HOUSE OF ASSEMBLY

Tuesday 3 April 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:01 and read prayers.

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

HEALTH, ORACLE CORPORATE SYSTEM

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (11:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I made some statements about the extent to which the Oracle system works across South Australian government agencies last week. Oracle is not, I am now advised, generally used in other departments in South Australia. South Australia remains the last major health jurisdiction to have moved to a dedicated enterprise-wide platform for financial reporting across Health. I am further advised that New South Wales Health, Victoria and WA Health are all operating with the Oracle system.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (11:03): I move:

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

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (11:03): I move:

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

Motion carried.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 14 March 2012.)

Ms CHAPMAN (Bragg) (11:04): I rise to speak on the Rail Safety National Law (South Australia) Bill 2012 which was introduced with second reading by the Minister for Transport and Infrastructure on 14 March this year. Essentially this is a bill to repeal the Rail Safety Act 2007 which is our state legislation providing for the appointment of a rail regulator. That rail safety regulator reports through the minister to this parliament each year. Their job is to provide a structure to accredit and regulate rail operators, including drug and alcohol testing and auditing of rail operations. I will refer to their powers and responsibilities a little later. In essence, it is a regulated area of industry, and this bill is to repeal our state act and to be the lead agency as a jurisdiction in introducing a national regulator. If this bill is passed and followed in other jurisdictions, a national regulator will be appointed and individual state regulators will no longer be required. That position, as I understand it, is to have its headquarters in Adelaide.

Safety regulator law and regulations are yet to come in with respect to heavy transport, that is, largely trucks, and in the commercial marine area. I had the opportunity to view the host legislation that was presented in Queensland in relation to heavy transport; its passage was essentially aborted due to the Queensland election, but that state is to be the host in respect of that area of regulation. From speaking with the new Minister for Transport in Queensland, I understand that they will attend to that early in their new government and there will be legislation to follow here.

To return to this legislation to nationalise or establish a national regulator for rail safety operators, and to outline the position as I understand it, the minister's contribution outlined the

history of rail in this country and more specifically in South Australia and that there had been a number of discussions at the Council of Australian Governments level from the mid-2000s to consider introducing model legislation in each of the state jurisdictions to deal with the regulation of the industry, and that took place. Indeed, we dealt with that model legislation in 2006 which culminated in the act we are about to repeal, namely, the Rail Safety Act 2007; other jurisdictions followed that and introduced the model legislation.

That whole process was apparently to provide the consistency and uniformity that both industry and the advisers in government were attempting to produce. I am told (and I have no reason to think otherwise) that the model legislation in South Australia has worked quite well over the last five or six years. We in the parliament have the benefit of receiving the rail safety regulator's report each year, which is a report required by law to be presented to the Minister for Transport and he or she in turn will table that here in the parliament. That is our way in parliament of having some understanding of what the regulator is doing. I will refer to that report shortly, but in essence it gives us a snapshot of the work that is undertaken.

The introduction mid last month did at least facilitate an opportunity for, and I was offered and accepted, a briefing from Ms Julie Bullas, who is the project director undertaking the development of the new national structure, and I place on record my appreciation for her making time to do so. Other representatives from the Department of Planning, Transport and Infrastructure have also made themselves available. Mr Pat Gerace from the minister's office also provided information subsequent to that meeting, and I place on the record my appreciation for that.

In addition, this legislation being held to this week, though listed last week, has given me the opportunity to meet with a representative from the Australasian Railway Association Inc., and their representative from Canberra attended to provide me with a briefing as to the industry's position. It is fair to say that they support the creation of a national rail safety regulator and a national rail safety investigator. They note that that will be headquartered in Adelaide. They have made a number of submissions on other matters relating to their industry, but on this issue they are hopeful that it will work. I qualify that because there is a question of cost, which remains yet unclear and of which I am advised in the briefings there is to be further meetings between ministers across the country in May this year to, I think, come to some landing in relation to cost.

The current position under the Rail Safety Act 2007 is that the State Regulator, who is currently, I think, Mr Brian Hemming, and his office, undertake a number of things to provide the accreditation and regulation of the rail operators, as I have indicated. According to the 30 June 2011 annual report, which was tabled late last year, there are nearly 50 regulated operators in South Australia. They are largely private companies and, once accredited, are scheduled in the annual report of the Rail Safety Regulator.

Only one of those that I can identify is government owned in South Australia, and that is under the responsibility of the Rail Commissioner. The Rail Commissioner, I think, at this stage is Mr Rod Hook, the Chief Executive of the Department of Planning, Transport and Infrastructure, and he is the person who has direct responsibility also to the minister and provides reports to this parliament. I simply mention that role because this regulation, as it currently stands, regulates all rail transport operators, whether they are government or private organisations, and the overwhelming majority are private, some limited liability companies and some national public companies, which provide these services. I will not repeat the history of how that has come about, but essentially rail, to a large degree, was privatised some decades ago.

The opposition supports the principle of having regulation in safety particularly, but of the industry, because it does provide a very significant public transport and commercial purpose, but the operation of the rail equipment, whether the trains themselves, the track, the rolling stock or any of the activity that is related to the moving of freight or people, requires a high standard of safety. We support the principle of having a regulated industry to do that.

On the face of it, that is an attempt to ensure that only people who are fit and proper, and who follow the process of the standards that are imposed, have the right to operate businesses for which safety is a very key component—not just for consumers and the public, but of course for those people who are employed in the provision of rail services. The 2011 annual report provides that:

South Australia has 4,730 route kilometres of rail track, on which an aggregate total of 17,590,448 kilometres were travelled by trains during the 2010-11 financial year.

As I have indicated, the opposition supports that the industry is regulated and that we have an accreditation process in place. Essentially, it means that rail transport operators are not permitted to carry out railway operations unless an appropriate accreditation or an exemption from accreditation is held, or, indeed, the railway operations are being undertaken on behalf of an operator that is accredited or exempt. The act is applicable to any railway operations undertaken on a railway track, having a gauge of 600 millimetres or greater.

The rail transport operators, through this process, pay an annual fee. The accreditation process is designed such that the cost is met by those who are seeking the application—that is, the user-pays system. Therefore, the annual fee revenue directly is to be offset by the cost of the rail safety regulation activities undertaken by the regulator. In the last year, according to the 2010-11 annual report, the total revenue provided $1,436,016.

At present, the minimum annual fee is $13,941, as gazetted on 17 June 2011. Members will see that, in the categories of Transport—Rail Transport Operator that are scheduled, some would only have to pay close to the minimal fees; however, a number of these companies operate across jurisdictions, and they pay an extra charge—I think in each of the jurisdictions, but certainly here—based on the size of operation, either in the kilometres of track that they own or operate or the areas that they cover.

Large companies like Genesee & Wyoming Australia Pty Ltd, which not only operates in this state, but also in other jurisdictions, pay a fee of close to $300,000 a year, I think, because they are at the other end of the scale. They, of course, have to register and be regulated and accredited in each of the other states and territories, so no doubt that is quite a heavy cost for the bigger companies but, in any event, the opposition does not take issue with there being a graduated scale. The new bill will adopt a similar cost recovery requirement, and also on a graduated basis.

The position for South Australia as to how this is operated under the current Rail Safety Act 2007 is one which has been applauded by some who have spoken to me and to members of the opposition, which raises the question of why we would change it. The claims of efficiency or uniformity are ones that come from the industry and, indeed, the Australian Railways Association has told me that it has been seeking a national regulator model back as far as 2004.

It seems that COAG listened to it to the extent of providing model legislation around the country, which is the sort of 2006 regime that has been implemented. Incidentally, Western Australia, I am told, had not come in under that scheme until last year, so I suppose it is a little early to judge how effective its systems are going to be seeing that it was only just implemented and now, of course, it is about to be thrust into a federal regulator system; but, knowing Western Australia, it is likely to be tardy in its even coming on board for this one—if it ever does at all.

Nevertheless, it has become clear that, although South Australia has operated quite efficiently (and I think there has been something like a 90 per cent recovery of cost in the whole regulatory process), there has certainly been a significant broadening of the functions of the regulator under the new bill, and that may really lead to the reason that this is being pushed so heavily.

Quite possibly the other reason is one which I float, that is, having now had the opportunity to examine the extended functions the national regulator will undertake, this government, and possibly others around the country, has seen that the national occupational health and safety legislation—which has come to a shuddering halt in its implementation under a national model—is one which is probably very embarrassing to the Australian Labor Party but, nevertheless, is one which certainly in South Australia has been fought hard and strongly opposed; and from what I read in the national newspapers Queensland will probably follow suit.

The future of that legislation may well be that it turns to dust. Nevertheless, this legislation with the expansion of roles will adopt some quite significant areas of enforcement, including the codification of duties and various significant offences for breach of those duties which, if the Labor governments cannot achieve under the safe work/occupational health and safety legislation (which has various names) reform, then there would be good reason why they would be in a hurry to push this through, because it may be the only way that they will attempt to get it.

Nevertheless, it comes with the support of the industry because, for a number of years, it has been desperately crying out for a system which is at least not just uniform but which adds to some consistency in the application of what the standards are that they are expected to comply with; whether they are an operator or a rolling stock owner, for example, they need to know what

the rules are and they want some consistency. This space is now filled with national operators, and they are keen to have that remedied.

I think that, as I mentioned, Western Australia is a little different—always has been—but, nevertheless, just like its heavy transport industry, it has a very significant part of its infrastructure in the rail and heavy transport area within its own state. They, not surprisingly, say that often they can do it on their own.

The presentation in the briefing to me that there is a need to have a common approach to the prescription of drug and alcohol requirements and fatigue management is quite a reasonable submission to make, and I agree some consistency is helpful. Is it important? Is it a prerequisite? Probably not, but it is apparently evident in other jurisdictions that they have not been as effective in managing these areas and therefore we need to come into the national system to bring others up to standard.

That may be the case. I hope South Australia has been successful in this area. I would have to say that on reading the material from the rail safety regulators' annual report it does seem that whatever we are doing is pretty good. The safety levels are identified in the audit program, which is fairly comprehensive; that is, once rail operators have been accredited they are regularly audited and there is quite a significant supervision of that, which I am pleased to see.

Under the rail safety occurrences that were provided in last year's annual report (the 2010-11 year), the notifiable occurrences included 13 running line derailments; five running line collisions with trains, rolling stock, a person, infrastructure or road vehicles; one level crossing collision, which was with a road vehicle; 68 signal passed at danger, where there was human error or technical error; 124 loading irregularities; and 129 track and civil irregularities.

There are processes by which certain events have to be reported to the national Australian Transport Safety Bureau, and they retain quite significant data. The regulator also provides statistical data on the fatalities to the Australian Transport Safety Bureau for publication on its website. I did note that, over the period from 2001 to 2011 inclusive, the number of rail fatalities in South Australia was 24. Rarely has it been as high as four in one year; commonly it has been one or two, and I am pleased to see that in a number of years there were none at all.

What does concern me relates to, I think, a very serious issue facing the rail transport industry and drivers of trains in particular. There is no data provided to the parliament on the fatalities that are suspected suicides. It seems from other material that I have been provided with that we have something like 250 fatalities or very serious injuries a year in Australia where the victim is a suspected suicide case.

I was interested to note that the Australasian Railway Association has recently launched a program called trackSAFE. It was launched in Sydney last week. I think, from memory, the junior minister, minister Fox, had leave from the parliament to attend such a launch. I am sure that it is a worthy program from the information I have read on it, and I am pleased that the government was represented at that launch in Sydney—if that is the one that she attended.

In any event, one of the things that has become clear in the information that has been provided by the industry body itself is the issue of suicide on rail networks. From the rail industry perspective, this is up there with one of the most alarming issues, and they are looking to have some coordinated approach to it.

If we are going to get serious about addressing this issue, members should be aware that trains cannot stop quickly, as quickly as cars, for example. There is a risk of causing injury if they are about to have a collision at a level crossing, or about to traverse a track over which someone has attempted to pass or, worse still, where a person considers that it will be their act of suicide, as the train cannot pull up quickly.

From the information that I am provided with, travelling at 60 km/h a car could stop within 58 metres, a heavy vehicle would take about 97 metres, a suburban passenger train, however, would take 200 metres to stop, and a freight train takes as much as 800 metres to stop. I think all members can appreciate that this means that the risks at level crossings, such as trespassing onto tracks, will have a profound impact.

Tragically, those who are in control of those trains, particularly the drivers, do suffer considerable mental and emotional trauma as a result of witnessing such incidents. That has an impact not only on them personally, which is serious enough, but also on their capacity to continue in their line of work and exercise their skills as drivers, for example. Even for those who are working

on the tracks and need to remedy the breach, or those who attend the scene of a shocking accident, it is hardly surprising that their exodus from the workforce and their loss to the industry is significant, not to mention what they might have to do to retrain and take on other employment.

I am very pleased that the association has undertaken this work. We need to know, here in the parliament, through the annual regulator's report that sort of information in the report of material. It is going national and I do not care whether it is a national or state regulator. I would ask the minister to take that on notice as it is clearly something we need to deal with.

If the data that we are receiving is correct, on some parity we would have 10 or 12 people a year, at least, in South Australia who die as a result of a suspected suicide or who have serious injury, where a train is involved. I know that the opposition comprises a number of members of parliament who represent vast areas of South Australia where trains are very important, not just for freight but also for some passenger services, and they understand the importance of this. Tragically, sometimes in quite isolated communities they need to deal with these issues as victims are often known.

For example, the reason this would help us work out some charter of how we manage rail safety in the future, for example, by infrastructure measures, such as barriers or the like, is to identify in areas of the state (whether it is main railway stations and sidings at Ceduna, or some other outpost) what is happening out there so that we can address this as a parliament, and obviously governments can take up the responsibility in the financial planning and infrastructure. Also, where it is successful, consistent with the new functions of the national regulator, that it would be the case that he or she will transfer that information to other jurisdictions so that they might also address this very serious social problem.

The other matter I want to mention is within the determination of the Minister for Transport, and that is the setting of the annual fee for the application for accreditation. That is gazetted, and I have referred to the last gazetted fee provision. This is important because they are not only very signification fees that are being paid but, while the industry accepts that it has a user-pay principle (and it is something that predates even the 2007 legislation but we are entrenching in this legislation the obligation for the industry to pay for this), the industry, in my view, is entitled to have some assurance that it will be charged what is a reasonable rate to implement this program.

At present, as I understand it, the Productivity Commission has been requested to keep an eye on and have a watching brief over the implementation of the national law and the appointment of the regulator (in particular, whether that translates into any significant extra cost for the industry) and that that be assessed, bearing in mind two things: one is that there is to be, apparently, no loss of jobs under this new restriction.

We will have the appointment of the national regulator. I am not sure what has happened to the other regulators, but I think it is fair to say that, if it operates like South Australia, the people who are the national regulators sometimes have other areas of responsibility in the transport world, and they may well take on other duties so that there is no overall loss of jobs. Presumably, there will be some advertising process for the selection and appointment of the national regulator and that he or she will have an office here in Adelaide, with some staff, but no-one is to lose their job under this new proposal. One wonders how the question of efficiency is met if there have been promises of a more streamlined model because it is going to be better, more uniformed and more effective and so forth.

This is not a new thing that has come to this parliament. In the 10 years I have been in this place, on many occasions, as members of parliament, we have been asked to support and endorse the transfer of a regulatory role to the appointment of a national bureaucrat. I personally have rarely agreed to it as something that will produce something that is more efficient because it never does and, in fact, I have been right. When we look at medical professional regulation and we look at the cost of implementing these programs, they are never cheaper. I have absolutely no doubt that this model will be exactly the same. That does not mean necessarily that that is a bad thing in itself if, in fact, the new model is going to be more effective and, as in this case, it will have extra areas of responsibility, which will obviously need to be costed. But I make the point that it is not sufficient for the government to simply present an argument that something is going to be more efficient or, indeed, that no marginal cost will be transferred to the industry when it has never been achieved to date.

Also, in this instance, I am advised that the ministers are yet to meet to consider the direct cost to the industry under the new model; that is to occur in May. I am disappointed that this

legislation is actually being dealt with before that resolution has been reached and that information is available to the parliament for us to consider, but, in any event, I do not have any confidence that it will be cheaper. On inquiry, the minister's office has provided an indication as follows:

> The base cost of ongoing operation of the National Rail Safety Regulator (NRSR) will be the same as the current overall national cost of rail safety regulation with the exception of any new or additional functions that will be undertaken by the NRSR due to a change in regulatory policy.
>
> At this time the only change identified is the proposal for the NRSR to implement a compliance based drug and alcohol testing program, the costs of this activity is being considered by ministers and may be an increase in total national cost in the order of 4% - 8%.
>
> The set-up and implementation costs of the NRSR are largely being met by the Commonwealth (with jurisdictions providing in-kind contribution through participation in various advisory, workgroup and project governance forums).

That does not fill me with confidence about cost. Attempts to suggest that something is not as bad as it might be on the basis that some other government agency is going to pay for it are almost laughable because, of course, we are all taxpayers and we are all paying for it. It does not matter whether it is going to come out of some bucket of money in the commonwealth or some bucket of money at the state. Clearly, these are significant costs.

I now move to the issue of drug and alcohol testing. That, along with fatigue management, is one of the significant areas of policy reform. As I understand it, whilst a much tighter regime is to be implemented under the national scheme—and we will tease out some of that during the course of committee—what is apparently clear is that the undertaking of the auditing and supervision of that will still be done by officers in each of the jurisdictions. This is where we get this consequence that there will be no loss of jobs. Everyone will keep their job.

I will say just on costs that, if there is to be a slow introduction of efficiencies over a period of time and there is to be any employment loss, the minister needs to come clean on that. In response, he can confirm whether there is going to be a slow attrition of those workers in this area of regulation over time, that is, upon retirement, or any forced redundancy. I think, in fairness, we should know about that and how long this sort of no loss of job policy is to be effected.

I come back to the issue of drug and alcohol testing. One of the obligations of an operator who is seeking accreditation is to set out the standards and demonstrate, I suppose, to the regulator, both initially and during any audit, that they are undertaking this responsibility to keep their ticket to operate, so to speak. For example, the regulator has to be satisfied that any rail safety worker, whether they are a driver or someone working on signalling or the like, is fit and healthy and not under the influence of any drug or alcohol. For example, they are not to have a prescribed concentration of alcohol in their blood of over .02 per cent.

Under this national legislation, I understand that is to move to zero, so rail safety operators or workers will, in fact, be a bit like pilots in the air transport industry, where there is to be a zero reading (no alcohol) to avoid any consequences. What I was told during the course of a briefing on this was that our regulator required the operators to have their workers submit to testing. Of those tested, I am advised that there have been, in the last 15 or so years—from 1996 to December 2011—149 reports of positive drug or alcohol tests recorded. There was an indication that the total number of tests undertaken on rail transport operators over that period had not been recorded.

In an oral briefing, I received an indication that those who had returned positive results was approximately 0.17 per cent of all those tested. To calculate that, I am assuming that there had to have actually been some data recorded of the number of transport officers tested, but perhaps they had another way of calculating it. In any event, it is a very small number, and I think that is a good thing on the basis that we have responsible people in the industry and we have a good regulatory process which is under the supervision of the current rail safety regulator. If all the boxes are ticked in that regard, then we are doing okay.

What concerned me, and remains of concern to me, is that of those 149 reports of positive drug and/or alcohol tests, none of them have been reported to the police. When I heard that I was most concerned. Probably some people would say, 'Well, this is an accreditation process in which we are making a determination on whether an operator should be able to carry out their particular business. We're not in the business of prosecution. That's not our job.' If that is the response, it would be rather curious, given that we are about to pass a regime of national regulation which provides for penalties for breach of a safety duty, as defined under the new law, of up to 5 years' imprisonment and, I think, $3 million for corporate breaches.

We have a very serious approach in relation to regulation, and we have an even greater penalty regime which is about to be introduced, and in respect of cases where there is a positive reading of a rail safety worker—and obviously these are the people who are at the front line when it comes to the safety of themselves and others, passengers, fellow workers and the like, and general members of the public even if they are trespassing on the property—I found it very concerning.

I would not expect that all those 149 reports of positive drug or alcohol test would have necessarily been taken in a circumstance where the person who had the positive reading was about to expose a co-worker or a member of the public or a transport consumer, for example, to a high risk of death or serious injury. It is possible that these positive readings had been taken in a circumstance where the worker had not actually commenced their work for the day, their recording was at a time when they were not behind the wheel or at the switch and there had not been any imminent danger.

I would hope that is the case. I would hate to think that all these 149 reports had been positive tests when people were in a situation where they could create havoc, danger or death. There is every likelihood that there would be some instances where, had the rail safety worker been able to continue their usual routine, as they had been undertaking prior to the testing, they would have placed people at risk. That concerns me.

I therefore suggest that the minister consider whether the national regulator should be required to report to the police a positive reading in the circumstances where there is risk. Risk is defined, in fact, under the new regulations for other penalties but it seems to me that, unless there has been a death or an incident (I think they call it a 'notifiable occurrence'), then there is every likelihood that the police do not know anything about this and, in particular, whether the driver or safety operator was under the influence of drugs or alcohol.

I think there needs to be some follow-up to that and I think there is an opportunity for the minister to require it because, if we are going to go down the path of making sure that the businesses themselves, the operators themselves, are running a tight, safe ship—in this case, a train—we need to make sure that there is some consistency in how this will apply. By all means, introduce a penalty regime on this safety risk component for the parties under accreditation, but we have to have some follow-up with those who breach it.

The other aspect which is covered significantly in the bill under a new regime is fatigue management. As I understand it, and it is common sense, I suppose, where you have someone like a train driver who is responsible for the lives of a number of people in a fast-moving vehicle which, of course, takes a long time to pull up if there is any trouble, there would be a high standard expected, not only as to their fitness physically to undertake their duties in a good state of health but also that they are not under the influence of drugs or alcohol and, thirdly, that they are not so under pressure to maintain a sustained workload that it will cause a greater risk. Obviously, that can be severely affected by the hours of work, for example, that a train driver may operate for.

As I understand it, the codes of conduct, or the protocols for safe driving and the minimising of fatigue, are causing a bit of controversy around the country, I would have to say, in other areas around the country, particularly heavy transport. I recently read of the federal minister's coming under fire (Mr Albanese) over the introduction and passage of the safe rates-safe hours legislation—I cannot remember the full name of the federal bill—which he introduced for the heavy transport industry and which contains some extra obligations to make the roads safer. There was much controversy about that. I recall when I consulted on aspects of that—we are now looking at fatigue management rules to come up with a code of conduct, and I do not doubt for one moment that we are going to go down the same line—there was a concern about it in the community, but that also needs to be balanced against what is realistic in the implementation.

I suppose a most realistic and often quoted example is when a truck driver is placed under pressure to get from A to B with a load of freight. Although we have quite a few rules in respect to speed limits, for example, that pressure will mean that they might go over the speed limit or drive for an extraordinary long period of time without adequate rest breaks, and so they then place themselves and other road users at risk. Unfortunately, it is a similar situation to trains, when you have a truck and a car collide, very often the person who is sitting in the car is likely to be injured or killed.

If the federal government was serious about road safety it would implement policies that achieve that, rather than trying to use pieces of legislation to get what it wants. In this instance, the

attempt to have remuneration in the benefits paid to drivers for when they are loading or unloading vehicles, the attempt to enable unions to prosecute what are otherwise very significant laws covering road transport and the opportunity to have 50 per cent of the proceeds of penalties paid to the unions, are the sorts of things the federal government has floated with its legislation.

I understand that legislation has recently gone through the Senate. Not surprisingly, the industry is pretty unhappy because it is also an industry—given the minister's meetings in the past few weeks—which is now facing higher fuel prices (that has gone through), lower rebates and a massive increase in registration for trucks and heavy vehicles. So, they are pretty cross that they should have that type of legislation imposed on them. I say to the government: if you are going to introduce a national regulator, let us understand that we have something that is realistic for enforcement that will achieve what we want; that is, in this instance, safer use of our train services, and not just use it as a guise to give the unions what they want.

I come to the introduction of the principles of rail safety, which are new in this legislation. I will ask the minister to explain (in committee) some aspects of that, which appear to me to be some codification of the common law obligations. In particular, when we come to clause 54 and the duties for those loading and unloading freight and also the duty of officers in exercising due diligence, I did note—and this is where I think the whole process is getting rather cute—that it is trying to do through this legislation what it has not been able to achieve in occupational health and safety legislation at a national level, and that is the provision for three categories of failure to comply with safety duties and very significant penalties which clearly are to be consistent with what is in the model work health and safety law which, as I say, is under threat at the moment, given that this jurisdiction and now others are joining the fight against it.

I alert the minister that they in particular are issues that I wish to raise in committee. However, I make the point that there may be a very good reason to have a national regulator when we are now operating in a space where the business owners of the stock, track and trains are operated nationally. We have come a long way from national gauge to national regulation, and all of that may be good, but do not try to use this legislation to get in this door what you cannot get in another door.

I think it is important, in areas of implementation of very high penalties for safe work practices which have their remit in other legislation and which are probably more than adequately covered in other legislation, that we have the case put to us as a parliament, if you are going to use this as a back door vehicle to get in what you cannot get in through the front door.

Finally, I mention the carbon tax. In a couple of months, we are about to have descend on us the effects of a federal carbon tax. The cost to South Australian individuals and families on the state government's assessment of the costing is about $500 per person. That is all the information we have so far.

We have had rather terse responses from the government as to what they are working on and what they are calculating but, from the documents that they have provided to us—not voluntarily but under freedom of information—for South Australia per capita, it would be probably about $500 per annum at a carbon price of $25 a tonne, and we have confirmation that outer metro and regional areas, who are car dependent, will be most affected, as will those in older, less efficient homes, which creates a socioeconomic issue.

I want to say to the parliament that, because this is going to come into effect on 1 July and the bill that we are discussing will have a direct impact on the cost for the business operators of rail on 1 January 2013, in addition to that, this carbon tax is going to be significant because, when that calculation was done, it took into account that those travelling on rail are going to be hit with this tax effect on 1 July 2012. Other heavy transport industries and fuel-reliant industries, on the information provided, will not be affected until 2014. It is not just the industry cost in managing this, which is important. I hope that the minister will give us some assurance in due course that there are not going to be massive hikes on that—

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: The minister interjects to say that he did not believe the industry. The industry do not know. The industry are told that it is going to be about the same.

