-profit associations, hotels and shopping centres. It is about encouraging commercial building owners to explore innovative technologies to reduce energy use and cut greenhouse gas emissions.

The Building Innovation Fund has supported several feasibility studies and capital work projects to date. An example is the trial of a green wall and a roof in the CBD to see how these concepts influence a building's thermal energy performance. Other projects include energy generation technologies, including trigeneration, meaning the use of waste energy to produce heat, electricity and cooling—I know that the member for Bragg is very familiar with trigeneration—and also a solar facade.

Thermal imaging has also been undertaken to determine building facade improvements. In plain English, this means the use of an infra-red camera to measure the radiation of a surface, and this produces a colour image which can be converted into a temperature. The Building Innovation Fund has helped to inspire—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The Building Innovation Fund has helped to inspire renewed enthusiasm for new building technologies and techniques. With the help of the Building Innovation Fund, South Australia is continuing its leadership in sustainability of the built environment. This is the fourth call for funding under this program. I encourage eligible building owners to apply to improve the performance of their building. The lessons learned through these projects are being shared across industry to expand levels of understanding about ways to reduce carbon footprints. This is a very commendable program. It is another tangible sign of this government's commitment to a sustainable future for South Australia.

MINISTERIAL CODE OF CONDUCT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:16): My question is to the Minister for Transport Services. Did the minister absent herself from a cabinet vote because she thought she had a conflict of interest yesterday in relation to changing the law suppressing the identity of people accused of sex crimes?

The SPEAKER: Order! Minister, sit down a moment. I won't accept that question. It is a question regarding the cabinet party room and I don't think that's acceptable. It is not the normal practice, and I have consulted with the Clerk on that. Deputy leader, do you have another question?

Mr WILLIAMS: A point of clarification, Madam Speaker. The issue was canvassed by another minister in the press conference yesterday following cabinet. The question goes to—

Mrs Redmond: The accountability of government.

Mr WILLIAMS: Yes, the accountability of ministers and whether ministers adhere to the ministerial code of conduct, because, in the press conference yesterday, there were conflicting reports of what actually occurred in cabinet, and I think it is in the public interest for the public to understand whether ministers do, in fact, adhere to the code of conduct.

The SPEAKER: I don't consider that that is the case. I don't think the minister should have to reveal to the public what happens in the cabinet room. However, the Minister for Transport Services appears willing to answer the question so I will allow the question to go ahead.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:18): Thank you, and I—well, actually, I don't thank the member for MacKillop for his question.

The Hon. G. Portolesi interjecting:

The Hon. C.C. FOX: There is that. The answer to your question 'Did I absent myself?' in relation to these particular matters is yes. That is documented and I always have done so in relation to the matters which you are thinking of. Always.

SEXUAL HEALTH AND RESPECTFUL RELATIONSHIPS EDUCATION

Mrs GERAGHTY (Torrens) (15:19): My question is to the Minister for Health and Ageing. What impact is sexual health and respectful relationships education having on South Australia's young people, and where is it headed in the future?

The Hon. J.D. HILL (Kurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:19): Thank you very much, Madam Speaker, and I thank the member for this really important question. I am very pleased to inform the house about sexual health and respectful relationships programs that run in our secondary schools across the state. Members might be interested to know that South Australia has the third lowest teen pregnancy rate in Australia after the ACT and Victoria. In 2002, the teenage pregnancy rate—that covers both births and abortions—

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. J.D. HILL: The teenage pregnancy rate in 2002 for both births and abortions was 47.7 per 1,000 teenagers. In 2009 the rate was 32.7 per 1,000, the lowest teenage pregnancy rate on record in this state. So, nine years ago it was 47.7 per 1,000; it has fallen to 32.7 per 1,000 teenagers in this state. The abortion rate for teens in 2002 was 24.5 per 1,000. This has dropped, I am very pleased to say, to 17.2 per 1,000 in 2009. In actual numbers: in 2002 there were 1,249 terminations to teenagers in South Australia; in 2009 there were 908.

Regardless of one's views about abortion, I think everybody would agree that the fewer abortions there are, the better it is for us as a society. I am pleased to say there has been a reduction in the rate of abortions for teenagers. I am advised that this decrease can, in part, be attributed to a Focus Schools program which now runs in our secondary schools for students in years 8, 9 and 10. In 2003 the program began with the *share* Project, with 15 pilot schools. Members might remember this program because it was made much of by members on the other side. Now, after years and years of its presence, we can see the results: lower pregnancy rates and lower abortion rates.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Despite efforts to derail the program, not one of the pilot schools left the three-year trial. Around 10,000 parents gave their informed consent for their 13 to 15 year olds to participate, with about 95 to 98 per cent of parents endorsing the appropriateness of the program. So, despite the campaigns to undermine confidence, 95 to 98 per cent of people continued in it. Schoolteachers found the support valuable—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. Hill: Schoolteachers found the support valuable, as they could access comprehensive resources in relation to respectful relationships and sexual health, backed up with training and mentoring. A university partnership was also established to evaluate the program.

The evaluation reported positive feedback from teachers, students and families who recognised its impact. In 2006, SHine SA expanded the program with additional funds from the state government. I am pleased to report that 103 state secondary schools, in years 8, 9 and 10, are now involved, and more schools show interest. In addition, private schools are sending teachers for teacher training and implementing the program in their schools.

One of the strengths of the program is relating to teachers for their particular students' needs. There are an additional 17 Aboriginal and Anangu schools, and the SA Aboriginal Sports Training Academy, involved in the Aboriginal Focus Schools program from years 5 to 10; and also 18 communities involved in the peer education and health promotion program called Investing in Aboriginal Youth.

Teachers who work with children with disabilities are also requesting training so that they can better support the students around their rights, responsibilities and sexual health. I was very pleased to meet with the SHine SA team, now based at the Woodville GP Plus Centre, recently, and to hear firsthand how the staff value working with schools.

By the first term of 2012 we will have celebrated 10 years of comprehensive, respectful relationships and sexual health education for young South Australians—a program which was denigrated by those on the other side and which has had a remarkable positive impact on the birth rate amongst young people in South Australia.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: We are descending into debate.

The SPEAKER: Minister, have you concluded your answer? Thank you.

GRIEVANCE DEBATE

REMEMBRANCE DAY

Dr McFETRIDGE (Morphett) (15:24): One of the areas that we do get bipartisan support for in this place is veterans' affairs. For many years I tried, with Aboriginal affairs, to have as bipartisan an approach as possible but, unfortunately, there are times when, both with veterans' affairs and Aboriginal affairs, you do need to question some of the motives and the methods of the government.

That certainly happened last question time in this place, the Thursday before Remembrance Day (10 November), when I asked why there had been an email circulating in some hospitals to request that the broadcasting of Remembrance Day services not go ahead as it was apparently disturbing the patients. This was not going to happen at the Repat.

In what was quite a vitriolic attack on me by the minister—and I was surprised at this because I thought he might come out and say, 'I'll investigate it because it is a silly idea.' He got stuck into me saying that I was creating a political bunfight over this. No, minister, what I was saying was there was a question that needed to be answered in a succinct way. Fortunately, the Minister for Health tweeted almost immediately (although he was not in the chamber at the time because he was on other business) that Health staff should be observing Remembrance Day. But, no, the Minister for Veterans' Affairs, the Treasurer, continued this attack in this place on me as the shadow minister for veterans' affairs.

Let me tell the Treasurer and the Minister for Veterans' Affairs that the feedback I got on Thursday night, 10 November, was all very positive: at Brighton Secondary School for their 102,000 poppy release, which I will talk about in a moment; then later on at the Glenelg Plympton RSL on Friday night of Remembrance Day; and then the numerous other people I spoke to over the weekend. They were perplexed at why an email like this would go out in the first place. They thought I was quite correct in raising this issue because veterans' affairs, veterans' remembrance ceremonies, should be valued to the highest extent.

It was a bit silly that the Minister for Veterans' Affairs came in here and said there are sick people in hospitals. Hang on. The Repat was exempt, so are they different sick people in there? I must admit there are some different people in the Repat because many of them are veterans, particularly in Ward 17 where there are some serious issues, yet they would want to remember their mates on Remembrance Day.

We should all be valuing Remembrance Day, we should all be valuing all of the memorial services that we have around this state and across the nation. I got one note on Facebook from Lynn Arnold who was in Ireland at the time. He was in support of what I was saying—and that is from a former Labor premier. He said, 'I hope that they observed Armistice Day in Ireland,' and he was not sure what the procedures were, but he was supporting the fact that I had raised the issue and that I was trying to find out why such a ridiculous pronouncement had gone out by some bone-headed bureaucrat.

I make no apologies for that because it is completely disrespectful of veterans, completely disrespectful of the families and completely disrespectful of the memory of those events that those veterans and their families have had to endure over many years.

Mr Griffiths interjecting:

Dr McFETRIDGE: And as the member for Goyder says, the sacrifices made. It is the ultimate sacrifice, with thousands laying down their lives. On that point, I went to Brighton Secondary School on Friday 11 November where there was a fantastic ceremony organised by one of the young students. There were 102,000 paper poppies dropped from a RAAF helicopter over the school oval and I was among the dignitaries who were there, the parents, the RSL, the many veterans who were there and the many school students. It was an absolutely fantastic occasion and deeply moving.

I congratulate Brighton Secondary School on the organisation of that event which was then followed by a play about memories by David Reed, one of the teachers. It was written by David. It was a really good, poignant grab of various stories from World War II, performed in the new performing arts centre. It was a first class performance.

But for me to be accused by the minister of trying to politicise veterans' affairs is completely wrong because I will do whatever I can to advance the cause of veterans, despite whether the minister agrees with me or not. I will continue to do that as long as I hold this portfolio because I hold veterans—my mum and dad are both veterans in the Royal Marines and the Wrens, my brother was in the Navy. I will continue to hold what they do as sacred and what the many thousands and thousands of other veterans do as sacred. I will not stop for one minute, and certainly it will not be an attack on me that has any effect on that.

Time expired.

LIGHT ELECTORATE

Mr PICCOLO (Light) (15:29): Today I would like to mention a few things to the house regarding events in my electorate. On Friday I attended the Gawler High School year 12 graduation ceremony. As members may be aware, Gawler High is my old school. I presented Leila Thornhill the John Chambers Memorial Award for Excellence in the study of humanities for 2011. I congratulate her on her success. This is an award which I actually initiated and which I sponsored in memory of my former economics teacher, Mr John Chambers, who was a science, economics and maths teacher at Gawler High School who unfortunately had a premature death at the age of 48 from cancer. John was not only a great economics teacher but he was also a great human being. He was more than a teacher, he was a mentor. I congratulate that person on winning this award.

The other ceremony I attended last week was on Friday at the Premier's Historian of the Year Award for South Australia for 2011. The award, part of the National History Challenge, is a research-based competition which gives years five to 12 students an opportunity to be historians. The theme for the challenge for 2011 was 'Defining Moments in Australian History'. I represented the Premier, and I had the pleasure to give the award to a local student from St Brigid's school, Sarah McFaul.

Letters from five Australian politicians inspired Sarah to undertake research in what was a defining moment for women in their struggle for political rights in Australia. Sarah said that Margaret Reid (the first female president in the Senate) encouraged her to write about women, and she started on an essay on Catherine Helen Spence. She then discovered Mary Lee, which led to an interview with the member for Florey, Frances Bedford, and then a fascinating tour of the Muriel Matters exhibition in the South Australian parliament.

From those discussions came Sarah's project. Sarah's project consisted of an essay, a 122 metre yellow ribbon (representing the length of the 1984 monster petition), a rolling pin (symbolising the stereotypical image of women as housewives) and letters from female politicians who were the first in their field of endeavour.

The various category winners produced some excellent work expressing very mature views and insights. Sarah won both the years five and six category and the overall category, including the Premier's Young Historian of the Year Award. I would like to congratulate Sarah, her family and her school, who I am sure supported her through that process.

On Tuesday last week I officially opened the South Australian Aquatic Biosecurity Centre at the University of Adelaide's Roseworthy Campus. The \$2.4 million facility (funded by the South Australian government through Marine Innovation SA) positions South Australia to become a key national provider in aqua biosecurity research. The South Australian Aquatic Biosecurity Centre provides researchers with highly-secure conditions for the study of aquatic pathogens and pests,

offering capabilities previously unavailable in Australia because of its combination of scale and level of containment.

It will be jointly operated by the South Australian Research and Development Institute (SARDI) and the university. The collaboration will generate benefits for the seafood industry, university students and all South Australians who use and enjoy our unique coastal and marine environments by safeguarding these systems from exotic pests and diseases. The centre is collocated with the university's School of Animal and Veterinary Sciences, offering researchers access to the school's state-of-the-art diagnostic laboratories and its veterinary specialists. I congratulate the university and SARDI on this major achievement.

Also, on Saturday I attended the Playford Alive Community Fun Day. Thousands of local residents flocked to the Playford Alive Community Fun Day despite the weather. Held on the gardens adjacent to the wetlands at Munno Para West, the fun day had heaps of food and fun for the whole family. Supported by the Land Management Corporation, in conjunction with the Imagine Peachey Committee, the event had a strong 'healthy living' theme.

A number of government and non-government agencies had stalls promoting the availability of the various services throughout the region. I had the pleasure to officially open the event. Triple M radio personality Cosi was the MC for the occasion. Dancing and music from various cultures, including modern music and dance, provided an uplifting backdrop to the event. I acknowledge the member for Taylor who was also present, as well as the member for Wakefield, the Hon. Nick Champion.

