

HOUSE OF ASSEMBLY

Thursday 5 April 2012

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 10:30 and read prayers.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:32): 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. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:32): I move:

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

Motion carried.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March 2012.)

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:33): I will speak briefly to express my support for the amendment moved by the member for Adelaide, who consulted me about the construction of the legislation, and I was able to provide her some technical advice from my agency in relation to that, and I think some slight amendments were made as a result of that conversation.

Obviously, this is a conscience vote for the Labor Party. I know some of my colleagues have deeply held views which would put them in opposition to this set of arrangements. I, on the other hand, support the proposition because it really is not a threshold issue any longer. We have already agreed as a parliament to allow surrogacy in our state. This proposition extends the availability of surrogacy to two classes of people who, otherwise, are unable to have access to it. As I understand it, the two classes are, first, women whose pregnancy is unlikely to go to full-term; and, secondly, women whose health is likely to be put at risk as a result of their pregnancy. I think that is quite a sensible extension; it is not a dramatic extension. It is probably only going to be used by a relatively small number of people in the future, but it is humane and it extends the general principle of surrogacy to people who otherwise would not be able to have children.

I commend the member for Adelaide for this proposition. It is completely capable of working adequately within our state. It extends the general principle to a relatively small number of extra people. As I said, it is not a threshold issue—we have already debated surrogacy and agreed to it—so to those on this side and elsewhere in the house who are contemplating whether or not they should support it, I strongly urge them to support this measure. It is entirely consistent with other measures we have already passed.

Ms SANDERSON (Adelaide) (10:35): I thank the minister for his words of support for this very important amendment to a bill which he recognises has already passed through both houses of parliament. I would also like to thank the members for Morphett, Hammond and Goyder for their support and contribution to this debate. I reaffirm that surrogacy is already legal in South Australia and has already been extensively debated in this house.

This is merely an amendment that was brought to my attention by a constituent who came to my office. After having one child, she had health complications: the calcium had been absorbed out of her bones during her pregnancy and she ended up in a wheelchair for six months and unable to walk without a walking stick for about two years. She also had three blood transfusions. She has an embryo ready. She is unable to conceive naturally and has been told that if she did carry that embryo herself she is unlikely to ever walk again—if not possibly having even worse complications from carrying her own child.

Surrogacy is not something people in Australia would choose to do on purpose. I am sure most couples would love to have their own child naturally, and most try to have a child naturally before they seek the help of IVF, and the worst-case scenario is to use surrogacy. So this would be open to only a limited few people.

I am not in any way suggesting that we go down the American track of designer babies, where you pick the mother and the father and then you pick the carrier of the child. This is specifically for a man and a woman—it is the mother's egg and the father's sperm—who are, for health reasons, either unable to carry the child to term or who are unable to fall pregnant themselves, or there is risk to the mother's life or the baby's life. They would be the only four situations where they could seek a surrogate.

As mentioned by minister Hill, this is also a conscience issue for our side of the house. I urge everyone to really consider this because I think it is very important to many couples who are unable to have their own children. It is already legal; we already have it if the child's life is in danger or if the couple is infertile. That has already passed the house.

In every other state that has surrogacy laws—that is Queensland, Western Australia, Victoria and New South Wales—they also have the inclusion of when the mother's life is at risk (which I am proposing) and also if the mother cannot carry the pregnancy to term (which, after speaking to minister Hill, was proposed by his office). We are really just bringing it into line with all the other states. Tasmania also has surrogacy; it has a bill on the table of parliament that has not yet been debated, but I am fairly sure that this would be consistent with the rest of Australia. I commend the bill to house.

Bill read a second time.

Ms SANDERSON (Adelaide) (10:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:39): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:40): I move:

That this bill be now read a second time.

I will be brief with this bill and the others that are on the *Notice Paper*. This is essentially a reintroduction of a bill that I first introduced in 2010. It simply creates a commission to look at the boundaries of metropolitan councils and to determine how many councils there should be and where the boundaries should be. This is a model used successfully in New Zealand. I believe it is the best way to go about that issue.

We hear from time to time some people saying that Adelaide should have one council; some people are saying two, three or four. We currently have 19 from Gawler to Noarlunga. I think the best and most sensible approach that takes it out of the arena of just a dogfight or a catfight (or whatever you want to call it) is to have a retired judge or someone similar look at the question of the boundaries and the number of councils. That is essentially and simply what this bill seeks to create.

As I say, it has worked very well in New Zealand because everyone can make a submission, everyone can have their say and all the experts and others have their input. I think this is an appropriate way to go because otherwise this issue will just keep dragging on. We have people from time to time, as I say, making suggestions about how many councils there should be. Unless you look at it in a proper, sensible, rational way based on research and other factors, then anyone's guess is as good as anyone else's. I commend this bill to the house. I think it has merit and I think it is time that we as a parliament—

Mr Pegler interjecting:

The Hon. R.B. SUCH: The ever vigilant member for Mount Gambier points out that on page 3—

An honourable member interjecting:

The Hon. R.B. SUCH: He is good. That's why they elected him. On page 3, sir, there is a typographical error. It says 'not later than 30 June 2011, cause copies of the report to be laid before [parliament]'. I know some people are very capable, but I do not think we have the retrospective power to do that, so that should be changed to 30 June 2013. I think it is a bit close to make it 2012. With the indulgence of the house, I will ask that that typographical error be changed to 2013 on page 3. With those words, I commend the bill to the house.

The DEPUTY SPEAKER: We have picked up the mistake. The bill will be corrected.

The Hon. R.B. SUCH: Further, sir, on page 4 that should be 31 December 2013. I do not blame parliamentary counsel. I should have checked it myself. Both those dates should be changed to 2013, rather than 2011 on page 3 and 2012 on page 4.

Debate adjourned on motion of Mr Griffiths.

ELECTORAL (VOTING AGE) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:45): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985; and to make related amendments to the Juries Act 1927 and the Local Government (Elections) Act 1999. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:45): I move:

That this bill be now read a second time.

This bill is also a reintroduction and I am sure the member for Mount Gambier has checked for any typographical errors. He is too young, or too old, to qualify for this.

This bill would entitle someone who is 16 and under 18, if they wish to, to enrol to vote. It is not mandatory and it would apply to state elections and local government elections. We often hear about involving young people. South Australia has pioneered a lot of voting reforms over time. I do not believe there is any reason why young people who are 16 or 17 who wish to enrol to vote should be denied that. It already happens in other places in the world and, as I pointed out before, the sky has not fallen in.

We now have a better educated population than ever before, sadly, not necessarily getting enough political education, in the broad sense of that term. If we are fair dinkum about allowing young people to have a meaningful say, the only meaningful say you can have is through a vote. You can have all of the talkfests and all of the gatherings of young people you like but, unless they can actually have a vote, no-one is really going to take note of what they have to say or what they wish.

This would facilitate that and I think it is time that South Australia, once again, not for the sake of it but because it is an important principle, extended the franchise on a voluntary basis to those aged 16 and 17 who wish to vote. I commend this bill to the house.

Debate adjourned on motion of Mrs Geraghty.

ELECTORAL (OPTIONAL PREFERENTIAL VOTING) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:47): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:48): I move:

That this bill be now read a second time.

This is also a reintroduction. This bill is about optional preferential voting. From time to time, many people have expressed concern that they felt forced to give a preference to someone they do not wish to. Under our system, basically, they are compelled to.

What this bill does is provide that the allocation of preferences is an optional matter. I believe that is very important. We currently have a legal challenge to the whole question of whether our voting, at the federal level anyway, is compulsory or voluntary, but we have within our system compulsion with regard to allocating preferences. I think this measure is worthy of support to allow people to decide whether or not they allocate a preference to someone. Many people do not wish to be forced to allocate a preference and this bill will give them the right not to do so.

Debate adjourned on motion of Mrs Geraghty.

STATUTES AMENDMENT (ANTI-BULLYING) BILL

The Hon. R.B. SUCH (Fisher) (10:50): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Intervention Orders (Prevention of Abuse) Act 2009. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:50): I move:

That this bill be now read a second time.

This bill really toughens up provisions related to bullying, whether in the workplace or anywhere else. There are some provisions currently in relation to workplace activities, but this bill toughens them up quite considerably. It not based entirely on what happened in Melbourne, where a young lass took her life because of bullying in the workplace.

This measure clearly sets out provisions related to bullying and would apply at school, the workplace or anywhere. People who engage in bullying need to be dealt with, and as a community we need to take the issue seriously. This bill defines unlawful stalking and the meaning of domestic and non-domestic abuse. It is a simple amendment to the statutes, and I commend the bill the house.

Debate adjourned on motion of Mrs Geraghty.

SUBORDINATE LEGISLATION (PROPOSALS TO VARY REGULATIONS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:52): Obtained leave and introduced a bill for an act to amend the Subordinate Legislation Act 1978. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:52): I move:

That this bill be now read a second time.

I have been in this place a long time (it is my 23rd year), and for a long time I have been puzzled and concerned that, with the regulation that is put forward by the government of the day, it is either all or nothing; you have to disallow. There is no mechanism whereby you can really do much else. People say that there is a Legislative Review Committee, and that is true, but that does not deal with the issue in the way that this bill does.

Instead of the guillotine, the sudden play-off—reject or accept—this bill allows a short period of time during which either house can indicate to the minister, the government and the executive that they would like to offer some suggestions, some possible changes, to that regulation, and then, within a limited period of time (the sitting days are specified here), the minister would then come back and say that the government is going with the original regulation or that it will take on board the comments and suggestions of either house. I think that is a more rational way of going about things.

I will give the example of the current matter of significant trees controls. A member in another place has moved to disallow that regulation. The regulations are in force, so people are operating under them, and we have a motion to disallow. In the meantime, a lot of work has gone into trying to modify those regulations to improve them so that what were seen as errors can be corrected, and I will give one brief example. I spoke to the public servant who recommended this, and they said that the tree provisions in the metropolitan area should be the same as in the country in terms of clearing vegetation.

To me that is ludicrous. If you are on a farm on the West Coast, you will need more than a 20-metre break around your house for Mallee. As a result of that public servant's recommendation, the same logic has been applied to the metropolitan area regarding those regulations. If you take this to its extreme, you would get rid of all vegetation in the metropolitan area bar about five or 10 per cent in areas which could have a bushfire.

