HOUSE OF ASSEMBLY

Wednesday 15 February 2012

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

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:02): Obtained leave and introduced a bill for an act to amend the Australian Crime Commission (South Australia) Act 2004; the Bail Act 1985; the Controlled Substances Act 1984; the Criminal Law (Sentencing) Act 1988; the Criminal Law Consolidation Act 1935; the Director of Public Prosecutions Act 1991; the Evidence Act 1929; the Intervention Orders (Prevention of Abuse) Act 2009; the Juries Act 1927; the Summary Offences Act 1953; the Summary Procedure Act 1921; and the Youth Court Act 1993. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:04): I move:

That this bill be now read a second time.

In 2007 and 2008, the government began the process that would lead to the enactment of the Serious and Organised Crime (Control) Act 2008. On 11 November 2010, the High Court, by a majority of 6-1, decided that, at least insofar as the Magistrates Court was required to make the control order by the Serious and Organised Crime (Control) Act 2008, on a finding that the respondent was a member of a declared organisation, that court was acting at the direction of the executive and was deprived of its essential character as a court within the meaning of chapter III of the Commonwealth Constitution and that section of the act therefore was invalid; that was in the case of South Australia v Totani. The net effect of that decision was that a key part of the legislative scheme in the act was rendered inoperable.

The State of New South Wales enacted the Crimes (Criminal Organisations Control) Act in 2009. That act was a version of the South Australian act with a significant exception: section 6 of their act provides that the Commissioner of Police may apply to an 'eligible judge' of the Supreme Court (rather than the Attorney-General) for a declaration that a particular organisation is a 'declared organisation' for the purposes of the act. On 23 June 2011, the High Court, by a majority again of 6-1, held that that entire act was invalid essentially because there was no requirement to provide a reason.

In August 2011, the government released five draft bills on the subject for public comment. One was a series of amendments to the Serious and Organised Crime (Control) Act 2008 to repair the constitutional damage and to make some changes that, on advice, would improve its effectiveness. The other four were aimed at serious and organised crime by attacking what they do rather than what they are. They were the Statutes Amendment (Serious and Organised Crime—Offences) Bill 2011, the Statutes Amendment (Serious and Organised Crime—Procedures) Bill 2011, the Statutes Amendment (Consorting, Loitering and Other Matters) Bill 2011 and the Evidence (Out of Court Statements) Amendment Bill 2011.

Lengthy and sometimes complicated comments were received from, amongst others, the Law Society, Bar Association, the Commissioner of Police, the Crown Solicitor, the Legal Services Commission, the judiciary, and the Director of Public Prosecutions. It is no surprise that the comments vary from firm opposition to the view that the proposals did not go far enough. The previous—

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, behave.

The Hon. J.R. RAU: The previously released four proposed bills additional to the bill to repair the Serious and Organised Crime (Control) Act 2008 have now been consolidated and improved by a variety of comments made on consultation. It is quite clear that the government must respond decisively to the High Court's decisions and do so comprehensively and expeditiously. Expert advice has been taken from the Crown Solicitor and the Solicitor-General about the effect and content of the decisions in Totani and Wainohu and how the government might best respond to repair the legislation.

Constitutional repair of the Serious and Organised Crime (Control) Act 2008 by the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill 2012 is the subject of a separate bill. The government has announced election policy on serious and organised crime. It is:

> Continuing to support police and prosecutors with our nation leading anti-bikie legislation to help disrupt and dismantle serious and organised crime gangs...Continuing to support police and prosecutors with our nation leading anti-bikie legislation to help disrupt and dismantle serious and organised crime gangs.

There must and will be a response to the Totani decision by the government. It must be comprehensive and, in particular, designed so that the effectiveness of the government's policy to harass and disrupt criminal gangs is restored and the intent of the government's policy is not thwarted by constitutional issues.

This bill contains a suite of related measures designed to disrupt and harass the activities of criminals of all persuasions: organised, disorganised, competent and incompetent. There can be little doubt that the bill will be the subject of sustained criticism in some quarters. The answer is and must be that these measures are carefully targeted at serious and organised crime, and it is recognised in international law and the laws of other sovereign nations that the traditional criminal justice system deals poorly with the threats that serious and organised crime suspects may pose to the integrity of the justice system.

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

Leave granted.

Serious and Organised Crime Offences—Aggravated Offences

The *United Nations Convention against Transnational Organized Crime* ('the *Palermo Convention*') provides an internationally recognised and respected legislative model for preventing and combating organised crime. The Convention was adopted on 15 November 2000; entered into force on 29 September 2003; and ratified by Australia on 27 May 2004. Article 5 deals with criminalisation of participation in an organised criminal group.

The *Palermo Convention* defines an organised criminal group as follows:

> *Organised criminal group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this convention, in order to obtain, directly or indirectly, a financial or other material benefit.*

Article 5(1) of the convention recommends:

Criminalization of participation in an organized criminal group

> *1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*
>
> *(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:*
>
> *(i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;*
>
> *(ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:*
>
> *a. Criminal activities of the organized criminal group;*
>
> *b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;*
>
> *(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.*

The spirit of the Convention has been applied in a number of countries. The Canadian *Criminal Code* contains its version of the Palermo recommendations. For example, section 467.11 says:

> *(1) Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this or any other Act of Parliament, knowingly, by act or omission, participates in or contributes to any activity of the criminal*

organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that—

(a) the criminal organization actually facilitated or committed an indictable offence;

(b) the participation or contribution of the accused actually enhanced the ability of the criminal organization to facilitate or commit an indictable offence;

(c) the accused knew the specific nature of any indictable offence that may have been facilitated or committed by the criminal organization; or

(d) the accused knew the identity of any of the persons who constitute the criminal organization.

(3) In determining whether an accused participates in or contributes to any activity of a criminal organization, the Court may consider, among other factors, whether the accused—

(a) uses a name, word, symbol or other representation that identifies, or is associated with, the criminal organization;

(b) frequently associates with any of the persons who constitute the criminal organization;

(c) receives any benefit from the criminal organization; or

(d) repeatedly engages in activities at the instruction of any of the persons who constitute the criminal organization.

The Commonwealth *Crimes Legislation Amendment (Serious and Organised Crime) Act (No 2) 2010* also contains a version of the Palermo recommendations. Schedule 4 of the Act inserts a new Part 9.9 into the *Criminal Code* dealing with criminal associations and organisations. The Code contains a suite of offences with penalties of up to 15 years imprisonment. For example, section 390.4 (the least serious offence) says:

Supporting a criminal organisation

(1) A person commits an offence if:

(a) the person provides material support or resources to an organisation or a member of an organisation; and

(b) either:

(i) the provision of the support or resources aids; or

(ii) there is a risk that the provision of the support or resources will aid the organisation to engage in conduct constituting an offence against any law; and

(c) the organisation consists of 2 or more persons; and

(d) the organisation's aims or activities include facilitating the engagement in conduct, or engaging in conduct, constituting an offence against any law that is, or would if committed be, for the benefit of the organisation; and

(e) the offence against any law mentioned in paragraph (d) is an offence against any law punishable by imprisonment for at least 3 years; and

(f) the offence against any law mentioned in paragraph (b) is a constitutionally covered offence punishable by imprisonment for at least 12 months.

Penalty: *Imprisonment for 5 years.*

New South Wales has enacted similar offences in sections 93S and 93T of its *Crimes Act 1900*.

The conventional criminal law framework is ill-suited to preventing and combating organised crime in that secondary and inchoate liability do not adequately extend liability to the root activities and organisation of a criminal group. For example, secondary liability does not cover the non-criminal activities of a person who only indirectly contributes to the criminal activities of a criminal group. Equally, inchoate liability, in particular the offence of conspiracy, does not criminalise persons within a criminal group who are not a party to the agreement to commit the crime. This often omits the leadership of a criminal group, which operates above the street level preparation and commission of offences.

Serious and organised crime legislation must therefore aim to create offences that comprehensively target the criminal activities of a criminal group, providing scope to charge all persons who knowingly contribute to the criminal activities of the group. Moreover, serious and organised crime legislation must create offences that target a criminal group at the level of the organisation. The objectives of any such legislation must therefore be to prevent and reduce criminal activity with a group aspect by—

- extending liability to all unjustified involvement in criminal group activities, and
- making impotent the organisational capacity of a criminal group.

The centrepiece of the proposed Bill is the insertion into the *Criminal Law Consolidation Act 1935* of a new Part 3B entitled *Offences relating to criminal organisations*. There is a proposed new core offence of participation in a criminal organisation knowing or being reckless as to both (a) whether it is a criminal organisation and (b) whether the participation contributes to the occurrence of any criminal activity. A criminal organisation means both a criminal group and an organisation declared under the *Serious and Organised Crime (Control) Act 2008*. A criminal group means a group of 2 or more whose aim is the commission or facilitation of a serious offence of violence or the commission or facilitation of the commission of a serious offence that will benefit the group, participants or associates. Participation is partially defined to include recruiting others to participate in the organisation; and supporting the organisation; and committing an offence for the benefit of, or at the direction of, the organisation; and occupying a leadership or management position in the organisation or otherwise directing any acts of the organisation. This offence carries a maximum penalty of 15 years imprisonment.

There then follows a sequence of particular offences directed at typical behaviour of organised crime gangs-assaulting another, threatening to damage or destroy property of another (each 20 years) and assaulting a public officer in the execution of that officer's duty (25 years). Notably, public officers include judges, jurors, police officers, people who work for the Crown and so on.

There are four other provisions of particular note in this part. The first is that a person will be presumed in the absence of evidence to the contrary to be participating in a criminal organisation if that person is at the relevant time displaying (whether on an article of clothing, as a tattoo or otherwise) the insignia of the criminal organisation. The second is that once a court finds that a group is a criminal organisation and makes a declaration to that effect, that finding stands, again in the absence of proof to the contrary.

The second feature deals with maximum penalties. The Bill creates aggravated versions of various existing offences, the aggravation being that the offence was committed for the benefit of, at the direction of, in association with a criminal organisation or the offender identifies him or herself as the member of a criminal organisation (whether or not that is true). The same deeming provision about insignia applies unless the person proves that the insignia were not displayed knowingly or recklessly.

The offences aggravated are various serious drug offences in the *Controlled Substances Act 1984*, and the general criminal law offences of blackmail, and abuse of public office. The Bill also increases the maximum penalty applicable to threats or reprisals against people involved in criminal investigations or judicial proceedings and threats or reprisals against public officers from 7 years to 10.

The third feature deals with sentencing. The Bill provides that a sentence for an offence against the new criminal organisation offences will be cumulative on a sentence for any other offence that is not another of those offences. So, for example, if a person is found guilty of possession of a firearm to commit an offence and participating in a criminal organisation, and both attract sentences of imprisonment, those sentences are to be cumulative.

Consorting, Loitering and Other Matters

(i)—The Consorting Offence

The High Court in *Totani* criticised the legislated scheme of control orders. But French CJ discussed traditional consorting offences without criticism and, while the other majority judgments do not do so, they do not gainsay anything that the Chief Justice said. In particular, he said:

> *Concerns that they might impinge on innocent members of the community were expressed in opposition to such laws. Consorting did extend to innocent association with proscribed classes of persons such as reputed thieves or known prostitutes or persons who had been convicted of having no visible lawful means of support. However, unlike the provisions of the SOCC Act providing for ministerial declarations and judicial control orders, the vagrancy and consorting laws created offences, based upon norms of conduct, which did not depend upon the prior existence of an executive or judicial order.*

The old consorting offence was the subject of High Court consideration in *Johanson v Dixon* (1979) 143 CLR 376. That case concerned the Victorian equivalent which differed from its South Australian equivalent in that it made it a defence for the defendant to prove to the satisfaction of the court lawful means of support and "good and sufficient reasons" for consorting. Mason J said:

> *However, it seems reasonably clear that to constitute the offence, habitually consorting with more than one person, with a plurality of persons, is required. Association with a reputed thief would not be enough. The legislative policy which underlies the provision negatives the statutory rule of construction requiring that the reference in the plural should be read in the singular. It is a policy which was designed to inhibit a person from habitually associating with persons of the three designated classes, because the association might expose that individual to temptation or lead to his involvement in criminal activity. It is not to the point that the section is a provision of long standing and that it reflects a policy which came into existence many years ago. The fact, if it be a fact, that the policy is now a matter of some controversy, is no justification for our construing the provision otherwise than in accordance with its terms. If a change in the statute is thought to be desirable on account of changed conditions or changed attitudes, it is for Parliament to decide whether that change should be made.*

No constitutional challenge to the offence was argued, nor raised, nor contemplated.

The consorting offence was reviewed by the *Criminal Law and Penal Methods Reform Committee* (more commonly referred to as the Mitchell Committee) in 1977 and that Committee presciently reported:

> *…there are many serious crimes committed in company to which the consorting law does not apply. Today many crimes of violence are committed by those who are in frequent association. It may be argued therefore that, if it is an offence habitually to consort with reputed thieves, it should equally be an offence habitually to consort with reputed thugs, so that consorting with members of some 'bikie' gangs with a reputation for violence might in itself be an offence.*

A new version of the old consorting offence is proposed that is more discriminate in its operation and more up to date. While society retains a level of concern about reputed thieves - these were the organised criminals of the day and are represented in popular imagination as such by such authors as Dickens in *Oliver Twist* - and reputed prostitutes (although we are, perhaps, less hypocritical about the latter), modern society is far more concerned about a better class of organised criminal. In this instance, we should target consorting with those who have committed or who are reasonably suspected of having committed, a serious and organised crime offence.

The meaning of that term is defined in the amendments to the *Criminal Law Consolidation Act 1935* described above. For present purposes, it suffices to say that the definition will state that a serious and organised crime offence means one of the proposed new dedicated offences, any offence punishable by life imprisonment or an aggravated offence where the offender committed the offence for the benefit of a criminal organisation or 2 or more members of a criminal organisation, or at the direction of, or in association with, a criminal organisation; or in the course of committing the offence, identified himself or herself in some way as belonging to, or otherwise being associated with, a criminal organisation (whether or not the offender did in fact belong to, or was in fact associated with, the organisation).

(ii)—Consorting Notices

The Mitchell Committee went on to say that the section 13 consorting offence in its then form was outmoded and over-draconian (which it was) and recommended its replacement. The Committee recommended a system by which a police officer of or above the rank of superintendant could issue a notice requiring the person to desist from consorting with named people and stating the basis for that requirement. That person could then apply to a judge to have the notice rescinded on the ground that there is good reason for the association but, in the absence of a rescission, it is an offence to habitually consort against the terms of the notice.

This proposal operates in lieu of a defence of 'reasonable excuse' or 'lawful excuse'. It has much to commend it. Although it adds a extra step of court time (these days, the application would be made to a magistrate), it has the effect that the onus is on the defendant to initiate the court action and the result (whether court action is so taken or not) is certainty for the police and the defendant. It is an offence to contravene the notice with no defence. This is worth implementing.

Consorting is keeping or accepting an association. A person does not give a good account of habitually consorting merely by establishing that it was for an innocent purpose. The consorting must be persistent and as a matter of habit (*Johanson v Dixon* (1975) 143 CLR 376).

It remains to consider the subjects of the consorting charge. It is proposed that the offence apply to habitually consorting with a person convicted of or reasonably suspected of having committed any or any combination of:

- a commercial drug offence;
- an indictable firearms offence;
- an indictable offence of violence (as defined);
- extortion;
- money laundering;
- a serious and organised crime offence;
- any offence of attempting to commit or assault with intent to commit any of these offences; and
- any offence against the law of another jurisdiction that matches any of these offences.

For reasons of commonsense and constitutional protection, the legislation must contain exemptions, including to exempt consorting with a close family member (defined as including a spouse or former spouse or person in a close personal relationship or a parent or grandparent (whether by blood or by marriage); or a brother or sister (whether by blood or by marriage); or guardian or carer). Other exempt associations should include association for genuine political purposes, association while in lawful custody or in obedience to a court order and associations occurring at a rehabilitation, counselling or therapy session of a prescribed kind.

The notice procedure requires such machinery provisions as the information that the notice must contain, the way in which it is to be served and a certification provision about the fact of service. The effect of the consorting order is indefinite in duration, but the defendant may challenge it by making an application to the Magistrates Court for variation or cancellation of the order. If that is not done within 4 weeks of the service of the order, an application for revocation or variation may only be made by the defendant with the permission of the Court and permission is only to be granted if the Court is satisfied there has been a substantial change in the relevant circumstances since the order was made or last varied. There are also to be suitable provisions for appeals. There is the obvious need for the protection of criminal intelligence in dealing with suspicious associations between criminals and that is to be

done in the form that the Government maintains is correct after the decision of the High Court in *K-Generation Pty Ltd v Liquor Licensing Court* [2009] HCA 4.

The maximum penalty must be such as to match and deter the seriousness of the associations being attacked but, balanced against that, the consorter may of course be innocent of any other offence. While the outmoded offence was mostly punished by a fine, it did attract imprisonment (when done, one month was chosen) and the maximum was 6 months. I propose to escalate this to 2 years.

(iii)—Non-association and Place Restriction Orders

It is proposed to introduce a system of non-association and place restrictions orders that, to a degree, overlap with but are complementary to the other proposals in this Bill. These are judicial orders with full judicial discretion and they should survive any *Totani* based challenge.

The system contemplated is that a police officer may apply to the Magistrates Court for a non-association order or a place restriction order or both. The criteria given to the Court for making either order are that (a) the defendant has within the past two years been convicted of an indictable offence (here or elsewhere); and (b) the Court is satisfied that the order is reasonably necessary to ensure that the defendant does not commit any more indictable offences. The order will have a specified period that cannot be more than 2 years.

A non-association order will prohibit a person from being in company with a named person, or communicating with a named person either with or without exceptions. A place restriction order will prohibit a person from frequenting or visiting a specified place or area either absolutely or at specified times.

A non-association order may not specify a member of the person's close family unless the defendant requests that or the Court is satisfied that there is an appreciable risk of further indictable offending unless the order is made. Similarly a place restriction order may not specify a person's residence, place of employment, place of residence of a close family member, the person's educational institution or any place of worship regularly attended by the person unless that is requested by the defendant or unless the Court is satisfied that there is an appreciable risk of further indictable offending unless the order is made.

There are to be machinery provisions about the service of process, the cases in which the order may be made ex parte and the variation or revocation of the order. Non-compliance with the order without reasonable excuse is of course an offence punishable on first offence by imprisonment for 6 months and for a second offence by imprisonment for 2 years.

The defence of 'reasonable excuse' is to be complemented by guidance. It should not be an offence to associate with a person in a forbidden way if the association was in accordance with an order of a court. It should not be an offence to associate with a person in a forbidden way if the association was unintentional and the defendant terminated the association as soon as was reasonably practicable. Similarly, it should not be an offence to be in a forbidden place or area if the conduct was in accordance with an order of a court. It should not be an offence to be in a forbidden place if the conduct was unintentional and the defendant left the place as soon as was reasonably practicable. Further, it should not be an offence to be in a forbidden place to receive a health, welfare or legal service.

A non-association or place restriction order is to be made a sentencing option so that one or the other (or both) may be made by a sentencing court without the necessity of separate court application.

(iv)—Loitering

The old loitering offence derived from the *Police Act* of 1841 and was at that time an adaptation of the ancient UK *Vagrancy Acts*, but was adapted from time to time over the centuries. This loitering offence was repealed in 1985 on the recommendation of the Mitchell Committee. The Mitchell Committee thought that insofar as the offence was directed at the prevention of crime by attacking outward manifestations of preparations to commit it, the offence was too wide and should be attacked through the law of attempted crime. The Committee also thought that the unbridled generality of the offence went too far. It said:

> *Perhaps some extension of the power is warranted, but in our view the 'loitering' provisions are at best a subterfuge and at worst an unwarranted interference with the liberty of all persons to use streets and other public places*.

The Committee's criticisms are sound, but rather than being abandoned, the concept of requiring a suspicious person to give a satisfactory account of his or herself can be a legitimate and useful tool of law enforcement if properly targeted in such a way that it does not allow the harassment of ordinary law-abiding citizens going about their lawful business. The essence of the proposal is maintaining a proper balance between the interests of the ordinary law-abiding citizen and the disruption and harassment of the activities of criminals.

There should be an offence of loitering in a public place. The proposed structure is that if a prescribed person is loitering, a police officer is entitled to require that person to give an account of his (the loiterer's) presence. The essence of the offence is in failing to give a 'satisfactory reason' for so loitering. One satisfactory reason will suffice. It should be for the court, not the police officer, to determine whether the reason is satisfactory. A reason is to be satisfactory if it is a true and lawful reason even if it does not satisfy the member of the police force who required it and even if the police officer was reasonable in being unsatisfied.

A prescribed person for this purpose is to be any person who has been found guilty of, or who is reasonably suspected of having committed, a serious and organised crime offence; a person who is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; a person who is subject to a non-association or place restriction order under this Act; a person who is subject to a firearms control order or a weapons

control order; a person who is subject to a non-consorting order under this Act; a commercial drug trafficker; and a person subject to a paedophile restraining order. There should also be provision for adding to this list by regulation.

The maximum penalty is to be a fine of $5,000 or imprisonment for three months.

(v)—Co-operation with the authorities

An important weapon against serious and organised crime is getting people with inside or other secret knowledge of the activities and membership of the organisation to co-operate with the authorities and spill the beans. These people can be at their most vulnerable when they have been caught committing crimes, perhaps serious crime, and are facing spending a significant period in prison.

The Government has already announced a policy for dealing with the sentencing of people who plead guilty to their offences and, at that time, undertake to co-operate with authorities and provide information, either by way of testimony or otherwise. This is an important area of law and very significant inducements indeed may need to be provided to encourage these offenders to take the risk of danger to life or limb by so doing.

However, there is one area of the law that should be dealt with in this Bill. For any number of reasons, an offender of this kind may decide that, for example, the risks are not worth it and decide not to co-operate and do their time. But what if, having made that decision, the offender faces the bleak reality of that choice and months or even years later decides that the decision is the wrong one? The law needs that evidence should it be forthcoming and should allow such an offender to change his or her mind and recant. If that is done, it is only right that the effective sentence should be reconsidered in light of that co-operation, however belated, and an incentive offered in the form of a reconsideration of sentence. That is what is proposed here.

(vi)—Australian Crime Commission - Power of Examination and Production

The legislative structure of the Australian Crime Commission (that used to be the National Crime Authority) is based on a co-operative legislative structure that consists of complementary State and Commonwealth Acts. It is fair to say that the Commonwealth Act is the principal Act and the State Act buttresses it as needed for constitutional reasons.

The Commonwealth found that the power of the Australian Crime Commission to sanction by contempt those who at best frustrated and at worst refused to co-operate with the statutory powers of the Commission to compel testimony or the production of documents was inadequate to deter those subject to investigation. In brief, the contempt processes were unnecessarily cumbersome and time consuming.

As a result of this, the Commonwealth Parliament enacted the *Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010.* After the Bill passed the Parliament and was brought into force, the Commonwealth Government asked the States to amend the co-operative State legislation so as to mirror the new Commonwealth provisions. That is obviously sensible and this is the first opportunity that can be taken to do so.

It should be added that powers of examination and production backed by contempt are a vital tool in this kind of package. The power to commit for contempt should be rapid and tough. The Commonwealth amendments are aimed at that outcome and deserve full support.

(vii)—Bail

Witnesses should be supported by amendments to the *Bail Act 1985*. If a person is charged with a serious and organised crime offence and a grant of bail would cause a potential witness or other person connected with the case to reasonably fear for his safety, there should be a presumption against bail. Such a person is to be described as a serious and organised crime suspect. The presumption against bail can be rebutted by the applicant showing that he or she has not previously been convicted of a serious and organised crime offence.

The definition of 'serious and organised crime offence' should be one of the new dedicated offences proposed as serious and organised crime offences above, any offence punishable by life imprisonment and any offence aggravated because the offender committed the offence for the benefit of a criminal organisation or 2 or more members of the criminal organisation, or at the direction of, or in association with, a criminal organisation; or in the course of committing the offence, identified himself or herself in some way as belonging to, or otherwise being associated with, a criminal organisation (whether or not the offender did in fact belong to, or was in fact associated with, the organisation).

If there is any grant of bail, the conditions of any bail agreement must protect the witness from any and all association and contact with the person charged with the offence and any member of the organisation to which it is alleged the accused belongs to the extent required. This entails binding over other members not to approach or in any way communicate with the witness.

The Bill proposes measures to attain these two objectives. It should insert in the *Bail Act 1985* a new sub-section setting mandatory conditions for bail if granted to a serious and organised crime suspect. These are to be, in brief, home detention bail with electronic monitoring, and special conditions restricting the ability of the accused to communicate with specified people or classes of people and restricting the devices that the person on bail may use for communication.

But people should not be subjected to this harsh regime indefinitely or even for a very long time. The status of being a serious and organised crime suspect should expire after 6 months unless either the person is on trial or special proceedings (described below) have been taken against the suspect.

In addition, it is proposed to amend the Act in essence requiring the bail authority to consider applying for an order or imposing on the applicant for bail or any other person associated with the applicant an intervention order

if the bail authority is made aware that the victim of the offence or a person otherwise connected with the proceedings feels a need for protection form the applicant or any person associated with the applicant.

(viii)—Frightened Witnesses

It is notorious that some serious and organised criminals and some members and associates of such organisations as outlaw motorcycle gangs try to subvert the normal operation of the criminal justice system and act with impunity by intimidating and threatening witnesses and victims. Witnesses and victims deserve the best protection the law can give them. This may take a number of forms. There is, at the high end, the *Witness Protection Act 1996* and the Government has been promoting the use in the law of public interest immunity and criminal intelligence to protect the life and limb of informers and sources of evidence. But we can and should do more. Cases still collapse because witnesses suddenly lose memory of key events or faces.

Among other jurisdictions, the United Kingdom has offered another weapon in this fight. The *Criminal Justice Act 2003* says in part:

> *(1) In criminal proceedings a statement not made in oral evidence in the proceedings is admissible as evidence of any matter stated if—*
>
> *(a) oral evidence given in the proceedings by the person who made the statement would be admissible as evidence of that matter,*
>
> *(b) the person who made the statement (the relevant person) is identified to the court's satisfaction, and*
>
> *(c) any of the five conditions mentioned in subsection (2) is satisfied.*
>
> *(2) The conditions are—*
>
> *...(e) that through fear the relevant person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement, and the court gives leave for the statement to be given in evidence.*
>
> *(3) For the purposes of subsection (2)(e) "fear" is to be widely construed and (for example) includes fear of the death or injury of another person or of financial loss.*

The UK provision is an exception to the hearsay rule. It has other arms unrelated to the matters immediately at hand. It is proposed that this sensible provision be incorporated entire into the law of this State.

The other exceptions come into play if:

- the maker of the statement is dead;
- the maker of the statement is unfit to be a witness because of a mental or physical infirmity;
- the maker of the statement is out of the jurisdiction and it is not reasonably practicable to bring them before the court; and
- the maker of the statement cannot be found and steps that are reasonably practicable have been taken to find him or her.

There are broad ranging protections to ensure the proper protection of fairness to the defendant and the fairness of the trial process. The court retains a broad and unrestricted discretion to reject evidence sought to be adduced, or regulate the conditions in which it might be adduced, under the exception.

The protections also include providing that:

- evidence relating to the credibility of the maker of the out of court statement may be adduced as if the statement was made in court;
- evidence may be given in court with leave of any matter that could be put to the maker of the out of court statement as if the statement was made in court; and
- evidence of prior inconsistent statements made by the maker of the out of court statement may be admissible as if the statement was made in court.

In addition, there are protections that allow the court to stop the case where it is largely dependent on the out of court statement and a conviction would be unsafe and a statutory preservation of the general power to exclude evidence either on the basis that it would be a waste of time or that the dangers of admitting it would substantially outweigh the evidentiary value of the evidence.

It has been said by some in the consultation that adoption of the UK provisions denies the accused the right to a fair trial. This is demonstrably not the case. The UK provisions, which are mirrored in this Bill, were challenged in the Supreme Court of the United Kingdom (what used to be called the House of Lords) in *Horncastle* [2009] UKSC 14. The basis of the challenge was that the conviction of the appellant on evidence admitted under these provisions denied the appellant the right to a fair trial under Article 6 of the European Convention on Human Rights. The Court unanimously dismissed the argument. It said:

> *68One situation where Strasbourg has recognised that there is justification for not calling a witness to give evidence at the trial, or for permitting the witness to give that evidence anonymously, is*

where the witness is so frightened of the personal consequences if he gives evidence under his own name that he is not prepared to do so. If the defendant is responsible for the fear, then fairness demands that he should not profit from its consequences. Even if he is not, the reality may be that the prosecution are simply not in a position to prevail on the witness to give evidence. In such circumstances, having due regard for the human rights of the witness or the victim, as well as those of the defendant, fairness may well justify reading the statement of the witness or permitting him to testify anonymously. Claims of justification on such grounds have to be rigorously examined—see Doorson v The Netherlands (1996) 22 EHRR 330 at paragraph 71, Kok v The Netherlands (Application No 43149/98), Reports of Judgments and Decisions 2000-VI, p 597; Visser v The Netherlands (Application No 26668/95, BAILII: [2002] ECHR 108), 14 February 2002 at paragraph 47; Krasniki v Czech Republic (Application No 51277/99, BAILII: [2006] ECHR 176), 28 February 2006 at paragraphs 80-81; Lucà v Italy (2001) 36 EHRR 807 at paragraph 40:

> *As the Court has stated on a number of occasions, it may prove necessary in certain circumstances to refer to depositions made during the investigative stage (in particular, where a witness refuses to repeat his deposition in public owing to fears for his safety, a not infrequent occurrence in trials concerning Mafia-type organisations).*

Where the court has found justification for the admission of a statement from a witness not called, or for a witness giving evidence anonymously, the Court has been concerned with whether the process as a whole has been such as to involve the danger of a miscarriage of justice. The exercise has been similar to that conducted by the English Court of Appeal when considering whether, notwithstanding the breach of a rule relating to admissibility, the conviction is "safe". There is, of course, an overlap between considering whether procedure has been fair and whether a verdict is safe, and it is sometimes difficult to distinguish between the two questions.

In addition, it is proposed to amend the *Evidence Act 1929* to include within the definition of vulnerable witness a person who will only consent to give evidence on the basis that he or she is treated as a vulnerable witness. This is another helping hand to the frightened witness whereby the existing framework constructed for vulnerable witnesses is made available for their protection.

(ix)—Special Procedure

Delay in the criminal justice system aids the defendant determined to intimidate and threaten witnesses, jurors and victims. The more delay, the more the opportunity. Therefore, the establishment of a special procedure of direct indictment in the hands of the Director of Public Prosecutions in the Supreme Court is proposed. Where that direct indictment is made, the trial of the accused must begin within 6 months of an operative determination by a bail authority that the defendant is a serious and organised crime suspect unless the Supreme Court determines that the commencement is not reasonably practicable or on application by either party that there are exceptional circumstances that justify delay. It is not the intention of the Government to dictate what those exceptional circumstances may be.

(x)—Trial By Jury

The right to trial by jury is rightly considered to be a fundamental right existing in relation to the trial of serious offences contained in the criminal justice process. It is so fundamental that it is one of the few fundamental freedoms recognised, at least in part, in the Commonwealth *Constitution*. But that right can be abused and may well be abused. Jurors are, and are meant to be, ordinary people. As ordinary people, they can be threatened, harassed and intimidated. This is not a statement of mere theory.

The criminal justice system can and does take steps to prevent jury tampering. For example, it is no longer practice to announce the home address of a juror. But more can and should be done.

A special procedure of direct indictment in the Supreme Court for a serious and organised crime offence is described above. It is also proposed that where the DPP decides to take that special path, the DPP may also apply to the court for trial by judge alone. The Court is to be given a general discretion to consider whether it is in the interests of justice to grant the application (and will hear from both parties on the question) but the Bill should also offer guidance on the situation contemplated by the conferral of the discretion. That situation is where the Court considers that there is a real possibility that the jury will be the target of interference of any kind.

(xi)—Privilege Against Self-Incrimination

R v Hicks and Hicks [2010] QSC 376 was a murder case. The applicant had also been charged with the murder but had been acquitted on a directed verdict. The Attorney-General, in contemplation of calling the applicant as a witness in the trial of the other co-accused, had provided the applicant with a very thorough undertaking that any answer statement or evidence provided in the proceedings would not be used against him. The applicant claimed that he would still be entitled to claim a privilege against self-incrimination in the proceedings in question, despite the undertaking. The court disagreed, ruling that the applicant would be obliged to answer questions under oath when called as a witness even though the answer might tend to incriminate him because of the undertaking. this is a salutary ruling going to the heart of the code of silence. This Bill amends the *Director of Public Prosecutions Act 1991* to mirror the Queensland provision.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Australian Crime Commission (South Australia) Act 2004*

4—Amendment of section 3—Interpretation

This clause inserts 2 new definitions as follows:

- a new definition of *constable*, for the purposes of proposed section 26D, meaning a member or special member of the Australian Federal Police or a member of the police force or police service of this State;
- a new definition of *in contempt of the ACC* which has the meaning given by proposed section 26A.

The clause also substitutes an amended definition of *intelligence operation* that proposes to include an operation investigating matters relating to relevant criminal activity.

5—Amendment of section 8—Functions of the Board

This clause extends the period of time within which the Chair of the Board must give a copy of a determination to the Inter-Governmental Committee from 3 days to 7 days.

6—Insertion of sections 26A to 26F

This clause inserts new sections dealing with when a person may be in contempt of the ACC.

26A—Contempt of the ACC

This proposed section defines the circumstances when a person is in contempt of the ACC.

26B—Supreme Court to deal with contempt

This proposed section provides for an examiner to apply to the Supreme Court for a person, who the examiner is of the opinion is in contempt of the ACC, to be dealt with in relation to the contempt. An application must be accompanied by a certificate stating the grounds for the application and providing evidence in support of it. The certificate must be provided to the person to whom the application relates. If the Court finds that the person was in contempt of the ACC under proposed section 26A the Court may then deal with the person as if the conduct constituted a contempt of that Court.

26C—Conduct of contempt proceedings

This proposed section provides that an application to a Court under proposed section 26B will be dealt with according to the laws (including any Rules of Court) that apply in that Court in relation to contempt proceedings. This section also provides that a certificate under proposed section 26B(3) is prima facie evidence of the matters specified in the certificate.

26D—Person in contempt may be detained

This proposed section provides for an examiner, who proposes to make an application to a Court under proposed section 26B(1) in relation to a person, to detain that person before he or she is brought before the Court (which must be done as soon as practicable). The Court may then order the conditional release or continued detention of the person pending the determination of the application.

26E—Examiner may withdraw contempt application

This proposed section provides that an examiner may at any time withdraw an application made in relation to a person under proposed section 26B(1) and if the person is detained in relation to that application he or she must be immediately released from detention.

26F—Relationship with section 34

This proposed section provides that, to avoid doubt, evidence relating to an application under proposed section 26B(1) is not required to be given to a person or authority under section 34(1).

7—Amendment of section 39—Double jeopardy

This clause amends section 39 to provide that if a person is dealt with by a Court under proposed section 26B(1) in relation to an act or omission, then the person is not liable to be prosecuted for an offence in respect of that act or omission. Similarly, if a person is prosecuted for an offence in relation to an act or omission then an application must not be made under proposed section 26B(1) in respect of that act or omission.

Part 3—Amendment of *Bail Act 1985*

8—Amendment of section 3—Interpretation

This clause inserts 3 new definitions as follows:

- Chief Executive Officer to have the same meaning as in the Correctional Services Act 1982;
- serious and organised crime offence to have the same meaning as in the Criminal Law Consolidation Act 1935;
- serious and organised crime suspect—which is defined in proposed section 3A.

9—Insertion of section 3A

This clause inserts proposed section 3A that provides for a bail authority to determine, on the application of the Crown, that a person is a *serious and organised crime suspect* if the person has been charged with a serious and organised crime offence, if the person was not a child at the time of the alleged offence, and if the grant of bail to the person is likely to cause a potential witness, or other person connected with proceedings for the alleged offence, to reasonably fear for his or her safety. A determination of a bail authority under this proposed section will cease to apply after 6 months if the person has not been tried, or is not on trial, for the offence and there has not been a determination of the Supreme Court under section 275(3) of the *Criminal Law Consolidation Act 1935*.

10—Amendment of section 4—Eligibility for bail

This clause amends section 4 to add to the list of persons eligible for release on bail a person who has been arrested under proposed section 19A and a person who is no longer a serious and organised crime suspect because of the operation of proposed section 3A(2) (and the previous bail agreement will cease to have effect if a new bail agreement is entered into).

11—Amendment of section 10A—Presumption against bail in certain cases

This clause amends section 10A, which provides for a presumption against bail in certain cases. This clause proposes to include an applicant who is a serious and organised crime suspect in the list of prescribed applicants to which section 10A applies. In addition, a serious and organised crime suspect will not be able to demonstrate special circumstances for the purposes of section 10A if he or she cannot prove, by evidence verified on oath or by affidavit, that he or she has not previously been convicted of a serious and organised crime offence.

12—Amendment of section 11—Conditions of bail

This clause amends section 11, which provides for conditions that a bail authority may impose in relation to a grant of bail. This clause proposes to introduce mandatory conditions of bail for a grant of bail in relation to a *serious and organised crime suspect* as follows:

- a condition that the person resides at a specified address and only leaves the residence for the purpose of necessary medical or dental treatment, to avert or minimise a serious risk of death or injury, or any other purpose approved by the Chief Executive Officer;
- a condition that the person is subject to electronic monitoring while on bail;
- a condition that the person agrees to not communicate with any other person other than those specified or of a specified class or of a prescribed class;
- a condition that the person agrees to use, or be in possession of, only specified telephones, mobile phones, computers or other communication devices.

13—Insertion of section 19A

This clause proposes to insert a new section 19A that provides for a court to cancel a bail agreement and issue a warrant of arrest if a person was released on bail without a police officer making an application for a determination under the provisions of proposed section 3A(1) and in the opinion of the court those provisions apply.

14—Insertion of section 23A

Under proposed section 23A, if a person who is a serious and organised crime suspect applies for bail and the bail authority is a court, the court must consider whether to make an intervention order. A court must also consider whether to make an intervention order if advised by the police or a Crown representative that the victim of the alleged offence, or a person otherwise connected with proceedings for the alleged offence, feels a need for protection from the alleged offender or any other person associated with the alleged offender. The section creates an obligation for a police officer or Crown representative to advise the court of the perceived need for protection during the bail hearing. A bail authority that is not a court is required to consider making an application in the Magistrates Court for an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*. An intervention order issued under the section will be issued as if it were issued under the *Intervention Orders (Prevention of Abuse) Act 2009*.

15—Amendment of section 24—Act not to affect provisions relating to intervention and restraining orders

The amendments made by this section to section 24 are consequential on the insertion of proposed section 23A.

16—Transitional provision

The transitional provision provides that the amendments to the *Bail Act 1985* only apply in relation to a person in custody in respect of an offence allegedly committed after the commencement of Part 3.

Part 4—Amendment of *Controlled Substances Act 1984*

17—Amendment of section 4—Interpretation

This clause inserts two new definitions into the *Controlled Substances Act 1984*.

The definitions of *aggravated offence* and *basic offence* are necessary because of the insertion of new penalty provisions for the purposes of some offences under the Act. The definitions explain that where a provision differentiates between the penalty for an aggravated offence and the penalty for a basic offence, the reference to an aggravated offence is a reference to the offence in its aggravated form and the reference to a basic offence is a reference to the offence in its non-aggravated form. The definitions refer to proposed section 43, which deals with aggravated offences. The definitions match the definitions of the same terms as used in the *Criminal Law Consolidation Act 1935*.

18—Amendment of section 32—Trafficking

This clause amends section 32 of the *Controlled Substances Act 1984* by substituting new penalty provisions for section 32(2), (2a) and (3). The new penalty provisions differentiate between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. In each case, the maximum penalty for the basic offence is the same as the current penalty. The aggravated offence penalties are as follows:

- section 32(2) (trafficking in a commercial quantity of a controlled drug)—$500 000 or imprisonment for life, or both;
- section 32(2a) (trafficking in a controlled drug in a prescribed area)—$200 000 or imprisonment for 25 years, or both;
- section 32(3) (trafficking in a controlled drug)—$75 000 or imprisonment for 15 years, or both.

19—Amendment of section 33—Manufacture of controlled drugs for sale

This clause amends section 33 of the Act by substituting new penalty provisions for section 33(2) and (3), both of which relate to the manufacturing of a controlled drug for sale. The new penalty provisions differentiate between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. In each case, the maximum penalty for the basic offence is the same as the current penalty. The aggravated offence penalties are as follows:

- section 33(2)—$500 000 or imprisonment for life, or both;
- section 33(3)—$75 000 or imprisonment for 15 years, or both.

20—Amendment of section 33A—Sale, manufacture etc of controlled precursor

This clause amends section 33A of the Act, which deals with the sale and manufacture of controlled precursors, by substituting new penalty provisions. The new penalty provisions differentiate between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. In each case, the maximum penalty for the basic offence is the same as the current penalty. The aggravated offence penalties are as follows:

- section 33A(1)—$500 000 or imprisonment for life, or both;
- section 33A(2)—$200 000 or imprisonment for life, or both;
- section 33A(3), (4) and (5)—$75 000 or imprisonment for 15 years, or both.

21—Amendment of section 33B—Cultivation of controlled plants for sale

This clause amends section 33B of the Act by substituting new penalty provisions for section 33B(2) and (3), which deal with the cultivation of controlled plants for sale. The new penalty provisions differentiate between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. In each case, the maximum penalty for the basic offence is the same as the current maximum penalty. The aggravated offence penalties are as follows:

- section 33B(2)—$500 000 or imprisonment for life, or both;
- section 33B(3)—$75 000 or imprisonment for 15 years, or both.

22—Amendment of section 33C—Sale of controlled plants

This clause amends section 33C of the Act by substituting new penalty provisions for section 33C(2) and (3), which deal with the sale of controlled plants. The new penalty provisions differentiate between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. In each case, the maximum penalty for the basic offence is the same as the current maximum penalty. The aggravated offence penalties are as follows:

- section 33C(2)—$500 000 or imprisonment for life, or both;
- section 33C(3)—$75 000 or imprisonment for 15 years, or both.

23—Amendment of section 33DA—Sale of instructions

This clause amends section 33DA of the Act by substituting a new penalty provision. The new penalty provision differentiates between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. The maximum penalty for the basic offence is the same as the current maximum penalty and the aggravated offence maximum penalty is $15 000 or imprisonment for 5 years, or both.

24—Amendment of section 33GB—Sale of instructions to a child

This clause amends section 33GB of the Act by substituting a new penalty provision. The new penalty provision differentiates between the maximum penalty for an aggravated offence and the maximum penalty for a basic offence. The maximum penalty for the basic offence is the same as the current penalty and the aggravated offence maximum penalty is $30 000 or imprisonment for 5 years, or both.

25—Insertion of section 43

This clause inserts a new section.