The Hon. P.F. Conlon: What have they told you?

Ms CHAPMAN: The industry have said that they have asked the Productivity Commission to keep a watching brief on you, minister, to make sure that what you have said is true, and so will

we be. I am confident that they are concerned enough, having sought the services of the Productivity Commission, and that they do understand that governments can say one thing and do another. They will be keeping an eye on you, minister, to make sure that what you have said you are going to do is right. So they should, because I can tell you that, for every other national regulation here, a lot of those industries and professions have been whacked badly. In addition to that, we have the carbon tax. I make this point: not only does the—

The Hon. P.F. CONLON: Point of order: I have listened to this for some time. This bill has no relationship whatever to the carbon tax. If this bill is passed or not passed by the parliament, the carbon tax will apply without any alteration. On that basis, can the member return to this bill and, if she wants to talk about the carbon tax, take a grievance later.

The ACTING SPEAKER (Hon. M.J. Wright): I accept the point of order and would ask the shadow minister to return to the bill.

Ms CHAPMAN: I am happy to do that—

The Hon. P.F. Conlon: I think you should do that; that's what he's asking for.

Ms CHAPMAN: But that does not mean that the carbon tax is irrelevant to this bill is what I was about to say. The Australasian Railway Association, which has presented submissions to us, has done some costing in relation to the carbon tax and the cost that it will have to its industry. If the government take the view that their new—

The Hon. P.F. CONLON: Point of order: I make the point that the carbon tax is going to apply to the rail industry regardless of any provision of this bill. Nothing in this bill makes any difference to it and the member should return to this bill.

The ACTING SPEAKER (Hon. M.J. Wright): I accept the point of order and I have already ruled accordingly.

Ms CHAPMAN: I indicate that, if there is any direct effect on the cost of the appointment of the regulator—and that is highlighted by the Productivity Commission—then doubtless the industry will be outraged, and so they should be. They pay for a service and they expect it to be efficient. They need to be able to do that to provide not only a good service but also the high standards of safety that we expect of them, if they are not oppressed with other costs. Questions of fuel costs, wages, and health and safety are all expenses that relate to these operators, including the Rail Commissioner of South Australia who operates the publicly-owned services, which are required to be accredited under this bill. Those services also have to be able to afford to operate. The minister can say, 'Well, all these other costs don't matter; it doesn't matter whether we get a carbon tax or whatever—'

The Hon. P.F. CONLON: Point of order: I now do not know what the member is talking about, but it is not this bill.

The ACTING SPEAKER (Hon. M.J. Wright): I ask the member to ensure she is talking about the bill, and I will listen very carefully.

Ms CHAPMAN: I will help you and the minister, who obviously has not read his Rail Safety Regulator's report for this year. That document lists 48 or 49 rail transport operators that are accredited under this process—the structure that we are about to repeal and the establishment of the new national structure. These people have to get accreditation at the national level. One of them, just in case the minister missed it, is the Rail Commissioner. The Rail Commissioner is the only government entity that this relates to. However, that entity still will need to be accredited under the new structure. If there are costs imposed on it, like the other private businesses, including costs that relate from the carbon tax on 1 July—

The Hon. P.F. CONLON: Point of order: the speaker is simply ignoring your ruling. The carbon tax has no effect on this bill, and this bill has no effect on the carbon tax—absolutely no relationship. If the member can point to one clause in the bill that suggests a relationship, then I will accept that, but she cannot because it does not. She has simply ignored your ruling for the third time.

The ACTING SPEAKER (Hon. M.J. Wright): I do accept the point of order. I have asked before and I will now insist that the member, the shadow minister, stay within the boundaries of the bill. You have finished? I will call on other speakers.

VISITORS

The ACTING SPEAKER (Hon. M.J. Wright): I advise members of the presence in the gallery today of English language students from Noarlunga TAFE, who are guests of the member for Mawson. Welcome; it is great to have you here.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) BILL

Debate resumed.

Mr VENNING (Schubert) (12:10): I always like to make speeches on anything to do with railway lines, and this one is all about the establishing of a rail safety regulator. I note that—

The Hon. P.F. Conlon: Which is very relevant to the Barossa line.

Mr VENNING: Just wait for it, minister. We will get there, I can assure you. We are considering the introduction of model legislation similar to the one that we introduced here in South Australia in 2006. It is not satisfactory that the various states have different safety regulations and standards; it has been confusing to say the least.

Today most of our train workings are across state borders, and we certainly promote that. Ever since we got rid of the old SAR, we are seeing fewer and fewer internal train movements but more and more across the boarder. This, of course, has made this whole area of different rules confusing. Locomotive operators have had to be fully conversant with each of the states' regulations to avoid confusion.

Rod Hook, as we know, is the Rail Commissioner. I have always had a lot of time for him. He has many responsibilities, and the minister is certainly lucky to have him on board. I have never heard any criticism of Mr Hook. One day, when I am no longer in this place, I would not mind working alongside him because he inspires people. When I was on the Public Works Committee, I was quite impressed with the way he handled himself.

The Hon. P.F. Conlon: I will pass it on to him.

Mr VENNING: Thank you. We have had many a private moment interstate, and whatever, over the many years that I have been in this place. If you have access to public servants like that, I will give you credit every time. I never let an opportunity go by to discuss our railways when it is appropriate to do so, and in my 22 years here that would be on many occasions. Rail safety is particularly about rail operations bisecting with the general public amenity, particularly rail crossings (motor and pedestrian). With this goes clearance and visual issues: the use of train horns, the provision of warning devices, lights and boom gates—and we need more of these.

I note the fatality last week north of Port Pirie, on the Wardang Island level crossing, where a lady just did not see the train at an unprotected crossing that she would travel over three or four times every day. How often does that happen? Some years ago, I lost my best friend, Mr Murray Marks (who many members would know), when he hit the train at Merriton on an unprotected crossing only one kilometre from his home. He would have crossed that crossing dozens of times a day. I am sure that he was listening to the cricket and just did not look for the train—and he is gone. So I support installing these devices wherever possible. Thankfully, that crossing is now protected. I hope that we will be able to increase the level crossing upgrade program across the state. I know it is expensive, but it is these isolated crossings which are the bad ones.

I am pleased to see at last the use of reflective tape on the side of rail wagons. It was resisted for years, mainly because rail operators did not want the cost of providing and maintaining reflectors and then the legal liability if they were faulty or not visible. However, we have got them and they do work, but it took years and years.

The issue of keeping our rail network safe is most important, and we should try at all times to eliminate train movements over level crossings when alternatives exist, whether that be with the provision of road overpasses or the re-routing of trains wherever practical.

This brings me to another hobbyhorse of mine; of course, that is the rail bypass of Adelaide. This has been discussed at length, ad nauseam, over the last 20 years and the minister would be sick of it, but Mr Ron Bannon of the Pilarna group has raised it with me several times, as have many others. I remind the house again that the corridor is largely already there to allow this, from Tailem Bend to Appamurra, from Cambrai to Sedan and then to branch either to Truro or Eudunda to rejoin the main lines north and east.

A study has been done and recommendations have been made, and I certainly support the option to the east even though it is not far from the rail to be provided from Truro to the existing Barossa Valley line. I do not think I would be too popular if I said that we will link through the Barossa line, because the increased traffic would be huge and I do not think the line would quite take that. So I am pushing quite strongly for the eastern option there.

I believe it should go east and north to join the main line and then continue west to Snowtown and Wallaroo or a point to the north. The obvious site for South Australia's new super port, Myponie Point has all the requirements: a greenfield site, very deep water close in, no other development or houses nearby, and close proximity to the existing rail corridor. It will happen. When you consider the increase in rail and port facilities, we will soon outstrip the capacity of the only port we have on this side of the gulf.

What is happening at Outer Harbor is great with the grain terminal alongside the container terminal, and now with a looping railway line. Again, I commend current minister Conlon for that. On the record, I say it again: as political as we all want to be at times, one has to recognise good performance and the best outcome, and that is what we have. However, living where I do when I am in Adelaide I can see the boats at anchor, and yesterday there were four waiting. This morning I think there were only two, but I have seen up to five ships waiting out there. So it is obvious that we will have to revisit this within five to 10 years—probably before the minister retires (no response, Mr Acting Speaker).

The bypass of Adelaide will be opposed by some, but I believe that freight that does not need to come into Adelaide should not. Freight going on to Darwin or Perth or east to Sydney should not go through metropolitan Adelaide, especially as we are seeing more and more hazardous cargoes on trains. The Adelaide Hills are also a natural barrier for these large freight trains, particularly with the low tunnels and the bends, which do limit the double stacking of containers through that area. All containers coming from Melbourne have to be single stacked and then re-stacked in Adelaide, which is very inefficient. So everything points to this, but we just do not seem to be able to get over that hurdle.

Where I live on the farm at Crystal Brook we have a main train line right at the front, and there is a lot of history to that. Over the years that my father was a member in this place, they put that railway line there, and those who are old enough might remember that there was some dispute; my father did not win on that occasion, and we copped the railway line. I do not mind at all, because I love to see these huge trains, which are up to three kilometres long with double-stacked containers all the way. That is the way to move things; one driver and all those movements. It is fantastic.

Where I sleep is only two kilometres from the junction of the south, east and west lines, so there is a lot of activity just around there; the north actually divides up the track beyond Port Augusta. I regularly see the huge trains—about three kilometres long, as I said—with double-stacked containers and only one driver. Surely this is more efficient and safer than, say, 100 semitrailers, especially for these long hauls. I get quite enthused about this, and encourage heavy freight to be off the roads that are shared with people in their cars.

Returning to safety standards, which is what this rail safety legislation is all about, I note the shadow minister's comments about drug and alcohol testing. I was rather surprised that police are not notified of an offence at this point in time. I thought 'Wow. Just think about the responsibility of a driver of a train who has had a few too many, or worse than that, drugs—or even worse than that again, both.' I cannot believe that that should be the case; it should really be a huge offence. Think about the responsibility on the driver to be totally in control.

I hope the BAC levels for this will be the same as for bus drivers—that is, zero. Therefore, this is a significant area of policy reform, and reporting to police is mandatory. Do (or could) the police perform these random tests? I think they could. I know you cannot stop a train for a blood alcohol test, but they do stop often. Out the front of our home at Crystal Brook there is a double line and they often stop there waiting for trains to come past. It is a great spot for a police car to pull over and say, 'G'day, driver. This is a mandatory breath test. Blow in here.' I have never seen it. I cannot see any reason why not. So, let's see what happens after this legislation.

Also, fatigue is an area which has been discussed today. It is an important issue. I note in recent times the addition of crew vans on most large freight trains, offering off-duty drivers the opportunity to take rest and relaxation. Good, but I do not want these crew vans to be Bluebird rail cars. I also note that almost all of the level crossings on the Gawler-Barossa line are protected, and

I note that the Penrice Stone Train began operating again last week. We certainly welcome that and, again, we realise how easy it would be to introduce a daily passenger train service and put the Barossa Wine Train back on track. I could not let the opportunity pass, minister, to mention that.

My last desire, as a long-term MP in this place, would be to re-establish—after a new Barossa hospital and the wine train—the country passenger rail service. I would love to be able to catch the train from Crystal Brook to Adelaide, as my father did for many years. We have the rolling stock and the track is already there. Only the desire by government to do it is the problem. Surely, this is all about community safety as well. I commend the bill to the house and I also commend the shadow minister for her work. Again, I commend the minister. I do not often hand out accolades; I have done it two or three times to him.

Mr BROCK (Frome) (12:22): I would also like to contribute to the Rail Safety National Law (South Australia) Bill—a very important bill. Let me first say that Port Pirie has had a long association with the rail industry over many years. Port Pirie was unique in that it had the three different rail gauges going through our community, requiring all trains (both passenger and freight) to come into our city and to transfer all the passengers and all the freight. As the member for Schubert has indicated just a minute ago, the rail system, including Crystal Brook, has had a great history in the rail industry.

One of the issues that I feel bad about is that it is diminishing. In regional South Australia we seem to be getting fewer passenger and freight trains into the regions. However, this bill is regarding rail safety. We, as Australians, have had a long association with the rail activities across this vast continent. South Australia, in particular, has always been a leader in rail safety; however, we always must ensure that the train operations have a consistent regulation and operation facility across all the state borders.

As the member for Schubert has indicated, one of the issues that you can take on board that may not be evident is fatigue. I drive a fair bit in my job as the elected member for Frome, and we do get fatigued just driving a car but we can stop and pull over on the side of the road, put the seat back and have a kip. A train driver cannot do that, and it is one of the issues we have to identify: that we have the same fatigue laws for South Australian operators so that when they are transferring into Western Australia or Victoria, they have the same qualifications and requirements.

I agree with the member for Schubert about drugs and alcohol, in particular. Again, a lot of people do not understand the unseen effects that drugs and/or alcohol can have on the ability of a driver—whether of trains, trucks or other vehicles—to be able to react. With a train, you cannot just stop within a short distance. You need to have the same requirements across all states. The other thing we really need to take on board, and I hope this is being looked at very seriously, is the unseen issue of depression. Train drivers, vehicle drivers and even people in this house may have depression and you do not see it on the surface so you need to be able to be on top of that and to identify that, and the criteria for all states across national lines should be the same.

As I said earlier, Port Pirie had the great privilege of having three different rail gauges in the city which resulted in all the trains having to stop there and which created many, many jobs. Unfortunately, the state government of the time did not allow the trains to come into Port Pirie, using the excuse of re-laying rail sleepers or standardising them between Port Pirie and Crystal Brook, and allowed the bus services, which were not usually allowed, to come into Port Pirie. From that day, our rail systems and passenger service operations were completely eliminated.

However, we now need to look forward and I certainly commend the bill and congratulate the minister for bringing it forward. The aim of it is to have one national rail safety regulator who will provide the rail industry with a consistent and reliable co-regulatory approach, and we need to do that because there are no differences in the requirements between each of the states. This will become a common approach to the prescription of drug and alcohol requirements and fatigue management. As I said earlier, I hope it will take on board how to identify if the train operator or the staff have an unknown issue with depression and also take on board any hard issues with their general health and things like that. We need to be very, very careful.

Trains are an integral part of the growth of Australia. They should be increasing their operations and their presence across all of South Australia and into the Northern Territory, accommodating and growing the grain industry and the resource opportunities. I certainly will be supporting this bill and I commend it to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (12:27): I join with my colleagues and the member for Bragg (the shadow minister for transport) in supporting this bill. Heavy freight, whether it be rail,

road or whatever, will and must become more efficient into the future and it cannot become more efficient without becoming safer at the same time. Any legislation that improves the safety of rail freight will get my support and I thank the Minister for Transport and his colleagues for bringing this forward.

Port Augusta has a very, very proud history with regard to rail. Listening to all the speakers so far and thinking back to what safety would have been like 100 years ago, I point out the fact that 2012 is the centenary of the turning of the first sod in Port Augusta to build the railway line; a very, very important date which I know will be celebrated this year. One hundred years ago things would not have been too safe; they are much, much safer today but we cannot rest on our laurels. Whether in two, 10 or 20 years, this is a battle we have to keep fighting and I hope that political parties, whoever is in government, keep bringing forward ways to make our rail and other heavy freight transport systems much safer.

I would also like to point out that rail is still very important to Port Augusta. Certainly it has declined over the last couple of decades with regard to its prominence and its ability to employ people but it is still vitally important. The work done by Downer EDi Rail there is very significant. They are one of the most important employers in Port Augusta and around our region and I commend them for the work they do and for their contribution to our local economy. The local economy, of course, is supported by rail in more ways than that. Mining, grain freight, tourism and many facets of our economy are supported by rail freight so our ongoing support for rail on both sides of the house is critically important.

The other thing I would like to point out is that in the Port Augusta area—not just in town but in the general area—there are opportunities for us to make rail freight even more efficient (and this is not rail at the expense of road freight). There are ways for us to improve the way in which rail and road interact, and also ways to improve Port Augusta. I firmly believe that one day down the track—I do not expect it to be today, tomorrow or this year—we ought, regardless of who is in government, to be pushing for the removal of the Spencer Junction rail yards in Port Augusta and using that extremely valuable land right on the edge of the gulf for other purposes and putting a bimodal or multimodal freight hub on the outside of Port Augusta, whether on the north of the town where the Stuart Highway intersects the railway line, out the back of Stirling North somewhere or down at Winninowie, where I understand plans are progressing quite well from the proponents of that scheme. Something like that certainly has to happen in the not too distant future.

While we work on safety and efficiency, we have to look into the future at all the various opportunities, and I remind the house and all of South Australia that that is an important opportunity here in South Australia. I thank the minister for bringing this forward—you certainly have our support. Heavy freight efficiency is absolutely vital for the development of our state and nation. It is a big enough industry that we to not need independent, separate rules in South Australia. It makes very good common sense to have rules across the nation. We can never forget safety while we pursue efficiency.

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (12:32): I thank members for their contribution. I thank the member for Schubert for his kind words; they make me slightly nervous because when you hear kind words from the opposition in this place it is usually when you are retiring, so I do hope he does not know something I don't. I thank him anyway and hope his words had no deeper meaning than coming from a good honest fellow.

The bill before us is one to which I have a great deal of personal commitment. I am trying to be a much nicer man these days, so I would like to find things with which I can agree with the lead speaker of the opposition. One of the things on which we agree is that national regulation is not the best answer for everything. We have seen, I think, some reforms that are better than others in that regard. It is wrong to believe that national regulation is the best answer for every industry, everything and every calling, in my view. It is equally wrong to believe that national regulation is always wrong, and rail movement, transport in particular, is an area where there should be national regulation. Many federal governments going back over decades would have been better served to have focused on these areas rather than the general view that Canberra or a national approach will do everything better.

If you look in South Australia—and it is always good to hear from members who have Port Augusta, Port Pirie and Peterborough in their electorates, as those towns have such a rich history in rail—we can see that we have had some great things come out of being a group of colonies that federated, but there have been drawbacks from that. I do not think any more single, material

example of that could be found than to go to Peterborough and look at, I think, the largest turntable in the Southern Hemisphere, and that is because every colony had its gauge and they all met in the middle of Australia at this enormous turntable. You need to take a balanced viewpoint to national regulation. It is obvious that transport in particular has suffered through the accidents of history in converting colonies to a national polity.

What I would say to the member for Bragg is that I believe, firstly, that this is necessary for two very good reasons: one is that the nature of transport is that it crosses state borders. It is foolish to think that a train operating on a now consistent gauge going over the border should suddenly be subject to a different set of safety regulations. There is a best way of doing things, and the rail operators pay for that duplication. There was much talk about what the cost is, make no mistake; rail operators pay for duplication in regulation. If they have to abide by different systems, it makes no sense.

The second major point I would make is, even if you do not go across a state border, there is a single best practice. This is rail; there must be a best practice. So, what we should seek to do is find that best practice and make sure that everyone in Australia who operates in rail knows what it is, and can do it. I always believe that regulation—in particular, safety regulation—is extremely important, but it should have no heavier touch than it needs to, and it should cost no more than it should; therefore, we believe this is the right model.

It has taken a very long time to get to this point. The resistance from other states about what they see as their sovereignty, area of expertise or their legislative competency has made it very hard to get everyone to agree, and what you have to do in this federation is to get everyone to agree. We have got to that point, and I would hope we could proceed from here with it safely. What I would say to those who think it may not be such a good idea is that, in all of the time that I have bringing these, I cannot bring one where, not only do we have all the agreement, but the industry itself is a very, very strong advocate for it, and the union is a strong advocate for it.

It would seem to me, being the modest man that I am, that, even if I doubted it, I would not substitute my opinion for that of the panel of experts, the national regulators, the national bodies, the unions that operate in this industry and the industry itself. I think when you have that weight of opinion, you have to concede that they have probably got it right.

I do not want to pass without saying that it was the initiative of the national rail industry associations to have this situated in South Australia. We welcome this, but can I say that it was a recognition of the quality of the work performed by our bureaucrats, who are often criticised in this place. I think it is simply fair to put on the record the regard in which they are held by the national industry associations, and the fact that this was the first choice for quality of regulation by national industry. I am not giving them any more money for it, but they can have an accolade while I am here. I am happy to answer any questions, and I commend the bill to the house.

Bill read a second time.

In committee.

The ACTING CHAIR (Hon. M.J. Wright): Shadow minister, if you could indicate where you want to start?

Ms CHAPMAN: Thank you, Mr Acting Chairman. I am sure that you are aware that the Rail Safety National Law (South Australia) Bill actually comprises about 37 clauses which introduces the bill and repeals the old law, and then establishes, as a schedule—which is the main part of this bill—the new national law. I have only one question in relation to the substance of the bill on double jeopardy, which is at clause 6.

The ACTING CHAIR (Hon. M.J. Wright): I will put clauses 1 to 5 and then I will come back to you.

Ms CHAPMAN: What I will be happy to do when we get to the schedule, if I am allowed, is to ask questions on each of the sections that are the substance of the bill. If I am not permitted to do that (and that is often the usual course when we are attaching a bill), then I will ask them all at clause 1 and at other clauses in the middle of the bill. I think it would be easier for the minister and anyone reading this to follow the bill if the questions are asked specifically on the clauses in the schedule.

The ACTING CHAIR (Hon. M.J. Wright): That sounds reasonable.

Clauses 1 to 5 passed.

Clause 6.

Ms CHAPMAN: This clause relates to the no double jeopardy rule, which essentially provides that, if someone has committed an offence under any other law, whether that is presumably the criminal law or some occupational health and safety law, they cannot be also prosecuted, or at least cannot be liable to be punished for an offence under this. I assume that means that they can actually be convicted of an offence but they cannot actually be punished for it still under this bill even if they have actually been convicted under other legislation. Is that the way you are reading that? So, instead of reading that the double jeopardy rule applies, it sets out here specifically to say that the offender is not liable to be punished for the offence against the Rail Safety Act. Does that mean that they can still be convicted under it?

The Hon. P.F. CONLON: It is an interesting question. I would have thought that a conviction in itself is a punishment. Even if no penalty attaches to having been convicted, the fact of being convicted would be, I would think, something that most people would find as being something they do not like in and of itself. I will check here, but I would have thought that it means that you cannot bring a conviction. I will check that for you. My officers agree that that would be the case.

Clause passed.

The ACTING CHAIR (Hon. M.J. Wright): I draw the attention of the committee to the fact that clause 5 has two clerical errors: one is in subparagraph (a) where it reads 'Part 6' but it should read 'Part 7'; and then subparagraph (b) reads 'in Part 9' but it should read 'in Part 10'.

Ms CHAPMAN: I take it, Mr Acting Chairman, that there will be some process that will remedy that when the bill is ultimately published, you having issued that edict, which I am sure is right.

The ACTING CHAIR (Hon. M.J. Wright): Yes.

Clauses 7 to 37 passed.

Schedule 1.

Ms CHAPMAN: I refer to clause 13 of the schedule—Functions and objectives. Paragraphs (a) to (e) appear to replicate exactly what is in the current state legislation, the 2007 act; paragraphs (f) and (g) are what is added, which is really an information, training and education role. I think that paragraph (g) is self-explanatory; and on the basis we are now moving into a sort of regime of a number of jurisdictions, I think it is reasonable. I just wanted to ask: who asked for paragraph (f) to be included?

The Hon. P.F. CONLON: I am advised that, while the formal setting out of it was not in existing law, there was an activity that was undertaken by the regulator, and it was considered that it should be set out in this national law, given that it was already undertaken by the regulator. That is correct. Everyone is good with that.

The ACTING CHAIR (Hon. M.J. Wright): Member for Bragg. Are you still on clause 13, or are you moving on?

Ms CHAPMAN: No, I think it is out of clause 13. I will just check.

The ACTING CHAIR (Hon. M.J. Wright): Just while you are looking for it, I am hoping and expecting that you will do this in numerical order.

Ms CHAPMAN: I am, yes. That is why I was confusing myself when I was questioning about the national regulator. That is not important. Clauses 50 and 51 are the next ones I want to deal with.

The ACTING CHAIR (Hon. M.J. Wright): I can move this en bloc at the end, particularly now that you have told me you are going to do it in numerical order. I will not move anything; you now have the call.

Ms CHAPMAN: Clauses 50 and 51 are the principles for rail safety, which are new provisions under the national scheme, and they set out not only what they are to be but also how they are to be applied to the rail safety duties. My question is this: is clause 50 purporting to be some codification of a common law obligation in the sense of who is responsible? Secondly, obviously the regulators themselves are in this list. I am not quite sure how the public generally can have some attributed liability, but it does come to that question because there is no proportion of

shared responsibility identified here, I would think for obvious reasons—it can vary. Is it some codification, and where has this come from?

The Hon. P.F. CONLON: It is, to a degree, a codification of some common law provisions that would apply. It also sets out in code the co-regulatory approach. It is probably also consistent with the chain of responsibility provisions that we see now in these sorts of provisions. It does codify some of the common law, but it does not seek to alter the common law in any form.

Ms CHAPMAN: Clause 54 relates to the duties of persons loading and unloading freight. This is a new area in relation to those who are responsible. We are making provision for them as well. Essentially, as I understand it, the operators have a responsibility overall anyway, but we are now actually putting the people themselves in the duties list. Has there been some incident or history that has warranted this? Perhaps you could tell me where that has come from.

The Hon. P.F. CONLON: I do not think there has been any particular incident, if that is what you are asking about it. I think what it is seeking to do is recognise the confusion that applies where a person loading or unloading freight may not be an employee of an operator and therefore about whether the rail act applies or some other species of occupational health and safety laws applies. I think this is seeking to make clear the position of those people working on freight on rail who are not employees of an accredited operator.

Ms CHAPMAN: This is an issue which you may or may not be aware apparently was relevant to this chain of responsibility in trucks: farmers unloading stock and the like, or someone else unpacking the parcels or loading up. They, of course, are not necessarily an employee of anyone who is under the regulation. What does this mean then for anyone who assists, even in a voluntary capacity, in loading and unloading freight, in this case on trains—it might be someone who is helping to unload their suitcase? Do you see where I am going with that? Could we have some clarification?