There were some other inappropriate provisions in those regulations. One of the provisions was that you were not allowed cut down any eucalypt. That is ridiculous also, because there are 800 varieties of eucalypt—to which does the provision refer? You can have a Tasmanian blue gum close to your front door which is inappropriate and needs to be removed. However, what happened with those regulations—we do not get to see them before they are put in place—was that another error was made. Willow myrtle (*agonis flexuosa*) was protected which, in Victoria, is regarded as a weed. It is a white flower native with a rough bark. It was put in and given absolute protection, and no-one seems to know why.

If either house had been able to look at it, people could have commented and said, 'Why have you applied the same bushfire protection provision on the West Coast to the people of Burnside'? It does not make sense. Likewise, why say that no eucalypt can be removed when some eucalypts may need to be removed—and likewise with Willow myrtle. As I said, it is regarded in many states as a weed and here, for some reason that no-one can explain, it is protected.

Richard Dennis, one of the most senior people in parliamentary counsel, is not responsible for what is in the bill in terms of the intent of the bill, but I have relied very much on his guidance in terms of what is formulated here. As I say, he is not responsible and not to be found guilty because of what is in this bill. However, based on his input, I have been able to get this bill drawn up. I think it is a progressive measure to avoid the sudden death play-off in terms of regulations. So I commend this bill to the house.

Debate adjourned on motion of Mr Pederick.

ADVERTISING FOR PUBLICLY FUNDED EMPLOYEES BILL

The Hon. R.B. SUCH (Fisher) (10:58): Obtained leave and introduced a bill for an act to regulate advertisements for publicly funded employees. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:58): I move:

That this bill be now read a second time.

This bill requires that, where the taxpayer is paying all or part of the salary of an individual, that salary must be publicly disclosed when that position is advertised or in other information about that position. Currently that is not the case. Members might say, 'What's the big deal? People know what our salaries are'. They should, the public is paying for them.

What I find increasingly is that in a whole area in the community where the government is either paying a lot of money to an organisation, or it is local government or some other body which is relying on ratepayers' or taxpayers' money, when the positions are advertised, the salaries are not disclosed publicly. I do not think that is appropriate for two reasons: one, it is taxpayers' or ratepayers' money and, secondly, by not knowing, the community is not able to see whether, in their view, the increases in salaries over time or the level of salary paid is appropriate. We can argue about how much people should get paid, I accept that but, if it is kept hidden, the public is unaware of what that person is being paid. If it is taxpayers' money, I think the taxpayer has a right to know what salaries are being paid and what the level is.

This bill simply requires that people whose employment is effectively, either wholly or in part, funded by the taxpayer, their remuneration should be disclosed when the position is advertised. I will not go into specific examples now but, if members have a look in the situations vacant pages, or online, or wherever (if they are looking for a new career), they will find that the salaries are often hidden. There will be 'attractive package' or some other euphemistic terminology, but the public is kept in the dark and one would have to ask why: why is the public kept in the dark about something they are paying for?

This is a very simple bill and I think it has merit. I ask members to consider it and consider supporting it.

Debate adjourned on motion of Mrs Geraghty.

ROAD TRAFFIC (TRAFFIC SPEED ANALYSERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March 2012.)

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) (11:04): The government is opposing this bill.

The Hon. R.B. Such: Surprise, surprise! Police state.

The DEPUTY SPEAKER: The minister has the call.

The Hon. J.M. RANKINE: Thank you, sir. South Australian police use a range of radar, laser and camera technologies to detect speeding motorists, and current—

The Hon. R.B. Such interjecting:

The DEPUTY SPEAKER: Member for Fisher, you will have a chance to respond. Minister, you have the floor.

The Hon. J.M. RANKINE: Thank you. Current equipment includes dozens of fixed cameras in metropolitan regional areas, 18 mobile safety cameras and around 1,000 hand-held laser and mobile radar units. The SAPOL Radio and Technical Support Unit maintains a rigorous maintenance and testing regime to ensure public safety and protect the integrity of any information produced or recorded by these devices. As requested in this bill, these processes already include a minimum requirement for annual testing of traffic speed analysers, and I can assure the house that SAPOL is continuously seeking to improve its processes.

Improvements in recent years include the centralisation of data collection and storage within the Radio and Technical Support Unit rather than relying on local service areas to improve the quality and accountability of the testing and calibrations processes. When a test is complete, I understand that a seal is placed on the unit confirming the date of the test so that an officer using a device can quickly and easily determine whether it complies with quality standards. An additional layer of security, I am advised, is that police officers are required to record the device serial number and most recent calibration date on the form submitted to the Expiation Notice Branch.

If this information is not included or is incorrect the Expiation Notice Branch may cancel the notice. I am further advised that the next print run of expiation notice pads will include a space for the device serial number and testing date on the section given to the alleged offender. SAPOL has provided detailed briefings to some members of this house on testing and quality control procedures, and I am sure they would be happy to extend the same courtesy to any other interested members.

This bill seeks to do two things: reverse the burden of proof in court proceedings resulting from the use of traffic speed analysers; and legislate an order of precedence for standards and regulations relating to traffic speed analysers. In response to the first matter, the Road Traffic Act currently allows police to provide a certificate to the court that confirms that a traffic speed analyser was operating correctly. In the absence of proof to the contrary, this certificate is accepted as evidence.

As an example, the court certificate for the UltraLyte 100LR laser speed gun—one of SAPOL's handheld laser devices—confirms the date of testing before the disputed date of use, the date of testing after the disputed date of use and on each date it complied with Australian Standard 4691.1-2003. These certificates are more than a mere formality. Before the certificate is issued I understand that the Radio and Technical Support Unit completes an internal process that checks that information was recorded on the correct forms, that seals on the lasers were in good order, that tests on the display and scope were conducted correctly and that a valid calibration certificate has been produced.

I am advised that the Radio and Technical Support Unit is accredited by the National Association of Testing Authorities (NATA) and uses procedures underpinned by the National Measurement Act. This bill seeks to remove SAPOL's capacity to provide these certificates to the court and may require SAPOL for each and every disputed offence to prove that the device complied with the requirements set out in this bill.

This change would result in a significant impact on police resources. Technical staff whose job it is to test and calibrate devices may be required to attend court to testify about the minute detail of each and every interaction they had with the disputed device. It may also require representatives from manufacturers who conduct tests on some devices to attend court and give evidence. The proposal will also increase the workload of police prosecutors and extend court hearings due to increased evidentiary proceedings and delay court outcomes.

It may also increase the number of court cases—currently around 1,000 per year—for police-issued speeding offences as alleged offenders seek to avoid responsibility based on technicalities rather than substance. Police may also be prevented from confidently pursuing prosecutions for speeding offences in the absence of a common law precedent based on the model proposed in this bill. Depending on a court decision, police may find the use of traffic speed analysers becomes unworkable and unenforceable. Any benefits to the community from this proposal are simply not balanced by the many associated costs.

The second aim of this bill is to set an order of precedence for standards relating to traffic speed analysers: first, national standards; second, manufacturers recommendations; and, third, commissioner's orders. At first glance, this may seem a logical proposal, but there is a significant

risk in locking an order of precedence that includes standards that are not designed specifically in relation to South Australia's legal or operating environment.

In the case of recommendations from a manufacturer, these may be from a private business operating from and selling primarily to markets in the US, Asia or Europe. Manufacturer information is often generic and does not take into account operational concerns such as occupational health and safety. I understand that South Australia already has certain provisions, including the positioning of a device, that are more stringent than national standards or manufacturers' recommendations. As we see around the world, there are many circumstances where laws or national standards lag behind technological advances.

To legislate compliance with these standards may preclude or limit the use of new techniques and equipment. The road traffic regulations recognise 12 different traffic speed analysers that use a variety of technologies, such as digital photography, radar, infra-red, laser and induction loops. This bill does not differentiate between them and, as such, provides a set outcome rather than an optimal outcome with regard to standards, recommendations and orders. The member for Fisher's second reading speech referred specifically to hand-held lasers, but this bill does not.

The current arrangements provide a robust quality assurance process and the flexibility to adapt to legal and technical changes. Rather than applying a blanket approach that does not guarantee better outcomes, the government would be happy to discuss specific concerns held by the member for Fisher or any other person, and to address these on a case-by-case basis.

In closing, I would like to respond to comments made in previous second reading speeches. The member for Fisher raised the case of a motorist who was detected doing 45 kilometres over the speed limit, and voiced concern that a margin of error of two kilometres may have been the difference between the driver losing or keeping their licence. I would like to thank the officer involved for apprehending someone who was presenting such a significant risk to themselves and other road users.

The Hon. R.B. Such interjecting:

The Hon. J.M. RANKINE: There is no excuse, whether it was 47 or 43, to be speeding by that amount. As we approach—

Members interjecting:

The DEPUTY SPEAKER: Members on my left with get a chance to respond.

The Hon. J.M. RANKINE: —the Easter long weekend, I implore all motorists to slow down and be safe on our roads. In the opposition's response to the bill, the member for Morphett raised the issue of SAPOL suspending its NATA accreditation; he asked why. On 13 September a media release was put out by SAPOL which detailed exactly the circumstances. The member for Morphett went on to say:

South Australia Police does have NATA accreditation now, but why was it the case that, for a while, its NATA accreditation was suspended? I am not aware of any technical problems, any logistical problems, moving offices, moving laboratories—

Time expired.

Ms BEDFORD (Florey) (11:15): I would like to concentrate on the quote that the minister was reading:

I am not aware of any technical problems, any logistical problems, moving officers, moving laboratories or not having the right people in the right places certified. I understand that it does now have technicians who are certified by NATA to do the testing within its laboratory. So, it is all there, it is in place now. That fact is very pleasing to me, and it gives me some more confidence that, if drivers are pulled over, the speed that has been recorded by the radar or camera is going to be as accurate as you can possibly get.

SAPOL voluntarily suspended membership because they were relocating to a new laboratory. The new laboratory was inspected by NATA on 26 June 2007 and SAPOL has provided an assurance that all Australian standards and relevant federal legislation will follow during this relocation period. I am not aware of any suspensions since this time.

The member for Morphett also stated that he does not 'believe this is going to make any more work for the South Australian police.' This is in direct contradiction of the advice provided to the minister by SAPOL. If the opposition's support for this bill is based on a NATA suspension from

five years ago and a discredited assertion that it will create no extra work for police, then I expect they will support the government in opposing this bill.

The DEPUTY SPEAKER: Thank you, member for Florey, who was speaking in support of the minister's comments.