My office had a fruit salad stall along the theme of 'healthy eating/healthy living' with all the proceeds going to local community organisations. The event was well run by local volunteers and well supported by the community.

Time expired.

ACCESSIBLE TAXI SERVICES

Ms CHAPMAN (Bragg) (15:34): I note that today's announcement by the government of its assessment of the effectiveness of provision of access cabs to the disabled and frail aged just confirms to me, and I am sure to other members, how out of touch and remote the government is as to the real situation. To reinforce that by a statement here in the parliament today that there has been something like a 97 per cent compliance with the trips undertaken on Christmas Day by access cabs 2011, when there has been complete ignorance of the hundreds of people, probably thousands, who could not get on the list to make a booking for an access cab, highlights the remoteness in which they sit from the real world.

Unquestionably, the disabled and frail aged, who I am proud to represent as an advocate on behalf of the opposition, are left stranded. I say this from personal knowledge. Just last year, on the Christmas Day that has been referred to by the minister, I tried to arrange an access cab to pick up my grandmother from her nursing home to take her to the Mary Potter Hospice to visit my mother. I could not book an access cab on that day—not available weeks out.

I managed to organise to get an access cab the week before so that she could visit my mother, who was her only daughter, who ultimately died on Christmas night. Since then my grandmother has passed away. These people are real people who affect all of us, and I am sure every member in this house has relatives who rely on these services. To come into the parliament today and tell us that there has been a compliance with those that have been booked and ignore the extraordinary unmet need out there is very, very concerning, because it just tells me that, as we approach Christmas 2011, hundreds of people out there are going to be in exactly that position. My mother and my grandmother will not have a chance to get an access cab again, ever, anyway, but there are other people out there whom I will continue to advocate for to make sure they do.

The other matter I note with concern today is the publication of the Commonwealth Department of Health and Ageing National Seniors Productive Ageing Centre. They point out to us the very damning indictment of how the cost of living is affecting our aged and how inadequate we are in the governments we have in supporting that. The price of electricity and gas is increasing, they tell us, at four times the inflation rate, and medical services are increasing at twice the inflation rate.

Older people, they tell us, spend a higher proportion of their income on essential services that are identified in the report and, therefore, are more vulnerable to the cost of living pressure. What is most alarming is the report to us that 750,000 older Australians in inner households in

Australia are spending at least half their income on three essential items: food and groceries, gas and electricity, and healthcare.

The cost of living pressures severely impact older people's ability to participate in community and social activities. This is a future where a weight of debt is about to descend upon these people, to be hit like a tsunami when it comes to the added advantage of what the federal government is going to give. The federal government has introduced a carbon tax, as if these people do not have enough to bear—a carbon tax supported by this government which will not even show us the documents of the extra costing to this state as a result of the introduction of that carbon tax. It is too scared to. It knows it is a problem.

Every other state in Australia has prepared these reports and has worked on their budgets, but what happens in South Australia? We are not even allowed to see the report that has been done. We are told, 'Wait until the Mid-Year Budget Review.' Well, hello! We in South Australia are now needing to provide for our most vulnerable, the aged and disabled, the people who are on limited and low incomes, and they deserve some support. Already, they are the highest users of our health services in this state. We all know what an appalling situation that is for public health in this state.

Except where babies are born in a few of our hospitals in South Australia, the average age of inpatients in our hospitals is 75 to 85 years of age. That should tell us and remind us here in this house of the importance of reminding our government how important this service is to our aged people. They must have access to those services. They are under constant threat at the federal level of having their private insurance rebate taken away. For goodness sake, let us give them a merry Christmas and a decent provision while they are here.

VOLUNTEERS

Mr BIGNELL (Mawson) (15:40): Following the whingeing, whining, carping member for Bragg takes me back to the former member for Flinders when I would follow her in this place. I just want to pick up on the point that the member for Bragg brought up about the access taxis. Last Christmas Day I was at the Julia Farr Centre helping load people into the access cabs. I did not see the member for Bragg out there doing anything. It is very easy to come in here and criticise people and the system. That is the day of the highest demand in the calendar. We heard the minister—

Ms Chapman interjecting:

Mr BIGNELL: Excuse me, could I have some quiet, please, Speaker? I can't hear because of the member for Bragg interjecting.

The Hon. A. Koutsantonis: Serial pest.

Mr BIGNELL: Yes, exactly. I was out there—

Ms CHAPMAN: Point of order, Madam Speaker.

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: I apologise for attempting to interrupt the member, but as you have just heard, he is not only reflecting on me, he is entering into debate and—

Mr Bignell: It's a grieve.

Ms CHAPMAN: Excuse me—entering into debate and being offensive to me as a member of this parliament during the course of that grieve. That isn't acceptable and I ask for an apology.

Mr Bignell: It is acceptable.

Ms CHAPMAN: He alleged, Madam Speaker, to be clear about this, about his actions on Christmas Day and demanded to know, 'What were you doing, member for Bragg, on Christmas Day, to help these people?' That is an insult and I expect an apology.

Mr Bignell: I didn't say that. Go check the *Hansard*.

The SPEAKER: Thank you, member for Bragg. I certainly will read the *Hansard* later, but if you believe you have been misrepresented you can do a personal explanation. Member for Mawson, I would ask you to get back to the original point of your grievance and refrain from commenting on the members opposite.

Mr BIGNELL: Thank you, Madam Speaker. I will say that the people out there delivering the service on Christmas Day were doing a terrific job. They were giving up their time, that they could have had with their families, to be out there to provide that service. What I was saying is, it is very easy to come in here and complain about the system, but when you actually get out and meet the individuals who are delivering that service, they do a tremendous job, and I think they deserve better than to be attacked. We heard the Minister for Transport Services earlier say that they had one complaint from last Christmas Day and six or seven commendations. No system is 100 per cent perfect, it doesn't matter what it is, where it is in life or where it is in the world.

I want to get to the point of today's discussion in here and that is to thank many of the volunteers in our local area. Last week it gave me great pleasure to attend a volunteer awards day organised by our very hardworking and great local federal member, Amanda Rishworth, the member for Kingston. I was there with the member for Reynell and the member for Mitchell, and we got to honour many people from our state electorates.

Wendy Smith, who has been involved with the Hackham West Community Centre for the past seven years, received a certificate. Patrick Cooper is secretary of the Aldinga Senior Citizens Club and is responsible for the administration of the club's office. Cora James has volunteered with Anglicare at St Hilary's for the past 10 years, donating her time to those in need.

Marie Goodway also volunteers at the Hackham West Community Centre. Marie has been at the centre for four years, being involved with many programs, including the Green Door Market and the adult literacy program. People will know that I often speak in this place of the great work done by the Hackham West Community Centre. It is also where Leon Holthuysen, who also received an award last week, is involved. He helps out with the Everyday Cafe, the operations committee, the breakfast club and as a bus driver at Hackham West Community Centre.

Wendy Till has also been involved at the Hackham West Community Centre for the past 13 years, and during her time she has been involved with the management committee, various subcommittees, and most recently the building steering group. We are all looking forward to the renovations being opened. They have just started this month and they will be opened next year. We are all looking forward to a bigger, better Hackham West Community Centre.

Bryan Hearn is involved in many different projects and good causes down in McLaren Vale. Bryan is a tireless worker and devotes his time and experience to the local Lions Club, the Probus Club, and Neighbourhood Watch, as well as the McLaren Vale and Districts War Memorial Hospital, Prostate Cancer South Australia and McLaren Vale community carols (of which I am proud to be a sponsor). Kay Hearn was also given a certificate and recognised for her work with the McLaren Vale and Districts War Memorial Hospital.

Phillip Spry, another person who does a great deal of work with the McLaren Vale and Districts War Memorial Hospital, also received an award from Amanda Rishworth. Tom Sadler from Neighbourhood Watch at McLaren Vale also received a certificate. Tom has volunteered with the McLaren Vale Neighbourhood Watch for the past 13 years. Michelle Butcher is a committee member with the Noarlunga District Senior Citizens Club and it was great to honour her last week.

The Sammy D Foundation had two people receive awards last week, and Aimee Mitchell was one of them. Aimee has contributed more than 2,000 volunteer hours to the Sammy D Foundation, enthusiastically supporting programs which aim to inspire positive change in youth culture in South Australia; Darryl Alsopp, from the McLaren Vale RSL, is a volunteer cook at the RSL and also received an award; Mary Savage from The Stables is a volunteer coordinator and she has been doing that for the past 11 years; Julie Turner, from Trees for Life Willunga; and Ron Clark who has done an enormous amount of work for Legacy over many years. I congratulate all the volunteers and also Amanda Rishworth for a fantastic day.

BRANCHED BROOMRAPE

Mr PEDERICK (Hammond) (15:46): I rise today to bring to the house's attention the disgraceful decision by this government and this new Minister for Agriculture, in one of her first moves, to cut the funding to the branched broomrape control program in the Murray Mallee. I talk in regard to a community focus group meeting held last night in Mannum where 45 farmers were in attendance—and this is only a portion of people directly affected—but this decision by both the state and federal Labor governments will affect, I believe, all farmers not just in this state but in this country as time goes on.

What we are seeing with the decision by the commonwealth government to cut its contribution of \$2.6 million a year and what I believe is the state government's decision to cut the \$1.9 million per year which has been \$45 million invested over the past 10 years in the eradication program for branched broomrape, and I am informed that conservatively there has been \$68 million over that time spent by landholders with their own money regarding spraying the parasitic weed and building holding yards for stock and other management practices for managing broomrape.

I believe and community members certainly believe that branched broomrape will just explode by these two governments taking their eye off the ball. We are just on the eve of people getting to year 12 of the program where they can get out of quarantine—now what? There will be no differentiation between people doing the right thing or not. Stock sales will be the issue. Will we end up with stock out of the broomrape area only being able to be sold for slaughter? People who do want to get a clean bill on their land titles will have to now pay for surveys if they want to be declared clean. This will be a cost-recovery function under Biosecurity SA.

So what will we have? We will have an area bounded by Swan Reach, Borrika, down to below Tailern Bend and towards Palmer. The state Labor government will cut funding and the liability to itself. From what I am informed, it just wants to cut and run from this responsibility. It has talked to the local Natural Resources Management Board saying, 'You can pick up the management of this,' but they are not too keen at all, I can assure you, from what I understand. This is, as I said, the \$1.9 million annual cut.

I want to talk about the management plan the National Steering Committee for Branched Broomrape is developing, because it has decided to cut and run from this parasitic weed, as well. There are factors where it is saying that the best long-term approach is for landholders to manage branched broomrape according to their production and marketing needs; that the highest risks associated with commodities produced in the current quarantine area are host-rich hay and straw; small seeds and soil and chaff agricultural machinery; and that interstate and international protocols need to be developed to ensure trade is not restricted or disrupted. I reckon this is a good one: branch broomrape is not currently having any production or biodiversity impacts.

The strategy with branched broomrape, according to this management plan, becomes another important weed that is primarily managed at the property level, supported by additional tools such as interstate certification arrangements to manage high-risk materials and machinery. The proposed plan is to get on product freedom rather than with properties. They are saying that property freedom is not considered necessary under the proposed arrangement and would be an individual decision for landowners. Eradication will not be the aim of the program past June 2012, because that is when all the funding is going to run, and grant schemes will be discontinued from March 2012. Farmers will still need to keep records. There is a whole range of other proposals in this with bulk wash down facilities. Where will people go with their product?

They are proposing to do a survey to monitor the status of broomrape in the management area in three to five years. I reckon I could save the time and tell them that it will just explode. Non-preferred arrangements include removing the quarantine zone and all restrictions and immediately moving to an unmanaged situation. I believe that is where we are going. One of their other non-preferred arrangement is maintaining the current quarantine zone but with a focus on individual infested properties. Resourcing would be a major issue: code for no more government funding.

Maintaining the integrity of the quarantine area requires ongoing surveillance and surveys. That is exactly right and I think it is absolutely disgraceful that this government, which got in on the back of branched broomrape nearly 10 years ago, is now just abandoning its responsibilities.

COMMUNITY FOODIES

Ms THOMPSON (Reynell) (15:51): It gives me great pleasure today to speak about an event I attended last Friday, and that is the 2011 Community Foodies Recognition and 10th anniversary celebration. It was held at the Warriparinga-Living Kurna Cultural Centre and involved people from many different backgrounds coming together to celebrate the achievements of the Community Foodies and the knowledge they have gained about healthy eating, growing food and ensuring that our eating contributes to our health.

Community Foodies is an important peer training initiative that was initiated by Southern Community Health many years ago. It got off to a rocky start. It was not well understood as a health promotion mechanism, but now I am pleased to say that it is a statewide program, managed out of Southern Primary Health under the current leadership of Kim Voss, who is the current manager of

the program. There were about 80 foodies present at the celebration and 35 of their program workers. Overall there are 263 active foodies across 21 foodie sites around South Australia.

The foodies were told on the day about how they are doing more than having fun and providing valuable information and, in many cases, as was shown from the evaluation programs, developing self-confidence and self-esteem. Kim pointed out to them as part of her speech that they are contributing to the State's Strategic Plan. They are doing that by supporting objective 2, which is about wellbeing and includes targets such as healthy weight and prevention around chronic disease; objective 5, building communities, a target to contribute to a high level of volunteering in South Australia; and target 5.7 about Aboriginal leadership, which aims to increase the number of Aboriginal South Australians participating in community leadership and in community leadership development programs.