The Hon. P.F. CONLON: We do deal specifically with freight, which you would think ordinarily would capture people doing it on a commercial basis. You are right that in a general legislative approach to safety regulation we are seeking to have a chain of responsibility, so that people do not fall through gaps and so that the right people are pursued in the right circumstances. It seeks to do no more than clear up the position of those who are loading freight. I would have thought that in the circumstances (volunteers, in any event) the ordinary common law with regard to negligence and causing accidents would apply.

Ms CHAPMAN: I refer to clause 55. Is the duty of officers to exercise due diligence again some codification, or is this designed to be consistent with other legislation? What is the basis of this?

The Hon. P.F. CONLON: It seeks to be consistent with the model of general health and safety law.

Ms CHAPMAN: Subdivision 3, which starts at clause 57, is the meaning of 'safety duty'. It sets out the new category 1, 2 and 3 penalties for failure to comply with that duty. The most severe, minister, as I am sure you are aware, is a category 1 offence. A person commits a category 1 offence if—

(a) the person has a safety duty; and

(b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom the duty is owed to a risk of death or serious injury or illness; and

(c) the person is reckless as to the risk to an individual of death or serious injury of illness.

The penalties are $300,000 or imprisonment for five years, or both, for an individual, and up to $3 million for a body corporate. Obviously this is the most severe. Others have diminishing financial penalties. Here, the burden of proof for engaging without reasonable excuse is borne by the prosecution. Is there some reason why that is included?

The Hon. P.F. CONLON: I will seek to get an answer. I would have thought that without it being there it would have been the prosecution's burden, given the nature of the penalties anyway; but I will find out why it is specifically included. It may be that there are other provisions where the burden has changed. I will have to work through it.

Ms CHAPMAN: If there are other provisions in the bill where it has changed you could perhaps give me an answer.

The Hon. P.F. CONLON: I will get back to you.

Ms CHAPMAN: I take it, minister, with regard to subdivision 3 on the offences and penalties, that again the level of penalty, which is very significant, and the category model that is being introduced, are again all to be consistent with the model work health and safety legislation.

The Hon. P.F. CONLON: It also seeks to make sure that the penalty provisions have picked out consistent approaches across jurisdictions; so we have sought to please everyone.

Ms CHAPMAN: I refer to clause 82, the commencement of division 5—Registration of rail infrastructure managers of private sidings. As would be, I am sure, abundantly apparent, I am not an expert on rail or things that go with it, but I think the sidings are those little platforms that enable people to alight from trains. I am not quite sure how this is—

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: Yes. Are they currently not caught under any of the jurisdictions? It just seems to me that this is a new provision which seems to be broadening the application. Can the minister give us any idea of how many operators there are in South Australia who own these private sidings that are going to have to be regulated?

The Hon. P.F. CONLON: The duties imposed on the people who operate the private sidings do not change. What has changed is our system of registering the siding. Now it is a system of registering the person, as I understand it, who owns the private siding, but the actual substantive obligations do not change.

Ms CHAPMAN: When we get to clause 95, which concerns the annual fees, you will see, minister, that we now have a provision for annual fees for private sidings. Whilst you say that they are already caught indirectly, we now have a fee for them. What is the expected revenue from private sidings from this annual fee?

The Hon. P.F. CONLON: I will check for you. I do not think it is very large at all. There are always provisions to set fees for the private sidings. As I have said, it is a switch from registering the asset to registering the person. No-one has complained yet.

The ACTING CHAIR (Hon. M.J. Wright): Always a good sign.

Ms CHAPMAN: We have a new provision under clause 104—Regulator may direct amendment of safety management system. As the minister, I am sure, is aware, the whole legislation requires that there be safety plans, safety reports and so on. Presumably, where there is some deficiency, the regulator can direct an amendment and, I expect, has the ultimate power to withdraw accreditation. This seems to set up a regime where they can give a direction to change something, and a significant financial penalty applies separately if they do not do that and, obviously, the ultimate sanction would be that they could lose their accreditation anyway, it would seem. Is there some reason for this new process being introduced?

The Hon. P.F. CONLON: In fact, I think it is fair to say that the new process is a little fairer on the person who might be the subject of a direction. There has always been a power to direct, which has rarely been used, I think mainly because people prepare proper systems. What you will see in this now is that that power to direct is proposed to be used and there is substantial cost. The regulator would be required to undergo a cost-benefit analysis before making it and, in fact, I note must consult with the Premier or chief minister or even the Treasurer about doing so. The power that exists, if you like, conditions the way the power would be operated.

Progress reported; committee to sit again.

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

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

His Excellency the Governor assented to the bill.

VISITORS

The SPEAKER: Members, I understand we have in the gallery a group of students from the Golden Grove Lutheran Primary School, years 3 to 7. It is lovely to see you here and welcome. We hope you enjoy your time here today. They are guests of the Minister for Police.

SCHOOL AMALGAMATIONS

Mr HAMILTON-SMITH (Waite): Presented a petition signed by 113 residents of Mitcham and greater South Australia requesting the house to urge the government to stop the proposed amalgamation of Mitcham Junior Primary School and Mitcham Primary School and maintain each campus at current funding levels.

MURRAY-DARLING BASIN PLAN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: The final report of the Goyder Institute for Water Research on the ecological consequences of the draft basin plan was publicly released yesterday. The work of the Goyder Institute is a valuable contribution to the public discussion on the draft basin plan and was made available to help inform the debate. The Goyder Institute was asked to independently review the South Australian government's scientific and ecological analysis of the draft plan. That review focused on whether 2,750 gigalitres of additional water, as proposed in the draft basin plan, would secure the health of the River Murray in South Australia.

The Goyder Institute includes eminent scientists from the CSIRO and South Australia's three universities and is well placed to draw conclusions on the science behind the draft plan and its associated risks. The Goyder Institute concluded that, while there is potential to deliver some improved outcomes with an additional 2,750 gigalitres, that amount is insufficient to meet the water requirements for key assets in South Australia. The report states:

> ...the ecological character of the South Australian environmental assets...is unlikely to be maintained under the basin plan 2,750 scenario.

It further states:

> ...few of the environmental watering requirements required to maintain the ecological character of the region are met.

The risks presented range from degradation caused by salinity to declining vegetation, habitat loss and threats to species of plants and animals. For example, requirements for key vegetation communities are not met for significant areas of the flood plain, and the Coorong, Lower Lakes and Murray Mouth Ramsar site remain at risk from low water levels and high salinities during dry periods.

On the basis of the Goyder Institute's report, and the government's underlying science review, the evidence shows that the draft plan in its current form does not provide a good start to fixing the river. In addition, even the potential benefits under the 2,750 gigalitre scenario are fundamentally dependent upon the way in which the water is delivered and used. As a result, the current benefits forecast represent only one possible outcome of the delivery of an additional 2,750 gigalitres on average per annum.

South Australia wants a plan that restores the river to health. This is what we signed up for as a condition of the government's support for the new national authority which was to carry out its work based on the best available science and in accordance with the Water Act 2007. We are committed to working as hard as possible to get a basin plan that secures the health of the river and ensures a future for the communities that rely upon it.

Earlier today, I provided a copy of the Goyder Institute's report to minister Burke and to Craig Knowles, Chair of the Murray-Darling Basin Authority. In the coming days we will be finalising the state's submission on the draft plan and we will be presenting a strong case to the authority to ensure that we get a basin plan that South Australia can accept.

We continue to encourage as much public debate as possible and to work towards a strong state position. The future of the river is critical to the future of our state and deserves the full attention of the parliament. For this reason, today I am moving a motion to debate the principles underlying our state's position on the draft plan on Wednesday 4 April.

PAPERS

The following papers were laid on the table:

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

Suppression Orders—Report by the Attorney-General
Rules made under the following Acts—
District Court—Criminal and Miscellaneous—Amendment No 11
Supreme Court—Criminal—Amendment No 29

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

Regulations made under the following Act—
Development—Capital City Variation 2012

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

Regulations made under the following Act—
Liquor Licensing—
Dry Areas—Long Term—Murray Bridge Areas 1
General—Licence Exemptions

By the Minister for Transport and Infrastructure (Hon. P.F. Conlon), on behalf of the Minister for Workers Rehabilitation (Hon. J.J. Snelling)—

Regulations made under the following Act—
Workers Rehabilitation and Compensation—
Disclosure of Information
Employer Payments—Variation 2012

PUBLIC TRANSPORT

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.C. FOX: Much has been said in recent weeks and months about the state of South Australia's public transport system and I would like to take the time today to set the record straight. We run a transport system that carries more than 100,000 passengers every weekday and operates more than 9,000 scheduled bus, train and tram services every weekday. We also provide car parking spaces around the metropolitan area as part of our Park'n'Ride program. We run more than 900 buses, more than 90 trains and 19 trams every day.

Last week, the member for Bragg commented on departmental figures regarding on-time running.

Mr WILLIAMS: Point of order, Madam Speaker. It is the convention of the house that when ministers are given leave to make a ministerial statement they provide a copy to other members.

The Hon. C.C. FOX: That was my fault. The member is right: I never say that.

The SPEAKER: You have some, do you, minister?

The Hon. C.C. FOX: I do. I apologise, I've never made one before.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: I think that may be the last time I ever say the member for MacKillop was right with such graciousness.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Last week, the member for Bragg commented on departmental figures regarding on-time running. I would briefly like to note the figures which were not quoted on the day, that 92 per cent of train services and 98 per cent of tram services met on-time running expectations from October to December last year. These results are pleasing: I would like them to improve.

As reported, the on-time running figures regarding buses are well below expectation. This highlights the difficulties faced by buses in congestion compared with trains and trams on dedicated corridors, but there is no doubt that the reliability of bus services can be improved significantly and timetables should be changed to reflect actual running times.

I would like to explain the current status of the bus contract and the relationship of contractors with the Department of Planning, Transport and Infrastructure. Last month, I imposed fee adjustments upon Southlink, Torrens Transit and Transfield as a clear signal that their performance was well below expectation. During this process, the companies were left in no doubt that more, and potentially increased, fee adjustments would follow should their performance not improve markedly.

I would like to place on record the willingness of all three bus companies to work with the government to address current issues and their commitment to meet the service levels rightly expected by commuters. Each company has provided written undertakings in relation to improved performance, and changes are being implemented to address problems like missed trips.

This week my department will receive the January to March quarter data from bus companies. This data will then be audited before I receive a recommendation of whether more fee adjustments are applicable. The March quarter data will have been affected by Clipsal road closures and, as a special event, these time delays will need to be taken into account.

It is very important to understand the auditing process because it not only defines if fee adjustments are applicable but also provides the government with information that we can use when working with the bus contractors to improve services. I am explaining this process because I want commuters to know that the government is working hard to improve the reliability of bus services to reduce the inconvenience to commuters. Between now and June, the government will assess all relevant data and trends as well as taking into account the feedback from contractors in order to provide new timetables in July.

The SPEAKER: Order! Minister, can I just interrupt you for a minute. I remind the cameras that they are only to film people on their feet speaking in the chamber. Minister, sorry.

The Hon. C.C. FOX: These changes are also an opportunity to ensure that bus connections between contractors are better synchronised. We cannot reduce congestion by taking cars off roads or refusing to fix or upgrade water infrastructure or rail lines, but as a government we can ensure that we are doing all we can to make the commuter experience as positive as possible. We are currently spending more than $2 billion to revitalise our network, and we are purchasing 66 new railcars. We have an additional 100 fully accessible new buses that have created or expanded our existing bus routes and we have increased car parking by more than 2,000 spaces with more planned around the O-Bahn corridor. There is always more to be done in public transport but I am more than happy to stand by our record, rather than that of the Liberals—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —who left us with trams older than Bob Hawke—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —and a capital investment program which was about 5 per cent of what it is now.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

Members interjecting:

The SPEAKER: Order!

PARLIAMENTARY STANDARDS

The SPEAKER (14:17): Members, last sitting week we saw some of the worst behaviour in this chamber that we have seen in a long time and I have had enough. I believe our electors have also had enough. They expect us to behave in this place with decorum, with respect and to do the business that we are here for, and not engage in petty quarrelling, pointscoring and disorder. Standing order 144 says:

> The Speaker is responsible for the orderly conduct of proceedings of the house and for maintaining its decorum and dignity.

From today, I will be taking stronger action to ensure that members in this place are better behaved. I will remove members who are disorderly under sessional orders, and they will be told to leave the chamber for periods of up to one hour. I will also, if the behaviour warrants it, name people on some occasions without warnings. We will not have frivolous points of order; we will not have quarrels across the floor; we will not have name-calling; and we will not have continuous background noise when ministers are answering questions. Questions will be in order and answers will relate to the substance of the question. The Premier stated at the beginning of this parliament that standards will improve. These standards will apply to both sides of the house.

QUESTION TIME

SCHOOL AMALGAMATIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:19): My question is to the Minister for Education and Child Development. Is it the case that of all schools consulted about amalgamations, 38 out of the 42 have recommended against it, yet the government is still going to proceed to amalgamate them?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:19): I thank the leader for this very important question. It is a very topical question because, of course, nearly two years ago the government announced its intention to go down this path in the context of, initially, a savings measure, but also, and this is very important to recall, an equity argument. The equity argument is this: something like 340 of our primary schools or thereabouts are R-7 sites; the others, about 48 or so, are junior primary/primary sites. I have had the pleasure of visiting most of those junior primary/primary sites.

We are in the middle of a statutory process. For instance, the government in 2010 announced it was going to go down this path. There was then a process required under the Education Act, so those communities had to prepare an education review report for me, and I have been considering those, and then I thought it was very valuable for me to get out to some of these sites, and it has been very valuable. I have learnt that every site is unique. I have also learnt that these schools are grappling with this question. What we are dealing with, effectively, are schools that are being funded—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —as two but operating as one site. They have been getting an additional base grant for administration, etc., but they are effectively operating as one. Why are they doing that? Because operating as one site is in the best educational interests of our children and those school communities.

Members interjecting:

The SPEAKER: Order!

SCHOOL AMALGAMATIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:21): Could I seek a clarification from the minister as a supplementary? I didn't hear the minister respond to the actual substance as to whether 38—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —of the 42 schools actually voted against amalgamation.

Members interjecting:

The SPEAKER: Order! The leader will sit down. Minister.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:21): That's correct. That is absolutely correct. The majority of those schools identified for amalgamation are opposed to them. A number of them have voluntarily decided to amalgamate. I must also say that at the same time the government made this announcement we also put more than I think $27 million on the table for the capital works and redevelopment that are required. I am still considering all of the facts, and that is why it has been very useful for me to visit these schools, to meet with principals, to meet—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —with teachers and parents—I have always been very pleased when parents have joined the discussion—and of course students.

Members interjecting:

The SPEAKER: Order!

CITY OF ADELAIDE PLANNING

Ms THOMPSON (Reynell) (14:22): My question is to the Premier. Can the Premier update the house on the latest investigations into which is Australia's most liveable city and how cities are best planned?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:22): I thank the honourable member for her question. The last two weeks have seen recognition of Adelaide as the most liveable city in Australia and this is an endorsement of South Australia as being the best state for planning our city's future. It is probably a ringing endorsement of our planning minister, I would have thought, as well.

On 25 March, the Property Council of Australia released a survey of 5,200 Australians about the liveability of their cities and how their governments performed in urban policy. For the second year running Adelaide was the winning city. Adelaide is seen as an affordable place with a good standard of living, as well as being clean, well maintained and unpolluted. Last week also saw the Property Council launch a campaign to improve cities across Australia.

I am pleased to say that, in his speech to the National Press Club, the CEO of the Property Council of Australia, Peter Verwer, said that South Australia is the only jurisdiction to have integrated city planning and target setting right—the only jurisdiction in the nation. This is an endorsement of both the 30-year plan and also South Australia's Strategic Plan.

In addition, yesterday the COAG Reform Council released its review of capital city planning systems. This report assessed the approach of city planning systems to managing population, economic growth, addressing climate change, improving housing affordability and managing urban congestion. South Australia is way ahead of the pack. We were assessed as being consistent with 10 out of the 12 criteria. The next best cities were Brisbane and Canberra, which were only ranked as consistent with five out of the 12 criteria.

While these accolades are welcome, the government intends to keep striving to further improve our city. Among the areas where Adelaide did not perform as well as some other cities in the liveable city category were having a vibrant cultural entertainment scene and having economic opportunities. The survey also highlighted the types of housing development Adelaide residents want for the future, with a high level of support, interestingly, being for the conversion of old industrial sites to apartments and townhouses, which is good news for the Bowden, Brompton and other developments.

We have recognised that we do need to make our city centre more vibrant; that is why we have made this a central priority. We want to make sure that our young people do not feel the need to go interstate or overseas to get a great job or to live in an exciting city, and that is why we have put this as one of our top seven priorities. Last week the announcement of a new design-led development system for the city was aimed at doing just that and, as the Deputy Premier advised the house last Thursday, we are already seeing the dividends of that new approach.

Members interjecting:

The SPEAKER: Order!

SCHOOL AMALGAMATIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): My question is again to the Minister for Education and Child Development. When the minister visited the schools targeted for amalgamation why, at least on some occasions, did she not allow parent representatives to attend her meetings with the school leaders?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:25]): That was certainly not my instruction. In fact—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I am very accessible, but that does not extend to me actually picking up the phone and making the appointments. I was not making the appointments. However, at the majority of the meetings parents were present. In fact, I always made a very significant effort to engage with the parents when they were there. It was a very useful opportunity. I will be meeting this week, I think, with the Save Our Schools group.

This has been a very useful exercise. If there are parents who for some reason—certainly not by my direction—were not able to participate, then I am very happy to receive further correspondence from them. Of course, I have very significant review reports presently with me and I think they probably cover all the issues that parents are concerned about.

OCCUPATIONAL LICENCES

The Hon. M.J. WRIGHT (Lee) (14:27): My question is to the Minister for Business Services and Consumers. Can the minister inform the house about the roundtable discussion he conducted yesterday with trade industry representatives to hear their ideas about improving the system of issuing occupational licences?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:27): I thank the honourable member for his question.

The SPEAKER: Order! Just a moment, minister. I have warned the cameramen up there that they are only to film people on their feet. If I see them looking on the other side of the chamber again they will have to leave the chamber.

The Hon. J.R. RAU: Yesterday I met with key trades representatives to discuss concerns about the speedy and efficient way in which the Consumer and Business Services department should be issuing occupational licences. The meeting included representatives of the Communications, Electrical and Plumbing Union; the National Electrical and Communications Association; the Master Builders Association; the Plumbing Industry Association; the Construction Industry Training Board; and the Housing Industry Association.

The meeting was a positive and constructive one, as it provided an opportunity for a collection of suggested improvements to be considered by me and the department. Some ideas that were canvassed included: in some instances looking at possibly increasing the renewal period for licences from one to two years, although that is something that would vary from particular licence to particular licence; providing interim licences in some circumstances whilst applications are being considered; and introduction of preapproval processes for apprentices to streamline applications.

At the end of the meeting I encouraged trade organisations to consider other reforms and provide further ideas to me in writing. Indeed, we left on the basis that over the next four weeks or so I would receive written submissions from the people who were represented at the meeting. I would then consolidate those submissions, and there would be further discussions with them about ways in which we could improve the service we are providing through the department.

However, in the interim the following steps have been taken by the department to address current concerns about delays. First, steps have been taken to fast-track simple applications that do not require complex assessments; the number of staff with the authority to grant applications has been increased; and additional staff with relevant experience from other areas within

CBS have been moved to assist in the process. I am pleased to report that there has been a considerable decrease in the waiting time for licence applications and we will continue to strive for a more efficient system.

SCHOOL AMALGAMATIONS

Mr GARDNER (Morialta) (14:30): My question is for the Minister for Education and Child Development. Given that the Stradbroke Primary School and Junior Primary School in my electorate have on multiple occasions voted against amalgamation why are they now being forced to amalgamate? In the current review process even the minister's own departmental representatives on the review panel agreed with the community representatives in their unanimous report against amalgamation.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:30): That demonstrates that the review process was an authentic review process.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I acknowledged before in my answer to the Leader of the Opposition that, yes, the majority of these schools don't want to amalgamate. As I have explained to the schools—and it has been very useful for me to get out to the schools because I get to learn about their particular needs—I understand that these schools are going to feel a sense of anxiety about potential changes around a number of things, but, largely, their funding.

A lot of principals (even those whose communities voted against it) have said to me, 'We can make this work.' They have said to me, 'We can make this work because we are already effectively working like this.' They have also told me that they understand my position and my first point is this: at the time that the government announced this it came with an additional investment of $203 million so nobody can accuse us of taking money out of the education system; that argument does not stand.

They also appreciate that for many years these junior primary/primary schools have been in the somewhat privileged position of attracting two base grants when more than 340 or so of our R-7 schools deliver exactly the same services as these junior primary/primary schools and they are doing an outstanding job. Principals and communities did understand that, and I thank the principals, and the chair of the governing school council at Stradbroke. I was most impressed by the leadership there and I thank them for their time.

Members interjecting:

The SPEAKER: Order!

SCHOOL AMALGAMATIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:30): Supplementary: can the minister explain how she says that the review process is authentic when the review process led to a conclusion that the schools shouldn't be amalgamated and yet she still proceeds with the amalgamation?

The SPEAKER: Order! I will count that as a question. Minister.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:33): Because the opposition and other parties have from time to time argued that the government has directed our nominees to vote a particular way—I certainly have done no such thing. There is a difference here—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: This is the function of government. We need to make decisions; at times decisions will be difficult. At times there is one pot of money and we as government in the function of leadership—

Members interjecting:

The SPEAKER: Order!

Mrs Redmond interjecting:

The SPEAKER: Leader of the Opposition, order!

The Hon. G. PORTOLESI: We make the call about how best to invest our resources and we have been investing heavily. For instance—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: For instance, these junior primary/primary sites were established at a time when nobody was talking about early childhood—nobody. Now everything that we do in government, in this portfolio in particular, is all about early childhood. I have approached every review report and every site with a very open mind and I value the enormous contribution and effort put into those review reports. That does not mean that we have to agree all of the time.

DRUG AND ALCOHOL SERVICES

The Hon. S.W. KEY (Ashford) (14:34): My question is to the Minister for Mental Health and Substance Abuse. What changes are being made to the provision of drug treatment services in South Australia?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:35): I thank the member for her question and acknowledge her interest in this area. It is actually a very timely question, given the debate that seems to be starting nationally about how we manage drug treatment in Australia and whether or not the legal system, or the health system, is the right place to deal with some of these issues.

I am pleased to let the house know that 14 non-government organisations are being offered funds to provide a range of drug treatment services to South Australians from 1 July this year for the next three years. A competitive open tender process has been conducted over the past six months to determine the allocation of more than $6.86 million in state and commonwealth funds in 2012-13, and indexed following that. This funding pool offers non-government services for the police drug diversion initiative of about $1.9 million in 2012-13, and treatment services, through the Drug and Alcohol Services program, of about $4.9 million in the same time.

The tender evaluation panel included people with clinical expertise in drug treatment, non-government contract management, drug and alcohol policy procurement, and harm minimisation programs. They received more than 30 submissions, and some organisations that previously provided these services in South Australia were not successful in winning ongoing funds, and I acknowledge that they are perhaps disappointed by that.

While funding to some services will cease on 30 June, the total funding pit available remains unchanged, and there is no reduction in funding; however, a greater proportion of these funds will be allocated to the non-government sector from 1 July, subject to signed service agreements. Sobering up services across South Australia will increase their opening hours as a result of this arrangement to 24 hours a day, seven days a week, to provide shelter, support, and non-medical detoxification to people affected by alcohol and/or other drugs.

There will be approximately a 15 per cent increase in the number of appointments offered under the police drug diversion initiative, and this initiative allows people detected for minor and simple drug possession to be diverted from the criminal justice system into education, assessment and treatment. Youth residential rehabilitation beds will be introduced for the very first time to help young people overcome substance misuse. Residential rehab beds will be located in areas of high need.

Non-residential rehab services will be introduced in metropolitan and regional areas to reach a greater number of clients. Counselling sessions will be delivered through metropolitan Adelaide and in targeted regional areas as well. Additionally, the funded agencies have demonstrated a strong capacity to provide high-quality services to the Aboriginal community.

I am aware that DrugBeat has expressed some concern about being unsuccessful in the tender process. Officers from Drug and Alcohol Services will meet with representatives of this organisation, and any others that were not successful, to go through their application. The tender evaluation panel considered the service mix, value for money and the location of services across the state. I am advised the quality of tenders was very high and, as with all tender processes,

determinations were made to decide which organisations can deliver the best services at the best value for the state, and I am confident they got the job right.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr PISONI (Unley) (14:38): My question is to the Minister for Education and Child Development. Why is the new SACE in conflict with the national curriculum? South Australia signed up to the declaration of the national curriculum in 2008, which stated:

> The curriculum will enable students to develop knowledge in the disciplines of English, mathematics, science, languages, humanities and the arts...

However, under the new SACE, high school submissions to the SACE evaluation point to a dramatic reduction in the number of schools offering and students studying languages and humanities subjects.

The Hon. P.F. CONLON: Point of order, Madam Speaker. I did not take a point of order earlier, but the question contains an argument: it contains the argument that these things are in conflict. That is a point of view, an assertion, and it should not be in the question; it is disorderly and invites debate.

The SPEAKER: Thank you, Minister for Transport and Infrastructure. I listened very carefully to the member's explanation because I felt there was a conflict in that question. I would ask you to be very careful in the wording of your questions from now on—you have made an assumption there. Does the minister choose to answer the question?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:39): Yes; I am very happy to answer this important question. The two are not mutually exclusive. The Australian curriculum is not mutually exclusive in relation to the SACE. The Australian curriculum, in fact, has been designed—and we support the national curriculum—to allow flexibility and adaptability for each state's individual certificate of education. Down the track, one day, the states and the commonwealth might agree on a national certification system, but the two are not in conflict.

EARLY CHILDHOOD DEVELOPMENT

Dr CLOSE (Port Adelaide) (14:40): My question is to the Minister for Education and Child Development. Will the minister inform the house of the involvement of South Australian early childhood development professionals in the work of our current Thinker in Residence Professor Carla Rinaldi?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:41): I thank the member for Port Adelaide for this very important question. Last week, I was very pleased to join I am told just over 2,000 people, most of them involved in child development professional fields, for the inaugural lecture of Professor Carla Rinaldi. As members would be aware, Professor Rinaldi is an internationally renowned advocate for children and is President of Reggio Children and President of Foundation Reggio Children—Loris Malaguzzi Centre. Professor Rinaldi's residency is the latest example of how we, as a state, are making those vital years (zero to five years) of childhood one of the government's top seven priorities.