43—Aggravated offences

Proposed section 43 provides that an offence is an aggravated offence if—

- the offender committed the offence for the benefit of a criminal organisation or at the direction of, or in association with, a criminal organisation; or
- in connection with the offence, the offender identified himself or herself in some way as belonging to, or otherwise being associated with, a criminal organisation (irrespective of whether the offender actually belonged to or was associated with the organisation).

If a person displayed the insignia of a criminal organisation (whether on an article of clothing, as a tattoo or in some other way), he or she will be taken to have identified himself or herself as belonging to, or as being associated with, the organisation unless he or she did not do so knowingly or recklessly.

The term *criminal organisation* has the same meaning as in proposed Part 3B of the *Criminal Law Consolidation Act 1935*.

The proposed section also includes other provisions consistent with those that currently exist in relation to aggravated offences under the *Criminal Law Consolidation Act 1935*.

Part 5—Amendment of *Criminal Law (Sentencing) Act 1988*

26—Insertion of section 19AA

This clause inserts a new section into the *Criminal Law (Sentencing) Act 1988*. The proposed new section 19AA provides that a court sentencing a person for an indictable offence may exercise the powers of the Magistrates Court to issue a non-association order or a place restriction order against the defendant. Non-association orders and place restrictions orders are orders that are to be available under proposed amendments to the *Summary Procedure Act 1921*.

27—Insertion of Part 2 Division 6

This clause proposes the insertion of a new Division that provides for a person already serving a sentence of imprisonment to have that sentence (and any non-parole period) reduced by a court for cooperation with a law enforcement agency in relation to a serious offence that has been committed or may be committed in the future. The chief officer of the law enforcement agency (eg the Commissioner of Police), the Director of Public Prosecutions and the applicant are parties to the proceedings on the application. The court that imposed the relevant sentence may reduce the sentence by a percentage amount having regard to listed factors such as the nature and extent of the applicant's cooperation, and the truthfulness, completeness and reliability of any information or evidence provided by the defendant.

Part 6—Amendment of *Criminal Law Consolidation Act 1935*

28—Amendment of section 5—Interpretation

This clause inserts a definition of *criminal organisation* into the *Criminal Law Consolidation Act 1935*. The definition refers to proposed Part 3B.

Section 5 is also amended to include a definition of *serious and organised crime offence*, being—

- an offence against Part 3B; or
- an offence punishable by life imprisonment, or an aggravated offence, if it is alleged that the offence was committed in the circumstances where the offender committed it for the benefit of a criminal organisation (or 2 or more members of a criminal organisation) or at the direction of, or in association with, a criminal organisation or where, in the course of or in connection with the offence, the offender identified himself or herself in some way as belonging to, or otherwise being associated with, a criminal organisation.

29—Amendment of section 5AA—Aggravated offences

Under section 5AA of the *Criminal Law Consolidation Act 1935*, an offence committed in circumstances described in subsection (1) is an aggravated offence. An offence committed in its aggravated form is liable to a more severe maximum penalty than if committed in its non-aggravated form.

This clause amends the list of relevant circumstances set out in section 5AA by adding the following:

- the offender committed the offence for the benefit of a criminal organisation or at the direction of, or in association with, a criminal organisation;

- in the course of or in connection with the offence, the offender identified himself or herself, in some way, as belonging to, or as otherwise being associated with, a criminal organisation (whether or not the offender did in fact belong to, or was associated with, the organisation).

If a person displayed the insignia of a criminal organisation (whether on an article of clothing, as a tattoo or in some other way), the person will be taken to have identified himself or herself as belonging to, or as being associated with, the organisation unless the person proves that he or she did not do so knowingly or recklessly.

Subsection (4) of section 5AA requires a jury that finds a person guilty of an aggravated offence, where more than one aggravating factor is alleged, to state which of the aggravating factors it finds to have been established. This clause amends subsection (4) by making it clear that a failure to comply with this requirement does not affect the validity of the jury's verdict.

30—Insertion of Part 3B

This clause inserts a new Part into the Act. Part 3B deals with offences relating to criminal organisations.

Part 3B—Offences relating to criminal organisations

83D—Interpretation

Proposed section 83D includes definitions of a number of terms used in Part 3B.

The definition of *criminal group* provides that a group consisting of 2 or more persons is a criminal group if—

- an aim or activity of the group includes engaging in conduct, or facilitating engagement in conduct, constituting a serious offence of violence; or
- an aim or activity of the group includes engaging in conduct, or facilitating engagement in conduct, constituting a serious offence intending to benefit the group, persons who participate in the group or their associates.

A *criminal organisation* is a criminal group or a declared organisation (the latter having the same meaning as in the *Serious and Organised Crime (Control) Act 2008*).

A *serious offence* is an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. A *serious offence of violence* is a serious offence where the conduct constituting the offence involves—

- the death of, or serious harm to, a person or a risk of the death of, or serious harm to, a person; or
- serious damage to property in circumstances involving a risk of the death of, or harm to, a person; or
- perverting the course of justice in relation to conduct that, if proved, would constitute a serious offence of violence as referred to in either of the above paragraphs.

This clause also makes it clear that a group of people is capable of being a criminal group whether or not any of them are subordinates or employees of others or only some people involved in the group are involved in planning, organising or carrying out a particular activity or membership changes from time to time.

83E—Participation in criminal organisation

This proposed section makes it an offence for a person to participate in a criminal organisation if the person knows that, or is reckless as to whether, the organisation is a criminal organisation and knows that, or is reckless as to whether, his or her participation in the organisation contributes to the occurrence of criminal activity. The maximum penalty is imprisonment for 15 years.

It is also an offence for a person to assault another person, knowing that, or being reckless as to whether, he or she is, by that act, participating in a criminal activity of a criminal organisation. The maximum penalty is imprisonment for 20 years.

A person is also guilty of an offence under the section if he or she destroys or damages, or threatens to destroy or damage, property belonging to another person, knowing that, or being reckless as to whether, he or she is, by that act, participating in a criminal activity of a criminal group. The maximum penalty is a imprisonment for 20 years.

It is also an offence under the section for a person to assault a public officer while in the execution of the officer's duty knowing that, or being reckless as to whether, the person is, by that act, participating in a criminal activity of a criminal organisation. The maximum penalty is imprisonment for 25 years.

A term of imprisonment imposed on a person under the section is to be cumulative on any other term of imprisonment or detention that the person is liable to serve in respect of another offence (other than another offence against the section).

A person will be presumed, in the absence of proof to the contrary, to be knowingly participating in an organisation at a particular time if the person is displaying at that time (whether on an article of clothing, as a tattoo or otherwise) the insignia of that organisation.

83F—Alternative verdicts

Proposed section 83F authorises a jury on the trial for an offence under section 83E(2), (3) or (4) to find the accused guilty of an offence under section 83E(1).

83G—Evidentiary

If a court is satisfied beyond a reasonable doubt in criminal proceedings that a group was, at a particular time, a criminal group, the court may make a declaration to that effect on the application of the Director of Public Prosecutions. Once a declaration is made, the group will, for the purposes of any subsequent criminal proceedings, be taken to be a criminal group in the absence of proof to the contrary.

31—Amendment of section 172—Blackmail

As a consequence of this amendment, the maximum penalty for an aggravated offence of blackmail will be imprisonment for 20 years. The current maximum penalty of imprisonment for 15 years will continue to apply for a non-aggravated offence.

32—Amendment of section 244—Offences relating to witnesses

33—Amendment of section 245—Offences relating to jurors

34—Amendment of section 248—Threats or reprisals relating to persons involved in criminal investigations or judicial proceedings

35—Amendment of section 249—Bribery or corruption of public officers

36—Amendment of section 250—Threats or reprisals against public officers

Clauses 32 to 36 increase various maximum penalties from 7 years imprisonment to 10 years imprisonment.

37—Amendment of section 251—Abuse of public office

The maximum penalty for an offence under section 251 (Abuse of public office) is currently imprisonment for 7 years. This clause amends the penalty provisions to introduce an aggravated form of the offences, punishable by imprisonment for 10 years.

38—Amendment of section 275—Information may be presented in name of Director of Public Prosecutions

This clause amends section 275 to provide that the Supreme Court must make rules expediting proceedings for a serious and organised crime offence (or an offence joined in the same information as such an offence). The clause also provides, in cases where the defendant has been determined as a serious and organised crime suspect under the *Bail Act 1985*, that the matter must be commenced within the period of 6 months after the making of that determination but that the Court may dispense with that requirement where it is not reasonably practicable for the Court to deal with the matter within that period, or where exceptional circumstances exist that justify the matter being set down for trial at a later date.

Part 7—Amendment of *Director of Public Prosecutions Act 1991*

39—Amendment of section 7—Powers of Director

This clause amends section 7 to specify that the DPP has power to undertake to a person not to use, or make derivative use of, information or a thing against the person in a proceeding (other than in relation to false evidence given by the person in a proceeding).

Part 8—Amendment of *Evidence Act 1929*

40—Amendment of section 4—Interpretation

This clause inserts a definition of *statement* for the purposes of the Act and amends the definition of *vulnerable witness* to include a person who will only consent, in relation to proceedings for a serious and organised crime offence, to being a witness in the proceedings if he or she is treated as a vulnerable witness for the purposes of the proceedings.

41—Insertion of sections 34KA to 34KD

This clause inserts new sections as follows:

34KA—Admissibility of evidence of out of court statements by unavailable witnesses

Proposed section 34KA deals with the admissibility and use of an out of court statement by a person who is unavailable to give evidence in proceedings for a criminal offence or proceedings under the *Serious and Organised Crime (Control) Act 2008*. For such a statement to be admissible the court must be satisfied that—

- the evidence, given by the person, would be admissible if he or she attended court and gave the evidence as oral evidence; and

- the person is identified to the court's satisfaction; and
- the person is unavailable for one of several reasons, namely:
- the person is dead;
- the person is unfit to be a witness because of a bodily or mental condition;
- the person is outside of the State and it is not reasonably practicable to secure his or her attendance;
- the person cannot be found although such steps as it is reasonably practicable to take to find him or her have been taken;
- that through fear the person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement, and the court gives leave for the statement to be given in evidence.

34KB—Credibility

This proposed section deals with the admissibility, in proceedings for a criminal offence or proceedings under the *Serious and Organised Crime (Control) Act 2008*, of evidence relevant to the credibility of a person who is the maker of the out of court statement which is admitted in proceedings (where the maker of the statement does not give oral evidence in connection with the subject matter of the statement).

34KC—Stopping the case where evidence is unconvincing

This proposed section provides for a court to direct an acquittal or discharge a jury where the court is satisfied that evidence provided by an out of court statement is so unconvincing that, considering its importance to the case against the defendant, a conviction of the offence would be unsafe.

34KD—Court's general discretion to exclude evidence

This proposed section specifies that a court may, in proceedings for a criminal offence or proceedings under the *Serious and Organised Crime (Control) Act 2008*, refuse to admit an out of court statement as evidence of a matter if the court is satisfied that the case for excluding the statement, taking account of the danger that to admit it would result in undue waste of time, substantially outweighs the case for admitting it, taking account of the value of the evidence (but nothing in the section derogates from any other power of a court to exclude evidence at its discretion).

42—Transitional provision

This clause provides that new sections 34KA to 34KD of the *Evidence Act 1929* will only apply to proceedings commenced after the commencement of the amendments.

Part 9—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

43—Amendment of section 9—Priority for certain interventions

This clause amends section 9 of the *Intervention Orders (Prevention of Abuse) Act 2009* to include proceedings brought by a bail authority under proposed section 23A of the *Bail Act 1985* among those proceedings that must be dealt with as a matter of priority under the Act.

Part 10—Amendment of *Juries Act 1927*

44—Amendment of section 7—Trial without jury

This clause amends section 7 to provide that where an information that includes a charge of a serious and organised crime offence is presented to the District Court or the Supreme Court under section 275 of the *Criminal Law Consolidation Act 1935*, the Director of Public Prosecutions may apply to the court for an order that the accused be tried by judge alone. A court may make such an order if it considers it is in the interests of justice to do so, which may include the question of whether there is a real possibility that an offence would be committed in relation to a member of a jury under section 245 or 248 of the *Criminal Law Consolidation Act 1935*.

Part 11—Amendment of *Summary Offences Act 1953*

45—Amendment of section 4—Interpretation

This clause inserts a definition of *serious and organised crime offence* into the *Summary Offences Act 1953*. The term has the same meaning as is proposed by amendments to the *Criminal Law Consolidation Act 1935*.

46—Insertion of section 13

This clause inserts a new section.

13—Consorting

Proposed section 13 prohibits a person from habitually consorting with a prescribed person or persons without reasonable excuse. The maximum penalty for the offence is imprisonment for 2 years.

A person may consort with another for the purposes of the section by any means including by letter, telephone or fax or by email or other electronic means.

A *prescribed person* is a person who has been found guilty of, or who is reasonably suspected of having committed, a serious and organised crime offence.

47—Amendment of section 18—Loitering

Section 18, which deals with loitering, is amended by this clause to include new provisions allowing a police officer to require a person of a prescribed class who is reasonably suspected of loitering in a public place to state the reason that he or she is in the place.

48—Insertion of Part 14A

This clause inserts a new Part dealing with consorting prohibition notices.

Part 14A—Consorting prohibition notices

66—Interpretation

Proposed section 66 provides definitions of a number of terms used in the proposed Part.

66A—Senior police officer may issue consorting prohibition notice

This proposed section authorises a senior police officer to issue a consorting prohibition notice in certain circumstances. This is a notice prohibiting a person from consorting with a specified person or specified persons. The police officer must be satisfied either that the recipient of the notice is subject to a control order or that a person with whom the recipient of the notice is prohibited from consorting has been found guilty of 1 or more prescribed offences within the preceding period of 3 years or is reasonably suspected of having committed 1 or more prescribed offences within that period.

The officer must also be satisfied that the recipient of the notice has been habitually consorting with the person or persons specified on the notice and that the issuing of the notice is appropriate in the circumstances.

The section makes it clear that a consorting prohibition notice does not prohibit associations between close family members and does not prohibit associations occurring between persons—

- for genuine political purposes; or
- while the persons are in lawful custody; or
- while the persons are acting in compliance with a court order; or
- while the persons are attending a rehabilitation, counselling or therapy session of a prescribed kind.

A notice may specify other circumstances in which it does not apply.

66B—Form of notice

Proposed section 66B sets out certain requirements in relation to the form and content of consorting prohibition notices.

66C—Service of notice

A consorting prohibition notice is not binding on a recipient until it has been served on him or her personally.

A police officer who has reason to believe that a person is subject to a consorting prohibition notice that has not been served on the person may require the person to remain at a particular place for so long as may be necessary for the notice to be served on the person or two hours (whichever is the lesser). If the person refuses or fails to comply with the requirement, or the officer has reasonable grounds to believe that the requirement will not be complied with, the officer may arrest and detain the person in custody (without warrant) for the period referred to above.

If a police officer satisfies the Court that all reasonable efforts have been made to effect personal service of a notice on a recipient in accordance with section 66C but that those efforts have failed, the Court may make such orders as it thinks fit in relation to substituted service. The notice is then not binding on the recipient until it has been so served.

66D—Application for review

Under proposed section 66D, a recipient is entitled to lodge an application for review of a consorting prohibition notice that has been served on him or her. The application must be lodged within 4 weeks of service of the notice.

On a review, the Court may consider—

- whether sufficient grounds exist to satisfy the Court that the notice was properly issued in accordance with section 66A(1);
- whether any person specified in the notice is a close family member of the recipient or there are otherwise good reasons why a particular person should not be so specified;
- whether the notice should specify particular circumstances in which it does not apply.

The Court may confirm, vary or revoke the notice.

66E—Variation or revocation of consorting prohibition notice

This proposed section allows the Court to grant permission to the recipient of a consorting prohibition notice to apply to the Court for the variation or revocation of the notice. The Court may grant the permission if satisfied that there has been a substantial change in the relevant circumstances since the consorting prohibition notice was made or last varied. On the application, the Court may vary or revoke the notice. A copy of the application is to be served on the Commissioner of Police.

66F—Appeal

Under proposed section 66F, the Commissioner of Police or the recipient of a consorting prohibition notice can appeal to the Supreme Court against a decision of the Magistrates Court made under Part 14A. An appeal lies as of right on a question of law and with the permission of the Court on a question of fact.

66G—Revocation of notice by Commissioner

Proposed section 66G authorises the Commissioner of Police to revoke a consorting prohibition notice at any time by notice in writing to the recipient of the notice.

66H—Applications by or on behalf of child

This proposed section provides that an application that could be made under Part 14A by a person may, if the person is child, be made by the child (if her or she has attained the age of 14 years) or on behalf of the child by the child's parent or guardian or a person with whom the child normally or regularly resides.

66I—Evidence etc

In proceedings under Part 14A, the Court is not bound by the rules of evidence. Questions of fact to be decided in proceedings under Part 14A are to be decided on the balance of probabilities. This does not apply in relation to proceedings for an offence.

66J—Criminal intelligence

This proposed provision provides for the protection of criminal intelligence in proceedings under the Part.

The function of classifying information as criminal intelligence for the purposes of the Act may not be delegated by the Commissioner except to a Deputy Commissioner or Assistant Commissioner of Police.

66K—Offence to contravene or fail to comply with notice

This proposed section makes it an offence for a person to contravene or fail to comply with a consorting prohibition notice. The maximum penalty is imprisonment for 2 years.

It is made clear that a person does not commit an offence against proposed section 66K in respect of an act or omission unless the person knew, or was reckless as to the fact, that the act or omission constituted a contravention of, or failure to comply with, the notice.

Part 12—Amendment of *Summary Procedure Act 1921*

49—Insertion of Part 4 Division 5

This clause inserts a new Division into Part 4 of the *Summary Procedure Act 1921*. Division 5 provides for the making of non-association and place restriction orders.

Division 5—Non-association and place restriction orders

77—Interpretation

Proposed section 77 provides definitions for a number of terms used in Division 5.

A *non-association order* is an order under section 78 that—

- prohibits a defendant from being in company with a specified person or from communicating with that person by any means except at the times or in the circumstances (if any) specified in the order; or
- prohibits a defendant from being in company with a specified person and from communicating with that person by any means.

A *place restriction order* is an order under section 78 that—

- prohibits a defendant from frequenting or visiting a specified place or area except at the times or in the circumstances (if any) specified in the order; or
- prohibits a defendant from frequenting or visiting a specified place or area at any time or in any circumstance.

A *prescribed offence* is an indictable offence or an offence that would, if committed in South Australia, be an indictable offence.

78—Non-association and place-restriction orders

The Magistrates Court may, on complaint by a police officer, make a non-association order or a place restriction order in respect of the defendant if—

- the defendant has, within the period of 2 years immediately preceding the making of the complaint, been convicted (in South Australia or elsewhere) of a prescribed offence; and
- the Court is satisfied that it is reasonably necessary to do so to ensure that the defendant does not commit any further prescribed offences.

The order operates for the period of up to 2 years.

79—Non-association and place restriction orders not to restrict certain associations or activities

This proposed section specifies limits on the restrictions that can be included in non-association and place restriction orders.

80—Issue of non-association or place restriction order in absence of defendant

Proposed section 80 deals with the issue of a non-association order or place restriction order in the absence of the defendant. An order may be made in the defendant's absence if he or she failed to appear at the hearing of a complaint in obedience to a summons or in accordance with a bail condition.

The proposed section also allows for a non-association or place restriction order to be issued in the absence of the defendant where the defendant was not summoned to appear at the hearing. In that case, the Court is required to summon the defendant to appear before the Court to show cause why the order should not be confirmed.

A non-association or place restriction order issued in the absence of the defendant where the defendant was not summoned to appear continues in force until the conclusion of the hearing (or adjourned hearing) to which the defendant is summoned but is not effective following the conclusion of the hearing (or adjourned hearing) unless the order has been confirmed by the Court. The Court may confirm a non-association order or a place restriction order in an amended form.

81—Service

Proposed section 81 requires service of a non-association order or place restriction order on a defendant personally. The order is not binding until it has been so served. However, if a police officer satisfies the Court that all reasonable efforts have been made to effect personal service of an order on a recipient in accordance with section 81 but that those efforts have failed, the Court may make such orders as it thinks fit in relation to substituted service. The order is then not binding on the recipient until it has been so served.

82—Variation or revocation of non-association or place restriction order

This proposed section authorises the Court to vary or revoke a non-association order or place restriction order on application by a police officer or the defendant.

83—Contravention of non-association and place restriction orders

This proposed section makes it an offence for a person to contravene or fail to comply with a non-association order or a place restriction order. The maximum penalty for a first offence is imprisonment for 6 months. For a subsequent offence, the maximum penalty is imprisonment for 2 years. There is no offence if the person establishes that he or she had a reasonable excuse for the contravention or failure to comply.

50—Amendment of section 103—Procedure in the Magistrates Court

This clause amends section 103 to ensure that the ex officio indictment process is available to the DPP even if an information charging an indictable offence has already been filed in the Magistrates Court.

Part 13—Amendment of *Youth Court Act 1993*

51—Amendment of section 7—Jurisdiction

This amendment to section 7 of the *Youth Court Act 1993* gives the Youth Court the same jurisdiction as the Magistrates Court to make a non-association or place restriction order under the *Summary Procedure Act 1921* if the person to be subject to the order is a child or youth. The Youth Court has power under the *Summary Procedure Act 1921* to vary or revoke such an order previously made by the Court.

Debate adjourned on motion of Ms Chapman.

VISITORS

The SPEAKER: I believe we have in the gallery a group of students from the Redeemer Lutheran School, who are guests of the member for Schubert. I presume that is from the Crystal Brook area; is that right?

Mr Venning: The Barossa.

The SPEAKER: Sorry; from the Barossa Valley area. Welcome, and I hope you enjoy your time here.

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:10): Obtained leave and introduced a bill for an act to amend the Serious and Organised Crime (Control) Act 2008; and to make related amendments to the Summary Offences Act 1953. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:11): I move:

That this bill be now read a second time.

In 2007-08 the government began the process that would lead to the amendment of the Serious and Organised Crime (Control) Act 2008. Section 4 of that act provides:

(1) The objects of this act are—

(a) to disrupt and restrict the activities of—

(i) organisations involved in serious crime; and

(ii) the members and associates of such organisations; and

(b) to protect members of the public from violence associated with such criminal associations.

(2) Without derogating from subsection (1), it is not the intention of the parliament that the powers in this act be used in a manner that would diminish the freedom of persons in this state to participate in advocacy, protest, dissent or industrial action.

Section 10(1) of the act provides that:

If, on the making of an application by the Commissioner [of Police] under...part [(2)] in relation to an organisation, the Attorney-General is satisfied that—

(a) members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity; and

(b) the organisation represents a risk to public safety and order in this state,

the Attorney-General may make a declaration under this section in respect of the organisation.

Furthermore, section 14(1) of the act provides:

The [Magistrates] Court [of South Australia] must, on application by the Commissioner, make a control order against a person (the defendant) if the court is satisfied that the defendant is a member of a declared organisation.

On 14 May 2009 the then attorney-general made a declaration about the Finks Motorcycle Club operating in South Australia, including but not limited to the Finks MC, the Finks MC Incorporated, the Finks MC Inc., and Finks—they have many manifestations, it would seem—under part 2 of the act.

After the declaration was made, the Commissioner of Police applied to the Magistrates Court for a control order directed at a Mr Hudson. The application was not served on Mr Hudson. The magistrate being satisfied, on the balance of probabilities, that Mr Hudson was a member of a declared organisation, the Finks Motorcycle Club operating in South Australia, made a control order. By that order, made on 25 May 2009, Mr Hudson was prohibited from associating with other persons who are members of declared organisations unless, in effect, the association occurred between members of a registered political party and not less than 48 hours prior notice having been given to the police. The order also prohibited Mr Hudson from possessing a dangerous article or prohibited weapon.

Shortly after being served with the order, Mr Hudson gave notice of objection. A control order was sought against the first respondent Mr Totani, but that application was stayed pending further proceedings. Those proceedings ended in the High Court. On 11 November 2010 the High Court, by a majority of 6-1, decided that at least insofar as the Magistrates Court was required to make a control order on the finding that the respondent was a member of a declared organisation, that court was acting at the direction of the executive, was deprived of its essential character as a court within the meaning of chapter 3 of the Commonwealth Constitution, and that section was therefore invalid. This is, in fact, the case about which people have heard many things—Totani. The net effect of that decision was that a key part of the legislative scheme became inoperable.

The state of New South Wales, meanwhile, enacted the Crimes (Criminal Organisations Control) Act in 2009. That act was a version of the South Australian act with this significant exception: section 6 of that act provides that the Commissioner of Police may apply to an 'eligible judge' of the Supreme Court rather than the Attorney-General for a declaration that a particular organisation is a 'declared organisation' for the purposes of that act.

On 6 July 2010, the Acting Commissioner of Police in New South Wales applied to a judge of the Supreme Court of New South Wales for a declaration under part 2 of the Crimes (Criminal Organisations Control) Act 2009 of New South Wales in respect of the Hells Angels Motorcycle Club of New South Wales. Wainohu is a member of the New South Wales chapter of the Hells Angels. He commenced an action in the original jurisdiction of the High Court seeking a declaration that the Crimes (Criminal Organisations Control) Act 2009 was invalid.

On 23 June 2011, the High Court by a majority of 6-1 held the entire act to be invalid—that is, the New South Wales act—essentially because there was no requirement to provide a reason. It is quite clear that the government must respond decisively to the High Court decisions and do so comprehensively. Advice has been obtained from the Crown Solicitor and the Solicitor-General about the effect and content of the decisions of Totani and Wainohu and how the government might best respond to repair the legislation. That imperative has acquired an additional urgency and seriousness by reason of the recent outbreak of gun violence between individuals who clearly belong to groups where the individuals and groups care nothing for civilised society nor the safety of the public.

Difficult as it is, as representatives of ordinary people who do not wave guns around and parade through public places wearing intimidation as a badge of honour we must draw lines and come down hard on these outlaws and bandits. The government tried to do so with special legislation four years ago; this did not work. The will of the parliament and the elected representatives of the public offended complex legal principles. The High Court has effectively nullified the process in the Serious and Organised Crime (Control) Act 2008. Moreover, the High Court was very critical of the current South Australian provisions dealing with control orders. We must and will try again. It is timely to explore whether another, more constitutionally sound method of tackling the general problem of criminal associations can be found.

The decision of Wainohu was directly relevant to the South Australian legislation. The Crimes (Criminal Organisations Control) Act 2009 of New South Wales explicitly and directly conferred the exercise of administrative power under part 2 upon the Supreme Court judges in their personal capacity. Section 13(2) of that act states:

> If an eligible Judge makes a declaration or decision under Part 2, the eligible Judge is not required to provide any grounds or reasons for the declaration or decision (other than to a person conducting a review under section 39 if that person so requests).

All members of the majority of the High Court held that that provision (section 13(2)) was invalid because it is an essential component of the judicial function required by chapter III of the Commonwealth Constitution that a judge give reasons. The South Australian act has such a provision, albeit in relation to an administrative process, and that will be removed.

Our government was informed by five factors. First, all seven judges in Wainohu rejected challenges to the act based on supposed infringement of the implied freedom of political communication and freedom of association in chapter III of the constitution.

The reasoning is shortly expressed and little more can be said definitively about it except that express references to freedom in the act under examination seemed to be significant. Secondly, there can be no guarantee—this is important—that the High Court will not pick on another ground on which to attack the legislation. There is a challenge to section 14(2) orders at present. Chief Justice French and Justice Kiefel in the Wainohu case quoted Justice Gummow, in Fardon v the Attorney-General of Queensland (2004), who said:

> The critical notions of repugnancy and incompatibility are insusceptible of further definition in terms which necessarily dictate future outcomes.

This means in effect that there is a measure of uncertainty. We have, however, followed the High Court's judgements in these matters closely. That being so, the act must be amended so that it meets current understanding of the requirement of the constitution. In light of the purpose for which it was enacted, there is a difficult balance to be struck between law enforcement interests on the one hand and civil libertarian interests on the other.

The High Court in Wainohu dealt with an act which used the model of 'eligible judge' as declaration decision-maker rather than the Attorney-General or a judge acting in his or her official office. New South Wales' eligible judge model was not invalidated on that ground, the court making it clear that in this respect it is the whole legislative package that is an issue, not one component of it.

While Queensland has retained its judicial office, it has been decided that it would be wise to go along with Western Australia and the Northern Territory and use the eligible judge model. The intentions of New South Wales are presently not clear. That all being so, the redraft was to be based on the Western Australian bill when in doubt on the presumption that the states would stand together on the basic issue so far as possible, for example, the corresponding laws and mutual recognition provisions which are very much based on the Western Australian model.

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

Leave granted.

The Government is determined to legislate so that (a) the effectiveness of the Government policy to harass and disrupt criminal gangs, particularly bikie gangs is restored and (b) the intent of the Government's policy is not thwarted by constitutional flaws.

There has been extensive consultation on the response that should be made. In August 2011, 5 draft Bills on the subject were released for public comment. One was a series of amendments to the *Serious and Organised Crime (Control) Act 2008* to repair the constitutional damage and to make some changes that, on advice, would improve its effectiveness. The other four were aimed at serious and organised crime by attacking what they do, rather than what they are. They will be the subject of a separate proposal. Lengthy and sometimes complicated comments were received from the Law Society/Bar Association, the Commissioner of Police, the Crown Solicitor, the Legal Services Commission, the judiciary and the DPP. It is no surprise that the comments varied from plain opposition to the view that the proposals did not go far enough.

There followed extensive and exhaustive consultation with the Solicitor-General, the Crown Solicitor and the police about all matters, from the basic structure of the reform Bill to the most intricate detail in drafting.

The amendments that are proposed in the repair Bill will be detailed below.

The Bill

The Declaration Process

The basic structure of the Act being divided into the declaration process and the control order process remains. But both have been extensively renovated. In terms of the declaration process, the most obvious change is that the declaration is not to be made by the Attorney-General but by a person designated as an 'eligible judge'. An 'eligible judge' is a judge of the Supreme Court who is appointed on his or her consent as an 'eligible judge' by the Attorney-General. While the judge retains all of his or her status in exercising this function, the function is not a judicial function but an administrative one. That is not unusual - judges have exercised administrative functions in their judicial capacity for a very long time (in issuing a listening device warrant, for example).

The process is that the Commissioner of Police may make a formal application to the eligible judge for a declaration that a specified organisation is a declared organisation. It is critical to note that, if a declaration is granted and the organisation is declared a declared organisation, it is just that - a declaration and no more. Individual rights and liberties are affected only consequentially after further action is taken.

The Bill then sets out the way in which the process flows. Since the eligible judge is not a court as such, any residual judicial rule-making power does not apply and some details will have to be left to regulations. In addition, the Bill provides that the practices and procedures of the proceedings before the eligible judge are to be determined by the eligible judge. The provisions dealing with the process are, nevertheless, quite detailed. The content of the application, provision for lodgement, disclosure, publication of the notice of application and, if necessary, notice of declaration with accompanying details and the making of submissions at hearings are all provided for.

The Bill sets out the criteria that apply for the making of the declaration. The test is set out in what is proposed to be section 11(1). Section 11(2) sets out the criteria to which the eligible judge may have regard, and, in so doing, enumerates a non-exhaustive list of the topics around which argument should be centred and section 11(4) makes it clear that members of the association may associate for the purposes of the Act merely by being members of the organisation. Nevertheless, it is clear that, for the test to apply, they must be members for the proscribed purposes. Section 11(5), by contrast, sets out matters which the legislature thinks are not of definitive consequence. It is made clear that the declaration may be made whether or not anyone turns up to contest it.

Extensive provision is made for the revocation of a declaration. Key points of interest are that (a) a respondent can only make one application in any given 12 months period; and (b) the revocation can only be made if there are no grounds for the making of a declaration at the time that the application for revocation is made. There are extensive and detailed process provisions dealing with notice and allied matters. The general provisions about submissions at hearings apply.

If a declaration or revocation is made, then reasons must be given for that decision and those reasons must be made available to any parties and published in the Government Gazette. This provision addresses the constitutional concerns raised by the High Court in *Wainohu*.

It is important to note that there are two provisions made about confidential information. The first and most obvious is about criminal intelligence. There is little additional that needs to be said about this. The Bill proposes to amend the existing Act along the lines already proposed in the *Statutes Amendment (Criminal Intelligence) Bill 2010*. Countervailing considerations of law and policy have already been extensively rehearsed in the context of that Bill. This Bill also allows for a respondent to make 'protected submissions' on a confidential basis. The provisions are to be found in proposed section 15. These provisions have been adapted from the New South Wales Act and the corresponding Western Australian Bill.

Lastly, it is not to be contemplated that a declaration can be thwarted or the process of declaration voided by the simple process of reorganisation of the declared organisation. There is a deeming provision that attaches to the same organisation in a substantially reformed state and provisions for the Commissioner of Police to certify that an organisation is a declared organisation. Such certification is proof of that fact in the absence of evidence to the contrary.

Control Orders

Although the High Court did not in any case declare that the control orders as such were constitutionally impermissible, the opportunity has been taken to extensively renovate and replace the provisions of the Act dealing with control orders. The application for the making of a control order is to be made to the Supreme Court. Proposed section 22(2) sets out the criteria for the making of a control order. It suffices if the respondent is a member of a declared organisation. This is where the declaration process begins to bite. That and the other criteria closely resemble those that currently exist. As with the declaration process, the provisions contain a list of matters which are a non-exhaustive list of those matters which the legislation suggests the Court should take into account.

The Commissioner of Police may apply for a control order or an interim control order. An interim control order maybe made ex parte but, if that is so, the control order does not take effect until personally served and, once served, there are extensive rights for the subject of the control order to go back to court and contest the order. In either case the control order or interim control order (as the case may be) stays in force for the period specified in the order itself.

Proposed section 22(5) sets out a menu for the contents of a control order. These have been extensively renovated to include prohibition from exercising a licence of any kind prescribed, possessing articles, weapons and a specified amount of cash and specifying what kind of electronic communication (in particular) the subject of the control order may use.

There are supporting provisions made for the variation or revocation of control orders and the consequential or ancillary orders that the court may make. Particular provision is made for securing and confiscating any article or weapon that is the subject of a control order and which the court orders to be seized and confiscated.

It is an offence to knowingly or recklessly contravene a control order, punishable by a maximum of 5 years imprisonment. Other associated offences are described below.

Evidentiary Provisions

It should be noted that, in relation to the declaration process, it is provided that the rules of evidence do not apply (this being an administrative proceeding). By contrast, control orders being a judicial proceeding, the ordinary rules of evidence apply, subject to proposed section 22G.

There is another significant evidentiary provision dealing with control order applications. It is to be found in proposed section 22G. The idea here is that evidence, documents and material found established by another court in convicting or sentencing an offender should also be admissible in control order proceedings and the court permitted to draw such conclusions as it likes from those facts. This accords with the general principle, well established in civil and criminal law, shortly referred to as *res judicata*—or, slightly more accurately, as *transit in rem judicatam*. This provision also allows for the admissibility of police antecedent reports. The general idea is extended to court reasons and sentencing remarks. It might be thought odd to refer to court reasons—but they may be relevant. In *Warren v Coombes* (1979) 142 CLR 531 at 551, the rule was stated that:

> *[I]n general an appellate court is in as good a position as the trial judge to decide on the proper inference to be drawn from facts which are undisputed or which, having been disputed, are established by the findings of the trial judge. In deciding what is the proper inference to be drawn, the appellate court will give respect and weight to the conclusion of the trial judge but, once having reached its own conclusion, will not shrink from giving effect to it.*

New Offences and Liability

There are a few new offences proposed in this Bill. Proposed section 34A makes it an offence to permit premises to be habitually used as a place of resort by members of a declared organisation. It will also be an offence to be knowingly concerned in the management of premises habitually used as a place of resort by members of a declared organisation. These offences, and the presumptions that back them, are designed not only to attack club-houses and the like, but also regular gatherings at particular licensed premises (for example). They cannot be criticised as being unconstitutional - for they are based on very similar summary offences aimed at prostitution, bawdy and gaming house and brothel-keeping. It is thought that this is an apt analogy.

It is to be an offence for any person who is a member of a declared organisation or who is subject to a control order to recruit, or attempt to recruit anyone to be a member of a declared organisation, or encourage anyone to associate with a member of a declared organisation. The offences will require proof of knowledge or recklessness as to the declared organisation and member of the declared organisation elements.

It is to be an offence to disclose information that has been properly classified by the Commissioner of Police as criminal intelligence. It will be a defence to an offence under this provision for the accused to establish that he or she did not know and had no reason to believe that the information was classified as criminal intelligence.

All of these offences are punishable by imprisonment for 2 years—that is to say, at the top of the summary range.

Section 39X is novel. The essence of this section is to create a new civil remedy. Where a member of a declared organisation is found to be civilly liable in damages and where that liability arose from conduct done for the benefit of the organisation or at the direction of or in association with the declared organisation, then, in addition to that liability, the organisation and all the members of that organisation are liable for the damages.

Corresponding Orders

The Bill contains extensive and detailed provisions about a scheme of registration and enforcement of corresponding declarations and control orders. These are based on the Western Australian model and should not be controversial. The essence of the policy behind the provisions (without all the detail) is that the co-operative nature of the scheme dictates that, if another jurisdiction makes one of these orders, then we should enforce it by administrative registration so far as is possible and that, if those with an interest in having it revoked or varied want to do so, they must return to the originating jurisdiction and make the relevant application there is accordance with the law by which the order in question was made.

Miscellaneous Provisions

The Bill states that, in the context of both control orders and declarations, if a particular person is displaying the insignia of an organisation (say, by a tattoo), then that person is presumed, in the absence of proof to the contrary, to be a member of that organisation.

The Act is to be, at base, a no costs jurisdiction. People who litigate proceedings under this Act can do so at their own expense. There are two exceptions to this. The first is the obvious exception relating to frivolous or vexatious proceedings or applications, or where one party has unreasonably caused another party to incur costs. The second exception addresses the case where a representative of a party causes costs to be wasted, in which case the presiding authority may choose from a menu of options by which to visit the consequences of negligence or incompetence on that representative.

There are special provisions dealing with the application of these provisions should a respondent be a child. These are modelled on the Western Australian provisions.

There are transitional provisions. While a declaration made under the previous incarnation of the Act will no longer remain in force, a control order made under the previous provisions will remain in force. There is one such control order.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal

Part 2—Amendment of *Serious and Organised Crime (Control) Act 2008*

4—Amendment of section 3—Interpretation

This clause makes consequential amendments to the definitions contained in the current Act. In particular, definitions are introduced to allow for registration of corresponding declarations and orders of other jurisdictions and the definition of declared organisation is altered to reflect the contents of proposed new Part 2, which provides for the making of declarations in relation to organisations by eligible Judges.

5—Insertion of section 5A

This clause inserts a general provision dealing with the use of criminal intelligence in proceedings under the Act.

6—Substitution of Parts 2 and 3

This clause substitutes new Parts as follows:

Part 2—Declared organisations

This proposed new Part provides for the making of declarations by eligible judges in relation to organisations.

Under the proposed Part, the Commissioner may apply to an eligible Judge for a declaration in relation to an organisation. An eligible Judge is a Judge who has been appointed as such by the Attorney-General. An appointment can only be made if the Judge has consented to being the subject of an appointment.

The Part sets out various requirements in relation to the content of applications to eligible Judges by the Commissioner and the way in which notice of applications is to be given.

An eligible Judge may make a declaration in relation to an organisation if he or she is satisfied as to both of the following:

- members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity;
- the organisation represents a risk to public safety and order in South Australia.

The matters to which an eligible Judge may have regard in considering whether or not to make a declaration include—

- information suggesting that a link exists between the organisation and serious criminal activity; and
- any convictions recorded against current or former members of the organisation or persons who associate, or have associated, with members of the organisation; and
- information suggesting that current or former members of the organisation or persons who associate, or have associated, with members of the organisation have been, or are, involved in serious criminal activity, whether directly or indirectly and whether or not the involvement resulted in convictions; and
- information suggesting that members of an interstate or overseas chapter or branch of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity; and
- anything else the eligible Judge considers relevant.

The Commissioner and the organisation to which an application under the proposed Part relates are entitled to make oral submissions to the eligible Judge and may, with permission, provide written submissions. A member or former member of the organisation, or another person who may be directly affected by the application, may provide written submissions and, with the permission of the Judge, make oral submissions.

A member or former member of the organisation, or another person who may be directly affected by the application, may, if he or she does not wish to appear at the hearing, apply to the Judge to make a protected submission, that is, a submission (whether oral or written) made by a person who has reasonable grounds to believe that he or she may be subjected to action (whether directly or indirectly) comprising or involving injury, damage, loss, intimidation or harassment in reprisal for making the submission. If the eligible Judge is satisfied that the applicant is eligible to make a protected submission, he or she must notify the applicant and the Commissioner accordingly. The Judge is required to take steps to maintain the confidentiality of the protected submission, though the Commissioner, or a legal representative of the Commissioner, is entitled to be present when a protected submission is made.

Reasons for the making of a declaration or decision under the proposed Part must be made available by the eligible Judge to the Commissioner, the organisation and other persons who made or provided submissions. The Judge is also required to ensure that written reasons for the declaration or decision are published in the Gazette.

A declaration remains in force unless and until it is revoked under proposed section 14, which provides that an eligible Judge who has made a declaration in relation to an organisation may revoke the declaration at any time on application by the Commissioner, the organisation, a person who made or provided submissions at the hearing of the application or (with the permission of the Judge) any other member or former member of the organisation or a person directly affected by the declaration. Section 14 sets out various requirements and restrictions in relation to applications under the section.

A change of name or in membership does not affect a declared organisation's status and if members of a declared organisation substantially reform themselves into another organisation, that organisation is taken to form a part of the declared organisation (whether or not the organisation named in the declaration is dissolved).

It is also made clear that nothing prevents the making of a declaration in relation to an organisation that has been the subject of a previously revoked declaration.

Part 3—Control orders

Proposed new Part 3 provides for the making of control orders by the Supreme Court (on application by the Commissioner of Police) and makes provision in relation to the sorts of prohibitions that may, or must, be included in a control order. Unlike the current section 14(1), proposed new section 22 does not purport to direct the court to make a control order in any circumstances. A control order remains in force for the period specified in the order or until revoked. The Part also provides for the making of interim control orders (while the application for a control order is being determined) and for the variation and revocation of control orders. An appeal would also lie under the Supreme Court Act in relation to judgements under the Part.

Under proposed section 22, a control order may be made in relation to a person if the Court is satisfied that—

- the respondent is a member of a declared organisation; or
- the respondent—
  - has been a member of an organisation which, at the time of the application for the order, is a declared organisation; or
  - engages, or has engaged, in serious criminal activity,

and associates or has associated with a member of a declared organisation; or

- the respondent engages, or has engaged, in serious criminal activity and associates or has associated with other persons who engage, or have engaged, in serious criminal activity.

The Court must also be satisfied that the making of the order is appropriate in the circumstances.