The extension of this initiative to Port Augusta has been very important in enabling a number of Aboriginal people to participate in the training and the subsequent peer education. There are now Aboriginal educators in Port Augusta, around Port Pirie and in the Southern Fleurieu taking a leadership role in the community—Aboriginal and non-Aboriginal—showing people how easy healthy eating and food preparation can be.

There are four basic messages that Community Foodies promote: eat breakfast every day; drink more water; eat more fruit and vegetables; and eat more wholefoods. They have been highly commended initiatives by the minister for trade and development. The Community Foodies in some ways, because of the nature of the program not being well understood, have had the benefit of being carefully evaluated over the years. Foodies go through a 24-hour training course and they fill out a questionnaire before and after they have finished the training.

Through this evaluation it has been established that there has been a large increase in confidence in foodies' teaching skills and nutrition knowledge and their ability to run programs. Their confidence in planning and cooking skills, skills to work with other organisations and nutrition knowledge to prepare healthy meals for themselves and their families increased by a large amount; the number of serves of vegetables eaten each day increased by a moderate amount; and their confidence in their cooking skills to prepare healthy meals for themselves and their family increased by a small amount.

Foodies have a passion for the growing, cooking and eating of healthy food, and they have a commitment to making a difference in the places they live. They make a difference to the health and wellbeing of their local communities. This ability to influence and make a difference happens more because they live and work in their own communities.

ACCESSIBLE TAXI SERVICES

Ms CHAPMAN (Bragg) (15:56): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: Today during the grievance debate the member for Mawson made two assertions. The first was that 'they'—referring to the personnel providing the services for access cabs—'deserved to be attacked', asserting that I had done so during a contribution to that debate. I state to the house that at no time during my contribution did I in any way attack those people providing that service. Indeed, as the member for Mawson said, these are people who need to be commended for the service that they give. I made a very clear statement about the lack of contribution of the government in providing the extra service that is necessary for all of the unmet need in that regard.

The second matter that the member for Mawson made an allegation about, in relation to his contribution to those on the disabled and ageing during the day, commendable as that may have been, was to shout words to the effect, 'Well, what were you doing on Christmas Day?' I sought at the time that there be an apology for that. I say to the house that it had been made very clear during my contribution exactly what I was doing on Christmas Day. Given that I was unable to arrange for my grandmother to visit my mother as she sat in the Mary Potter Hospice, I remained with her until she died on Christmas night. If that is not good enough for the member for Mawson, I do not know what is.

The SPEAKER: Thank you, member for Bragg. I will re-read the *Hansard*, and I thank you for your explanation.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 10 November 2011.)

The CHAIR: We will be examining the Auditor-General's Report 2010-11 for the Minister for Police; Minister for Correctional Services; Minister for Emergency Services; Minister for Road Safety; and the Minister for Multicultural Affairs for 30 minutes. I remind members that normal standing orders relate to this session, so members need to be on their feet when they ask questions. I also remind members that it is an examination of the Auditor-General's Report, not this year's budget or other matters, which can be asked in other sessions.

Mrs REDMOND: Thank you, Mr Chairman. I rise in my capacity as shadow minister for multicultural affairs to ask a couple of questions on this very late provided Auditor-General's Report that we have only had for a matter of minutes before being here for the examination.

I refer to the bottom of page 42, activity 17, and that now appears to combine multicultural youth and volunteer services. I also want to refer to page 47, on the sixth line down in grants and subsidies. I notice that the grants and subsidies have increased from \$832,000 last year to \$1.009 million this year, an increase of \$177,000, and I notice that in the description of the activity, under activity 17, there is a reference to the activities 'designed to implement the state government's policy commitments and promote equity of access to services'.

The minister and I were both at the Federation of Ethnic Communities Councils of Australia conference last week, and I spoke about the fact that the government had withdrawn its funding for the special unit that was to be placed in the RAH to provide equity of access, or to assist with providing equity of access to ethnic communities. The money has been withdrawn, in spite of a plan having been put in place ready for implementation, and it was withdrawn at the last minute. My question to the minister is: given that there has been an increase in the grants and subsidies under this area, why was that plan withdrawn, when the government says that equity of access to services is one of its priorities?

The Hon. J.M. RANKINE: I think since we have come to government we have increased multicultural grants by about 700 per cent, so it has been a significant increase. Of course, we would always like to have more money for those grants because we know what a great job those multicultural communities do with relatively small amounts and how far that money stretches. It has been a significant increase.

I do recall the Leader of the Opposition's speech the other day. In fact, I spoke the following day to highlight what we are doing in our health services. I am happy to refer this question for more detail to the Minister for Health and Ageing, but I am advised that these services are being integrated into all our public hospitals here in Adelaide so that there is no wrong door for a person to go in to seek help and assistance. They will actually get that whether it is in the Modbury Hospital, the Royal Adelaide or the Flinders.

I am happy to refer this question in more detail to the Minister for Health and Ageing, but rather than have one hospital being the hospital for people from an ethnic background, we think they should be able to access the services they need from any public hospital.

Mrs REDMOND: Is the minister saying that the provision of the service that was planned through and with the assistance of the Multicultural Services Council and so on, which I alluded to the other day, is going to be implemented in every hospital in this state; and, if so, where does the funding for that show?

The Hon. J.M. RANKINE: I am advised that the committee that the member is talking about was for the Central Northern Health Service, and it is now the Wider Metropolitan Adelaide Health Service that covers those areas. As I said, I am happy to get a detailed briefing for you from the Minister for Health and Ageing. These are not the budget papers: this is the Auditor-General's Report.

Mrs REDMOND: I refer to page 29. There are a few other pages but on page 29 in particular we had the disaggregated disclosures of assets and liabilities, program No. 17 (which is the third-last column from the right). As I indicated, on page 42 we have the building community showing activity 17 now comprises multicultural, youth and volunteer services. If we go to, for instance, the disaggregated disclosures, expenses and income, I believe last year multicultural was shown under activity 2 and was not combined (as it now is) with youth and other services.

Can the minister advise how the figures under activity 17 (that is, the third column) compare with the figures for multicultural? What I want to know is how do they compare with what is allowed for multicultural? How are we meant to make an assessment as to these matters if one year you have it as a separate activity for multicultural and the next year you have combined it with other activities?

The Hon. J.M. RANKINE: Again, I do not glean from the Auditor-General's Report that there is any criticism in the aggregation of these activities. They have been aggregated and, again, these are not the budget papers. Again I point out that, as far as multicultural grants are concerned, they have increased.

Mr GOLDSWORTHY: I think we will start with some police questions, then we will go to emergency services, road safety and then correctional services.

The CHAIR: In that order? Thank you.

Mr GOLDSWORTHY: I refer to Volume 3, page 1025, under the heading of 'Retention of records for seven years' as follows:

The payroll information from HRMS [Human Resources Management Systems] used to calculate income maintenance payments is only kept for two years as SAPOL's policy is to overwrite electronic data every two years.

Minister, do you know how this compares with the maintenance of electronic data in other government departments?

The Hon. J.M. RANKINE: I am told that SAPOL keep their electronic records in accordance with the State Records schedule. They overwrite the electronic information every two years but the hard copies are kept.

Mr GOLDSWORTHY: The last line of that same paragraph reads as follows:

Further the claim files are not compliant with the retention of records requirements of the WRCA and State Records Act 1997.

How exactly are SAPOL's current policies and procedures on retention of records not compliant with those acts?

The Hon. J.M. RANKINE: I am told we do comply as an agency with the act but there were some deficiencies in relation to some of the individuals undertaking that work.

Mr GOLDSWORTHY: Minister, in view of your answer to that question in terms of the deficiencies with some individuals undertaking that work, what measures have you or the department put in place to remedy that so that we do not get a repeat occurrence?

The Hon. J.M. RANKINE: I am advised that the policies have been updated and audit controls have been put in place to ensure that this does not recur.

Mr GOLDSWORTHY: That is usually the standard answer we get to questions like that. Can you tell me how the policies have been amended and what measures have been put in place?

The Hon. J.M. RANKINE: I am happy to provide that information for you. I will take that on notice, but it will be quite some detailed information. We will get that for the member.

Mr GOLDSWORTHY: Minister, I have been in this place for nearly 10 years, and it seems that—

The Hon. M.J. Atkinson interjecting:

The CHAIR: Member for Croydon, you are not helping things.

Mr GOLDSWORTHY: It seems that this is the standard answer, time after time. You have been in government for almost 10 years. You have been through 10 budgets, 10 Auditor-General's Report question and answer times. Surely, you can be better prepared than this. This taking these questions on notice takes you three months, six months, to get back to us on these things. It is just not good enough, minister. You have been doing this for 10 long, tedious years. The government has been playing at this game for 10 long, tedious years. It is about time you got your act together on things like this. I move to the very top of page 1026, which talks about closed workers compensation files, and I quote from the text:

Closed workers compensation claim files could not be provided for a sample of employees as evidence the claims were approved to close in accordance with SAPOL's Injury Management Work Instructions.

The next sentence states:

Audit was informed by management that the files were either sent to archives and could not be easily located or were lost when SAPOL changed to a new archiving company.

What is the number of the files that cannot be located by SAPOL?

The Hon. J.M. RANKINE: I am sorry; we do not have those numbers with us. Again, I am happy to take it on notice. I take umbrage at the member carrying on here, saying that he gets the same answers and has been getting the same answers for 10 years.

Mr Goldsworthy interjecting:

The CHAIR: Member for Kavel!

The Hon. J.M. RANKINE: These issues have not been raised for 10 years. Different issues are raised at different times through different agencies. What we have are people working in these agencies who to the best of their ability apply due diligence. I think it is fair to say that the Auditor-General highlighted that all the legal requirements were undertaken in relation to the operation of SAPOL; but, yes, there are some issues that need to be addressed, and we have assurances from the department that they are being addressed.

Mr GOLDSWORTHY: In that same paragraph, the next sentence states:

Sample testing of closed workers compensation claims also found SAPOL was not following its policy to complete the 'claim closure checklist' for all claims as evidence that claims were approved to close prior to closing of the workers compensation claim.

I hope that you can answer this question, minister. What items are on that claim closure checklist?

The CHAIR: Member for Kavel, if you wish for an answer to the question, can I suggest that you leave the commentary out.

The Hon. J.M. RANKINE: I am told that there is a very detailed checklist on these files and that the auditor found that not in every case were these checklists completed. We have, again, put new processes in place to ensure that that occurs in the future.

Mr GOLDSWORTHY: So, you cannot answer the question in terms of what items are on the checklist, is that right, minister?

The Hon. J.M. RANKINE: That is exactly right. I am sorry; I do not have a copy of the checklist here with me. If you had given me prior warning, I would have happily brought a copy of the checklist along. Again, I can take that on notice, and we are happy to give you a list of those items on the checklist.

Mr GOLDSWORTHY: I refer to the same page (page 1026) and the heading 'Other issues'. Four issues, if you like, are highlighted under 'Other issues'. It is to do with income maintenance calculation. In the report it states that in response 'SAPOL advise appropriate action would be taken to address these matters.' Please, minister, can you advise the house what action is being taken to address them?

The Hon. J.M. RANKINE: We have, as I am advised, implemented an automated income calculator, which we are hoping will reduce the human error in relation to these calculations and improve the policies and processes around the calculation process.

Mr GOLDSWORTHY: I have one last question on police issues, and then we will move to Emergency Services. I refer to page 1,047, where it states in the table, 'employee benefits expenses', at the bottom of the page under the TVSPs, where an amount of \$250,000 was paid in the reporting period, which, I understand, concerned four packages. Can the minister tell us what were the individual amounts of each one of those TVSPs and the position of the SAPOL employee that that relates to?

The Hon. J.M. RANKINE: No, I am sorry, I cannot give you the individual payments, but I can confirm that four TVSPs were paid out. The four employees were either employed under the Public Service Act or they were weekly paid employees. So, none of the four were police officers.

Mr GOLDSWORTHY: We will move to Emergency Services now. I have to speak in support of what the Leader of the Opposition said a few minutes ago in relation to the supplementary report of the Auditor-General's Report just being trotted in about an hour or so ago in relation to matters concerning the South Australian Fire and Emergency Services Commission, the CFS, the SES and other Emergency Services agencies. I am not sure whether the timing was

accidental or what may have resulted in the supplementary report just being lobbed today, on the very day that we are asking questions of the minister in relation to those specific agencies.

I had prepared a number of questions in relation to the Auditor-General's Report, ending 30 June, obviously not the supplementary report; but we will go to the supplementary report. I refer to page 156 in relation to the Port Lincoln project, the collocated site at Port Lincoln. Pages 156 and 157 give us a fair bit of commentary in relation to that specific issue. Halfway down the page it says that the total final cost for the project was estimated at between \$4.9 million and \$5 million. I understand that was considerably more than the original budget for the project, so can you advise what the original issue budget for the project was?

The Hon. J.M. RANKINE: Can I start by saying I am really surprised that the member for Kavel would suggest or infer that somehow or other the Auditor-General was planning, to use your words, 'to drop this in the chamber' to reduce any level of scrutiny by this house. You have been here long enough to know that the Auditor-General is the only person—

The Hon. I.F. Evans: He didn't say that.