Professor Rinaldi's lecture last week without question absolutely captivated her audience, when she encouraged professionals, parents and others to question and explore how we, as a community, raise and educate our children. She talked about the Reggio approach, which is a world-renowned educational philosophy that focuses on infants, toddlers and preschoolers. Drawing on her extensive experience in working with children, she encouraged professionals and parents alike to explore innovative ways to assist children to learn and develop. I was particularly interested in her notion, the Reggio notion, of the metaphor of children having 100 languages, which refers to the extraordinary potential of children.

I am very pleased that we have Professor Carla Rinaldi in South Australia. She is incredibly well credentialled and recognised world wide. I see her work building on the work of the late and great Dr Fraser Mustard, and I see it working side by side with Professor Martin Seligman, who is also in the middle of a residence in South Australia. I think Professor Carla Rinaldi was at Parkside, the member for Unley might wish to confirm that. She has been getting around the regions and the city visiting sites and I look forward to engaging with her. I encourage every member of the opposition who has an interest in the future of our children to do the same.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr PISONI (Unley) (14:43): My question is to the Minister for Education and Child Development. When will the submissions and results of the new SACE evaluation be made public? This morning, on the radio, the minister claimed that the results of the SACE evaluation will be made public by the end of 2012, yet the government briefing prepared for the opposition states that the board will not release the SACE first year evaluation publicly until March 2013, well into the next school year.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:44): My advice and, in fact, my very clear expectation of the SACE Board, who are responsible for the evaluation, of course—and that is worthwhile remembering—is that I expect the results of the evaluation to be made public. I am advised that the SACE Board, in fact, will consider the evaluation in the middle of the year. They will need some time to consider it and then people such as myself will be advised as to those recommendations.

We are being completely open and transparent about this process. The SACE evaluation was always on the cards back in 2008. This is a very significant initiative that the government committed to. We started this process in 2004, wrapped it up in 2006 and introduced it in 2011. We are to be commended for so quickly undertaking the evaluation that was committed to.

Again, I urge all members who have an interest—in fact, they were the two things I did say to Bill Cossey, who was the chair. I said I expect this to be an open and transparent process and I also said that I expect that everybody who has a say about the new SACE is to be heard, and I am confident that that will occur.

Mr PISONI: Point or order: I asked the minister when. We haven't heard that answer.

The SPEAKER: No, sit down, member for Unley. I think the minister explained that well enough. She has explained the process and gave some time frames. The member for Little Para.

REGIONAL PRISONS

Mr ODENWALDER (Little Para) (14:46): My question is to the Minister for Correctional Services. Can the minister inform the house how regional South Australian communities are benefiting from the expansion of our state's prison system?

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) (14:46): I thank the member for Little Para for this question which draws attention to key benefits from the upgrades of our regional prisons in South Australia. Five of our state's prisons are in regional areas—Port Augusta, Port Lincoln, Cadell, Mount Gambier and Murray Bridge—and they currently provide employment for something like 500 local people as well as opportunities for local businesses through the provision of catering, maintenance and other services that support our local employment.

I am delighted to inform the house that a $16.2 million expansion of the Port Augusta Prison is well underway and due for completion later this year. Earthworkers, concreters, electricians, mechanics, plumbers, steelworkers, roofers, painters, air-conditioning workers and vinyl layers are all working hard to add an extra 80 medium to high-security beds to the prison system.

The Mount Gambier community is also set to reap the rewards of a $22.9 million, 112-bed expansion. The planned upgrade—and I visited the Mount Gambier Prison with the member for Mount Gambier a little while ago—will encompass safe, secure modular cells and a new kitchen, as well as additional security infrastructure.

The member for Mount Gambier was very keen to ensure that local businesses were involved in providing this upgrade and that is why briefings to local companies to facilitate this process have been held to make sure that businesses and tradespeople were aware of all of the opportunities that will arise from this expansion.

These meetings were well attended by around 70 people, I am told, which shows the level of enthusiasm for this project from the Mount Gambier community. Further full-time positions will be required at both Mount Gambier and Port Augusta, once the prison expansions are completed. We are ensuring the prison system has sufficient capacity through staged upgrades and we are spreading the benefits across regional communities.

This government makes no apology for locking up more offenders and locking them up for longer. Importantly, however, the 2012 Productivity Commission Report on Government Services reflects this by showing that South Australia, for the fourth consecutive year, has the lowest return to prison rate in the nation. This is the crucial measure of a state's prison system and South Australia has come out on top yet again. In large part, this is because of our commitment to education, our intensive focus on basic literacy and numeracy skills, and rehabilitation programs.

When the Liberals were last in government, South Australia was last when it came to educating our prisoners; now the Report on Government Services says we are the leading mainland state. The result is a safer community for all South Australians.

BUS TIMETABLES

Ms CHAPMAN (Bragg) (14:49): My question is to the Minister for Transport and Infrastructure. When the minister told the media yesterday that bus companies were responsible for bus timetables, was he aware that the Minister for Transport Services was telling the media that the government is responsible? Who is right?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:50): I thank the member for Bragg for her question. She hasn't actually got the exchange accurate. I said that the companies were responsible for setting the timetables and the minister said the government was. Can I say to the chamber in all humility that the minister was far more accurate in saying that than I was. I congratulate the Minister for Transport Services. Can I just explain how it works because I think that what we are—

An honourable member: It doesn't work.

The Hon. P.F. CONLON: It doesn't work—look, you're having a good day, Marty. I've seen some of the results of the preferred leadership and I think you're right back in this mate; you're right back in this. There's a big sunshine gap there—

Members interjecting:

The SPEAKER: Order! The minister will return to the substance of the question.

The Hon. P.F. CONLON: I apologise for responding to interjections. I should not respond to interjections; I apologise.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: A very much wiser person than me once wrote in a book that there is no knowledge without context. What that means is that there is no meaning without context. The context of what I had to say and what the Minister for Transport Services had to say shows that there is no great difference in what we're talking about. What occurs with existing routes, of course, is that we expect new operators to conduct the existing services to those timetables.

What occurs if there is a new service or a changed service is that we would explain to the operator what service we want, the operator would work up how that would be delivered and they would bring it to us, but where the Minister for Transport Services is absolutely correct is that we have the final sign-off. It is us who have the final sign-off. I say the minister is completely accurate in saying that. Of course, the Minister for Transport Services has shown that she has greater acuity and felicity of expression than I have, and what I was fumbling towards in my answer is that there is a discourse and a communication between those operators who do the service and us.

Can I say that this is all necessary because, when the Liberals privatised the service, instead of doing what everyone else did in selling off the buses and keeping the service, they did it the opposite way—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —which is what has really led to all of these problems.

Members interjecting:

The SPEAKER: Order!

COMMISSIONER FOR ABORIGINAL ENGAGEMENT

Mrs VLAHOS (Taylor) (14:53): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the house what recent appointment has been made to ensure Aboriginal South Australians have an independent voice to advocate on their behalf?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for her very important question. I'm pleased to inform members that the government has reappointed Ms Khatija Thomas as the Commissioner for Aboriginal Engagement for a term of three years. The three-year term of appointment is an unambiguous demonstration that the government is committed to having respectful dialogue with our first peoples so that together Aboriginal and non-Indigenous South Australians can work more effectively to address problems and to take up opportunities that deliver better outcomes for Aboriginal people and, indeed, all South Australians.

The role of the commissioner is important in providing a strong and independent voice in advocating on behalf of all Aboriginal South Australians. To my way of thinking, the commissioner has a powerful role to play in advancing the cause of reconciliation. In particular, the commissioner's role includes publicly advocating for effective engagement between the broader South Australian community and Aboriginal people and investigating and providing advice about systemic barriers for Aboriginal people's access to and full participation in government, non-government and other services. I thank Ms Thomas for being prepared to accept this challenging responsibility and believe that she is well suited to the position given her close connections with Aboriginal people across the length and breadth of our state, her legal qualifications and sound understanding of government and other processes.

It would be remiss of me not to also mention that last week the Premier and I were honoured to hand to Mr Tom Trevorrow, Chair of the Ngarrindjeri Regional Authority, the instrument by which my powers as minister under section 23 of the Aboriginal Heritage Act have been delegated in relation to the removal of the Goolwa regulators. This is a historic event, it being the first occasion an Aboriginal organisation has been given the statutory power, under delegation, to consider and make decisions on an application that has an impact on Aboriginal heritage. While it was a history-making event, it points the way to respectful negotiations between project proponents and Aboriginal communities being the desired approach in managing these issues in the future.

The Ngarrindjeri Regional Authority has established itself as a strong and accountable leadership group for the Ngarrindjeri people and has clearly demonstrated the capacity to undertake this process. I thank Mr Trevorrow and the Ngarrindjeri Regional Authority for committing to this process.

GRANGE TO WOODVILLE SHUTTLE SERVICE

Ms CHAPMAN (Bragg) (14:56): My question now is to the Minister for Transport Services. Will the minister confirm that the two buckets of money being used to pay for the shuttle train and the bus service from Grange to Woodville are both buckets of taxpayer money, and how much is this duplication costing taxpayers?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:56): It is correct that we are providing different services for those on the Tonsley and Grange lines during the time that the Adelaide Convention Centre is being upgraded. Unfortunately, we had to take two lines out of the process during that time, and it was decided that the impact would be the least upon the Tonsley and Grange lines because they were the ones that were least frequented comparatively.

In relation to the cost for the taxpayer, the Adelaide Convention Centre, which I think is the particular bucket that the member for Bragg is referring to, is using about $1 million of its own funding in relation to the project to help us pay for these shuttles. Any cost above and beyond that will be met by the Department for Transport.

CLEVER GREEN ECO-INNOVATION PROGRAM

Mrs GERAGHTY (Torrens) (14:57): My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister inform the house what the government is doing to promote innovative and green manufacturing in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:57): I thank the member for her question and her keen interest in helping save the planet. The government is eager to encourage local businesses that want to grow and are committed to exploring innovative strategies to achieve that goal. Innovation is at the heart of advanced manufacturing and plays a key role in ensuring South Australia can continue to compete on the world stage.

One of the initiatives aimed at supporting businesses that want to adopt innovative strategies is the Clever Green Eco-Innovation program. The aim of this particular program is to encourage greater collaboration between South Australian manufacturers and local innovators so that they are able to partner up to adopt environmentally sustainable strategies. With $1 million in annual funding, the Clever Green program offers two types of grants:

- a grant for a pilot plant, equipment, infrastructure or new technologies based on a dollar-for-dollar co-contribution of up to $350,000; and
- a fully funded feasibility or business development study that identifies and quantifies the costs and benefits of implementing various resource efficiency or waste minimisation projects.

To ensure that we foster partnerships, funds from the Clever Green program must be used by two or more manufacturing and service companies looking to promote sustainability by minimising the environmental impact of their businesses. One of the areas in which they might choose to collaborate is to improve efficiency and the use of resources. This includes a better use of waste products and the efficient reuse of energy produced.

The Clever Green Eco-Innovation program is consistent with growing advanced manufacturing. It is also in line with the Manufacturing Green Paper's aims of encouraging small and medium-size firms in this state to adopt innovation strategies and technologies. By encouraging our manufacturers to be early adopters of home-grown know-how, the program also provides opportunity for local innovators looking to market technologies that promote sustainability.

The Clever Green Eco Innovation program is funded until 30 June next year and is being administered by the Department for Manufacturing, Innovation, Trade, Resources and Energy. I encourage South Australian businesses that think they might meet the eligibility requirements to apply for one of these two grants.

GRANGE TO WOODVILLE SHUTTLE SERVICE

Ms CHAPMAN (Bragg) (14:59): My question, again, is to the Minister for Transport Services. Are there 67 shuttle bus trips per day operating on the Grange train line route at the same time as the shuttle train services, because the government is contractually obliged to continue to operate this bus service, even though the shuttle train is available?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:00): I thank the member for Bragg for this question. I made a decision on this particular line—the Grange line—that because we could, we would run a train and a bus service, and that was because we wanted to give those people a choice about how they travel. That is being reviewed every single month depending on how the different services are being used. So, every single month we will look at it and, if it goes in the direction of people wanting to take trains more or people wanting to take buses more, then we will go down that path. In answer to the very first part of your question in relation to the cost—was that correct, member for Bragg?

Ms Chapman: Are you contractually obliged to run the bus?

The Hon. C.C. FOX: As far as I am aware, no, that is not the case.

SPORT PARTICIPATION FIGURES

Ms BETTISON (Ramsay) (15:01): My question is to the Minister for Recreation and Sport. Can the minister inform the house of the latest sport participation figures?

The Hon. R.B. Such: A quantum leap.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:01): These figures are very good, thank you, member for Fisher—participation in rugby is

going very well. I thank the member for Ramsay for her question. It has long been a goal of this government to maximise the number of South Australians leading an active, healthy lifestyle, and participating in sport and recreation. The health benefits of an active lifestyle are well documented, and I am pleased to inform the house today that efforts such as the Be Active campaign are starting to produce some great results. The latest ABS General Social Survey figures show that the participation rate of South Australians in sport and recreation is above the national average.

A survey conducted in 2010 indicated that an impressive 76 per cent of South Australian adults participated in a sport or recreational activity, compared with 74 per cent across the rest of Australia. On top of this fantastic participation figure, our love of sport was clearly evident in a number of other survey results, which had South Australia measuring above the national average: 41 per cent of South Australian adults participated in a sport or physical recreation group; and 18 per cent did unpaid voluntary work for a sport or physical recreation organisation. I would like to take this opportunity to thank them very much for their work in our community. They contribute to our community, they help build a better community and, again, I thank them for it. Sixty per cent attended a sporting event, compared with the national average of 56 per cent.

These are really promising results, and a credit to this state's sport and recreation clubs, which are clearly providing an engaging experience for their members and participants. Despite these strong results, the state government will continue its work as part of our strong commitment to increasing the participation rate of South Australians in physical activity. Two of the most important avenues for grassroots sports clubs to access funding assistance, the $2.35 million Active Club program, and the $7.195 million Community Rec and Sport Facilities program, are currently open, and I urge all members to encourage their local clubs to think about projects that will help them get more people involved in sport, and to get their club applications in before the 30 April closing date.

GM HOLDEN

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:03): My question is to the Minister for Manufacturing, Innovation and Trade. Why did the minister intimate to the house that the Holden support payments would not go before the Industries Development Committee, when he told the media on 18 January that these payments would go before the IDC? In parliament last week, whilst debating the support package to Holden's, I claimed that I believed that the support payments would go before the Industries Development Committee. The minister interjected saying that I, and I quote, 'made it up'. However, on 18 January, the minister said on radio, and I again quote:

> I announced today in my press conference...that I thought it was a very good idea to send this proposal through the IDC after it was announced and have a consultative approach with the Liberal Party.

Which one is it, minister?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:04): The government went one step further: we brought it before the entire parliament. We gave every member of the parliament the opportunity to have their say—

Members interjecting:

The Hon. A. KOUTSANTONIS: If I float, I am a witch; if I drown, I am innocent.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: If I went to the IDC, it would have been that we somehow did not let every MP have a say on the Holden deal, but because we brought it to the parliament I have not gone far enough by taking it to the IDC. What I said to—

Mr Williams interjecting:

The SPEAKER: Order! Deputy leader, you have asked your question.

The Hon. A. KOUTSANTONIS: What I intimated to the media was that there would be scrutiny over the Holden assistance package.

Mr Marshall: You said IDC.

The SPEAKER: Order! Member for Norwood, you will leave the chamber for 10 minutes.

The honourable member for Norwood having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS: It's just not the same anymore with him gone.

Members interjecting:

The SPEAKER: Minister, I am not sure what you said then, but I would ask you to get back to the substance of the question.

The Hon. A. KOUTSANTONIS: Yes, ma'am.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The point is that the government wanted scrutiny of this package. The government, rather than taking it to the IDC, brought it to the Parliament of South Australia, where all 47 members could have a say.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: That is much more scrutiny than the IDC.

Members interjecting:

The SPEAKER: Order! Supplementary, member for Davenport.

GM HOLDEN

The Hon. I.F. EVANS (Davenport) (15:06): Given the minister's answer that it would provide much more scrutiny by giving it to the whole house, does the minister concede that the legislation surrounding the IDC committee provides for confidential evidence to be given by witnesses such as Holden's so that both sides of the house can be advised of confidential matters, and debating it before the parliament does not allow Holden's to advise the opposition of that confidential information because it will be made public?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:06): I thank the member for his question and his keen interest in this, and I understand he made some public remarks about not releasing information that was commercial-in-confidence for GMH. The Liberal Party were given a briefing by Holden's.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: I don't know why that's funny. I do not know why a private company that is investing a billion dollars in South Australia is somehow a laughing matter. The opposition were given private briefings with the company. They were allowed to ask any question that they wanted to ask.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The government never attempted to censor the opposition or what questions they could ask. They could ask any question they wanted. In fact, the shadow treasurer went on radio and talked about the importance of keeping that information in confidence. They could have asked any question they wanted to of Holden. The government made a decision that the best place to debate this was in the house, where everyone got a say—every single member got a say.

Members interjecting:

The SPEAKER: Order!

Mr Williams: Anyway, you have proved you can't be trusted.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Madam Speaker, I ask him to withdraw that remark.

The SPEAKER: Deputy leader, I would ask you to withdraw that remark.

Mr WILLIAMS: Withdraw the remark that he proved that he can't be trusted because he says one thing on radio and another thing in the house? I withdraw it.

The Hon. P.F. CONLON: I simply make the point that the deputy leader is—

An honourable member: Sook, sook, sook!

The Hon. P.F. CONLON: It is also out of order to call someone a sook, sook, sook. I have to say, if you know me you will know I am not a sook, sook, sook. The Deputy Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —knows it is out of order to get up and repeat the insult while pretending to withdraw it.

The SPEAKER: I am sure that the deputy leader does know that, but we will move on.

SOUTH AUSTRALIAN ECONOMY

Mr PISONI (Unley) (15:08): My question is to the Minister for Employment, Higher Education and Skills. Was Westpac Chief Economist, Bill Evans, right when he told a business breakfast in Adelaide last Friday that jobs growth in South Australia is the weakest in 20 years, and does the minister agree that you don't need to be Einstein to realise that South Australia's economy is in decline?

Members interjecting:

The SPEAKER: Order! That question was very provocative. The minister can answer it, but if you ask a provocative question you will probably get a provocative answer. I will listen very carefully.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:09): It is no secret that the economy in this state is not moving as strongly as it did before the GFC. That is happening right around the country and it is happening right around the world, but the economy in South Australia is still very strong. The employment rate in the state at 5.2 per cent is good. Obviously we would like full-time employment to be higher than that, but it is not. We have to find a way of working towards that, which we will do, and an important part of that is the Skills for All program, skilling people up for the new economy that I have talked about in this house before.

There is a lot to like about the economy, and there is a lot to like about the prospects for the economy in South Australia. Of course, there is always Olympic Dam, which looms on the horizon in the next few months. That in itself is a significant project: over $20 billion worth of investment in the state, thousands upon thousands of jobs—6,000 workers at the peak of construction and a doubling of the operational workforce to about 8,000. That is significant in itself and it is just one project.

We have the hospital starting up, the Oval starting to kick in, mining exploration levels are significantly high and are, in fact, increasing. There is a lot to like about the economy, there is a lot to be said for it, and I am quite confident that this state faces an optimistic future.

KNIGHT, PROF. J.

Mr HAMILTON-SMITH (Waite) (15:10): My questions are to the Minister for Health and Ageing. Is Professor John Knight taking legal action against the minister; if so, why? What is the amount of the claim and will taxpayers be meeting the claim, if successful?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:11): I understand there is a legal matter afoot which involves Dr Knight. As to the other aspects of the question, I cannot answer them because it is his claim.

Members interjecting:

The Hon. J.D. HILL: He asked a whole range of questions which were hypothetical; I cannot answer those aspects of it. I think it is probably unwise to go into discussions when matters

are before the courts. The individual involved is perfectly entitled to pursue what he sees are his legal rights, as is my department.

The SPEAKER: My hesitation on that last question, member for Waite, was about whether it was a matter of a private nature; however, the minister has answered it.

MEDICARE BILLING

Mr HAMILTON-SMITH (Waite) (15:11): My question is again to the Minister for Health. Has the minister authorised a process whereby salaried doctors in the state health system have their Medicare provider numbers used to bill the commonwealth for services provided at state-run hospitals by reclassing patients as private rather than public patients? Is he absolutely certain that the arrangement is both legal and compliant with federal government regulatory requirements?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:12): I thank the member for his question. I think he is referring to a report that was in *InDaily* recently following an interview with me. I will just go through what was alleged and give the house the best information I can in relation to this.

The article in *InDaily*, and I guess it is the substance of the member's questions, makes three allegations: that doctor provider numbers are being used within the SA public hospital system without the doctors' knowledge, that the South Australian health policy directive around outpatient billing practices released in November 2011 is deliberately aimed at cost-shifting, and that South Australian public hospitals require doctors to sign over rights to bulk billing funds, which are pushed into a trust fund, claiming concerns about tax implications and whether this practice is legal under current health laws. I think they are the issues.

I am advised that SA Health does not condone any doctor's provider number being used without their knowledge, nor does it condone doctors billing Medicare when they have not seen the patient. These practices are not consistent with SA Health's directives or SA Health's understanding of the Medicare rules. The Department for Health and Ageing is currently undertaking a systematic implementation of its directive released in November 2011 across the major metropolitan hospitals, and these instances have not been identified to date. If there is any evidence of such practices occurring, I would certainly welcome advice of that and we will deal with it. Any allegations about possible noncompliance are taken very seriously.

The purpose of SA Health's directive is to communicate compliance requirements to doctors to ensure best practice arrangements and consistency across South Australian public hospitals. The quote in the article about patient choice to be a public or Medicare-billed patient is accurate and appropriate and reflects the National Health Reform Agreement requirement for patients to make informed patient election choices, which include informed financial consent. So, patients can choose.

I am advised that the allegation in the article that doctors are required to sign over their rights to bulk-billed funds is not true. Doctors receive Medicare Benefits Schedule payments based on their specific private practice arrangements up to the ceilings as defined in their specific enterprise agreements. There is no official 100 per cent give-back scheme, but there are some doctors who voluntarily choose to donate their full Medicare Benefits Schedule payments. These doctors are provided with financial reports on billing to assist them with submitting their tax return.

In all cases, the doctor has a right to Medicare billing income, noting that there are different administrative arrangements for this to occur. SA Health has obtained two rulings from the commonwealth Commissioner of Taxation that these arrangements are legal from a tax perspective. These rulings provide doctors with the required advice about their tax obligations. Crown law advice has been received in the preparation of the November 2011 directive and SA Health is satisfied that such arrangements are appropriate and within required legal obligations. The directive is critical to ensure that doctors fully understand their obligations when providing private practice in public hospitals.

This is a complex area that we are dealing with but (if I can summarise it in street language) what we are attempting to do is to make sure that we obtain every dollar that the commonwealth is prepared to pay into our system. We obviously want to do that within appropriate legal forms. New South Wales in particular is heavily involved in this kind of practice where a lot of the services are funded through Medicare, and I think other states are as well. We have not had the same level of benefit as some of the other states.

In relation to the question about whether or not we were cost-shifting I made the point that, 'Sure, the commonwealth over the last 10 or so years has cost-shifted enormously onto the states. The commonwealth used to pay 50 per cent of the cost of hospital care in our hospitals and they now pay around 40 per cent.' As I said to the journalist who interviewed me, 'If I can put some of that cost back onto the commonwealth I would be a mug not to do it.' That is certainly the view of this government and I am sure if the other side were in power they would look—and the shadow treasurer is not here—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I am sure the shadow treasurer would look at this and say, 'This is perfectly legal and perfectly reasonable and there is a code of practice which has been developed and published and we're applying it.'

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Point of order, Madam Speaker: I draw your attention to sessional orders which state that an answer should be limited to four minutes.

The SPEAKER: Thank you; I was going to point it out to the minister but he was coming to a conclusion. Member for Waite.

MEDICARE BILLING

Mr HAMILTON-SMITH (Waite) (15:17): My question is again to the Minister for Health. Are the proceeds received from Medicare through the use of doctors' Medicare provider numbers to claim for patients presenting at state-run hospitals paid to the doctors or to trust funds? What amounts are paid to the trust funds, who controls the funds and what are the funds used for?

The Hon. P.F. CONLON: A point of order, Madam Speaker. That is the third question from the member for Waite that presumes a positive answer to his question before he's had it.

Mr HAMILTON-SMITH: It's a fair question.

The Hon. P.F. CONLON: If that is the case then he needs to explain that it is the case, not ask the question and then answer it himself.

Members interjecting:

The SPEAKER: Order! The first half of the question was in order but the second half was very dubious. Member for Waite, you have been here for 15 years now; you should understand that. Minister, do you wish to answer the question?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:18): As I said to the member before, these are very complex issues which involve a whole range of processes. I will get a definitive answer for him and I will bring it back written down so he can read through it.

MEDICARE BILLING

Mr HAMILTON-SMITH (Waite) (15:18): My question is again to the Minister for Health. Have doctors providing services at state government hospitals expressed concerns about their Medicare provider numbers being used to bill the commonwealth for patient services and, if so, how many doctors and which professional associations have expressed their concerns and when?

The SPEAKER: Thank you, member for Waite; that's better.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:19): It is true that a number of doctors have expressed some concerns and raised issues, and on the first question you asked me about this I went through the details of that. They have expressed some concerns and the health department has sought to assure them by publishing a comprehensive statement of what the facts are as we know them, the tax advice we have had and the legal advice we have had. As to the number and the organisations, I have been at meetings in hospitals where doctors have got up and expressed their concerns but I cannot recall exactly the names of the doctors. If I can get some further advice from the member I am happy to do so.

GRIEVANCE DEBATE

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr PISONI (Unley) (15:19): Back in February, I asked the Minister for Education about when there would be a review or evaluation of the new SACE, and she would not answer that question, knowing full well the answer. The minister said, 'All will be revealed,' and what we saw the next day was an article on the front page of *The Advertiser* with the heading of 'SACE Review'. Interestingly, we saw another front page headline this morning that concerned many students, teachers and parents whose children recently completed the new SACE or alternatively are planning to do so in the next few years.