Mr GOLDSWORTHY (Kavel) (11:17): I want to make a couple of points in relation to this legislation that the member for Fisher has brought to the house. I guess this is a revised piece of legislation that had been before the house before the proroguing of parliament. As the then shadow minister for road safety, I had the responsibility on this side of the house for looking into that legislation that the member for Fisher had at the time.

To give some background, the original bill was quite broad in some of its provisions and quite a number of clauses wanted to further regulate and legislate the manner in which the police operated the handheld speeding devices (aka laser guns). But in consultation with the member for Fisher, he has removed those proposals from that original bill and compressed the issue into this one specific matter—and that is, that it be a legislative requirement that the testing be carried out, ensuring the accuracy of these handheld speeding devices.

Previously the opposition had some issues with the original bill; we thought it was too broad, too prescriptive and increased the burden on police. Through negotiations with the member for Fisher, I like to think we had some influence on the outcome that has brought us to the current piece of legislation before the house. I join with my colleague, the now shadow minister for road safety, the member for Morphett, in supporting this because this is what the opposition really wanted of the bill.

My understanding is that the member for Fisher is calling it a legislative requirement that the testing be carried out. At the moment, the advice I have received from the member for Fisher—and I heard what the minister said in her quite comprehensive explanation to the house. It was a briefing from the department and SAPOL and so on, and that is always at the right hand of a ministerial office that they have ready access to that information to assist them in their work.

Unlike the members opposite we have to do our own work and scratch around, and we do not have the resources, obviously, that a ministerial office has. We seek briefings on these issues and we are appreciative of the briefings, but the information we get from the briefings is not anything that the government does not want to tell us. We do not get any information apart from our own investigations through FOIs and people we know in the department who are happy to speak to us on a one-to-one basis. The information we get via briefings is what I would regard as sanitised.

Be that as it may, that is the way the government operates. At any briefing we attend there is always a ministerial officer taking notes of everything that the shadow minister says; anything that the opposition member says is recorded.

Members interjecting:

Mr GOLDSWORTHY: I see them. I see them writing down everything I say—

The DEPUTY SPEAKER: Members on my right!

An honourable member interjecting:

Mr GOLDSWORTHY: Chuck them out, Mr Deputy Speaker; give them 10 minutes!

Members interjecting:

Mr GOLDSWORTHY: Give them 10.

The DEPUTY SPEAKER: You'll get 20 in a minute!

Mr GOLDSWORTHY: That's alright, I've got a cup of coffee going cold up in my office.

The DEPUTY SPEAKER: It will be frozen by the time you come back!

Mr GOLDSWORTHY: I can go and get a new one, they're not very expensive. So we have the ministerial advisers writing everything down that the opposition members say and they go back and say, 'Guess what Goldie said? He said this and that and whatever.' So the whole process is sanitised and we don't get any information that they don't want to tell us. They can operate like that but I cannot see any real reason to.

I listened to the minister give the government's explanation but I still cannot really understand the argument against what the member for Fisher is proposing: that there is a legislative requirement that the handheld speed detection equipment is tested and the proof of that testing is provided to any person who challenges a speeding offence through the courts.

The minister said there is a certificate available that states that equipment has been tested, and I wrote some notes down as the minister was providing that information to the house. In her contribution the minister said that she did not think that the legislation was specifically referring to laser guns (handheld speeding detection devices). I do not know, but the member for Fisher might take that on board, go back and review the bill, and bring back some amendments if that is a concern of the government and the minister. This is what we sometimes call a moving feast; the process evolves. We have seen this bill evolve from what it was initially, prior to proroguing parliament, to the current piece of legislation we now have, so it is an evolving process.

I know the member for Fisher as a member who is willing to listen, consult and review his position on issues. He is a good member and I understand he is well respected in his constituency. That is why, for some reason, he is re-elected time after time!

The Hon. R.B. Such: It could be my good looks!

Mr GOLDSWORTHY: Maybe! The member for Fisher is a member who is open to advice, ideas and suggestions, so I put that to the government minister: to consult with the member for Fisher to see if there can be further refinement and enhancement of the legislation to address the concerns that the government has. I invite the minister to do that and we will see where it goes—probably not. This government seems to be so intransigent on a whole range of issues that I doubt whether that will take place.

I have had a little bit to do with this minister and, in my time of dealing with this particular minister, I think that we have had a reasonable relationship on the issues we have dealt with, even though we have not always agreed with everything the government has proposed. We have met at the ministerial office around in Pirie Street, and we have had cake and all sorts of nice things.

An honourable member: Cake!

Mr GOLDSWORTHY: We have had cake! I tell you what, when you go to a ministerial office, you see how the other half lives.

The DEPUTY SPEAKER: Member for Kavel, can you please keep your comments relevant to the debate before us?

Mr GOLDSWORTHY: Well, I was; I thought it was relevant.

The DEPUTY SPEAKER: I'm not sure how cake is relevant.

Mr GOLDSWORTHY: It is really highlighting the hospitable nature of the minister and how the minister deals with members of the opposition when they go to their ministerial suite. When you see the ministerial suite, you see how the other half lives. It is quite an eye-opener, I can tell you.

The DEPUTY SPEAKER: Member for Kavel, you have nothing else to add to this debate?

Mr GOLDSWORTHY: The time is winding down; I have one minute to go, Mr Deputy Speaker.

The DEPUTY SPEAKER: You may lose your time in a second.

Mr GOLDSWORTHY: In conclusion, we support the bill before the parliament. If they have issues on that side of the house, I encourage the minister to consult further with the member for Fisher and, hopefully, we can find a resolution to this that meets the needs of the opposition, the member for Fisher and the government.

The Hon. R.B. SUCH (Fisher) (11:27): The government's attitude, which is just speaking on behalf of the police, is hardly surprising. This bill simply provides that traffic speed analysers, which are lasers, 'must comply with prescribed standards'. I do not see a problem with that. The police are very careful in their wording, and they say, 'We meet the standards.' They do not have to meet the standards: that is the whole point. Legally, they are not obliged to meet any standards. The judge, the Hon. Timothy Anderson, said that in the Supreme Court. He said that they do not have to meet any standards. They do not even have to comply with the commissioner's instructions in the use of hand-held lasers. I do not believe that is good enough because the fixed cameras have to meet very strict standards.

I do not condone people speeding. I made the point, in relation to that person, that the manufacturer's manuals, which I have, say that, even if the machine is calibrated perfectly, there is an error margin of plus or minus 2 km/h. If that person is not breaking the law, they should not get the penalty that applies if you break the law. If the person is 45 over the limit—it is irresponsible and stupid (and I do not condone that)—but is under by the margin of error in the machine, they should not lose their licence and cop a hefty fine, and often they lose their job. That is the only point I am making.

The point about the use of these things is that they have been, in my view, misused over time because there have not been standards. The police laboratory was told that either it voluntarily suspend or it would be suspended by the National Association of Testing Authorities. We know the person running the workshop had a nervous breakdown, and that is sad and unfortunate, but the police were not meeting the standards, and they do not have to legally. That is the whole purpose of this bill; that is, not to make it difficult for the police but to make sure that, when they are using equipment to detect speeding, they are meeting the Australian standards. They are on the committee of the Australian standards for lasers. Why wouldn't they be required by law to meet them, as is the case elsewhere? I seek leave to continue my remarks.

Leave granted; debate adjourned.

LIFE SKILLS EDUCATION

The Hon. R.B. SUCH (Fisher) (11:30): I move:

That this house calls on the state government to ensure that, by the time all students complete their schooling, they have been provided with an introductory education about our legal system, personal financial management, interpersonal relationship skills and driver education.

I am not arguing that none of this happens currently. What I am arguing is that there should be more of it and that it should apply to more students—preferably all students. Some of the most important aspects of living are not, in my view, adequately dealt with through the school system currently. That applies in both the private and the public system.

Let us look at these points as separate entities. We do not expect someone by year 12 to have the status to become a senior counsel. However, when you live in a society where you are governed by laws—whether it is common law, statute law or whatever—I think it is very important that you have some understanding of the law. I am constantly amazed, when I say to young people who have threatened someone, 'That's illegal; you can't do that,' that many have no understanding in relation to basic principles of law.

When members come in here, one thing that they should be made aware of are laws relating to defamation and libel. If you are not aware of it, it can be a very expensive exercise. We have had cases involving MPs in here where the payment has been close to \$200,000, for one member who made a comment that another member did not visit their schools—in other words, implying they did not do their job. That cost about \$200,000. I am not saying that people need to have detailed information about libel and defamation, but people coming through our school system do not even have a basic elementary understanding of our legal system and the day-to-day laws that affect people's behaviour.

Regarding personal financial management, once again, we are not trying to churn out accountants, but people need to have some understanding of how to manage their personal finances. As with the deficiency in legal understanding and knowledge, a lack of personal financial management skills results in a lot of pain and suffering in the community. It affects family life and a whole lot of things. Many people come through the school system and they do not understand even the most elementary accounting principles: how to read a balance sheet and so on. These are important life skills which all students should have some familiarity with.

Some good work is done by groups in the community who focus on interpersonal relationship skills. Some schools engage SHine to do it, which is good, but many—probably most—students do not have any background in how to deal with relationships, understanding other people, empathy, and relationships between men and women. This motion is not a simple answer to all the problems, but we see the consequences of pain and suffering every day in our community because people lack any understanding of some of these interpersonal skills. We might focus on aspects of reproduction, but there is more to life and our interactions with others than simply understanding human plumbing. What SHine and other groups do is good in the sense of making students aware of feelings, dealing with and having respect for others and so on, but my point is that I think it needs to be expanded.

Then I come to driver education. I note that throughout the world a number of countries put a lot of emphasis on driving in their school programs. People say that it is costly. Well, anything worthwhile tends to be costly. I will use the case of Denmark. They have had mandatory driver education since 1986, and I could go through a list of countries, but I will not. However, we have to consider the number of people, particularly young people, killed on our roads.

Things have improved because of the wearing of seatbelts, although unfortunately some still choose not to, the provision of airbags, better designed cars, and improved roads, but we still have a lot of people on the road, not just young people, who do not understand basic physics: car hit tree, tree wins. You often see tailgating, and I get annoyed if I am sticking to the speed limit and there is some idiot right up my exhaust pipe who is impatient, and does not like me obeying the speed limit. People need to understand basic physics. They need to understand and see the consequences of crashes and, yet, we allow this to be a hit and miss affair, pardon the pun.