The Hon. J.M. RANKINE: Yes, he did.

The Hon. I.F. Evans: No, he didn't.

The Hon. J.M. RANKINE: Yes, he did.

Mr Goldsworthy: I said that it was interesting timing.

The Hon. J.M. RANKINE: Inferring that somehow or other the Auditor-General is colluding to bring in the report so that it is not subject to any scrutiny is just ridiculous, and I would imagine he would take great affront to that. I am told that the budget for the Port Lincoln facility at the time of the report was estimated, as it says, between \$4.9 million and \$5 million, but at that time they were still dealing with some outstanding contractual work, so the current budget, I understand, is \$5.4 million.

Mr GOLDSWORTHY: Same page, under the paragraph 'Follow up on the Port Lincoln project and management actions as part of the 2010-11 assets audit review', second last dot point, 'The Crown Solicitor advised SAFECOM in August 2011 that the anti-corruption branch of the police has concluded its investigation and referred the matter to the DPP, the director for public prosecutions.' Has anybody been charged as yet?

The Hon. J.M. RANKINE: We have had no information from the police in relation to that as yet.

Mr GOLDSWORTHY: No information at all in relation to what the DPP is or is not doing with the issue?

The Hon. J.M. RANKINE: I understand it is with the DPP and we have no further information other than that.

Mr GOLDSWORTHY: I move on to page 157. About two-thirds of the way down the page it talks about review of the three delayed capital works projects completed by another pre-qualified contractor that revealed they were completed on the following dates: Balaklava, Hamley Bridge and Wilmington. There would obviously have been some original budgets set for those capital works projects. Given the fact that you had to change contractors part way through the completion of those projects and the new contractor had to take over, what was the eventual cost? What was the final cost of those projects compared to the original budgets set for those projects?

The Hon. J.M. RANKINE: I am advised that for Hamley Bridge we were invoiced and paid \$149,317; for Balaklava, \$303,390; and for Wilmington, \$483,722. As for the original budget, again, I do not have that information here, because that is not part of the Auditor-General's Report as I understand it. I am sorry; you can laugh all you like, but I did not bring—

Mr GOLDSWORTHY: In the two minutes we have left we can move to Correctional Services and at least we might get one question in on this. I refer to page 150, under the heading at the bottom of the page—

Members interjecting:

The CHAIR: Will the member for Norwood and the member for Croydon have their little discussion outside the chamber.

Mr GOLDSWORTHY: Under the heading 'Shared Services' it states, quoting from an audit:

Audit identified a number of instances where either policies and procedures had not been established or where established they had not been reviewed for a number of years...

What specifically were these policies and procedures, and has that situation now been corrected?

The Hon. J.M. RANKINE: I am told the most significant issues that he raised were the absence of documented policies and procedures in relation to business processes that Shared Services undertakes on behalf of the department. Audit identified a number of instances where either policies and procedures had not been established or, where established, they had not been reviewed for a number of years; a number of key reconciliations having longstanding reconciling items which were not being followed up and cleared in a timely manner; the absence of an independent review over payroll master file changes; and the general ledger journals not being authorised in accordance with departmental policy. I am advised that, in response, Shared Services SA advised that action was being taken to address the matters raised by the audit.

Mr GOLDSWORTHY: I will go page 171, where the heading is 'Resources provided free of charge'. Under point 1 there it talks about the former Noarlunga Community Corrections Centre. I understand that was transferred to the Department of Transport, Energy and Infrastructure (DTEI). Can you advise us what the reason was for that transfer for no consideration?

The Hon. J.M. RANKINE: I am advised that we built a new facility not very far away from this particular property and, while we consider what will be done with that property, it has been moved over into DTEI.

The CHAIR: That ends the examination of the report of the Auditor-General for the Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety and Minister for Multicultural Affairs. Now I move to the examination of the Auditor-General's Report for 2010-11 for the Minister for Finance and the Minister for the Public Sector for 30 minutes. I remind members that ordinary standing orders apply and members must be upstanding to ask questions. I also remind members that this is an examination of the Auditor-General's Report and not other matters.

The Hon. I.F. EVANS: Minister, referring to part C, page 75 raises the superannuation liability and the superannuation industry expense paid by the government. Why is the government looking at bringing the Electricity Industry Superannuation Scheme back under government control; what is the likely increase in our superannuation liability; and what is the increase in the interest cost?

The Hon. M.F. O'BRIEN: Member for Davenport, we will have to take that one on notice.

The Hon. I.F. EVANS: Through the Chair, I will just check: you are the minister in charge of the superannuation issue with the division of responsibilities between yourself and the Treasurer? You are looking after superannuation?

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

The Hon. I.F. EVANS: I will start from that point, then. Is the government looking at bringing the Electricity Industry Superannuation Scheme back under government control? Let us answer that question first.

The Hon. M.F. O'BRIEN: We will get an answer on that, if we can come back to that.

The Hon. I.F. EVANS: Minister, the Auditor-General's Report outlines the Public Service savings targets in part C of the report. It raises the issues of the agencies making savings through having vacancy rates. It particularly raises the department of families and communities which has about 150 vacancies on page 19 of part C. It states:

...Families and Communities was 157 FTEs below its cap, primarily due to vacancies held to achieve overall budget management strategies.

I think it is a fair assessment to say that they are deliberately holding vacancies to create a saving, so what is the mechanism there? Cabinet has set savings targets by offering TVSPs. When they have 157 positions vacant, does cabinet make a decision that they cannot then fill those 157 positions or how is the savings protected?

The Hon. M.F. O'BRIEN: This is a decision that is made at the departmental level by the CE to run within the set budget parameters for that department and it does not come to cabinet for consideration. It is purely an operational matter.

The Hon. I.F. EVANS: My point is that if the department is reporting to you as the finance minister saying, 'We have made this saving, as required,' and they have made the saving by deliberately holding vacancies, in this case of 157 people below its cap, what is to stop the agency then employing those people and not making the saving, because the cap has not changed? What I am asking you is: what is the cabinet process to protect those savings? Cabinet may have decided they are going to make the savings in other areas, but the agency has decided, 'Well, we can make the savings not by cutting procurement or the other issues you want to do; we will just hold the vacancy rate.' What I am asking is: how does cabinet protect its savings?

The Hon. M.F. O'BRIEN: Your previous question asked me what the scope of my responsibilities are vis-a-vis superannuation. On this one, you have erred. This is actually a measure for the Treasurer, but the answer is that the department in question, Families and Communities, had cost pressures and determined that the best way of dealing with those cost pressures was to run at 157 FTEs below cap. However, on this type of issue the Treasurer is actually responsible.

The Hon. I.F. EVANS: Is that because it is a savings measure, not because it is the public sector?

The Hon. M.F. O'BRIEN: It is because it is a savings measure. Exactly.

The Hon. I.F. EVANS: I will come to the public sector, because the Treasurer is responsible for monitoring the savings in relation to the public sector. My understanding is that you are in charge of the public sector. The government has stopped reporting the number of public servants in its budget papers. On page 18 of Part C, the Auditor-General reports on the full-time equivalent reduction management strategy. The opposition FOI'd the number of public servants who would normally be reported in the budget papers but this year were not. We got an answer back that indicates that, instead of a reduction in the Public Service as promised, there are actually 519 extra public servants.

I am wondering what control mechanism the minister has put in place, because I think the taxpayer would be saying, 'Well, why are we paying all these separation packages to reduce the Public Service?', when the figures returned from the freedom of information request show that, for the public non-financial corporations, the 2011 estimate was 4,765. For June 2012, the estimate was 4,590. For the public financial corporations, for June 2011 it was 538 and for June 2012 it was 548. If you then add them on to the budget figures, what you actually get is an extra 519 public servants. What control mechanism is there and why has the Public Service increased by another 519 FTEs?

The Hon. M.F. O'BRIEN: It is a fairly lengthy explanation in terms of issues with Health having to take on particular skill sets in areas like nursing and, as you are aware, running outside their set budget parameters and, conversely, having skills that are no longer required within the public service and offering TVSPs, and that process takes a little time. In answer to your question, I am addressing this particular issue. It is of concern to me that we ought to be getting on top of public service numbers a little more strategically than is currently the case.

Within the last three or four months there has been a unit created within Premier and Cabinet that came out of the Public Service Performance Commission, and one of its functions is to establish a sustainable public service. By that, it is intended that we will monitor numbers and, in part, we will do that when we have in place an e-recruitment system that can monitor the recruitment activities right across the public service. That is currently being worked up as a proposition in conjunction with the e-recruitment process which will allow Premier and Cabinet to keep track of what is going on in terms of recruiting activity.

Through that, we will also be able to monitor knowledge of the skills required by various areas within the public service and place people who are surplus to requirement with emerging vacancies as shown up by e-recruitment. I believe that, in large part, that will deal with the issue that the member for Davenport has highlighted and that we will, within a very short period of time, get on top of this particular issue. In due course, I will report back to the house on progress with e-recruitment and the function of the section within Premier and Cabinet that is looking at a sustainable public service.

The Hon. I.F. EVANS: Minister, you can understand why the public would be a bit bewildered by your answer, given that the government has been in control now for over nine years and the public service has increased from about 66,000 to about 85,500. So, it has gone up roughly 18,500 from a base of 66,000—about a 30 per cent increase—and you are saying that you are now starting to put in place a process to measure the size of the public service. The question I ask is: given that every agency supposedly has a cap, who has been monitoring the cap? Surely you have already had a process in place for some years about monitoring the size of the public service, so what is going to be different under an e-recruitment mechanism that you have not already put in place after nine years?

The Hon. M.F. O'BRIEN: As to who monitors, it is Treasury, because it is part of the budget setting and budget monitoring process. But, in answer to your question why is it so, at some time in the not so distant past, in relation to the command and control model that the South Australian Public Service was operating on—which I have to say probably had more similarities with the way in which the Soviet Union ran its bureaucracy—it was determined that we would get away from that highly centralised bureaucratic model and work on a more decentralised way of operation. That was not unusual to South Australia. I think right throughout the western world, and certainly in the east, bureaucracies were decentralised and responsibility was thrown back to the chief executive officers.

If you want an example, today we are looking at considering calls for greater autonomy within schools: for the school councils and the principals to make hiring and firing decisions, and a whole range of other decisions that have normally been made centrally through DECS in South Australia. This process that is underway within education departments right around Australia, and is largely being driven by the commonwealth government, is not unusual. The process that I have described probably commenced 15 to 20 years ago, so we have ended up with a highly decentralised way of doing things.

Probably four to five years ago we made a decision that this was not really the most effective way to be doing things—it was too decentralised—and one of the things we did was establish Shared Services. It has been a difficult process—bringing in a whole range of functions and, ultimately, centralising them—but the briefings that I have had indicate that it will deliver the saving benefits.

The fact is we can now pretty well immediately determine what the spending activities are within each of the departments. Several years ago that would have taken an inordinate amount of time and we would never have been fully assured that the answers that we were getting, save for the payment on invoices throughout the Public Service, were true and accurate. In part, the issue that we have with Public Service numbers is due to that process of decentralisation.

What I have described with the e-recruitment process is bringing that function ultimately into a centralised process the way we have with payroll, accounts payable and accounts receivable. Once we have achieved that we will know exactly what is going on. In answer to your question why is it so, it is because a decision was made some time in the past (it might have been a Labor government administration, it might have been a Liberal government administration) but that decision was made and we are now dealing with the consequences and attempting to rectify them.

The Hon. I.F. EVANS: In relation to Shared Services, pages 13 and 14 of the Auditor-General's Report raise the issue of the Shared Services contingency fund in case Shared Services does not make its savings. What is the level of the Shared Services contingency fund? What is the budget of the contingency fund? How much has been drawn down?

The Hon. M.F. O'BRIEN: We normally do not disclose contingency figures.

The Hon. I.F. EVANS: If that is the case, could the minister explain why the Auditor-General's Report reveals that the capital contingencies are \$130.1 million? This is an internal contingency, it is not a contingency for—that is the general capital contingency, not the Shared Services capital contingency, head of Treasury. This is an internal contingency, it is not an EBA contingency. I can understand why you would not disclose that, although the Auditor-General does give a figure of a bit over \$500 million for the total contingencies.

Given that it is an issue about savings and the only place that contingencies are going to go is from the contingency fund to Shared Services to cover the savings, I think it is a legitimate question to ask what is the level of the Shared Services contingency line?

The Hon. M.F. O'BRIEN: You have now clarified the question. The contingency is \$5 million. There is a \$5 million saving that will result from Health getting up and running its Oracle system, and that is taking a little time to get in place. Up until Oracle is up and running and interfacing with Shared Services, that \$5 million will not be realised, but when that occurs the \$5 million per annum will be able to be realised. Up until that point in time, it is a contingency.

The Hon. I.F. EVANS: So, on page 13 of part A—

The Hon. M.F. O'BRIEN: The Oracle figure is only \$2 million.

The Hon. I.F. EVANS: On page 13 of part A, it states:

Audit is advised that the Budget continues to include a contingency to allow for the possibility that savings from shared services are not achieved.

Is your advice to the house that it is \$2 million or \$5 million or a different figure?

The Hon. M.F. O'BRIEN: This is going to be greeted with much unhappiness, but the 'five' is a figure. Health accounts for two and then there is another three, but it will not impact on the budget bottom line because it is a contingency. We will actually come back to you with a little more detail on that.