There is a lot of concern in the community and in schools about the new SACE. Submissions to the new SACE for the first year evaluation for a number of suburban high schools have revealed major faults and unintended consequences of the new SACE under this Labor government. The School of Languages, Adelaide High School and the Mathematical Teachers' Association, as well as 11 western suburbs secondary schools, have all given poor marks to major elements of the new SACE.

These schools expressed serious concerns about the compulsory nature of the research project, having the personal learning plan as a stand-alone subject, and a lack of consistency in the evaluation process. Of course, as the opposition spokesperson for education, I have been raising these concerns in the media and in the house for many, many months.

As a person who does, in fact, make himself available to members of the community, and as someone who is in touch with the education community, these issues were raised with me very early on—probably within a few months of the introduction of the new SACE for year 12 students last year. I thought it was interesting that the education minister was confused about when the new SACE began; she said it began in 2011 when in fact it began for year 10 students (the first cohort of students to participate in the new SACE) in 2009.

The consistent message being delivered in the evaluations by these schools is that the new SACE gives students less choice and has led to a decline in students studying languages and humanities. Labor has spent $70 million—the minister claims it is only $54 million; what's a few million dollars between friends? A lot of money has been spent in order to deliver this SACE.

The high school submissions raise an obvious question: why did the government choose to spend this money developing the new high school curriculum for South Australia while, at the same time, the rest of the country had begun work on a national curriculum? The minister says the national curriculum and the high school certificate are two different things, but let's look at a major point that was raised by the School of Languages. There are fewer opportunities for students to actually study languages, which are an important part of the national curriculum, in addition to humanities and the arts.

In 2008, 59 schools offered accounting compared to only 39 schools in 2011, with only half the number of students studying the subject last year. There were 10 schools offering Australian and international politics, and there are now only five. Australian history was taught in 18 schools in 2008 compared to eight schools in 2011. Classical studies was offered in 32 schools in 2008, and it is now only offered in 26 schools. We had 36 schools offering economics in 2008 compared to the 23 schools we have now.

Geography was taught in 85 schools in 2008, and it is now available in only 32 schools, with a reduction of student numbers from 1,137 students in 2008 to only 343 last year. Legal studies, which was previously taught in 67 schools, is now offered in 52 schools. Modern history has also faced a significant decline in a number of schools as has philosophy.

There are currently no schools in South Australia which offer Chinese for beginners in 2011, yet the subject was being taught in two schools three years earlier. I think that is an important point that we need to raise, because one of the aims of the new SACE was to connect with Asia, and here we have our Asian languages being decimated, along with every other language and humanities subject. I seek leave to insert this statistical data into *Hansard*, Madam Speaker.

Leave granted.

Comparing 2008 Year 12 data with 2011 Year 12 data:

- Accounting: schools: 59 to 39; students: 1008 to 557

- Australian and International Politics: schools: 10 to 5; students: 158 to 73
- Australian History: schools: 18 to 8; students: 178 to 109
- Classical Studies: schools: 32 to 26; students: 440 to 341
- Economics: schools: 36 to 23; students: 609 to 287
- Geography: schools: 85 to 32; students: 1137 to 343
- Legal Studies: schools: 67 to 52; students: 1084 to 665
- Modern History: schools: 108 to 87; students: 1559 to 1089
- Philosophy: schools: 10 to 6; students: 149 to 89
- Tourism: schools: 88 to 52; students: 1701 to 720
- Chinese Beginners: schools: 2 to 0; students: 8 to 0
- German Continuers: schools: 39 to 18; students: 218 to 137
- Indonesian Beginners: schools: 3 to 1; students: 20 to 15
- Indonesian Continuers: schools: 12 to 6; students: 66 to 35
- Italian Continuers: schools: 27 to 16; students: 179 to 139
- Japanese Continuers: schools: 35 to 20; students: 180 to 145
- Biology: schools: 170 to 149; students: 3542 to 3133
- Chemistry: schools: 148 to 127; students: 2313 to 2086
- Geology: schools: 8 to 4; students: 104 to 35
- Physics: schools: 145 to 117; students: 2164 to 2014

OLYMPIC SWIMMING TRIALS

Mr SIBBONS (Mitchell) (15:25): I rise today to acknowledge the success of the Olympic swimming trials at the SA Aquatic and Leisure Centre in my electorate of Mitchell, and to congratulate all those involved. This event, which doubled as swimming's national championship, has been a real winner for the local community and the state as a whole and has turned out to be our most successful ever Olympic trials, in terms of attendance. It gave us the opportunity to witness the return of some of our modern greats of Australian swimming, as well as future stars in action in high-class competition at a world-class facility.

The championship showcased this magnificent venue to locals and tourists in the stands and to TV viewers around the nation. It was also a privilege and an inspiration to watch athletes press their cases for a spot in the Australian Paralympic team, and with an astonishing 25 world records broken in classified events, the Australian Paralympic team (to be named in June) should be one of the strongest ever.

Overall, competitors raved about the pool and the event organisation, and the fans supported the trials to the tune of a record 33,500 ticket sales. Indeed, the stands of the Aquatic Centre are a great place from which to watch top level swimming, but the benefits of such a successful meet go beyond the action in and around the pool. Local businesses recorded an increase in trade and swimming clubs reported a boost in interest in the sport, according to the *Guardian Messenger*.

The event proved to be the swan song of dual Olympic gold medallist and four time world record holder Michael Klim, who after four years away from the sport unfortunately was not able to turn a national team fairytale into reality. Fellow comeback stars Geoff Huegill and Ian Thorpe also missed Olympic selection. While Skippy Huegill is uncertain of his future, the Thorpedo has vowed to swim on. Libby Trickett, however, who had been out of swimming for two years and already had three gold gongs in her trophy case from Olympics past, realised her dream by making her third Olympic team. Great London hopes James Magnussen and Stephanie Rice set personal best times, while another triple gold medallist, Leisel Jones, will become the first Australian swimmer to compete at four Olympic Games and needs one more medal to match Ian Thorpe's Australian record of nine medals.

After eight days of racing at Oaklands Park, 44 swimmers earned the right to represent their country at the pinnacle of competition, the Olympic Games. Half of them will make their

Olympic debuts. All of them have taken away fond memories of Adelaide, along with many others who competed here in the hope of heading to London in July.

As well as being a favourite of these top-class athletes and the swimming, diving and water polo club members who train there, the SA Aquatic and Leisure Centre is a favourite destination for swimmers of all levels, whether for fun or for fitness. I am very privileged to have this fantastic facility in my electorate and to have been able to participate, as a spectator, during the trials. My warm congratulations go to the organisers, the athletes, the staff and the many dedicated volunteers who made the trials such a spectacular success. I would also like to congratulate SA's own Peter Graham, the voice of Australian swimming, who will be announcing at the London Olympics. I wish him well.

LAVENDER TRAIL

Mr VAN HOLST PELLEKAAN (Stuart) (15:29): It gives me great pleasure today, as the member for Stuart and the shadow minister for recreation and sport, to fill the house in on an event that took place in Truro on Sunday of the weekend just gone. It was the official opening of the walking season, combined with the official opening of the most recent extension of the Lavender Trail from Springton to Truro. It was wonderful to be invited there by Mr Bill Gehling, the President of Walking SA. It was also wonderful to be there with the member for Schubert, who did the official opening, as the majority of that stage of the trail runs through the electorate of Schubert.

Ms Chapman: Did he do the walk?

Mr VAN HOLST PELLEKAAN: I was also very pleased to be able to point out to them that the next stage is on up to Eudunda, and the one after that is on up to Burra, so they really are moving into the very best part of the state. Yes, the member for Schubert did undertake that he would get moving, get walking and test out this very valuable part of the trail.

It really was wonderful. The Truro community did a tremendous job in catering, and many organisations, primarily various walking clubs from around the state, erected stalls. Craneford Wines did the same—a very important employer in the community of Truro. I congratulate them all on participating so well. It was especially nice to have Ann Lavender there, who is the widow of Terry Lavender, after whom the Lavender Trail is named.

As well as the obvious benefits to the walkers who get to participate and use these trails—and there were many of them there—I would just like to highlight some of the perhaps less obvious benefits of some of these trails that are springing up throughout our state and have been for many, many years. Not only do the walkers and the people who actually use these trails benefit but the communities benefit as well, and they benefit enormously.

There is a deliberate push to have these trails, which go through nature areas, reserves and, in many cases, wilderness areas, go from town to town because, as well as the communities being able to support the users of these trails, the users of these trails also support the communities. Hopefully, they leave a dollar or two behind, whether they stay in a motel or a pub or spend a bit of money in a business along the way, and there are also social benefits that come along, even right down to the nitty-gritty of the fact that the kids who might live in these towns just get exposure and influence to good habits and to active people.

Many of these walkers are in the later years of their life and they set very good examples about what activity and good health can do for you. Just the fact that they might get to bump into somebody from Adelaide or interstate, and quite often somebody from overseas who is using these trails, in itself in a small way contributes to the fabric of the town and the opportunities these communities get by virtue of the fact that the trails run to and from them. It is also important to point out that these trails are almost exclusively built and maintained by volunteers—typically people with an interest in walking or the particular activity that goes on there but often with community support as well, so I would like to thank those volunteers for their contribution.

It is wonderful to know that throughout South Australia we have an ever-increasing network of trails. These trails are not mutually exclusive; they are not competitive. A new trail in one area does not mean that another trail in another area is no longer attractive. Throughout our state, we have the Heysen Trail, which is a walking trail; we have the Mawson Trail, which is a cycling trail; and we have the Kidman Trail, which is a horseback riding trail. We have many other trails crisscrossing our state, and now we have the ever-expanding Lavender Trail, which is really terrific.

This network of trails is also particularly important for tourism because it does, as I said before, bring money into the communities. People will travel specifically to go on these trails.

Walkers have a particular benefit because they are actually allowed to walk on any trail. Cyclists can only take their bikes onto bike riding trails, and horseback riders can only take their horses onto particular horseback riding trails, so walkers are very much in the box seat—they get to use all the trails.

Living in Wilmington, as I do, we are very fortunate to live right next door to Melrose, the next town down the road, which is one of the very few places (I think there are four of them in the state) where the Heysen Trail and the Mawson Trail actually intersect. We are very fortunate to be close to a mecca for these activities, and we participate actively ourselves. Congratulations go to the Truro community for their efforts.

INTERNATIONAL WOMEN'S DAY

Mr PICCOLO (Light) (15:34): As members here would know, we have recently celebrated International Women's Day. The theme of this year's event was 'Connecting girls, inspiring futures'. In response to that theme, I wrote an open letter to my electors through the letters to the editor section of the local newspapers asking people to nominate women in the community whom they believe most summed up the 'Connecting girls, inspiring futures' theme.

I particularly wanted to hear some stories about young women who had achieved despite the odds. The responses I received were quite incredible. I thought I would share with you just a few of the women's stories—about their lives and their accomplishments.

The first one I would like to talk about is Rachel Ashley who was born in 1976 and attended Mallala and Evanston Primary Schools before graduating to Gawler High School. Shortly after commencing her secondary schooling, Dr Ashley was diagnosed with scoliosis, a deformity of the spinal cord. As a consequence of the diagnosis, Dr Ashley was forced to wear a full body cast above her waist for three years.

Bear in mind that this all happened while in her formative years at high school, when being different is dangerous and everybody seeks to fit in. Despite this, Dr Ashley soldiered on through high school. She was admitted to the University of Adelaide and received a Bachelor of Science with honours in 1999. But Dr Ashley was not yet finished and in 2004 the University of Adelaide granted her a PhD for research conducted in wine grape irrigation and production at the CSIRO, Merbein.

Dr Ashley has since worked as a district viticulturist in western Victoria from 2004 to 2008 when she transferred to California's world-famous Napa Valley wine region to take a position as an executive viticulturist with Treasury Wines. Throughout the entirety of her education, Dr Ashley was self-funded. She worked (as many of us have worked) in supermarkets and never once asked for financial help from her parents, who, I hasten to add, are very proud of her achievements.

The second young woman I wish to bring to the attention of the house is also a PhD recipient—Dr Katherine Linsell. Despite being only 27, Dr Linsell is already an eminently regarded expert in her field, infestations in grains—which might be of interest to some members who represent our rural electorates. When talking about someone's personal merit it is not often helpful to speak in purely financial terms but here is a fantastic indicator of how talented Dr Linsell is: in just four years leading up to 2012, Dr Linsell obtained almost $120,000 in grants and scholarships to finish her research work. She has received numerous awards and commendations from the university and has produced a number of papers on which she is almost invariably the lead researcher.

The third story I would like to share is that of Sarah Mitchell. Sarah grew up in Freeling and attended high school in Kapunda. A talented spokesperson, she represented Kapunda High School in swimming, athletics and netball, becoming house captain in 2005. Showing a particular aptitude for netball, Sarah represented both her home town of Freeling and her district (Barossa and Light) at the country championships.

As is common with many teenagers, Sarah was struck down with glandular fever in year 11. As was to be expected, she quickly recovered and got on with things. However, a year later she once again contracted glandular fever, this time not recovering from the symptoms. After two years spent seeing various medical specialists she was diagnosed with fibromyalgia syndrome and chronic fatigue. Sarah describes FMS as like having a bad flu 24/7.

Given the nature of the illness Sarah has been unable to work and, more painfully, unable to participate in the sports she once excelled at. In 2009 Sarah's father, concerned at the impact the illness was having on her, urged her to take up motor sport. Sarah joined the Sporting Car Club

of South Australia, gained her CAMS licence and purchased a 1972 HQ Holden. This proved to be the perfect outlet for Sarah's competitive nature.

Despite her illness and the fact that motor sport is a very male-dominated pursuit, Sarah has enjoyed great success, finishing near the top 10 every year she has competed. She also completed the 2011 HQ Enduro, an achievement made more impressive when one considers that almost half of all the starting cars do not make it to the finish line. Not content with her personal glories on the racetrack, Sarah has also used her skills to raise funds for charity. In her short career she has raised thousands of dollars for the Phoenix Society, Arthritis SA and other charities.

These three women are but a tiny sample of the many young women, not only in my electorate but across the state of South Australia, who are doing fantastic things for the state and its reputation. They are living role models for all of us to take after. Each of them has overcome obstacles and strived for personal success and satisfaction; strived to better themselves, their families and their communities in some way.

BUS TIMETABLES

Ms CHAPMAN (Bragg) (15:40): To use the words of a great Labor luminary, well may we say God save the Queen because nothing will save the Minister for Transport Services. Today, we had the extraordinary situation where the Minister for Transport and Infrastructure came into the house and acknowledged a statement made yesterday about public transport, in particular, whether it was the responsibility of the government or bus contractors for bus services and timetabling, and said that the Minister for Transport Services was right and, in fact, it was the government's responsibility.

Talk about throw a bucket—not a lifeline—all over her, because all that does is confirm that when these contracts were signed the government was responsible, as the minister has confirmed today, for the setting of those timetables which provide the threshold of obligation of the bus providers in those services. There is no benefit to us or any of those commuters in South Australia for the minister for transport to come in today and wax on about the hundreds of thousands of people who use public transport in this state only to find that, in fact, we have—on her own documented records—an utter failure. Her statement, even today, was, 'but there is no doubt that the reliability of bus services can be improved significantly and timetables should be changed to reflect actual running times'.

Well, hello! Well done, minister! You have finally realised that there has been a complete stuff-up on this and not only have thousands of bus commuters out there travelling each day to appointments, to their work, to take their children to school and the like, been inconvenienced but there has also been a shocking amount of money wasted as a result of the inadequate, inaccessible and now unaffordable bus services we have in this state.

What is the government's response when, clearly, they are the ones who have failed? They come out and say, 'We will tell those bus contractors to get it right. We will tell them to get on with the job and make sure this is done properly.' When we ask, 'What about the fines? What about the penalties under your contracts that you have an obligation to perform?', they trot out a $14,500 fine—a pathetic amount—against Transfield for their contract failures. They implement a totally inadequate fine, and what do they say in response to that being exposed? The minister says, 'We have written to them and demanded written undertakings that they are going to be good. They are all going to be good and get the buses on time and they are going to be nice to the consumers and it is all going to be a happy world in public transport land again.' What a joke!

The reality is that we have an inadequate fine and, quite clearly, her own government has acknowledged this and she has been tipped into the deep by the minister for transport. She has to come clean to the people of South Australia and say, 'I was not able to introduce appropriate fines in this situation because...' It has nothing to do with congestion or Clipsal or any of that other nonsense that she has come up with in parliament today: it is because she has failed to implement adequately the obligations in those contracts to make sure that those timetables were properly set and that the consumers get the service that they are paying to have.

That is what has been exposed today, and she must come clean to the people of South Australia and not come in here with this codswallop about buses being caught up in the Clipsal traffic as the reason for a service fundamentally failing the people of South Australia—which they are paying for, not just in the tickets. It is not just being paid for by the consumers using the service but also all those people out there who are subsidising an important public service to this state.

She has to get it right or get out of the job and make sure we get Patrick Conlon or someone else who is going to do it properly. Get on with the job, get it right or get out.

HUNG EMPERORS CEREMONY

Ms BETTISON (Ramsay) (15:44): On Saturday 24 March I attended the commemoration ceremony of the Hung emperors, which was held at the Parafield Gardens home of a member of the Asian Elderly Association. Also in attendance were Mr Hieu Van Le, the Lieutenant Governor and Chairman of the South Australian Multicultural and Ethnic Affairs Commission; Hon. Jing Lee MLC, parliamentary secretary to the shadow minister for multicultural affairs; and ward councillor Ms Oanh Nguyen. Also in attendance were several representatives of the Buddhist Association of South Australia, as well as several representatives of the Vietnam Veterans Association of Australia and Vietnam Veterans Federation.

The festival is held each year and honours King Hung Vuong, a king whose ascension was critical to the formation of a cohesive Vietnamese culture and identity. The celebration commemorates the essential founding of Vietnamese civilisation and society. It is also about showing gratitude towards those whose legacy has allowed Vietnamese people to live in peace and harmony.

It was wonderful to take part in the celebrations, and I would like to commend the association, its committee members and, particularly, the President, Mr Phan Van Nguyen, for undertaking the important job of organising this and other cultural festivals. Not only do the festivals allow young Asian people who are of third and fourth generation to retain links to their cultural background but they also allow the wider community to develop an appreciation of the rich and diverse histories of other cultures.

I have had the pleasure of visiting Vietnam, and it gave me a fantastic insight into our Vietnamese community in South Australia. According to the City of Salisbury Community Profile, there are 2,755 Vietnamese-born people living in the City of Salisbury area. Many Vietnamese people overcame great challenges to arrive and settle in our state. A strong work ethic, and a commitment to education as well as to family and community, has allowed for great personal and community success. Generously sharing the rich traditions of Vietnam, and being open towards other South Australians, has been another important contribution of the Vietnamese community to our state.

The Asian Elderly Association itself was established as a group of elderly people of various Asian backgrounds to provide both practical assistance and cultural support to one another. The association achieves this aim through programs and events, which include community festivals, community visitors (which is a service to the grieving families of deceased members), health seminars and fitness activities.

The association provides a regular meeting place for its members who are otherwise socially and culturally isolated. The association also acts as an information and referral service for its members and their families. I would like to take this opportunity to thank the association for its important work and to thank the Vietnamese community, particularly in my electorate of Ramsay, for being such a vital part of both the ethos and practice of multiculturalism.

MINING (EXPLORATION AUTHORITIES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:48): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The ACTING SPEAKER (Hon. M.J. Wright): We need to count the house, as we need an absolute majority, so we will ring the bells.

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

Motion carried.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:50): I move:

That this bill be now read a second time.

In doing so, given the way that this bill has worked, I am going to read part of the second reading explanation into *Hansard*.

Mr Williams: You should read it all.

The Hon. A. KOUTSANTONIS: Probably. The Mining (Miscellaneous) Amendment Act 2010, which came into operation on 1 July 2011, made various amendments to the Mining Act 1971. Amendments included the removal of the concept of a miner's right from the act. Section 20 of the Act was thus amended to establish a general right to prospect over mineral land in this state. A consequential amendment to remove a reference to a miner's rights from the definition of *exploration authority* in section 6(1) of the Act was also made.

Under section 63F of the Mining Act 1971 an exploration authority does not confer a right to carry out mining operations that would affect native title rights and interests other than where they are properly authorised in accordance with that section. This ensures that the grant of these exploration authorities comply with the provisions of the Native Title Act 1993, which is of course a piece of commonwealth legislation.

The Native Title Act requires that any legislative changes conferring a right to mine that affect native title must comply with the processes set out by the commonwealth act.

The amendments to section 20 purported to create a general right to mine which was not restricted by section 63F and may have included a right to undertake activities which could have affected native title rights. This would not have complied with the requirements of the Native Title Act 1993.

Accordingly, the amendment to the definition of exploration authority by the bill makes it clear that an exploration authority includes a right to prospect for minerals under section 20 of the Act. This will redress the unintended consequence of the amendments made by the 2010 act to section 20 thus ensuring that section 63F of the act applies. I seek leave to insert the remaining two paragraphs into *Hansard* without reading it?

The ACTING SPEAKER (Hon. M.J. Wright): Is that seconded? It is.

Mr Williams: No, it's not.

The ACTING SPEAKER (Hon. M.J. Wright): What do you mean 'No, it's not'?

The Hon. A. KOUTSANTONIS: If you sit down, I will finish reading it. This is a very bad precedence you are setting.

Mr Williams: No, it's not.

The Hon. A. KOUTSANTONIS: It is. The bill will be taken to have come into operation on 1 July 2011, which was the date on which the 2010 amendments came into operation to take account of rights to prospect that have come into existence from that date.

This will ensure that activities that relied on section 20 and had no affect on native title rights and interests can be regarded as having been authorised under the act from the time of the 2010 amendments.

An audit has been made of all current mineral claims that may have been pegged from the date of the 2010 amendments to assess whether the pegging of any of these claims relied upon the operation of section 20. I am informed that there are none. I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the Act will be taken to have come into operation on 1 July 2011.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 6—Interpretation

This clause amends section 6 by inserting a new paragraph into the definition of *exploration authority* to ensure that the definition includes a right to prospect for minerals under section 20.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:54): Notwithstanding the minister's protestations, the minister approached me last week and informed me that a technical matter had been raised by the Crown Solicitor's Office or crown law in the drafting of major amendments that went through for this act some time ago and came into force as of 1 July last year. He informed me that, because of this oversight, there may be created some invalidity to mineral claims.

The minister approached me and asked if the opposition would be prepared to have this bill go through the parliament in a timely fashion to correct this technical anomaly. I put to the minister that I thought it would be fine for the opposition to do that, but I would need a briefing and I would need to take the matter to my party room to get its authority to agree to the proposition put by the minister. That has happened; I had a briefing last week, and I have taken the matter to my party room, which has approved the Liberal Party's support for this matter.

A few moments ago, when the minister sought to have the last part of the second reading inserted into *Hansard* without reading it, I objected simply because no member of the house has had an opportunity to have an understanding of the minister's second reading. Generally, when we introduce a bill it is standard practice, and the convention of the house, that all the second reading from the minister, or any portion of it, is inserted into *Hansard* without reading it. In special circumstances, where the government of the day—and this has happened on both sides of the house—wishes to bring something on and take it through all stages, I think it only fair and reasonable that the minister present the second reading orally to the house so that members have a complete understanding of it.

I expect this bill will go through the house in a matter of minutes, and I think it would be not just unprofessional but a stain on the house if we allowed a process where we inserted without reading the reasons the government is proposing this matter to the house and also that the matter be dealt with potentially before members have even had a chance to read the *Hansard*—because it will not actually appear in the *Hansard* for some time. The minister claimed that I have set a dangerous precedent; indeed, I think I have confirmed the conventions of the house. When a matter is to go through all stages at one time it has been my understanding of the conventions that the minister would read all the second reading to the house. I simply make that point.

I think I have already indicated that the opposition is supportive of the bill. It is simply a technical bill to overcome a minor anomaly, although, while we might say it is a minor anomaly, it is my understanding that it could have very serious ramifications if we do not pass this bill. Indeed, the matter only confirms what was already the intent of the house when it passed the amendments to the bill last year, principally to remove the notion of having a Miner's Right to explore and peg a claim. There are now other mechanisms in the act, and there is no necessity to have a Miner's Right in South Australia. In doing away with the Miner's Right, we created this small anomaly.

The minister has already said that his advice is that there have been no claims in the meantime that would be impacted. Notwithstanding that, the minister's intent is that the commencement date of the bill will be 1 July 2011, so it will be retrospective. I think it is common practice for the house and for both the major parties at least to be very careful and indeed to really contemplate retrospective legislation on the assurance of the minister that there will be no harm caused by the retrospective nature of this; in fact, it will have no impact whatsoever—

Ms Chapman interjecting:

Mr WILLIAMS: Yes, because there are no claims that have been staked in the meantime that would be impacted by this. As I said, the opposition indicates it is prepared to support this and support its passage through all stages in the house forthwith.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:59): Behind the scenes, despite what the public might see, there is generally a high level of bipartisan support for sectors of our community that create substantial wealth for our constituents—mining being one of them. I like to think that the Deputy Leader of the Opposition (the shadow minister) and I have a very good relationship when it comes to matters related to mining.

The reason I took exception is more about the fact that I have a great deal of faith that Mr Williams will do the right thing when it comes to mining. When there are technical amendments

of this nature, I always hope that we can rise above party politics and do the right thing, so if I offended the member for MacKillop—

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: Let me finish; just sit quietly and let me finish for once in your life.

Mr Griffiths: You sounded angry, Tom, at the time.

The Hon. A. KOUTSANTONIS: I was angry.

An honourable member: He's not now.

The Hon. A. KOUTSANTONIS: I'm not now. I want you to follow my example and rise above it all. To the member for MacKillop, I say this. I have never demanded anything of him, I have always treated him with the utmost respect, and I have always given him the facts as I have known them when it comes to these matters. We always have a very good relationship when it comes to these issues, and I hope that continues. I think the language of this house can be tempered outside question time, and generally it is, and there are a few rare examples where it is not.