If we had a program, standards and a focus on safety that even paralleled what we do in the air by way of pilot training, and so on—even a fraction of what they do, and the focus that they have, and it is never going to be at that level—we would cut the road toll considerably. I am not arguing that our schools do not do any of these things. I am saying that I do not think we do enough of them, and I do not think we involve enough of our young people while they are at school in these particular activities.

Lifelong learning is a great thing, and we should have opportunities throughout life for people to brush up their skills in all these areas, but to me the rational, sensible approach to many of these issues is to ensure that people at school learn some of these key areas, that they are exposed to them, and become aware of the basic elements of law, how to manage their finances, how to deal with people at an interpersonal level, and how to drive safely and responsibly. If we addressed those issues more comprehensively in the school system, everyone would be better off and we would have a better society—a more caring and compassionate society—and a more enlightened one.

Debate adjourned on motion of Mr Sibbons.

CHAMBER TAPESTRIES

The Hon. R.B. SUCH (Fisher) (11:37): I move:

That this house, with the support of the state government, commission tapestries depicting the various aspects of life in South Australia for display in the chamber.

Members are well aware, because they are in the chamber, of the two tapestries here that commemorate and celebrate women's suffrage. Over time some people have been a bit critical of them. I think that they are appropriate and I think they are fine. I think we should add to those by having similar-sized tapestries on the other wall panels depicting life in South Australia. Tapestries are not easy to do and they are not cheap, but, irrespective of their contribution, I do not think it is appropriate to have portraits of people hanging in the chamber—their portraits should be in hallways.

This chamber belongs to the people of South Australia. It does not belong to the Liberal Party, the Labor Party or any individual, and I do not think the portraits on the wall should remain here. I think they should be replaced with appropriate tapestries. I do not know of many parliaments where portraits of former leaders or others hang in the chamber, but that is not the main issue. The main issue is to see whether the government can come to the party, along with others, to provide some tapestries in here depicting, for example, working life, sporting life and agricultural activities.

Mr Pegler interjecting:

The Hon. R.B. SUCH: The member for Mount Gambier wants a special one that focuses on Mount Gambier! If you look around the world, a lot of the United States' legislatures feature tapestries, the Danish and Israeli parliaments feature them, the Scottish parliament is working on one, and there is one in Sweden and in Hawaii. The federal parliament has a huge tapestry in the Great Hall (not in the chamber) which is replica of the painting by Arthur Boyd called *Shoalhaven Landscape*, and Business SA has a magnificent tapestry.

Members are saying that this is a costly exercise; it need not be. What I have suggested by letter to you, Madam Speaker, is that the government, the Speaker, could ask some of the groups in South Australia—for example, SA Unions might want to sponsor a tapestry in relation to the contribution of workers and unions over time, and the Farmers Federation might like to sponsor

one relating to agriculture. Likewise, you could keep going through the various groups in the community to depict sporting life and all the sorts of things that make up the fabric of our society. They do not have to be huge tapestries, but they could be the same size as the women's suffragette frame. I think the chamber would look magnificent if it depicted life in South Australia in tapestries.

The motion is self-explanatory. I think we have some excellent paintings in the parliament building, and some of them are quite valuable. I think it is important that the parliament not only reflects the scenes of South Australia but also acknowledges the tremendous skill that people have in relation to art and craft, and that includes tapestries. When I was minister we tried to move this issue along a bit with some of the people involved in the art and craft sector. The challenge now for the government and you, Madam Speaker, if you agree with this, is to try to move it along because I think it would make this chamber look even more impressive.

The carpet in here depicts some of the aspects of agricultural life in South Australia. The upper house has the South Australian floral emblem. I think the walls would look magnificent if we hung appropriate tapestries. There would be groups in South Australia, some of whom I have mentioned, and others who would be keen to sponsor a tapestry, so it need not cost the taxpayer anything at all. It need not cost the parliament anything at all to bring about not just colour in here but, more importantly, a recognition that this parliament belongs to everyone and that we represent all the various aspects of life in this great state. I commend this motion to the house and hope that members will see fit to support it.

Debate adjourned on motion of Mr Sibbons.

EMERGENCY SERVICES FUNDING

Mr VENNING (Schubert) (11:45): I move:

That this house—

- (a) condemns the state government for failing to provide adequate funding to the CFS and SES; and
- (b) instructs the Auditor-General to report on the collection and expenditure of the emergency services levy.

The emergency services levy was introduced here in South Australia in 1999 to fund the provision of emergency services in South Australia. It was revealed recently (and this is just one example) that there was a \$180,000 shortfall to carry out necessary upgrades to one CFS station, and that is the one at Stirling. The shortfall in funds to upgrade the infrastructure at Stirling is not the only example that has been brought to my attention. The government is failing to fund the CFS properly.

I noted the other day that this was on the radio and the accusation was made that Stirling CFS is looking for something palatial. Far from it: all they are trying to do is replace a bit of the station which is the bays for parking government-owned trucks. They are not replacing their training room, which is only sufficient to accommodate 12 people and they have to try to train 40 people there. They are not trying to replace the kitchen, which has been condemned (there is mould there).

This replacement has been designed by the CFS headquarters people and the main cost is for removing asbestos from the old building and fixing it so that the height is sufficient to take the new trucks, because the current height will not allow appliances to be backed into the area. I cannot understand this. This is all about safety and protecting our volunteers. Asbestos, as we know, is a health risk. I cannot understand why the government would short-circuit them on that.

There are many branches across the state that we would all know about that have to wait, in some cases, for over six months for protective clothing to be made available for their volunteers. One contact I had was from the member for Goyder's electorate and I spoke to him about it and it was well known. One branch, in particular, had an influx of new members in September-October last year and they are still waiting for their protective clothing. This meant that they were unable to provide emergency services that they volunteered to undertake. In other words, they were not allowed onto the truck to attend the fires because they did not have the recommended protective clothing.

How ridiculous is that? Isn't that what the CFS and SES is all about? I cannot understand why that would be the case. I have had some private discussions—and I will not detail them here because private discussions should remain just that—and, certainly, I let my concern be known to

some of the people who make these decisions, particularly when calling for the supply of the clothing.

It has become apparent, though, that the state government funding for the CFS is falling way short of what is required to enable the volunteers to carry out the vital emergency services that they do, and what we expect them to do. A full report regarding the collection and expenditure of the Emergency Services Levy is needed. How much is actually spent on the fire ground and how much is spent/wasted in administration, squad cars, control vehicles, etc., needs to be clarified. It needs to be exposed so we can see where the money is going.

We now seem to have a flotilla of vehicles—multicoloured and bristling with aerials and lights—where once we just had fire trucks. I am afraid to say, or admit it, that bureaucracy has crept into the CFS, and it annoys me that the chain of command is now in the hands of non-local professional people—and I use that word 'professional' advisedly. They are bureaucrats. Some were once volunteers, but the peak cap brigade seems to be appealing to some.

I have had hands-on experience over many years. I have made comments before but I will not repeat them. It was usually my job at fires to light them, to light fire breaks against the road in front of the fire. It was quite a dangerous thing to be doing, I can tell members, but I had an experienced local person with me. I did name one, that is, Mr Frank Landers from Gladstone, who was a fire control officer, and he knew what he was doing. I was with him one day when he said, 'Well, we'll light this fire, but we'll wait here on this road until the fire comes down that hill,' and it did. We were between Georgetown and that fire. We lit that fire across that road, and amazingly the fire that we lit did not go down the hill towards Georgetown it went back toward the fire and put it out. That is what local knowledge can do. It really has annoyed me that when you get on the fire ground now the chain of command is the guy in the peak cap giving all the orders—usually over a radio—and the local guy is often not consulted.

The whole thing needs to be looked at, particularly in relation to where the money is being spent. I say: all power to the volunteers who give their time and take these risks protecting the communities. We should at least fund adequate clothing, modern and safe facilities—particularly in relation to Stirling—and safe, reliable vehicles. I take my hat off to them. They are vital to many of our country communities. As all my country colleagues would know, particularly the CFS in country areas—and the SES to a lesser degree, but it is still prominent and worthwhile—does more than just keep these CFS stations open: they are the lifeblood of some of these communities.

They have large auxiliaries that raise money for the local brigade and other organisations. They are the local catering group. If you are getting married in a country town you ring up the CFS and get catering organised, and a strong lady will make sure that everything is done for you. To many of these people this is not only a fundraising exercise but also a community experience; it is a pastime for these communities. For some of these people it is the only outlet they have apart from their workplace.

The activities of the CFS and the SES are a vital part of country communities, and I take my hat off to these volunteers I could never praise them enough because it is all done by volunteers—no remuneration. Also at this moment I pay huge credit to the people who employ these volunteers, because when the fire siren goes and you are halfway through servicing the motor car for the local mechanic or the local dealership, it is down tools and you run. The owner wears that loss of time. It is on the owner of the business; and I have hardly ever, ever heard of any owner of a business who has in his employ CFS or SES volunteers complain about it, and it ought to be recognised.

It annoys me when you come to charge these people an emergency services levy that they get no assistance at all. I do believe that it ought to be looked at. It ought to be said to these people, 'Well, you certainly pick up the tab when these people go to the fire,' because the lads still get paid. They do not get a pay dock. The employer wears all that, they absorb all that. So not only should the owners of a business get some subsidy in relation to the emergency services levy (in fact, they get nothing at all), so should the volunteers. They do the work, they make the effort, they go to training, they do all this extra, yet we still hit them for an emergency services levy. I think that is rather unfair.

It is a pretty emotive issue out there, and I would urge the house to consider this and at least ask the Auditor-General to have a look at how much is being spent, where it is being spent and could it be spent more wisely because I think that, if we do not do the right thing, if these

people decide to hang up their helmets and their boots and not do it, where would we be? I do not think it bears thinking about. I hope that the house will support the motion.

Mr GRIFFITHS (Goyder) (11:53): I wish to rise in support of the member for Schubert and his motion. Having worked in local government for 27 years before coming into this place, I had a very close involvement with a lot of brigades when it came to actually building new facilities prior to the commencement of the emergency services levy in 1999. Before that a calculation was done to determine what our local contribution would be to a station upgrade, and it was based upon the capacity of that local government authority to fund part of it. In the majority of cases—certainly in regional areas—the CFS board would contribute the majority of the funding. Many other times if you were a wealthier area it might be the other way around; but a long-running issue for communities has been the funding needed for these emergency services facilities.