The Hon. I.F. EVANS: Page 14 talks about SA Health and e-Procurement and its interface with Oracle. Page 14 mentions that the achievement of a significant part of the savings each year was dependent on SA Health having e-Procurement. There has been a decision to exclude it out of e-Procurement—or to delay it, at least. What is the level of saving that was expected out of health going to e-Procurement?

The Hon. M.F. O'BRIEN: I think that two or three questions back I talked about SA Health and the Oracle system. That was actually e-Procurement. That is the \$2 million that I have mentioned. Yes, for the reason that I gave, it is a contingency. A decision has not been made by SA Health as to whether it will ultimately interface with Shared Services, but it is our strong desire that that interface will occur and that the savings will be realised.

The Hon. I.F. EVANS: What is the annual turnover rate of staff in Shared Services?

The Hon. M.F. O'BRIEN: It is 16 per cent.

The Hon. I.F. EVANS: Given that you are the minister in charge of the Public Service but not savings, how does that compare to other sectors of the Public Service? Is 16 per cent high or about the average?

The Hon. M.F. O'BRIEN: I have been advised that 16 per cent is broadly in line with the attrition rate or the turnover rate throughout the Public Service.

The Hon. I.F. EVANS: Part A page 14 of the report talks about this whole Oracle/Department of Health issue. Treasurer Snelling told the house that there was \$60 million worth of unreconciled accounts. Can you confirm that the original figure was around \$200 million when the issue was first identified?

The Hon. M.F. O'BRIEN: Member for Davenport, what page are we dealing with?

The Hon. I.F. EVANS: Part A page 14, which deals with Oracle and the health department generally—the Auditor-General's supplementary report which was tabled today and which says that the health accounts are so bad they still cannot even produce a supplementary report to the supplementary report.

The Hon. M.F. O'BRIEN: I do not have a briefing on that. It is a question better handled by the Minister for Health.

The Hon. I.F. EVANS: So, Shared Services has no role in reconciling the up to \$200 million worth of unexplained accounts?

The Hon. M.F. O'BRIEN: That is in part the nub of the issue. At this particular point in time, until Oracle is up and running and interfacing with Shared Services, Shared Services provides no financial services to health.

The Hon. I.F. EVANS: Treasurer Snelling's statement to the house—explaining your responsibilities—said that you were responsible for some parts of SAFA, I think he said from memory. Can you explain for me the division between you and the Treasurer in relation to that area, just as a matter of process?

The Hon. M.F. O'BRIEN: It is the insurance function and the Fleet SA function. I was getting the briefing as to whether I actually went into a little more detail.

The Hon. I.F. EVANS: The Auditor-General's Report raises the issue that the government was going to negotiate with the Public Service about a new reward to replace the loss of the long service leave, or the annual leave. Can you update the committee in relation to the negotiations?

The Hon. M.F. O'BRIEN: This is a matter that is being handled by the Treasurer.

The Hon. I.F. EVANS: With all due respects, Mr Chairman, it is actually raised in the Auditor-General's Report and I am allowed to ask a question on it.

The CHAIR: It is but your question was about ongoing negotiations which relate to this financial year, which is not the Auditor-General year.

The Hon. I.F. EVANS: But if the Auditor-General raises it in his report, I am legitimately allowed to ask a question on it.

The CHAIR: You can ask a question about the amounts in that report.

The Hon. I.F. EVANS: Are you seriously suggesting to the committee, Mr Chairman, that the Auditor-General has erred by raising something that is not to do with the accounts? He has raised it in his report. This is my 30 minutes of fame to ask—

The CHAIR: And you are wasting it, aren't you?

The Hon. I.F. EVANS: —the minister responsible anything I want that is raised in the Auditor-General's Report. It is raised in the Auditor-General's Report, I ask the simple question because it will be a cost.

The CHAIR: Next question.

The Hon. I.F. EVANS: The Auditor-General's Report raises two different figures on the issue of e-Procurement reform on pages 12 and 13. On page 13 he raises the figure of \$23 million over six years and on page 12 he raises a figure of \$30.4 million. Why the difference?

The Hon. M.F. O'BRIEN: Member for Davenport, I said I would get back to you on the issue that you raised about the electricity supply industry and whether they were going to be moving over to Super SA. I have been advised that discussions are currently underway and that if an arrangement is put in place it would be such that there is no additional burden to government and that the risk would stay with the electricity industry. Could you repeat that question?

The Hon. I.F. EVANS: You can take that question on notice, because I will have another question. I am running out of time. The Auditor-General on page 23 raises the issue about not having the material ready for tenders to go out in time and, therefore, not having competitive tendering. What is your role, minister, in relation to the negotiations for the procurement of the cleaning services being extended to Spotless without going to tender? Is that your responsibility, given that it is a procurement process of some tens of millions of dollars?

The Hon. M.F. O'BRIEN: That falls within my purview. I have noted comments of the Auditor-General about agencies not having their tenders prepared in time to be put out to the market before the expiry of existing contracts and allowing the existing contracts to run on while the work is done within the agency. On the issue of Spotless, I will come back to the member for Davenport with a detailed answer.

The Hon. I.F. EVANS: Have there been any complaints registered with the government about Spotless' performance, and what consideration was given to those complaints before proceeding to negotiate with Spotless for expanding the contract without going to tender?

The Hon. M.F. O'BRIEN: The role of the procurement board and my role at this particular point in time, and it may well change, is the setting of the broad policy parameters and then ensuring, through a process of monitoring, that the policy settings of the procurement board are followed. The CEs are ultimately responsible under the procurement act following the guidelines set down in the procurement act and also set down from time to time by the procurement board.

So, issues in relation to the performance of Spotless would be better directed to the minister whose department is being serviced by Spotless. My interest would be basically in whether the policy directions set down by the procurement board are adhered to, and that is really also the role of the Auditor-General. So, it is the broad policy settings that sit with me.

The CHAIR: That concludes the examination of the Auditor-General's Report 2010-11 for the Minister for Finance and Minister for the Public Sector. We will now examine the Auditor-General's Report for the Minister for Education and Child Development for 30 minutes. I just remind members that ordinary standing orders apply to this session, so members need to be on their feet when they ask or answer a question. I also draw members' attention to the fact that it is an examination of the Auditor-General's Report 2010-11. All questions must be referenced to the report. It is not a time to speculate about future policy but to examine those reports. Minister, are you ready to go?

The Hon. G. PORTOLESI: Yes, I am. Can I introduce, for the benefit of members, Julieann Riedstra, who is the chief financial officer for the Department for Education and Child Development.

Mr PISONI: I refer the minister to page 259 of the Auditor-General's Report, the recharge for teaching practicum program.

The CHAIR: Which volume are you referring to, member?

Mr PISONI: The volume that relates to the Department for Education and Children's Services.

The CHAIR: In other words, you don't know. That's all right, I have found it—Volume 1.

Mr PISONI: I have a printed version here and we are dealing with this portfolio, are we not?

The CHAIR: Yes, we are. Go ahead. Don't waste your 30 minutes.

Mr PISONI: The department pays teachers an allowance for supervising university students. This allowance arises out of the DECS award and an increase was granted to the Industrial Relations Commission in March 2006. The Auditor-General has been critical of the department's inability to claim an unpaid amount of \$3.1 million as of 20 June 2010. The Auditor also noted that the department was negotiating with the universities to establish a formal arrangement.

In other words, there aren't any formal arrangements at the moment—or there certainly weren't as of 20 June—to settle outstanding amounts, despite the fact that a draft agreement was prepared in 2008 covering those periods from 1 January 2009 to 2010. Are you able, minister, to explain whether since this report, or since that date, that \$3.1 million has been claimed from the universities?

The Hon. G. PORTOLESI: A core element of all undergraduate and graduate teacher education programs is the professional experience placement. Satisfactory performance during the placement is an essential component of the teaching qualification and teacher registration. As prescribed in the award, the department pays teachers an allowance for supervising university students undertaking the teaching practicum program. It is the department's policy to recover the cost of the supervision from the universities where the undergraduate teachers are placed.

Originally no formal agreement was in place documenting the terms and conditions of this arrangement. The allowance arises out of the teachers' DECS award. An increase in the allowance was granted by the Industrial Relations Commission of South Australia in March 2006. The tertiary providers have disputed the increase to the allowance paid to the supervising teachers on the basis that the tertiary providers are not parties bound by the teachers' award.

The department has developed a formal binding commercial agreement, deed for fee and on-costs for the supervision of professional experience placements, that establishes the obligations of all parties in regard to the fee paid by tertiary providers to the department for teachers to supervise professional experience placements for pre-service teachers. The deed covers the period 1 April 2011 to 31 December 2013 and has provision to be extended for a further three years.

The deed was received by all offices of the vice-chancellors of the universities on 9 June 2011 for signing. The University of South Australia has signed the agreement, but formal agreement from Adelaide University, Flinders University of South Australia and Tabor College still has not been reached. The department has continued to work with the relevant universities to resolve the outstanding amounts. The department is continuing the negotiations to resolve the outstanding amounts.

Mr PISONI: What are the outstanding amounts as of today?

The Hon. G. PORTOLESI: I would be very happy to take that on notice.

Mr PISONI: Can the minister then explain to the house why it is when an inquiry was made by *The Advertiser* to your department that they were told that these amounts had been paid? Why aren't you able to tell the parliament the same thing that the journalist at *The Advertiser* was told when they made these inquiries?

The CHAIR: I just draw to your attention that a copy of *The Advertiser* is not before me so I am not sure if that is a valid question or not. Do you have a copy of—

Mr PISONI: It is not about *The Advertiser*.

The CHAIR: No; you made the comment that you are basing—

Mr PISONI: It is not about a story in *The Advertiser*.

The CHAIR: You just said that.

Mr PISONI: No; an inquiry made by *The Advertiser* about this issue.

The CHAIR: By whom?

Mr PISONI: By a reporter at *The Advertiser*. An inquiry was made by a reporter at *The Advertiser* to the minister's office and the department. They were told by the minister's office or the department that the outstanding amount had been paid and therefore was no longer an issue. I am asking for that to be answered in the parliament.

The CHAIR: No; I understand your question very clearly. I am saying that the audit report in question is here. The assertion you are making, I have nothing before me to support that assertion. How can I ask the minister to respond to an assertion which I cannot verify?

Mr PISONI: Did your department tell an *Advertiser* journalist that the issue had been settled and that there was no outstanding amount?

The Hon. G. PORTOLESI: I would like some clarity as to which *Advertiser* article the member for Unley is referring to that is the basis of his question. It does not ring a bell with me, this *Advertiser* inquiry, in relation to this but I could be wrong. I am advised that a total of \$3.1 million has been paid. I ask the member for Unley to table the article to which he refers. Will you table the article?

Mr PISONI: No, I asked the question.

The CHAIR: Will the minister please take a seat. The comment I made is that the member for Unley based a question on an assertion. I cannot verify that so the question is not in order. I just remind the member for Norwood that he is not here, unless he wants to ask a question and comes to the front to ask questions.

Mr PISONI: My next question refers to revenues from SA government on page 271 of the same volume. If we refer to that page we will see that those revenues there from the SA government increased by \$136 million to fund increases in salaries and wages. We had a very boastful education minister at the last budget telling us there was an extra \$204 million spent on the education budget, but what the Auditor-General tells us is that \$136 million of that money was simply there to fund increases in salaries and wages. The perception given by the former education minister (now the Premier) was that there was actually additional funding for education which led to a bigger commitment for education from this government.

The CHAIR: Your question?

Mr PISONI: The question I have is that there is an additional \$204 million added to the budget this year and that leaves \$68 million that is not accounted for through wages and salaries. Are you able to explain where that extra \$68 million went?

The Hon. G. PORTOLESI: I think the member is confused. This is a revenue item.

Mr PISONI: Yes, revenues from SA government. From the government to the department.

The Hon. G. PORTOLESI: And your question is?

Mr PISONI: What is the other \$68 million?

The Hon. G. PORTOLESI: It is the difference in budget to revenue. So what is the question that you want answered?

Mr PISONI: The question is that there is an extra \$204 million in the budget. Here we are seeing that \$136 million was given from the government to the department, leaving an extra \$68 million unaccounted for. I am asking what it was for.

The Hon. G. PORTOLESI: What you are doing is comparing a budget figure with a revenue figure. If you would like us to break it down and provide more detailed information as to the budget figure, I am very happy to do that.

Mr PISONI: You will take that on notice. On that same figure, did that \$136 million in revenues from the government fully fund the increases that were awarded in the EBA, not just in salaries but also in additional non-instruction time for teachers and staff within the department, or were there savings that had to be made elsewhere in order to fund that?

The Hon. G. PORTOLESI: We will take that on notice.

Mr PISONI: I refer to page 272, where we have a list of the number of employees by act, if you like. I am certainly happy for you to take it on notice; I do not expect you to have this answer. Can I have the number of full-time employees and the salary value of those employed under the Education Act that are delivering department services that are not in schools? In other words, I am referring to those who may be at Flinders Street or in regional offices.

The Hon. G. PORTOLESI: I am very happy to provide that breakdown.

Mr PISONI: Can I also have the same thing for the School Services Officers Award, the Children's Services Act, the PSA and the weekly paid?

The Hon. G. PORTOLESI: We will do our best to break it down by location.

The CHAIR: I think the question was school site versus non-school, rather than location by location.

The Hon. G. PORTOLESI: That's right; whether people are placed in school sites or children's centre sites as opposed to, say, Flinders Street.