An interim control order may be made on an application under section 22 if the Court is satisfied that it could make a control order under section 22 in relation to the respondent. The Commissioner or the respondent may apply to the Court for an order for variation or revocation of a control order. If an interim control order or interim variation order is made without notice to the respondent, the respondent has a right to object to the order.

Proposed section 22G provides for the admissibility of certain evidence (such as evidence or material tendered or relied on in other proceedings, criminal history reports and reasons given by a court in sentencing a person or deciding an appeal) in proceedings under the proposed Part.

Under proposed section 22I, it is an offence to contravene or fail to comply with a control order or interim control order. The maximum penalty is imprisonment for 5 years. This section differs from current section 22 only insofar as the proposed new section refers to interim control orders as well as control orders.

7—Amendment of section 29—Disclosure of reasons and criminal intelligence

This clause makes consequential amendments to section 29.

8—Amendment of section 30—Service and notification

This clause makes consequential amendments to section 30.

9—Insertion of section 33A

Proposed section 33A provides that in proceedings under Part 4, which deals with public safety orders, a court is not bound by the rules of evidence but may inform itself as it thinks fit. The proposed section requires a court to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. These principles do not apply to proceedings for an offence.

10—Insertion of sections 34A and 34B

This clause inserts two new sections. Under the first, an owner, occupier or lessee of premises commits an offence if he or she knowingly permits the premises to be habitually used as a place of resort by members of a declared organisation. This section also makes it an offence for a person to be knowingly concerned in the management of premises habitually used as a place of resort by members of a declared organisation. The maximum penalty in each case is imprisonment for 2 years.

This clause also inserts a new provision under which a person who is a member of a declared organisation or is subject to a control order commits an offence if he or she recruits, or attempts to recruit, anyone to become a member of a declared organisation or encourages anyone to associate with another person who is a member of a declared organisation. The penalty is a maximum of 5 years in prison.

11—Substitution of Part 6

Proposed new Part 6 sets out procedures for registration, by the registrar of the Supreme Court or, in the case of corresponding declarations, the holder of a prescribed office, of declarations and control orders made in other States and Territories (*corresponding orders*).

Proposed Division 2 provides for the registration of corresponding declarations on application by the Commissioner. On registering a corresponding declaration, the registrar is required to specify the date on which the registration will expire, which will be the date on which the declaration would cease to be in force in the jurisdiction in which it was made. If the corresponding declaration remains in force for an indefinite period, the registration is for an indefinite period. A registered corresponding declaration comes into force in South Australia on the day after the day on which notice of the registration is published in the Gazette in accordance with the requirements of proposed

section 39B. A registered corresponding declaration remains in force until the date specified by the registrar as the date on which it is to expire or until the registration is cancelled under proposed Division 3. That Division provides for cancellation by the registrar of the registration of a registered declaration where the registrar receives notice of the revocation of the corresponding declaration. The Division also provides for cancellation of registration by the Supreme Court on application by the respondent and cancellation by the registrar at the request of the Commissioner.

A registered corresponding declaration that has come into force has effect in South Australia as if it were a declaration under proposed Part 2.

Proposed Division 4 provides for the registration by the registrar of corresponding control orders on the application of the Commissioner. Proposed section 39I sets out requirements in relation to an application and also specifies certain circumstances in which an application cannot be made. If the registrar is satisfied that an application for registration of a control order has been properly made and that the order does not need to be adapted or modified for its effective operation in South Australia, the registrar is required to register the order. Proposed section 39K provides a mechanism by which a corresponding control order can be referred to the Supreme Court for the purpose of making an adaptation or modification that is necessary for the effective operation of the order in South Australia.

On registering a corresponding control order, the registrar is required to specify the date on which the registration will expire, which will be the date on which the order would cease to be in force in the jurisdiction in which it was made. If the corresponding order remains in force for an indefinite period, the registration of the order does not expire.

A registered corresponding control order comes into force when a copy of the order is served on the respondent and remains in force until the registration expires or is cancelled. While in force, the registered corresponding control order has effect in South Australia as if it were a control order made under proposed Part 3.

Proposed Division 5 deals with the consequences of a corresponding control order being varied or revoked in the jurisdiction in which it was made and also provides for the cancellation of the registration of a corresponding control order by the Court if satisfied, on application by the respondent, that the control order should not have been registered. The registration of a corresponding control order may also be cancelled by the registrar at the request of the Commissioner.

12—Insertion of sections 39T to 39Z

This clause inserts new sections as follows:

39T—General provisions on service of applications, orders and other documents

This proposed section gives the police certain powers in connection with personal service of documents under the measure. In addition, in certain circumstances, a document may be served on a person by leaving it for the person at premises with someone apparently over the age of 16 years or affixing it to the premises at a prominent place at or near to the entrance to the premises. A court may also make such orders as to service as it thinks fit.

39U—Representation of unincorporated group

This proposed section makes provision in relation to representation for an unincorporated group. In proceedings under the Act, such a group may be represented by a person or persons who satisfy the court or eligible Judge dealing with the proceedings that he or she is, or they are, appropriate representatives of the group or a part of the group

39V—Application of Act to children

Proposed section 39V provides that the Act applies in relation to a child in the same way as it applies to an adult. However, a control order may not be made in relation to a child who is under 16 years of age. Notice of a control order relating to a child is to be given by the Commissioner to a parent or guardian of the child in addition to any other prescribed person or person of a prescribed class.

39W—Costs

Generally each party to proceedings under the Act must bear the party's own costs for the proceedings. However, the court or an eligible Judge may make other orders in accordance with this section where an application is frivolous or vexatious, an unreasonable act or omission has caused another party to incur costs or proceedings are delayed through the neglect or incompetence of a representative.

39X—Joint and several liability

If member of a declared organisation is found to have civil liability for damage or loss resulting from conduct engaged in for the benefit of the organisation or at the direction of, or in association with, the organisation, the organisation and each member is jointly and severally liable for the damage or loss.

39Y—Use of evidence or information for purposes of Act

Evidence or information obtained in accordance with an Act or law is not inadmissible in proceedings under the Act merely because the evidence or information was not obtained for the purposes of the Act.

Information properly classified by the Commissioner as criminal intelligence may be used by law enforcement and prosecution authorities for the purposes of the Act, and may be admitted in evidence or otherwise used in proceedings under the Act, despite the fact that the person who provided the information to the Commissioner has not consented to that use or has refused consent to such use.

39Z—Presumption as to membership

For the purposes of proceedings under the Act, a person will be presumed, in the absence of proof to the contrary, to be a member of an organisation at a particular time if he or she is, at that time, displaying the insignia of the organisation.

13—Repeal of section 41

This clause repeals section 41.

14—Amendment of section 43—Regulations

This clause amends the regulation making provision of the Act so that regulations under the Act may—

- make different provision according to the matters or circumstances to which they are expressed to apply; and
- provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Attorney-General, the Commissioner or some other prescribed body or person.

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendments to *Summary Offences Act 1953*

1—Amendment of heading

2—Insertion of section 6

This clause inserts a new section into the *Summary Offences Act 1953* prohibiting the disclosure without lawful excuse of information properly classified by the Commissioner as criminal intelligence under any Act. The maximum penalty is imprisonment for 2 years.

3—Amendment of section 74BA—Interpretation

This clause makes minor related amendments to the interpretation provision of the Part of *Summary Offences Act 1953* dealing with fortifications.

Part 2—Transitional provisions

4—Declarations made before commencement of section 6

This transitional provision applies in relation to declarations made under section 10 of the *Serious and Organised Crime (Control) Act 2008* as in force before the substitution of Parts 2 and 3 by section 6. Such a declaration will be of no force or effect.

5—Control orders made before commencement of section 6

This transitional provision provides that control orders made under section 14(2)(b) of the *Serious and Organised Crime (Control) Act 2008* as in force before the commencement of section 6 continue as if made under Part 3 of the Act as in force after the commencement of new Parts 2 and 3.

Debate adjourned on motion of Mr Pederick.

ZERO WASTE SA (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:22): Obtained leave and introduced a bill for an act to amend the Zero Waste SA Act 2004. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:23): I move:

That this bill be now read a second time.

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

Leave granted.

The *Zero Waste SA (Miscellaneous) Amendment Bill 2011* amends the *Zero Waste SA Act 2004*—an Act that has since 2004 represented the legislative underpinning for the State's waste management objectives and practices.

This Bill seeks to make two amendments to that Act.

First, the Bill seeks to clarify that the *Public Finance and Audit Act 1987* applies when Zero Waste SA is performing or exercising its functions or powers (including in connection with the management, investment and application of the Waste to Resources Fund). This measure resolves the uncertainty that has arisen in recent times as to whether or not the Treasurer's instructions apply in those circumstances and will ensure that Zero Waste SA's financial management practices are consistent with financial management practices across State government.

Secondly, the Bill introduces a power of delegation for Zero Waste SA. It has come to light recently that the absence in the Act of such a power of delegation is resulting in a degree of inefficiency in the administration of that Act. Powers of delegation may be found in the legislation of many other statutory Boards and authorities, and it is now considered appropriate to include one in this Act.

This Bill proposes to provide Zero Waste SA with the power to delegate any of its functions or powers to a person or committee. It will enable a function or power to be delegated to the Chief Executive of Zero Waste SA and further delegated to a Public Service employee should the need arise. It is anticipated that this measure will result in the streamlining of Zero Waste SA's administrative practices.

The amendments contained in this Bill will assist the Board of Zero Waste SA and the Office of Zero Waste SA in the delivery of outcomes in accordance with the Zero Waste SA Business Plan and in progressing South Australia's Waste Strategy in a timely and efficient manner.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Zero Waste SA Act 2004*

3—Insertion of section 7A

This clause inserts section 7A into the principal Act.

7A—Application of *Public Finance and Audit Act 1987*

This section will ensure that the *Public Finance and Audit Act 1987* applies when Zero Waste SA is performing or exercising its functions or powers (including in connection with the management, investment and application of the Waste to Resources Fund). For example, when Zero Waste SA is using money from the Fund, it must do so in accordance with any relevant Treasurer's instructions and any other relevant provisions under the Public Finance and Audit Act.

4—Insertion of section 13A

This clause inserts section 13A into the principal Act.

13A—Delegation

This section will give Zero Waste SA the power to delegate a function or power (except a function or power prescribed by regulation) to a person or committee. For example, it will enable a power or function to be delegated to the CEO of Zero Waste SA and then further delegated to a Public Service employee should that be necessary.

Debate adjourned on motion of Mr Pederick.

ADDRESS IN REPLY

Mr ODENWALDER (Little Para) (11:23): I move:

That the following Address in Reply to His Excellency's opening speech be adopted.

May it please Your Excellency—

1. We, the members of the House of Assembly, express our thanks for the speech with which Your Excellency was pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to the matters placed before us.
3. We earnestly join in Your Excellency’s hope for our deliberations to serve the advancement of the welfare of South Australia and all of its people.

I am honoured to have the opportunity today to move the adoption of the Address in Reply. I begin by thanking His Excellency the Governor for attending parliament yesterday and for his address to which we all listened in the other place. I also thank the distinguished Kaurna elder and friend of many, Lewis O'Brien, for his welcome to country yesterday. Also in passing I congratulate you, ma'am, on making an acknowledgment of the Kaurna people a part of our formal proceedings in this place.

I note, too, that His Excellency has recently been given a two-year extension of his appointment, which will now continue until August 2015. It is a great pleasure to know that His Excellency and Mrs Scarce have been willing to make themselves available to continue the outstanding service they have already given to the people of South Australia. It will be no easy task to find worthy successors to them.

His Excellency (also an Elizabeth boy like me) is an inspiration to me personally. I was pleased to hear His Excellency speak in such specific terms about a vision for this state, a set of goals that we can all share and work towards: a clean, green food industry; the mining boom and its benefits; advanced manufacturing; a vibrant city; safe and active neighbourhoods; affordable living; and early childhood.

His Excellency noted that this government recognises that this list of priorities does not include every subject of importance in the life of the state or everything we will do. It sets out priority areas, and it is aimed at changing the direction of the state to ensure a bright future for all of us. His Excellency said yesterday:

> ...this government has comprehensively reviewed where the state stands now and made decisions about where its focus needs to be for the future. Its emphasis is not just on the next year or the next decade but on a future which will provide rich and worthwhile opportunities for our children and for our children's children.

I think that this is exactly the right approach, and I am proud to be working with Premier Weatherill and this government on this agenda. The Premier and the government have adopted an approach which is forward looking and focused on the future of the state. We recognise both the achievements and the mistakes of the past, but we are firmly focused on the future, and we lost no time yesterday with the introduction of legislation to combat drug trafficking—and with more to come today.

I was also pleased to hear that a major focus moving forward will be the idea of a liveable and vibrant capital city and on safe and liveable suburbs. We have a great opportunity to shed the image of Adelaide interstate as a place where nothing much really happens. We all know here that it is not entirely true (and certainly not at this time of year), but that is the perception, and it is up to us to change that. We need to embrace demographic changes, changes to work and life balance, and we need to recognise that we need a city that is both exciting and liveable—a place where people can both work and have fun and raise families, and this vision should extend to our suburbs.

The north of Adelaide where I live is the focus of much of our advanced manufacturing, and I for one want to see this continue. My own vision—and one which accords with the government's vision—is for the Elizabeth Regional Centre to be really considered a second CBD—a vibrant place where business, industry and residential living exist side by side, and where the local people share more in the economic good news of the area.

In the north we are working collaboratively with the local council on initiatives to achieve this, with discussions ongoing around the potential for a sports hub and for a health precinct based around the Lyell McEwin Hospital. The massive and ongoing investment in the Lyell McEwin Hospital itself, and the spin-off effects in both health and economic terms, is a story of its own, and I would like to elaborate on this at another time.

In the northern suburbs, universities are collaborating with local schools, breaking down barriers and showing local kids that they have the same opportunities as people from more affluent suburbs, and I have seen this start to bear fruit just recently; and, of course, with Holden on my doorstep, I talk to people about manufacturing every day, and they understand that car making is not only a major employer but a key driver in advanced manufacturing generally.

As His Excellency noted, manufacturing is one of our biggest employers. It makes up 14 per cent of our state's economy and it creates spin-off employment across the economy, but we know that it must evolve; and, as the Governor said, we need to develop an advanced manufacturing sector driving productivity and innovation and providing secure and fulfilling work for people in this state, and that is why we are determined to continued to support car manufacturing in Elizabeth.

In my first speech in this place I spoke about my father's work at Holden and the many other direct connections I have with the place. I said then that it is a place which figures largely in my mental map of the northern suburbs, and I went on to say:

While I am in this place I will do whatever I can to ensure that Holden, and the northern suburbs, remains a place which makes cars.

Holden really is the heart and soul of the north, as important to its economy as the Central District Football Club is to its life and culture. I will say again that, as long as I am the local MP (and I am sure that I speak for the members for Taylor, Light, Napier, and others in the surrounding areas), I will be fighting to keep car manufacturing in Elizabeth.

I want to congratulate the Premier and the ministers involved on their efforts and their recognition that this is an industry which is absolutely vital, not only for local employment—and this includes, of course, thousands of jobs, both direct and indirect—but also for the future of innovation and advanced manufacturing in this state.

I was also pleased with His Excellency's reference to the mining boom. As I doorknock around my local area, I often talk about the mining industry and the opportunities that it presents for the people in the north and what it will mean for people not only directly involved but for the whole state. I believe, and this government believes, that mining will transform our economy in ways we can barely predict. It is our responsibility—everyone here—to ensure that the people of this state benefit, above all, from this boom.

In my first speech in this place I spoke about my experiences in the police force and how they, in a strange way, led me back to the Labor Party and, ultimately, to parliament. I spoke about law and order as a working class issue. I pointed to pockets of our community which really are broken, and we have all been appalled by the violent manifestations of this breakdown in recent weeks. That is why I have always been a vocal advocate of strong law and order policies, and that is why I will continue to support policies which will allow people to feel safer in their homes.

Various bills will be reintroduced in the coming weeks (and one was introduced last night) to try to combat specific elements of illegal activity. I will be supporting these bills and hope to speak on some of them; and I hope the members opposite will join us in our attempts to make our suburbs safer.

I hope it is not premature to say that I look forward to welcoming two new faces to the Weatherill government in the weeks ahead. I have known both Zoe Bettison and Susan Close for a long time, and I have absolutely no doubt that, once elected, they will make excellent and lasting contributions both to this place and to the communities in the port and Salisbury.

I was at the Salisbury RSL on Saturday night and I heard Zoe deliver what was one of the best speeches I have heard in a long time. The speech was largely to thank the many volunteers who believed in her enough to put in so much effort over recent months. Zoe also said she was committed to mentoring young women and encouraging more of them to become involved in the political process and to join her in parliament. If anyone can come into this place and help to change a culture which is still very male dominated, Zoe can.

I also want to finally pay tribute to the former members for Ramsay and Port Adelaide. These two men reshaped our state and I know that history will reflect kindly on their enormous contributions. Like many here, I owe them a debt of gratitude. In my first speech to this place I had a shopping list of thankyous, and I meant them all, but today I want to finish simply by thanking my staff and acknowledging the work of MPs' personal staff generally. They work hard to support us and minimise our follies and our occasional flourishes of ego, and they worked tirelessly for the people we represent. We all owe them our thanks. I commend this motion to the house.

Mrs REDMOND (Heysen—Leader of the Opposition) (11:33): It is my pleasure to rise in response to the Governor's speech at the opening of parliament yesterday—the reopening of parliament. It was quite an unnecessary process, it seemed to me, but, nevertheless. Of course, last week, on 9 February, we marked 10 years since the election of quite a number of us to this place and, therefore, almost 10 years of 'hard Labor' in this state—and it has been hard labour indeed. It has, overall, produced a very poor report card for our state. Where once we sat at the very top of the class on many national indicators, we now languish unchallenged at the bottom. We have the nation's highest taxes. We have the nation's worst economic growth. We have the nation's worst business investment growth, the nation's highest decline in job vacancies, along with the nation's highest capital city water charges, the worst building approval figures and the worst performing workers compensation scheme.

I remind members how much work we did on that workers compensation scheme before the 2002 election. It had blown out very badly under Labor, but we brought back all that unfunded

liability, and in fact we got it down as low as, I think, $59 million at one point, but this government has managed to blow it out yet again to almost $1 billion. You would not mind that if we were getting better results, but we still have the worst return-to-work rate and we still have higher levies than most states. That is why we have the worst performing scheme.

The Labor government in this state has revealed itself—somewhat gradually, I have to admit—to be a lazy and complacent, and self-serving government that prefers to feather its own nest rather than do what it should be doing, that is, to serve the needs of actual working South Australians. It has been a decade of spin and a decade of self-congratulation, although for what I do not know. Sadly, for the rest of us—the hardworking, tax-paying people of this state—it has been a decade of going backwards while the rest of the nation went forwards.

Of course, we have all heard this story that the new Premier is putting about that he has freshened it all up, that it is a new start. That was indeed the point of yesterday's reopening: we reopened the parliament just so that Jay Weatherill could say, 'This is a new government,' but it clearly is not. Clearly, the decisions we have had over the last 10 years will be continued by this new Premier.

Let us be very clear: it is the same old team—nothing, not a single thing, is really any different, and yesterday's speech was proof of just this: more broad statements, no pathway as to how we will achieve any of the things, just like when they came in 10 years ago and said, 'We're going to set up this economic development board; we're going to have a Strategic Plan.' For 10 years, that Strategic Plan has been nothing but an added obstacle and bit of red tape for every government department and every person making any application or suggestion to government, 'How does this fit in with the Strategic Plan?' Yet, they have gone nowhere with their Strategic Plan.

Remember that when they came in they were going to actually treble exports in the next few years—the first four years I think it was originally? For the first 10 years, exports have gone backwards. We are only just now getting back to the level of exports we had the state at when they took office. That is this government for you: more broad statements, more general principles and, disappointingly, more spin. South Australians are sick and tired of grand plans, visions for this state that never eventuate. We had to listen to this sort of rubbish from Mike Rann for 10 years, and now Jay Weatherill has replaced him and is saying the same drivel, just more quietly. He is busy spruiking his vision.

Premier, we have heard it all before. It is spin, pure and simple. How about coming up with some ways to actually address the economic mess your government has created over the past decade? It is the same old style of politics as well. Mr Weatherill likes to get up and say, 'We want a change; we don't want to play party politics.' Those who were here when Mike Rann first began will remember that he kept saying, 'We want a bipartisan approach.' That is because it would be much more convenient for governments if they did not have an opposition holding them to account. Of course they want a bipartisan approach! They want us to agree to everything without any questioning whatsoever of the basis upon which they are proceeding.

In fact, the previous speaker referred to GMH and the wonderful example of how we need to support GMH, but of course we have seen no business plan from this government as to what is involved. I say in passing that I happened to go and talk to Ted Baillieu in Victoria. The Victorians got the same outcome from GMH as did South Australia. But, you know what? The Liberal Premier of Victoria was not even invited to go on the trip to Detroit our Premier went on. So, one wonders how much more money this government has wasted just in going on that trip, because clearly it was not necessary for the Premier of Victoria to go to get the outcome. That was just a stage-managed event so that Jay Weatherill would look as though he was doing something for GMH, when in fact he came back and said in his media releases that it will be a smaller but more secure system at GMH—but he will not tell us how much smaller. The word I am getting is that, in fact, it will be significantly smaller than what it was. He will not tell us how much because he wants to hand over all this money and then sometime later, probably a year or more later, we anticipate there may well be job losses.

We may well be prepared to support the GMH money, but we need to see what the detail is. Instead of that, the government wants to stand there and simply say, 'Well, we are just going to do this and you should get on board. You are bad people because we want to be bipartisan. We want you to agree without knowing any of the details.'

Of course, the proroguing of parliament itself and its restart yesterday is yet another example of how Jay Weatherill, having been taught by the master, Mike Rann, is just playing

politics. He did it only for his own selfish political ends, not for any benefit whatsoever to this state. He is hoping that, by proroguing parliament, he will divorce himself in some way from the Rann/Foley era, giving him a clean slate to say, 'We are a new government,' and stamp his own personal authority and style on it.

That is nothing more than playing politics. It is just a waste of time and money for taxpayers. Consider the hundreds of hours that have been spent paying politicians to be in this place to debate bills that have just been wiped off and now have to be started again. Consider all the time that we have spent yesterday and that we will spend for the rest of this week responding to this new opening of parliament. What is more, of course, the Address in Reply is usually the time at which new members of parliament make their maiden speeches, but we are doing the Address in Reply before the two new members are likely to be sworn in and have the chance to do their Address in Reply, hence their maiden speech.

We must not forget either, in thinking about Jay Weatherill wanting to paint himself as a new Premier who has a clean slate and is a new government, that Jay Weatherill has been a minister in this cabinet from day one. From the very first day he sat in this parliament he became a minister in the Rann government, and the fact that he is now the king honcho in the group does not change one bit of his responsibility for the state in which this state now finds itself. What he is doing in opening and closing the parliament is simply playing politics to try to give himself a political advantage that he clearly does not deserve.

In fact, only yesterday during question time, the Premier was busy playing politics again. He has recently been telling us, remember, how he has been reconnecting with the voters in Port Adelaide, spruiking the new Labor feel-good message. So why was there a swing of almost 10 per cent against Labor in last weekend's by-election? Embarrassing really, when you consider that is a worse two-party result for Labor than in the 1993 State Bank election.

The Hon. I.F. Evans: Makes John Bannon look good.

Mrs REDMOND: Yes. After all week saying, 'I have got to take responsibility,' yesterday, the new Premier was doing anything but taking responsibility for those election results.

What about the Premier's statement that he wants to raise the standard of debate? That term 'debate' might actually suggest that, when the opposition asks questions, we might be able to expect some attempt at an answer. Indeed, in his very first statement to the house—everyone would remember it; the new Premier came in on 8 November—he said, 'Questions with serious intentions should be given serious answers.'

But the reality is that, to each and every question asked by the opposition, the response on the part of the Premier or any other minister is, firstly, to fire back a gratuitous insult, usually based on some made-up piece of frippery that they have come up with during their preparations for question time, followed by a complete failure to even go anywhere near what this is supposed to be questioning and answering. It is just a disgrace and, as I say, the only difference is that Mike Rann had a slightly louder voice than Jay Weatherill and he was not quite as boring.

Mismanagement, blunders and waste have been the hallmarks of this Labor government over the last decade and under Mr Weatherill it remains the same. How else do you explain a $200,000 golden handshake to the departing premier? You could even maybe justify it if we were in the midst of an economic boom, but we are sitting, as I have already indicated, at the very bottom of all the economic indicators for all the states, yet we can find $200,000 to give Mike Rann a golden handshake.

The government has been trying to run this line that it is only $100,000, yet their own figures, the Sustainable Budget Commission, show very clearly that they were talking about getting rid of some of the drivers and cars. That package was valued by their own Sustainable Budget Commission at $300,000 a year. That means that for six months that package costs $150,000. Before we even talk about the office, the secretary, the mobile phone, the staff force and all the other things that go with it, before we talk about any of that they have already done $150,000. So, it has to be no less than $200,000 because I cannot imagine that the secretary's salary is going to be much less than that sort of money. This government not only does things that it cannot afford to do, it then tries to pretend that it is not costing the taxpayers of this state as much as it is going to cost them.

Furthermore: $200,000. It cannot find $370,000 to fund the Keith hospital but it can find $200,000 to give Mike Rann not an entitlement, just an extra bonus. If he wanted to do that work

that he says he has to do now that he is not the premier then he could have sat on the back bench as the member for Ramsay and done the work while he was the member for Ramsay. He could have saved the cost of a by-election by remaining as the member for Ramsay until the 2014 election, that would have saved the taxpayers of this state even more money, but no, this government finds largesse in its heart for someone who has left this parliament on the old superannuation scheme, so he is going out on over $200,000 a year, and then manages to find an excuse to give him another $200,000. It is just extraordinary.

Just this week we have had a compensation payout. This week's one has been to Marathon Resources. Let us look at them. We have had $10 million that the government paid out by way of compensation because it said, among many other promises that were not kept, that it was going to build a new prison. Then, down the track it realised, 'Well, no, we can't quite afford to do that, so we won't proceed with that, but it's going to cost us $10 million to have gone down that path and not built the new prison because we have to compensate the people we have engaged in the process.'

We then go to Newport Quays. Newport Quays, understandably, wanted some compensation because just 10 days before cancelling that contract it had been renewed by the government. That means that 10 days earlier there was an opportunity to say, 'Well, sorry, no, we're not going to renew this contract', and everybody walks away according to the terms of the contract, but no, this government renews the contract and 10 days later says, 'No, we're going to change our minds.' It might have had a hint that there was about to be an election in Port Adelaide, that might have changed its mind, but maybe that is too cynical. So, 10 days after renewing the contract it then cancelled it. The cost to the taxpayer: $5.9 million, plus, no doubt, a little bit of money in terms of how much the government had to pay for legal advice on the consequences of its stupidity.

Then again this week we had Marathon Resources and another $5 million. What for? Marathon Resources had an exploration licence that was legally obtained. This government was aware, when it came time to renew that licence, that it had been breached. It was actually cancelled, I seem to recall, because of the breach. The breach was discovered. Remember the bags of stuff that were buried up there by Marathon? At that point the government had the opportunity to say, 'Well, we actually want to protect Arkaroola so maybe we better not renew that licence and stop it at that point'—no compensation involved. It could have done that, but no, not this government, it wants to continue on with Marathon, allowing Marathon to spend a considerable amount of money and then, after renewing the licence, say to them, 'No, we're now going to ban mining,' making the only asset of that company worth nothing and therefore entitling it to compensation.

So, when you add that up: the prison, Newport Quays and Marathon Resources, that is over $20 million, nearly $21 million, and that is without the legal fees that were no doubt involved, so I would venture to say at least $21 million of taxpayers' money paid out for no reason at all and yet this government cannot find $1.174 million a year to fund the Keith, Ardrossan, Moonta and Glenelg hospitals, all community-based hospitals that cost this state far less than an occupied bed would in any publicly owned hospital because they are actually owned by the community. Communities have put these hospitals together, they have provided the land, they have built the buildings, they have provided all of the infrastructure. This government has shown itself to never have any idea of the right priorities.

Yet this government had the audacity yesterday to say that it is planning for the future fund of all things. If only we had the $21 million you wasted on just those three things to put into the future fund, we could maybe understand it. Where are we going to get the money? We are $11 billion in debt under your management—$11 billion in debt. We are looking at an interest payment of over $700 million a year, and that is $2 million a day, near enough.

I invite members opposite to think about what this state would look like, because I remind you that for the first seven years of your government you had riches coming into this state that this state has never seen before. We had GST flowing into this state, and remember that they did not want GST. We had a property boom, with stamp duty coming in—rivers of gold with roughly $1 billion extra every year for the first seven years.

There was extra money on top of the budget, so if you had just kept to your budget and not even spent much of the extra money coming in—and health might blow out every year—you must have been able to save something out of $1 billion extra year after year. Instead of having money

in the bank to see us through hard economic times, you have managed not only to spend the whole lot but to give us a debt, a debt that is going to cost us $2 million a day in interest.

Just think what this state would look like if after one year of interest payments, just one year, instead of having to pay $2 million a day in interest we were able to say, 'Here, Mount Gambier, have $2 million. Here, Port Pirie, have $2 million. Here, Ceduna, have $2 million. Here, Salisbury, have $2 million. Here, Seaford, have $2 million,' all these places, 365 of them, just for one year. You imagine what the people of this state would be able to do in their communities if that money was out there, but instead of that you have given us a massive debt and we are paying interest. It is a disgrace.

To go back to the future fund, having departed from my script a moment, it was an idea put by my shadow treasurer to the Budget and Finance—

The Hon. I.F. Evans: Economic and Finance Committee.

Mrs REDMOND: —Economic and Finance Committee a mere three months ago. What is more, that was at a time when Jay Weatherill was already taking over as the Premier of this state. It was not as though it was under Mike Rann's watch and you changed your mind under the new watch. This was a decision under the watch of the new so-called government to reject the idea. It was put by the shadow treasurer, within a day or so of Jay Weatherill becoming Premier, and it was taken back to the new cabinet under the new Premier and soundly rejected.

Yet three months later, when he reopened the parliament, in one of the most boring opening of parliament speeches (with no disrespect to the Governor, because I know he is just reading what he has been given by the government) apart from the future fund there was nothing new in this speech. The future fund was an idea rejected because it was put up by the Liberals three months ago; yet three months later the only new thing in this opening of parliament is an announcement that we are going to have a future fund.

One might wonder where we are going to get the money to put into a future fund, given that we have to pay $2 million a day in debt. It seems a little preposterous that we are going to somehow have a future fund. One might wonder, especially in light of the fact that you are planning to sell the forests—and there is a good future fund. The feds are planning to invest in our forests as part of their future fund, but where does that make any sense?

I remind members opposite that the forests of this state produce in excess of $40 million a year of profit, income for this state, yet you are going to sell it off. As I have said on a number of occasions before, that is because there are only two possible rational explanations: one is that you are offered such a magnificent price for it that it would be foolish not to sell it (that is not the case), and the other is that you are cash-strapped, and you are cash-strapped because of your own financial incompetence and the economic mismanagement of this state for the last 10 years.

Again, in addition to the forests, we are going to sell off the lotteries. The lotteries bring in about $80 million a year for this state, but we are going to sell them off for the same reason: you only sell an asset that is producing an income if it is more worthwhile to sell it than to keep it. Neither of these sales are for anything but the fact that your economic management has been so bad that you have no cash and you are trying to grab it from everywhere at a great cost to the people of this state. Five months after Jay Weatherill has taken office as Premier, the economic figures are no different from when Mike Rann was in charge; in fact, in many instances they are worse. So much for new Labor. We now have, as I have already said, the nation's worst economic growth.

Ten years ago, when the Liberal Party was in government, our share of the national economy was 6.8 per cent; you have managed to get it down to 6 per cent. We have the worst business investment growth. Ten years ago it was 7 per cent; you have managed to reduce that to 5.5 per cent. The nation's highest drop in job vacancies: in 2002, we had a 7.5 per cent share of the national jobs market and it is now down to 7.2 per cent, and manufacturing jobs have disappeared. We have gone from 92,500 in 2002 down to 75,500 this year. We have the nation's worst workers compensation system and, as we know, the nation's highest taxes.

People on that side may not understand that, in private enterprise, the paying of taxes actually means that you cannot employ more people, and we want more people employed in this state. The list goes on, but this government is not interested in the rise in the cost of living. In fact, yesterday, it barely raised a mention in the Governor's speech. All the government is promising is

minor concessions to housing affordability, and one might wonder how it is going to get that housing affordability.

I may have mentioned in this place before that a constituent of mine who came in recently was leaving the state and taking with him his entire investment portfolio. Over his whole life he had built up an investment portfolio of some $15 million in the residential property market, and he was taking the whole lot and selling it off and moving to another state because of the land tax in this state. There has been a complete failure by this government to recognise that those high taxes have such a profound detrimental effect. He is not the only one leaving this state and saying, 'If I've got money to invest, why would I invest it in South Australia?' In fact, I seem to remember that the former member for Port Adelaide (the former Treasurer) had investments himself in other states, where perhaps—

Mr Pederick: Sydney.

Mrs REDMOND: Yes; I think that was the case. He had a property on the King Street Wharf, I seem to recall. The government is also offering some flexible payment options for service charges. You still have to pay the bill, but you may just get a bit longer to pay it, and you will probably be charged interest for the privilege.

Mr Pederick: They need Shared Services to work like that, because they already are.

Mrs REDMOND: Do not get me onto Shared Services. Let's not forget how much these bills have gone up. Water bills are up 178 per cent in the last 10 years. We have the highest water bills of any capital city in the nation. Why? It is not as though we have the best water. Our power bills are up 106 per cent under Labor. Gas is up by 79 per cent. When you compare it with how much our actual CPI has gone up, you will realise that these things are all going up massively according to the Labor management but way above the CPI rate for this state, and that is why people are struggling.

Sending children to school—I love this—our free education system that these people on the other side trumpet, do you know how much it has gone up since 2002?—400 per cent, and they wonder why people are screaming about the cost of living. This government, of course, is not interested in small business. Again, it barely raised a mention in the Governor's speech. The government instead outlined seven areas for action, not because they sat down and delineated for themselves what seven areas most need attention, but I will guarantee that the government's seven areas for action are based on what its polling showed.

The government did some polling and it showed these things, because that is the way Labor works. That is the way the Hawker Britton model of government works. You do some polling and you find out what the problems are, just as this Premier's polling showed what the problems were. What were the problems? Hospital car parking—let's pretend to reverse that and neutralise it. 'The Liberals want an ICAC. We haven't agreed to an ICAC; we had better say yes to an ICAC, because that's another area with problems.' Marine parks is another area with problems.

The Premier also recognised that failure to engage with our rural and regional communities might be a problem for them since they never go there. So, he decided that he would go and visit Mount Gambier—that was a success. He went down there for a smiling photo opportunity and got met by a rabid crowd of 4,000 people screaming angry things at him about the sale of the forests.

Can I mention small business, since the government chose not to. Small business in this state employs 55 per cent of our private sector. That is a workforce of hundreds of thousands of people, and not one mention in the government's speech. Look at their decisions on small business recently. For a start, let us look at the public holidays issue.

Peter Vaughan and Peter Malinauskas get their heads together and decide that they will do a deal. 'We'll get the shops in Rundle Mall allowed to open on public holidays,' but at what cost? I am told that you could have blown Peter Malinauskas over with a feather when they actually agreed to this proposition for two extra seven-hour public holidays from 5pm until midnight on Christmas Eve and 5pm until midnight on New Year's Eve.

The Hon. A. KOUTSANTONIS: Point of order, sir: the member for Unley yelled out, 'Brown paper bag,' insinuating corruption. I would ask that he withdraw that immediately.

Mr Marshall: He was talking to me about what he brought his lunch in here today.

Members interjecting:

The DEPUTY SPEAKER: The member for Norwood will keep quiet while I am asked to adjudicate, thank you. I am sorry, I did miss that comment.

Mrs REDMOND: The words 'brown paper bag'—are they unparliamentary?

The DEPUTY SPEAKER: Did the member for Unley suggest that or did he say it?

Mrs REDMOND: He said 'Brown paper bag.'

The DEPUTY SPEAKER: I am asking the member for Unley, Leader of the Opposition. Member for Unley, did you speak those words?

Mr PISONI: I did. I was talking about my lunch, sir.

The DEPUTY SPEAKER: I will ask for a copy of the *Hansard* and if your second comment is inaccurate, we will deal with that later. You can resume.

Mrs REDMOND: Thank you, sir. So, we've got these extra public holidays so that we—

Ms CHAPMAN: Point of order, Mr Deputy Speaker: as I understood your ruling, you are asserting that the speaker had made a statement not only about a brown paper bag but some other comment about a lunch bag or whatever. My understanding of the submission put then in response by the member for Unley was that he had made the statement about the brown paper bag. He then explained to you why he had said that. There was no assertion, even by the complainant over here, that the member for Unley had asserted all of those words. So I ask that to be clear in that direction that you have just given about who you are going to deal with.

The DEPUTY SPEAKER: I think the minister made it quite clear that he understood the comment to be made that suggested something corrupt or improper between the two Peters. That was my understanding of his comment.

Members interjecting:

The DEPUTY SPEAKER: Let me finish! Members of the opposition on my left should perhaps just listen for a moment. That was a comment. The comment I was referring to was the member for Unley's explanation. If his explanation is consistent with the transcript provided by Hansard, it will end there. If it is clear from the context that his explanation is inconsistent, I will progress. Thank you. The Leader of the Opposition.

Mrs REDMOND: Thank you, sir. Can I also suggest that you might consider the difference between implication and inference in deciding.

The Hon. A. Koutsantonis interjecting:

Mrs REDMOND: You don't even understand the difference between inference and implication.

Members interjecting:

Mrs REDMOND: You don't even understand it.

Members interjecting:

The DEPUTY SPEAKER: The Leader of the Opposition may wish to return to the substantive nature of her speech.

Mrs REDMOND: I will return to the substantial part of the speech, Mr Deputy Speaker. We were talking about extra public holidays, but I think I have probably said enough about that for the moment. The other thing that they have done, of course, is this Small Business Commissioner—another bureaucracy to set up. We not only have a Small Business Commissioner, but remember Laura Lee? She was a Thinker in Residence and she decided, 'My aim in life is to become a thinker in residence and I think Paris would be a nice place to go and think. I hope the French government decides that I could come over there and think about them for a while and tell them what to do.'

The Thinker in Residence, Laura Lee, came into this state and came up with this idea that we should have an integrated design commission, so then without any advertising of the job, without any further discussion, this government decides, 'Yes, we'll have that and we'll appoint Laura Lee as the Integrated Design Commissioner.' For reasons that I am sure I do not need to explain in this house (because everyone knows the reasons), Laura Lee ended up not taking that appointment. She had been appointed to a very high salary without any advertising of the job,

without any hope of a local getting it, and what do we get? Tim Horton is appointed to cover that little hiccup.

So just like that we get this legislation and the recommendation that we should have a Small Business Commissioner. The government pushes through its legislation, and who do they appoint? They do not even advertise the job. They appoint Frank Zumbo. Who is Frank Zumbo? He is a guy who lives in New South Wales who suggested we should have this. He is an academic, and we do not even open the job to the possible appointment of someone who might be able to do something. Furthermore, not only does he not live here but he is being paid a fortune to give advice.

The member for Norwood has Frank Zumbo's mobile number, and I suggest that when he gives his Address in Reply he might make a point of putting it onto the record because I think the more people who ring him the better. This Small Business Commissioner has been absolutely silent on the issue of the extra time and extra pay people are going to have to pay out as small businesses across this state to accommodate these public holidays.

This Small Business Commissioner has been absolutely silent on the suggestion that we have online betting and the removal of X-Lotto and so on from newsagents. If he knew anything about small business, he would know that for newsagents across this state the staple part of what they sell is no longer newspapers but the commission they get on the sale of their X-Lotto tickets. Where is your Small Business Commissioner speaking about that on behalf of small business? Oh, that's right, he does not live here; he is in another state.

I made a small mention earlier of the new Premier's visit to the regions—well, the region; he went to one, and he did not get such a good reception. It was a very warm reception, I have to say, and in fact it might even have been called heated. He has not been on many country trips. Mount Gambier is a lovely spot, and I always get a nice reception when I go down there. I was there last week, and I think it was the 12th time I have been there since I became leader. However, this government has been so Adelaide-centric that yesterday in the speech there was not even a mention of rural sectors—not a mention. They did say they wanted clean, green, sustainable agriculture, but there was no mention of how our farmers are actually going to achieve that, because this government has ignored the rural sector and the regional sector for its entire 10 years.

South Australia is now at very great risk of becoming irrelevant. Our voice will not be heard on the big national issues such as occupational health and safety and water. We will be marginalised and treated with disdain. Next month, we are coming up to the halfway point of the electoral cycle. In fact, who can forget that the Ides of March 2014 will be our election day? We know and understand that we, as the Liberal team, cannot simply sit around and just hope that you guys will fall out of government. We are not that silly.

We know we have to work hard to regain our position for South Australia on the national stage. That takes drive and determination and an understanding that it is private enterprise that actually keeps this state going. The Liberal Party has that drive and determination in spades. We will prove that we are a party ready to govern and ready to lead South Australia once again out of the economic chaos created by a Labor government. It tends to be a pattern we see both at state and federal level with Labor governments.

We will listen to business and will listen to families and young people. We will listen to farmers, retirees and those struggling to get by created by this government. We will cut government wastage, refocus priorities and, above all, listen to the people. We will cut pet projects like the Thinkers in Residence and the Puglia Festival (I did not even speak about Puglia, but let's not go back there for the moment), the delegations, the expensive refits of ministerial offices, and the handouts to people like Mike Rann, who should have been taken out and drawn and quartered as far as I am concerned, rather than being given a $200,000 handshake.

We will not be held to ransom by the views of a few, particularly the SDA, the union heavyweights who like to control and dominate the agenda. I thought it was interesting in the *Four Corners* program on Monday night when they were talking about Julia Gillard and how the Labor Party federally has a choice between a leader who is toxic in the caucus but very popular out in the electorate or a leader who is toxic in the electorate but very popular in the caucus. However, the key thing that was not actually mentioned was that I think the people of this country resent the fact that they elected one prime minister and the Shop Distributive and Allied Employees'

Association and a few other union heavyweights decided who would be the prime minister, just as that union decided in this state who is going to be the premier.

Indeed, I had the temerity to ask Peter Malinauskas when he came to my office last week whether he had come to tell me that I could not be the Leader of the Opposition anymore. We will not be held to ransom by the union heavyweights who like to control and dominate the agenda—that is not community, that is not government: that is self-interest by a selfish few, and that is this government.

The Hon. S.W. Key: What did he say?

Mrs REDMOND: He did at least smile. The Liberal Party, like the people of South Australia, has had enough of self-interest instead of being focused on the interests of the people of this state. We will be offering an alternative way to govern—one that is inclusive, respectful and has the best interests of all South Australians at heart.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:11): May I at the outset congratulate the Governor for the fine role that he plays in fulfilling the position of Governor of South Australia. I have had the great pleasure of meeting with the Governor and his wife on a number of occasions at various functions around the state and, like other governors whom I have met previously, he does a fine job on behalf of South Australians and is much more than just a figurehead. He is a promoter of South Australia and I congratulate him and his good wife for the work that they do on behalf of all of us.