I do put on the record my very great appreciation because, in the last 12 months, we have had the opening of the Hamley Bridge and Balaklava CFS stations. I was at the opening of both those facilities. I commend the government on its level of expenditure in those areas. Certainly for the volunteers in those brigades it is a wonderful recognition of the commitment they have made over a lot of years to try to service the emergency services needs of their community. If you look around, you will see that what you get at the stations these days is just amazing compared with what it was 30 years ago, with the comms areas, general facilities, kitchen, meeting room and training facilities, in addition to the equipment provided.

The fact is that there is never going to be quite enough money to fund what every person would want. All brigades have a level of patience built into their attitude; they understand that, yes, they put a bid in through their group officer, which then goes up through the chain, and eventually they get the tick to confirm they will receive their money within a few years. There are sometimes delays, such as with Balaklava and Hamley Bridge, which was caused by a dispute with a contractor regarding the final delivery time of that station, but the end result is a good one.

The great frustration I have at the moment is more to do with the personal protective equipment, which was also referred to by the member for Schubert. He and I were contacted by a brigade from Port Vincent regarding the frustrations they had experienced. The brigade had orders in for PPE for six months, and they could not get it. They had had new people come into the town who had put up their hand to become a volunteer and go through the training. They wanted to jump on a truck and be able to respond to incidents, but they could not because they could not get their personal protective equipment.

In the contact I had with officers and general members of the Port Vincent brigade, it was clear that they were really fearful that they would lose their volunteers. That is a great shame. These people have committed six months to do the necessary training, they are in a position where they can respond and take some of the pressure off some of the older members in their community who have been in the CFS for 30 years, in a lot of cases—I have seen people presented with badges that identify really long commitments to this—and there was just an abject level of frustration.

The brigade worked hard to get off the ground, they have people in the community who are interested in becoming volunteers, but they cannot get the most basic requirement—equipment. One guy, who has been a member for over 25 years, contacted me via email to say that his boots actually have holes in them, and he has been wearing the same overalls for 20 years. He cannot get replacement equipment; he has had to wait an unacceptable amount of time. We have had some contact with the minister's office, and I really hope that the contract issue regarding who provides the personal protective equipment will be resolved quickly so that brigades have an acceptable time frame from when an order is placed to its delivery, because we have to get it right.

The Minister for Road Safety, in an announcement made earlier this week, stated that it is important for all South Australians who will be on the road over the next week or so to respect that they are in a dangerous situation, and to take extra special care, because none of us want to see any tragedies. I take this opportunity to make special mention of the Port Wakefield CFS, which is probably one of the busiest brigades in the state when it comes to responding to road traumas. The number of times their volunteers have been called to pull someone out of a wreck, or indeed pull a body out of a wreck, would be horrendous even to consider.

CFS and SES volunteers are a special group of people who live in our communities, and it is important that we get this most basic thing right. There will always be debates about where the money comes from. The emergency services levy was not necessarily accepted by everybody

when it was introduced in 1999; I know there was a difficult political debate, and questions were asked about the collection costs—which at one stage, I think, were in the range of about 14 per cent of the money received, but it is now down to a bit less than 3 per cent, which is a far more acceptable level.

Let's make sure that we put a system in place where budgeted funds from Treasury—the emergency services fund—provides the dollars that we need to keep these people on the ground. Communities are going through a bit of a transition; we have had a really strong sense of volunteering for decades, and our communities have been built by volunteer aspects. Now, with a lot more double-income families, people are busy. They may still commit to the sporting stuff, but community groups such as Lions, APEX and Rotary are starting to suffer, and CFS, ambulance and SES crews suffer too.

All the emergency services are out there trying to recruit people; they can get the training for them, and what they really want is the equipment, so it is appropriate that the member for Schubert bring this motion before the house. It is important that the Auditor-General has some review over this to ensure that the money is being collected and expended appropriately. Let's hope that the debate that occurs in this chamber actually ensures that the people who really do count—our volunteers—get all the support they need. I commend the motion.

Mr PEDERICK (Hammond) (12:00): I support this motion by the member for Schubert which condemns the state government for failing to provide adequate funding to the CFS and SES and wants the Auditor-General instructed to report on the collection and expenditure of the emergency services levy.

I also am a member of the CFS, and there are many members in our area. Sadly, a lot of the work they do is not fighting fires. Mind you, when they are called out to fight fires, they are ready, willing and able to go out. A lot of the work, being on the Dukes Highway at Coomandook, is highway crashes. This can cause the members to be out all night, and it might be operating a road block so that traffic can be put around a scene or, if there has been a fatality in a road smash, they have to assist in blocking the road completely.

A lot of the time—and I do not think this should have to be done by our volunteers—they are out there directing traffic. So, there are not enough resources out there so that we have the appropriate numbers of police to direct the traffic around these scenes. What we have—and it has happened—is fatalities, perhaps someone is dead in a vehicle or has been knocked off a pushbike. There was a very tragic case near Coonalpyn in recent times.

The first people on the scene are usually members of the CFS; a lot of them are farmers. They have to deal with the horrors of the initial accident. They have to manage that, position their trucks at each end of the scene on a major highway, and they are getting instructions from further afield that they have to manage the traffic risk. To me, this is taking advantage of volunteers. The police should be dispatched immediately so that this can be managed in the appropriate way. I note that with some of these incidents, if they are extended incidents and the roads have to be closed for an extended period due to fatality or major incident, major crash have to come down from Adelaide to investigate—and that is fair enough, I appreciate that. However, next thing, not only do you have the CFS volunteers involved but also the department of transport staff or contractors. I think we need to be fairer to our Country Fire Service volunteers. They need more support, especially in these incidents.

It is not just these things they have to do; as part of these highway accidents, a lot of these times they have to be instant social workers. I have spoken in this place before about one of my friends who has had to sit on top of an overturned truck that has been involved in a bad accident. I believe it was a fatal accident. The truck driver could not get out. He was fine as long as they could get him out; he was not under threat of death, I believe. This truck was tipped over and my friend just had to sit on top of the overturned truck and talk him through it. There are a lot of events like this that people do not realise our volunteers have to deal with.

Sometimes the fires are the simple ones. With scrub fires, you generally wait outside the event and make sure that you can hit it when it gets to the clear country. I want to reiterate that our Country Fire Service crews right around the state have to deal with issues like road trauma and any kind of fire—bushfire, house fire, industrial fire. They get the appropriate training. You could argue that they need to have more training because there is never enough training.

I note in relation to the Coonalpyn CFS, they are trying to move stations. There are some issues down there with some council land. But we have seen so many issues just with

CFS stations trying to get upgraded so they can fit in the new style trucks which are bigger and better than what the CFS has had in the past. We see the issue at Stirling where the government will not give the appropriate funding for a brigade that is right in the Hills, right in the red zone as far as bushfire protection goes, and they cannot get the appropriate funding to get this facility upgraded to the appropriate level. The government will come up with all sorts of excuses that they cannot provide this funding.

We saw with the recent incident at Wingfield that Stirling was called in to back up a metropolitan fire service brigade and run down to the city to be parked there in place of the metropolitan service that had rushed down to fight this other major fire. I commend the Metropolitan Fire Service for what it does, but these are paid people and the CFS are volunteers who take up their own time. I commend their bosses for giving them the time. It is a cost to the community, but the community, business and employers understand the community obligation and that it is for the greater good.

On this side of the house we want to see the appropriate level of funding go to the Country Fire Service so it can have the right equipment: the trucks, the tankers and the protective clothing (the helmets and the gloves) to make sure it can carry out this vital work. If the government had to pay for the hours that these volunteers in the CFS and the SES (State Emergency Service) put in there is no way it would be budgeted for—no way.

I know about the great work of the SES and the CFS on roads in the community. Recently they were involved in a bad accident right on the end of the Swanport Bridge at Murray Bridge. A car went under a truck and the truck went over the side and landed on a big granite rock, so that would have been one hell of a ride for the truck driver. Luckily, he got out; sadly, the car driver was killed instantly. Major work was required and the road was closed for a significant time.

In fact, after that incident they kept the road open overnight but the next day (when they had to pick the truck up and place it back on the road) they closed the freeway, so B-doubles were trying to shuttle through the old bridge in Murray Bridge and because B-doubles cannot go across the old bridge they have to be unhooked, towed through the town, go back and get the second trailer and be rehooked up. I was at a community function there and it was quite an interesting scenario to watch what these guys had to do.

I would like to acknowledge that the work of the CFS and the SES is vital for the state and for communities. It gives the volunteers involved a great sense of ownership and a great sense that they are doing something for their communities. They need to be recognised and acknowledged for what they do and they need to be supplied with appropriate equipment such as appropriate trucks. Moore Engineering at Murray Bridge makes very good trucks which, sadly, a lot of the time get overlooked for second-rate trucks built interstate, and I do not say that lightly.

The Hon. R.B. Such: It's shameful.

Mr PEDERICK: Absolutely. They get built interstate and then they come over here and they have to be repaired—basically completely rebuilt. On the West Coast a couple of years ago the new Meningie truck had to go into Moore Engineering and virtually be completely rebuilt. It is just atrocious, because we have a government which only looks at the B-grade option when they could have a better option—and, yes, it may cost a little more—but you always know you will get a good unit out of Moore Engineering. They are doing work out of Western Australia: Western Australian mine vehicles and emergency vehicles get ordered through Moore Engineering. The government should take more notice of local contractors who can supply world-class emergency vehicles.

I commend the motion by the member for Schubert; it is a great motion. I acknowledge his support for the CFS and the SES, and I hope the motion makes speedy passage through the house.

Mr GARDNER (Morialta) (12:08): It gives me great pleasure to support the member for Schubert's motion. It is great that so many on this side of the house are keen to talk about the CFS in particular, and also the SES. This motion is a valuable contribution to that debate.

It is important to understand, in the city, that CFS volunteers and brigades are completely vital for the country communities that they serve. Even in the city itself we are very grateful for the services provided by our CFS volunteers, particularly in the periurban areas. In the seat of Morialta, which is a typical periurban seat, I have five CFS brigades within the electorate: Athelstone, Montacute, Basket Range, Cherryville and Norton Summit/Ashton. There are some terrific

brigades. A couple of them are well and truly over-subscription and have a waiting list of people who are keen to get in, which is a problem not faced by some others.