Mr PISONI: Just to make it clear, I am trying to determine how many staff are in non-teaching positions. I want to take you to page 273 where the Auditor-General has printed a table that describes a shift of enrolment of full-time students from government schools to non-government schools, and it tells us that the chart also includes full fee paying overseas students. We can see that back in 2006, in our government schools, we had 163,278 students. In 2011 we had 161,260 students.

That is a decrease of 2,018 students in that five-year period and, in non-government schools in that same period, we actually saw the number starting at 85,306 now up to 92,430, which is an increase of 7,124 students in the non-government sector. Are you able to explain, minister, why we are seeing this drift to the non-government sector from the government sector and whether your department has taken any interest in comparing those figures to what is happening in other states?

The Hon. G. PORTOLESI: Of course, this is a matter that we take seriously. I will just ask my officer to show me that table again. I have to say, here in South Australia, we have a very good collaborative relationship with the Catholics and with the non-government school sector. The total school enrolments for South Australia were 253,690, which represents an increase, when compared to 2010, of 775. The SA government share of total enrolments has declined over time, with a marginal drop of 0.2 per cent being experienced in 2011.

The percentage of students in government schools compared to the percentage of students in non-government schools has been steadily declining since 2006 as an increasing proportion of students are enrolling in non-government schools. We are working hard to address this matter. There are a number of schools that we know about—Mark Oliphant, for instance, that is at capacity. So, we are seeing a trend back to the public sector, but I have to say that in everything that we do, whether it is government or non-government, it has to be about quality, and that is our priority.

Mr PISONI: What evidence do you have to make the claim that you are seeing a trend back to the government sector from the non-government sector?

The CHAIR: The minister actually gave an example of Mark Oliphant College.

The Hon. G. PORTOLESI: That's right; that's what I said. I said 'Mark Oliphant'. We have a school there where people are bursting at the seams to get in.

Mr PISONI: There are 2,018 fewer students in the government system now than what there was five years ago, and you are saying that there is a trend back to the government system. I am asking for that evidence. I am happy for you to bring it back. Perhaps you can give us the combined enrolments of the schools that were closed to open the Mark Oliphant school so we can get a comparison as to whether there are the same number of students, fewer students or more students in that region that are using those schools.

The Hon. G. PORTOLESI: I am happy to bring you the data back. I also said that we have had a marginal drop of 0.2 per cent being experienced in 2011.

Mr PISONI: That is not a drift back, it is a continual drop. It is another drop. You did mention the non-government sector. I will take you to the same page, where we have seen grants to non-government schools of \$926 million for the last financial year, as opposed to \$1.045 million the previous financial year. 'Grants to non-government schools, \$926 million (\$1.045 million)'. I assume that is last year's figure. Are you able to clarify that and perhaps also explain why the grant is less, if that is the case.

The Hon. G. PORTOLESI: I am advised that the explanation is that that represents a reduction in commonwealth funding. The grants to non-government schools from us here in South Australia was \$142 million last year and \$155 million this year, but I will provide you with other information if I have it.

Mr PISONI: Was any of that increase from \$142 million to \$155 million part of the election commitment that was made by Labor in the lead-up to the election for additional funding for the non-government sector? Has that negotiation started? Is that part of it, or is this simply an adjustment to deal with the formula that is already in place?

The Hon. G. PORTOLESI: I am aware of what the member refers to and we will have to check the budget papers. We do not have that information handy, but I do have some information that the member might be interested in in relation to transfer payments to non South Australian government entities.

The \$114 million decrease is explained by \$119.1 million decrease in transfers to non-government schools, \$167.7 million decrease in transfers for Nation Building Economic Stimulus Plan, \$30 million decrease in transfers for low socioeconomic status school community, \$2.1 million decrease in transfers for literacy and numeracy national pride, \$0.5 million decreased in other various transfers to non-government schools, and \$81.2 million increase in transfers for non-government schools per capita. There was a \$4.7 million increase in transfers to SACE Board and a \$0.5 million decrease in other various transfers to non-government schools.

Mr PISONI: I take you to page 296, regarding the PPP for the new super schools. I refer to the estimate outlay of the remaining life of the agreement. In nominal terms, it is \$868 million to Pinnacle Education. You spoke about the oversubscription to the Mark Oliphant school, and I know that there has been talk about bringing in transportable buildings to deal with that. Are you able to explain whether those transportable buildings will be the responsibility of Pinnacle Education and the education department and, if it is the education department, who will be maintaining those buildings? Will it be Pinnacle Education, the department, or will separate contracts be let? If it is Pinnacle Education, what effect will that have on any variation in the contract with Pinnacle Education?

The Hon. G. PORTOLESI: We are still negotiating that matter.

Mr PISONI: Negotiating with whom, sorry?

The Hon. G. PORTOLESI: We are still working out how to deal with the oversubscription. That is what we are working out, and we are talking to a number of parties.

Mr PISONI: Are there variation payments in the contract for Pinnacle Education that would make it unattractive for the department to use Pinnacle Education in order to provide the additional accommodation?

The Hon. G. PORTOLESI: It is simply speculation, Mr Chair. I undertook to provide information. You are making assumptions. You are making assumptions.

Mr PISONI: It is a question about the various clauses in the contract.

The CHAIR: Given that that matter will be reported on in this coming financial year, I think you are going to have to wait for the Auditor-General's Report next year to see what has happened.

Mr PISONI: I do not need your advice, Mr Chair, thank you very much.

The CHAIR: Member for Unley, can you please resume your seat? I do not appreciate your smart alec response, either. You have the next question.

Mr PISONI: I am waiting for an answer on this question. Either the minister can say she will bring it back or she can answer the question.

The CHAIR: No, I have made my ruling; next question, or we can suspend the time now if you like. It is up to you.

Mr PISONI: The next question I would like to take the minister to relates to page 302 where, in your receivables, there are negative figures for allowance for doubtful debts. Last year we had a figure of \$14.95 million. This year we have a figure of \$13.473 million. Are you able to advise the house what is the nature of those doubtful debts and what is the provision for write-off?

The Hon. G. PORTOLESI: I am happy to provide more detailed information but, for now, I can report that the allowance for doubtful debts is recognised when there is objective evidence—that is, calculated on past experience and current unexpected changes in client rating—that a receivable is impaired and an allowance for impairment loss has been recognised in other expenses in the statement of comprehensive income for specific debtors, and debtors assessed on a collective basis for which such evidence exists. I am happy to provide you more detailed information.

Mr PISONI: I take you to page 307, borrowings. We have got obligations under finance leases of \$926,000 there. Are you able to explain what they are, considering that in the previous year we had no figures in that block?

The Hon. G. PORTOLESI: The finance leases relate to the public-private partnership agreement and are interest-bearing.

Mr PISONI: I take you to contract labour, contract services and charges—so that appears right through the—

The Hon. G. PORTOLESI: Which page, please, Mr Chair?

The CHAIR: 270.

Mr PISONI: —referring to services and purchasing. You made the claim on radio just recently, minister, that the cleaning contracts were interim, where cleaners were appearing in schools between 7.30am and 6pm. I have a copy of the Underdale High School cleaning tender which is identical, in times of performance and services, to the dozens of cleaning tenders that have gone out this year, many of which have been converted into contracts where the time and presence of services actually provide that the contractor must complete that part of the service, being ongoing cleaning services, between 7.30am and 6pm Monday to Friday, excluding public holidays, during the school year, unless by prior arrangement with the minister or site manager. Are you able to advise whether any schools are being cleaned on the new contracts outside the 7.30am to 6pm times?

The Hon. G. PORTOLESI: I do not think that I did refer to the term 'interim', but I am happy to stand corrected. I referred to trial arrangements that were being put in place, and schools do have the flexibility (and the member wants us to empower local schools) to negotiate this, but if I can get an answer in relation to the detail you request, then I will.

Mr PISONI: Is this the new contract that has been set up to deal with the changes to the Fair Work Act? These are not being handled by schools: the department is making these decisions and signing these contracts. These contracts are not being managed by schools: they are being managed centrally. Is it the standard contract that cleaners are expected to clean between 7.30am and 6pm, Monday to Friday, excluding public holidays and school holidays?

The CHAIR: In the report is this referenced? I can't find it, sorry.

Mr PISONI: This is reference page 270, referring to purchasing and services.

The CHAIR: Can you help me out? I cannot find it. Can you assist me? Page 270, did you say?

Mr PISONI: Supplies and services: \$654 million dollars' worth.

The CHAIR: What are you asking for then?

Mr PISONI: I am asking for confirmation that the new contracts signed for cleaners restrict cleaners to cleaning school buildings between 7.30am and 6pm.

The Hon. G. PORTOLESI: We do not have the contract in front of us, but I am happy to seek that information.

Mr PISONI: Could you also bring back to the house how many contracts have been let this year with that time and performance clause that refers to the 7.30am to 6pm cleaning time?

The Hon. G. PORTOLESI: That is a question that could only be answered by taking it on notice, and I am happy to do that.

Mr PISONI: I refer to page 277 regarding income under 'Student and other fees and charges' of \$131,257,000 up from \$124,474,000 the previous year. Can you confirm what percentage of this increase is from increases in school fees for public school students?

The Hon. G. PORTOLESI: I will provide that information for you. I will take it on notice.

Mr PISONI: Could you also provide what the additional fees and charges were for the previous year 2010 and budgeted for the 2011 year?

The Hon. G. PORTOLESI: If that information exists, I am happy to provide it.

Mr PISONI: Referring again to salaries on page 272 where it lists the number of staff employed under awards. I do not expect you to answer this now. You needed to bring it back to me last time I asked this question, and I am happy for that to happen. Are you able to provide for each department or agency reporting to the minister how many surplus employees there will be as of 30 September 2011? For each surplus employee, what is the title or classification of that employee and/or the total cost of the employee?

The CHAIR: Member for Unley, that is a question for question time, not a question for the Auditor-General's Report. You are moving into this financial year. That is my ruling.

Mr PISONI: She can bring it back.

The CHAIR: No.

Mr PISONI: And it is referred to—

The CHAIR: You can ask—

Mr PISONI: I am referring to the Auditor-General's Report—

The CHAIR: No.

Mr PISONI: —about employees.

The CHAIR: The Auditor-General's Report does not refer to the 2011-12 year. We are looking at 2010-11.

Mr PISONI: I will have it for—

Mr Marshall interjecting:

The CHAIR: No. You can ask that question in question time. I am ruling it out of order. I can give you another question, if you like, to make up for it. Does the member for Unley wish another question? I am being lenient.

Mr PISONI: On page 309, it talks about the PPP-related commitments. We are seeing PPP maintenance commitments. Future operations and maintenance commitments are payable in nominal fees and terms. We have figures here in categories within a year, and later than one year but not later than five years, and then later than five years. For 2011 and 2010 they are very similar figures. Are you able to advise the house as to whether there will be any impact on the liabilities with interest rate changes, or alternatively with any change of the downgrading of South Australia's AAA credit rating?

The Hon. G. PORTOLESI: That is pure speculation, so I am not in a position to respond to that question.

Mr PISONI: So are you saying there is no contingency? Is that the answer?

The CHAIR: I gave the member an opportunity. The time has clearly expired for the examination of the Auditor-General's Report for the Minister for Education and Child Development.

Progress reported; committee to sit again.

[Sitting extended beyond 18:00 on motion of Hon. J.J. Snelling]

WORK HEALTH AND SAFETY BILL

In committee (resumed on motion).

Clause 20.

The CHAIR: The minister was seeking advice on a particular question.

The Hon. J.J. SNELLING: For the benefit of the committee, I will clarify my earlier statement with regard to home businesses. If a person uses their home for the purpose of running a business, then, yes, they meet the definition of a PCBU. They will therefore have those duties that apply to a PCBU and the residential premises will be a workplace. This means that they have the duty to ensure their own health and safety and the safety of others who come into the workplace, but the duty only applies so far as it relates to work activity. In other words, any private activity is just that, it is private, and no work health and safety duty applies.

In the example of the dinner party or the birthday party in the home, no WHS duties will apply. I am advised—and it is important to repeat—that these obligations are no different to the legal duties of residents who use the homes for running a business under the current occ health and safety legislation.

The Hon. I.F. EVANS: Just in response to the minister's clarification, if I am running a business from home and I am having a dinner party and, say, a doctor who is on-call and therefore working attends my dinner party, I am still not obligated under the OH&S Act because he is working and I run a business from home because it is a social event? Is that the advice?

The Hon. J.J. SNELLING: Yes, that would be correct.

The CHAIR: Is that all you have with respect to clause 20?

The Hon. I.F. EVANS: That will do.

Clause passed.

Clause 21.

The Hon. I.F. EVANS: I was just trying to work out in clause 21(1)(a) the interpretation of the word 'occupied'. At what point is the building occupied? Can the minister clarify that for me?

The Hon. J.J. SNELLING: It is the ordinary meaning and it means someone who resides in the house.

The Hon. I.F. EVANS: Does that mean they have to be on the electoral roll? Does that mean they have to reside there for at least a week? Does that mean six months? At what point does someone occupy the premises? It says that 'the occupier of a residence, unless the residence is occupied for the purposes of' running a business. At what point, if someone comes to the house to conduct business, are they occupying it for the purposes of conducting a business? I am trying to work out at what point the house becomes occupied.

The Hon. J.J. SNELLING: What are you trying to get at?