In conclusion, this is a very important amendment. Obviously, when the government attempted to reduce red tape the Miner's Right was abolished when wide-ranging amendments were made to the Mining Act on 1 July 2011. Section 20 of the act was amended to create a new right to prospect. This gives a right to prospect for miners in South Australia; of course, we are now retrospectively administering that. I hope we have a smooth passage in the other place to fix this anomaly as quickly as possible, and I commend the bill to the house.

Bill read a second time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (16:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WATER INDUSTRY BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 14 March 2012.)

Amendments Nos 1 to 11:

The Hon. P. CAICA: I move:

That the Legislative Council's amendments Nos 1 to 11 be agreed to.

I would like to make a couple of general comments on these amendments. I appreciate the work that was undertaken by the other place with respect to the series of amendments that it moved up there, and the genuineness in which those matters were dealt with. I would say, in a general sense, that I think amendments Nos 1 to 11 add to the bill. I also think—and it would be remiss of me not to say this—that they were not as good as they could be, and were misguided in some areas. But notwithstanding that, I am willing to accept those amendments on the basis of the best interests of the state in getting this bill through. I am happy to inform the House of Assembly that we do agree to amendments Nos 1 to 11 made by the Legislative Council.

Mr WILLIAMS: The opposition is delighted that the government has seen the light on a number of matters. Most of these amendments were previously debated in this chamber, and I am delighted that the government has now seen that they are sensible amendments, and that they will indeed make this a better bill. Unfortunately, not all of the amendments that were proposed by the opposition were successful in the other place, but the opposition believes that it will have further opportunities in the future to address that particular matter.

In particular, I thank the minister for agreeing to these amendments. Some of them are not of great import, some of them are of a technical nature, but some of them are of significant import and, as I have said, I am pleased that they are now going to be agreed to by this place as well.

Motion carried.

Amendment No. 12:

The Hon. P. CAICA: I move:

That the House of Assembly disagrees with amendment No 12 made by the Legislative Council but makes the following alternative amendment in lieu thereof:

New clause, page 71, after line 23—Insert:

96A—Report on installation of separate meters on properties

(1) The Commission must undertake a cost benefit analysis of implementing a scheme designed to ensure, so far as is reasonably practicable, that—

(a) all land—

(i) that is owned by the South Australian Housing Trust or another agency or instrumentality of the Crown; and

(ii) that is owned by the South Australian Housing Trust or another agency or instrumentality of the Crown; and

(iii) that is used for residential purposes; and

(iv) that is supplied with water by a water industry entity as part of a reticulated water system; and

(b) any other land the Commission determines to include in the analysis,

will have a meter that records the amount of water supplied to that piece of land.

(2) The scheme for the purposes of the analysis must address—

(a) the fitting of meters to premises existing at the time of the publication of the report (insofar as meters are not fitted); and

(b) the fitting of meters to premises constructed after the publication of the report.

(3) The Commission must prepare and publish a report on the analysis by 30 June 2013.

Mr WILLIAMS: I indicate that the opposition will be supporting the government's proposal to oppose amendment No. 12 as put forward by the other place and, in lieu of that amendment, to support the new amendment No. 12 as proposed by the minister. I want to explain the opposition's position on this matter and, in doing so, I will have to go back over the history of what has occurred.

This proposed amendment—and I think it was by the Family First Party in the other place—would have obligated Housing SA to have separate meters installed in all Housing SA residences. There are a significant number of Housing SA properties, particularly flats and units, which are quite often supplied with just one meter or, in some instances, a couple of meters, although there would be many individual residences there, and the bill is spread amongst the residences. This came about some years ago because, traditionally, Housing Trust tenants paid their rental, which also covered their water account. So, they paid their rental, which would be up to 25 per cent of their income, and that covered their water charges as well, unless they had excess water usage, and I understand there was another charge made to cover excess water.

Some years ago (probably four or five years), the government introduced a new water charge for Housing Trust tenants. The opposition's position at the time was that it did not necessarily support that new charge. This was a government which came into office in 2002 promising that there would be no new taxes or above CPI increases in existing taxes and then set about introducing new taxes and charges, and this is just one of them—it imposed a new water charge on Housing Trust.

At the time, the opposition argued that was going against one of the promises of the government. Notwithstanding that, it further argued that it was unconscionable to impose this charge on a tenant where it could not accurately be determined how much water the tenant actually used. Our argument was that, if the government was going to impose this charge, there should be a program to install separate meters on all Housing Trust tenancies. So, that was the situation and my understanding is that is the policy the opposition took to the last election and expressed in its election manifesto. The opposition believes that if you are going to charge somebody for water that you should be able to accurately measure how much water they are using.

I move on a little bit further. The Water Industry Bill before this parliament, amongst other things, repealed the Waterworks Act and a number of other acts, set the powers necessary to manage water supply, created a new series of identities called water industry identities and set up the whole management regime. As I said, the bill went through this house with a number of

amendments proposed. Family First, in the other place, also proposed a number of amendments, and I think the Greens and other Independents and minor parties might have proposed other amendments as well.

The amendment Family First proposed reflected, very closely, the position the opposition has had for some years. It reflected this notion, or principle, that if you are going to impose a new charge on somebody you should actually put a meter on their dwelling to collect that charge. The government approached the opposition last week and argued that, notwithstanding that this matter had been through the other place and it reflected the opposition's policy, the cost of imposing this could be—and the figures given to me were—at the low end, $18 million, and at the high end possibly over $40 million.

It is a little disappointing that I do not have more accurate figures than that, but these are the figures that were given to me. Some of those figures are historic, they in fact go back to 2007, which probably indicates when this whole matter occurred; that is, the matter of new charges. I understand that Housing SA pays to SA Water several millions of dollars more for water than it actually collects from its tenants. There is already a deficit there and this amendment, if it were accepted here, would impose a further significant cost. At the end of the day, that cost would be borne by the people of South Australia, they would be the ones who would bear it. The individual tenants, obviously, are, by and large, low-income families. Their rental is capped and it is probably arguable that a substantial amount of money running into tens of millions of dollars would not be recouped from the tenants themselves and the cost would, in fact, fall back to the general taxpayer.

The opposition, in light of that further evidence, has rethought its position and certainly agrees with the proposal put forward by the government that ESCOSA be charged with preparing a report on the installation of separate water meters on Housing SA properties. The opposition believes this is a fair and reasonable compromise.

At the end of the day, we still support the principle that, when this new water charge was imposed, there should have been metering to go along with it, but we also support the proposition that a proper cost analysis of the proposal would better inform us. I guess we would then be in a better position to debate whether it was worth going ahead with the proposal or, if there was going to be a substantial cost to the taxpayer, whether we may well be better off spending that elsewhere.

That just gives a little bit of the background. The opposition, as I point out, still hold the principle that we disagreed at the time with the new charge. We still disagree with that, particularly where there are no meters to accurately measure it, but we support the government's proposal as a compromise so that we can move ahead with this particular piece of legislation.

The Hon. P. CAICA: I thank the honourable member for his contribution. I am not going to recap some of the comments that were made earlier about his perception, many years ago, about what was being done for what reason and whether or not they supported it at that point in time because it is completely irrelevant to this particular amendment.

What I would say is that the government does understand the importance of this issue and acknowledges that meters have the potential to offer better feedback about customers' water use. However, the government also believes that any assessment of metering and any final decision on how to proceed must take place within a more explicit cost-benefit framework. Therefore, that is the very reason that we have filed this amendment to clause 96A.

As was pointed out, under this particular proposal there would still be a report by ESCOSA published by 30 June 2013, but there would be a more explicit emphasis on the cost-benefit analysis. I am very pleased that, to that extent, the opposition—notwithstanding the position that it previously had and, as the member states, still has—has agreed to a report being compiled by ESCOSA that will assess the costs and benefits of installing meters in the cases outlined in Mr Brokenshire's original subclauses (1)(a) to (d) but would also assess any other case that ESCOSA determines to include in the analysis.

In line with Mr Brokenshire's original subclauses, the report would also have specific regard to the costs and benefits of installing meters in new properties or developments as well as the costs and benefits of retrofitting existing properties. In the government's view, its alternative proposal for clause 96A is consistent with the spirit of what was proposed by the Hon. Mr Brokenshire in another place, but does not in any way seek to pre-empt or, indeed, to suggest an outcome. I thank the opposition for its support of this proposed amendment.

Motion carried.

Amendments Nos 13 to 16:

The Hon. P. CAICA: I move:

That the Legislative Council's amendments Nos 13 to 16 be agreed to.

Just to conclude my comments in this regard, the same applies as I said before. I was very interested to hear the Deputy Leader of the Opposition say that he is pleased that the government has seen wisdom in the amendments that were proposed by the Liberal Party. I do not think I said that. I think what I said is that, in some areas, some of those amendments were an improvement and we accept that, but in the main, we are accepting all those amendments en bloc in the interest of getting this very important bill through on behalf the people of South Australia.

Mr WILLIAMS: I thank the minister and the government for agreeing to these amendments. I think I am right in saying that this block of amendments is the one which changes the application of the River Murray levy. I am very pleased to have the government agree to that. Again, this was another of those measures introduced by the government early in its term in spite of its rhetoric that it would not impose new taxes—indeed, what it did was impose new taxes and call them levies.

The River Murray levy I think has been reasonably well accepted by a number of people in South Australia who understood, particularly during the millennium drought, the dire situation of the River Murray, but it was never accepted particularly in parts of South Australia that had no connection with the River Murray. We will be debating the River Murray in the house shortly, according to the Premier's desire.

About 90 per cent of South Australians are, in one way or another, connected to the River Murray and rely on it for water supply. There are a small number of South Australians obviously who do not, and some of those live in places—indeed, some of those places are in my electorate in the mid and Lower South-East—where the pipeline that heads in that direction from the River Murray goes as far as Keith but no further east or south. There was a huge outcry from and much chagrin felt by the people of the City of Mount Gambier over the measure to impose the River Murray levy on them. The Far North of the state, and I have always thought of it as—

Mr PEGLER: I have a point of order. The member for MacKillop is debating amendments 13 to 16 and the amendment was actually No. 11 which has already been passed.

The ACTING CHAIR (Hon. M.J. Wright): I ask the deputy leader to return to 13 to 16.

Mr WILLIAMS: Thank you, and that is a very important point of order. I can always come back at the third reading and make the same comment, but I think it will probably expedite the matter through the house—

The ACTING CHAIR (Hon. M.J. Wright): There is no third reading on amendments.

Mr WILLIAMS: —if the committee will indulge to complete my comments now. I was just about to say that it has always seemed an absurdity to me that people in the Far North of the state were paying the River Murray levy when they were being supplied by SA Water with substandard water, or water which was not of a potable standard, which obviously never came from the River Murray. It always fascinated me—

An honourable member interjecting:

Mr WILLIAMS: I am fixing it up, we are fixing it up—Paul and I are fixing it up right now. Again, there are citizens of the state in places like Kangaroo Island which have absolutely no connection to the River Murray and could not, even by modifying their water use, have any impact on the amount of water taken from the River Murray. I am delighted that after a significant number of years we have some sanity back into that little part of this legislation, and I commend the amendments to the committee and thank the government for supporting them.

The Hon. P. CAICA: I thank the member for Mount Gambier for highlighting what it was that I would have referred to after the honourable member had finished—that he was debating an amendment that was previously passed. I cannot let it go, given his comments there, without at the very least responding to them, sir, so I would ask that you indulge me.

The government believes this amendment to be untimely and short-sighted and that it sends out completely the wrong message to upstream states about our commitment to restoring

the Murray-Darling Basin to a sustainable level of health. As I said earlier, having said that and said it previously, and knowing the numbers are against on this in the other place, the government reluctantly accepts the amendments in the interests of getting the legislation through.

Motion carried.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) BILL

In committee (resumed on motion).

Schedule 1.

Ms CHAPMAN: I am referring to clause 117—Assessment of competence, which imposes on the rail transport operator an obligation to ensure that when personnel are accredited (in particular, rail safety workers) they have 'the competence to carry out that work'. There are significant fine provisions if that does not occur.

For the purposes of this competence, the criteria for assessment are set out in subclauses (3) to (6). I am curious as to how this assessment has been enhanced by this new provision. Previously, there had been an obligation to have qualified and competent personnel but this is supposed to, in some way, enlighten us now under the new scheme of being a more defined link to the AQF, which is referred to in subclause (2).

The Hon. P.F. CONLON: I am sorry: I do not understand the question.

Ms CHAPMAN: How is it more effective in determining that someone has the competence with this link to the AQF?

The Hon. P.F. CONLON: What occurs at present is that a number of operators do, as I understand it, use the training standards set out by the AQTF, but not all do. There is a view that those standards are correct and we wish to use them. It addresses the nature of the industry and the fact that not all operators have used those standards, or it is not the sole way of bringing people up to the proper level of skill. It has been pointed out that the registered training organisation will put more rigour around the process, but there are operators who use this skill base at present and, if you like, this has formalised the recognition of those skills and incorporates the training organisations but also recognises that some people have acquired their skills in different ways.

Ms CHAPMAN: I would understand that, except under subclause (2)(a), for the purposes of identifying that competence, the rail safety worker must be assessed:

(i) in accordance with the provisions of the AQTF—

which is there—or:

(ii) ...in accordance with any other qualifications or competencies prescribed by the national regulations.

So it does not actually impose the obligation that it can only be at that standard—which may be a good standard: I am not saying it is not—but it still gives this alternative, which is really as it applies now, isn't it?

The Hon. P.F. CONLON: The specific requirements have not been prescribed in the past. The bill now prescribes that you can meet standards by reference to these, but it does not make it the only way of satisfying the requirements of the bill.

Ms CHAPMAN: I now move to clause 130, under division 10—Train safety recordings. This is a new provision to define train safety recordings. As I understand it, if recording equipment is installed, this provides for restrictions on the disclosure of recordings and their use in evidence in proceedings, whether that is criminal or civil. Again, my question is, why is it necessary to provide a definition clause? Is there some requirement to be prescriptive in some other legislation, or has there been some failure in the part of criminal or civil proceedings in the identification or admissibility of recordings that has created this, or is there some other reason?

The Hon. P.F. CONLON: I do not understand that there has been an argument in the past about the definitions, but it is the case that they are used in proceedings. During drafting, it was believed that, to avoid any argument about what such an instrument is, it should be defined in the act for the future.

Ms CHAPMAN: As a matter of practice, where are these recordings kept? Are they kept in some kind of repository in the Department of Transport? Perhaps you could explain that.

The Hon. P.F. CONLON: It would be kept by the operators. They would have obligations, but they would be kept by the operators. We do not have a library of them.

Ms CHAPMAN: Clause 137 relates to the accountability of rail safety officers, and these are the people employed in government who continue to have the role under the regulations to enforce the provisions of the act. Here now, as distinct from the 2007 state legislation, there is a level of accountability that has been committed to the legislation. My question is, why is this necessary, minister, when these rail safety officers already have legal obligations as public sector employees?

The Hon. P.F. CONLON: It has been a lengthy process to reach this bill, and we have had to look at a whole lot of legislation. I will come back to you but it may well be that this has been drawn from a piece of legislation elsewhere, and it was considered to be a useful addition to a national bill. What we have here is not simply the South Australian rail safety bill but also one that was needed to satisfy all the different jurisdictions, and it may well have arisen from that.

Ms CHAPMAN: I want to clarify whether there is any other level of accountability for public servants in this section—that is, the rail safety officers in South Australia—by signing up to this? Is it more than their obligation is already under the Public Sector Act?

The Hon. P.F. CONLON: My initial response is that I would consider that they would probably have obligations under the Public Sector Act in regards to conflict of interest. That certainly is my understanding. I do not believe it imposes a greater one, but you have to understand that, being a national law, it may be that other jurisdictions have dealt with it this way, rather than through the Public Service. However, those are certainly matters we can deal with you in correspondence if you wish, but I do not think they are earth shaking, so, if you like, we will confirm what I have said.

Ms CHAPMAN: I will now move to division 2 under part 6, which commences at clause 204. This sets out the exemptions that can be granted by the regulator and essentially allows an operator to operate under exemption without having the accreditation, with or without conditions. My question is not about the terms of how this operates, because the process seems quite straightforward, but: can you tell us how many operators are undertaking their business under exemptions, that is, without accreditation or under conditional—

The Hon. P.F. CONLON: Could you tell me the number again?

Ms CHAPMAN: It commences at clause 204. It is the process under these clauses which sets out the exemption procedure, enabling the registrar to grant an exemption. My question is: how many operators or businesses are undertaking rail work in the state under exemption?

The Hon. P.F. CONLON: There are none at present in South Australia, but that does not mean there have not been. The law was often used for short-term events that are rail like but not ones the law seeks to govern on an ongoing basis, such as maybe some community event.

Ms Chapman: Like the Barossa train?

The Hon. P.F. CONLON: If the Barossa train is carrying passengers, we may not exempt them if they ever run.

Ms CHAPMAN: Clause 243 relates to the delegation by a minister. Under our current legislation the minister cannot delegate any function or power. As I understand it, only the regulator can delegate this. I suppose we need some explanation as to why, as minister, you would be assuming some responsibility in this area, or at least power to do this, when we have a regulator, it is independent and it is supposed to be operating in some autonomous way. Is there some explanation as to why that is being introduced?

The Hon. P.F. CONLON: I do not think there are any specific areas of delegation contemplated at the moment but, because the ambit of it now is much greater than before, it was considered that it may be necessary at some point, just for the ordinary efficacy of business, to have the capacity to delegate. This now has a reach to all the state, but I cannot tell you of any particular delegation that is sought to be made as a result of this provision.

Schedule passed.

Schedule 2 and title passed.

Bill reported without amendment.

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (16:39): I move:

That this bill be now read a third time.

I thank the house for its assistance.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 27 March 2012.)

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be disagreed to.

I think probably the most useful thing would be for me to make some remarks about these amendments en bloc. First, a little bit of background in relation to this matter. The government's 2010 election policy contained an undertaking that the government, if elected, would enact this legislation targeting declared drug traffickers. This legislation has been brought before the parliament in furtherance of that undertaking, given to the people of South Australia before the 2010 election.

This legislation was first introduced into the House of Assembly on 18 May 2011. It was debated on 28 July 2011, and at that time the honourable member for Bragg opposed the legislation and foreshadowed amendments. Can I say, again, that in this particular instance I think the unfortunate practice of the opposition only foreshadowing amendments in this chamber shows scant regard for the Independents in particular. They do not have an opportunity to be represented by anyone in the other place, so they do not even have an opportunity to understand what the issues might be. It also denies the government the opportunity to comment on the amendments, so if anyone in the other place were interested in finding out in detail what the government thought about the proposals they are denied that opportunity.

In any event, the honourable member for Morialta also opposed the legislation, and it moved to the Legislative Council on 28 July 2011. It was debated on 13 September 2011 and on 15 September 2011, and, on 27 September 2011, the opposition finally showed its hand. The shadow attorney in the other place came in with a swathe of amendments that were moved and by a narrow margin 22 amendments were passed.

An honourable member: Hear, hear!

The Hon. J.R. RAU: The honourable member says, 'Hear, hear!' Perhaps you may think that now, and I am glad that is on the record, but the effect of those amendments was to remove all the substantive measures in the bill and to leave place only for some incidental minor amendments to existing legislation. Indeed, the change was so drastic that the bill had to be renamed because it no longer conformed in any way to the original bill that went into that house.

On 28 September last year the House of Assembly considered the amendments from the other place and then, of course, parliament was prorogued. On 14 February (perhaps hoping for some good feelings in the chamber; I do not know what) standing orders were suspended and the bill was reintroduced into the House of Assembly in its original form. On 15 February it went back to the Legislative Council. On 15 March this year the second reading debate began again with the opposition, led by the shadow attorney in the other place, opposing all the substantive measures in the legislation.

Ultimately the vote when taken was 8:9, with four people not being present by reason of pairs. Again the opposition moved and passed 22 amendments, the effect of which was to again remove all the substantive measures and to leave only the incidental changes, and that is the legislation that has been brought back to us today. The reason this version is not acceptable is simple: it again cuts the legislation to pieces and leaves intact only two small associated parts. It removes any reference to the main part of seizing the assets of convicted drug dealers—that, of course, being an election pledge.

An honourable member: It was a good one.

The Hon. J.R. RAU: It was a good one. That is the historical background to this particular piece of legislation. I want to make a few things very clear to the house. First of all, the main issue

in terms of crime in our society one way or another gets back to drugs. Whether it is housebreaking, violence or forms of abuse that occur in many cases to families and children, an enormous proportion of it gets back one way or another to drugs and the misery wreaked by drugs on our community.

Why is it that people are involved in the drug trade? Is it because it is great fun, is it because it enhances your standing in polite society, or is it because you can make a lot of money out of dealing in misery? Of course, we all know the answer to that question: it is about making money. Money is the incentive. People would not be trading in drugs if there were no incentive, and that incentive is money; just like people trading in any other form of contraband, the incentive is money.

What does this legislation attempt to do? What the legislation attempts to do is to say to a person who is involved in the drug trade, 'If you become a commercial drug trader and are convicted, we are not only going to put you in gaol but we are going to take away from you all the gains you have made out of this process. That will be a clear message to you, it will be a clear message to other people who you might have in your orbit who might be looking at the same sort of career move,' and it says to the community that we, as parliamentarians, will not tolerate people who trade in drugs profiting from this evil trade.

Just think of this: at the end of the process, when a person has gone to gaol for a couple of years and maybe paid a fine, it must be considerably more comforting to know they can go back to their nice home, enjoy the assets they have been able to accumulate over perhaps some considerable period of time when they were not caught, and enjoy quite a pleasant lifestyle while still living off the proceeds of their drug trade.

There is a clear difference between the government and the opposition on this point. Our position is very clear: they should not be able to continue to enjoy the profits of their illegal, immoral, objectionable behaviour. The opposition, on the other hand, thinks that is okay because it is too tough to take the proceeds of their ill-gotten gains away from them. It is okay to gaol them, and it might be okay to put a fine on them, but for goodness sake, don't take their assets away from them; that would be terrible.

The Western Australian government has, for some years, had legislation similar to this in place. I can indicate to members of parliament that in any one year the number of people to whom orders of this type have been made since it came in in 2004-05 has varied between 65 and 110; that is all. During those various years, the amount of money received by reason of these orders has varied between a low of $1.22 million in 2005-06 to a high of $10.5 million in 2009-10. Measure this against the cost of illicit drug use in Australia, which was estimated to total $8.2 billion in 2004-05, including the costs associated with crime, lost productivity and, of course, health care.

Let's not forget that the insurance industry defrays the cost of all those burglaries across our whole community. This has cost of living impacts on people who are not even the direct victims of these criminals.

Ms Chapman: Like the carbon tax then?

The Hon. J.R. RAU: I think that is a very frivolous way to treat a serious matter. Illicit drug use in the previous 12 months has risen from 13.4 per cent of the population aged 14 and over in 2007 to 14.7 per cent in 2010. A small number but not statistically insignificant. The rise was mainly due to an increase in the proportion of people who had used cannabis, pharmaceuticals for non-medical purposes, cocaine and hallucinogens. These drugs were perceived as being more easily available and accessible in 2010 than in 2007. There is a relationship between some health conditions and recent use of illicit drugs, and the Minister for Health and Ageing, I am sure, knows a lot more about this than I do.

There was a statistically significant rise in the proportion of recent users with a mental illness between 2007 and 2010. The diagnosis or treatment of a mental illness was much more common in those who had used an illicit drug in the past 12 months, or in the past month, than those who had not used in the past 12 months. Here we have, again, another defrayed cost. Our public hospitals, our drug and alcohol treatment services, Medicare, everybody who pays private health insurance: you get to pay for this too. It is not the person who has had their TV pinched who is the only person paying for this.

Illicit drug users had higher levels of psychological distress than non-users as well. Crime statistics relating to illegal drug use between 2007 and 2010: statistically, there was a significant

decrease in the proportion of people aged 14 or over experiencing any incident related to illicit drug use. I turn to the particular amendments proposed by the opposition in the other place. On 16 May 2011, the opposition spokesman in the other place said:

> This Labor government is more concerned with press releases than effective laws. We want to see real action, not more spin.

Honourable members: Hear, hear!

The Hon. J.R. RAU: I am glad I heard the 'Hear, hear!' That is good. I quote:

> The opposition considers that all organised crime is a problem, not just crime that profits from drug trafficking. Labor claims the new laws will focus on drug traffickers, only one part of organised crime.

Well, it is the biggest part by a country mile. This is almost ludicrous:

> They, the government, are saying to Adelaide's underworld that as long as you don't traffic drugs Labor doesn't care.

'Puerile' is a word that comes to mind quickly. This drug trade is a significant element, the most significant element, of organised crime. This bill is what the government is trying to do, and it is being frustrated by members of the opposition in the other place, to tackle this part of organised crime. What is the opposition and the opposition leader doing? What they are doing is, through the opposition spokesman, saying to drug dealers: 'It's okay to come to South Australia and set up shop because we are not interested in taking you seriously.'

Mr Marshall interjecting:

The Hon. J.R. RAU: You may not like it, but sometimes the truth is uncomfortable. On 29 July of last year, the learned the Hon. Mr Wade said:

> The policy is simply about appearing tough on crime. The AG cares more about finding the money to fill the budget gap than about justice.

I am robbing victims to pay for mismanagement. Who is robbing victims? What about all of these drug traffickers? What about them robbing the victims? What about all of the people who are paying insurance premiums? What about all of the people who are paying increased health care costs? What about all of the people in drug and alcohol treatment services? Why are they there? They are there because of drugs in our community. Why are the drugs in our community? Because you make a lot of money trading in drugs.

The cost-benefit equation that these people go through goes something like this: 'How many millions of dollars can I make selling drugs?' We get a number. 'What do I think the chance is of me getting caught?' You put a probability figure in there and then ask, 'What is the worst thing that can happen to me if I get caught?' You put that in and then you ask the last question: 'Do I get to keep most of what I have robbed off people?' The answer is, 'Yes, I do.' All we are asking to do is remove the last figure from that equation because, trust me, it changes the equation.

Mr Marshall: Why did you lose then in the upper house?

The CHAIR: Member for Norwood!

Ms Chapman interjecting:

The CHAIR: Member for Bragg, member for Norwood, that is your last warning.

The Hon. J.R. RAU: There are a number of possible explanations for the opposition's conduct in the upper house. One of them is, in spite of having it explained a number of times, they just do not get it.