Athelstone, in particular, is a first division response unit for emergencies across the state, and it has some of the most highly trained volunteers you are ever going to meet across the world—people who respond to disaster situations. Many of them have been interstate and overseas in disaster situations. The Athelstone CFS recently celebrated its 50th anniversary. I commend any member who is interested in these things to go out to have a look at some of the historical equipment, which is tremendously entertaining to look at compared with the very modern stuff it has there now. Not all of our CFS brigades are so lucky as to have that modern equipment that Athelstone has due to its very specific purpose.

The Montacute CFS is a tremendous brigade. I note that before the last election there was some publicity material for the Labor Party suggesting that the sods had been turned for its new station and everything was on its way. I regret to inform the house that that is far from the case even now. Two years after the election, and three years after we were told the new station was just about built, we have almost got through all of the bureaucracy and the community consultation phase and everything else to the point where a new location had been identified.

Prior to the last election, we had a location. They had bulldozers on site and everything was ready to move, and then head office told the local brigade that was not going to work, and that was very disappointing. Nothing was moving for ages. I held a meeting up at the site with the local CFS, and Brigade Captain Rob Possingham, Ian Sparnon, Glen Trebilcock, Don Winter, and a number of others were there. There were people from the council, people from SAFECOM and people from the brigade group and district and head office.

Eventually, it was decided that, as head office did not want it there, they suggested a location much closer to town, which was not going to work. They ended up building the station right next to where it currently exists. We will get there eventually, but it is very disappointing for that community that it has taken this long. That group is working so hard. I commend those who I have named and the others in the brigade and also people such as Rob Taylor and Chris Martin at CFS, further up the line, who have been working hard to make that work over the last couple of years.

I just want to comment about the Norton Summit-Ashton Brigade. I congratulate Terry Beeston from that brigade, who won a Fire Service Medal earlier this year. It is a terrific group as well and another one that is over-subscribed. It is full of young people interested in helping out in our community, and one of those works for me—Scott Kennedy.

I particularly want to bring something to the attention of the house and those metropolitan members who would be very familiar with their local MFS staff. Everybody here would remember—it was about three weeks—when that factory in Wingfield was on fire. There was extraordinary TV footage. We know that many MFS and SES staff were helping out there. CFS was helping out, too, because, although it was not a country fire, the CFS volunteers were the ones who were called in from their job, and my staff member was among them. Our office was at half mast that day because volunteers like Scott from the Norton Summit CFS were filling in in those MFS stations. I think that Norton Summit went to Beulah Park that day.

Of course, that work goes on. They do tremendous work on those Adelaide Hills roads, which are quite dangerous. They are often helping in situations where people have had a car accident. The creeks on the road up to Norton Summit are often full of motorcycles or cars, and it is the CFS volunteers who are the ones who have to go and help people out in those situations.

It is important that we discuss the issue to do with the adequate funding provided to the CFS because increasingly it seems that, if there are ever new funds made available for the CFS, it is always at head office—it is always to the programs and never to the local brigades. The particular issue that concerns me at the moment is the indication we have had that the government wants to cut back bulk water carriers to one per group. Most of the CFS brigades in Morialta are in the East Torrens group. If there is only going to be one bulk water carrier in the East Torrens group, as opposed to the four there are at the moment—in Athelstone, Summertown, Norton Summit, Ashton and Carey Gully—then that is going to provide a serious impediment to the ability of those brigades to service those Hills communities.

The terrain in the Adelaide Hills, the high fuel load and the lack of reticulated water are the reasons we need to have four bulk water carriers in those four units. The bulk water carriers we have are getting older. We cannot have four to be replaced by one; we need four to be replaced by

four. We need the best possible units because I can promise you that those four bulk water carriers are used, and when we have serious incidents in the Hills, those four will be used.

It strikes me that their complete understanding of local knowledge is the reason we value these local brigades, and they should have an input into policy and where funds are directed. It is important that we retain the current number of bulk water carriers. I would also encourage members from the city to have a chat to the CFS and see if they can get invited to one of their early December fire track inspections.

The Hon. A. Koutsantonis: From the city?

Mr GARDNER: From the city.

The Hon. A. Koutsantonis interjecting:

Mr GARDNER: From the fully urban areas, as opposed to peri-urban old me. I grew up in the foothills and we constantly faced the threat of fire danger coming down from Morialta park. I grew up a kilometre from the edge of the Morialta Conservation Park and have moved 500 metres closer over 33 years.

The fire track inspections around Black Hill and the Mount Lofty Ranges make a terrific day, and I really would encourage members to go along on one of them. It is quite fun for a start: you get to go out in a four-wheel drive with a convoy of CFS crews and drive down hills that you really do not think those four-wheel drives are always going to make, but they manage to because these guys are highly-trained drivers, and it is good to see.

You also get to understand the importance of the education campaigns that need to be run in the near Hills areas. There is a patch where the fire track goes to the edge of Skye and Burnside and where, all of a sudden, you go from these scrublands, which are high fire risk, and into suburban Adelaide. It is an unusual edge to the city that is a natural consequence of our geography. It is important that people are educated that they need to clear their gutters and that they are aware of how fires behave because disasters happen when people are not fully prepared. So, I commend the work that the CFS is doing.

I note that on 24 March a briefing was held at the Salisbury CFS to discuss the future of the CFS, that is, whether there were going to be mergers with the SES, whether there was going to be a model where some paid staff would be provided to busy brigades rather than their response areas being taken over by the MFS. It is called the 'integrated model'. The model was discussed by representatives from the CFA in Victoria, the FESA in WA and the previous New South Wales minister. I note that the shadow minister, Duncan McFetridge (member for Morphett), and Geoff Brock (member for Frome) were there.

I want to make sure that the house understands the need for those local volunteers to be valued and to have their views put forward as a primary consideration in this process, because many of them have been doing it for decades. Their service is a valuable and integral part of the community. Quite frankly, I do not know where we would be without them. If we reduce the value of those brigades, it concerns me what that will do to the community. In relation to anything, I always think that you get your best bang for your buck from volunteers.

Debate adjourned on motion of Mr Sibbons.

PUBLIC TRANSPORT, NORTH-EASTERN SUBURBS

Mr GARDNER (Morialta) (12:19): I move:

That this house calls upon the government to review and improve public transport services to the north-eastern suburbs, with particular reference to the demand for direct services to the city and the range of problems connected with the Paradise Interchange.

As the Minister of Transport Services said in this place on Tuesday, 'Much has been said about public transport over the last few weeks and months.' I believe when people talk about public transport that there might be two reasons: either public transport is working so well that we are the envy of every other state and nation around the world; or, alternatively, it is failing miserably. Unfortunately in South Australia what is happening indicates that the latter is the case.

I was disappointed to hear the minister's statement on Tuesday implying that the reason for their failures in offering an efficient service was partly due to the fact that 100,000 passengers use the system every weekday and that the government cannot force cars off the road to reduce congestion or stop upgrading water infrastructure. It is a poor excuse; it is nothing short of the spin

that we have come to expect from this government, and it treats the passengers and commuters on public transport with disrespect. They know better.

Many would remember the first days after the new contracts were put in place. The late buses and the unrealistic timetables at that time were simply referred to as teething problems. On 10 October 2011, Caroline Winter from the ABC reported that an anonymous worker in the industry stated, 'There's just not enough time put into that for them to realistically make the next trip on time.' On 27 October, the Minister for Transport Services stated that, by keeping the attention on Transfield and working with Transfield, we can get some really good outcomes for people. We have since learned that it is in fact the government and not the service providers that is responsible for timetables—although that obviously came as news to at least one government minister who had responsibility for this in the past—and yet the government tried desperately to keep the attention on Transfield last year and shirk their responsibility to provide Adelaide with adequate public transport and appropriately timed timetables.

In Morialta and around the north-eastern suburbs more generally, passengers have suffered significantly. Services that used to take passengers from Athelstone, Newton and Paradise straight onto the O-Bahn busway via Paradise Interchange and into the city have become a thing of the past. Instead, passengers are required to alight at Paradise Interchange and change buses. Those wishing to go further, perhaps to the airport, must alight again in the city. I note that previously there was a bus that took people from Athelstone to the airport; now the same commuter must catch three buses.

Despite services such as the 521 and the 578 being replaced with services that do not travel directly into the city, we have also had services like the 579, which goes from Athelstone to Paradise Interchange in the morning and then reverses in the afternoon. We are duplicating the expressway in the south at the moment, but in the east the government is making assumptions that everyone wants to go in the same direction at the same time of day. As this is the only service available along Gorge Road, I feel for some of my more elderly constituents who reside, for example, at the Fifth Creek Rise Retirement Eco-village and who simply cannot get into town in the afternoon unless they walk half a kilometre uphill to reach another bus line.

I would like to thank a constituent of mine, Mrs Margaret May, who collected 168 signatures for a petition calling for this service to be reviewed. Unfortunately, due to the prescriptive requirements of petitions in this place, I have been unable to lodge that petition formally in the parliament, but I did have the opportunity to pass that petition and those signatures on to the Minister for Transport Services last year. I thank Mrs May for going to the effort of collecting those signatures and highlighting the need for an improved service, and I thank the Minister for Transport Services for accepting them. We look forward to there being some sort of response that will improve that particular service for constituents living near Gorge Road.

While I do not want to spend the entire time I have allocated here speaking on specific examples of individual public transport services, there are myriad problems to point to. In January, I was contacted by an officer of public transport services advising that C1 services were to be halved. What struck me the most was that, at a time when my office was receiving email after email of complaints from public transport passengers about crowded buses, long waits and inadequate services, I was being told by a public servant that 'feedback from the public confirms that some of these are poorly patronised in the peak periods'.

We are conducting FOIs on that and, at this stage, I have seen no evidence that there is any realistic feedback from the public. We are getting plenty of feedback in my office, I can tell you. As recently as Monday, my office was provided with another anecdotal piece of evidence from passengers complaining about the mid-morning H31 service in my suburb of Rostrevor. I should note that my wife uses that service every morning, and I am happy to inform the Minister for Transport Services that the 7.40am service is a good one, runs well and rarely is late. Please do not touch that service when you are doing the timetable for 1 July, otherwise home life for the Gardner's will get very difficult in the morning. However, I regret to inform the minister—

An honourable member interjecting:

Mr GARDNER: I'm in big trouble if that gets changed now. I regret to inform the minister, however, that by mid-morning the service is running regularly—around 20 minutes late. Last week one of my constituents challenged the bus driver on the issue, only to be told that that particular service, that he likes to catch, was 'a low priority and when things get busy the service doesn't stand a chance.'