The Hon. I.F. EVANS: There are at least two ways you can interpret the clause. The way it is worded it says that the occupier is not someone who is in charge of the management or control of fixtures unless the residence is occupied for the purposes of conducting a business. My point is: occupied by who? I am a builder. I come to your house for six months every day to do the renovations. When I step through the door am I occupying it? At what point is the person occupying it, or is it only the owner of the house? Ultimately—

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: So it is the owner. I will put my position—

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: This is my point: who becomes the occupier? Is it the owner? In my case, my wife owns the house, I do not. My son, who is a personal trainer, takes calls at home. He sleeps at our place three nights a week. He rents another property and stays there other times of the week. When he is at my place three nights a week on a regular basis is he an occupier at that point; and when he takes phone calls for his personal training business is he then running a business from home, and am I captured? That is the point I am trying to make. I am trying to put some clarity around who gets captured by the word being an 'occupier'. When do you become the occupier and when are you not an occupier?

The Hon. J.J. SNELLING: With regard to the builder, I can certainly say that the builder is not an occupier. You do not become an occupier just by the fact that you visit the premises during the day. Visitors, guests and so on are likewise not occupiers. With regard to the example of your son, he is not an occupier.

The Hon. I.F. EVANS: Even if he lives there?

The Hon. J.J. SNELLING: My advice is that just because he resides at the premises does not mean he is an occupier under the definition of the act.

The Hon. I.F. EVANS: Just so I am clear, we have five adults in our home, so are they—

The Hon. J.J. SNELLING: You should be pushing them out!

The Hon. I.F. EVANS: You've got six!

The Hon. J.J. SNELLING: I am charging them board as soon as they turn 18.

The Hon. I.F. EVANS: So you are running a business? That's an interesting question the Treasurer raises. If you charge your children board, are you technically running a business? Interesting question. The point I make is that I think it is totally unclear who the occupier is. If it is not restricted to the owner, you may well have four occupiers all inherit different responsibilities because one of them is conducting a business and the responsibility falls on the other occupiers. Dad runs the architecture business from the back office; because they are running a business, all the occupiers inherit a duty.

The Hon. J.J. SNELLING: I think we need to go back and look at exactly what the clause is doing. The duties that it sets out are essentially aimed at the owner of premises, so generally the landlord of a building which is a workplace. It sets out the responsibilities of that person for making sure that those premises are in a safe condition and comply with the requirements of the act; to make sure that there are not bits of masonry falling off the ceiling, walls about to collapse or carpet that is clearly in a bad state of repair; all those sorts of things. It is trying to pick up and confer responsibilities upon that group of people.

The occupier that the member for Davenport is so interested in is trying to exclude the owner of a residence from this provision, so that those people are not unintentionally caught up under this provision and they are not conferred with these responsibilities with regard to people who may come into their home to do work. So, for example, if an electrician comes in, the owner of the residence, the occupier, does not have responsibilities unintentionally conferred upon them by this particular provision.

The Hon. I.F. EVANS: I will just make one comment and then I will move on. My point is this: if the residence is being used for a business—architect, home accountant or whatever—it becomes a workplace. The occupier then becomes liable. It is unclear to me, when you have five adults living at home, whether all of them are occupiers and all of them become liable because dad is running the business, or whether it is just dad who is running the business who is liable. The legislation does not say 'the occupier who is running the business'; the legislation says 'the occupier'.

The Hon. J.J. SNELLING: The talk about 'the occupier' is not trying to bring people under the clause; it is trying to exclude people from the operation of this clause.

The Hon. I.F. EVANS: Yet No. 20 brings it in.

The Hon. J.J. SNELLING: Yes, but it is only PCBUs. You only come under the provisions of this if you are a person conducting a business or undertaking.

The Hon. I.F. EVANS: It does not say that; it says occupier. Move on, and we can put 21 to the vote. It only excludes them if there is not a business being run from home.

The Hon. J.J. SNELLING: That is true, yes.

The Hon. I.F. EVANS: And there is a business being run from home because dad is an architect, so they are brought in. It only excludes them if there is not a business being run from home. If a business is being run from home it includes them, and it does not include the person running the business, it includes the occupier.

The Hon. J.J. SNELLING: No.

The Hon. I.F. EVANS: I'm sorry, it says, 'The occupier of a residence unless the residence is occupied for a purpose of or part of conducting a business.' So it brings in the occupier if a business—not their business but a business—is being run. My point is that I think it captures a wider group than intended.

The Hon. J.J. SNELLING: No, you are wrong. You are wrong because you are excluding what it says in the paragraph above:

Person with management or control of fixtures, fittings or plant at a workplace means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control of fixtures, fitting, plant in whole or in part at a workplace but does not include—

and then goes on to talk about occupiers. It is bringing in PCBUs. In the example of multiple people living at a house in which a home business is being conducted, it is only the PCBU (the person conducting the business or undertaking) who is brought under the auspices of the act.

Clause passed.

Clause 22.

The Hon. I.F. EVANS: Just a quick question here, and things get a bit quicker from here on in you will be pleased to know. The issue that 22 raises is to do with substances. Substances, of course, are now any natural occurring substance, including water, so in the Aldgate main street all the businesses will have to now be obligated to deal with flood issues that come through their businesses.

The Hon. J.J. SNELLING: What's reasonable—one in ten?

The Hon. I.F. EVANS: Yes, it floods every 10 years, so I think a court would find it is reasonable that they have a plan to deal with it, Treasurer. I think that would be the case as, indeed, all the businesses through Unley and all the businesses through West Beach because of the stormwater issue where there is a history of flooding.

An honourable member interjecting:

The Hon. I.F. EVANS: Yes, that's right; absolutely, to the extent that it is reasonable but they still now have to go through the process of working out injuries to staff as a result of flood issues. The issue I want to question is that clause 22(2)(b) talks about substances that are 'used or could reasonably be expected to be used', so it is not restricted to use of the substance in accordance with their instructions. There is no limitation on the liability.

The Hon. J.J. SNELLING: Could the member for Davenport just clarify: is he talking about whether the liability extends to the misuse of the substance? Is that what he is getting at?

The Hon. I.F. EVANS: This issue deals with designers and the designers now have an obligation if they are designing a substance that 'is to be used, or could reasonably be expected to be used'. Every time someone designs a substance, they have to somehow make a judgement about whether they think it is going to be used in a workplace or not. I am just wondering how anyone could possibly be expected to make a judgement about that issue, given that there are so many different circumstances. I am just trying to cover the point, that is all.

The Hon. J.J. SNELLING: Let us go to what the clause is again doing and that is providing that, when a PCBU creates or designs a structure or an item of equipment or indeed a substance, it is safe. It puts obligations on this PCBU to make sure that whatever it is designing or creating is safe for its intended use. Obviously there are many substances that can be used

unsafely for a use that is unintended, if it is not what the equipment is created for. You can think of any number. Obviously, forklifts are not created to be driven as go-karts and raced around a warehouse.

The obligation is on the designer of the item of equipment or the substance to make sure that it is safe for its intended use. That means that they would need to do whatever normal testing is done by people who create and design these things to ensure that they conform to the normal, reasonable definition of safety. Obviously, a designer or a creator of a product is not going to be able to make sure that it is safe for purposes for which it is not intended to be used.

The Hon. I.F. EVANS: I think you have answered it in relation to clause 22(2)(a) where it says 'at a workplace, use the plant, substance or structure for a purpose for which it was designed,' but then all the little subclauses have the word 'or' on the end so it is 'or the next one or the next one'. Ultimately, it comes down to having to design it so that it is without risk to health and safety for people 'who carry out any reasonably foreseeable activity'. Go-kart racing in a warehouse is obviously foreseeable. My point is—

The Hon. J.J. SNELLING: That is not its intended use.

The Hon. I.F. EVANS: It does not say that. It says that only in subclause (2)(a). Then it says 'or', 'or', 'or', not 'and', 'and', 'and'. So, you can take them all separately. The point I make is that there are people using the product not for its intended purpose but for a purpose that is reasonably foreseeable. The person still could inherit a liability if they have not done their processes properly.

The Hon. J.J. SNELLING: I will give you an example of something like that, and that is a heavy item of machinery being used to hold a door open. Obviously the intended use of the item of machinery is not to hold open doors, but it should nonetheless still be safe to hold open a door. Something quite run of the mill, such as holding open a door, would be an unintended but foreseeable use of that item.

The Hon. I.F. EVANS: This is my point: I have been on building sites where they have used nail guns for target practice at lunch time. They put a target up on a shed, like an archery target. I have been on building sites where they have thrown bricks at the temporary toilet to help the other workers with their business. There are a whole range of things that happen that are not within the purpose for which something is designed. It comes down to this: clause 22(4) provides:

(4) The designer must give adequate information to each person—

every person—

who is provided with the design for the purpose of giving effect to it concerning—

(a) each purpose for which the plant, substance or structure was designed—

and all the calculations, as per subclause (2). Subclause (2) includes 'who carry out any reasonably foreseeable activity'. My point is that I think it is placing an unrealistic expectation for someone to provide all of that information for each foreseeable activity. That is the obligation that you are placing on them.

The Hon. J.J. SNELLING: With regard to people using nail guns, that obviously would be brought in under other provisions of the act as an unsafe activity, and the people conducting that activity would be in trouble under other provisions of the act. It would be unreasonable to expect the manufacturer of a nail gun to make nail guns in such a way that they could be safely used for target practice. That would be an unreasonable expectation. There is certainly nothing under this provision that would oblige the manufacturers of nail guns to do so.

Clause passed.

Clause 23 passed.

Clause 24.

The Hon. I.F. EVANS: In clause 24(2)(b) there is a requirement for importers. Importers must ensure that the plant, substance or structure is without risk to the health and safety of persons who handle the substance at work, but there is no obligation to say 'handle the substance as recommended', as distinct from other sections which actually provide 'for the purpose for which it was designed', which is the line above it in clause 24(2)(a). So, at one point the act says you have to use the plant, substance or structure for the purpose for which it was designed but then it does

not refer to those who handle the substance at the workplace as recommended. To me, there is a lack of a safeguard in 2(b).

The Hon. J.J. SNELLING: That is provided for elsewhere in the bill. Clause 19(3)(f) makes provision for that.

The Hon. I.F. EVANS: All 19(3) says is that you have to provide the information. There is no obligation on the worker to handle the substance of the workplace as recommended, but I have made my point: clause 19(3) says that you just have to provide the information. The worker does not have to use it as per the recommendation.

The Hon. J.J. SNELLING: In clause 28, the worker has a general duty under the act to act in a safe manner, and apparently we are coming to that.

Clause passed.

Clause 25.

The Hon. I.F. EVANS: The only question here, Treasurer, relates to the duties on persons conducting businesses or undertakings that supply things—plant, substances or structures. I assume this applies to the importer, the wholesaler, the distribution agent, the retailer, who are all suppliers? I assume the obligations under clause 25 apply to all of those?

The Hon. J.J. SNELLING: I am advised, yes.

Clause passed.

Clauses 26 and 27 passed.

Clause 28.

The Hon. I.F. EVANS: With clause 28, it has always intrigued me; what is the obligation under the bill in relation to workers having drugs in their system at work or, indeed, being drunk at work? I am particularly interested as to what is the obligation under the bill regarding drugs. If a worker is found with any content of illicit drugs in their system, does that automatically exclude them from the provisions of the bill, or discount them from payouts under the bill?

The Hon. J.J. SNELLING: I have two things to say. One is that there is an obligation on the worker to conduct themselves in a manner where they do not endanger their co-workers, and obviously being drunk or under the influence of drugs would do that.

The Hon. I.F. Evans: Or to themselves.

The Hon. J.J. SNELLING: Indeed. The other thing is that part (d) says 'cooperate with any reasonable policy or procedure of the person conducting the business or undertaking'. Many businesses—in fact, most—have a zero tolerance to drugs and alcohol, certainly with regard to the operation of heavy machinery and the like, so their obligation to cooperate with that policy would be conferred by the operation of that subclause (d). There are also specific provisions under the regulations with regards to drugs and alcohol.

The Hon. I.F. EVANS: You are sending me some other regulations. Do you want to send me those as well?

The Hon. J.J. SNELLING: I will give you the whole lot.

The Hon. I.F. EVANS: I am just intrigued why there is not an obligation on the employee to report unsafe work practices. If you look at the duties of the worker, there is nothing under the duties that requires the worker to report any unsafe work practice or, indeed, if they come across something unsafe at work, there is no duty to report. I am just wondering why not.

The Hon. J.J. SNELLING: I am told that there are further provisions in the bill which provide for consultation which brings in that in terms of a worker's obligations to report unsafe things in the workplace. Again, it would also come down to subparagraph (d). Presumably an employer, as part of their general policy, would have a requirement for workers to immediately report anything unsafe at their workplace.

Clause passed.

Clauses 29 to 33 passed.

Clause 34.

The Hon. I.F. EVANS: I raised this during my second reading contribution: I am just trying to get an understanding of what an unincorporated association is. I know what an incorporated association is, but what is an unincorporated association? I assume it is a group of one or more that are not incorporated, but I am just trying to work out where the definition of an unincorporated association is.

The Hon. J.J. SNELLING: There would have to be a group of two or more people who meet for a common purpose and are unincorporated, obviously.

The Hon. I.F. EVANS: So they have to meet and hold meetings and all those sort of things, or just be undertaking some activity?