Ms CHAPMAN: Point of order: I think it is quite open for the minister to make a statement about why he thinks there should be an appropriate management of this legal amendment. However, our standing orders clearly make provision for no reflections on members of either house. At this stage, I think the minister now is bordering on a breach of that standing order because to reflect on those members in another place as to the basis upon which they have made a decision—they have made the decision. He may not like it. He is entitled to outline his government's case.

The CHAIR: Your point of order, please?

Ms CHAPMAN: The point of order is reflection.

The CHAIR: You actually said he was bordering on it, so you are not actually saying he went over it. By your own admission, there is no point of order. Please resume your seat.

Ms CHAPMAN: I have a second point of order and that is that, pursuant to standing order 122, the member has made offensive statements against either house of parliament, in this case the Legislative Council, by reflecting on their motive for making a decision. They have voted.

The CHAIR: What were the exact words spoken, member for Bragg?

Ms CHAPMAN: I would have to call on *Hansard* to give the exact words spoken, but it was words to the effect—

The CHAIR: No, if you are clear that the standing order has been breached, you should be able to recall the words.

Ms CHAPMAN: Well, let him go again. I will pull him up.

The CHAIR: Okay, thank you; no point of order. Attorney-General.

The Hon. J.R. RAU: Can I just make it clear for Hansard—because others may read this, I do not know—that I am not talking about the whole of the Legislative Council. I am talking about those people who are members of the opposition and slavishly follow Mr Wade's lead in that chamber. That is who I am talking about—not the whole Legislative Council.

Remember, that they are in the Legislative Council and they are in this chamber on the basis that they would be an alternative government in two years' time. We are entitled, on behalf of the people of South Australia, to expose when their behaviour as a group that would be in office, falls way below the standard that ordinary members of the community would expect, and that is exactly what is going on.

As I said, there are a number of possibilities. One is that they do not get it. Hopefully, after reading things a few times, we can exclude that as the continuing motivation. The second possibility is that, as has been suggested by many significant commentators in the Adelaide media, they have a great similarity with that famous chocolate product, the Ferrero Rocher—a little bit crunchy on the outside but very, very soft in the middle and soft on crime. They are soft on crime to the point where they are more concerned with the assets of convicted drug traffickers than they are with keeping the community safe by denying these people the incentive that drives them to commit their crimes.

This legislation also provides however, another element which is a part and a complement to the government's provisions in many bills that are before the parliament now to try to encourage people to break the code of silence because the biggest single enemy our police have in gaining convictions of these people is the code of silence. You cannot get a conviction without evidence. The reason people do not give evidence is either because they are fearful or because there is nothing in it for them.

In many pieces of legislation we have put before the parliament in the last few weeks we have attempted to deal with both of those questions; that is, people being fearful and people feeling there is no point in them giving evidence and assisting the courts. This piece of legislation contains an important provision that says if these people who have been convicted of severe drug offences and are facing forfeiture orders at last repent, come forward, speak to the police, speak to the DPP and dob in another crook or, even better, a bigger crook, then the court has the power to lift the burden of these orders off them.

These orders are not even inevitable. They are only inevitable in two circumstances: you commit the crime—you do not have to, but if you commit the crime that is step 1; step 2 (because you get a second chance) is that, even if you commit a crime, if you want to dob in people who are involved in the business and if you want to help the police and the Director of Public Prosecutions, the court can lift the burden of this confiscation order off you. It is entirely up to you.

In the two times this legislation has been to the other place, the government has not been offered any alternative. No compromise, no matter how ridiculous, has been offered—nothing. The opposition in relation to this matter has demonstrated that it is all care and no responsibility. It is the classic sheep in wolf's clothing: soft on crime, weak on these issues because certain obsessions that occupy certain minds within the opposition in the upper house consider the material assets of convicted drug traffickers to be so sacrosanct that they should be preserved in the face of community outrage.

I am happy to continue this discussion because I know and eventually members of the opposition will get to feel where the community stands on this issue. This is not the only bill that your party room is tearing to shreds. It is not the only bill where your party room is siding with the soft centres, the soft on crime mob, and trying to make it easy for people engaged in criminal activity.

Only last week, we had the outrageous situation of the Police Association having to go public because of concerns they have about what your party is doing to criminal intelligence legislation in this parliament. It is so frustrated that it has gone public. The Police Association do not go public on issues like this at the drop of a hat. Before the association did that, senior police officers briefed certainly Mr Wade and I believe the member for Bragg and explained to them over and over again how important this legislation was for SAPOL to do its job, to keep criminals out of licensed premises, to keep criminals out of the security guard industry and to get weapons prohibition orders against criminals.

In the most breathtaking, audacious statement I think I can ever recall since I have been here, the shadow attorney-general criticised SAPOL for not having sought and obtained weapons prohibition orders on certain named particular individuals, and beat SAPOL up. We know the reason SAPOL has not been able to do that is that this same individual has steadfastly refused to pass the legislation SAPOL needs to be able to do the job. Many years ago, there was a chancellor of a European country who said something to the effect of, 'The bigger the fib, the more likely it is to be accepted.' I have to say: to criticise SAPOL for not issuing weapons prohibition orders, when you are the very reason they are not doing it, does take a bit of audacity. I would say that takes a lot of audacity but, nonetheless, that is what is going on.

In relation to the legislation which has yet again been filleted in the upper house by the opposition, we have a community consensus that this sort of legislation is required. We have a government that took this program to the last state election and was re-elected on this program. We have SAPOL supporting this, as well as the DPP, PASA, Family First, the Hon. John Darley and the community; and we have a state government in Western Australia that is very happy to have similar legislation and very happy to have the dollars rolling in from these characters—

Mr Gardner: So that's what it's all about?

The Hon. J.R. RAU: Yes, it is all about money. Ding! The penny has just dropped! This is a moment, and I am going to savour it. The penny has just dropped. It's all about money! Got it! Hold that thought, please. In fact, I am happy to stop talking for a minute while you hold the thought and go and speak to Mr Wade; and until you come back we will not go anywhere, I promise. But hold the thought: yes, it is all about money—the money being collected by drug traffickers from their trade which, as far as the opposition is concerned, they should be entitled to keep, even after they are convicted. That is what it is about: that is exactly what it is about.

I can indicate that, as far as I am concerned, having been through the experience of what is described I think in the constitution as a deadlock conference, unless there appears to be something quite new and fresh about the place, I do not hold much expectation that a deadlock conference ordered from here at this present time is likely to yield any worthwhile result.

Therefore, my request of the chamber is that we send this matter back to the Legislative Council: we send it back to them with a clear message that their amendments are not acceptable. We ask the Legislative Council to reflect on their position and to see if there is anybody there in the opposition, or elsewhere, with the maturity to reflect on whether this really is the best thing for our community. Those of us on this side of the house do not believe it is.

At the end of this, I will be asking that this be sent back to the place where it was—I will use a different word, a better word—eviscerated.

Mr Pengilly interjecting:

The Hon. J.R. RAU: Eviscerated. The Minister for Health knows what that is. That is what happened to this. It needs to go back there. They need to reflect again on what they are doing. This is about taking the incentive away from serious criminals who are convicted of serious criminal offences; taking the incentive away from them to continue to perform that activity; and putting a big incentive there once they are caught to actually assist the police with information that may lead to the prosecution of other drug offenders. That is what it is about. That is in the community interest, and I can indicate that the government does not intend to let go of this issue.

The CHAIR: So, your motion is, that the amendments made by the Legislative Council be disagreed with?

The Hon. J.R. RAU: Yes.

The CHAIR: The whole lot?

The Hon. J.R. RAU: The whole lot. If necessary, and I do not know whether I move this now or I foreshadow it, but it needs to go back from whence it has come, with a short note saying whatever the short note needs to say, in parliamentary parlance—

The CHAIR: We will deal with that as a separate motion. Member for Bragg.

Ms CHAPMAN: I note the government's intention not to accept the amendments as presented from the other place, in those circumstances that the bill be returned subsequent to a vote rejecting those amendments. That, of course, is the only course open to the minister, so I am not sure that it is presented as any alternative. He either accepts them or he does not. It is pretty simple. It goes back.

Some days, I come into this place and there is healthy debate; some days I come in here and you feel like you have been whipped and thrashed and belted and knocked down and the stuffing has been knocked out of you, and you wilt under all of that weight of lengthy argument and considered debate and powerful submissions and persuasive argument. This is not one of them.

Members interjecting:

Ms CHAPMAN: I feel like I have been thrashed by a wet lettuce leaf. I think that presentation was not only insulting to the members of another place—who are perfectly entitled under our bicameral system of parliament to consider in their own deliberations a determination of these bills; that is their constitutional obligation; that is their individual right as members of that house—and to not only reflect poorly on the vote (of it being nine to eight or something) and speaking in a derogatory manner about that vote, but to also suggest that each of the minds of the members of the council who voted in that way in some way are in disorder, I think is a very poor reflection on the Attorney and clearly also a reflection on the other place.

Sometimes the Legislative Council makes decisions that members here are not happy with. That is their right. That is their entitlement. In this instance they have made a decision of which the Attorney-General is not happy. He is like a little boy, spitting the dummy and calling a tantrum and jumping up and down when he does not get his way, but that is the parliamentary process and that is what we need to consider.

Fundamentally, the opposition and, it appears, some other members of the Legislative Council, take the view that this course of action in dealing with drug traffickers is not the way to go. Clearly, we have an illicit drug consumption and trafficking issue in this state. As I understand it, we are still the leaders in marijuana production in the country, and we come very close at least with amphetamines.

I hasten to add, it is not quite the same level of seriousness as appears to be in other countries. Just this week I read of an organisation in Mexico, and the biggest haul ever of amphetamines, in a manufacturing establishment in which 15 tonnes of amphetamines had been confiscated, and where there had been substantial precursors, product and equipment ready for the making of amphetamines. What they do in Mexico in that instance is to shut down the facility and go and catch the crooks. They actually deal with the issue, as serious as it is, and you can obviously read about it at the international press level at any time.

That is not to say that ours is not a serious problem. Relatively, one may argue that it is not anywhere near the seriousness of other jurisdictions. However, for those of us who want to ensure that our children not only do not get into that type of activity but are not the victims of those who traffic drugs, it is important. We look at any idea that the government comes up with which will help deal with the issue and manage the situation in our jurisdiction. We support many of the things that are raised. We may raise concerns about the effectiveness of them but, nevertheless, we support them.

In this instance, we consider that the present law is totally adequate. Just because the police or any other law enforcement agency might want to make the process easier on themselves, we want to make sure that we strike a balance. The real motive of the government is exposed by the fact that they have decided to attempt to attach their tentacles onto a pool of assets and money which they currently do not have access to. They are not going to place it in the victims of crime

fund, as is done with other confiscated assets, but in their own pockets. Why? Because at present their contribution to the administration of courts and even to the building of a reasonable facility for our most superior court in the state, the Supreme Court of South Australia, is so appalling, so bereft of any commitment and so inadequate that it really reflects poorly on this government.

If the Attorney-General needs extra money, there is no point bringing in pieces of legislation that will in some way harvest an extra pool of money that he is going to use to deal with his own financial mismanagement. Rather, he needs to go down to the Treasurer's office and say, 'This is a valid and important area of service provision in the state of South Australia and I need some adequate funding and capital allocation for the purposes of support.'

We will not be party to or complicit in bad law just so the Attorney-General can remedy a defect of his own balancing of the books and his own failure to provide for these services. We can go on at length about why it is necessary to protect the victims of crime and why it is necessary to ensure that, if funding is available, it is used to provide adequate facilities for people who are called up as witnesses in the prosecution of crimes in our courts.

One other area that the Attorney has touched on indicates, I think, how far removed from the real world the Attorney is on this issue. The Attorney quoted material that implicates the consumption or use of drugs that are at least partially responsible for the development of mental health conditions. That is well known, Attorney. I do not know where you have been for the last 20 years but, if you go back 30 or 40 years to when you were a young person, people smoked pot and did not think it was much different to a cigarette. That is fine; there would be many people in this chamber who lived through that era. However, for the last 20 years we have been receiving information at an ever-greater rate about the significant link between drug use (or misuse) and mental health problems, particularly through the use of illicit drugs. Of course, some relate to the abuse of prescription drugs but, nevertheless, the link between sustained and consistent marijuana use and schizophrenia and some areas of depression is very well documented.

I have referred to these occasions myself in the debates in this house, including the government's decision to strip down and sell off 42 per cent of the Glenside Hospital and then cobble together a building for mental health and all the drug and alcohol services for acute care in this state in the corner of the Glenside Hospital. I have pointed out in this chamber many times how disgusting I think that decision has been and how important it is that we provide the support—as a community but also the government, particularly, in funding it—to remedy, repair and support those who are victims of this.

Those of us on this side of the house are concerned about the effects of illicit drug use, and we are concerned about the cost to the community, and to the families who are directly affected, in addition to the broader costs of insurance, health care and so on. But we will not excuse a sloppy government in the prosecution of people who are involved in drug trafficking—and they have a myriad of laws to do that—or support legislation designed entirely to profit the government by adding to its coffers to provide court services, which are woefully inadequate at present.

We thank the Legislative Council for giving consideration to this bill, for retaining portions of it which we think are important reform and amendment of the legislation, and for removing from it sections which are clearly offensive and an attempt by the government to get that financial gain. We thank them for doing that. Obviously the government has the numbers in this house and, in the usual practice, it will send it back to the other place. In due course, we may have a deadlock conference. That may be asked for in due course; it cannot happen today, but we need to send that message back.

I note with interest that the Attorney-General has really foreshadowed an indication on his part that he does not think a deadlock conference would work anyway, down the track, and that in some way this is a process that is completely unnecessary now because it will not work. Well, this is the process that we go through. On the other hand, he has the option to simply withdraw the bill. He may do that; he may spit the dummy, pick up his bat and ball and go home, and just decide that he is not going to negotiate this. As much as he thinks it is important, he is just going to say, 'Oh, well, if they don't do what we want we aren't going to play their game and we're just going to go home.'

He may take that attitude, but that would not be in the interests of South Australia. It certainly would not be in the interests of the democratic processes of this parliament, and I hope that he reflects on that and comes back with a more responsible attitude that befits the first law officer of the state.

The CHAIR: Attorney, if you speak you close the debate.

The Hon. J.R. RAU: There are those who would say that would be a good thing, so I do close the debate. Members will be pleased to note that I do not think I can add to anything I have said before.

Motion carried.

STATUTES AMENDMENT (COMMUNITY AND STRATA TITLES) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 29 March 2012.)

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be agreed to.

It would seem that in parliament as in life there is light and shade, and this is an example of light. I must say the other place has been constructive—

Ms Chapman: A ray of sunshine.

The Hon. J.R. RAU: Unlike in the last piece of legislation they have been quite constructive and they have made modest but welcome suggestions which we think it would be unreasonable not to accept, and so we do; we accept them all.

Motion carried.

MENTAL HEALTH (INPATIENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March 2012.)

Mr HAMILTON-SMITH (Waite) (17:32): I rise to indicate that the opposition will be supporting the bill and we thank the minister for bringing it before the house. I want to address some of the issues that the bill deals with and to put some propositions to the minister to seek his feedback during the committee stage, because we would like to briefly go into committee.

We are aware that the bill amends the Mental Health Act 2009 with a view to changing the terminology from 'detention' to 'involuntary inpatient'. The minister has explained to the house that he is seeking to make a subtle but important amendment to the original act and the opposition both understands and appreciates the object of the bill. I thank the minister for the briefing that he arranged in my electorate office on 20 March. I was pleased to speak with the department's chief psychiatrist, Dr Panayiotis Tyllis, and one of the minister's adviser's, Ms Anita Ewing.

As I mentioned, we are aware that the aim of the bill is to destigmatise mental illness by more appropriately and accurately reflecting the way in which contemporary involuntary mental health treatment is delivered. We note that the minister seeks to remove the negative connotation of the term 'detention' which, as he explained, is often associated with criminality and used in a punitive sense.

The government argues that clinicians and mental health experts generally support this initiative and I have separately consulted with a number of them and I agree with him that generally the objects are agreed with. In particular, we spoke to the Mental Health Coalition, the Royal Australian and New Zealand College of Psychiatrists, and others who generally concurred with the direction of the bill.

On the subject of detainees, we note that the change in language will also mean that we are, in effect, redefining patients who were previously detainees under the Mental Health Act as 'involuntary inpatients'. We know what we are trying to achieve in that regard but, from a public viewpoint, and for those who may not be well informed in the processes and procedures of caring for people with mental illnesses, 'detainee' is a clearly understandable term: that person is being detained. It may not be as apparent to members of the public—whether it be a family member, or a member of the public at large—that an involuntary inpatient is, in fact, being detained.

Why would that be important? It would be important should an involuntary inpatient escape or fail to comply with conditions of a temporary release and, in that period, either injure themselves or commit an offence while on an approved leave of absence during which he or she is free to

conduct themselves in such a way. In that regard, there were discussions on our side of the house as to whether this arrangement was, in effect, less transparent than the previous arrangement.

I make the point that we understand the clinical reasons behind why we are making the change, but we are looking, in the broader sense, at what might be unintended consequences. Under the previous arrangement where the term was 'detainee', it was very clear to everyone that the person was being detained; under the new arrangements, it is not quite as clear to the general public. We do not see that as a reason to get in the way of the measure, but I just bring it to the house's attention because there is an element of public interest in this measure that we lawmakers need to safeguard.

For example, should an involuntary inpatient, under the new term, injure themselves or others, the reporting of that incident—whether by the media, the public or by professionals—might take a slightly different form. In that regard, I was particularly interested in the components of the bill that dealt with amendment No. 5, particularly the deletion and complete substitution of section 34 of the act regarding the confinements and controls of involuntary inpatients, in particular, the issue of leave of absence for involuntary inpatients where, as I have said, there may be safety implications.

There have been discussions on our side of the house about past cases which have received some media attention from time to time. This issue has bobbed up on radio talkback and in the general press, specifically in relation to events that might have occurred during inpatients' leave of absence. I make reference to two cases that I looked at in considering this bill: one, a finding of the Coroner on 18 January and 22 December 2011, dealing with Simon Christopher Hynes; and another matter that was dealt with by the Coroner on 2 December 2011 in relation to Mark Douglas Springgay.

Both of those gentlemen committed suicide, were known to the department, and were receiving care in one form or another. I note, in particular, the Coroner's observation in regard to Mr Hynes, where he pointed out:

> Between 12 June 2007 and 27 July 2007, when Mr Hynes was reported as a missing person, there was no attempt made by mental health authorities to locate Mr Hynes despite the fact that he was on a community treatment order, that he was obliged to receive fortnightly administrations of his antipsychotic medication and, if not deceased already, that he was unlawfully at large when his leave of absence from MHA detention expired on 15 July 2007.

I only mention these cases because I think it is worth remembering that involuntary inpatients, as they will now be termed, deserve and expect our care. Their families, clearly, are very focused on that care. They are, at times, a risk to themselves or to others, otherwise they would not be involuntarily detained, or now involuntary inpatients. We felt, on this side of the house, that there was a need to remember that these leaves of absence need to be very closely monitored and carefully managed because they have safety implications.

Where a criminal offence has been committed, our understanding is that the patient would come under the Criminal Law Consolidation Act and may well be residing at James Nash House, but in other cases patients might be treated at Glenside or in another public hospital and would come under the ambit of this act that we are amending today with this bill. We understand that the overwhelming number of mental health cases do not involve involuntary confinement, but where they do it is because the patient is deemed to be a risk to themselves and others.

The government and clinicians see a need for leaves of absence to be granted in certain circumstances to involuntarily admitted inpatients and legislative requirements in this bill, we consider, might need to be tightened. Section 57 of the principal act gives the police considerable power to go out and get patients at large who have not complied with leave conditions, but there appear to be no legislated obligations on treatment centre staff if leave conditions have been breached.

The director of a treatment centre is given considerable discretion to offer and monitor a leave of absence to an involuntary inpatient. The legislated onus is entirely upon the inpatient, it seems to us. Section 34(3) of the bill provides:

> If granted a leave of absence, the involuntary inpatient is required to comply with the conditions of the leave of absence.

So, the obligation is on the inpatient. I raised this when I was being briefed and it was put to me that one must rely on the professional conduct of the medical care professionals dealing with the case to ensure that leave commitments are met and that it did not require legislation. We, on this

side of the house, considered that most carefully. We note that section 34A(2) of the proposed bill provides:

> Treatment centre staff may—

I emphasise the word 'may'—

> take measures for the confinement of the patient, and exercise powers (including the power to use reasonable force), as reasonably required...

It goes on to talk about: for carrying the inpatient order and for maintenance of the order and security. My reading of this subsection is that there is no compulsion on treatment centre staff to take any measures if an involuntary patient has left the treatment centre without a leave of absence or if they have breached their leave of absence conditions.

I get back to the case I referred to from the Coroner. In some cases there may be a public safety implication to the inpatient and/or the broader public. I make this point: in this bill we are simply noting that the professionals 'may'. It occurred to us on this side of the house that perhaps there should be some compulsion on treatment centre staff to take certain measures if an involuntary patient had left the treatment centre without a leave of absence or had breached their conditions, just to clear up any uncertainty or doubt as to the obligations of a professional staff member. We all know that in 99 cases out of 100 all will go well, but we could imagine on our side of the house circumstances where that might not be so. We therefore considered whether we should seek to amend section 34A to include a new subsection (4) to this effect:

> Where there is a history of violence or where violent behaviour is a potential risk, on becoming aware that an involuntary inpatient has breached or is likely to breach the conditions of their leave of absence treatment centre staff must inform police of such a breach as soon as practicable.

I was aware, when we considered this, that the professional staff who briefed me, certainly, and the government, would be likely to oppose such an amendment if we put it, on the basis that it was probably not necessary.

We had an interesting debate on our side about that proposition: perhaps it was not necessary, but would it improve the measure? On balance, after thinking the matter through, we have decided not to proceed with the amendment, but I thought it was worth expressing our concern in the house and bringing it to the minister's attention to see whether, perhaps by some other arrangement, things could be tightened up to ensure that the leave of absence issues were mandated and managed very, very rigidly.

Clearly, there is a potential danger to an inpatient, and possibly to the public at large and family members, if people who are being involuntarily detained or an involuntary inpatient are out there at large, their leave conditions are not adhered to and, as a result, someone is killed or injured or kills or injures themselves. We just felt that that was a bit loose and that it needed tightening up, but we are not going to proceed with an amendment and accept the advice we have been given that other arrangements probably need to be put in place to deal with that.

The only other issue we looked at was the consent for ECT on minors. We noted that amendment 6 altered the parameters in which a patient under 16 years of age could be prescribed electroconvulsive therapy. We note the new amendment enabled consent to be given by the parent or guardian or, failing this, by the Guardianship Board. This is something we explored during the briefing and, on reading the parent act, I can see it was a little bit confusing, shall we say. I accept that this will make things a little easier to administer while respecting the rights of both the patient and their family and make it a little bit easier for the professionals in this area to manage. So, we are happy to accept that.

In considering the bill, we believe the house needs to strike a balance between the interests of mental health patients and the interests of the families of mental health patients and the public at large. As I mentioned a moment ago, we just felt that that should be a point that is made during debate. In rebadging, if you like, detainees as inpatients, we agree that we are taking a step forward in terms of patient care, but we are arguably reducing transparency, for lack of a better word, from a general public perspective, who may have a better understanding of the word 'detainee' than they have of the term 'involuntary inpatient', which as a term may not clearly describe to a member of the public that that person is actually being detained against their will for periods of time.

I think that is something successive governments will need to manage, particularly when something goes wrong, as it has in the two Coroner's cases I mentioned, once a patient who has

been involuntarily detained, or who is an involuntary inpatient, comes to grief whilst on leave. Having said that, we commend the bill and will be happy to support it.

Ms CHAPMAN (Bragg) (17:50): The lead speaker and the shadow minister for health have admirably covered the improvement of language proposed in this bill and I certainly have no objection to that. I think language is important and sometimes it needs to be contemporised. On the question of patients' leave from a facility and the conditions of that, again, I think he has admirably covered it and outlined some concerns that we have.

I raise the question of the amendment to ECT (which used to be known a shock treatment) which still remains a form of therapy which is necessary, as psychiatrists tell us, as one of the measures where they can maintain and help patients to recover, particularly in areas of deep depression.

When the Mental Health Act 2009 was under consideration, I made a contribution to that debate. We had had briefings from the chief psychiatrist (whose name I cannot remember now but who was from New Zealand) who had been appointed by the government to assist us in advice on a number of matters. I raised a number of issues with her at the time about the use of neurosurgery, which is also made provision for in this act, and it was to be made very clear that there could not be a return to what we had seen in the past—things such as lobotomies—and that there was to be no neurosurgical intervention on patients unless they had as a prerequisite to all of that, a mental health condition.

There had to be a diagnosis and there were a number of processes set in place to protect against any inappropriate intervention, requiring two psychiatrists, etc. I asked her then, 'Is there any known act of intervention—physical, surgical intervention—which is currently applied anywhere in the world that is used in the treatment of mental health?' She could not name one procedure anywhere in the world. However, she said, 'We need to have this section in here because we need to make sure that if something comes on the market, as such, or is developed and properly researched and it is appropriate and identified as being of benefit, we want to be able to use this section.'

We then considered the question of ECT, which is not a common practice (nor should it be, in my personal view but then I am not a psychiatrist) but is one which is used in certain circumstances. However, what I say is that, again, in the briefings with the then chief psychiatrist, it was clearly intended that this would be used only in very limited circumstances. It was clear that it was one that should have very strict parameters around it when a child was involved.

The Hon. M.J. Atkinson: Parameters?

Ms CHAPMAN: Listen up; wash out your ears or something, member for Croydon, so you can actually hear.

The Hon. M.J. Atkinson: Parameters?

Ms CHAPMAN: That's what I said.

The DEPUTY SPEAKER: Member for Croydon!

Ms CHAPMAN: Did you hear that?

The DEPUTY SPEAKER: Member for Bragg, you will address the chair.

Ms CHAPMAN: So use it sparingly, it is necessary however in some cases but when we are dealing with children we should be extra careful. So some fairly strict parameters were put around the occasions where a child could be the subject of shock treatment or electric current therapy.