These are just a few examples of some of the problems facing passengers in the north-eastern suburbs. The changes made by the government have provided a disjointed service which takes more time to travel if—and I must say 'if' with some hesitation—the bus arrives on time.

The manner in which the government, the Minister for Transport, as he still is, drew up the contracts, with Adelaide's metropolitan area haphazardly split up between the different contractors, has meant that thousands of extra commuters are now having to catch multiple services even to make a 10 kilometre trip from the north-eastern suburbs—suburbs like Paradise, Athelstone and Newton—into town.

At a time when buses are increasingly running late—according to the traffic, says the minister—thousands more people are now trying to catch connecting buses at places like Paradise Interchange, and in many cases missing them because their bus has run late. You see what is happening as a logical result here. Government mismanagement of the timetables because of the traffic means that more people are driving, which adds to the traffic, which, I assume, the government will then use as the excuse for why their timetables are out.

With all of these issues with connecting buses, some passengers may be tempted to drive to the Paradise Interchange and avoid the multiple bus trips. That would be the case, potentially, if anyone could find a car park.

I have with me a petition, which I will lodge with the Clerk, signed by 1,088 commuters who use the Paradise Interchange, calling on the state government to upgrade the car parking facilities at the interchange. These are the people who use the service day in and day out and who all have concerns over the accessibility of the Paradise Interchange. The O-Bahn, which is serviced from the Paradise Interchange, is a fantastic piece of infrastructure. It was, of course, a Liberal project, a Liberal piece of infrastructure, which came from the Tonkin government in the early 1980s. It was completed by someone else, but it was a Tonkin project.

It is a shame to see that this government would turn its back on improvements by failing to commit to any upgrade of Paradise Interchange in last year's budget. Funding was made available to improve the interchanges—this is a specific infrastructure project the government has pointed to on a number of occasions—but Paradise was inexplicably and specifically excluded.

We have FOI'd the submissions to the budget process from last year, and we are aware that there was a plan put in place, that there was a plan put forward by Transport to the budget process. They even had plans drawn up and, yet, it was specifically excluded from the upgrades to the interchanges.

I regret to inform the house that the car park at Paradise is full well before 8am every day, and that is a severe turn-off for commuters contemplating public transport as an option. If they want to get traffic off the road, then maybe they should be encouraging more people into public transport, but that does not seem to be the case. Last year, to explain this remarkable exclusion from the interchange upgrade project, the *East Torrens Messenger* in June recorded, and I am quoting Brittany Dupree's story:

...a Transport Department spokesman said parking demand at Paradise was 700 spaces per day and about 875 car parks were provided.

That has been the government's consistent position. Apparently, there are 875 car parks at Paradise and only 700 are used. The 700 figure sounds right, but I have always been a bit curious about this 875 figure. It did not make sense to me, having been out to Paradise regularly, often catching buses there. Certainly, there are not 700 cars fitting into that car park; there are, in fact, about 400 car parks at Paradise.

What the transport department spokesman and the government generally never admit is that out of these 875 parks that are apparently available—and the member for Torrens should know this—more than 400 are half a kilometre away at the Paradise Community Church. More than 400 of them are half a kilometre away in the car park at the Paradise Community Church. It is on the other side of a six-lane road, and there are no pedestrian crossing traffic lights, so that people can safely get across that. There is a pedestrian refuge in the middle of Darley Road, a six-lane road that has a pedestrian refuge where half of the communities of the Paradise Interchange, who drive there, are apparently supposed to feel safe about. Apparently, that is what they are supposed to feel good about, a pedestrian refuge.

Members of the public, in fact, could be forgiven for not realising that they are even supposed to be provided for communities in the Paradise Interchange. Those 400 car parks that

the department and the minister rely on to get to this figure of 875 are inside the gates of the Paradise Community Church. They would not even know that they are there for the interchange. There is a sign on the fence at the Paradise Community Church saying Park'n'Ride, and that is terrific, but you would not know that it is for the interchange because it is half a kilometre away. It is a remarkable situation.

There is a DPTI car park with about 400 spaces which is often full by 7.30am, and the department has admitted that there are at least another 300 cars on top of that number every day. The government's response has been to lease the car parks from the Paradise Community Church—half a kilometre south on the other side of the busy six-lane road with no lights and just a pedestrian refuge.

It is worth noting that most of the commuters who miss out on a park inside the interchange do not make it as far as the church car park. Instead, by 8.30am, the field opposite the interchange next to the skate park (the member for Torrens would be aware of the skate park), which is a bit closer than the church, is full of commuters' cars. How ridiculous!

In the winter, the situation is boggy, it is a long walk, there is minimal lighting, there are no security cameras and there is minimal security. My office regularly gets complaints from people who are concerned about the security at Paradise. Anybody who cannot get a park within the DPTI car park has: firstly, the issues with the road; secondly, issues with security and their own personal safety; and, thirdly, if they are in the field on a wet day, the chances are their shoes are going to get wrecked as well, and that is unfortunate for them.

This motion asks that the government considers the effects of their recent decisions in regard to public transport in the north-eastern suburbs. It is worded in a helpful way. It is worded in a way that does not condemn or suggest that politics is above achieving outcomes in this situation. I genuinely hope that the government listens in that good faith and good spirit.

We ask that the government consider the effects of their recent decisions in regard to public transport in the north-eastern suburbs. The Minister for Transport and the Minister for Transport Services must be accountable for their decisions. When the Minister for Transport Services took on this responsibility, she said that increasing public transport patronage was a core focus for the state government. Ten years in, I look forward to seeing some evidence of that.

Ms CHAPMAN (Bragg) (12:32): I support the motion that has been presented by the member for Mordialta and thank him for raising this issue. The infrastructure by way of the O-Bahn service from Walkerville out to the north-eastern suburbs is certainly impressive. We have the Hon. Dean Brown, former premier and former transport minister under the Tonkin government, to thank for his vision for developing that opportunity. That was back in the days when we had doers in residence rather than thinkers in residence. As minister, he had been overseas and identified that this was an important transport option, and he developed it for South Australia.

This government has, as has been acknowledged by the member for Mordialta, undertaken some improvement to the car park facilities at Tea Tree Gully and also Klemzig, and that has been important; but, to make this a service which is able to accommodate the increasing number of people in those districts who not only want to but also continue to rely on that public transport service, the Paradise Interchange must be improved.

There is no question that the member for Mordialta has been dynamic in his attention to the deficiencies of that interchange and pressed the government—and, again, here today has asked the government—to review a number of transport services, including the deficiencies in that facility. He is the local member, who is active on this issue. In fact, he is so active, that he reminded me that he asked me to go out and look at the Paradise Interchange area as the new shadow minister for transport. He reminded me of Superman—a man descending in blue tights with red underpants—to hunt down and deal with this important transport issue.

Certainly, the issue is not only the difficulty with car parking for people who are ready, willing and able to use this service, but the very minimal service availability for security for cycles. Again, we are encouraging people to cycle and then travel to the city—to be able to come to and from work primarily but also for other personal attendances. He has been dynamic in this regard. Contrast that, I have to say, with the complete and utter silence from the other district that is serviced by this area, namely, the member for Hartley—

Mr Gardner interjecting:

Ms CHAPMAN: I do not know that I have heard from the member for Torrens, but I do not criticise her because I think that she is generally fairly active on public transport matters, and I give her credit for that.

Mrs Geraghty interjecting:

Ms CHAPMAN: In her whole 18 years, and I am happy to acknowledge that. I am not sure that, in the last 10 years, it has actually fallen on receptive ears—I think they almost deaf ears—but I give her credit for trying.

An honourable member interjecting:

Ms CHAPMAN: I am giving her a big tick. What I am saying about the member for Hartley is that people who are in that area contact me about this issue as the shadow minister for transport, again, asking for some representation. It seems to fall on the deaf ears of the government, but their own local member, of course, is a member of that cabinet who it seems to me is in a position of some influence.

She sits on the same bench with the Minister for Transport Services. You would think they would have some influence, but, of course, the question of how much influence the Minister for Transport Services has within her own hierarchy is another matter. I simply raise the point that it is necessary for this service and others in this north-east region to be improved and that we should be singing from the same hymn sheet.

In this instance we are asking the Minister for Education, namely as the member for Hartley, to at least join the choir and not sit in silence on this issue so that we can ensure that we have this extra service. The other question of concern that has been raised is the whole connectivity of bus services to the north-east region. Just this week I had a senior journalist raise with me the problem for people living in that area to be able to go to the football at West Lakes. There used to be a direct, dedicated service. Now, of course, you have to actually catch other buses—sometimes three—to be able just to get to a previous service.

That is not an isolated occasion. I have had a number of complaints from people who say that they want to get to airports and various other facilities that used to have one service that now have two or three services to replace it, but because the timetabling has been such a bungled arrangement where the connectivity is clearly not there, people are having to catch very, very early bus services to then wait significant times to continue on their journey.

So when the government redid the contracts last year and it redid the timetabling and the performance indicators and the requirements to provide for these efficient services, including the major issue of connectivity (not just the reliability of course of buses turning up on time, or at all, etc.), clearly a disastrous circumstance has transpired from the timetabling that has been set.

We have had excuses from the minister in this house about her attempting to speak to the bus contractors. She is writing them letters. She is insisting on written undertakings, and all sorts of things. She has given them some pathetic penalties, and so on. However, the bottom line is that she has acknowledged here this week in the parliament herself that the timetabling is in error and needs to be fixed. The tragedy is that yesterday she told us that she is not going to do anything about it until 1 July—not before, not after, 1 July. That is her position.

We need to have some assurance by the minister. Having acknowledged that the whole thing is a mess, we need to have some assurance that she will do something about it. If there is some legal impediment in these contracts that does not allow her to do it, then we need to know what the cost penalty is to the government for it to change these timetables and to change these performance indicators within the six-month period? We must know that. We as taxpayers are entitled to know that, and the consumers and users of these bus services need to have some understanding of that.

It may be that the poor, old taxpayer has to end up paying again for the bungle of the government, but whatever it is we need to know about it. We need her to come clean and we need to be able to remedy this before July because we cannot expect the people in the north-east region, and indeed across the metropolitan area, to be left with three more months of pain and a public bus service which is just totally inadequate and which is really causing the thousands and thousands of complaints that are being reported on this issue. So, it is time to fix it.