The Hon. J.J. SNELLING: Yes; you would expect, if they were coming together for a common purpose, there would be some form of meeting or other group activity. Obviously, they would have to gather for the purpose for which they were formed.

The Hon. I.F. EVANS: So if two neighbours got together and decided to help a third neighbour who was in trouble for something, they are an unincorporated association?

The Hon. J.J. SNELLING: Firstly, they would not be a PCBU, so they would not come under the provisions of the act because they would not be a PCBU. Secondly—

The Hon. I.F. EVANS: Except for sections 27, 28—

The Hon. J.J. SNELLING: Let me finish and I will get to that. Secondly, an ad hoc gathering of two or more people to do something, no, would not make that group of people an unincorporated association. However, a group of neighbours who regularly gathered together as a group to provide assistance in the neighbourhood, yes, they may well be an unincorporated association, but an ad hoc gathering of a couple of people who go to mow the neighbour's lawn, no, they would not be an unincorporated association.

Clause passed.

Clauses 35 and 36 passed.

Clause 37.

The Hon. I.F. EVANS: I was interested in the issue of a 'fall or release' in clause 37(f) which provides:

the fall or release from a height of any plant, substance or thing; or

There seems to be no definition, no parameters, around any height at all. It is totally open.

The Hon. J.J. SNELLING: It would depend on what has fallen.

The Hon. I.F. EVANS: Yes, it may well depend on the substance, but ultimately there are liabilities that accrue as a result of it. I am a bit intrigued as to how that is going to work.

The Hon. J.J. SNELLING: It is consistent with the provisions in the current act which have been operating for however long and, to my knowledge, up until now they have not caused any confusion. Obviously the height would vary depending on the weight and design of whatever it was that was falling. I would not call a dangerous incident a piece of paper falling off a desk; however, a brick falling off a ladder may be a dangerous incident. It would just depend, and obviously the act cannot provide for every type of object which may fall with a corresponding height from which it might fall in order for it to be a dangerous incident. So, this is in complete accord with what has operated up until now without any confusion.

Clause passed.

Clauses 38 to 41 passed.

Clause 42.

The Hon. I.F. EVANS: Clause 42(2) provides:

A person who conducts a business or undertaking must not direct or allow a worker to use the plant or substance at a workplace if—

I am assuming that requires prior knowledge of the employer. I will give you an example. When I was in business, we had the pleasure of one of our bobcat drivers taking our bobcat out on New Year's Day to do a cashie for himself. He was drinking on the site, he stepped off the bobcat, his

leg went between the bobcat bucket and the bobcat body, he snapped his leg in three places, and we paid WorkCover on that. WorkCover ruled that was our responsibility. We were not even receiving the money, we did not even know the booking had occurred, we did not even know the bobcat had left the premises. I am just asking about this clause which says 'a person who conducts a business or undertaking must not direct or allow a worker' and I just want it on the record that the employer actually has to have prior knowledge that the worker is using the equipment.

The Hon. J.J. SNELLING: In the example the member for Davenport provides, just because a claim may have been made against you under workers compensation does not mean that there was necessarily a breach of this act. They are two separate things.

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: That's right: there was a liability. From what you tell me, I agree, it was unjust, but your liability is quite a separate thing. Your legal liability is separate from what is contained in this act. That aside, the operative word is 'allow' so, obviously, if someone takes a piece of equipment without your permission you have not allowed them to do so.

Clause passed.

Clauses 43 to 51 passed.

Clause 52.

The Hon. J.J. SNELLING: I move:

Page 39, line 28—Delete paragraph (d)

The amendment essentially is to correct a typographical error. This amendment removes the reference to multiple businesses or undertakings from clause 52(3), which relates specifically to negotiations for a work group in a single person conducting a business or undertaking and so paragraph (d) is unnecessary. Clause 56 relates to negotiations for a work group that involves more than one PCBU, and so paragraph (d) will remain in clause 56.

This is a typographical amendment recommended by Safe Work Australia and the Parliamentary Counsel's Committee, which has been overseeing the drafting of the model act. The amendment will be adopted by all jurisdictions in their work health and safety legislation. The intent and the outcome of the provision will remain the same.

Amendment carried; clause as amended passed.

Clauses 53 to 67 passed.

Clause 68.

The Hon. I.F. EVANS: I move:

Page 46, after line 9—Insert:

- (3a) Subsection (2)(g) does not extend beyond—
- (a) a person who works at the workplace; or
 - (b) a person who is involved in the management of the relevant business or undertaking; or
 - (c) a consultant who has been approved by—
 - (i) the Advisory Council; or
 - (ii) a health and safety committee that has responsibilities in relation to the work group that the health and safety representative represents; or
 - (iii) the person conducting the business or undertaking at the workplace or the person's representative.

This amendment is simply trying to restore the bill back to what is in the act in regard to the health and safety rep's capacity to bring other people onto the site. Under the government's bill they will be able to bring anyone they want on, à la their union mate who they want to bring on for some purpose, or an inquiring journalist who might want to come on and do a job on an employer.

Under the current act and under our amendments it simply allows for a suitably qualified consultant. We do acknowledge that some of the unions, etc., will have suitably qualified people,

but we think that it should be restricted to what is in the current act. That is the purpose of the amendment.

The Hon. J.J. SNELLING: The government opposes the amendment. The amendment is an attempt to fetter the powers and functions of a health and safety representative in the workplace. With regard to the definition of 'any person', section 68(2)(g) of the bill provides that:

In exercising a power or performing a function, the health and safety representative may—
whenever necessary, request the assistance of any person.

It has raised some concerns that a health and safety rep could ask a member of the media or an unknown bystander to assist them. SafeWork SA has received Crown Law advice in the matter, which is provided to Business SA, which makes it clear that section 68(2)(g) should be read in the context of other specific provisions relating to the powers and functions of health and safety reps; in particular, the combination of clauses 68(2)(b) to (d), which identify the specific power of a health and safety rep to accompany inspectors and to attend interviews with the consent of workers they represent.

The power in clauses 71(4) and (5), which allow a PCBU to refuse access to any other person identified by the health and safety rep, suggest that in most cases it is anticipated that the health and safety rep will know ahead of time that he or she needs assistance and is able to ask an appropriate person whom the PCBU approves of. It is highly unlikely that in an emergency situation the only person who could give assistance to a health and safety rep would be a journalist. It is also unlikely that there would be any situation where a journalist would be able to provide any appropriate assistance in relation to the health and safety rep's powers and functions.

Crown advice has also confirmed that it would never be within a health and safety rep's power under the bill to invite a journalist to film some alleged breach. The PCBU would be fully entitled to exercise their right to refuse entry should a health and safety rep attempt to bring a journalist onto the premises.

Amendment negated; clause passed.

Clauses 69 to 171 passed.

Clause 172.

The Hon. I.F. EVANS: I move:

Delete this clause and substitute:

172—Protection against self-incrimination

A person is excused from answering a question or providing information or a document under this Part on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.

Clause 172 deals with privilege against self-incrimination. The government wishes to take that privilege away. It is effectively what I would call losing your right to silence because you are forced to answer questions. We are fundamentally opposed to that for all the reasons we have argued previously in this chamber, so I do not really think I need to expand further. I think the house is well aware of the opposition's views about people having the right to silence, or self-incrimination. The government wishes to take away privilege against self-incrimination. We think the privilege against self-incrimination should be maintained.

The Hon. J.J. SNELLING: The government opposes the amendment. The approach adopted in this provision already operates in other statutory frameworks where the public's good is balanced against the individual's right to silence. Clause 172 of the bill provides that the privilege against self-incrimination is abrogated, including where the regulator requires the production of documents and answers to questions. This means that the person must comply with requirements made under those provisions of the bill, even if it means that they may be incriminated or exposed to a potential penalty.

The right to silence is a common law right and, where the right is not absolute, it can be expressly excluded by statute. Generally, it is excluded where it is perceived that the public interest outweighs the specific rights of the individual. There are many examples of statutes where the privilege against self-incrimination has been abrogated. For example, section 172 of the bill is similar to section 91 of the Environment Protection Act 1993. The exclusion or limitation of the common law privilege is often drafted into legislation where there are offences against a body

corporate and its officers. For example, in section 13(16)(a) of the corporations act 2001, the commonwealth removes the privilege for a body corporate.

The bill recognises that the right to silence is clearly capable of limiting the information available to inspectors or the regulator which, in turn, may compromise their ability to ensure ongoing work health and safety protections. Clause 172(2) provides for use immunity, which means that the information the individual gives to the regulator is not admissible as evidence against that individual in civil or criminal proceedings. So, this strikes a balance between the recognition of the common law right to silence and the needs of the regulator or inspectors to obtain information.

The Hon. I.F. EVANS: To assist the committee, having lost that amendment and others, I have no need to proceed with amendments Nos 14 to 18 standing in my name.

Amendment negated; clause passed.

Clauses 173 to 188 passed.

Clause 189.

The Hon. I.F. EVANS: This clause deals with it being an offence to impersonate an inspector. Who would investigate that issue? Would it be the police or the OHS inspectors themselves?

The Hon. J.J. SNELLING: SafeWork SA.

The Hon. I.F. EVANS: I assume the inspector has to carry an authorised identification, and all those sorts of things, and display it or identify themselves before they question people?

The Hon. J.J. SNELLING: Yes. I am advised inspectors carry ID, which they have to produce.

The Hon. I.F. EVANS: The reason I asked the question was that, when one of my constituents was under investigation by another department, the investigators, who were with the special investigations branch of Families SA, went to the council; and it is recorded in all the council's documentation that they were detectives. When we reported it to the police, they wrote back to me saying that it was not in the charter of the Anti-Corruption Branch for the police to investigate whether someone had impersonated a police officer, which surprised me. I just wanted to check who is obligated to investigate the impersonation of an inspector, but it is SafeWork SA.

Clause passed.

Clauses 190 to 246 passed.

Clause 247.

The Hon. J.J. SNELLING: I move:

Page 108, line 23—Delete 'the business' and substitute:

a business

Again, this is a typographical amendment recommended by Safe Work Australia and the Parliamentary Counsel's Committee, which have been overseeing the drafting of the model act. The amendment will be adopted by all jurisdictions in the work, health and safety legislation. The amendment provides consistency of terminology and does not alter the intent of the provision.

Amendment carried; clause as amended passed.

Clauses 248 to 273 passed.

Clause 274.

The Hon. I.F. EVANS: I move:

Page 116, after line 17—Insert:

- (7) An approved code of practice or the variation of a code of practice is subject to disallowance of Parliament.
- (8) The Minister must ensure that each approved code of practice or variation is laid before both Houses of Parliament within 6 sitting days after it is published in the Gazette.
- (9) If either House of Parliament passes a resolution disallowing an approved code of practice or the variation of a code of practice, then the code of practice or variation ceases to have effect.

- (10) A resolution is not effective for the purposes of subsection (9) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not all fall with the same session of Parliament) after the day on which the code of practice or variation was laid before the House.

This deals with the simple principle of making the codes of practice a disallowable instrument. Under the government's bill they are not a disallowable instrument. There are literally thousands of pages of codes.

The devil in this legislation is in the detail about the codes. There are codes to do with all sorts of industries and what they have to do in relation to heights, scaffolding and all those sorts of things. It was the detail in the codes, for instance, that the Housing Industry Association was using to say that this legislation would push up the price of housing by about \$12,000 for a single storey house and \$21,000 for a double storey house.

That detail was not in the bill, as such: it was in the codes. Our view is that the codes should be a disallowable instrument, which means the parliament—either house of parliament, by way of motion—can disallow a code if they think it is putting an unrealistic expectation onto an industry. We think it is good practice to have those codes as a disallowable instrument. That is the nature of the amendment.

The Hon. J.J. SNELLING: The government opposes the amendment standing in the name of the member for Davenport. Codes of practice, under the model Work Health and Safety Act, are developed through a tripartite process into Safe Work Australia that involves business and industry groups, unions and government.

Codes of practice, under the model WHS Act, are not legislative instruments and only have evidentiary status. They can be used as evidence of compliance, but they do not create any legal presumption against a defendant. In this way, they should not be subject to disallowance by parliament.

Under the OHSW Act, codes of practice have different legislative standing. Where a person fails to comply with a code of practice, they are presumed to have failed to exercise the standard of care required under the act. Because codes of practice have legislative standing under the OHSW Act, they are subject to disallowance by parliament.

Amendment negated; clause passed.

Clauses 275 and 276 passed.

The Hon. I.F. EVANS: I can advise, as a result of the previous votes of my amendments, I have no need to proceed with amendment No. 20 and I have no further questions.

Schedules 1 to 5 passed.

Schedule 6.

The Hon. J.J. SNELLING: I move:

Page 141, line 28 [schedule 6, clause 19(2)—Delete '6' and substitute:

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Safe Work Australia has agreed that health and safety representative training under the pre-harmonised laws is recognised for 12 months instead of six. Agreed to nationally by stakeholders, it should be that it would be impractical to expect all health and safety reps to be retrained within a six-month period from 1 January 2012. The agreed transitional provisions are contained in Safe Work Australia's published transitional principles implementing the model WHS Act. The amendment does not alter the intent of this provision.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (18:53): I move:

That this bill be now read a third time.

I thank the members for their interest, particularly the member for Davenport, and I thank officers for their assistance.

Bill read a third time and passed.

At 18:54 the house adjourned until Wednesday 23 November 2011 at 11:00.