Having said that, may I also point out that the reality is that the Governor's address to open the parliament is not his words. He is actually reading a speech prepared by the government. I quote from his opening remarks to the honourable members when he says, 'My government believes that'. Let us not be in any doubt that the comments that I am going to make in my reply to the Governor's address bear no reflection on the Governor, but they do indeed reflect on the government.

I am going to go through the Governor's address, pointing out some of the things that I find quite amazing. The reality is that I have sat through a number of openings of this parliament in the time that I have been here and never have I been more underwhelmed than I was yesterday. It was a speech that was a jumble of motherhood statements and platitudes. All it did was demonstrate to me that this is a very tired government, bereft of ideas. It certainly was not a blueprint even for the next two years—the rest of this electoral cycle—let alone a blueprint for the future of this state.

Let me go to a couple of things that the Governor did say, and this goes to the theme that the new Premier wants to create an aura about himself and his government, and it is a theme that he keeps proposing. I want to highlight this, because I will then point out where it falls down. The Governor said:

> To be able to achieve all that my Government believes we can, South Australians must have confidence in our public institutions, and in the way these institutions arrive at decisions which affect everyone's lives.

He goes on to say:

> Parliament should demonstrate how debate and dissent can be constructive—and not a forum for endless squabbles that lead nowhere.

Let me say that they are very fine words, but they apply to a theoretical world. They certainly do not apply to the way decisions are taken here in South Australia. They certainly do not apply to the way this parliament—and particularly its committees—operates under this government, because this government chooses not to be accountable to the parliament. That is why in question time, day after day, the Premier and his ministers refuse to answer questions.

That is why decisions are taken and no information is given to the parliament. That is why the committees of this parliament are ignored by this government, and sit there week in week out with nothing to do. The Economic and Finance Committee has a subcommittee which is supposed to scrutinise industry assistance. This government makes decisions on the industry assistance but refuses to have that committee scrutinise the data that sits behind those decisions. This government has made an art form out of secrecy, so I think it ill behoves the Premier to have the Governor say parliament should demonstrate how debate and dissent can be constructive unless the Premier leads by example.

The day this Premier instructs his ministers to answer questions—as he suggested on his first day as Premier in this place that he wanted to happen—the day he instructs his ministers to

answer questions, the day he starts to lead by example in answering questions truthfully and honestly and giving the details to the parliament, that day I think he can proudly stand up and say I have changed the way the parliament operates, and parliament now is demonstrating how debate and dissent can be constructive, because it cannot be constructive in a vacuum, and that is what we have in this state: we have government by vacuum.

May I turn to some of the themes that the Governor moved to in his address. He said:

My Government believes that, more than at any time since the formation of the first government for this State 175 years ago, our future will be determined by the decisions we make in this decade.

I ask members to reflect on that particular sentence because there is nothing to back it up. I ask myself and anybody who reads that—we all heard it—if anybody reads it and contemplates it, on what basis was that statement made? On what basis does this government believe that decisions taken today—now, and in the next little time, the next little period—will be more important than any decisions taken at any time in the state's history? The government is trying to paint a picture that it has important work to do. The government is trying to paint a picture that it has not been responsible for the mess that this state is in. The government is trying to paint a picture that it is going to do something positive about the state's future, when the state's future has been squandered over the last 10 years to the point where we are flogging off the assets.

In the meantime, the Premier has the temerity to talk about a future fund, and I will come back to that, because I think it is a very important point. This Premier would have us believe—would have us as South Australians believe—that this is a new government, that this is a fresh government, and it is different than what we have experienced over the last 10 years. I am unconvinced in listening to, and then re-reading the Governor's speech, that this Premier has any new ideas.

As my leader said a few moments ago, this Premier sat at the cabinet table every day during the last 10 years that the cabinet sat, and was part of every decision that this government has taken over those last 10 years, and he cannot walk away from those decisions. He cannot even suggest that he has no responsibility for those decisions, and that he is now leading a new government. The reality is that the government, financially at least, is in such a mess that he is unable to walk away from those decisions, because this government is constrained by the mess that it has created. It is swimming in its own cesspool. The Governor then went on and said:

The Government's aim is not limited to improving material circumstances of South Australians. It seeks also to help transform the way we all think about ourselves, and the way we relate to one another.

I ask myself, 'What the hell does that mean? What does that mean?' The people out there in South Australia want a government that delivers services, and delivers them efficiently and effectively—that is what it wants from government. It does not want a government that indulges in some form of social engineering to try to make itself look effective. It wants a government that delivers services effectively and efficiently, and this government has failed to do that; it has failed on every turn.

I have said this time and time again: when I was a schoolboy and a young man growing up in this state, I was very proud of this state, and I believed that this state would continue to take its place in this nation—and I am talking about in the late 1960s and early 1970s. Unfortunately, for most of the period since then until now, we have had Labor governments in South Australia, and we have all seen how South Australia's position relative to the rest of this nation has slid continuously.

I remember, as a young man, expecting that Adelaide would soon be a greater city than Brisbane, that South Australia would continue to be a greater and more financially powerful state than Western Australia. It did not take long for that vision for this state to disappear, and that is because we have had so many years of governments in this state that have failed the people of South Australia, and we had this speech yesterday that seeks to do nothing to reverse that trend.

The Governor talked about seven themes, and one was about agriculture as a clean, green food producer. It is this government which has gutted the very department which was there to support agriculture in this state. It is this government which has turned PIRSA from an agency which historically was a great supporter of agriculture in this state into an agency which is not much more than a regulator—not only is it not much more than a regulator, it regulates on the basis of full cost recovery. This government keeps making new regulations and laws which impose more obligations on the farming community and then charges the farming community for the privilege of having those obligations imposed on them.

As members know, I am a practising farmer by trade—and I am getting better at it. When I was a full-time farmer, before I came here—and I am very, very much a part-time farmer; I get to spend a few hours a year on my farm these days—I had the experience of working with the department of agriculture developing and upgrading the way in which I ran and operated my farm, and I was proud to be at that cutting edge. That service from our agriculture department is no longer available to farmers in South Australia.

The first place superphosphate was used in Australia was at Roseworthy, I think in the first year the Roseworthy College was established in about 1879 or 1880. It turned agriculture in this nation around. It was not established by an individual farmer; it was established by collectivism. It was established by working together. It was established and promulgated throughout this nation by government agencies, in just the same in which coast disease was wiped out in the South-East of the state, that is, by scientific discovery which was promoted and sponsored by government.

It ill behoves the Premier to talk about clean, green food production in South Australia when he sat at the cabinet table and gutted our primary industries agencies. The advisory board of agriculture, a great institution in this state—one of the oldest institutions in this state—has been again gutted by this government. Instead of having an Advisory Board of Agriculture which represents practising farmers, we now have the Minister for Agriculture taking advice from big business.

It might come as a surprise to those opposite, but it is family farmers who drive innovation in this nation; it is not corporate farming. It is family farmers who look after the vast environmental assets of this state; it is not corporate farmers. It is family farmers who we will be relying on to produce food and to produce export income for this state, not corporate farmers, yet this government has ignored them. It has endeavoured to wipe out the Advisory Board of Agriculture and the Ag Bureau network across this state and it has decided to talk to the big business end of agriculture—

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: Mr Deputy Speaker, may I seek your protection?

The DEPUTY SPEAKER: Member for West Torrens.

The Hon. A. Koutsantonis interjecting:

The DEPUTY SPEAKER: Member for West Torrens.

Members interjecting:

The DEPUTY SPEAKER: I do not need advice from my left, please. Member for MacKillop, the floor is yours.

Mr WILLIAMS: Thank you, Mr Deputy Speaker. The Governor also spoke of legislation to protect the iconic South Australian districts of the Barossa Valley and McLaren Vale from urban growth. What about the iconic district of Mount Barker? What is so special about the McLaren Vale and the Barossa Valley, the public may ask? They both have wine grape growing and they both have tourism, but as far as agricultural production in South Australia there are many other districts which are just as important as those two icons.

The point I make is that this government has no plan for the future growth of this state. It is wedded to the urban sprawl of Greater Metropolitan Adelaide. It has no plan about decentralisation. This is a government of centralisation—just think about Shared Services. It has taken—

Mr Pederick: Every time our phones get cut off we think about it!

Mr WILLIAMS: Yes. This government has taken every public servant it possibly could from regional and rural centres in South Australia and it has accumulated them into central Adelaide. Then it turns around and says, 'We've got a problem with population growth in Adelaide and we have got a problem with urban sprawl.' There is no plan under this government to manage the development of this state outside of Greater Metropolitan Adelaide. That is a great failure of this government.

The Governor talked about mining, and I hark back to what has happened in Western Australia over the last 30 to 40 years compared with what has happened in South Australia, yet this government has done nothing to support mining other than talk. The mining industry has been crying out for a deep sea port to export iron ore and other mining product out of this state in a financially viable way.

There is an iron ore mine in the middle of the Far North of South Australia, west of Coober Pedy. To export iron ore (which is a bulk low-value commodity) they load it into individual 40-foot shipping containers, rail them to Outer Harbor and, when they have enough to fill a boat, they individually unload each of those 40-foot shipping containers. That is an industry that is trying to compete with BHP and Rio Tinto in the Pilbara. They are in the same marketplace and look at the way that they export from those mines in the Pilbara. It is a nonsense.

It is a nonsense for this government to suggest that it has done anything to support the mining industry in this state. The only thing it has done is picked up the targeted exploration initiative which was established by the previous Liberal government and renamed it. That is all it has done. I am very proud of the mining industry in this state. I think it will develop over time into a very important industry for this state and I am pleased that that will happen. I do not think that this government can take any credit for it.

Mr Marshall interjecting:

The DEPUTY SPEAKER: Member for Norwood, do not provide a running commentary on what the deputy leader is saying.

Mr WILLIAMS: He's not annoying me, sir.

The DEPUTY SPEAKER: Well, he's annoying me.

Mr WILLIAMS: I get to the point where the Governor talked about the future fund. Future funds are a great idea. Peter Costello did it brilliantly when he was the federal treasurer, and how did he do it? He recognised that we were entering a period of good, strong economic growth and that he was going to have an excess of revenue over the requirements of government, so he established the future funds and put billions of dollars into them.

The Hon. A. Koutsantonis: It was John Howard.

Mr WILLIAMS: Well, Peter Costello and John Howard. They put billions of dollars in there during a time of economic growth when revenues were exceeding the needs of government. What happened in South Australia during those same times? We have a Labor government, and what it did was take every cent of that and spend it. The old saying goes, 'Make hay while the sun shines'; while the sun was shining in South Australia this Labor government spent every cent it could, and when the sun got covered a little by clouds and things started to slow down it started to borrow.

At a time when our indebtedness is approaching $11 billion the Premier has the Governor come out and suggest that we will establish a future fund. Where is the money to come from? Are we going to go out and borrow more money so that we can put it into a future fund, because that is the only opportunity we have in South Australia at the moment?

Let me tell you one other thing, Mr Deputy Speaker. We already have a future fund in South Australia; it is called our state forests. They were established well over 100 years ago and they have been built on continuously over that period. The forest estate was established in the late 1800s—in my electorate at Mount Burr they started planting pine trees about 1890, that is 120 years ago; they were planted at Bundaleer earlier than that, and at Wirrabara—and the forest estate has been added to continuously over the intervening period. We now have an asset which in the last financial year returned, from memory, I think $43 million to the consolidated account.

Speaking to previous members of the ForestrySA Board, they believed it was making a return on asset well above what you would get from most other businesses in this nation, and I could not think of a better future fund this state could have than to continue to grow that asset. Not only is it a future fund that provides an income stream for the future of the state, it underpins thousands of jobs in the South-East. It does more than any other thing in this state to ameliorate our carbon footprint. There are significant benefits in those forests, yet this government is intent on throwing all that away because it needs the cash. Why does it need the cash? Because it is incompetent.

The temerity of the Premier to say that he is contemplating establishing a future fund in the same breath that he is saying that he is committed to flogging off, at a fire sale, our state forests is just mind-blowing. It is a disgrace, and I cannot believe that the morning newspaper in this city actually even mentioned the fact that this Premier has talked about a future fund. It is just fairyland stuff. Where would the money come from?

He suggests it is coming from the mining industry. Let me remind the house that when we were debating the Roxby Downs indenture and were informed that at full production Olympic Dam

would return some $350 million a year in royalty revenues, we were reminded that under the commonwealth financing agreements a little animal called horizontal fiscal equalisation means that the net benefit for this state would be about $20 million.

Let me remind the house that that is probably 20 years off. In 20 years' time, we may have $20 million a year, some of which we may be able to put into a future fund if we have managed to pay off the $11 billion of debt. That is why I say it is fairyland stuff. Anybody who seriously thinks that this government could ever establish a future fund must be blind, deaf and dumb.

I see that I am not going to get through all of the Governor's speech in the time left, so I might speed up and go to a couple things I find particularly galling. I mentioned in the earlier part of my address about the Governor's statements on behalf of the Premier how parliament should demonstrate how debate and dissent can be constructive.

I talked about the Industries Development Committee and the way this government has ignored it. General Motors-Holden's comes to mind. General Motors-Holden's apparently has been demanding $200 million behind closed doors; they are the numbers that have been bandied around in the media. The minister for business berated the opposition for having the temerity to ask to see some sort of business case, some sort of cost benefit analysis and to ask whether this was the best use of $200 million of taxpayers' money. Within weeks we saw that he offered to the workforce of General Motors-Holden's a most amazing pay rise—18.3 per cent to all of its workforce, some workers getting over 22 per cent. Was Premier Jay Weatherill informed of this when he went to the US?

An honourable member: How does that drive productivity?

Mr WILLIAMS: Yes, exactly. How does that drive productivity? Everyone of those $200 million comes out of the pockets of other South Australians, other Australians and other business operators. Every time you use a taxpayer's dollar to prop up one business, you have to take it from another. The money does not come out of thin air; it comes from somebody else. When that money is used to drive up wage rates in an industry, it is just nonsense. That is why the opposition was asking for a business analysis; that is why we wanted to see the numbers that sat behind it. Was the Premier aware that those wage negotiations were underway? Even the union has described the outcome of those wage negotiations as spectacular. I find that fascinating.

The Governor's speech talked about how the manufacturing development in South Australia was based on the state's competitive strength of low costs. That has gone out the window; it has disappeared. Why has it gone out the window and disappeared? Because of this sort of nonsense that this government involves itself in. Hundreds of millions of dollars of taxpayers' money driving up wage costs will impact on every business in this state. The government ignores it.

Let me also say that the Governor talked about how the government wanted to find other ways to reduce the burden of costs of living, costs on working families, by developing flexible payment options for service charges. My leader talked about the price of water in South Australia. What is the government going to do about the cost of water in South Australia? It is going to find other ways to reduce the burden of living costs on working families by developing flexible payment options. Maybe we will have our water meters read once a week and you pay for your water every week rather than quarterly or six-monthly (quarterly, it is now). I do not think that is going to relieve the burden. I really do not think it is going to relieve the burden.

The reality is that the cost of services has gone through the roof because of bungled decisions—over $1 billion on a desal plant that was not needed. We agreed to it and we accepted it, and there was bipartisan support for a 50 gigalitre a year capacity desal plant in this state. That would have done us fine, but this government chose to spend another $1 billion, which will be paid for by every household.

He also went on to say that we are working closely with the non-government sector. I looked at that and I thought, I wonder what that means. This government has demonstrated how closely it works with the non-government sector in my electorate. I invite members to visit the Keith hospital. There is a community that has been forced by this government to work differently from every other community in this state. It means that they have to go out and fundraise in their own community to keep health services going in their own backyard. That is the way this government currently works with the non-government sector. It says, 'We don't care about you.' The Minister for Health says, 'I am not responsible for the Keith hospital. They can close down.'

An honourable member interjecting:

Mr WILLIAMS: That is outrageous. I agree with the member of the Torrens, it is outrageous. What I really question is why the government treats the hospital at Keith in my electorate differently from the hospital in McLaren Vale in a Labor held seat.

Mrs GERAGHTY: Point of order: I was not listening all that intently, but I do think that the member may have said that he agrees with the member for Torrens about so-and-so. I never said that and I certainly would not say that. You are quite wrong. He misrepresented me.

Members interjecting:

Mr WILLIAMS: I apologise. I agree with whoever it was over there who said it was outrageous that the government cut off the funding.

The DEPUTY SPEAKER: The member for MacKillop's time has expired. Before I call the next speaker, I would just like—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Torrens.

MEMBER'S REMARKS

Mrs GERAGHTY (Torrens) (12:42): I seek leave to make a personal explanation.

Leave granted.

Mrs GERAGHTY: I just want to clarify that we understand that the comment that the member for MacKillop made, that is, he agrees with me that the situation at the Keith hospital is outrageous, or something—I did not say that. I do not agree with that, and I do not know where he got it from.

Mr WILLIAMS: Point of order: a personal explanation is not an opportunity for a member to enter into a debate, which is what the member just did.

The DEPUTY SPEAKER: No, she didn't.

Mr WILLIAMS: And I have already apologised to the member for Torrens and said to whoever it was that uttered the word 'outrageous' that I agree with them. It is outrageous.

The DEPUTY SPEAKER: Member for MacKillop, take your seat. I think the comment about the word 'outrageous' is the allegation you are making.

VISITORS

The DEPUTY SPEAKER: Before I call on the next speaker I would like to draw members' attention to the fact that in the gallery we have students from Redeemer Lutheran School, who are guests of the member for member for Schubert, Mr Ivan Venning. I would ask members to behave. The member for Davenport.

ADDRESS IN REPLY

Debate on motion for adoption resumed.

The Hon. I.F. EVANS (Davenport) (12:44): I rise to speak in response to the opening of parliament and the speech given by His Excellency yesterday in opening the Second Session of the Fifty-Second Parliament. I congratulate the Governor and Mrs Scarce on the wonderful job they do in performing the role of Governor. The way they carry the position and make themselves available to the people of this state is a credit to the Governor and Mrs Scarce. I place my congratulations to them on the record. I think it is a very good decision that they have been reappointed for a further term, and that is broadly supported in the South Australian community.

The Governor, of course, reads the speech prepared by the cabinet of the day, which is in the grand traditions of the Westminster system, so the comments we make here are really about the context of the speech.

I just want to pick up on a few themes put forward by the member for MacKillop, my deputy leader. I think that the content of the speech is a good example of how this Premier is no different to the previous premier in regard to spin. For a Premier to suggest that the decisions taken in the next decade are more important than any other decision taken in the state's history needs to be questioned.

What he is saying is that, over the next decade, the decisions that South Australia is going to take are more important than we took during the First and Second World Wars, more important than during the term of the Great Depression, more important than when the state was first established, more important than when we gave women the vote or Aborigines the vote and more important than when we developed the secret ballot system. This grand statement of this Premier needs to be questioned, because my experience of this Premier is that his rhetoric is as broad as the previous premier and he is full of spin.

The issues outlined in the speech relate to seven broad themes, and I just want to touch on a couple of the themes because I think that they deserve special attention. The opposition deputy leader (the member for MacKillop) raises the issue that is raised in the speech about a future fund, and he talks about the fact that this government during this term will not be setting up a future fund.

I just want to make some comments about this because the background to it is an interesting issue. The federal government, of course, is doing a review of federal/state financial relations, and part of that review is a possible cut to grants to states through the GST redistribution mechanism. In South Australia we get about $800 million a year in subsidy, in effect, from other states.

During the process, I moved in the Economic and Finance Committee on 20 October (which was the former premier's last day) that the committee look at investigating a sovereign wealth fund for the state. That matter before the Economic and Finance Committee was adjourned so that the members could take it back to their caucus. Now, of course, this current Premier took over that evening, on 20 October—the next day he was the Premier. So, it was this Premier's caucus that considered the issue of whether they would support the opposition's motion to at least investigate the issue of a sovereign wealth fund or future fund, call it what you wish.

At the next meeting of the Economic and Finance Committee on 10 November the Weatherill caucus, having considered it and rejected it, voted my motion down. They were not prepared to have a bipartisan committee look at establishing a sovereign wealth fund, because we know that the Economic and Finance Committee is a bipartisan committee. Roll forward three months, and in their speech, when the Premier is trying to paint himself as a man of ideas, the first idea he trots out is the idea of looking at setting up a future fund—an idea that his caucus, under his leadership, flat out rejected three months before.

The point I make is that the state government has no clear economic direction. How can you flip-flop as a leader from going to not supporting a sovereign wealth fund—at least looking at it—to supporting investigating a sovereign wealth fund all within three months? The Premier has no clear economic direction for the state.

Now, let's walk through some of the issues. When we were debating the BHP indenture bill we were told that, when the BHP expanded mine at Roxby was expanding at full capacity, we would get somewhere between $325 million and $350 million a year in royalty. The former treasurer, Kevin Foley, then went out publicly and attacked the Family First MP the Hon. Robert Brokenshire (because Robert Brokenshire was suggesting that you could spend most of that in certain areas of the state) and said, 'No, no, no. You don't understand. There's a thing called horizontal fiscal equalisation where the commonwealth adjusts your grants, and the net benefit to us out of that $350 million is $20 million.' That is when the mine is operating at full capacity, and my shadow minister for mining tells me that could be up to 20 years away. So, in 20 years' time we might get an extra benefit of $20 million.

This state government—and you will not find this in the speech—has a budgeted debt of over $11 billion. It is currently $8 billion—$8,000 million worth of debt. It is increasing over the next three years to over $11,000 million worth of debt. That is after we sell the forests and after we sell the Lotteries Commission—after Labor sells the Lotteries Commission and after Labor sells the forests. Our debt goes to over $11 billion. So, if your net benefit out of Roxby is $20 million, you can do your own calculations as to how many years it will take you to pay off the $11,000 million in debt.

I take the point: the member for MacKillop is quite right. It is ironic that the government has backflipped about looking at a sovereign wealth fund while at the same time it is selling an asset that already brings $43 million a year into the budget. They are selling the forests. It comes back to this point: this Premier and this Treasurer do not have a clear economic strategy. Are they looking to build up state assets that produce income, à la a future fund, or are they looking to sell state assets that bring in an income, à la the forests and the Lotteries Commission? What is your

strategy? Do you want assets that produce income for the state or do you want to sell the assets that produce income for the state? You are selling assets and increasing the debt. The state government has no clear economic strategy.

Another point for the government to consider is this: they talk about the benefit out of Roxby; they talk about the benefit out of the mining industry. Let's say that Roxby does get fully developed and the royalty, as predicted, is $325 million. The expense—

The Hon. A. Koutsantonis: It's not the only mine in the Gawler Craton.

The Hon. I.F. EVANS: No. I accept the point: the minister for mining interjects and says, 'It's not the only mine in the Gawler Craton.' The opposition knows that, and the reason we know that is when we were last in government, Dale Baker, the then mining minister, ran a program called the targeted exploration initiative. Even though the state was broke because of State Bank matters, we put $23 million into that because we wanted to expand the mining industry. So, all of those mines that the minister talks about out of the Gawler Craton we support. Give that a tick, because that was a Liberal initiative that helped develop the mining industry. We understand—

The Hon. A. Koutsantonis: TEiSA wasn't in Woomera. You know that.

The Hon. I.F. EVANS: You said the Gawler Craton. Is Woomera in the Gawler Craton? Don't you know where the Gawler Craton is? Woomera is up in the other corner, mate.

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: No, you interjected the Gawler Craton.

The Hon. A. Koutsantonis interjecting:

The DEPUTY SPEAKER: The member for West Torrens!

The Hon. I.F. EVANS: Go and read the *Hansard*. You interjected the Gawler Craton, and I said in relation to Gawler Craton we ran a $23 million program and we support it. We understand that. But the reality is that this government has then committed us for the next 35 years—that is, a five-year build and a 30-year contract—to the new Royal Adelaide Hospital where the cost every year is $397 million. So, even if you will get in $350 million out of Roxby and if the net benefit of that is only $20 million, it is already spent. It is spent on the new Royal Adelaide Hospital. So all these issues need to be considered.

There are other ways to develop a future fund. They are called budget surpluses. This government is not predicting a budget surplus this year. It is spending more than it earns to the tune of $367 million; and next year they are talking about a budget deficit of $453 million; and the year after that they are talking about a budget deficit of $348 million. Add those together: that is $1 billion worth, just there, of budget deficit. So these issues need to be considered. What is your economic strategy, becomes the question. The issues raised there need to be considered. The weakness in yesterday's speech was trying to find something to do with the budget and something to do with a sustainable budget strategy. It was something clearly missing in the speech yesterday.

The other issue not raised in the speech yesterday was the selling of the forests and the lotteries. Here is $1 billion of asset sales, which underpins their budget, and as we look forward to their being sold this year, not a mention. If it underpins your budget, why would you not mention them in your speech? The reason is that the government realises that those two policies are not popular within the broader electorate.

In a past life I also was a minister for industry and trade and dealt with manufacturing, as does the current minister. I had to smile yesterday when the government started to talk about advanced manufacturing, as if it was something new. The first thing this government did for manufacturing was close down the centre for manufacturing. You closed it! You went down and you closed it! The reason you closed it is that you did not want to support the little bloke. The centre for manufacturing was a centre of excellence where the small manufacturers could get some assistance to grow into big manufacturers. The first thing you did as a government was close down the centre for manufacturing.

Here you are, a decade later, and you suddenly come out and say that you think that innovative manufacturing is somehow something new. Every manufacturing economy in the world has that challenge. It is nothing new, absolutely nothing new in relation to advanced manufacturing in this state.

The other issue I want to touch on very quickly from the Governor's speech yesterday was this concept of a vibrant city. One of the aspects of its being a vibrant city is the government trotting out that it is reforming shop trading hours. If ever a government has been dragged kicking and screaming to a policy it does not like it is the reform of shop trading hours. Throughout its history this government has opposed the reform of shop trading hours. On every occasion it has been dragged kicking and screaming in relation to shop trading hours. We have a position where I believe we will go to a break, so I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:58 to 14:00]

AQUACULTURE (MISCELLANEOUS) AMENDMENT 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.

SUPPLY BILL 2012

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.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT 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.

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.

FORESTRYSA

Mr PEGLER (Mount Gambier): Presented a petition signed by 84 residents of Mount Gambier and greater South Australia requesting the house to urge the government to take immediate action to stop the forward sale of harvesting rights of ForestrySA plantations.

ANSWERS TO QUESTIONS

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

BIRTHING SERVICES

24 Dr McFETRIDGE (Morphett) (1 June 2010) (First Session).

1. Which GPplus Emergency Hospital will provide birthing services in the country areas?

2. Which organisation has deemed it necessary to have four doctors present to care for mother and baby in situations of high risk caesarean births and does this include the anaesthetist?

3. How many doctors are deemed necessary at normal or elective caesarean births not including the anaesthetist?

4. How many doctors are deemed necessary for a normal birth at a public hospital?

5. How many births were there at public hospitals in 2005, 2006, 2007, 2008 and 2009, respectively, and in how many cases did the anaesthetist administer an epidural for pain relief or for other reasons?

6. How many births were there in 2005, 2006, 2007 and 2008, respectively, attended by a Government midwife only and did these occur outside of hospitals?

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

1. At January 2012, the following country hospitals currently provide birthing services:

Barossa (Tanunda), Berri, Ceduna, Clare, Crystal Brook, Cummins, Gawler, Jamestown, Kangaroo Island, Kapunda, Loxton, Millicent, Mount Barker, Mount Gambier, Murray Bridge, Naracoorte, Peterborough, Port Augusta, Port Lincoln, Port Pirie, Quorn, Victor Harbor, Waikerie, Wallaroo and Whyalla.

2. The SA Maternal & Neonatal Clinical Network advises that a health unit providing Level 3-6 Perinatal Services (as per the Perinatal Service Delineation included in the Standards for Maternal & Neonatal Services in SA 2010) must have at least three medical officers with appropriate perinatal services credentials available 24-hours per day, seven days per week, to attend a caesarean section delivery. This includes the anaesthetist.

3. The SA Maternal & Neonatal Clinical Network advises that the workforce requirements for elective caesarean section deliveries are the same as for an emergency caesarean section delivery, meaning that a health unit providing Level 3-6 Perinatal Services (as per the Perinatal Service Delineation included in the Standards for Maternal & Neonatal Services in SA 2010) must have at least three medical officers with appropriate perinatal services credentials available 24-hours per day, seven days per week, to attend a caesarean section delivery. Excluding the anaesthetist, there must be at least two medical officers with appropriate perinatal services credentials attending an elective caesarean section

4. The SA Maternal & Neonatal Clinical Network advises that there is no professional practice guideline that dictates the necessity to have a doctor at a normal birth. Women in established labour require 1:1 care by a qualified midwife, including third stage labour.

5. Births and epidural use at SA public hospitals

	2005	2006	2007	2008
Number of births	13,315	13,704	14,399	14,611
Number of women giving birth	13,097	13,490	14,194	14,384
Number of epidurals given	3,595	3,717	3,944	4,032
% of epidurals/number of women giving birth	27%	28%	28%	28%

Source: Pregnancy Outcomes Data, SA Health

6. All public hospitals require that a midwife be present at any delivery. The delivery attendees are written up in the Birth Register, which incorporates information as to whether and which doctor(s) were present at the delivery. However, this information is recorded in hard copy only and is not available for electronic reporting by the hospitals.

Some of the government-employed midwives at the Women's and Children's Hospital perform births outside of the hospital, in accordance with the 'Policy for Planned Birth at Home in South Australia', which was endorsed for implementation on 1 February 2009.

ROYAL ADELAIDE HOSPITAL

115 Dr McFETRIDGE (Morphett) (27 July 2010) (First Session). How much commonwealth funding will be provided under the National Health Reform Agreement for the construction 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 have been advised of the following:

1. The construction of the new Royal Adelaide Hospital is a state-funded project.

The new Royal Adelaide Hospital Project is being delivered through a Public Private Partnership, whereby SA Health Partnership will design, finance, construct and provide a range of facilities management services over a 35 year period.

This partnership will see SA Health continue to operate the hospital and provide all core clinical services, staffing, teaching, training and research.

GIFT FUNDS

132 Dr McFETRIDGE (Morphett) (27 July 2010) (First Session).

1. How many gift funds currently exist in South Australian public hospitals and the South Australian Ambulance Service?

2. When was each of the gift funds established and which organisation benefits from the funds raised?

3. Where are monies raised by gift funds invested?

4. Are proceeds from gift funds included in Treasury general revenue?

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

1. As at 30 June 2010, SA Health had around 260 specific purpose funds across all sites and these funds contain donations and fundraising proceeds.

In addition, the Public Charities Funds Act 1935 requires prescribed Health Units to deposit donations with the Commissioner of Charitable Funds. Consequently, in addition to the 260 funds referred to above, there are funds held by the Commissioner on behalf of the prescribed health units.

2. The beneficiary of funds is determined by any conditions attached to the donations. If a specific beneficiary is stated (e.g. a contribution towards a cancer ward), then monies are directed to a donation fund with that specific purpose. If no specific purpose is stated, the funds are dedicated to the health unit receiving the donation. The need to differentiate various beneficiaries and purposes is why health units have a large number of specific purpose donation funds.

3. Funds not required for immediate use are invested in accordance with Government policy. Generally monies are held as term deposits or South Australian Finance Authority (SAFA) investments.

The Commissioner of Charitable Funds invests gift funds in accordance with the Public Charities Funds Act 1935 and its own investment policy.

4. No.

PUBLIC SECTOR EMPLOYEES

248 Mrs REDMOND (Heysen—Leader of the Opposition) (13 July 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 3, p127, Program 1—

1. Why will 'employee benefit expenses' increase in 2011-12 and 'supplies and services' decrease?

2. What is the change in Cabinet Office FTE's in 2011-12?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development): I have been advised of the following:

The higher employee benefit expenditure in 2011-12 when compared with the 2010-11 Estimated Result is predominately due to the indexation of wages and salaries expenses.

The lower supplies and services expenditure in 2011-12 when compared with the 2010-11 Estimated Result is mainly attributable to once off funding provided in 2010-11 for the SA Strategic Plan initiative.

Cabinet Office reported 51.2 FTEs as at 30 June 2011 compared with the 2010-11 budget of 57.5 FTEs. 55.5 FTEs have been budgeted for in 2011-12.

STATE STRATEGIC PLAN

250 Mrs REDMOND (Heysen—Leader of the Opposition) (13 July 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 3, p128, Sub-program 1.2—

If the decrease in 2011-12 Budget is mainly due to $1.4M expenditure in 'community engagement for the Strategic Plan' in 2010-11, why was the 2009-10 actual expenditure higher still?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development): I have been advised of the following:

The higher expenditure in 2009-10 when compared with the 2011-12 Budget mainly reflects:

- Once off expenditure incurred in 2009-10, including employee termination payments pursuant to budget savings strategies; and
- The 2010-11 Budget measure associated with the rationalisation of Cabinet Office.

STATE STRATEGIC PLAN

251 Mrs REDMOND (Heysen—Leader of the Opposition) (13 July 2011) (First Session). With respect to 2011-12 Budget Paper 6, p61—

What are the details of the extra funding to the Strategic Plan?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development): I have been advised of the following:

The Government has committed $150,000 per annum from 2012-13 to address the recommendations of the Community Engagement Board in relation to ongoing engagement, new community engagement channels and ways of connecting communities to the Plan.

BUSINESS MIGRATION PROGRAM

337 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 4, p40—

1. Why did DTED underspend on its Business Migration Program and what is the status of this operation in terms of staffing, financial support and results?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I have been advised of the following:

I am advised the Department of Trade and Economic Development did not underspend on its Business Migration Program in the 2010-11 financial year.

The Business Migration Program has two FTE's allocated and does not provide financial support.

I am further advised that, in the 2010-11 financial year, actual results from this program included; 333 sponsored applications; 165 FTE jobs created; AUD$107.5m invested; and AUD$18.7m in exports.

FILM SA

340 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 4, p39—

1. What was the purpose of the $1.2 million 'final grant' provided to Film SA?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I am advised, the Film SA initiative was established to create a dedicated location and inbound negotiations office within the South Australian Film Corporation (SAFC) and provide investment attraction incentives to attract film, television, commercial and PDV (post production, digital and visual effects) productions to South Australia.

CONSULTANTS AND CONTRACTORS

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (26 October 2010) (Estimates Committee A).

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development): I have been advised of the following:

The three people in question were Mr C Eccles in his role as the Chief Executive of the Department of the Premier and Cabinet, Mr W McCann in his position as the Commissioner for Public Employment, and Mr A Green who has separated from the department after accepting a TVSP. Mr Green's TVSP payment together with his regular salary put his remuneration in the $360,000—$369,999 bandwidth.

PUBLIC SECTOR EMPLOYEES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (30 June 2011) (Estimates Committee A).

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 between 30 June 2010 and 30 June 2011 the following positions with a total employment cost of $100,000 or more were either abolished or created:

a) Abolished:

Department/Agency	Region	Position Title	TEC Cost
Health—Corporate		Director—Major Projects Urban Planning	$152,655
Health—Corporate		Director—Major Projects Asset Planning	$228,170
Health—Corporate		Regional Director of Workforce	$364,394
Country Health SA Local Health Network		Senior Budget Officer Lower North	$163,661
Country Health SA Local Health Network		Senior Network Clinician	$193,064
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Executive Director Mental Health	$216,020
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Chief Executive Officer	$331,185
Central Adelaide Local Health Network	as part of Adelaide Health Service	Director Bio Medical Engineering	$101,742
Northern Adelaide Local Health Network	as part of Adelaide Health Service	General Manager	$295,683
Central Adelaide Local Health Network	as part of Adelaide Health Service	Manager Bio Medical Engineering Services	$313,634
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Consultant Reproductive Medicine	$161,232
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Senior Regional Medical Practitioner	$105,330
SA Dental Service	as part of Adelaide Health Service	General Manager, Service	$155,475
SA Dental Service	as part of Adelaide Health Service	Medical Practitioner Acute Services	$119,902

b) Created:

Department/Agency	Region	Position Title	TEC Cost
Health—Corporate		Director, Health Reform and Legislation	$129,393
Women's and Children's Health Network		Dental Visiting Ortho Acute Facial Cranial Unit	$264,094
Women's and Children's Health Network		Medical Consultant 'Second Story'	$235,395
Women's and Children's Health Network		Torrens House Senior Medical Practitioner Doctor	$161,133
Women's and Children's Health Network		Regional Education Director	$120,243
Women's and Children's Health Network		Director Nursing and Midwifery Clinical Practice	$120,243
Women's and Children's Health Network		Paediatric Training Medical Officer	$113,260
Women's and Children's Health Network		Medical Practitioner Endocrine and Diabetes	$113,260

Department/Agency	Region	Position Title	TEC Cost
Women's and Children's Health Network		Clinical Psychologist Palliative Care	$104,113
Women's and Children's Health Network		Emergency Management Coordinator	$100,108
Women's and Children's Health Network		Registered Nurse 4 Pain Service Nurse	$100,108
Women's and Children's Health Network		Registered Nurse 4 Pain Service Nurse	$100,108
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Director Area Heath	$165,840
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Director Area Health	$158,346
Central Adelaide Local Health Network	as part of Adelaide Health Service	Senior Medical Scientist	$120,130
Central Adelaide Local Health Network	as part of Adelaide Health Service	Thoracic Community Registrar	$169,671
Central Adelaide Local Health Network	as part of Adelaide Health Service	Geriatric Medical Registrar Community	$128,169
Central Adelaide Local Health Network	as part of Adelaide Health Service	Staff Specialist	$183,226
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Consultant—Nuclear Medicine	$128,178
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Senior Medical Practitioner	$150,994
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Head CT Medical Imaging	$134,580
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Head General Medical Imaging	$128,527
Central Adelaide Local Health Network	as part of Adelaide Health Service	Consultant Neurology	$129,065
Northern Adelaide Local Health Network	as part of Adelaide Health Service	Ophthalmologist	$121,980
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Senior Consultant Radiology	$134,275
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Con Surgeon/Lecturer	$183,765
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Psychiatry Trainee	$109,913
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Endocrinology	$136,491
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Ophthalmology	$101,372
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Anaesthesia	$112,914
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registered Medical Officer Registrar Plastics	$105,794
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Vascular	$119,956
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registered Medical Officer Registrar Urology	$137,581
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Respiratory	$112,938
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registrar Gastroenterology	$107,960
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Registered Medical Officer Palliative Care	$124,906
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Senior Medical Practice Ear Nose and Throat Surgery	$177,320

Department/Agency	Region	Position Title	TEC Cost
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Consultant Allergy Services	$145,711
SA Dental Service	as part of Adelaide Health Service	Consultant Psychiatrist	$225,225
SA Dental Service	as part of Adelaide Health Service	Clinical Director	$269,156
SA Dental Service	as part of Adelaide Health Service	Community Respiratory Physician	$164,734
SA Dental Service	as part of Adelaide Health Service	Senior Registrar Specialist Statewide Medical Health	$141,734
SA Dental Service	as part of Adelaide Health Service	Senior Medical Practitioner Rehabilitation and Recovery Services	$115,997
SA Dental Service	as part of Adelaide Health Service	Senior Medical Practitioner Rehabilitation and Recovery Services	$126,168
Southern Adelaide Local Health Network	as part of Adelaide Health Service	Senior Medical Practitioner Community Treatment Intervention	$120,662

GRANTS AND SUBSIDIES

In reply to **Dr McFETRIDGE (Morphett)** (30 June 2011) (Estimates Committee A).

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

1. The information to address the Honourable Member's question is contained in the attached report.

NB. An agency may have multiple grants each with a different program/service requirement.