I was a bit puzzled, therefore, to see some amendments seeking to clarify something which was not explicit in the second reading speech by the introduction of provision for a single authority—and that is the parents. I think parents should, in circumstances where there are children, be consulted and consent obtained anyway. If the consent of the parent is not available, a court process is there to ensure that it can happen. We do that, for example, with sterilisation of children where a court order has to be obtained.

I would like some explanation from the minister—in committee, perhaps—as to why it is now possible for a 14 year old to have ECT treatment, with the consent of a parent, yet the extra thresholds under the act are not required. That is as I read that amendment. The provision I particularly refer to is new section 42(1)(c), which states:

if the patient is under 16 years of age—by a parent or guardian of the patient or by the Board on application under this section.

So parents can sign off on this on their own as an alternative and that is the only requirement.

Mr PEDERICK (Hammond) (17:55): I rise, too, to speak to the Mental Health (In-patient) Amendment Bill 2012 and note that it will amend the Mental Health Act 2009 to bring in user-friendly terminology, from 'detention' to 'involuntary inpatient'. We note that the minister indicates that the bill makes a subtle but important change to the act if it goes through.

The aim of the bill is to destigmatise mental illness by more accurately reflecting the way in which contemporary involuntary mental health treatment is delivered, and I note the minister seeks to remove the negative connotation of the term 'detention' which is often associated with criminality and used in a punitive sense. The government has indicated that clinicians and other mental health experts generally support this.

In line with what happens with detainees under this change, the language will also mean that the minister can redefine patients who were previously detainees under the Mental Health Act as involuntary inpatients but, should an involuntary inpatient escape and commit an offence or be given an approved leave of absence during which he or she commits an offence, it may be less transparent to the public that the offender was classified as a risk to themselves or others.

In the case of leave of absence, clause 5 deals with the deletion and complete substitution of section 34 of the act regarding confinement and controls of involuntary inpatients. In particular, the issue of leave of absence for involuntary patients may have safety implications and, in the past, discussion in the public arena has focused on the dangers of allowing dangerous mental health patients leave or conditional absence from confined treatment.

Where a criminal offence has already been committed, patients come under the Criminal Law Consolidation Act and often reside at James Nash House. In other cases patients may be treated at Glenside or another major hospital. The overwhelming number of mental health cases do not involve involuntary confinement but, where they do, it is because the patient is deemed a risk to themselves or others. It seems that the government and clinicians see a need for leave of absence to be granted in certain circumstances to involuntarily admitted patients. The legislative requirements in this bill may need to be tightened.

Section 57 of the principal act gives the police considerable power to go out and get patients at large who have not complied with leave conditions but there appear to be legislated obligations on treatment centre staff if leave conditions have been breached. The director of a treatment centre is given considerable discretion to offer and monitor a leave of absence to an involuntary patient. The legislated onus is entirely upon the inpatient, and I will quote section 34 of the bill. I seek leave to continue my remarks.

Leave granted; debate adjourned.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Long title—Delete the long title and substitute:

An Act to amend the *Casino Act 1997*; the *Evidence Act 1929*; the *Firearms Act 1977*; the *Freedom of Information Act 1991*; the *Gaming Machines Act 1992*; the *Hydroponics Industry Control Act 2009*; the *Liquor Licensing Act 1997*; the *Police Act 1998*; the *Security and Investigation Agents Act 1995*; the *Serious and Organised Crime (Control) Act 2008*; the *Serious and Organised Crime (Unexplained Wealth) Act 2009*; and the *Summary Offences Act 1953*.

No. 2. New clauses, page 3, after line 1—Insert:

3A—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *child* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3(1), definition of criminal intelligence—delete the definition

3B—Amendment of section 45A—Commissioner of Police's power to bar

Section 45A(3)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

No. 3. Clause 4, page 3, lines 5 and 6 [clause 4, inserted section 66A]—

Delete 'under this Part, the Authority or the Supreme Court' and substitute:

before the Authority under this Part

No. 4. Clause 4, page 3, lines 8 and 9 [clause 4, inserted section 66A(a)]—

Delete 'information classified by the Commissioner of Police as' and substitute 'classified'

No. 5. Clause 4, page 3, lines 13 and 14 [clause 4, inserted section 66A(b)]—

Delete 'information that is so classified by the Commissioner of Police' and substitute:

classified criminal intelligence

No. 6. Clause 5, page 3, line 19—Delete all words in this line and substitute:

Section 69(2), (3) and (4)—delete subsections (2), (3) and (4) and substitute:

(2) Classified criminal intelligence provided by the Commissioner of Police for the purposes of this Act may not be disclosed to any person other than the Authority, the Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

No. 7. New Part, page 3, after line 19—After clause 5 insert:

Part 2A—Amendment of *Evidence Act 1929*

5A—Insertion of Part 7 Division 11

After section 67J insert:

Division 11—Classified criminal intelligence

67K—Interpretation

In this Division—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

Crown authority means—

(a) in the case of criminal proceedings—the Director of Public Prosecutions, a delegate of the Director of Public Prosecutions, a police officer, or any other person acting in a public official capacity, who is responsible for commencing or conducting a prosecution; and

(b) in the case of any other proceedings—a person who holds an office or position in the employment of the State, or an instrumentality or agency of the State, who is acting in a public official capacity in the proceedings.

67L—Procedure where classified criminal intelligence to be relied on

(1) If, in any proceedings before a court, a Crown authority intends to adduce, or otherwise rely on, classified criminal intelligence, the Crown authority must give notice of that intention to the court at the earliest opportunity (and in accordance with any relevant rules of court).

(2) If notice is given to a court under subsection (1), the court must, in such manner as the court thinks fit, undertake an inquiry to determine—

(a) whether the information is properly determined by the Commissioner of Police to be classified criminal intelligence; and

(b) if the court finds that the information is properly determined by the Commissioner of Police to be classified criminal intelligence—whether the information is sufficiently reliable and of such probative value that it is in the interests of justice to allow the Crown authority to adduce or rely on it; and

(c) if the court finds that the Crown authority should be able to adduce or rely on the information—the steps that should be taken to maintain the confidentiality of the information whilst ensuring, as far as reasonably possible, that other parties to the proceedings are not unduly prejudiced by the lack of disclosure.

67M—Powers of court in dealing with classified criminal intelligence

(1) Without limiting the powers of a court in dealing with classified criminal intelligence, a court (whether in the course of an inquiry under section 67L(2) or in any proceedings to which such inquiry relates) may do any of the following in relation to classified criminal intelligence:

(a) receive any evidence or request submissions from any parties to the proceedings;

(b) consider, and endorse or reject, any agreement between the parties to the proceedings in relation to the disclosure or management of the classified criminal intelligence;

(c) exclude persons from the court while any evidence is received or submissions made;

(d) make orders suppressing any evidence or submissions from publication;

(e) make orders providing for any evidence or submissions to be deleted from a version of the official record of the proceedings provided to a party to the proceedings or to a member of the public.

(2) Subsection (1) has effect despite any other provision of this, or any other, Act.

67N—Withdrawal of information from proceedings

If, on an inquiry under section 67L(2) or in any proceedings to which such inquiry relates, the court determines that the confidentiality of classified criminal intelligence is not to be maintained (whether because, in the opinion of the court, the Commissioner of Police erred in so classifying the information or for any other reason), the Crown authority must be informed of the proposed determination and given the opportunity to withdraw the information from the proceedings.

No. 8. Clauses 6 and 7, page 3, lines 21 to 39—Delete clauses 6 and 7 and substitute:

6—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *class H firearms* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 5(1), definition of criminal intelligence—delete the definition

7—Amendment of section 6—The Registrar

Section 6(4)—delete subsection (4)

7A—Amendment of section 10—Procedure

Section 10(3)—delete 'information provided to the committee by the Registrar that is classified by the Registrar as' and substitute 'classified'

7B—Amendment of section 10B—Firearms prohibition order issued by Registrar

Section 10B(5)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7C—Amendment of section 12—Application for firearms licence

Section 12(7a)(b)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7D—Amendment of section 20—Cancellation, variation and suspension of licence

Section 20(3a)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7E—Amendment of section 26B—Review by Firearms Review Committee

Section 26B(3)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7F—Amendment of section 26C—Right of appeal to District Court

(1) Section 26C(3)—delete 'information that is classified by the Registrar as' and substitute 'classified'

(2) Section 26C(5) to (10)—delete subsections (5) to (10) (inclusive)

No. 9. New Part, page 4, before line 1—Insert:

Part 3A—Amendment of *Freedom of Information Act 1991*

7G—Amendment of Schedule 1—Exempt documents

(1) Schedule 1, clause 4(3a)—delete 'information classified by the Commissioner of Police, in accordance with the provisions of any other Act, as' and substitute 'classified'

(2) Schedule 1, clause 4—after subclause (4) insert:

(5) In this clause—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*.

No. 10. Clause 8, page 4, lines 2 to 8—Delete clause 8 and substitute:

8—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *certificate* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3(1), definition of *criminal intelligence*—delete the definition

8A—Amendment of heading to Part 2 Division 4

Heading to Part 2 Division 4—Delete 'Criminal' and substitute:

Classified criminal

8B—Amendment of section 12—Classified criminal intelligence

(1) Section 12(1)—delete 'by the Commissioner of Police as'

(2) Section 12(2)(b)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

(3) Section 12(3)(a) and (b)—delete 'information classified by the Commissioner of Police as' wherever occurring and substitute in each case 'classified'

(4) Section 12(4)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

(5) Section 12(5)—delete subsection (5)

8C—Amendment of section 70A—Procedure in relation to classified criminal intelligence

(1) Section 70A—delete 'under this Part, the Court or the Authority' and substitute:

before the Authority under this Part

(2) Section 70A(a) and (b)—delete 'information classified by the Commissioner of Police as' wherever occurring and substitute in each case 'classified'

No. 11. New Part, page 4, before line 9—Insert:

Part 4A—Amendment of *Hydroponics Industry Control Act 2009*

8D—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *authorised officer* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of *criminal intelligence*—delete the definition

8E—Substitution of sections 6 and 7

Sections 6 and 7—delete the sections and substitute:

6—Delegation

Despite section 19 of the *Police Act 1998*, the Commissioner may not delegate a function or power of the Commissioner under this Act except to a senior police officer.

7—Classified criminal intelligence

If the Commissioner—

(a) refuses an application for a licence or an approval or for a renewal of a licence, or varies or revokes a condition, or imposes a new condition, of a licence or approval, or revokes or proposes to revoke a licence or approval under this Act; and

(b) the decision to do so is made because of classified criminal intelligence,

the Commissioner is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the licence or approval were to continue in force without variation or new condition imposed, or that it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

8F—Amendment of section 37—Review of operation of Act

Section 37(2)—delete 'by the Commissioner as'

No. 12. New clause, page 4, after line 9—Insert:

8G—Amendment of section 4—Interpretation

(1) Section 4—after the definition of *beneficiary* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 4, definition of *criminal intelligence*—delete the definition

No. 13. Clause 9, page 4, lines 10 to 23—Delete the clause and substitute:

9—Substitution of Part 2 Division 6

Part 2 Division 6—delete the Division and substitute:

Division 6—Classified criminal intelligence

28A—Classified criminal intelligence

(1) Classified criminal intelligence provided by the Commissioner of Police for the purposes of this Act may not be disclosed to any person other than the Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

(2) If a licensing authority—

(a) refuses an application for a licence, the transfer of a licence or an approval, or takes disciplinary action against a person, or revokes or proposes to revoke an approval under Part 4 Division 10A; and

(b) the decision to do so is made because of classified criminal intelligence,

the licensing authority is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the person were to be or continue to be licensed or approved, or that it would be contrary to the public interest if the approval were to continue in force.

(3) If the Commissioner proposes to impose a licence condition to improve public order and safety or to issue a public order and safety notice in respect of a licence and the decision to do so is made because of classified criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other

than that it would be contrary to the public interest if the condition were not imposed or the notice were not issued.

(4) If the Commissioner of Police lodges an objection to an application under Part 4 because of classified criminal intelligence—

(a) the Commissioner of Police is not required to serve a copy of the notice of objection on the applicant; and

(b) the licensing authority must, at least 7 days before the day appointed for the hearing of the application, advise the applicant in writing that the Commissioner of Police has objected to the application on the ground that to grant the application would be contrary to the public interest.

(5) If the Commissioner or the Commissioner of Police lodges a complaint under Part 8 in respect of a person because of classified criminal intelligence, the complaint need only state that it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

(6) If the Commissioner of Police bars a person from entering or remaining on licensed premises by order under Part 9 Division 3 because of classified criminal intelligence, the order need only state that it would be contrary to the public interest if the person were not so barred.

9A—Amendment of section 128A—Report to Minister on barring orders

Section 128A(1)(b)—delete 'information classified by the Commissioner of Police as' and substitute 'classified'

No. 14. New Part, page 4, before line 24—Insert:

Part 5A—Amendment of *Police Act 1998*

9B—Amendment of section 19—Delegation

Section 19—after subsection (1) insert:

(1a) The Commissioner may not, however, delegate the function of determining whether information is classified criminal intelligence under Part 9A except to a Deputy Commissioner or Assistant Commissioner of Police.

9C—Insertion of Part 9A

After section 63 insert:

Part 9A—Classified criminal intelligence

63A—Interpretation

In this Part—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under section 63B;

judicial officer means a person appointed as a judge of the Supreme Court or the District Court or a person appointed as judge of another State or Territory or of the Commonwealth.

63B—Commissioner may determine that information is classified criminal intelligence

The Commissioner may determine that information relating to actual or suspected criminal activity (whether in this State or elsewhere) is classified criminal intelligence if—

(a) disclosure of the information could reasonably be expected to—

(i) prejudice criminal investigations; or

(ii) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(iii) endanger a person's life or physical safety; and

(b) having assessed the information (including, where relevant, against appropriate internationally recognised police intelligence classification

systems), the Commissioner is satisfied that the information is sufficiently reliable.

63C—Record keeping requirements

(1) The Commissioner must ensure that records are kept in relation to the use of classified criminal intelligence.

(2) The Commissioner must ensure that records kept under this section would enable the following information to be determined for each period in relation to which a review is conducted under section 63D:

(a) the number of occasions on which classified criminal intelligence was used for the purposes of an Act during the period and, for each such occasion, the Act in relation to which it was so used;

(b) the number of occasions on which classified criminal intelligence was used in the course of proceedings in a court during the period;

(c) the number of persons directly affected by the uses referred to in paragraphs (a) and (b) (for example, as persons subject to decisions under Acts or as parties to proceedings in a court).

63D—Independent review

(1) The Minister must, before 1 July in each year, appoint a retired judicial officer to conduct a review on the use and management of classified criminal intelligence during the period of 12 months preceding that 1 July.

(2) Without limiting the matters to be addressed by the review, the review must include an examination of—

(a) the processes used by S.A. Police during the relevant period to ensure that information found to be unreliable is recorded as such by S.A. Police; and

(b) audit systems used by S.A. Police in relation to such record keeping.

(3) The Commissioner must ensure that a person appointed to conduct a review is provided with such information as he or she may require for the purpose of conducting the review.

(4) A person conducting a review has, in so doing, the powers of a commission of inquiry under the *Royal Commissions Act 1917* (and any obligations under an Act to maintain the confidentiality of information do not apply with respect to the provision of such information to the person conducting the review).

(5) A person conducting a review must maintain the confidentiality of information provided to the person that is classified criminal intelligence.

(6) A report on a review must be presented to the Minister on or before 30 September in each year.

(7) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.

No. 15. Clause 10, page 4, lines 26 to 32—Delete clause 10 and substitute:

10—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *approved psychological assessment* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of criminal intelligence—delete the definition

10A—Amendment of section 5B—Classified criminal intelligence

(1) Section 5B(1)—delete 'by the Commissioner of Police as'

(2) Section 5B(2)(b)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

(3) Section 5B(3)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

(4) Section 5B(4)—delete 'information that is classified by the Commissioner of Police as' and substitute 'classified'

(5) Section 5B(5) and (6)—delete subsections (5) and (6)

No. 16. New Parts, page 5, before line 1—Insert:

Part 6A—Amendment of *Serious and Organised Crime (Control) Act 2008*

10B—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *authorisation order* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of criminal intelligence—delete the definition

10C—Substitution of section 7

Section 7—delete the section and substitute:

7—Delegation

The Commissioner may not delegate any function or power of the Commissioner under this Act except to a senior police officer.

10D—Amendment of section 13—Disclosure of reasons and classified criminal intelligence

Section 13(2)—delete 'by the Commissioner as'

10E—Amendment of section 15—Form of control order

(1) Section 15(1)(d)—delete 'subject to subsection (2)—'

(2) Section 15(2), (3) and (4)—delete subsections (2), (3) and (4)

10F—Repeal of section 21

Section 21—delete the section

10G—Amendment of section 29—Disclosure of reasons and classified criminal intelligence

(1) Section 29(2)—delete 'properly classified by the Commissioner as criminal intelligence (whether or not the information was so classified' and substitute:

classified criminal intelligence (whether or not the information was classified criminal intelligence

(2) Section 29(3) and (4)—delete subsections (3) and (4)

10H—Amendment of section 37—Annual review and report as to exercise of powers

Section 37(3)—delete 'by the Commissioner as'

10I—Amendment of section 38—Review of operation of Act

Section 38(2)—delete 'by the Commissioner as'

Part 6B—Amendment of *Serious and Organised Crime (Unexplained Wealth) Act 2009*

10J—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *benefit* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3(1), definition of criminal intelligence—delete the definition

10K—Amendment of section 6—Classified criminal intelligence

(1) Section 6(1)—delete 'by the Commissioner of Police as'

(2) Section 6(2) and (3)—delete subsections (2) and (3)

10L—Amendment of section 34—Annual review and report as to exercise of powers

Section 34(3)—delete 'by the Commissioner of Police as'

10M—Amendment of section 35—Review of operation of Act

Section 35(2)—delete 'by the Commissioner of Police as'

No. 17. Clause 11, page 5, lines 2 to 9—Delete clause 11

No. 18. Clause 13, page 5, lines 13 to 25—Delete clause 13 and substitute:

13—Amendment of section 74BC—Content of fortification removal order

(1) Section 74BC(1)(b)—delete 'subject to subsection (2)—'

(2) Section 74BC(2), (3) and (4)—delete subsections (2), (3) and (4)

No. 19. Clause 14, page 5, lines 26 to 39—Delete clause 14 and substitute:

14—Amendment of section 74BM—Application of Part

Section 74BM—after subsection (1) insert:

(1a) Nothing in subsection (1) affects the power of a court determining any proceedings under this Part to deal with classified criminal intelligence in accordance with Part 7 Division 11 of the *Evidence Act 1929*.

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

The Legislative Council agreed to the bill, with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 4, after line 8—Insert:

(a1) Section 3—after the definition of *authorisation order* insert:

Chief Justice means the Chief Justice of the Supreme Court and includes an acting Chief Justice of the Supreme Court;

No. 2. Clause 6, page 6, lines 10 to 36 [clause 6, inserted section 8]—

Delete inserted section 8 and substitute:

8—Eligible Judges

(1) For the purposes of this Act, an *eligible Judge* is a Judge in relation to whom a consent is in force under subsection (2) and who has been selected by the Chief Justice to act as an eligible Judge in accordance with subsection (3).

(2) A Judge of the Court (including the Chief Justice) may, by instrument in writing, consent to being selected to act as an eligible Judge under this Act.

(3) The Chief Justice may, by instrument in writing, select a Judge in relation to whom a consent is in force under subsection (2) to act as an eligible Judge under this Act.

(4) An eligible Judge has, in relation to the exercise of a function conferred on an eligible Judge by this Act, the same protection, privileges and immunities as a Judge of the Court has in relation to proceedings in the Court.

(5) A Judge who has given consent under subsection (2) may, by instrument in writing, revoke the consent.

(6) A selection of a Judge to act as an eligible Judge under subsection (3) is revoked if—

(a) the eligible Judge revokes his or her consent in accordance with subsection (5) or ceases to be a Judge; or

(b) the Chief Justice determines that the Judge should not continue to be an eligible Judge.

(7) If an eligible Judge dealing with any proceedings under this Act dies, is absent or ceases to be an eligible Judge, the Chief Justice may, in accordance with subsection (3), select another Judge in relation to whom a consent is in force under subsection (2) to act as an eligible Judge under this Act for the purpose of continuing the proceedings.

(8) To avoid doubt, the selection of an eligible Judge to exercise a particular function conferred on eligible Judges is not to be made by the Attorney-General or other Minister of the Crown, and the exercise of that particular function is not subject to the control and direction of the Attorney-General or other Minister of the Crown.

No. 3. Clause 6, page 6, line 38 [clause 6, inserted section 9(1)]—Delete 'to an eligible Judge'

No. 4. Clause 6, page 7, lines 18 to 20 [clause 6, inserted section 9(4)]—

Delete subsection (4) and substitute:

(4) The application must be lodged with the holder of an office prescribed by the regulations and that person must—

(a) as soon as practicable, notify the Chief Justice so that the Chief Justice can select an eligible Judge in accordance with section 8; and

(b) when an eligible Judge has been so selected, provide the application to the eligible Judge.

No. 5. Clause 6, page 8, lines 12 to 21 [clause 6, inserted section 10(c), (d) and (e)]—

Delete paragraphs (c), (d) and (e) and substitute:

(c) inviting interested parties to make or provide submissions to the eligible Judge at the hearing of the application; and

(d) specifying the manner in which interested parties may inspect or apply to inspect a copy of the application; and

No. 6. Clause 6, page 8, after line 26 [clause 6, inserted section 10]—

After line 26 insert:

(2) In this section—

interested party, in relation to an application, means an organisation or person who would, under section 15, be entitled to make an oral submission or provide a written submission to the eligible Judge at the hearing of the application.

No. 7. Clause 6, page 10, lines 2 and 3 [clause 6, inserted section 14(1)]—

Delete 'who has made a declaration under this Part in relation to an organisation may, at any time, revoke the declaration' and substitute:

may, at any time, revoke a declaration made under this Part in relation to an organisation

No. 8. Clause 6, page 10, lines 28 to 30 [clause 6, inserted section 14(4)]—

Delete subsection (4) and substitute:

(4) The application must be lodged with the holder of an office prescribed by the regulations and that person must—

(a) as soon as practicable, notify the Chief Justice so that the Chief Justice can select an eligible Judge in accordance with section 8; and

(b) when an eligible Judge has been so selected, provide the application to the eligible Judge.

No. 9. Clause 6, page 10, line 33 [clause 6, inserted section 14(5)]—

Delete 'applicant accordingly' and substitute:

Commissioner and, in the case of an application under subsection (1)(b), the applicant of the matters referred to in subsection (6)(e)

No. 10. Clause 6, page 10, after line 33 [clause 6, inserted section 14]—

After subsection (5) insert:

(5a) If an application is made under subsection (1)(b), the applicant must, as soon as practicable after being given the notification by the eligible Judge under subsection (5), serve on the Commissioner a copy of the application and any supporting statutory declaration.

No. 11. Clause 6, page 10, line 34 [clause 6, inserted section 14(6)]—Delete '(a)'

No. 12. Clause 6, page 10, lines 35 and 36 [clause 6, inserted section 14(6)]—

Delete 'as soon as practicable (but no later than 3 days) after being given a notification by the eligible Judge under subsection (5)'

No. 13. Clause 6, page 11, lines 1 to 9 [clause 6, inserted section 14(6)(b), (c) and (d)]—

Delete paragraphs (b), (c) and (d) and substitute:

(b) inviting interested parties to make or provide submissions to the eligible Judge at the hearing of the application; and

(c) specifying the manner in which interested parties may inspect or apply to inspect a copy of the application; and

No. 14. Clause 6, page 11, lines 15 to 22 [clause 6, inserted section 14(7)]—

Delete inserted subsection (7) and substitute:

(7) The Commissioner must publish the notice required under subsection (6)—

(a) if the application has been made under subsection (1)(a)—not later than 3 days after being given the notification by the eligible Judge under subsection (5); or

(b) if the application has been made under subsection (1)(b)—not later than 7 days after being served with the material referred to in subsection (5a).

No. 15. Clause 6, page 11, line 24 [clause 6, inserted section 14(8)]—Delete '(b)'

No. 16. Clause 6, page 11, lines 35 to 38 [clause 6, inserted section 14(10)]—

Delete subsection (10) and substitute:

(10) In this section—

interested party, in relation to an application, means an organisation or person who would, under section 15, be entitled to make an oral submission or provide a written submission to the eligible Judge at the hearing of the application.

No. 17. Clause 6, page 13, after line 13 [clause 6, inserted section 15]—

After inserted subsection (8) insert:

(8a) The duties imposed on an eligible Judge in relation to a protected submission by subsection (6) also apply to any court dealing with the protected submission.

No. 18. Clause 6, page 15, lines 21 to 43 and page 16, lines 1 to 8 [clause 6, inserted section 22(5)]—

Delete subsection (5) and substitute:

(5) A control order may prohibit the respondent from any 1 or more of the following:

(a) associating with a specified person or persons of a specified class;

(b) holding an authorisation to carry on a prescribed activity while the control order remains in force;

(c) being present at, or being in the vicinity of, a specified place or premises or a place or premises of a specified class;

(d) possessing a specified article or weapon, or articles or weapons of a specified class;

(e) carrying on his or her person more than a specified amount of cash;

(f) using for communication purposes, or being in possession of, a telephone, mobile phone, computer or other communication device except as may be specified;

(g) engaging in other conduct of a specified kind that the Court considers could be relevant to the commission of serious criminal offences.

No. 19. Clause 6, page 16, lines 23 to 30 [clause 6, inserted section 22(7)]—Delete subsection (7)

No. 20. Clause 6, page 17, lines 24 to 27 [clause 6, inserted section 22A(2)(b)]—

Delete 'under section 22(5)(a) and, if the Court is satisfied that the respondent is a member of a declared organisation, must include prohibitions of a kind referred to in section 22(5)(b)'

No. 21. Clause 6, page 17, line 28 [clause 6, inserted section 22A(3)]—Delete 'and (7) apply' and substitute 'applies'

No. 22. Clause 6, page 21, line 22 [clause 6, inserted section 22G(7)]—Delete 'must' and substitute 'may'

ZERO WASTE SA (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 18:01 the house adjourned until Wednesday 4 April 2012 at 11:00.