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Aboriginal Drug & Alcohol Council (SA) Inc	$104,500	South Australian Illicit Drug Diversion Initiative	Y
Aboriginal Health Council of SA Inc	$2,618,193	Peak Body for Aboriginal Community Controlled Health Service Organisations 2010-11	Y
Aboriginal Health Council of SA Inc		Sexual Health Services for Aboriginal & Torres Strait Islander Young Women and their Partners 2010-11	Y
Aboriginal Health Council of SA Inc		Enhancement of Information Management in the Aboriginal Community	Y
Aboriginal Health Council of SA Inc		Social Marketing Initiative—Aboriginal Social marketing Officer 2011-13	Y
Aboriginal Health Council of SA Inc		2009-12 South Australian Aboriginal Sexual Health Coordination	Y
Aboriginal Health Council of SA Inc		Aboriginal Blood Borne Virus Coordination 2011	Y
Aboriginal Health Council of SA Inc		National Perinatal Depression Initiative (NPDI)—Treatment, Care and Support Project	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Aboriginal Sobriety Group Inc	$77,999	Drug Court Indigenous Service—2009-12	Y
ACEDA Inc	$173,400	Support Services for Panic Anxiety, Obsessive Compulsive and Eating Disorders	Y
Adelaide Day Centre	$82,200	The Adelaide Day Centre for Homeless Persons—2009-12	Y
Adelaide Hills Council	$19,020	School Immunisation Program 2009-11	Y
Adelaide Northern Division of General Practice Ltd	$60,625	Expansion of Sexual Health Services of Northern Metropolitan Adelaide 2010-11	Y
Adelaide Research & Innovation Investment Trust	$263,800	Understanding Men's Health Service Needs Project	Y
Adelaide Western General Practice Network Inc	$100,000	PEN Clinical Audit Tool Research—Adelaide Western General Practice Network Inc 2011	Y
AIDS Council of SA Inc	$1,351,500	South Australian Targeted HIV/AIDS and STI Prevention Program 2009-12	Y
AIDS Council of SA Inc		Clean Needle Program—Deed of Variation—AIDS Council (Education and Referral)	Y
AIDS Council of SA Inc		Clean Needle Program—Deed of Variation—AIDS Council (Norwood)	Y
AIDS Council of SA Inc		HIV Serostatus and Condom Reinforcement Campaign 2009	Y
Anglicare SA Inc	$936,392	Archway Rehabilitation Program Drugs and Alcohol Services 2010-12	Y
Anglicare SA Inc		Drug Court Accommodation Service 2009-12	Y
Anglicare SA Inc		Staying Attached Program	Y
Anglicare SA Inc		Illicit Drug Diversion Initiative 2010-12	Y
Anglicare SA Inc		NPDI—Treatment, Care and Support Project	Y
Australasian Society for HIV Medicine	$15,295	Maintenance of the HIV s100 Prescriber Accreditation System in SA 2009-11	Y
Australasian Society for HIV Medicine		HIV S100 Prescriber Accreditation System 2009-11	Y
Australasian Society for HIV Medicine		Hepatitis C s100 Prescriber Accreditation System 2010-11	Y
Australian & New Zealand Intensive Care Society	$59,225	Australian and New Zealand Intensive Care Society 1 July 2010 to 30 June 2011	Y
Australian Breastfeeding Association	$37,250	Core Business funding support—ABA 1 July 2010 to 30 June 2012	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Australian Council for Health, Physical Education & Recreation SA Branch Inc	$387,500	Eat Well Be Active—Primary Schools Project 2009-11	Y
Australian Council for Health, Physical Education & Recreation SA Branch Inc		Be active Physical Education Week/State Health & Physical Education Conference/Regional Seminars 2009	Y
Australian Drug Treatment & Rehabilitation Programme Inc	$335,800	The Drug Beat of SA Program	Y
Australian Health Promotion Association Limited		Capacity Building Project 2010	Y
Australian Health Promotion Association Limited	$12,000	Capacity Building Project 2011 (AHPA)	Y
Australian Medical Association SA Branch	$16,000	Youth Friendly Doctor (AMA)	Y
Australian Red Cross Blood Service	$1,991,622	Tissue Typing and Bone Marrow Donor Registry Services 2010-11	Y
Australian Red Cross Blood Service		BloodSafe Program 2009-11	Y
Australian Red Cross Society		2008-10 Out of Hospital Funding—Community Food Security Project	Y
Baptist Care (SA) Inc	$190,700	Baptist Care Adventure Services—2009-12	Y
Baptist Care (SA) Inc		2010-11 Peer Support Worker Program	Y
Baptist Care (SA) Inc		REE Project Plan—Baptist SA	Y
Beyond Blue Limited	$278,000	The National Depression Initiative	Y
Bluearth Foundation	$178,000	Eat Well Be Active—Primary School Project (terminated)	Y
Carer Support & Respite Centre Inc	$158,000	2009-11 Carer Support and Respite Pilot Program	Y
Carers Association of SA Inc	$32,300	Support Services for Relatives and Friends of the Mentally Ill	Y
Carers Link Barossa & Districts Inc	$158,000	2009-11 Carer Support and Respite Pilot Program	Y
Catherine House Inc	$974,700	Accommodation Support Program (ASP)	Y
Catherine House Inc		Permanent Supported Accommodation Program (PSAP)	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services	$518,740	Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)—Southern Adelaide—Clients 18-64	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		2009-12 SA Community Respite Care Services for People with HIV/AIDS	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		Illicit Drug Diversion Initiative	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		Centacare Catholic Family Service—SEDACS 2010-11	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		Youth Suicide Intervention Service	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		Grant Offer for National Perinatal Depression Initiative (NPDI)	Y
Catholic Church Endowment Society Inc through Centacare Catholic Family Services		Grant Funding for Furniture and Fittings for new mental health social housing	Y
Ceduna Koonibba Aboriginal Health Service Inc	$194,004	Ceduna Koonibba Aboriginal Health Service Sobering Up Unit and Mobile Assistance Patrol Service 2009-2012	Y
City of Adelaide	$26,867	School Immunisation Program 2009-11	Y
City of Charles Sturt	$124,064	Obesity Prevention And Lifestyle (OPAL) 2010-15 Charles Sturt	Y
City of Charles Sturt		School Immunisation Program 2009-11	Y
City of Charles Sturt		New Arrival Refugee Immunisation Program 2010-13	Y
City of Charles Sturt		Australian Childhood Immunisation Register (ACIR) 2010-13	Y
City of Holdfast Bay	$23,388	School Immunisation Program 2009-11	Y
City of Marion	$57,232	Obesity Prevention and Lifestyle Program (OPAL) 2009-14	Y
City of Marion		School Immunisation Program 2009-11	Y
City of Mitcham	$59,682	School Immunisation Program 2009-11	Y
City of Mount Gambier	$64,868	Obesity Prevention And Lifestyle Program (OPAL) 2009-14	Y
City of Mount Gambier		School Immunisation Program 2009-11	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
City of Mount Gambier		New Arrival Refugee Immunisation Program 2010-13	Y
City of Onkaparinga	$108,229	Obesity Prevention And Lifestyle Program (OPAL) 2009-14	Y
City of Onkaparinga		School Immunisation Program 2009-11	Y
City of Playford	$159,811	Obesity Prevention and Lifestyle Program (OPAL) 2009-14	Y
City of Playford		School Immunisation Program 2009-11	Y
City of Playford		New Arrival Refugee Immunisation Program 2010-13	Y
City of Playford		Australian Childhood Immunisation Register (ACIR) 2010-13	Y
City of Port Adelaide Enfield	$103,562	Obesity Prevention And Lifestyle (OPAL) 2010-15 Port Adelaide Enfield	Y
City of Port Adelaide Enfield		School Immunisation Program 2009-11	Y
City of Port Adelaide Enfield		Australian Childhood Immunisation Register (ACIR) 2010-13	Y
City of Port Adelaide Enfield		New Arrival Refugee Immunisation Program 2010-13	Y
City of Port Lincoln	$10,537	School Immunisation Program 2009-11	Y
City of Salisbury	$83,459	Obesity Prevention and Lifestyle Program (OPAL) 2009-14	Y
City of Salisbury		School Immunisation Program 2009-11	Y
City of Tea Tree Gully	$72,977	School Immunisation Program 2009-11	Y
City of Tea Tree Gully		Australian Childhood Immunisation Register (ACIR) 2010-13	Y
City of Unley	$15,962	School Immunisation Program 2009-11	Y
City of West Torrens	$55,933	School Immunisation Program 2009-11	Y
City of West Torrens		New Arrival Refugee Immunisation Program 2010-13	Y
Clubhouse SA Inc	$273,300	Diamond House-Day & Group Programs	Y
Clubhouse SA Inc		Asset Maintenance/Replacement	Y
Community Centres SA Inc	$81,217	Capacity Building Community Grants Program 2011-12	Y
Community Centres SA Inc		16 & 17 Annual Conference and Anti-Poverty Week 2011-12	Y
Community Centres SA Inc		15th Annual Conference, Anti-Poverty Week 2010-11	Y
Council on the Ageing SA Inc	$120,380	Strength For Life 2010-12	Y
Council on the Ageing SA Inc		COTA Advanced Care Directives Project Proposal 2011	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Country North Community Services Inc	$147,500	2009-11 Carer Support and Respite Pilot Program	Y
District Council of Mount Barker	$19,590	School Immunisation Program 2009-11	Y
District Council of the Copper Coast	$19,000	Obesity Prevention And Lifestyle (OPAL) 2010-15 Copper Coast	Y
District Council of the Copper Coast	$28,017	School Immunisation Program 2009-11	Y
Drug Arm Australasia	$104,300	Drug Arm Australasia (SA)—2009-12	Y
Eastern Health Authority Inc	$104,541	School Immunisation Program 2009-11	Y
Eastern Health Authority Inc		Australian Childhood Immunisation Register (ACIR) 2010-13	Y
Family Drug Support	$109,500	Family Drug Support—2009-12	Y
Flinders & Far North Division of General Practice Inc	$15,000	Supporting Capacity for Cervical Screening in Northern Rural SA	Y
General Practice SA Inc	$2,929,400	Shared Care with General Practitioners Program	Y
GP Partners Adelaide	$169,900	Statewide GP Obstetric Shared Care Program 2010-12	Y
Grow (SA) Inc	$463,600	Mutual Help Groups and Support Services	Y
Health Consumers Alliance of SA Inc	$481,000	Health Consumer Alliance of SA Inc Core Services 2010-13	Y
Health Consumers Alliance of SA Inc		2010-11 One-off Grant Funding Letter	Y
Health Services Research Association of Australia & New Zealand Inc	$25,000	7th Health Services and Policy Research Conference 2011	Y
Helping Hand Aged Care Inc	$552,650	Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)	Y
Helping Hand Aged Care Inc		Day and Group Programs	Y
Hepatitis C Council of SA Inc	$773,600	South Australian Hepatitis C Prevention and Health Promotion Program—2009-12	Y
Hepatitis C Council of SA Inc		Hepatitis C Education & Prevention Rural Expansion Program 2010-12	Y
Kumangka Youth Services Aboriginal Corporation	$67,900	Kumangka—Illicit Drug Diversion INitiative 2010-12	Y
La Trobe University	$15,475	HIV Seroconversion Study 2010-12	Y
Life Education SA Inc	$475,600	Life Education SA Inc 2010-11	Y
Life Without Barriers	$3,824,667	Returning Home Program—Psychosocial Transition, Rehabilitation and Support Services	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Life Without Barriers		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)—Country—All Clients	Y
Life Without Barriers		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)—CNAHS Adult Clients aged 18-24	Y
Life Without Barriers		Housing and Accommodation Support Partnership (HASP) Program	Y
Life Without Barriers		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)—SAHS Adult Clients aged 18-64	Y
Life Without Barriers		Grant funding Furniture and Fittings for new mental health social housing	Y
Light Regional Council	$12,815	School Immunisation Program 2009-11	Y
Lutheran Community Care	$14,200	Letter of Offer for (NPDI) Treatment, Care and Support Project	Y
Mental Health Coalition of SA Inc	$479,200	Mental Health NGO Industry Development, Integration and Support	Y
Mental Health Coalition of SA Inc		Training Services for NGO Mental Health Sector	Y
Mental Health Coalition of SA Inc		Mental Health Week	Y
Mental Health Coalition of SA Inc		Assistance to Maintain Organisational Capacity	Y
Mental Health Coalition of SA Inc		Tender Writing and Procurement Processes Training	Y
Mental Health Council of Australia Inc	$15,505	National Mental Health Conference and Career Forum	Y
Mental Illness Fellowship of SA Inc	$1,043,200	2009-11—Mental Health Resource Centre (MHRC) administration	Y
Mental Illness Fellowship of SA Inc		Mutual Support, Self Help and Information 2010-11	Y
Mental Illness Fellowship of SA Inc		Therapeutic Group Programs 2010-11	Y
Mental Illness Fellowship of SA Inc		Day & Group Programs—Wayville Activities	Y
Mental Illness Fellowship of SA Inc		2010-11 Peer Support Worker Program	Y
MIND Australia	$4,493,881	Housing and Accommodation Support Partnership (HASP)—Cluster Accommodation Burnside LGA	Y
MIND Australia		Returning Home Program—Psychosocial Transition, Rehabilitation and Support Services—Mind Australia	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
MIND Australia		Housing and Accommodation Support Partnership (HASP)—Inner and Outer Southern Sectors	Y
MIND Australia		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS)—Country—All Clients	Y
MIND Australia		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS) CNAHS 18-64 Clients	Y
MIND Australia		Individual Psychosocial Rehabilitation Support Services 2009-11 (IPRSS) Southern Adelaide—All Clients	Y
MIND Australia		2009-11 Carer Support and Respite Pilot Program	Y
MIND Australia		One off grant funding for the purchase of Furniture and Fittings for new mental health social housing	Y
MIND Australia		Offer for National Perinatal Depression Initiative (NPDI)	Y
Mission Australia	$455,200	Illicit Drug Diversion Initiative 2010-12	Y
Mission Australia		Clean Needle Program—Deed of Variation—Mission Australia	Y
Monash University	$39,350	Citizen engagement: Listening to citizens' views about Australia's health system and prevention	Y
National Blood Authority	$29,444,120	2007-12 Funding for Blood and Blood products	Y
National Health Call Centre Network Ltd	$2,997,260	National Call Centre Network Project	Y
National Heart Foundation of Australia (SA Division)	$699,482	South Australian Cardiovascular Research Development Program (SACVRDP)	Y
National Heart Foundation of Australia (SA Division)		The SA Active Living Coalition 2010-11	Y
National Heart Foundation of Australia (SA Division)		2009-11—SA Walking Summit/Expansion of Heart Foundation Walking Program	Y
Neami Ltd	$3,783,867	Returning Home Program—Psychosocial Transition, Rehabilitation and Support Services	Y
Neami Ltd		Individual Psychosocial Rehabilitation Support Services 2009-11 CNAHS Adult Clients aged 18-64	Y
Neami Ltd		Housing and Accommodation Support Partnership (HASP)—Northern, North Eastern, Eastern and Western	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Neami Ltd		Individual Psychosocial Rehabilitation Support Services 2009-11 South Country—All Clients	Y
Neami Ltd		Metro Community Living West—Accommodation Support Program (ASP)	Y
Neami Ltd		Day and Group Programs	Y
Neami Ltd		One off grant funding for the purchase of Furniture and Fittings for new mental health social housing	Y
Nganampa Health Council Inc	$86,600	Drugs and Alcohol Services Program	Y
Northern Area Community & Youth Services Inc	$72,200	2009-10—Illicit Drug Diversion Initiative	Y
Offenders Aid & Rehabilitation Services of SA Inc	$98,000	Illicit Drug Diversion	Y
Office for Recreation & Sport	$625,000	Be Active @ Work Project 2009-11	Y
Office for Recreation & Sport		Be Active PlayTime 2009-10	Y
Palliative Care Council of SA Inc	$80,958	Palliative Care Council of South Australia Support Service 2009-12	Y
Port Adelaide Football Club Ltd	$30,000	Power Community Youth Program 2010-11	Y
Port Augusta City Council	$572,032	Pt Augusta Substance Misuse Services—2009-12	Y
Port Augusta City Council		Obesity Prevention And Lifestyle Program (OPAL) 2009-14	Y
Port Augusta City Council		School Immunisation Program 2009-11	Y
Port Lincoln Aboriginal Health Service Inc	$20,500	Port Lincoln Aboriginal Well Women's Screening Project	Y
Positive Life South Australia Inc	$227,986	2009-12—South Australian Health Promotion Program for People with HIV/AIDS	Y
Public Health Association of Australia Inc	$11,000	Food Futures 2010	Y
Relationships Australia (SA) Health Promotion Services	$1,826,875	2010-11 Cope—Integrated and collaborative services	Y
Relationships Australia (SA) Health Promotion Services		South Australian Blood Borne Virus & STI Program for People from Culturally & Linguistically Diverse Backgrounds 2009-12	Y
Relationships Australia (SA) Health Promotion Services		SA Community Support & Counselling Service For People With HIV/AIDS and Hepatitis C 2009-12	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Relationships Australia (SA) Health Promotion Services		SA HIV & Hepatitis C Workforce Development Program 2009-12	Y
Relationships Australia (SA) Health Promotion Services		Mental Health First Aid Training Program 2008-11	Y
Relationships Australia (SA) Health Promotion Services		SQUARE Program	Y
Relationships Australia (SA) Health Promotion Services		HIV Travel Safe Campaign 2010	Y
Relationships Australia (SA) Health Promotion Services		National Perinatal Depression Initiative (NPDI)—Treatment, Care and Support Project	Y
Royal Australasian College of Surgeons	$182,310	Australian Safety and Efficiency Register of New Interventional Procedures—Surgical (ASERNIP-S) 2008-11	Y
Royal District Nursing Service SA Inc	$7,930,754	RDNS core services contract—2009-10	Y
Royal District Nursing Service SA Inc		RDNS Long Term Post Acute Nursing Service	Y
Royal District Nursing Service SA Inc		RDNS Post Acute Nursing Service	Y
Royal District Nursing Service SA Inc		HIV/AIDS Primary Care Coordination Program 2009-12	Y
Royal District Nursing Service SA Inc		WorkCover Grant 2009-12	Y
Royal District Nursing Service SA Inc		Chairing of Clinical Network 2009	Y
Rural City of Murray Bridge	$11,955	School Immunisation Program 2009-11	Y
Sally Chance Dance	$12,000	Grant Offer for National Perinatal Depression Initiative (NPDI)	Y
Sexual Health Information Networking & Education SA Inc	$5,683,700	SHine SA Core Services Grant Funding 2010-11	Y
Sexual Health Information Networking & Education SA Inc	$24,400	Sexual Health Education Programs Targeting Aboriginal Young People 2010-11	Y
South Australian Council of Churches	$322,300	Chaplaincy Program 2010-15	Y
South Australian Council of Churches		Research and Review of Mental Health Chaplaincy in SA	Y
South Australian Health & Medical Research Institute Limited	$5,207,638	Establishment Grant	Y
South Australian Network of Drug & Alcohol Services Inc	$115,900	Drugs and Alcohol Services Program 2008-11	Y
South East Drug & Alcohol Counselling Service Inc	$181,250	SE Drug and Alcohol Counselling Service Inc—2009-12	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
Southern Junction Community Services Inc	$1,775,544	Housing and Accommodation Support Partnership Program (HASP)—Southern Junction Community Services	Y
St John Ambulance SA Inc	$190,138	The provision of First Aid Services in SA 2010-11	Y
St Vincent De Paul Society (SA) Inc	$10,000	Compeer Mental Health Program	Y
Supported Residential Facilities Association of SA Inc	$27,500	Mental Health First Aid Training Course	Y
Survivors of Torture & Trauma Assistance & Rehabilitation Service	$335,100	Program for survivors of torture and trauma	Y
Survivors of Torture & Trauma Assistance & Rehabilitation Service		2008-10 Program for survivors of torture and trauma	Y
The Barossa Council	$12,611	School Immunisation Program 2009-11	Y
The Diabetic Association of SA Inc	$536,787	2006-11 Diabetes Needle and Syringe Subsidy Program (was 114/1404)	Y
The Flinders University of South Australia	$2,972,509	South Australian Community Health Research Unit 2010-13	Y
The Flinders University of South Australia		Flinders Health Care Management 2010-14	Y
The Flinders University of South Australia		Increasing Consumption of Fruit & Vegetables project (stage 2) (FUSA)	Y
The Flinders University of South Australia		2009-12—NCETA	Y
The Flinders University of South Australia		Practitioner Fellowship Awards (Flinders Uni—Dr M Burt)	Y
The Flinders University of South Australia		Preventing diabetes in pregnancy from progressing to type 2 diabetes	Y
The Flinders University of South Australia		Socio-economic status and overweight/obesity: supply of and access to (un)healthy food	Y
The Flinders University of South Australia		Stepping Up: Mainstream Care for Aboriginal People	Y
The Flinders University of South Australia		Health, economic, psychological and social benefits of educating carers	Y
The Flinders University of South Australia		Interim Funding Agreement to Support the Establishment of the Centre for Intergenerational Health	Y
The Flinders University of South Australia		Food and beverage marketing to children using non-broadcast media	Y
The Flinders University of South Australia		Equity of bowel cancer screening: an epidemiological and qualitative study	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
The Flinders University of South Australia		Managing System and Patient Sequelae to the National Bowel Screening Program	Y
The Flinders University of South Australia		Out of Hospital Services—Early feeding project (NOURISH)	Y
The Flinders University of South Australia		Psychosocial, demographic and program variables associated with bowel cancer re-screening	Y
The Flinders University of South Australia		2008-11 Parenting Eating and Activity for Child Health (PEACH)—Out of Hospital Service	Y
The Flinders University of South Australia		Department of Health Research Awards Program (Flinders University)	Y
The Flinders University of South Australia		Health Economics Collaborative (Flinders University)	Y
The Salvation Army (SA) Property Trust	$982,650	The Salvation Army Sobering Up Unit 2010-12	Y
The Salvation Army (SA) Property Trust		Illicit Drug Diversion	Y
The University of Adelaide	$1,819,621	Outsourcing of Population Research Outcomes Studies Unit	Y
The University of Adelaide		Mental Health Library 2008-11	Y
The University of Adelaide		Practitioner Fellowship Awards (University of Adelaide—Dr Hull)	Y
The University of Adelaide		Research grant—health & education sector relationships—health programs for students ARC 2011-12	Y
The University of Adelaide		2011 Joanna Briggs Institute International Conference	Y
The University of Adelaide		SA Health PhD Scholarships to Examine and Redesign the Model of Care For People With/At Risk Of Developing Chronic Conditions	Y
The University of Adelaide		National Australian Conference on Evidence Based Clinical Leadership	Y
The University of Adelaide—Research Grants		Australia's Baby Boomer Generation, Obesity and Work—Patterns, Causes and Implications	Y
The University of Adelaide—Research Grants		Discipline of Public Health 2007-11—J Moss FHECH 80001800	Y
The University of Adelaide—Research Grants		Effective strategies to reduce the costs of overweight and obesity to South Australia	Y
The University of Adelaide—Research Grants		Does nurse home visiting improve the health and wellbeing of mothers and infants?	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
The University of Adelaide—Research Grants		Assessing equitable and efficient solutions to reduce hospital demand	Y
The University of Adelaide—Research Grants		Health Economics Collaborative (Adelaide University)	Y
The University of Adelaide—Research Grants		Interim Funding Agreement to Support the Establishment of the Centre for Intergenerational Health	Y
The University of Adelaide—Research Grants		Evaluating the long-term costs and benefits of community-based initiatives	Y
The University of Adelaide—Research Grants		Heatwaves, population health & emergency management in Australia—a qualitative study	Y
The University of South Australia	$1,281,830	SA NT Data Linkage Consortium Agreement	Y
The University of South Australia		Improve Primary Health Care Performance & Outcome for Indigenous People (R Bailie)	Y
The University of South Australia		Smoking reduction strategy development and intervention among Aboriginal Health Workers	Y
The University of South Australia		Deed of Agreement Chair in Mental Health (Practice and Research)	Y
The University of South Australia		Smoking: Aboriginal Health Workers	Y
The University of South Australia		Health Economics Collaborative (University of South Australia)	Y
The University of South Australia		Radiation Therapy Clinical Preceptor Support 2009-12	Y
The University of South Australia		Linking Place to Metabolic Syndrome and Antecedents of Behaviours and Psychosocial Wellbeing	Y
The University of South Australia		Developing an evidence-based health workforce planning model for primary care	Y
The University of South Australia		Ethics Centre of South Australia	Y
The University of South Australia		Interim Funding Agreement to Support the Establishment of the Centre for Intergenerational Health	Y
The University of South Australia		PhD Scholarships to examine and redesign the model of care for people with or at risk of developing Chronic Conditions	Y
The University of South Australia		Unpacking the mechanisms of Aboriginal well-being interventions for children and youth	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
The University of South Australia		Consultancy Services for Evaluation of the Returning Home Program	Y
The University of South Australia		Priority Setting in Child Protection: developing an evidence-based strategy to reduce child abuse & neglect & associated harm	Y
The University of South Australia		Common Ground Evaluation	Y
The University of South Australia		Simple Services Agreement (Prof. David Roder)	Y
The University of Wollongong	$18,830	2009-11—AROC Project	Y
Town of Gawler	$18,627	School Immunisation Program 2009-11	Y
Tullawon Health Service Inc	$11,025	Tullawon Health Service Inc	Y
Umoona Tjutagku Health Service Aboriginal Corporation	$16,000	SA Health Aboriginal Bowel Cancer Screening Trial 2010	Y
Umoona Tjutagku Health Service Aboriginal Corporation		Umoona Tjutagku Well Women's Screening Project 2010-12	Y
UnitingCare Wesley Adelaide Inc	$4,271,992	Byron Place Community Centre—2009-12	Y
UnitingCare Wesley Adelaide Inc		Individual Psychosocial Rehabilitation Support Services 2009-11—Central Northern Adelaide—Older Persons (IPRSS)	Y
UnitingCare Wesley Adelaide Inc		Individual Psychosocial Rehabilitation Support Services 2009-11—Southern Adelaide—Older Persons (IPRSS)	Y
UnitingCare Wesley Adelaide Inc		Illicit Drug Diversion Initiative 2010-12	Y
UnitingCare Wesley Adelaide Inc		2009-10—Illicit Drug Diversion Initiative (IDDI)	Y
UnitingCare Wesley Adelaide Inc		Streetlink Youth Health Service 1 July 2010 to 30 June 2011	Y
UnitingCare Wesley Bowden Inc		Counselling Support—2009-12	Y
UnitingCare Wesley Port Adelaide Inc		Individual Psychosocial Rehabilitation Support Services 2009-11—Central Northern Adelaide—Clients 18-64 (IPRSS)	Y
UnitingCare Wesley Port Adelaide Inc		2010-11 GP Access Program Southern & Western Metro	Y
UnitingCare Wesley Port Adelaide Inc		Individual Psychosocial Rehabilitation Support Services 2009-11—North Country—All Clients (IPRSS)	Y
UnitingCare Wesley Port Adelaide Inc		The Southern Metropolitan Accommodation Support Program (ASP)	Y

Name of Grant Recipient	Amount of Grant FY 2010-11	Purpose of Grant	Subject to grant agreement Y/N
UnitingCare Wesley Port Adelaide Inc		Supported Housing in the North	Y
UnitingCare Wesley Port Adelaide Inc		Illicit Drug Diversion Initiative—2010-12	Y
UnitingCare Wesley Port Adelaide Inc		Avalon Support Project	Y
UnitingCare Wesley Port Adelaide Inc		Employment Access Program	Y
UnitingCare Wesley Port Adelaide Inc		Grant Funding for Furniture and Fittings for new mental health social housing	Y
Unity Housing Company Ltd	$2,484,101	Housing and Supported Accommodation Support Partnership Program (HASP)	Y
Vietnamese Community in Australia	$64,600	Illicit Drug Diversion Initiative	Y
Vietnamese Community in Australia		Clean Needle Program—Deed of Variation—Vietnamese Community of Australia	Y
Whyalla City Council		School Immunisation Program 2009-11	Y
Yalata Community Inc	$161,500	Illicit Drug Diversion Initiative	Y
TOTAL	$106,884,874		

THINKERS IN RESIDENCE

In reply to **Ms CHAPMAN (Bragg)** (30 June 2011) (Estimates Committee A).

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:

1. Ten objectives have been set as the Terms of Reference for Dr Alexandre Kalache's residency with the Adelaide Thinkers in Residence Program. The objectives have been developed through collaboration between the Adelaide Thinkers in Residence's Office, Dr Kalache and residency partners.

The overarching purpose of Dr Kalache's residency is to develop strategies that allow a greater number of older South Australians to maintain their independence and participate in life as connected members of their communities. Dr Kalache's Terms of Reference are:

- deepen the commitment to the global movement on Age Friendly Cities and identify how South Australia can incorporate this concept into planning and action across all sectors of society;
- design an age-friendly prototype for communities throughout South Australia;
- forge close links with other States and cities to enable the exchange of models of good practice;
- challenge and change perceptions and attitudes to having an ageing society and create greater understanding of the positive contributions of older people to South Australia;
- work across sectors and with key partners to support policies, plans and strategies that promote healthy ageing, supportive environments and positive community attitudes for current and future generations of older people;
- advise on a person-centred care approach for older people in their interactions with health services focusing on recovery and restoration of function and capacity;

- increase knowledge, understanding and awareness of the needs of older South Australians in particular older Australians with migrant and/ or refugee backgrounds;
- engage younger generations in the effort of building a 'society for all ages' committed to intergenerational solidarity;
- strengthen research opportunities related to Active Ageing and Age Friendly concepts;
- explore opportunities to project Adelaide and South Australia as an international centre of reference for active ageing policies.

2. The Department for Communities & Social Inclusion and the Department for Health & Ageing are the only State Government departments funding Dr Kalache's residency. Other funding has been provided by Local Government and not-for-profit organisations.

The Department of the Premier and Cabinet are the custodians of the Thinker in Residence program and cover secretariat costs.'

PUBLIC SECTOR EMPLOYEES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (8 November 2011) (Estimates Committee A).

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development): I have been advised of the following:

No, the Under Treasurer did not instruct departmental CEOs to discourage public servants from cashing out their long service leave.

GM HOLDEN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Of all the companies which have been associated with the manufacturing history of our state, there has been none more central to our development than Holden. Ever since the Elizabeth plant opened with the strong support of Sir Thomas Playford, Holden has been the cornerstone of our state's industrial strength and has employed thousands of workers in Elizabeth. But more important than Holden's contribution to history is its potential as a foundation for our state's advanced manufacturing future.

Innovative South Australian automotive components manufacturers—including many at the Edinburgh Park site directly opposite Holden—rely upon the competitive advantage of having an automotive plant right on their doorstep, as well as a cluster of skills and capabilities which would be permanently lost if Holden were to cease manufacturing.

Given the discussions that the government has been having with General Motors about future co-investment at the Elizabeth site, the Department for Manufacturing, Innovation, Trade, Resources and Energy commissioned a report from Associate Professor Barry Burgan, the head of the business school at the University of Adelaide, on the contribution that Holden's operations at Elizabeth make to our state's economy. His report is unequivocal. Associate Professor Burgan says:

> In summary therefore, the closure of Holden would, it has been estimated, cause the loss (relative to the contribution in 2011) of between 6,000 and 16,000 jobs in the state, reduce the value of economic activity by between $0.5 billion and $1.5 billion and a decline in state taxation revenue of between $25 million and $83 million.

Further, Associate Professor Burgan warns:

> Given current economic conditions, and competitive circumstances in the manufacturing sector, it could be considered that the higher of these estimates is a distinct possibility.

Associate Professor Burgan's report makes crystal clear the economic benefit to the state from car making. As I have said many times before, there will be co-investment from the government to continue car making in this state. We have received Holden's final submission and it is currently under consideration. Following consideration by government, the proposal will be considered by the board of General Motors in Detroit. The government will provide more information once the proposal has been considered by the board.

The benefits which Holden provides to the state are now clear. The level of co-investment will become clear following the consideration of the proposal by General Motors' board. Now is the time for those opposite to get behind car making in South Australia, rather than risking the loss of skills and capabilities which are so vital to this state.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following papers were laid on the table:

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

Murray-Darling Basin Authority—Annual Report 2010-11
National Environment Protection Council—Annual Report 2010-11
South Eastern Water Conservation and Drainage Board—Annual Report 2010-11

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

Teachers Registration Board of South Australia—Annual Report 2010-11

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:09): I bring up the first report of the committee, entitled Subordinate Legislation.

Report received.

PUBLIC WORKS COMMITTEE

Mr ODENWALDER (Little Para) (14:09): I bring up the 435th report of the committee, entitled John Pirie Secondary School—New Administration Building.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 438th report of the committee, entitled Lake Windemere CPC-7 School Redevelopment.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 437th report of the committee, entitled Main North Road Realignment via Anama Lane.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 434th report of the committee, entitled Northern Lefevre Peninsula Open Space.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 436th report of the committee, entitled Renmark Intersection Upgrades.

Report received and ordered to be printed.

QUESTION TIME

SOUTH AUSTRALIAN ECONOMY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is to the Treasurer. As state debt approaches $11 billion and Labor is running budget deficits of $367 million, $453 million and $348 million in the next three years, in which year does the Treasurer think we will have money to put into a future fund—2020, 2030 or 2040?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:11): There is no doubt that in time our revenues will recover back to trend, and indeed—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —the Olympic Dam mine expansion, as we will see after the overburden is removed and they start digging ore, will start producing royalties in about six years' time. There is no doubt that it is going to take a little time, but this state has an incredibly optimistic future and what the Premier—

Members interjecting:

The Hon. J.J. SNELLING: I know members opposite don't like good news. I know they like nothing better than to try and talk down and rubbish the South Australian economy, but the people of South Australia know better. The people of South Australia know much better. We will see enormous growth particularly from the development of our mineral resources sector.

There are enormous opportunities. The Premier has quite rightly identified that the income flows that we will receive from those ventures should be put to the benefit of future generations of South Australians, not just the existing generation of South Australians. It is a good idea and one I wholeheartedly support.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Before we go on to the next question, I would just like to draw members' attention to the presence in the gallery of the Public Accounts and Estimates Committee, a group from Victoria who are visiting our parliament today. We would like to welcome you and hope that your question time is not as noisy as ours.

QUESTION TIME

AUTOMOTIVE INDUSTRY

Mr SIBBONS (Mitchell) (14:13): My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister inform the house on steps to secure the future of the automotive sector in South Australia, a central element of our advanced manufacturing industry? What reaction has there been to this action, and what is the government's response?

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:14): I haven't said a word yet and they are very excited, ma'am. I thank the member for his important and timely question and his longstanding support for manufacturing workers in this state. This government unequivocally supports the long-term future of the automotive industry in this state—no ifs, no buts.

That is why, together with the Minister for Manufacturing, Kim Carr, our new Premier travelled to Detroit to meet key decision-makers and argue the case for South Australia having a firm place in General Motors' future global plans.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The future of Holden and its component suppliers in Australia involves both building on our world-class local industry that is entrenched in the global automotive business and pushing forward on our ambition to create a more vibrant advanced manufacturing sector in South Australia. The agreement we have negotiated with General Motors involves co-investment by the South Australian, Victorian and federal governments to create a much closer working relationship between General Motors Holden and component suppliers within Australia. Progress is continuing in these negotiations and I am hopeful that a mutually beneficial agreement can be completed in the coming weeks. That is where we stand: united behind one purpose. The position of the other side is much harder to discern.

Mr WILLIAMS: Point of order, Madam Speaker. The minister is now debating the answer, which is against standing orders.

The SPEAKER: Thank you, member for MacKillop. The minister is answering the question the way he chooses, but I will listen carefully to his words.

The Hon. A. KOUTSANTONIS: When the problems at General Motors first came up, the opposition leader threw in the towel immediately, querying whether there was a future in this country for car makers, and I quote—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order: the minister is now debating the answer to the question.

The SPEAKER: Thank you, member for MacKillop, but there was so much noise coming from your side I could not hear what the minister was saying. Minister, I refer you back to the question.

The Hon. A. KOUTSANTONIS: The alternative premier of South Australia says this about manufacturing:

> When you look at a map of the world, if you wanted to produce something very heavy and transport it around the world, this probably wouldn't be the place you would choose.

What a ringing endorsement of manufacturing in South Australia—the manufacturing opposition leader. Even before the delegation went to Detroit and had set foot in the United States, the opposition leader questioned whether any actual assurance for the future—

Members interjecting:

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

Mr WILLIAMS: The question was about what the government was doing to support Holden's and did not invite the minister to enter debate.

The SPEAKER: I will point out that part of the question was 'what reaction has there been to this action and what was the government's response', so I think it is within the bounds, but I will—

Mr WILLIAMS: Exactly, Madam Speaker, that was the question: what was the government's response?

The SPEAKER: I would ask the minister to respond to the question.

The Hon. A. KOUTSANTONIS: Yes, ma'am, I will, to the letter of the standing orders, as I always do. This is what the Leader of the Opposition said. She questioned whether any actual assurance for the future commitment of GM would be achieved by going over there, and counselled that better time and effort would be spent within the state. Then, of course, she promptly went on holiday—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —and spent time better off elsewhere—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —and left the running to her shadow ministers.

Members interjecting:

The SPEAKER: Order! Member for MacKillop, point of order.

Mr WILLIAMS: This has got nothing to do with the question. The reality is, if we want to have a debate on it, I invite the minister to call it on in government business and we will clearly make the point that the Victorian government did not send anybody to Detroit.

The SPEAKER: Thank you. I think you were debating the question also then, member for MacKillop. As I said, the question does say, 'What reaction has there been to this action?' and it is within the realms, and I have consulted with the Clerk on this.

The Hon. A. KOUTSANTONIS: It gets better, Madam Speaker.

The SPEAKER: Minister, I ask you not to be provocative.

The Hon. A. KOUTSANTONIS: I try my very best, ma'am. Blessed are the peacemakers. Her loyal deputy had another view. Apparently—

An honourable member: Is that lipstick on your lapel?

The Hon. A. KOUTSANTONIS: No, it wasn't me. I wasn't busy last night. It was the member for Norwood.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: What did they have to say; what did her deputy leader have to say, who supported the privatisation of our state's ports? He suggested that, instead of spending money on our automotive industry, it would be better spent on a deep-sea port. Apparently—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker.

The Hon. A. KOUTSANTONIS: These are your own words.

Mr WILLIAMS: Not only is the minister debating, he is misleading the house. I never ever said that and the minister knows full well that I didn't. He is misleading.

The SPEAKER: Then the member will have an opportunity afterwards for a personal explanation if he feels he has been maligned. The member for—

Members interjecting:

The SPEAKER: Quiet! Will you please be quiet. I cannot hear what is going on in this place. Somebody else will go out today. Member for Croydon.

The Hon. M.J. ATKINSON: The deputy leader has accused the minister of misleading the house and I ask you to order him to withdraw it, because it is an allegation that may only be made by substantive motion.

The SPEAKER: I've given the member for MacKillop an opportunity after question time, if he believes that he's been maligned, to rise and to then question it. We will continue with question time at this stage.

The Hon. A. KOUTSANTONIS: Apparently we should provide taxpayers' money to an industry that is booming off the back of global demand for our resources and ignore the manufacturing industry as it painstakingly takes—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: On a point of order: standing order 98 clearly states that the minister must not enter into debate whilst answering a question. The minister is clearly debating the answer when saying 'apparently we should be doing this and doing that'. It is clearly debate.

Members interjecting:

The SPEAKER: Order! I have already pointed out that the wording of the question was fairly wide—'reaction to the action', etc.—so I think the minister is within his realms at this stage but, minister, I would ask you to please come to a conclusion with your answer.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

Mrs REDMOND: I seek clarification of that ruling. You're saying that the minister isn't debating and yet he is using words like 'apparently' and then suggesting an interpretation of things that have been said. How is that not debate, and how does it come within the wording of the question, even on your reading of it, which refers to reactions? He is interpreting statements not dealing with reactions, even on your ruling.

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

The SPEAKER: We haven't dealt with the first one first. However, with the Leader of the Opposition's point of order, I think it is a matter of opinion how this is interpreted. In my opinion, the minister is within his realms and I won't allow the point of order. Minister for Transport, did you have a further point of order?

The Hon. P.F. CONLON: I make the point of order that if the Leader of the Opposition wishes to—

Mr Williams: What number?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! If we continue in this vein, we will call question time to a close and I will leave the chamber.

Mrs Redmond interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. P.F. CONLON: If the Leader of the Opposition wishes to contest your ruling, she needs to do it by the standing orders and move dissent in your ruling. She cannot have two bob each way.

The SPEAKER: Thank you, Minister for Transport. Minister for trade, can you please conclude your answer.

The Hon. A. KOUTSANTONIS: Manufacturing is, of course, struggling under a high exchange rate which is making it very difficult for Australian manufacturers. The federal opposition entered into a discussion about co-investment in the automotive industry. My favourite member of the opposition, the member for Norwood, had something very interesting to say about opposition policy. This is what he said. He was asked on 19 January whether he supported Tony Abbott's automotive industry policy. He said, 'There is no difference whatsoever between us and Tony Abbott.' But then he said to the reporter, 'Oh, but I haven't read the policy.' Honestly, this guy is a gift voucher, he keeps on giving. He keeps on giving, this guy, it's amazing. But that's not it.

Mr Marshall: Make up your own line.

The Hon. A. KOUTSANTONIS: What did you say?

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Madam Speaker, could you please clarify in what way the minister interpreting any statements by people on this side is not debate?

The SPEAKER: The minister is responding to what reactions have been to this action, so, in my opinion, there is no issue. However, minister, once again, I would ask you to conclude your answer. This is obviously upsetting the opposition.

Mr WILLIAMS: Point of order: I seek clarification of your ruling. Are you saying that if a member of the government backbench asks a minister to enter into debate, it is then within the standing orders for the minister to enter into debate? Is that your ruling?

The SPEAKER: No, that is not my ruling. I am saying that, the question is such, it is a wide open question, and it asked for a reaction to—

Members interjecting:

The SPEAKER: It would not be the first time there has been debate offered in questions in this place, from both sides of the chamber.

The Hon. I.F. Evans: It's out of order.

Mr WILLIAMS: It is out of order. The opposition is constrained by standing order 97 and the government is constrained by standing order 98, which is what makes question time work. We ask questions and we get factual answers to the questions. That is how question time is supposed to work, but what we have got here is ministers tying the opposition's hands behind their backs and

having a red-hot go by debating when we have no opportunity to respond. That is why question time breaks down, Madam Speaker. I ask you to reflect on what the new Premier said on his first day.

The SPEAKER: Thank you, member for MacKillop. To stop any of this issue, to solve the problem, I would ask the minister to sit down. I think you have concluded your answer. We will move on to the next question. The Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! Leader of the Opposition.

FORESTRYSA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:26): My question is again for the Treasurer. Given that the federal Future Fund invested in assets such as forests and, indeed, it is potentially an interested purchaser of our forests for its future fund, how is it good policy to sell the state's forests and then establish a separate future fund?

The Hon. P.F. CONLON: Point of order: given that the deputy leader has railed against debate for so long, I would suggest that there is argument in that question and it should be ruled out.

The SPEAKER: Yes; I was going to give that ruling. We are talking about debate and there was certainly debate in that question. I think I will rule that question out of order at this stage. The member for Taylor.

Members interjecting:

The SPEAKER: Order!

MURRAY-DARLING BASIN PLAN

Mrs VLAHOS (Taylor) (14:27): Can the Premier advise on the community feedback the government has received to date regarding the draft Murray-Darling Basin Plan that was released late last year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:27): I thank the member for this question. Since the release of the draft basin plan, both the Minister for the River Murray and I have met with people along the length of the River Murray and many others interested in the future of this great river. These meetings have been an important part of developing a strong South Australian position in relation to the river, one that all South Australians can unite behind.

From what people have told us there is widespread agreement that only a united South Australian response to the plan will give us the best possible outcomes for our state. In fact, areas of agreement dominate the discussions. There is a genuine understanding that this process represents a once-in-a-lifetime chance to restore this river to health.

People agree that only a healthy river can sustain the livelihoods of people who depend on it. They agree that any decisions made regarding the amount of water that needs to be returned to the system must be evidence-based and underpinned by the best available science. They agree that South Australia's responsible actions in capping our take on the river 40-odd years ago and investing in the most efficient irrigation in the system needs to be reflected in the final basin plan.

The main areas of discord, I must say, seem to be from those opposite and their federal colleagues. Indeed, it is really quite difficult to find out what is the position of those opposite. In commenting on the draft basin plan members opposite and their federal counterparts have argued this: the member for MacKillop, 28 November 2011, 'South Australia looks like it is going to be dudded over this.' Same day, member for MacKillop, 'The draft plan as far as it goes could be okay.'

The Hon. P.F. Conlon: On the same day?

The Hon. J.W. WEATHERILL: On the same day. Senator Simon Birmingham, 28 November 2011, 'There is just no certainty in this plan.' Then, federal member for Mayo, Jamie Briggs, in a letter to his constituents in December 2011 said, 'There are some encouraging elements in the plan.' Then, we have the federal member for Sturt, Christopher Pyne, on a web post on 5 December 2011, the lack of information has 'shrouded the plan in secrecy'. Then, finally, we have Mr Secker on 14 February in the *Murray Pioneer* saying, 'Overall, the Murray-Darling

Basin Authority has got the balance right.' This complete muddle in thought from those opposite reflects something which I think—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —we have become familiar with. This is something about which South Australians feel strongly. They expect all members of parliament in this state to represent the same united position on standing up for this river. The reason you get—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: What were you doing down at Mount Gambier? What on earth was put in your—

The Hon. J.J. Snelling: She was pulling knives out of her back.

The Hon. J.W. WEATHERILL: That's right.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: What did they put in your coffee down there? You have come back in such an agitated mood. What was the order of business? Was it that we should muscle up like Tony Abbott? Should we try to—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Point of order, Madam Speaker. The point of order is on the relevance of this answer. The minister is rambling—

The SPEAKER: Yes, I will uphold that point of order. The Premier will get back to the substance of the question.

The Hon. P.F. CONLON: A further point of order, Madam Speaker. It has been the constant interjections that led the Premier off the path. If the other side wish standing orders to be obeyed, perhaps they could start on their own side.

The SPEAKER: Thank you, minister for transport. Premier, could you conclude your answer.

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker, and, perhaps I could say to the opposition, because it is central for us having a unified position in South Australia, that if they could perhaps have a meeting (rather than discuss their tactics about how they are going to disrupt the parliament) to discuss a united position in relation to the River Murray, we will be in a much—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —stronger position to get the best possible—

Mrs Redmond interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. J.W. WEATHERILL: —outcome for the river and for our state.

The SPEAKER: The member for Chaffey.

MURRAY-DARLING BASIN PLAN

Mr WHETSTONE (Chaffey) (14:31): My question is to the Minister for Water and the River Murray. Minister, which Labor faction do we believe: the right senator, Don Farrell, who supports federal Labor's Murray-Darling Basin Authority draft plan, or the Premier from the left, who wants to take it to the High Court?

Members interjecting:

The SPEAKER: Order! Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:31): Thank you, Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Madam Speaker, I want to make this absolutely clear: it does not matter who on which side of politics gets in our way in relation to defending the river, we will stand up for South Australia. Can I say, Madam Speaker, to everyone in this place, if the member for Chaffey—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —had the interests of his constituents at heart, he would be joining with me—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order, Madam Speaker. Again, I am a stickler for standing orders. I cannot hear the Premier, and I am two seats away.

The SPEAKER: Absolutely; I cannot hear him, either.

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, you are warned!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Premier, can you sit down until we have some order in this place.

Mr Pederick interjecting:

The SPEAKER: Order! Member for Hammond, you are warned. You got two warnings yesterday, look out! Premier.

The Hon. J.W. WEATHERILL: Madam Speaker, we are at a critical stage in the deliberations in relation to the basin plan. We are formulating our response. There is an opportunity to influence the final shape of the plan. Those opposite, to the extent that they give comfort to those upstream interests whose only interest is to make sure they do not put an extra drop of water back into that river, are damaging South Australia's interests. For once, put your state ahead of your party.

OBESITY PREVENTION AND LIFESTYLE PROGRAM

Mrs GERAGHTY (Torrens) (14:33): My question is to the Minister for Health and Ageing. Can he inform the house on the impact the Obesity Prevention and Lifestyle Program is having in South Australian communities?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:33): I thank the member for this question. It is an important question about an important area of policy. The Obesity Prevention and Lifestyle Program (known as OPAL colloquially) is the biggest single investment in decades to address levels of obesity among children in our state. It is one of our government's commitments to creating healthy and active neighbourhoods, and brings together a whole range of people within the community, such as schools, councils, doctors, leaders of sporting groups, social organisations,

businesses, and so on, to work around the one issue—to try to reduce the level of obesity in that community.

As part of OPAL, a major evaluation of the project, I am pleased to say, is now underway. One part of the evaluation has been market research involving community members in the OPAL sites to gain an understanding of how the program is going. I am pleased to say that those initial results are encouraging. It is very early days but we are starting to see some impact, and I would like to advise the house of that impact.

I am advised that parents of children in OPAL communities report that their children have started to drink fewer sugar-sweetened beverages than in non-OPAL communities; that is, 46 per cent versus 40 per cent. There has also been a greater change in water and milk being provided as a first choice at snack or mealtimes by parents in OPAL communities: 8 per cent versus 4 per cent. These are obviously small changes but one way of looking at going from 4 per cent to 8 per cent is that it has doubled. We still have a long way to go, but it is very encouraging that we have started to see this improvement. It does require a long-term commitment.

Further, OPAL communities are reported to have made more change in reducing soft drink purchases: 15 per cent versus 11 per cent, and in reducing sugar-sweetened beverage consumption: 15 per cent versus 10 per cent. OPAL uses a thematic approach to the promotion it does in its area. One of the early themes was, 'Water. The Original Cool Drink.' From the market research just mentioned, it would appear that OPAL is having an impact in communities around that theme.

This is a unique investment. It involves all levels of government: commonwealth, state and local government. It is a 10-year program with a $40 million price tag. I am pleased to say that there is support from a whole range of sectors. It is really important that we receive broadbased community support for this: government, community and academics. The Scientific Advisory Committee guiding this initiative includes people with expertise in childhood obesity prevention, physical activity, population health, endocrinology—I can never say that word.

Mrs Redmond interjecting:

The Hon. J.D. HILL: Thank you very much. I appreciate the bipartisan support from the leader. It is good to see a helpful interjection.

The Hon. A. Koutsantonis: You do have something in common, you were both part of New South Wales Labor.

The Hon. J.D. HILL: That is true, we were part of New South Wales Labor. I think I joined later though—clinical nutrition, social marketing, body image sensitivities and epidemiology. There is even support from the opposition leader, I am pleased to say. It is important that we have bipartisan support. She travelled to meet the founder of EPODE—the French program on which it is based—Jean Michel Borys, in France in 2009 and stated in her travel report that she:

> ...was impressed with the approach of Dr Borys to obesity and how it is best treated via a broad-based community approach.

The opposition leader in fact endorsed the expansion of the program into the older population, and I think that is worth considering. So, I do support this. It is important that we have bipartisanship. Unfortunately, the member for Unley does march to the beat of a different drum when it comes to this particular program. He marches in single file, I have to say. He is opposed to this program and has done everything—

Mr WILLIAMS: I rise on a point of order. The minister's opinion of the member for Unley and his motives for doing whatever he might do have nothing to do with answering the question.

The SPEAKER: I think the minister is aware of that.

The Hon. J.D. HILL: I did not tell the house what my opinion of the member for Unley is. I would never ever burden the house with that point of view. Needless to say, I am trying to make the point that bipartisanship around this program is really important. Unfortunately, the Liberal Party is divided on this issue and it begs the question of whether this program would continue—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: The minister is yet again indulging in debate.

The SPEAKER: I do not uphold that point of order. Minister, have you finished your answer?

The Hon. J.D. HILL: The point I was making is that it is important to know where the Liberal Party stands on this issue. If they were in government would they continue it, because the communities which are investing time and effort want to know?

Mr WILLIAMS: Point of order. The Liberal Party makes its position very clear. It is not up to the minister to try to interpret what it is.

The SPEAKER: Thank you. We do not need a personal explanation here at this stage. Have you finished your answer, minister?

The Hon. J.D. HILL: I have.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (14:39): My question is to the Treasurer. Can he explain why it is good policy to sell the harvesting rights to the state's forests, which produce an income for the state, when the government has announced a committee to consider establishing a future fund to produce an income for the state?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:39): There is a complete difference between the government being an owner/operator of forestry assets and a government entity like a future fund investing in partnership with a commercial—

Members interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. J.J. SNELLING: —forestry operator and investing in an asset. They are completely different. I am surprised that the member for Davenport lacks the economic literacy to understand the distinction—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: They are so rattled after their so-called love-in down in Mount Gambier, where the Leader of the Opposition was pulling knives out of her back.

Mr WILLIAMS: Point of order, Madam Speaker. This has no relevance to the question asked. Might I suggest, Madam Speaker, that if ministers learn to answer questions as per standing order 97, question time might go a lot more peacefully.

The Hon. P.F. CONLON: Point of order, Madam Speaker. Shall I explain this to you?

The SPEAKER: If members did not interject, we would not have this problem. Minister.

The Hon. P.F. CONLON: You need a standing order to be able to speak. You need one. Let me explain it to you. For the benefit of the Leader of the Opposition, who does not believe it, interjections are out of order—

Mr Marshall interjecting:

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

The Hon. P.F. CONLON: If I can help the member for Norwood, the point is that you need a standing order to be able to speak. You need an order.

Members interjecting:

The Hon. P.F. CONLON: I am taking a point of order. I am allowed to do that. Interjections, you are not allowed to do. Now, unless you have another question about animals, I suggest you keep quiet. I simply make the point, Madam Speaker, that the Treasurer was answering the question entirely on point until interrupted by a barrage of out-of-order interjections.

Mr PISONI: Point of order, Madam Speaker. Is it not out of order to respond to interjections?

The SPEAKER: That was my point and the minister's point exactly. Treasurer, could you get back to the substance of the question, please?

The Hon. J.J. SNELLING: Madam Speaker, I apologise, indeed. The fact is that we have had a very pleasing level of initial interest in the forward sale of the forestry harvest, and it gives me—

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are warned.

The Hon. J.J. SNELLING: —great cause for optimism about this process and great cause for optimism about the future of the forestry industry in South Australia and in the South-East in particular. There was a time when the Liberal Party in South Australia actually thought that private investment was a good thing, but that has now apparently ended.

Members interjecting:

The SPEAKER: Order!

POLICE ACADEMY

The Hon. S.W. KEY (Ashford) (14:42): My question is to the Minister for Police. I understand, Madam Speaker, that our current Minister for Police is the first woman minister for police for South Australia.

Honourable members: Hear, hear!

The Hon. S.W. KEY: Minister, can you inform the house about South Australia's most important police investment in 50 years?

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) (14:43): I thank the member for Ashford for her question and for her ongoing support of police and safer communities here in South Australia. Last week, I joined the Premier and the police commissioner to open the new $53.4 million Police Academy. It was pleasing to see the shadow minister and also the member for Finniss there, clearly supportive of the Police Academy that we have provided for our hardworking police.

The commissioner described in his speech the new centre for the education and professional development of South Australia's police as 'the single most important investment made in the South Australia Police in 50 years'.

The government is committed to providing our police with the best training to enable the best possible service for our community. The classrooms, auditorium, library, IT and communication technology, fitness centre, scenario village, firing range, obstacle course and other features provide our existing and future officers with state-of-the-art equipment and a purpose-built environment to learn and hone their skills to keep us safe.

This investment in policing forms part of the $100 million worth of new and upgraded police stations, a new police headquarters—$43 million worth—and training facilities delivered by this government since it came to office in 2002. This includes three police stations in the APY lands and more than $3 million for the new police station in Yalata that I opened on 3 February, along with the Minister for Aboriginal Affairs and Reconciliation. Other new stations are Gawler, Mount Barker, Golden Grove, Roxby Downs and Christies Beach—just to name a few. New buildings have been delivered along with record numbers—

Ms Chapman: Found that report yet?

The Hon. J.M. RANKINE: Sorry?

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: New buildings have been delivered along with record numbers of police, new equipment, tougher laws and better pay and conditions for our officers. Importantly,

these investments are delivering real results in our community, with victim-reported crime down 37 per cent since we came into office.

It would appear this reduction in crime has had the endorsement of the Leader of the Opposition, who said on radio in January that, 'South Australia is probably the safest place in the world to live.' We really appreciate the endorsement of the Leader of the Opposition in that. Unfortunately, there have been some contrary views.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: We had the shadow minister for police describing Adelaide as Dodge City and claiming we needed stronger laws, at the same time as the shadow attorney-general was saying:

> New laws will only ever reinforce well-established laws and policing practice. We need aggressive, targeted law enforcement against known criminals. We need to make use of existing laws including road traffic controls, public safety orders and financial reporting requirements to deliver convictions.

A clear swipe at our hardworking South Australian police.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: The Leader of the Opposition should spread the safety message to her colleagues who recently suggested the member for Adelaide should wear a flak jacket down O'Connell Street in a media stunt. Members opposite may recall the then Liberal government amended the Summary Offences Act, making it illegal to possess bullet-proof vests without the permission of the police commissioner or face two years in prison. I understand the suggestion was changed to dressing up the member for Adelaide in a hard hat and a hi-viz vest—very good protection if Chicken Licken comes warning the sky is falling.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Point of order: I just don't understand how any of this irrelevant drivel from this minister could possibly be relevant.

The SPEAKER: Thank you, Leader of the Opposition. I would ask the minister to get back to the substance of the question. She is straying.

The Hon. J.M. RANKINE: I was praising the Leader of the Opposition. I was praising her. While the member for Finniss was enjoying the opening of the new Police Academy, the former shadow police minister criticised the new academy by saying, 'Police training puts community at risk,' and claiming police may dangerously fire their guns in the suburbs. I can assure the house the government trains, employs and supports police—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —not cowboys. The Weatherill government is focused on empowering and supporting South Australian police. The Liberals, however, seem more focused on dressing like the Village People and drumming up panic in our streets.

Members interjecting:

The SPEAKER: Order!

HEALTH DEPARTMENT

Mr HAMILTON-SMITH (Waite) (14:48): My question is to the Minister for Health. What is the current quantum of double-paid accounts made by the health department for financial year 2010-11? How much has been resolved and how much of that money will never be recovered? On 23 November 2011, the minister advised the house that $7.1 million had been paid in double payments, which had still not been resolved within the health department's finances at that time.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:49): I am happy to get a more detailed

report. As I think I told the house on that occasion, there was a process we were going through to ensure that accounts that had been paid multiple times were rectified and I think I went through at the time the reasons for that occurring.

Sometimes accounts come in with slightly different titles from the company with whom we have been contracting. Mostly, these are companies with whom we have long-term arrangements, so the majority of those matters are fixed up in advance. In fact, in my own personal circumstances, I double paid my electricity bill just recently and I am sure they will sort it out in due course.

An honourable member interjecting:

The Hon. J.D. HILL: That's another story altogether. These things do happen from time to time. We have a department budget of about $4.5 billion, so they are relatively small amounts of money. From memory, I think there is about $1 million worth of accounts which were to organisations which were not either intragovernment arrangements or companies with whom we have regular dealings, so there is nothing of great materiality, but I am happy to get a more detailed report for the member.

BAROSSA VALLEY AND MCLAREN VALE

Mr BIGNELL (Mawson) (14:50): My question is to the Minister for Planning. Can the minister inform the house about progress regarding the way the character of McLaren Vale and the Barossa Valley will be protected?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:50): As members would be aware, it was announced last year that there would be legislation brought into the parliament for the purpose of protecting the very valuable areas of McLaren Vale and the Barossa Valley from the incursion of urban sprawl. That process began with the introduction, or the laying on the table, of those pieces of legislation during the last parliament, and that was accompanied by the introduction of an interim DPA to prevent people trying to take advantage of the intervening period between the time of the introduction of the legislation and the time of its passage.

Since that time, obviously, the parliament has been prorogued and, more particularly, there has been a series of discussions between members of parliament and me, and between various local government authorities. I would like to say how vigorous the member for Mawson in particular has been on behalf of his constituents. This is an idea that he has been championing for years. He has done a great deal of work in relation to the people not only in his own region but also people who hail from parts further north, including parts represented by the member for Schubert, who also has taken an interest—

Ms Chapman: What about me? What about Bragg?

The Hon. J.R. RAU: Madam Speaker, I promise not to leave—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —the member for Bragg out of this. I will come to you in a moment. Just hang on. What has happened is this, that the interim DPAs have been the subject of some concern by the local members, such as the member for Mawson and indeed the member for Light, and there has been discussion, as I said, with the various mayors, in particular Brian Hearn from the beautiful Barossa Valley, Lorraine Rosenberg from Onkaparinga council and Mr O'Brien from the Light Regional Council, all of whom have pointed out that there could be improvements in those interim DPAs.

As a result of that, I would like to advise the house, as I have advised all of them, that there will be new interim DPAs on foot, probably within a month. Those new interim DPAs will replace the existing DPAs and I believe considerably assist the local government authorities in the management of their development assessment processes. I think they will set the tone for a more comfortable introduction of the legislation which we will obviously bring back to the parliament very shortly.

I can also advise the parliament that as a result of these discussions there have been some very minor amendments to those two bills. The bit that I promised before, particularly for the member for Bragg—I cannot tell you exactly what has happened, but we have listened to you, we

have listened to the member for Bragg, and there may be something special just for her when the bills come in.

HEALTH DEPARTMENT

Mr HAMILTON-SMITH (Waite) (14:54): My question is again to the Minister for Health. Are there any unreconciled health department accounts so far in the 2011-12 financial year, and if so, what is the dollar value involved?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:54): I thank the member for the question and I have some further information for his previous question. I am advised that $10,000 is about the amount that is unresolved in relation to that $7.5 million—so, virtually nothing, as I think I said—and nothing has been written off in terms of bills that have been paid twice. In relation to the current financial year, I am not aware of any particular issues, but I am happy to seek advice.

In relation to the process of reconciliation, the department is going through a reconciliation process because we are moving to a new financial accounting system, so they were looking at a range of processes which now have to be brought into the ambit of the new Oracle system. As we are now in Oracle, I am not sure that there would be a reconciliation problem but, if there is, I will certainly get advice for you.

Mr Marshall: Of course there is; there's one every month.

The SPEAKER: Order!

Mr Marshall: Look it up on your Google.

The SPEAKER: Order! Member for Norwood, you are on your third warning. The member for Florey.

SELIGMAN, DR M.

Ms BEDFORD (Florey) (14:55): My question is to the Minister for Education and Child Development. Can the minister inform the house how children, families and school communities in South Australia will benefit from the engagement of the distinguished psychologist Dr Martin Seligman as an Adelaide Thinker in Residence?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:56): I thank the member for Florey for this important question. Last night, I was amongst over 1,000 people who enjoyed Dr Seligman's public lecture at St Peter's College. I would like to thank the headmaster for his hospitality, and in fact I would like to acknowledge that the member for Taylor was also at this function. Dr Seligman is an internationally renowned psychologist and expert adviser on wellbeing as a driver of public policy, including those policies and practices that shape our schools and other community services.

Ms Chapman: So what does she say about amalgamating schools?

The SPEAKER: Order!

The Hon. G. PORTOLESI: He's a he. It's a man. It's a man, Vickie.

Ms Chapman interjecting:

The Hon. G. PORTOLESI: It's a man.

Ms Chapman interjecting:

The Hon. G. PORTOLESI: It's not a woman; it's a man.

An honourable member: And it's a private school.

Ms Chapman interjecting:

The Hon. T.R. Kenyon: And in your electorate, probably.

Ms Chapman interjecting:

The Hon. G. PORTOLESI: And they were very nice and I thank them. I am particularly pleased that a focus of his residency in South Australia is on young people, because we know that if we have young people who are happy and healthy, who take a positive approach to life and

learning, we not only increase the chances in life of every child, but we also build the wellbeing and strength of our entire community.

Today Dr Seligman is at Mount Barker High School—another school that we are extremely proud of in our community—meeting and talking with teachers, service providers and, of course, students about his approach to providing the skills and strategies that encourage a positive approach to learning and life. St Peter's College and Mount Barker High are working together on this project, and I have to say that I am so excited about this collaboration. As Dr Seligman has said:

All young people need to learn workplace skills, which has been the subject matter of the education system—

Ms Chapman interjecting:

The Hon. G. PORTOLESI: Madam Speaker, please.

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

The Hon. G. PORTOLESI: I will start again:

All young people need to learn workplace skills, which has been the subject matter of the education system for 200 years...In addition, we can now teach the skills of wellbeing...of how to have a more positive emotion, more meaning, better relationships and more positive accomplishment...The aim is for young people of the next generation to flourish.

I have to say that he was very complimentary regarding South Australia, and in fact our Premier. I do not want to quote him but he basically said that he felt that South Australia was in a position to take advantage of all of these elements.

As he is doing today, Dr Seligman will be sharing his expertise with hundreds of our South Australian teachers, students, parents and community service providers. I encourage members opposite to become engaged in this residency. It includes a one-day conference on positive education at our Adelaide Convention Centre later this month. Thousands have attended his public lectures thus far. I have no doubt that Dr Seligman's contribution and his residency will be as powerful and as long lasting as that of the late and great Fraser Mustard. I urge everybody in this place to become familiar with his work.

PRIVATE HEALTH INSURANCE REBATE

The Hon. I.F. EVANS (Davenport) (15:00): My question is to the Treasurer. Has the government done any modelling on the state budget impact of the federal proposal to means test the private health insurance rebate and, if so, what is the budget impact?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:00): If there has been any done, it has not been brought to my attention. I will happily ask Treasury and report back to the house.

SMALL BUSINESS COMMISSIONER

Mr PICCOLO (Light) (15:00): My question is to the Minister for Small Business. Can the Minister for Small Business inform the house about progress in implementing the office of the Small Business Commissioner?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:00): Yes, I can, and I want to thank—

Members interjecting:

The Hon. A. KOUTSANTONIS: I try my best for you.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: I wish I was there for you, Marty.

An honourable member: Tom Obama.

The Hon. A. KOUTSANTONIS: Is that an insult? I'll take it. The most powerful man in the world. Yes, that really hurts.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I recently had the pleasure—

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. A. KOUTSANTONIS: —of appointing Associate Professor Frank Zumbo as South Australia's first Deputy Small Business Commissioner, an appointment that all South Australians should rightly be proud of. His appointment follows last year's passage of legislation that created the Small Business Commissioner Act—an act which members opposite opposed—to provide small business owners with an alternative—

Mr Gardner interjecting:

The SPEAKER: Order, member for Morialta!

The Hon. A. KOUTSANTONIS: —I didn't think that was you; I thought that was someone else—dispute resolution service and regulatory framework to develop fair and equitable industry codes of conduct. Associate Professor Zumbo has been a key part of the Small Business Commissioner reform since its inception. Deputy Commissioner Zumbo is a world-renowned competition and consumer academic and has been at the forefront of influencing government policy in this area for over 20 years. In addition, Deputy Commissioner Zumbo has also served on an international study group convened by the Rome-based International Institute for the Unification of Private Law to draft a model franchise disclosure law aimed at strengthening international franchising legislation. He is a world leader in the field.

The new deputy commissioner will play a pivotal role in helping the commissioner and the Weatherill government develop fair and equitable industry codes for small businesses, particularly in the franchising and farming sectors. The tender for this closed—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: What was that?

Ms Chapman: If the government paid its bills on time it would be a good start.

The Hon. A. KOUTSANTONIS: Oh, well.

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

Ms Chapman: Tens of millions of dollars.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: An open tender process to establish the mediation panel for the commissioner started in November last year. The tender for this closed on 21 December 2011. The tender responses are currently being evaluated and the initial mediation panel will shortly be finalised. The process for the selection of the inaugural small business commissioner is well underway. Associate Professor Zumbo will be acting as the full-time commissioner until the permanent commissioner is appointed. The office of the Small Business Commissioner is expected to be fully operational very, very soon.

Our opponents opposed this reform the entire way and have made it clear that they are now the party of landlords rather than the party of small business. The Liberal Party stands alone in their opposition to the Small Business Commissioner. The MTA supported the government. Business SA supported the government.

Members interjecting:

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

Mr WILLIAMS: We have already been through this in this question time with this minister: Standing order 98 says that the minister must not debate in his answer to the question.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: He is debating. He is clearly debating, Patrick.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! No, I don't uphold that point of order. Minister.

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are warned for the second time. Minister, can you finish your answer.

The Hon. A. KOUTSANTONIS: The Motor Trade Association, that hotbed of socialist activity, the Small Business Commissioner, Business SA—

Mrs Redmond: The Franchise Council.

The Hon. A. KOUTSANTONIS: The Franchise Council did not because they represent master franchisors. We are interested in the small businesses, not the big businesses.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The Council of Small Business of Australia pleaded with the opposition to support this measure.

The Hon. T.R. Kenyon: Did they listen?

The Hon. A. KOUTSANTONIS: They did not. There are dark forces at play in the Liberal Party; dark forces that have abandoned their small business roots.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order: even the Leader of Government Business agrees that that is debate.

The SPEAKER: Thank you, member for MacKillop. I uphold that. Have you finished your answer, minister? Can I just point out that somebody in the gallery has just taken a photo in here. It is not permissible to take photos in this parliament, and particularly when you play with your mobile phone afterwards and we don't know what you are doing with those photos. So, please, don't do it again.

Members interjecting:

The SPEAKER: Order!

Mrs GERAGHTY: Madam Speaker, may I just ask the question: I presume that anyone who does take a photograph with a camera would be offending the house if they tweeted it out or whatever people do on Facebook or something?

The SPEAKER: Absolutely. That is an understanding we've had before. This issue has come up before. If people are caught taking photos in here, and then tweeting out or whatever, there can be serious repercussions.

ANTI-POVERTY UNIT

Mr GARDNER (Morialta) (15:06): My question is for the Premier. Does the Premier stand by the government's decision to cut 44 financial counsellor positions from the anti-poverty unit, especially given that requests for financial counselling assistance to the NGO sector have increased by up to 373 per cent since these cuts?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:06): These were part of a series of reforms that were designed to support the growth in expenditure and a range of important public services, including our health sector. There is no doubt that we have had to make judgments about moving some of our resources from areas of lower priority to higher priority. We make no apologies for that and, indeed, we think that financial counselling is something which is appropriately handled within the non-government sector. We don't think it is core government business for us to be doing that sort of activity. We have during the same period and, indeed, in the same budget, made dramatically large investments in both the education sector, the child protection sector and the health sector. These are the sort of judgments that we're prepared to make and if those sort of difficult decisions are not the decisions that you think you could make in government, then you are clearly not equipped for the role.

Mr WILLIAMS: Point of order: is it not disorderly for the Premier to have his back to you when he is answering the question?

The SPEAKER: We've been over that a thousand times in the past. Thank you. Premier, have you finished your answer?

The Hon. J.W. WEATHERILL: Yes.

The SPEAKER: Thank you. Member for Reynell.

COUNTRY DIALYSIS SERVICES

Ms THOMPSON (Reynell) (15:08): My question is to the Minister for Health and Ageing. Minister, how are dialysis rates increasing in country South Australia in line with the increase in services in regional hospitals?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:08): Thank you. Unfortunately dialysis is a growing pressure on our health system because the number of people who have renal failure and who need dialysis is growing. As part of our overall health reforms, we have been investing in more health services in country areas, to treat people close to their homes and to make better use of the facilities in the under-utilised network of hospitals in country South Australia. That includes $175 million, in partnership with the commonwealth, to upgrade four country general hospitals at Mount Gambier, Whyalla, Port Lincoln and Berri, and we are also making investments in chemotherapy, elective surgery, dialysis and mental health services across country South Australia, so the member for Reynell's question is most timely.

I have talked previously in this place about the impact of this shift, with separations in country hospitals increasing from 85,000 in 2005-06 to more than 94,500 in 2010-11, so real growth in the amount of service provided to country South Australians. That percentage growth was 4 per cent (up from minus 0.7 per cent growth in 2006-07), compared to a 1.2 per cent growth in metro hospitals which is down from 4.6 per cent. In other words, the amount of activity in the country is growing at a faster rate than the activity in the city. That is a good thing because it means we are putting more services closer to where people live, and that means fewer people in the country have to come to the city for services. That is good for them and, obviously, it is good for the busy metropolitan hospitals.

New figures from the Department of Health and Ageing show that the increased investment in dialysis in regional areas has led to separations increasing (that is, the number of times people use the service) from 6,378 in 2006-07 to 14,117 in 2010-11. That is over double over that time. It is sad in one respect because that means more people are needing dialysis, but it is also good that we are able to provide that closer to where they live.

Extra services have been provided in a number of areas including Whyalla (in your electorate, Madam Speaker), Port Pirie, Victor Harbor and elsewhere. We have also got designated chemotherapy sites being established within hospitals at Port Lincoln, Mount Gambier, Port Augusta, Mount Barker, Victor Harbor, Murray Bridge, Gawler, Wallaroo, Naracoorte and Clare. Port Pirie is the jewel in the crown and has been providing a very decent chemotherapy service for a number of years. The state government's redevelopment of the hospital at Berri will provide chemotherapy services as part of the Whyalla Regional Cancer Centre.

Of course, we are also investing in increased elective surgery in country hospitals, with $88.6 million over four years funding nearly 260,000 procedures across South Australia, including 67,650 procedures in our country hospitals. I am proud of the service delivery we are making through Country Health. The facts about Country Health stand in stark contrast to the continual distortions made by the Liberal Party when they travel around country electorates.

MINISTER'S REMARKS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:11): I seek leave to make a personal explanation.

Leave granted.

Mr WILLIAMS: Today in question time the Minister for Manufacturing, Innovation and Trade claimed that I had stated that the state would be better served by investing money in a port to service the mining sector rather than in Holden's. What I in fact said on public radio was that

without a cost-benefit analysis it was not possible to judge whether it would be more prudent to invest in Holden's or some other endeavour, such as a port to service the mining industry.

The Hon. M.J. ATKINSON: Point of order: that is an interesting personal explanation, but the imputation made on the record in *Hansard* was that the minister had misled the house, and that is an imputation that may only be made by substantive motion. I therefore put it to you that it is your bounden duty to ask the member for MacKillop to withdraw that imputation.

The SPEAKER: Thank you, member for Croydon. I will look at the *Hansard*.

Mr WILLIAMS: Madam Speaker, to save you any trouble, I withdraw my statement that the minister misled the house. I am quite satisfied with the personal explanation that I have made.

GRIEVANCE DEBATE

ORGANISED CRIME

Ms CHAPMAN (Bragg) (15:13): Over the last 10 years the government—

Members interjecting:

The SPEAKER: Order! I can't hear the member for Bragg, which is surprising; it must be very noisy.

Ms CHAPMAN: Indeed, I will speak up, Madam Speaker. Over the last 10 years the government's response to protect South Australians against organised crime has been manifestly inadequate. Indeed, notwithstanding all of Labor's rhetoric and poor strategy, we actually have a situation that is much worse. There are now more members of outlaw gangs. In the last three years since legislation, that is, the original Serious and Organised Crime Act, outlaw motorcycle gangs' membership is up 10 per cent from to 250 to 274. We have more gangs. The New Boyz street gang has transformed into the Comancheros. We have no fewer bikie fortresses. The situation out on the streets is more dangerous, where the internal controls have been weakened. There is more fear in the community, where South Australians walking locally at night feel the least safe of any—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, member for Croydon!

Ms CHAPMAN: I am happy to provide all that to the member for Croydon. The crime rate follows the national trend for South Australian homicide riders equal highest of any state. Yesterday, however, the Premier theatrically delivered an impassioned ministerial statement calling for a range of legislative measures relating to organised crime to be passed. The hypocrisy of the Premier in his statement is astounding. In that statement he named three pieces of legislation, which supposedly demonstrate that the Liberal opposition was deliberately obstructing the government's agenda to address organised crime. He could not have been more wrong.

The Hon. M.J. ATKINSON: Point of order, ma'am.

Ms CHAPMAN: I have not mentioned the debate yet, Michael. Sit down.

The SPEAKER: Member for Croydon, you have a point of order?

The Hon. M.J. ATKINSON: Yes, it is completely disorderly to anticipate debate on orders of the day. There are bills before the house directly on this topic, and the member for Bragg is canvassing the merits of those bills and the Liberal opposition's response to them.

The SPEAKER: Then I will listen carefully to what the member for Bragg is saying.

Ms CHAPMAN: Thank you, Madam Speaker. I am sure that you will at least read standing order 117; obviously, the member for Croydon has not. The Premier made a desperate attempt to pass the buck of his own slackness. The government has only itself to blame, and yesterday in his ministerial statement the Premier said:

> Recent events highlight the need for this parliament to act swiftly, and it is critical that this package of legislation is supported and passed as a matter of urgency.

That at best was seen as a plea to the parliament that there was some extraneous events that required our action immediately; and, in fact, yesterday, when one of the pieces of legislation that was promised was introduced, the parliament did receive that and the opposition acted promptly on it. We have not finished it, apparently, because the minister, of course, is still in response.

However, I do not want to get into the merits of that legislation. We will, of course, continue to debate that as they come forward.

What I do want to say, though, is that the situation of urgency that has prevailed in fact is that there has been an explosion in the community and in the public arena of events and of conduct resulting in fact in the death of one young man, which has been clearly in a circumstance where organised crime is overtly and quite profoundly in the face of every South Australian. They are concerned about it, and the government, via its Premier, has to come in here and try to blame someone else for the failure of this situation.

I want to outline what the opposition has tried to do in the last 12 months while we have been waiting month after month for these previous pieces of legislation to come through in a legislative response. While we have been waiting for this, we have also been trying to say to the government and to the parliament (but to the government in particular), 'We also want to make it an offence, for example, to take offensive weapons into schools.' No law on that.

We want to make sure that anyone who is a volunteer at a barbecue is not criminalised when they give out plastic knives and forks to young people. No law on that, but we wanted to do it. The government held it up. We wanted to ensure that medical reporting provisions were clear so that police have information to target crime hotspots. We wanted that medical report in. The government said no; it has obstructed that legislation. That is very important.

We wanted to amend other legislation to ensure that searches were robust, and we wanted to ensure that we assist police against any risk of litigation and people being searched at risk of abuse. We wanted to make sure that the police were protected on this. What was the government's response? No. That amendment, that legislation, has not passed here. We wanted to make sure that the problems of drafting did not end up in the High Court like the mess we have had over the last two years.

We wanted to make sure that this was correct, that it was going to be workable and that we insist on having legislation that works; and, in addition to that, to insist that the government get out there and catch the criminals—

Members interjecting:

Ms CHAPMAN: —I haven't finished the sentence yet—rather than come in here and bleat about their failures.

Time expired.

Members interjecting:

The ACTING SPEAKER (Hon. M.J. Wright): Order! Member for Light.

VOLUNTEERS

Mr PICCOLO (Light) (15:19): Thank you, Mr Acting Speaker. Today I wish to speak briefly about two aspects of volunteering in this state. First, I would like to bring to the attention of the house the appointment of a new ministerial advisory group for volunteering, which I have the pleasure of chairing, and I thank the Minister for Volunteers, the Hon. Ian Hunter, for reappointing me to that committee. The new members of the volunteering advisory group, in no particular order, are:

- Claudia Cream. Claudia has quite a bit of experience in working with CALD communities and a lot of experience in the legal profession. She is a founding member of the Chinese Chamber of Commerce.
- Michael Feszczak, who has experience in local government. He is formerly a volunteer development officer with the City of Onkaparinga—I am not sure which council he is with now—and he has quite a bit of experience in volunteering services through local council.
- Emma Gillett, volunteer with the City of Onkaparinga Youth Advisory Committee and peer educator.
- John Haren, who I have known for many years, in fact we used to work in the same organisation some years ago, has extensive experience in organisations which provide welfare and support to community services. At the moment he is State Manager of Orana Incorporated. I think he was previously with the St Vincent de Paul Society.

- Georgia Heath, currently Manager, Women's Information Service, Office for Women.
- Sabah Izzett, General Manager, People and Culture, St John Ambulance Australia.
- Con Katsambis, Manager, People Relations, Qantas, and is experienced in business.
- Sophie Larsen, Employment and Volunteer Coordinator with the Adelaide University Union. She has experience in journalism, business management and HR.
- David Mitchell, President of Trees for Life and management committee member of Friends of Parks. He has experience in the environment area.
- Lisel O'Dwyer, who has an extensive academic background in social sciences. She prepared a report, *The Economic Value of Unpaid Work (Caring and Volunteering)* for the Department for Families and Communities.
- Evelyn O'Loughlin, who would be known to a lot of people. She is currently the CEO of Volunteering SA&NT and has extensive experience both in academia but also in policy and planning regarding volunteering.
- Jan Sutherland. Jan is the CEO of SA Sports Federation Incorporated. Probably one of the biggest areas of volunteering in this state is in sports and Jan brings that whole experience and knowledge to the advisory group.
- Wayne Thorley, who has experience in emergency services. He has skills in leadership and advocacy for the volunteer sector, particularly in emergency services and the CFS.
- Sonya Weiser, President of Women in Innovation and Technology. She has extensive board experience and professional expertise in strategic planning and management consulting.
- Last but not least, Mark Whitfield, Executive Manager, Spencer Gulf Rural Health School.

You will see from that list that there are a whole range of backgrounds and experiences and I am very confident that this advisory group will be very active and have productive discussions. The advisory group's role is to advise the Minister for Volunteers on a whole range of policy areas to improve the volunteering effort in this state. It does that of its own volition but also provides specific advice based on what the minister requires. I look forward to working with the advisory group members. We have our very first meeting next week. I would like to reinforce that the group is not a representative group as such, it is a group drawn from people with relevant experience, training and background to bring a whole range of different perspectives and skills to the committee.

The reason I mention this today is because the volunteering effort is very important in this state, not only in the sense of economic benefits but also in terms of providing a lot of support in communities. That is particularly true in rural and regional communities. One has to look at rural and regional communities like my own where very few things would actually occur if it was not for the contribution made by volunteers. So, it is very important that as a government we have the best advice on how to improve that volunteering effort, and this group does that.

PORT ELLIOT POWER BLACKOUT

Mr PENGILLY (Finniss) (15:24): I wish to draw the house's attention to serious issues that occurred at Port Elliot on 2 January when the power was turned off without the knowledge of local businesses or residents, although some say that there were warnings. There were no warnings to the good residents of Port Elliot. That day is the busiest day of the year, following New Year's Day. It is the day of greatest trade down there.

ETSA informed me that, after consultation with the CFS, it turned the power off because of high winds and temperatures forecast down that way. Readings were taken, as I understand it, from Hindmarsh Island. The wind abated on Hindmarsh Island at about 1 o'clock and was not so severe in many parts of the Fleurieu that day. It took several hours to get the power back on. I have taken this matter up with ETSA and with the electricity ombudsman. I am awaiting a response from the ombudsman. I currently have a response from ETSA, which I am not entirely happy with. However, in fairness to ETSA, both the CEO, Mr Stobbe, and also Mrs Sue Filby, have been most helpful.

The point I make is that the power blackout on 2 January resulted in the loss of tens of thousands of dollars to business. It could quite easily have resulted in the loss of life in the elderly

community down there. Family members did not have time to go and get their parents, grandparents, or whoever, out of the area and take them elsewhere. If they were home alone with no air conditioning—a lot of people rely on air conditioning these days—it could have been a very serious situation. Fortunately, I am not aware of any reports of the ambulance service treating people with heatstroke, or whatever, in their homes that day.

The infrastructure appears to me to be waning badly. This infrastructure has been around for 30, 40, 50 years. Once upon a time we owned this infrastructure. There has been a lack of replacement. My view is that this situation was very poorly handled on that particular day. While the wind was howling on Hindmarsh Island and was not anywhere near as bad at Port Elliot, the power was turned off in various locations. It took hours and hours to get it back on, purely and simply because it was a public holiday, I guess. ETSA had only emergency crews rostered on. I do not believe they called in crews quickly enough to check the lines and get the power back on.

I have been approached by business operators in Port Elliot. For example, Mr Phil Hallett from the Royal Family Hotel has contacted me, as have the operators of the Hotel Elliot. I have doorknocked there and have spoken to different businesses; they are all dreadfully upset. A lot of them were simply told by some people to get a generator. Well, it costs $80,000 to $100,000 for a generator to keep a hotel going—for perhaps one or two days a year. What a ridiculous thing to say. I do not think it is good enough.

That leads to the issue of compensation. After Ash Wednesday in 1983, legislation was rushed through Australia to avoid having to pay compensation. I think it is time we revisited this, quite frankly, once and for all. We need to go back over the legislation—whether it be commonwealth, state, or whatever—and have a good look, because these people are seriously out of pocket. It has put an enormous blight on the tourism potential of Port Elliot.

People are extremely concerned that, in future, on hot days during summer, and during the school holidays, visitors will not come back purely and simply because of bad publicity. I think a lot of answers need to be given. When I get a response from the electricity ombudsman, I am going to hold a meeting with the businesses down there, and ETSA has agreed to come down and speak to them, which is good.

I seriously question this. The CFS says that, no, it did not tell ETSA to turn the power off and ETSA is saying that, yes, they consulted. ETSA was told this by its operations people on the switchboard. Many things in this situation are seriously awry, and we want some straight answers. It is an important matter that I bring to the parliament, because it could well happen in other places. I am most concerned about the effects of this situation.

D'ARENBERG WINERY

Mr BIGNELL (Mawson) (15:30): I rise today to pay tribute to the d'Arenberg winery as they celebrate their centenary this year. To mark the occasion, on 2 February, we had a wonderful dinner down at the winery. I was delighted to be invited, along with so many people from the McLaren Vale region. It was a very generous display of hospitality and a wonderful celebration of 100 years from one of the most respected wine families in Australia and, indeed, the world.

d'Arry Osborn, who is in his mid-80s now, was there and he was co-hosting it with his colourful son, Chester, and what a wonderful night it was. They sledged each other from speech to speech in a way that was just full of affection for each other but also in that great larrikin character that they both share and are both so famous for.

They invited their distributors from around Australia and, indeed, around the world and some of the finest wine writers as well, from around the world and also from around Australia. It was a real privilege to be there among these people, but it was also nice that they had invited so many of their neighbours. In many wine and agricultural regions, we know there is division amongst different families and different companies who see people down the road as perhaps competitors.

The thing I love about McLaren Vale, Willunga and that region is that we are all in it together. If someone down the road does well then the region has done well and people are quick to heap praise on their neighbour and invite them to celebrations. They are also there for them in the tough times as well and they really stick up for each other.

Frank Osborn arrived in McLaren Vale in 1912—that is d'Arry's father—and bought an existing vineyard. The family has gone on now into the fourth generation of not only looking after that vineyard but, under the stewardship of d'Arry and now Chester as well—Chester has been the

senior winemaker at d'Arenberg wines since 1984—they have taken a South Australian brand, made it a national brand and, indeed, one of the truly great international brands.

I have been to restaurants in Moscow, Delhi, across Europe, across the United States and, if there is to be an Australian wine found on the wine list, more often than not it will be a d'Arenberg wine, and that is testament to the fact that d'Arry and Chester, even with d'Arry in his mid-80s, get on planes and do the hard slog. They travel around the world. They are loved by people who they share their wines and their story with and that can only endear them to people who then have to put in orders to buy wine from wherever it is around the world. So, it is not surprising that we see d'Arenberg on so many wine lists.

They are distributing into more than 80 countries now, which is a huge achievement for what is a family company. They also have more than 60 wine labels, and Chester is the marketing genius behind that. He comes up with some very colourful names and he is indeed a colourful character who likes to wear colourful shirts. But behind the display of fun and frivolity lies a very serious and a very professional operator who has done so well. It is a pleasure to know both d'Arry and Chester and to call them friends because they are terrific locals and they are also terrific on that international stage.

Also, d'Arry's sister, Toni, was there on the night and it was wonderful to meet her. I was disappointed that d'Arry's brother, Rowen Osborn, could not be there. He was in Canberra. Rowen did not get involved in the wine industry. He was a career diplomat for Australia. After finishing his education at Prince Alfred College, he travelled the world in many senior positions.

It was a pity Rowen was not there, but he combined with Fay Woodhouse to write an outstanding book called *The Story Behind the Stripe*. Of course, d'Arenberg wines are famous for the red stripe across the white label. It is an outstanding book and I encourage everyone to read that to find out for themselves the history of d'Arenberg's 100 years.

The following day was the celebration of the ringing of the bell to signal the start of vintage for 2012. There were far fewer people there than usual, and I would say that I left the celebrations at about midnight, but I know Chester was having an after party and he went to bed at 6:30. I know a lot of the locals kicked on a little bit at Chester's after party and I want to wish everyone at d'Arenberg all the best for this year. I want to wish everyone in McLaren Vale all the very best for a fantastic vintage, and let us hope the weather does the right thing.

RIVERLAND TOURISM

Mr WHETSTONE (Chaffey) (15:34): Today I would like to speak on a real emerging industry in Chaffey; that is, of course, the tourism industry. The Riverland tourism research figures for 2010-11 were sadly down from the previous year: 421,000 visitors last year, down from 451,000 the previous year. Those figures are very disappointing and demonstrate how irresponsible some reporting in media is and how some government procedures can impact substantially on an industry such as tourism that relies on the river as its main drawcard.

In late 2010 the Riverland tourism operators anticipated a boom. As many of you here today would know, water was back in the river, the river was flowing, and confidence was growing. What they were up against were the media reports, but more importantly they were up against a daily barrage of media through the government agency known as Flood Watch. Flood Watch is about reporting on river conditions, on river heights and, potentially, flooding, but nowhere on the river was anyone flooded. There were high rivers, high flows, but no flooding.

Those negative perceptions, created particularly by Flood Watch and then generated by media reports, resulted in a drop in visitor numbers during the peak tourist season. The caravan parks in particular reported up to 60 per cent in cancellations. Those poor numbers were due to the perception of the wider communities through flood.

My ask to the government is to please consider revising this flood watch alert that so many potential visitors to the Riverland region look at and which discourages them from coming to the river, discourages them from enjoying a river holiday, whether it is camping, whether it is on a houseboat, whether it is just enjoying the attributes offered by the Riverland. They do not come when they read that there is a flood in progress. It really does send the wrong message.

I urge the government to look at a high river advisory rather than a flood watch. Again I ask the question: how many businesses, how many homes, how many individuals were actually flooded through last year's high river? I can tell you, Mr Acting Speaker, there were none. No

homes, no businesses were flooded; there was just a high river and that is what the region needs to hear.

These figures also reflect the high level of dependence on the river for all industries and sectors in the region, not just irrigation. They illustrate the importance of getting water reform right so that we can utilise the opportunity of tourism. On a positive note, Riverland tourism operators have reported fantastic visitor numbers over the past six months. Again, yes, there is water in the river. The water is looking healthy, the environment has a breath of fresh air running through it, and through that we have a newly formed tourism board known as Destination Riverland.

It was founded due to the state government withdrawing support on local staff, particularly with the Riverland Tourism Association. It was generated through an initiative of the Riverland councils and it is all about the region taking control of its own tourism destiny. It is now chaired by a former tourism minister, Joan Hall, wife of former premier Steele Hall. She is supported by local expertise from a variety of disciplines. They are not just tourism operators, they are business people; they are people who have a vision for the region. It really is great to see.

On that note I really do extend an invitation to every member of this house, to every government member, to visit the region. It is about the reintroduction of a commercial airline that the region so much needs. I invite any government member to come up and explore what the region has to offer. I know that the Attorney-General is busting out of his boots to come up to the Riverland and experience what a houseboat holiday will give him and his family. Something that will underpin tourism in the region is the viability of a commercial airline and I think that that is something that is vital for the tourism industry and something that I will pursue in due course.

The ACTING SPEAKER (Hon. M.J. Wright): The hardworking member for Torrens.

WORLD YOUTH INTERNATIONAL

Mrs GERAGHTY (Torrens) (15:40): Thank you, sir. How very kind of you! Today I would like to talk about youth in our society and particularly about three whom I know very well. Sometimes it seems that all we hear about youth is how lazy, self-centred and uncaring this so-called Y generation is in our society but, in the past year or maybe a little more, I have learned about a youth organisation originating and actually based here in South Australia which encourages young people between the ages of 18 and 25 to give up six months of their lives and travel to Kenya, Nepal or Peru to create sustainable community development projects in the area of primary health care, sustainable environment, income generation or education and training.

The projects designed and embarked on by these young Australian adults all contribute to poverty reduction while creating self-reliance and local community empowerment. These young people are volunteers. They have to fundraise before they go to pay for the projects they are involved in, as well as paying their own way, often while they are in their country of choice. Many already have tertiary qualifications or are part way through their degrees, so while their colleagues are embarking on careers back in Australia—and quite likely earning a very good income—these young people are discovering more about themselves and the wider world than they ever suspected possible.

They all come from diverse backgrounds and bring a different perspective to the communities they serve in for their six months of volunteering time. They are encouraged to observe and assimilate for a while before deciding what projects the local community need to enrich their lives and how they can personally help. The young people I know of are a social worker, a teacher and a marketing student who also has a pharmacy qualification. They all went to a village called Mutumbu in Kenya on the Ugandan border.

Health and sanitation in the area is extremely poor and the conditions are often overwhelming and quite challenging. The nearest town is Kisumu. Here thousands of children live on the street, often wearing very dirty, shabby, worn clothes that perhaps we would consider rags. I know that it is quite confronting to these young people when they see that. During the day the young children that I am talking about work on the streets. They are begging or scratching through piles of rubbish looking for something that they might perhaps be able to sell or even to eat. At night they sleep rough on the ground or in office doorways.

In Mutumbu, an hour's drive away, one young lady called Kate, whom I know extremely well—and if it is appropriate to mention, who is also the daughter of our Speaker—worked in the local orphanage where many of the children had lost their parents to AIDS. Many of the children

are infected themselves and, of the children she cared for, some died from this terrible disease while she held them in her arms.

She ran a very successful women's group trying to educate the women on health issues and support them to become financially independent through the sale of their craftwork. Kate tells me that women are traditionally considered second-rate to men. Both genders, sadly, seem to accept that a woman's role is purely to serve, procreate, cook and clean—probably in that order, I would say. Women are often openly beaten by their husbands and if widowed lose all status within the community.

An honourable member interjecting:

Mrs GERAGHTY: Yes, it is a terrible thing, isn't it? I think that for these young people who go and see that, it must be just an extraordinary, overwhelming experience and great credit to them for doing this. Kate has recently returned to Mutumbu for her second volunteer stint. I have to say, she is an incredibly caring and dedicated young woman. I do have a lot more I would like to speak about, so I will continue this.

Time expired.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February 2012.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:45): I am just finishing off the remarks that I was making about this matter at the end of the second reading speeches. I will be relatively brief. I will get to the point where we were yesterday afternoon, because it was going along okay, I thought.

I was explaining that the Hon. Stephen Wade had put out a missive directed at me entitled 'All talk, no action', which is immensely humorous, given who is putting this out. The Hon. Stephen Wade is almost like a constant fax machine, spitting out release after release—daily release. In fact, I understand he even has sound bites that go out. He is a very busy man. He says, 'Labor is more interested in press coverage than in getting the job done.' He goes on to say that I personally have failed to do 19 different things, and he then goes on to enumerate them.

I explained yesterday, by going through them, that—for instance, the alleged failure by me to live up to the promise made by the government to take profits from drug traffickers was, to say the least, comical, given the fact that the reason we have not done that is because he has blocked it in the other place. Very amusing, but—

Members interjecting:

The Hon. J.R. RAU: Okay. The opposition has gutted that piece of legislation in the upper house, and I suspect he was one of the ones who voted for it. I also can tell you that, if he had not voted for it—just him. If just the Hon. Mr Wade had had the integrity to vote for it, it would have passed. So, there we go. Going back through his missive, he says, 'ALP community safety policy 2010—tough on tagging. Delivered? No.' This is very good: 'legislation introduced in November 2011, but no progress since.' Has he heard of the thing called the Christmas holidays? We were not in here on Christmas Day or Boxing Day passing the legislation that we put in. I mean, for goodness sake. So, that is another failure of mine and everyone else in here, that we were not here all over Christmas passing this legislation.

Members interjecting:

The Hon. J.R. RAU: Wait a minute. The next one: 'promise: weapons prohibition orders'. That was the promise. 'Delivered? No.' Then his comment on this one is—this is good—'legislation introduced in 2010 and passed by the Legislative Council in November 2010, but no progress since.' Wrong. Legislation was filleted in the Legislative Council. There were 80 amendments. I believe parliamentary counsel have searched the archives and never seen anything like it. There were 80 amendments, and can I remind—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —the parliament what this outrageous legislation proposed to do.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The member for Croydon will know all about this, because the young man who died in the city, when he was stabbed—

The Hon. M.J. Atkinson: That's right, the Sudanese boy.

The Hon. J.R. RAU: The Sudanese boy who was stabbed in Grenfell Street because a lad was able to go into a shop and buy a knife. He came out with it and he went through a Crocodile Dundee moment and said, 'You call that a knife? That's not a knife.' He went back in and got a bigger one, which he was allowed to buy, then he went out and stabbed this young man who died.

The Hon. M.J. Atkinson: Sixteen years old.

The Hon. J.R. RAU: Wait a minute, and we also wanted police to be able to get orders about nunchuckas, knives, star knives, knuckledusters, etc., in respect of people like a gentleman who has been on the front page of the newspaper over the last couple of weeks. Right? So, again, we were accused of having done nothing when, in effect, the bill has been morphed from what it was, to something which looks like it might have originated in the mind of my good friend, but late departed of this place, Sandra Kanck.

So, what else has he attacked me on? Here is another thing that I did not do. On 26 August 2011, I announced that I would be consolidating an appeals body into an AAT. No, I did not. I said we were commencing the investigation of that process, and we would be reporting back to the parliament, and that is exactly what we are doing. Secondly, internet censorship—this one is really good, this one is a beauty—'Labor promised to remove former attorney-general Atkinson's internet censorship changes in the electoral act. Bill introduced in May 2010 but not progressed.' Do you know why? Because they stuck it into a committee. I said, 'Look, just put the bill through.' I introduced that legislation to honour the commitments made by the member for Croydon in May 2010, and that was introduced and passed here.

An honourable member: Which committee?

The Hon. J.R. RAU: Legislative Review Committee.

Mr Marshall interjecting:

The Hon. J.R. RAU: No, there was a select committee.

An honourable member: And it has reported?

The Hon. J.R. RAU: Yes, and again—

Members interjecting:

The Hon. J.R. RAU: No, wait. It reported after two or three years gestating the thing, and completely changed the bill.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you are misbehaving. Behave or go out.

The Hon. J.R. RAU: Then, public integrity—well—'Released a discussion paper in November 2010 proposing a range of reforms; only progress has been to promise a lightweight version of ICAC.' Wrong. Wrong. It was made clear by the Premier exactly what was coming and you will see it soon enough. So, here we are. I thought it was necessary to go through some of this stuff because the member for Bragg traversed a great deal of territory, and it is only fair to do the same thing. With those few remarks, I close the second reading debate.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:53): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

The Hon. I.F. EVANS (Davenport) (15:55): I have 16 valuable minutes left, I understand, to make further contribution to the debate about the Governor's speech, which was given yesterday. I was just going through some of the seven themes raised by the government as the way forward for the state. I had just touched on the issue of vibrant cities and shop trading hours. The next one, of course, in the Governor's speech was 'safe and active neighbourhoods'.

If you want an example of a motherhood statement, can anyone from the government tell me which government ever has not wanted to provide safe neighbourhoods? Which government ever has never wanted to provide safe neighbourhoods? It is crystal clear that it is a fundamental role of government, regardless of persuasion, to provide safe neighbourhoods for their citizens.

I guess that is just another example of what I was mentioning earlier about this Premier's rhetoric. It is little different to the previous premier's rhetoric in that they make these motherhood statements. Of course, if you stand up at a public meeting and say, 'My government's about safer neighbourhoods', you are going to get a head nod. Every government is about safer neighbourhoods.

The government also mentioned active neighbourhoods. The house might recall that I have always had a bit of an interest in recreation and sport. I did smile when I heard the words 'active neighbourhoods', because, Madam Speaker, the first thing this government did when it came to power was to cut $12 million out of the recreation and sport budget, in fact, from community sport grants—$12 million. They slashed it. Not a priority of the government.

They talk about active communities. When it comes to putting their hand in their pocket they are not too good about it; $12 million was cut. When the legislation was debated in the first term of government, when the then treasurer Foley backed down on his written commitment that he had given the Hotels Association about not increasing poker machines, when the opposition moved for another $2½ million to go into the Active Club Program, the government in this house voted against it. When we moved the amendments in the upper house the government eventually had to back down and support it. They were dragged kicking and screaming to provide the extra money in regards to recreation and sport on that instance.

Then we fast forward. This government, having gone to the election saying that their priorities will not be stadiums, all of a sudden have promised to spend $600 million, in round figures, on the new Adelaide Oval for the elite end of sport. When the opposition moved that a million dollars go to community sport by way of rent onto that facility, guess who opposed it? They really objected to it. It was outrageous that we would dare to stick up for community sport. So, let us be clear: the party that has a long history of supporting community sport and recreation is this side of the house.

Even on the recreation site of the agenda, the government have essentially defunded the recreation unit within the Office for Recreation and Sport. So, the idea of cycling and walking trails and those sorts of things out of that agency has been gutted by this particular agency.

We then get onto another area in the speech where they talk about clean food and the protection of the Barossa Valley and the Willunga Basin. Well, guess what, Madam Speaker? Not a lot new there. Before I was in politics, the minister for planning, as she then was, the Hon. Susan Lenehan, the 'mouth from the south', as she was colloquially known—

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: That was how she was known. There are press articles everywhere calling her that. She came up with the bright idea of banning all development, freezing all development in the Adelaide Hills right through to the Fleurieu Peninsula. I had a great time calling public meetings all over the Adelaide Hills running the case against her, and so did the Hon. Robert Brokenshire from another place. We formed the Hills Landowners Association and ran the campaign against Susan Lenehan because her proposal was simply unworkable. It was the Hon. Di Laidlaw who introduced an urban growth boundary to focus development within a certain zone and actually protect the agricultural areas and other zones. The member for MacKillop mentioned the issue of the government's attack on the agricultural areas of Mount Barker through its planning process. There is no doubt that the government approach to the clean food and the planning issue needs to be scrutinised.

The other issue I make a point about is that, of course, it was the previous government under premier Brown and premier Olsen that introduced the Premier's Food Council and the Food Plan and put a focus on food production and food export in South Australia. They redid the Aquaculture Act to do just that. There is nothing new about a Premier coming in and talking about the need for clean, green food or, indeed, food exports.

I can still remember John Olsen as premier saying in question time after question time that our food was within a few hours flight of the Chinese market, and since then, as the minister for mining and manufacturing well knows, Chinese urbanisation has occurred and 50 per cent of the Chinese community now lives not in the rural areas of China but in the cities of China, and that opens up a huge opportunity for this state. that is why the previous government made the decisions that it did because it was obvious to all that ultimately that was where China was heading.

I smiled when the Governor read out what the government had written about planning when he said that planning was important for housing to be close to public transport, near essential services, and that living in homes that are both energy efficient and waterwise can deliver savings to households every day. I come back to the bit about being close to public transport and near essential services, and I put on the end of that 'Buckland Park'. If you are serious about your planning, you would have to ask the question how Buckland Park fits into being close to public transport and near essential services. I know that the Mount Barker community are still raising questions with respect to the issue of infrastructure for their region.

The other issue that was not mentioned in the Governor's speech was the AAA credit rating. The AAA credit rating has gone on the 'Jay watch'. Ever since the Hon. Jay Weatherill has come to the position of premier he has given up on maintaining the AAA credit rating. As I say, it is now on Jay watch, and the reason for that is that the government has locked itself into extraordinarily high expenditures in the Public Service and on projects. As a result, its financial liabilities, the issues that the ratings agencies look at, are going to come under severe pressure.

The debt, as I mentioned, is going from $8 billion to over $11 billion after it sells the forests and the Lotteries Commission while our state liabilities are heading north of $20 billion. The leader mentioned areas of waste, and you would have to look at what this government has done and some of its priorities in regards to spending: the $10 million paid out over the cancellation of projects like the PPP project; the $6 million paid out over the cancellation of a development in regard to Newport Quays; and then the $5 million to Marathon Resources when the minister's own statement to the house says that there was no legal obligation.

If there was no legal obligation, on what basis is the taxpayer forking out $5 million? Marathon had threatened to take us—that is, the government—to court. If there was no legal obligation, then the advice would have been, surely, 'Don't pay anything.' It just seems to me that the government needs to explain a very simple question: if there was no legal liability, as put forward by the minister in his statement to the house, why has the taxpayer paid out money?

It all comes down to priorities. The Keith hospital needs $370,000. The government cannot find that but it can find $5 million for a company for which there was no legal obligation to pay it—none whatsoever. Mount Barker needs infrastructure. The government cannot find money for that, but it can pay $5 million to a company for which there was no legal obligation. Go to any of the regional communities: Mount Gambier, Port Pirie, they all have priorities, but this government cannot find the money. It comes down to priorities and what was set out in the Governor's speech did not address those issues. It was full of platitudes and broad statements, with no real detail at all.

I notice that one of the seven themes was affordable housing. The Premier's line is that one of the highest costs to households is the cost of housing itself. There is an element of truth in that, but what the Premier does not go on to say is what the government is going to do for those people who already have households, of which there are 700,000 or 800,000 in South Australia. Higher electricity prices, higher water prices, higher taxes and charges; they have gone through the roof under this government. This government is the highest taxing government in Australia. That is not the opposition's words; three or four independent reports have all stated that.

The reality is that those people who already own a house and those people already renting a house all have to pay those high government charges. While I understand that producing affordable housing for future home owners and renters is important, there are 700,000 or 800,000 households out there that this government did not address in its speech. It said that it

might be able to have some targeted concessions. That means for those who are eligible, not the majority of South Australian households but the minority of South Australian households.

So, the government did not tackle the big issues relating to the state. What it did was put out some motherhood themes: we want safe communities. Who in South Australia does not? We want active communities. Who in South Australia does not want active communities? These are platitudes. It is simply so that the Premier can stand up and get a head nod at the appropriate function when he says, 'We want safer communities,' as if some other party does not want safe communities. You have to ask yourself: after 10 years of a Labor government why has it suddenly become a priority to produce safer or more active communities? It admits a failing over the past 10 years.

Over the past few weeks, and in question time in the past couple of days, the Treasurer and the Premier have suggested, on occasion, that the opposition is trying to talk down the economy. Let me clarify this for the house. What the opposition is doing is what oppositions are required to do under the Westminster system. It is called holding the government to account. All we have done is made public the reports that are produced into the South Australian economy. These are not opposition reports, they are independent reports.

These independent reports are telling us that the South Australian economy went backwards in the September quarter, that the South Australian economy was the worst in the nation in the September quarter, that South Australian business investment was the worst in the nation in the September quarter, that South Australian exports were the worst in the nation, that South Australian business confidence is the worst in the nation, that South Australia suffered the fifth quarter of decline in new residential developments, and that South Australia was the only state to record a fall in private capital expenditure in the September quarter. These are not reports produced by the opposition. These are independent reports by world renowned banks and economic commentators that cast an independent eye on the government's performance.

The question the government did not address in its Governor's speech is: why? Why is South Australia's economy performing so badly? Why is it that the economy went backwards? Why is it that we have the worst business investment in the nation? Why is it that our export performance was so bad? The government did not address those issues, but it did put out some motherhood statements that made people feel good. I go back to the very first point of my contribution: if people think that anything has changed under this Premier, my view is that they are wrong. The platitudes, the motherhood statements and the rhetoric of this Premier are no different to the previous premier, they are just said in a quieter tone.

Mr PISONI (Unley) (16:09): I, too, would like to speak in reply to the Governor's speech yesterday. I would like to predominantly focus my comments on my portfolio areas, that is, education and employment training and further education. Before I start, I think we need to look at the decade we have experienced here in South Australia under Labor. By the end of this reply debate, you could understand why Premier Weatherill is saying that this will be the most important decade: because he wants to forget about the last one. He wants to forget about Labor's record. He wants to try to rewrite history.

It is interesting that a lot of the speech delivered by the Governor yesterday on behalf of the government was about changing things. It has taken 10 years for this government to concede that it has been doing things incorrectly over a very long period of time.

As the Leader of the Opposition said earlier, those decisions—those changes—are all driven by research and the Hawker Britton model, of course, that this government so closely relies on for its policy debate and its media. From next week—the next time we sit in the parliament—we will even have the new member for Ramsey, who has been on the Hawker Britton payroll, joining us. So, you can see just how close that relationship with the marketing and publicity arm of the Labor Party is with this Weatherill government. Nothing has changed since Mike Rann left. The government is the same; it is just a different person leading that government.

It is interesting to look at the way the government itself has performed in that time, despite the 10-week apprenticeship that Mr Rann was good enough to give the now Premier Weatherill in that mentoring period. Maybe he learnt too much. Maybe the items they discussed at their mentoring programs were predominantly spin. Associating yourself with things that are working, things that are good, famous people, is all in the Hawker Britton manual. It is there. If it is good news, the Premier will announce it; if it is bad news, it will be announced by a minister or a public servant. That is when you really know that the government is in trouble: when a public servant

confronts the radio stations in the morning when something has gone wrong. It is happening more and more in Patrick Conlon's portfolio of transport.

I see that the new Minister for Transport Services has been very quick to learn that as well, going by the statements often in the paper by somebody who says that they are delivering a statement on behalf of the minister.

Let us get back to education. I found it absolutely extraordinary that, in the array of motherhood statements made on behalf of the government yesterday, there was no mention of education beyond early childhood development. I can understand why the government does not want to talk about education. It does not want to talk about NAPLAN scores, it does not want to talk about the new SACE, because that is something it can actually do something about immediately.

Obviously, the minister, in focusing on early childhood development, cannot be judged on her performance in the two years between now and the election because it is a very long-term project. I agree with that. However, she has refused to acknowledge that there is a need to deal with a whole generation of children who are in our schools at the very minute.

Let us go to the NAPLAN scores from this year, from 2011. If we look at the 20 categories from year 3 to year 9 in reading, writing, spelling, grammar and numeracy, we see that every year since the introduction of the NAPLAN scores, we have seen worse results in South Australia than the previous year. But this year, the results were stunningly bad, stunningly embarrassing for Mr Weatherill, who was the education minister at the time. South Australian students went backwards in 14 out of 20 categories.

When NAPLAN schools were first introduced in 2008, South Australia was bouncing amongst the top. They were in the middle top range of scores in South Australia. You always had Victoria, New South Wales and the ACT ahead of us, but now we are in the bottom group. We are in the bottom cohort and what is concerning about that is that we are actually seeing significant improvements in states that have traditionally had difficulty with their NAPLAN scores and their national testing; that is, Western Australia and Queensland.

Both of those states have seen dramatic improvements. As a matter of fact, in Western Australia, it is ironic that, where we went backwards in 14 out of 20 categories, they actually went forward in 14 out of 20 categories; but here in South Australia we went backwards in 14 out of 20 categories. Some of these figures are absolutely shocking. If we look at year 3, a critical year, in year 3 writing, last year we had a score of 410.8, this year a score of 399.3—nearly a 3 per cent drop-off in the score in South Australia in 2011 compared to 2010. What is even more shocking is that we are nearly 16 points away from the national average score of 415.

As a matter of fact, in every single category, in South Australia, we were below the national average—every single category. It is a disgrace and an embarrassment for this government, who have squandered billions of dollars in education since they have come to office.

The Hon. M.J. Atkinson: Billions?

Mr PISONI: Billions of dollars.

The Hon. M.J. Atkinson: Not thousands of millions?

Mr PISONI: Billions of dollars. The budget is $2.2 billion every year and they have been there for 10 years. Work it out, member for Croydon.

The Hon. M.J. Atkinson: They've squandered the lot?

Mr PISONI: Work it out, member for Croydon. Work it out. It is an extraordinary amount of money that we have seen mismanaged by this government. Of course, you challenge this government on the way that they are delivering their education policy and the way that they are delivering education here in South Australia and the first thing they will talk to you about is how much money they are spending. They will not tell you about their results or their outcomes because they are embarrassed about that. They are happy to talk about inputs but they will not talk about outcomes or outputs from those inputs.

If there is one thing that I want to do if I ever get the privilege to serve as the education minister, it is to immediately address those thousands and thousands of children here in South Australia who are missing out on a fair go in our public education system. Do not just take my word for it. The member for Davenport raised the point earlier that we do not make these figures up. Sixteen thousand students have shifted from the public sector to the private sector in the last

10 years—16,000 students. An extraordinary number of parents have voted with their feet, taken their children out of government schools and put them into non-government schools.

Just on the NAPLAN scores, I seek leave to insert a table of purely statistical data into *Hansard*.

Leave granted.

		SA	SA	SA	Aust	Aust V SA	
		2010	2011	2010 V 2011	2011	diff%	SA behind Aust
Year 3	Reading	401.6	402.8	0.30%	416.2	0.97	3%
Year 3	Writing	410.8	399.3	-2.80%	415.5	0.96	4%
Year 3	Spelling	387.9	392.4	1.16%	406.3	0.97	3%
Year 3	Grammar	398.9	404.1	1.30%	421.6	0.96	4%
Year 3	Numeracy	379.9	379.6	-0.08%	398.4	0.95	5%
Year 5	Reading	476.4	478.5	0.44%	488.4	0.98	2%
Year 5	Writing	479.5	469.4	-2.11%	482.5	0.97	3%
Year 5	Spelling	479.2	474.4	-1.00%	484.3	0.98	2%
Year 5	Grammar	486.9	486.2	-0.14%	499.7	0.97	3%
Year 5	Numeracy	472.7	471.4	-0.28%	488	0.97	3%
Year 7	Reading	543.1	534	-1.68%	540	0.99	1%
Year 7	Writing	537	529	-1.49%	529.3	1.00	0%
Year 7	Spelling	539.3	533.6	-1.06%	537.8	0.99	1%
Year 7	Grammar	532.3	529.3	-0.56%	533	0.99	1%
Year 7	Numeracy	538.2	535.3	-0.54%	544.9	0.98	2%
Year 9	Reading	567.2	573.2	1.06%	579.6	0.99	1%
Year 9	Writing	566.3	562.1	-0.74%	567.7	0.99	1%
Year 9	Spelling	572.4	575.2	0.49%	581.5	0.99	1%
Year 9	Grammar	573.8	567.7	-1.06%	572.8	0.99	1%
Year 9	Numeracy	573.2	572.3	-0.16%	583.7	0.98	2%
				-8.94%		97.86%	

Mr PISONI: Of course, we need to look at other records of this government in education. It is extraordinary that, when the Labor Party was in opposition to a minority government, they did have some wins in the parliament at that time. One of those was a democratic system of school closures and school amalgamations—

The Hon. M.J. Atkinson: Yes. That is after you closed Croydon primary.

Mr PISONI: —and just closed 42. Forty-two schools have closed since Labor has been in power, member for Croydon. Of course, last year, we saw that Jay Weatherill, as the education minister, in his very first budget ripped—

The Hon. M.J. Atkinson: You mean the Premier?

Mr PISONI: Who is now the Premier—that is right. The member for Croydon says he is now the Premier. That is right; he is now the Premier. Now, we see he ripped $100 million out of school budgets in his very first budget as education minister. One of those was $8.2 million over two years in amalgamations of 68 schools, I think it was at that time. We know how quickly school communities saw how unjust it was that they were not consulted about that process. Do not forget that this is money in the budget, in the bank. The government is expecting this money to come through. Due to the diligence of the member for Unley and parents, and—

The Hon. M.J. Atkinson: The diligence of yourself.

Mr PISONI: Yes, of course, because the member for Croydon will never praise me. The member for Croydon will never do it. It is disorderly to interject, even though they might be favourable terms, on the member for Unley while he is speaking. It is disorderly to do so. I am speaking in my capacity of having the call and being on my feet.

School communities contacted me about how concerned they were about these forced amalgamations. Within about four months of that budget announcement, minister Weatherill, the then education minister, backflipped on the forced amalgamations for high schools and primary schools, but that did not stop him continuing with the forced amalgamations of junior primary schools and primary schools.

Do not forget that many of these primary schools and junior primary schools had been through the voluntary process earlier and had rejected it; but this minister had written their savings into the budget. What is even more extraordinary is that, when we received some FOI documents, we saw that fees of $375,000 were paid to ministerial representatives on the panels that reviewed the decisions made by the governing councils—$375,000 paid out to ministerial appointees, ministerial representatives, on these review panels.

The handwritten note on the memo that signed off this expenditure says, 'Don't worry about the extra cost because we are actually going to save more money than the $8.2 million that cabinet has approved.' More money. We did squeeze out of minister Portolesi's office the fact that it is $6 million a year that they are taking out of schools—not the $4.1 million that was initially announced by this government, but $6 million a year.

It is interesting that some of these reviews were in well before Christmas and a number of the schools that were going through the forced closure are in Largs Bay. Although it is not technically in the seat of Port Adelaide, it is a bit like Unley High School, which is in the member for Waite's seat, but I have a lot of constituents who send their children to Unley High School, as well as to Glenunga High School, which is in my electorate.

I know the member for Bragg has constituents who have children there, as does the member for Adelaide, because people living in Adelaide do not want to send their kids to the solution that this government came up with for them, the super school at Gepps Cross. There are a number of constituents of the member for Adelaide who send their children to Glenunga High School, but I digress.

The savings that were made by these forced amalgamations were greater than the government expected. They had the results of the review panel. We know that in Largs Bay the review panel said, 'No, we don't want to amalgamate.' We also know that there were three other schools in the seat of Ramsay that went through the forced amalgamation process, but no decision before the by-elections. What a great job the right wing of the Labor Party did in the seat of Ramsay. How embarrassed are you by the delivery that the left wing gave you in Port Adelaide?

I can imagine the debates that are going on in the factional rooms of the Labor Party at the moment about just how those two by-elections were conducted. It is interesting that, when we saw visions on television of Port Adelaide, you could see all the figures of the left: the Hon. Mr Hunter in the other place, Senator Penny Wong, Jay Weatherill and the member for Mawson, of course. They are all there in the seat of Port Adelaide. I wonder how many how-to-vote cards the member for Mawson handed out in the seat of Ramsay. How many how-to-vote cards did you hand out in the seat of Ramsay; and were they Labor how-to-vote cards or were they Family First? Come on, tell us!

I think it is very interesting that in 2006, Port Adelaide had a 25 per cent margin—more than 75 per cent of people in the Port Adelaide electorate voted for the Labor Party. Now we are down to a marginal seat of 3 per cent. The seat of Florey is safer than the seat of Port Adelaide at the moment.

Ms Bedford: In my hands, it is very safe.

Mr PISONI: It sounds to me like the member for Florey is sending out some warnings to the factions in the Labor Party: 'Get rid of the member for Florey, and you'll lose the seat of Florey.' That is what she is saying. There is some tension. You can see that the tensions are starting on that side of the house—the repercussions of the very poor by-election results of the Labor Party. But, again, I digress.

I would like to use this opportunity to point out the success of the pilot program of 47 independently-managed schools in New South Wales and, of course, the success of the independent public schools in Western Australia that have seen dramatic increases in academic outcomes, whether they be NAPLAN scores or whether they be the engagement of boys. In particular, something that should be heartening to the government here in South Australia is that, in New South Wales, 47 schools under a Labor government were given full autonomy so that the principals could run their schools.

I would like to direct members to the independent review of the school-based management pilot that was released in October 2011 on behalf of the department of education in New South Wales that is very praising of the outcomes that we saw in New South Wales. For example, we saw that the review found that school-based management was successfully implemented in the pilot schools and the principals of these schools were innovative and creative in finding staffing solutions to better meet the needs of their schools.

In other words, it is all about the children and it is all about our children's education. They were overwhelmingly positive about the benefits of school-based management with their schools and had evidence of positive outcomes. I think it is important, when we are having the debate about the way schools are managed, that we tie it back to evidence.

Of course, despite the 26-page report coming out overwhelmingly in favour of local school management, the education union in New South Wales said that they will fight tooth and nail any further expansion of the independent schools or the self-governing schools trial in New South Wales. They are not interested in the education outcomes that were delivered by this pilot in New South Wales. They are only interested in the interests of the union—not in education and not in children's outcomes.

For a decade, this government has been more focused on placating the Australian Education Union than it has been on dealing with education outcomes and that is evident with the NAPLAN scores here in South Australia. It is evident with the number of parents who have chosen to send their children to non-government schools and the member for Napier, for example, living in Springfield because it is close to his children's schools. I can remember him defending that stance on 891 radio when he was first elected: choosing the non-government sector for his schools. We believe in school choice. On this side of the house, we believe in school choice and we congratulate school choice.

I would like to also talk about TAFE, being a tradesman myself. The trades system and the TAFE system were very good to me. It gave me an opportunity I would not otherwise have had. The Productivity Commission's report that was released just a few weeks ago has some damning statistics for South Australia in the way that the government has invested in training. Do not forget, this is a government that said, 'Don't worry about our dwindling traditional industries, don't worry about our dwindling manufacturing, we are moving to a new era. We are training people to deal with defence industries, training people for mining, training people for the education sector and the education boom that is happening here in South Australia.'

However, let us look at the Productivity Commission's review of South Australia's record compared to other states. If we look at the total amount of money that was spent in the year 2000, in 2010 dollars, you will see that it was $318.6 million. In 2010, 10 years later, it was only $329.5 million, a 3.4 per cent increase. Let us look at what some of our competitor states have done. In Victoria, we saw an increase of $29.2 million in total money spent on vocational education and training. We saw an 18.8 per cent increase in Queensland. There was a 28 per cent increase in Western Australia. Tasmania had a 20.9 per cent increase. In South Australia it was a 3.4 per cent increase.

How does that relate to a per capita expenditure over the same time? Back in the year 2000, again in 2010 figures, we see that there was $322.10 spent per student in South Australia. Ten years later, after 10 years of Labor, that figure is $301, a minus 6.5 per cent difference. In other words, we are spending 6.5 per cent less per student on VET training now than we were when this government came to office. This government told us it is preparing South Australians for the new economy, yet we have seen that they have had other priorities, and speakers before me have outlined those other incorrect priorities.

Let us look at what Victoria has done in the same time. It had a 10 per cent increase per student, from $293.10 in 2000 to $322.39 in 2010. We have seen an increase in Tasmania of 12 per cent. We have seen an increase in Western Australia of 4.6 per cent. However, here in

South Australia there was a decrease in the amount of money spent for each VET student of 6.5 per cent. I seek leave to insert my purely statistical table into *Hansard*.

Leave granted.

Total Real Government Expenditure on VET (Millions)									
	NSW	Vic	Qld	WA	SA	Tas	Act	NT	Aust
2000 raw	1227	705.7	583	332.5	239	76.5	66	70.1	3299.7
2000*	1635.6	940.7	777.1	443.2	318.6	102.0	88.0	93.4	4398.5
2010	1529	1215	923.5	567.4	329.5	123.3	105.3	108.9	4902.3
Diff$	-106.6	274.3	146.4	124.2	10.9	21.3	17.3	15.5	503.8
Diff%	-6.5%	29.2%	18.8%	28.0%	3.4%	20.9%	19.7%	16.5%	11.5%
*ADJUSTED TO 2010 $									
Total Real Government Expenditure on VET Per Person 16-64 (dollars)									
	NSW	Vic	Qld	WA	SA	Tas	Act	NT	Aust
2000 raw	284.2	219.9	242.5	258.7	241.6	248.6	298.9	208.2	256.3
2000*	378.8	293.1	323.3	344.8	322.1	331.4	398.4	277.5	341.6
2010	314.27	322.39	303.08	360.6	300.99	372.45	412.06	664.23	324.6
Diff$	-64.6	29.3	-20.2	15.8	-21.1	41.1	13.6	386.7	-17.0
Diff%	-17.0%	10.0%	-6.2%	4.6%	-6.5%	12.4%	3.4%	139.3%	-5.0%
*ADJUSTED TO 2010 $									

Mr PISONI: I would like to finish my speech with some comments in response to the government's claim in its opening speech that:

> ...the Government will call on all Members to maintain the proper standards during this session. And beyond this, we will enact a Code of Conduct for all Members, to ensure that their public lives are beyond reproach.

I think we need to look at the government's record on this and who it is that the government engages for its advice. It is interesting that the education minister mentioned yet another Thinker in Residence in answer to a Dorothy Dixer earlier in question time, but we do not hear much about John McTernan these days as a Thinker in Residence here in South Australia.

The Hon. M.J. Atkinson: Yes, we hear about him all the time.

Mr PISONI: I talk about John McTernan. Yes, of course, I talk about John McTernan, because we do need to understand that this man was hired with South Australian taxpayers' money. The Victorian Labor government hired him in the early 2000s in the department of environment, and the Victorian government cannot find any reference of any work that he did in that time—no reference at all to any work he did in that time when he was on the Victorian government payroll. I would be interested to see the results of the report that Mr McTernan gives us on public management, and the way that we should run our public service here in South Australia.

I want to remind members about the cash-for-honours scandal under the Blair government in the United Kingdom—of which there is no doubt in British media reports—the BBC has very kindly left a chronology of the events on its website for people to see. On 5 June 2007:

> Two of Tony Blair's closest aides are re-bailed by police as part of the cash-for-honours inquiry.

In March that same year:

> Attorney-General Lord Goldsmith, at the request of police, obtains an injunction against the BBC to stop it broadcasting an item about the cash-for-honours investigation.

A bit sensitive, I think. On 24 January the following year:

> Downing Street's director of political operations, John McTernan was questioned during the previous week for a second time, it emerges that John McTernan seconded to the Scottish Labour Party to run its campaign for May's Holyrood elections, was re-interviewed under caution.

It is interesting that more of this tale is told in detail by *The Daily Mail* in the UK. If we read that, it goes on to say:

...speculation was mounting that police will be able to charge at least three people over the cash-for-honours scandal.

We should remember, and remind the house, of course, that this man is running the communications arm in the Prime Minster's office in Australia right at this very moment. Right at this very moment.

It follows claims that admissions by one of Mr Blair's closest aides—political secretary John McTernan—have helped police discover 'smoking gun' evidence that peerages were traded for donations to the Labour Party.

Well, there you go. This man is in the Prime Minister's office here in Australia.

His testimony is said to have led to the recent arrests of two of the PM's inner circle, his chief fundraiser Lord Levy and his head of Government relations Ruth Turner, on suspicion of perverting the course of justice. Substantial new evidence, including McTernan's diaries, has now been disclosed to the Crown Prosecution Service.

The new developments came after a 'mole' —now revealed to be Mr McTernan—told police of secretly deleted emails and memos that proved at least two people had been lying to police.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: No, he is covering his backside. And now, here he is, and you can just imagine how he is going to be putting himself in front of the firing gun if somebody tries to attack Julia Gillard. I mean he is obviously a loyal member of the Labour Party—why is he not working for the Labour Party in the UK anymore? Because he has found some fools down here.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: He has found some fools down here. He was working for them in opposition long before they were in government, member for Croydon.

It was the McTernan breakthrough that led to Miss Turner and then Lord Levy being arrested in the past two weeks.

He also revealed details of meetings concerning Labour donors who had been offered peerages.

Miss Turner and Lord Levy had previously denied the existence of this sensational evidence. But Mr McTernan said the emails were between him and Miss Turner.

Detectives have also examined the diaries of McTernan and other Downing Street aides which prove secret meetings took place.

Secret meetings. Mr McTernan was involved in secret meetings.

After denials that the emails existed, police examined the Downing Street server and found they had been secretly deleted.

The *Daily Mail* can reveal that Mr McTernan is believed to have secretly gathered evidence to protect himself from a cash-for-honours prosecution.

There he is. A man for himself in the Prime Minister's office here in Australia. And, of course, the foolish Mike Rann hired him with taxpayers' money here in South Australia as a Thinker in Residence, to tell us how we should run our Public Service. Well, God help us if we take up that recommendation.

The *Daily Mail* can reveal that Mr McTernan is believed to have secretly gathered evidence to protect himself from a cash-for-honours prosecution. He is said to be so worried about being blamed for the allegations that peerages were traded for donations that he is frantically copying as many confidential documents as possible. The idea is to 'prove' to police that he could not have been involved in any of the key discussions which led to the honours being awarded.

Time expired.

Mr BIGNELL (Mawson) (16:40): I rise today to support the speech given by His Excellency at the opening of parliament and to congratulate him on his reappointment as Governor for a further two years. It was wonderful to see him this morning at the Muriel Matters celebration here at Parliament House and to congratulate him in person. He has done a fine job as Governor of South Australia, and I wish him all the best for the future. His wife, Liz, also does a remarkable job with so many different community groups throughout South Australia.

We were lucky enough to have them both down in McLaren Vale for a couple of days in January for the harvest festival. They are a very popular couple and are held in high regard not just in McLaren Vale but also right through the state, I am sure.

I was very pleased to hear that one of the first things the Governor mentioned yesterday in his speech was that the government had identified seven primary areas of focus for action. The very first one of those was for a clean, green food industry. As I represent McLaren Vale and the surrounding area, I know we have been promoting and producing clean, green food for many years.

There is a great community down there interested in promoting our region and the products that come from that region as being clean and green. I think that is where the people of South Australia, indeed, most of the people in the world, want us to go. They are scared by the sort of things that we have seen come out of China in the past few years. They want to be able to trace that food back to its origins and be aware of what sort of additives have been put into that food.

I am proud to be here as a member of the government, a government which in 2008—and I was glad to play a part in that, as well—continues the moratorium on the growing of GM crops in South Australia. We went to the last election with a pledge to continue that moratorium. I would like to see that moratorium not only go further but be given permanent status in South Australia.

We look at rest of the states of Australia and one by one, apart from Tasmania, of course, the mainland states all now allow the growing of some GM crops. Western Australia has allowed the commercial production of GM canola since January 2010. The Northern Territory has never restricted the commercial cultivation of GM crops. Victoria has allowed commercial production of GM canola since 2008. New South Wales has allowed commercial production of GM canola since March 2008, and Queensland has never restricted commercial cultivation of GM crops.

Last year I was in Canada, and we were speaking to some of the grain companies there, and they mentioned how hard it was to get their grains, particularly canola, into Japan and Europe because of the restrictions. Japan has a ban on the importation of GM crops, and the UK and Europe are certainly heading that way. They are very tight, and I think they are heading the way of a total ban.

Even if people do not get the health benefits and the environmental benefits of saying no to the introduction of growing GM crops, we should be looking at the economic benefits, that we can stand alone as a state and say that we do not grow GM crops here and that we do live up to what the Governor was talking about in his speech yesterday about being clean and green.

Lots of promises have been made over the years by Monsanto and those other poison peddlers. They are out there saying that we can grow crops in drought, we can kill all these pests, we can kill all these weeds. We have seen each of those claims disproved over the years. We have also seen throughout the United States and other parts of the world the advent of superbugs and super pests that have become tolerant to the sprays that have been sprayed over GM crops.

At the end of the day, it is what these companies are all about. They are about producing chemicals, and the seeds are a by-product—a very dangerous by-product—because they are genetically modified and they cannot be reproduced. So, a farmer puts them in one year, and the following year he has to go and buy seeds again from the company that sells the poison and sold him the seeds. If we allow this to continue we are going to see the ownership of all our seeds limited to four or five multinational companies—multinational companies that do not have a high regard for community safety.

For the record, I will talk about Monsanto's record. This list has been prepared by Dr P.M. Bhargava:

1969: [Monsanto] Produces Agent Orange, which was used as a defoliant by the U.S. Government during the Vietnam War...

1976: Monsanto produces Cycle-Safe, the world's first plastic soft-drink bottle. The bottle, suspected of posing a cancer risk, is banned the following year...

1986: Monsanto found guilty of negligently exposing a worker to benzene at its Chocolate Bayou Plant in Texas...

1986: Monsanto spends $50,000 against California's anti-toxics initiative...

1987: Monsanto is one of the companies named in an $180 million settlement for Vietnam War veterans exposed to Agent Orange.

1988: A federal jury finds Monsanto...subsidiary, G.D. Searle & Co., negligent in testing and marketing of its Copper 7...birth control device...The verdict followed the unsealing of internal documents regarding safety concerns about the IUD, which was used by nearly 10 million women between 1974 and 1986.

1990: EPA chemists allege fraud in Monsanto's 1979 dioxin study which found their exposure to the chemical doesn't increase cancer risks.

1990: Monsanto spends more than $405,000 to defeat California's pesticide regulation Proposition 128, known as the 'Big Green' initiative.

1991: Monsanto is fined $1.2 million for trying to conceal discharge of contaminated waste water into the Mystic River in Connecticut.

1995: Monsanto is sued after allegedly supplying radioactive material for a controversial study which involved feeding radioactive iron to 829 pregnant women.

1995: Monsanto ordered to pay $41.1 million to a waste management company in Texas due to concerns over hazardous waste dumping.

1995: The Safe Shoppers Bible says that Monsanto's Ortho Weed-B-Gon Lawn Weed Killer contains a known carcinogen...

2005: According to the U.S. Securities & Exchange Commission, Monsanto bribed at least 140 Indonesian officials or their families to get Bt cotton approved without an environmental impact assessment (EIA). In 2005, Monsanto paid $1.5 million in fines to the US Justice Department for these bribes.

2005: Six Government scientists including Dr. Margaret Haydon told the Canadian Senate Committee of Monsanto's 'offer' of a bribe of between $1-2 million to the scientists from Health Canada if they approved the company's GM bovine growth hormone (rbGH) (banned in many countries outside the US), without further study, and how notes and files critical of scientific data provided by Monsanto were stolen from a locked filing cabinet in her office. One FDA scientist arbitrarily increased the allowable levels of antibiotics in milk 100-fold in order to facilitate the approval of rbGH. She had just arrived at the FDA from Monsanto.

2005: The US Patent and Trademark Office rejected four key Monsanto patents related to GM crops that the Public Patent Foundation (PUBPAT) challenged because the agricultural giant is using them to harass, intimidate, sue - and in some cases bankrupt - American farmers. Monsanto devotes more than $10 million per year to such anti-farmer activities, over alleged improper use of its patented seeds.

2005: The Alabama Court Judgement in February 2002 best describes the sort of business that Monsanto is in. In 1966, court documents in a case concerning Anniston residents in the US showed that Monsanto managers discovered that fish dunked in a local creek turned belly-up within 10 seconds, spurting blood and shedding skin as dropped into boiling water. In 1969, they found fish in another creek with 7,500 times the legal PCB level...

I could go on and on about Monsanto's record. I know that there are people in this state who promote the fact that we should have GM crops grown in this state. I think that they should look at the record of Monsanto, and there is plenty out there. As recently as yesterday there was a story about Monsanto being found guilty of breaches in France. It has just finally relented to pressure in the UK and pulled out of the UK.

The people in the UK are smart enough to know that they had already let the problem in and now they are trying to get rid of it. We have not let the problem in, but we need to be very, very strong to say no to Monsanto and any of these other companies that want to come in here and peddle their poisons and the genetically modified seeds and crops that go with it.

At the end of November, beginning of December of last year, I was fortunate enough to attend a workshop in India that was organised by Satish Kumar, who is a visiting fellow at the Schumacher College in the UK. He is a former monk and long-term peace and environmental activist. He has been quietly setting the global agenda for change for more than 50 years. He was just nine when he left his family home to join the wandering Jains and 18 when he decided he could achieve more back in the world, campaigning for land reform in India and working to turn Gandhi's vision of a renewed India and a peaceful world into a reality.

Inspired in his early twenties by the example of the British peace activist Bertrand Russell, Satish embarked on an 8,000 mile peace pilgrimage. Carrying no money and depending on the kindness and hospitality of strangers, he walked from India to America, via Moscow, London and Paris, to deliver a humble packet of peace tea to the then leaders of the world's four nuclear powers.

Satish delivered a wonderful message to us over the eight or nine days of the workshop. There were about 30 people there from around the world. We also heard from the recently retired prime minister in exile of Tibet, Professor Samdhong Rinpoche, who retired last year after doing the maximum two five-year terms. These gentlemen spoke in a very quiet way about: what are we doing with our environment? What are we doing by trying to bring chemicals and technology into what nature provided us in the first place? We are actually ruining the environment and we are putting the health of all of the world's citizens at risk.

India is a great case in point of the tragic circumstances that can come out of the introduction of GM crops. Tens of thousands of farmers have committed suicide because of the introduction of GM cotton. While we were there we heard media reports of more farmers committing suicide. They generally do it at rallies. They will go along to a company demonstration (Monsanto or the likes of Monsanto) and actually drink the poison and die that way: an horrific death. They have been sent bankrupt and broke and their families have lost everything because they were promised that they could introduce Bt cotton into their farms many years ago and that it would wipe out the grubs and bugs and other pests that had been their enemy for so many years. If it sounds too good to be true, as we know, often it is too good to be true. The effects have been dire. As I said, tens of thousands of Indian farmers have committed suicide.

One woman, who has done an amazing job, set up the Navdanya farms after the Bhopal gas disaster in the 1980s. She decided to rally against these chemical companies. Her name is Dr Vandana Shiva and she set up the Navdanya farms. It was one of her farms that we stayed on. She also spoke. She is Monsanto's No. 1 enemy in the world, I think, because she is constantly speaking out and alerting the country and the world to the dangers posed by GM crops. It was terrific to sit and listen to her message about how, wherever we are in the world—and we had people there from many countries in Europe, the US, Canada, parts of Asia, and there was one other Australian there apart from myself—we all need to go out into our communities and educate people about getting back to basics in life.

I am born and bred on a farm and it is really easy for a farmer to have the local stock agent (or someone) come around and say, 'Look, this latest product that's out, this will save you doing this, this will save you doing that.' We all know that it is hard work being a farmer. It is seven days a week, 24 hours a day, and some parts of the season, obviously, are busier than others. So, if someone has something to offer then it is very tempting to take it up. I would urge everyone in our community to do some research on Monsanto, do some research on Bayer, do some research on the perils of the poisons that these companies peddle, and be out there advocating for our environment, for our economy and for the health of our current population, but also for future populations.

I think a good place to start would be a publication that came out coordinated by Dr Shiva and produced late last year, called *The GMO Emperor Has No Clothes.* If you Google that, you will find the document. It is quite a big document. There is a chapter on the Pacific and Australia, and there is also anecdotal evidence from all parts of the world. It is a one-stop shop where you can see the dangers of GMO crops.

I have sent a copy of that publication to the Premier, to the agriculture minister and to the editor of *The Advertiser,* as well as to Peter Vaughan, the head of Business SA, because late last year Peter Vaughan came out and said that it was time for South Australia to lift the ban. The editorial of *The Advertiser* that day also said that we should get out of the way and allow GM crops to be grown here. That is quite an easy decision to come to when you believe that GM crops can solve famines around the world and that GM crops can be grown in places where we have not been able to grow crops in South Australia in the past 175 years.

However, these claims are not right, and we need to delve behind these claims to actually look at what is right for the people of South Australia. So, I wrote to *The Advertiser* and provided a copy in the hope that we could actually change the public perception at the media level, as well as the level at which Peter Vaughan operates.

As a local member of parliament and one who represents some agricultural land, no constituent has ever come to me and said, 'Can we get more GM food? Can you lift the GM ban so that we can have more GM crops or have GM crops grown in South Australia?' Time and time again, when the people of South Australia—and Australia for that matter—respond to surveys, they show quite clearly that they are against GM food. So, I am hopeful that one day that moratorium will become a total ban and that we will not even have research done on GM crops in South Australia.

I have heard people in here argue that we should lift the ban on having GM crops transported through our state. I think it is quite wise that we do not allow that. In about August last year in Western Australia, there was a truck rollover and genetically modified canola spilt from the truck. Farmers around that area who were ardent critics of genetically modified canola were very worried about the risk that this would pose. Farmers over there were saying that the moratorium should be reinstated. The moratorium had been lifted in January 2010 and, by August 2011, there

was a case of GM canola escaping into areas where farmers had prided themselves on not having any GM crops.

There is no real recourse in some states for the contamination of people's crops. It is their livelihood. People who had taken the decision to remain GM free, to remain organic, had all their plans and their livelihood upset by someone else's actions, and there was no protection from their government.

I am very glad that for a long time now the Australian wine industry has said that it will not endorse any genetically modified growing of vines or any other intrusion into the winemaking process. I think that is another great marketing tool for us as we sell our fantastic wines from all our regions right around the world.

McLaren Vale is one of those great places to live and work, and it is an enormous privilege to represent the area in here because so many great ideas come from the people of McLaren Vale. It actually makes it easier when ideas are formulated at a local level and all I have to do is come in here and argue and convince my colleagues—and perhaps people on the other side—to get behind it. You know that, when you have your community behind you, you are arguing a good case and you have a lot of power behind you.

One such example of that was the agricultural and tourism preserve, which we are proposing to bring back into the house this year and to have enshrined in legislation. That is an idea that was floated very early on in my time as the member for Mawson, back in 2006-07. I must pay tribute to Dudley Brown, a past chairman of the McLaren Vale Grape, Wine and Tourism Association. Dudley is an American by birth and a proud McLaren Vale person now, but he kept telling me about the Napa Valley and how, in 1968, they sought to preserve the Napa Valley as a winegrowing and agricultural district. He was saying that we could do exactly the same thing in McLaren Vale.

I did some research. I went over to Napa, came back and drafted a private member's bill that I was only too happy to see turn into a government bill. I think we did it a lot more easily because we had the Barossa on board as well. I think it would have been very easy for people in government or anywhere to say, 'If we lose McLaren Vale, we have still got the Barossa,' or 'If we lose Barossa, we have still got McLaren Vale.'

I am very grateful to Margaret Lehmann. I was up at the Peter Lehmann winery one day and Margaret grabbed me and said, 'We really like what you are doing down in McLaren Vale. We want to get a piece of the preserve as well.' I said, 'Let me take it back to my people in McLaren Vale.' They were only too happy to be involved. We formed a little committee. We had four people from McLaren Vale and four people from Barossa. We met with the then planning minister, Paul Holloway, the former agriculture minister, Michael O'Brien, and many other ministers over the ensuing months and years to come up with something that, hopefully, will be through this parliament early this year and will stand until both houses of this place decide to change it.

It is a little bit like Colonel Light's vision when, 175 years ago, he protected the Parklands. Hopefully, people will look back at the members in this place and say, 'Thank goodness that, in 2012, the people had the foresight to save it.' There is plenty of great land in metropolitan Adelaide that has been lost to housing and strip malls and everything else because no-one had the foresight to protect it. It all fits into the clean, green food bowl image. We are already coming along and have made great strides and, of course, there is more to do.

Mr Marshall interjecting:

Mr BIGNELL: I hear the member for Norwood say, 'What about Mount Barker?' The member for MacKillop asked about Mount Barker as well. I am responsible for McLaren Vale and, as I said, the community came to me as a local member and then Barossa came to me. I would have thought Mount Barker should have gone to their local member. They have a couple of local members up there.

The thing is we came up with a solution. We came up with a solution and, like anything in life, if you go to your boss with a problem, it is a problem for the boss. If you go to the boss with a problem and a solution, then it just makes it a whole lot easier because the boss can then go, 'Well, that is alright.' There is actually some kudos along the way for taking that sort of approach. People who just whinge and whine all the time do not actually achieve—

Mr Marshall: Those are electors you are talking about.

Mr BIGNELL: I am talking about people who interject like you, member for Norwood. The people who just want to whinge and whine and not come up with a solution they are never going to solve anything.

The member for MacKillop also had a go at the McLaren Vale hospital for getting funding. Again, as local member, I went into bat for the people of McLaren Vale and the McLaren Vale hospital to get that funding. He compares it to Keith. I have been to Keith. I went doorknocking there last year. They had not seen Mitch out doorknocking there ever.

An honourable member: They hadn't?

Mr BIGNELL: No, never. I saw Mrs Davison, Mrs Oldfield and many other wonderful people in Keith when I went doorknocking. It was just a matter of getting around and explaining that there is $200,000 that the Keith hospital was spending on aged-care facilities that was actually meant to be provided by the feds. If Keith did not ask the federal government for it, then that money would have been spent on aged care in Queensland, Tasmania or New South Wales, or wherever it was. It was a matter of saying, 'Look, we have got only so much money in the state health budget. We do not need to be giving over money into aged care that they could perhaps be getting from somewhere else.' We also pointed out some ways that they could get some other money that they were perhaps not getting at that time.

The same thing happened at Ardrossan and at Moonta. I have had a couple of meetings with the chair of the board of the Keith hospital and one meeting with the full board down in Keith. They are great people, great local residents, who are doing a terrific job. They had some real issues with change, and change often causes upset for people. They have now come on board and are working with the government and I wish them the very, very best.

We have great community hospitals around the state and Keith is just one. Loxton is another brilliant hospital that I visited last year, where the community raised an enormous amount of money for their hospital. People actually like to have an input into their community hospital. When governments do everything for a community, the community sometimes loses. There is something to be said for rallying around a great provider of community service in the community.

McLaren Vale does it. All the proceeds from the harvest festival that was on in January went to the McLaren Vale and Districts War Hospital. People come along to the festival, they pay their money, and any money that comes out of their pocket and there is profit made goes to the hospital. I think they raised about $20,000 or $25,000. As I said before, I was up in Loxton last year, and they have some of the best facilities of any hospital I have ever been in. Their birthing suites are amazing. You can fit your whole family in there after you have given birth to your child. I do not know how they get people to leave!

I met the Presiding Member of the Loxton District Hospital, Sally Goode. She was kind enough to sign my copy of *The Loxton Hospital: our community's legacy* and it proudly sits on my bookshelf in the office. To the member for MacKillop, that is the reason McLaren Vale was funded, so I do not think you should come in and have a go at McLaren Vale getting money and Keith missing out because it is not comparing apples with apples. Once again, I say here in this house that I support His Excellency's speech.

Mr HAMILTON-SMITH (Waite) (17:06): I rise to commend the Governor's address to the house and to focus my observations of that address on the question of health. I am delighted that the Minister for Health is here to listen dutifully to my contribution and I look forward to constructive engagement on issues of substance and policy over the next two years, which I feel confident he will take seriously.

I was disappointed that the Governor's address did not give much attention to health. There were a lot of other issues raised, but health did not jump out as one of the key seven issues that were identified in the government's new agenda. As the government seeks to remake itself as some sort of born-again new Labor Party, I would caution that government not to forget how important an issue health is for South Australians, city and country.

I just want to go over developments in the eight weeks or so that I have been a shadow minister that have caused me some concern. One of the first things that I took action on when I took this portfolio was the issue of Keith hospital. I am not going to dwell on the issue of Keith hospital—I have just visited there—but I would ask the government to remain engaged with Keith hospital stakeholders and to do all they can to help them over the year or two ahead until,

hopefully, with a change of government, some new emphasis and focus can be given to that hospital.

I do want to draw attention to other important issues that have arisen in health, particularly mismanagement of health accounts and comments made by the Auditor-General about that mismanagement. Financial mismanagement generally within the health portfolio is attracting increasing attention, linked to IT systems failure and the government's inability to successfully change management systems from one to the other.

I also want to talk about emergency department failure, where we are getting poor results, and about elective surgery waiting times, where we seem to be going backwards; not to mention country health failures and conflicts that appear to be emerging between governments and staff within the health system; and of course, last but not least, issues to do with the Royal Adelaide Hospital, the so-called rail yards hospital, which is a troubled and vexed project, about which I am sure this house is going to see much debate in the coming years.

Let me go to the issue of financial mismanagement within this department. There is no doubt that the minister and the Treasurer are under the pump a little on this. In 2009, the 'minister for mismanagement', as I have appropriately tagged him, decided to scrap the state's various computer systems for managing their finances, supply chain management and asset management, including in-house systems like Masterpiece, Homer, Hartley, Qantel, IBA and SAMIS, Spreadsheets, HIMS and others, replacing them with a system called Oracle.

It has been a disastrous project from start to finish. The Auditor-General has expressed concerns in his report that state cabinet was misinformed, presumably by the minister, in relevant cabinet submissions that the cost would be around $21 million while the State Procurement Board apparently knew it would be more to the tune of $37 million. There was also concern about the failure to produce a business case for the proposal before it was considered by cabinet. There appears to have been no cost-benefit assessment.

In March 2011 the health department CEO Tony Sherbon bailed out to be replaced by David Swan. By August 2011, parliament was told of serious financial management issues and an $88 million budget blowout. In October 2011, the Auditor-General stunned parliament by revealing that he could not include the Department of Health in his annual report because the agency had failed to complete its reports.

I just say to the house that it is bad enough when a minister finds his reports qualified by the Auditor-General. That is usually an embarrassment that needs to be taken to cabinet and explained in the government party room but not even to have your accounts in on time so that they can be reported on by the Auditor-General at all is nothing short of a disgrace.

If this were to occur in a public company responsible to its shareholders in accordance with regulations and rules set out by ASIC and commonwealth government legislation, not only would that share price be hammered but the CEO of that company would be arraigned before the appropriate regulatory authorities to show cause, let alone what might happen to them at the annual general meeting. There would be fines imposed. There would be financial consequences on the company. It would be catastrophic.

Yet, this government under the new Premier, seems to think that it is quite okay for this huge department—$5 billion, 30 per cent of government expenditure, nearly 30,000 employees—to simply fail to put in their financial accounts for audit on time. I just find that an absolutely remarkable admission of failure from a failed government.

The mess is so bad that the minister has had to call in private accounting firm PKF to try and sort out this self-created disaster at a reported cost of $750,000 or more. Bills have been double paid, at one point up to $7.1 million worth. We hear today in parliament that they are working through that. Up to $60 million worth of accounts had not been reconciled. We are still waiting to have accurate information provided to the parliament on unreconciled accounts. Suppliers have struggled to refund the money. The minister basically appears not to be across his brief, or if he is across his brief, he is failing to sound the alarm at the very serious mismanagement issues that have arisen under his watch.

Now, at a reported cost of $430,000, bureaucrat Mr Steve Archer has been tasked to head up a new unit to sort out the mess, a matter confirmed in the Mid-Year Budget Review. In the 2010 Auditor-General's Report, there were 170 employees being paid more than $100,000, up from 125 in the previous year. How many will we see in 2012? Why do we now need a new

administrative empire within the existing empire? Minister Hill's answer to this bureaucratic nightmare appears to have been to create yet another layer of bureaucracy under Mr Archer. What has CEO Mr David Swan been doing, for heaven's sake? What has the minister been doing? What have the chief financial officers been doing? Why is it necessary to bring in this new team to sort out what executive function should have been sorting out for the last few years? On 10 November 2011, Treasurer Snelling told parliament:

> With regard to the Auditor-General's Report, I am not advised that there are any particular issues in Health about which I need to be particularly concerned.

The Treasurer says on 10 November that 'there are no issues in Health about which I should be particularly concerned'. What about them not having put in their financial statements on time? What about the Auditor-General having to tell the parliament and the public that he cannot report on the department, and the Treasurer says, 'Oh, there are no problems that I should be particularly concerned about.' This is the sort of thinking that gave us the State Bank mess. This is Labor in charge—it is chaos, it is confusion.

People are not putting in their financial reports on time, the Auditor cannot report on the biggest department in government and the Treasurer says, 'There's nothing going on about which I need to be particularly concerned.' I am sorry, but that does not give me and it does not give the public of this state—the taxpayers, whom we have here to serve—much confidence that this government is in charge. Either Treasurer Snelling is not across his brief or he is unable to stand up to his more senior minister, the honourable minister for health.

The governance arrangements between Treasury and Health clearly require immediate review. In the words of the new Premier, ministers need to start to taking responsibility. In the interests of transparency, the opposition is demanding to know the full costs and salary levels of Mr Archer and his team, and complete and frank revelation of all of the financial mismanagement detail so far experienced by the department.

I was particularly disappointed to read in *The Australian* on 15 December the minister's arrogant dismissal of these criticisms by the Auditor-General when, in a thinly-veiled swipe, as it was described by *The Australian*, he described the chief financial watchdog of this state, the Auditor-General, as 'not God' when he rejected a series of concerns about mismanagement of funding raised by the Auditor-General. This is what the minister said, 'The Auditor-General has an opinion. He is not God, he is a person.' Does the minister take the Auditor-General seriously? Again, there is a tactic here of shooting the messenger or arrogant dismissal of individuals who raise concerns, rather than a serious addressing of the issues that have been raised, and I will come back to that in a moment.

On the tail of these revelations about IT disasters within the health department and financial mismanagement, on 14 December we have the minister proudly announce another new IT investment called EPAS, an electronic patient information management system. There is $408 million to be spent introducing this new system across the health system. We are going to manage all patient information now electronically.

My point is very simple: the shoddy introduction of the Oracle system under the minister has led to private contractors being double billed and millions of dollars of accounts being unreconciled. The Oracle system is out of control. Accounts have not been put in. There is no audit. That is how successful this minister and this government are at introducing IT systems. Now he wants to introduce a $408 million system to manage some of the most confidential and clinically important information in the health system. If you cannot get the Oracle system right, for heaven's sake, do not attempt this new venture. We will have doctors in courts sued for malpractice because of false information being provided by an IT system which, if it is half the failure of the Oracle system, will leave the health system in absolute chaos. I have no confidence that this government can satisfactorily introduce EPAS and I urge the government to get the first IT system sorted out before they start to introduce the second.

I happened to write to the Minister for Public Sector Management about the health minister's failure to submit his accounts on time, and I asked the minister whether he felt that the Minister for Health and the department may have breached Public Sector Act, section 12, which dictates that departments must provide an annual report to the minister—an annual report. I do not think we have that either. Marvellous department this one. An annual report—wouldn't that be great?

The law says you have to provide it within three months after the end of the financial year and that those annual reports should be tabled in parliament within 12 sitting days. Do you know what the answer back from minister O'Brien was? 'I've discussed this matter with the Minister for Health and I think the appropriate course of action is for you to speak to the Minister for Health.' What do you reckon the advice he received was? The advice he received from his officers would have been, 'Minister, the Minister for Health is in more trouble than the early settlers. I suggest you have nothing to do with this and you just refer it all back to the Minister for Health.'

The law is there for a reason. The government must be a model citizen. The Minister for Health and the government have failed to comply with the requirements of the act in blatant defiance of the requirements of the act, and what does the Premier do about it? Not a thing. What does the Treasurer have to say about it? 'Well, there is nothing going on in Health about which I should be particularly concerned.' This is an absolute rabble—flouting the law—and I will come back to that again in a moment.

Of course, we had the example in Queensland of health bureaucrats ripping off millions of dollars from the health system in a very famous and highly publicised case, and going off and buying luxury apartments, boats, and flash sports cars with the money. What guarantee do we have, in the context of this absolute mess, that the same thing is not going on right here in Adelaide within this $5 billion portfolio? The financial systems being used in this department are in such chaos, who knows what is going on. Who is driving around in a Lamborghini at the moment while double-paying some company they own for their $1 million account. I mean, it is an absolute joke, and it is a recipe for fraud and disaster.

The problems do not end there. This IT system was introduced to address a range of other functions within Health we are yet to hear about. It was to look at a whole range of other functions: broad financial management, general ledger, trust accounting, job project costing, cash and treasury management, fixed asset register, receipting, purchase card and expense management, supply chain and warehouse management, hospital and asset management, governance, minor building and capital works, asset evaluation and property management, business intelligence and budgeting. Just go to the government's website and download the tender document. If there are problems paying your accounts, if there are problems reconciling your bank statements, what other problems are there in these other areas for which this IT system is designed?

Of course, the Mid-Year Budget Review confirmed a lot of this. This is just the tip of the iceberg when it comes to problems within Health. He has introduced a $600 per year tax on health workers so that they can park in the car park at their hospital site—just a $600 tax. The Mid-Year Budget Review talked of $7.6 million being spent for the purchase, installation and operation of these new car park taxation machines. We all know that you are going to sell the car parks off. They are so short of money. We are going to have nurses walking in the middle of the night from adjacent streets because they have had to park offsite so as to avoid these car parking costs—not listening to the union, not listening to workers, just out there raking in the money.

Then, of course, we have got all the secrecy down at the rail yards hospital. We had the spectacular front page in *The Advertiser* on 22 December about unknown costs linked to groundwater underneath the building. Clearly, the costs of remediating the site are going to go far beyond what was budgeted.

There are now serious discussions going on between the EPA, the consortia, the independent auditor and the government about laying asphalt and a plastic membrane underneath the entire building and having to construct breathing vents to eradicate the site of noxious and poisonous gases. We have got serious concerns raised publicly, not by the opposition, but by the media and by the EPA about risks to health workers particularly working in the basement because the site is so contaminated.

Again, what is the minister's response to these issues being raised? It is to abuse me, to abuse *The Advertiser*, to abuse whoever has raised the issues rather than to address the issues. I say to the minister: do not attack the messenger, address the issues. There are serious remediation problems down there, and that is why we are demanding that this hospital project be brought before the Public Works Committee.

Now, that gets me back to a little thing that the government plays scant regard to—the law. What does the committee's act say? That any project over $4 million—and I am delighted to see the chair of the committee here to join me in the chamber for this observation—must come to the committee, any project built on crown land must come to the committee, any project which is

ultimately to be paid for by the government or by a government instrumentality must come to the committee. Clearly, the hospital project falls within that ambit, but the Treasurer, the minister and the government are hiding behind a secret crown law opinion that they say provides that they do not need to bring it to the parliament through the Public Works Committee. I say that is rubbish. I say that if there was any integrity within the government or within that crown law opinion, they would table it.

This morning I moved accordingly in the Public Works Committee. Government members rejected my motion. If you have the courage of your convictions show the parliament and show the media your crown law opinion. As the former premier Mike Rann once famously observed, all crown law is is the government's lawyers, and legal opinions are a dime a dozen. Yet, I moved that we get an independent legal opinion on behalf of the Public Works Committee, and it was rejected.

You have not heard the end of this yet. You are required by law to bring this project to the Public Works Committee, and if you do not there will be consequences. It must come before the committee for scrutiny. It is wrong of the government to secretly push ahead with what could be a $12 billion project over its full life in total costs to the taxpayer, the biggest infrastructure project we have ever undertaken, without it being subjected to the sort of scrutiny that any other project up to $4 million is required to adhere to. It is a disgrace.

Let me talk for a moment about the results we are getting in health, because I have talked a little bit about the financial mismanagement of health. Believe it or not, we are spending more on health per capita than any other state, and what are we getting in return? Some of the worst results per capita of any other state. I heard the minister claim yesterday (I think it was, and I will check carefully his statements) that we were doing remarkably well in emergency departments. Well, let me refer to some facts in that regard.

Emergency department figures obtained by the opposition through parliament and confirmed in data provided by the commonwealth show that a staggering number of patients attending emergency departments have failed to be seen within the acceptable time frames. Twenty three per cent of cases classed as emergency cases, needing to be seen within 10 minutes, have failed to receive potentially life-saving care on time. The worst result was the Royal Adelaide Hospital, where 29 per cent of emergency category arrivals are not treated on time. At Flinders Medical Centre it was 26 per cent. Even the next category down, 'Urgent', have to be seen within 30 minutes, and 37 per cent of people are not being seen on time. The minister thinks that this is good. At Lyell McEwin Hospital 48 per cent of urgent cases not being seen on time. If these are results that the minister wants to crow about, I think that he is leaving South Australians behind in his wake.

It now takes 41.5 hours—virtually two days—to be seen for that life-saving operation once you are in emergency. You are waiting for two days for the surgery that must follow, and they are figures provided by COAG's Expert Panel on surgery and emergency access. They say that you should be seen within 24 hours. Here it is taking twice as long—unacceptable.

Then one moves to the question of elective surgery where patients are waiting in pain. Again, the figures this year are not as good, or not as effective, or not as bountiful as last year. When the Royal Adelaide Hospital treats urgent elective surgery cases, they must be seen within 30 days, and that hospital has seen the number not being treated on time increase from 8 per cent in 2009-10 to 14 per cent in 2010-11. Semi-urgent cases to be seen within 90 days not being treated on time increased at the RAH from 10 per cent to 16 per cent. These are very significant deteriorations in the number of people to be seen on time.

According to federal statistics used by the minister himself in media releases, days waiting for surgery increased over the last 12 months from 36 days to 38 days, and at 38 days fell short of the national standard by two days. All this is completely unacceptable. What the government and what the minister need to do is to start taking some responsibility. We have had Productivity Commission reports in January that further expose failures within our health system.

As I mentioned, while the minister is trying to claim credit for spending more dollars on health per head, he overlooks that taxpayers are not getting the sort of value for money that they deserve. Again, 22 per cent of emergency cases not seen on time; 34 per cent of urgent cases left waiting. Again, a poor performance in regard to suicide, where the rate here is 12.1 per 100,000, amongst the highest in the country; and we are not performing as well as we should on Aboriginal health.

There are very, very serious issues within our health system, and there are very, very serious issues at the Royal Adelaide Hospital. There are also very serious issues in country health. The former director of nursing at the Renmark Paringa District Hospital has come out publicly (and I note that the member for Chaffey is with me) to talk about problems within country hospitals, including fire safety, water contamination, understaffing, problems with safety linked to that understaffing, alleged victimisation and bullying, and a breakdown of communication between the government and local communities.

Just last Monday we had nurses rallying on the steps of the Mount Gambier Hospital complaining about understaffing and alleged safety concerns linked to that understaffing. There are concerns across the country health network. Some very good work is being done in the country by hardworking doctors and nurses, as there is in the city, but these people need our support. Again, the minister's response to the concerns raised by Ms Tania Martin in Renmark has been to accuse her of having been sacked for misconduct without having provided any proof of that, or that having been verified by any act of the court, and to abuse the messenger rather than to address the substance of the issues which need to be worked through one by one and which need to be resolved publicly and openly.

Can I get back to the issue of emergency departments and remind the house of findings recently made available by the commonwealth showing that only 59.4 per cent of patients in our emergency departments are being treated within the four-hour benchmark agreed to between the states and the commonwealth. The federal government's review of emergency access targets by an expert panel under the national partnership agreement has exposed the fact that we are the worst performing state in the country on the four-hour rule.

In WA nearly 72 per cent are treated or seen within the four hours. Here, at The Queen Elizabeth Hospital, only 26 per cent are being seen within the four hours. So, I hardly think that emergency department performance and elective surgery performance is something the government can feel proud of. We are spending a lot of money. There are clear signs of financial mismanagement. We are not getting the results, according to commonwealth statistics, that we should be getting, and, frankly, we need to do better.

In recent years, the style in health seems to have been very much: gently, gently, everything is under control, no need to be alarmed. I would wind up my remarks by saying: health is the No. 1 issue of concern in our community. Without your health you have nothing. Getting back to the Governor's address, which sets out the government's agenda, health hardly gets a mention (I think it is two lines in there). I think that demonstrates the priority the government intends to give to health over the coming two years. This is a lot of the taxpayers' money, as I mentioned: $5 billion, 30 per cent of revenues. It is not enough to say, 'We are spending more than any other state.' We must get the results.

We must also get results on the hospital, which is going to act as a millstone (a $12 billion millstone) around the neck of this government for years to come. This is an important area of government and it needs and deserves better attention from this government.

The Hon. R.B. SUCH (Fisher) (17:37): It is a privilege to speak on the Address in Reply. It is a privilege to be in this parliament to represent the people of South Australia. I would like to first of all acknowledge the service provided by His Excellency Kevin Scarce and Mrs Scarce. I think he has been an excellent Governor and I was pleased to see that his term has been extended. I would also acknowledge Her Majesty The Queen. I know that in time we will become a republic, I would hope sooner rather than later, but I think that anyone who is fair minded would have to say that the Queen has been an excellent monarch over a very long period of time.

One would think that we are living in some very unfortunate place, but in South Australia we are some of the most fortunate people on earth. It is not due to luck. I do not accept the 'lucky country' thesis. We are enjoying a standard of living and a quality of life because of the sacrifice of people who gave their lives in war and because of the pioneers (recent and not so recent) who have helped develop this land. We are very fortunate people, despite some issues from time to time, and I think we should continue to acknowledge that we live in a very fortunate part of the world and enjoy benefits that most other people in the world do not enjoy.

I acknowledge that some people are feeling cost pressures. I had a letter today from a lady who is a pensioner. She said, 'Try living on $16,000 a year.' That would be a challenge, particularly with rising costs, electricity, water and so on, but I think over time that issue should be addressed—

it is a federal issue. I think we need to increase the amounts that are paid to people on pensions, not forgetting those who are self-funded retirees, many of whom are also finding it difficult.

I would like to touch on a range of issues. The first one relates to roads in my area. I am pleased that Happy Valley Drive has had overhead lighting installed. It is currently covering only half the length of the road, and I urge the Minister for Road Safety to continue with that project.

I had a letter today from a female nurse who looks forward to the time when the whole of that road has overhead lighting. As she pointed out, coming down that road at night after working night shift is quite scary because it is so dark. We have had at least one fatality on that road, a pedestrian who was hit by a car. I am sure that it will happen, and I urge the minister to proceed as quickly as possible to complete that welcome project.

Whilst talking about roads—and it has been a hobbyhorse of mine for a while—I think we need to see better signage. I have had some examples recently where people have been booked for parking in a cycleway. I do not condone that but, in fairness to those people, the cycleway signs—for example, Main Road, Blackwood—on the eastern side, tell you when the cycleway operates and, on the western side, they do not. If you go further down to Shepherds Hill Road, you will find that the cycleways have a limited application which is spelt out; for example, during school hours, it will give the exact time.

Regarding the signage on Main Road—and this applies throughout the metropolitan area—if there is no specified time, the law is that they operate at all times. However, we have a confusing situation where some of them have a sign indicating 'at all times', and many of them, as I said, on the other side of the road, do not indicate anything at all. That is a problem throughout the state. If people break the law then they wear it, but I think we have a problem with signage which is inappropriate and inadequate.

I noticed this morning when coming in that you enter an area where a sign says 'work zone'. You need to look for where that work zone ends, because signs have not been put up to indicate the end of the work zone. I have asked parliamentary counsel to more clearly define the part of the Road Traffic Act relating to work zones because I think it is confusing. I have asked for legal opinion and I have been told that, if there are no workers present—there has to be one or more workers present—the normal speed limit applies, not the one that is designated for the work zone. So, I think that needs to be clarified.

Whilst I am on the issue of awareness and knowledge about signs and so on, I think it would be good for the road safety minister to make sure that motorists in South Australia are regularly informed of changes to the Australian road rules and any changes to the Road Traffic Act.

Some people blatantly disregard the law, but many do not. There have been many cases recently where people have been fined $460 for having a tow ball that has been installed by a commercial organisation but the police deem it to be blocking the numberplate. In my view, some fines that are issued are a bit bizarre. For example, one of the people who got a fine for having a tow ball sticking up had been pinged not that long ago for going through a red light camera, so the camera could obviously pick up the numberplate.

I think people need to be reminded of the road rules, and that needs to be reinforced. I think more effort needs to go in, whether it is by updating brochures or some going out with the registration papers. I think the government needs to put a lot more effort into making sure that people know the road rules. Some are minor. For example, people do not realise that tooting your horn when you leave a party or when you leave after visiting relatives is an offence under the current law. A lot of people do not know that. That is a relatively minor one.

In terms of other issues, I am going to keep pushing for a greater focus on health measures such as preventative health and wellbeing as it relates to not just children. I will not transgress by talking about motions before the house, but I believe that there needs to be more emphasis on health checks for children in the school environment. The argument that they can go to their local doctor is true for some people, but it is not necessarily true for all children.

That health check should apply not simply to the physical but to the mental aspects as well. We know that, especially in the early years of high school, many students exhibit problems that relate to mental health issues. A lot of the behavioural problems, not only at high school level but at primary school level, have a connection with health issues, particularly mental health.

The emphasis—and I hope the new Minister for Education will focus strongly on this—needs to be on early intervention and that means having available in the school system the

professional people who can provide the counselling, the help and so on. I will not go into the details because one of the matters has not been concluded before the court, but too often we are seeing young people committing horrendous crimes. When you look at their situation, some of it relates to the family, obviously, in terms of family breakdown, but some of it relates to issues which you could describe as connected to mental health or psychological issues.

Excluding children from school does not solve much at all. All it does is take the immediate problem from the school and puts it out in the community. I notice—and once again I will not go into too much detail—that, in one of the recent cases involving murder, the particular child had been excluded from school, and now we see the consequence of that.

In regard to education, I think people often say that schools are not de facto parents. The reality is they are. If you have a society where a lot of the traditional socialising agents have broken down and are no as longer important and effective—for example, churches—and if the family itself is dysfunctional to some degree then it does fall upon the school and the education system to try to address some of those shortcomings.

People might say it is not fair to put that on teachers. No, but the education system needs to be properly resourced so that they can fill the role that would have traditionally be filled by parents who were functioning properly and, to some extent, by the churches and institutions such as Sunday school and so on.

People can talk about the bikies or whatever they like. The fundamental problem in our society is that we have—and it is not unique to us—a breakdown in core values. They are things like respect for oneself, respect for others and respect for property. I do not believe there should be any apology from our education system and elsewhere for hammering those values and inculcating those values in young people because, if you do not have those values, then later on in life you are going to exhibit behaviour which is not only antisocial but is likely to be criminal. So, I am advocating, I guess, a fairly interventionist-type role for the education system and the wider community.

I think parents need to be not only made accountable for their behaviour but made responsible for the behaviour of their children—not in a financial penalty sense, but I think the system allows parents who are not doing the right thing to opt out and take the easy way out. What we see is that everyone else gets blamed. We find people blaming the police, the courts, Families SA—blame anyone except yourself. That is and has become a disease in our community where people do not want to accept responsibility for their actions, they do not want to accept any accountability and we see the consequence of children who are not properly cared for, who are not looked after properly and who then often go on to create problems later in life.

I think we have to end what I call the blame game of people blaming others, blaming institutions, blaming grandparents, blaming anyone but themselves, and get back to accepting responsibility for their own actions. The responsibility comes down to us and to the media, and to the total community, through schools and other government agencies, to move away from this trend towards non-accountability and non-responsibility.

I mentioned that we live in a great state. There are some things, obviously, that need improvement. In the health area, I think overall we have a pretty good health system. It will only be as good as the professionals in it, and the care and quality of care will vary from time to time, from institution to institution.

Overall, particularly for serious things like heart attack and so on, I think our health system works pretty well. Unlike America, I think it does cater for people who are not so well off. I do not want to see a system where people who are on a low income cannot get treatment for cancers and other diseases. As I said at the start, people are often critical about our society, but I think one of the good things—and it is not perfect—is that virtually, hopefully, everyone in our society can access proper health care.

On that, I was pleased to see the government, I guess with the support of the commonwealth, improving breast cancer screening infrastructure for women. Women tell me that some of the older equipment is a bit painful. If we can encourage more women to have a mammogram, particularly in the target age range, that will be good. I think as a community we have made considerable progress in terms of dealing with some of the diseases that men find themselves with, such as prostate cancer.

I think we need to have greater awareness and capability in terms of dealing with melanoma and other diseases, the incidence of some of which can be significantly reduced by people giving up smoking—heart disease, lung disease and so on. We are now seeing people, both men and women, living to a fairly old age, and that is because the quality of medical care is so good in this state. Once again, it shows that in South Australia we are fortunate in having such good health care.

There are a couple of issues close to my heart. It is not specifically because of my interaction with the police over a speeding matter, but what that did was highlight to me some serious deficiencies in the system. What I am committed to now is to try to ensure that we have a traffic enforcement system which is open, transparent and fair. I was pleased to read recently that, after, I guess, a bit of stirring on my part, the police have instituted some changes.

One of them is to issue a directive that police officers are no longer allowed to sign their own paperwork as if they were a more senior officer. They were actually never allowed to do it, but in my case that officer—Gregory Luke Thompson—signed it as if he were a more senior officer. The police have issued a directive that that is not to occur anymore.

They have also modified the expiation form, which I think is good, with some more checks and balances in it, but there is still a way to go because I think within the police force the senior officers need to explain why for many years we have had this system where traffic officers have been able to put in paperwork and no-one has ever checked it. There has never been any auditing of it. It has gone into a big black hole and I suspect many thousands of South Australians have been unfairly penalised by a system which to some extent still exists and which I would describe as rubbery and unacceptable. I am trying, in terms of traffic enforcement, to get proper standards and I will not speak too much of that because I will have legislation coming in, but there should be proper standards relating to the equipment used by police.

One of our colleagues in here—and I will not name him—told me that, coming back from the South-East a few days ago, he was pulled over. The police officer said, 'You were doing 125'—I think it was—'in a 110 zone.' He said, 'No, I wasn't. I had my GPS on and my speed control.' I think the police officer was using radar in the car, and the police officer said, 'There must have been bounce back,' so he let him on his way.

You should not have a situation where there is so much flexibility and variability. Either the person was breaking the law or they were not, and if the equipment is not good enough to give an accurate, honest result, then it should not be used. That is my view and that is what I have argued in relation to lasers. If you cannot guarantee that they are accurate, you should not be using them. I welcome the recent trialling by police of lasers with cameras in them because at least that way the police will have some objective basis on which to decide whether or not someone is breaking the law.

Regarding the whole issue of speed limits, I have never argued that you should not enforce speed limits. If you did not have some enforcement, you would have people doing all sorts of things, but, as I say, the enforcement has to be fair. It has to be reasonable. A lass who works for me got a ticket not that long ago for doing 53 in a 50 zone. That is ridiculous, because with modern cars the speedometer could be out anyway by a margin, and if someone is apprehended by a laser, what the police have not told people is that the manufacturer specifies that, even if it is calibrated perfectly, there will be an error margin of plus or minus two kilometres per hour. Members might say, 'Well, so what?' I have had a case recently of a guy who was one kilometre over the limit. If he gets the tolerance allowed—which the manufacturer says is in the machine—he will not lose his licence and he will not lose his job, so it is important.

In terms of other issues, I think the government needs to change the process for selecting magistrates. What has opened my eyes is that to be a magistrate you need a law degree and about six years' experience. I think that is totally inadequate. Magistrates receive good money. I am not saying they should not, but they are on about $330,000 a year. You should have people adjudicating in this state—and it should be not only in the selection but in training programs—who are properly qualified and have relevant experience and training in the areas in which they are going to adjudicate. I seek leave to continue my remarks.

Leave granted; debate adjourned.

SESSIONAL COMMITTEES

The Legislative Council notified its appointment of sessional committees.

VISITORS

The SPEAKER: I welcome some people from Jeffries Group, I understand. There is rather a large crowd here and they are guests of the minister for environment, the member for Taylor and the member for Norwood. Welcome; we hope you enjoy your evening here.

At 18:00 the house adjourned until Thursday 16 February 2012 at 10:30.