I heard the minister being described as the 'two-stroke model' on the radio this morning. I am not quite sure what that means, but it seems to suggest that she is not up to the job. I am again

asking the minister to remedy this situation before we get to Easter and, if she does not, to hand over control to someone who knows what they are doing.

Ms BEDFORD (Florey) (12:40): It is my privilege to put some perspective back into this motion, and to place on record some information I have been able to get about the north-eastern bus services. The Adelaide O-Bahn corridor is the primary public transport corridor servicing the north-eastern suburbs. On 2 October 2011, with the commencement of new service contracts, Transfield Services (operating as Light City Buses) was introduced as the new provider of the bus services for the outer north-east area, which contains the O-Bahn corridor.

From that date, because service contracts provide exclusive rights, several bus routes, including: J1C1, J2C2, 521, 530 and 570, which previously operated seamlessly, now have two service providers. As a consequence, people have been required to transfer between Light City and Torrens Transit services in the city (the J and C services), or at either Paradise for the 530 and 578 services, or Klemzig for the 521 service. If commuters do not wish to transfer at Paradise or Klemzig for a Light City O-Bahn service, they are able to travel directly to the city via the road network on a Torrens Transit service.

The O-Bahn provides the most frequent services, and thus many opportunities to transfer to any bus corridor in the metropolitan area. In the morning peak period between 7am and 9am, there are 70 scheduled services available directly to the city from Tea Tree Plaza—that is one every minute and 45 seconds. From the Paradise interchange to the city, there are 88 scheduled service—one every minute and 22 seconds, and from Klemzig there are 66 scheduled services directly to the city—one every minute and 50 seconds. Passenger statistics for March 2012 suggest there is sufficient O-Bahn system capacity.

The current number of services for the 7am to 9am peak periods provide seated capacity for between 5,500 and 9,000 passengers per day, depending on vehicle type, and an overall capacity, seated and standing, for between 9,700 and 13,900 per day, again depending on vehicle type. Given the total boardings for March 2012 for the 7am to 9am peak period travelling towards the city has averaged 7,100 per day, the system is operating at between 50 and 80 per cent of available capacity.

While it is acknowledged that some services may be full and therefore unable to pick up all passengers, the following service is only a matter of a minute or two behind. The frequency of service is able to clear queues very quickly. The demand for direct service to the city from the north-eastern suburbs is being well met by the combination of O-Bahn and road network buses. There are plans to upgrade the interchanges along the O-Bahn corridor. In the 2011-12 budget measures statement, the government announced \$17.1 million would be provided over two financial years to upgrade the interchanges. The upgrades will include:

- increased park-and-ride facilities;
- improved boarding facilities; and
- improved passenger amenities and safety by providing covered shelter and seating, security cameras and lighting, and provide more accessible walking and cycling paths.

Since the announcement, the department has sought expressions of interest for innovative private sector proposals to develop the Klemzig interchange. The department has also sought, through a public tender, concept design of Paradise and Tea Tree Plaza interchanges to cater for an increased demand for passenger and parking facilities. The requirements of the concept are to:

- improve passenger loading times;
- improve accessibility, passenger information, safety, security, shelter, seating and amenity;
- improve efficiency and safety of bus operations within the interchange;
- provide for increased frequency, speed and reliability into and out of the interchanges;
- provide for improved connectivity of bus services between the interchanges and regional and district centres;
- improve access to and exits from the interchanges to the adjacent road network; and
- improve commuter bicycle and car parking capacity.

The department is also currently planning for the construction of an additional multi-deck car park at Tea Tree Plaza which will provide 300 additional commuter car parking spaces adjacent to the interchange. I, along with the members for Wright and Newland, and on behalf of the people of Florey, have been involved in ongoing discussions with the ministers to work on parking solutions, and will be providing the opportunity for people to attend a public forum in the area very soon.

I would also like to place on record some comments about Paradise Interchange. The concept design requirements for Paradise Interchange reflect its importance as a transfer point from the road network to the O-Bahn. Included is the requirement to show how the current 475-space car park could be expanded to 950 to 1,000 spaces, as well as identifying how car parking capacity can be further increased. It should be noted that the current 475 spaces in the car park are being supplemented by leasing an additional 400 spaces from the nearby Paradise Community Church. So, along with members on this side, I assure you all that we are working very hard to improve the already very popular O-Bahn system.

Mr GRIFFITHS (Goyder) (12:45): I rise in support of the motion of the member for Morialta. It is fantastic that the debate has occurred because the information that the member for Florey has put on the record is very handy for all South Australians to be aware of, especially when it comes to the scoping work being done for the increase to car park spaces at Paradise.

In a former role within the opposition, I visited Paradise on four mornings and spoke to the people there, not only about the car parking but also the bus issues. Connection buses are now required and, if there are slight time delays, it creates complications in getting people to where they want. I note that the member for Morialta's motion is not inflammatory, not designed to make things difficult. It is only designed to ensure that the government, and the minister in particular, take responsibility for ensuring that there is a review to improve public transport because they are the sorts of comments that were coming through to me at that time, and I know they are the sorts of comments that are coming through to the member for Morialta on a continuing basis as a local MP from his constituents who want to use public transport but want it to work as best as it possibly can for them. That is the same for all of us here.

The public transport contract is \$1.6 billion over 12 years. It is designed to ensure that a mature service, one that has existed for many years—and it has been in private operators' hands for something like 15 years—operates as best it can, serving the need of the people. Yes, the new operators have had a lot of concerns. Yes, the minister has put some fines in place for the period from 1 October to the end of December. I am sure that when the minister reviews the data on the delays or the late buses or the buses that do not do pick ups for the first quarter of this calendar year, there will be some more fines in place if we can base it on the calls that are coming through to talkback radio.

This motion just calls upon the government to review and improve as quickly as it can north-eastern suburbs transport options. The minister has commented in this chamber that she hopes to have a review undertaken and completed and a new time schedule in place by 1 July 2012. All we want on this side is for it to be hurried up as much as possible and for the minister to put pressure upon her staff and the contractors to ensure that the best changes are made as quickly as possible to reflect what the real travel times are so that the time frames are realistic and recognise the level of congestion that occurs in the traffic and take into account the construction activity that is taking place to do with the variety of infrastructure projects that are occurring in the area, but it gets them so that they are accurate and it gets people where they need to be.

I have had the horror stories come to me of people who have been threatened with the loss of their job, about the transport difficulties of getting kids to school and that sort of thing. It is a system that should be much better than it is. The member for Morialta has been deliberately very careful in the wording of this motion to get a positive outcome. It is not just a slap for the government; this is one that is focused on getting some benefits for people. That is what the parliament should talk about more often. The member for Torrens looks at me with a smile on her face.

Mr Gardner: She's friendly.

Mr GRIFFITHS: She is friendly. I am trying to reflect on this in a positive way. It is good that the member for—

The Hon. M.J. Wright: You'd make a good shadow minister.

Mr GRIFFITHS: We'll see. The member for Florey put some really good information on the record which I was not aware of before. The member for Morialta was very interested in it and, no doubt, the member for Bragg will be very interested in it also. Let's hope that there is some support within the chamber for the motion and, importantly, that there is some support for the minister to do her job as best as she can as quickly as she can so that South Australians benefit from it.

Mr GARDNER (Morialta) (12:49): It is a red-letter day for private members' motions. We have had a motion moved and a petition of 1,088 signatures presented to the clerk not 20 minutes ago seeking that we have a proper car parking facility at Paradise Interchange, and the member for Florey announced that we are going to have one, so it is great news. It is fantastic news and I commend the government for picking up on this very important issue that was inexplicably excluded from the budget last year when we had money put aside for the interchanges at Klemzig and Tea Tree Gully, but specifically not Paradise.

This is something that I have written upwards of a dozen letters to various government ministers about, particularly the Minister for Transport and, over the last few months, the Minister for Transport Services. None of them took the time to say that it was on the cards then, so I commend the member for Florey for her excellent contribution in which she has announced this new government funding for a 900 to 1,000-space car park facility at Paradise.

We look forward to holding the government to account and seeing it built so that commuters from the north-eastern suburbs will have the opportunity to utilise that facility over the years ahead. It is excellent news and we are very excited, and we look forward to sharing that news with all of the constituents in Morialta and Hartley. They finally listened! They finally listened and we are very glad for it. However, that said, the motion is still valuable. Let me read the motion again:

That this house calls upon the government to review and improve public transport services to the north-eastern suburbs, with particular reference to the demand for direct services to the city, and the range of problems connected with the Paradise Interchange.

There has been a range of problems; parking was the biggest and most important of them, and we have fixed that, so that is excellent news. Since the motion began half an hour ago that has been solved; now let's talk about the toilets, now let's talk about the security, now let's talk about the direct bus services from suburbs 10 kilometres from the city centre into the city itself.

I call upon every member in this house to vote for this motion that calls upon this house to call upon the government to review and improve public transport services to the north-eastern suburbs with particular reference to the demand for direct services to the city and the range of problems connected with the Paradise Interchange. Thank you to the member for Bragg, the member for Florey and the member for Goyder for their contributions. I commend the motion.

The house divided on the motion:

AYES (17)

Brock, G.G.
Gardner, J.A.W. (teller)
Hamilton-Smith, M.L.J.
Pederick, A.S.
Such, R.B.
Whetstone, T.J.

Chapman, V.A.
Goldsworthy, M.R.
Marshall, S.S.
Pisoni, D.G.
van Holst Pellekaan, D.C.
Williams, M.R.

Evans, I.F.
Griffiths, S.P.
McFetridge, D.
Sanderson, R.
Venning, I.H.

NOES (22)

Atkinson, M.J.
Bignell, L.W.
Conlon, P.F.
Kenyon, T.R.
O'Brien, M.F.
Rankine, J.M.
Snelling, J.J.
Wright, M.J.

Bedford, F.E. (teller)
Caica, P.
Geraghty, R.K.
Key, S.W.
Odenwalder, L.K.
Rau, J.R.
Thompson, M.G.

Bettison, Z.L.
Close, S.E.
Hill, J.D.
Koutsantonis, A.
Piccolo, T.
Sibbons, A.L.
Weatherill, J.W.

PAIRS (4)

Redmond, I.M.
Pengilly, M.

Portolesi, G.
Vlahos, L.A.

Majority of 5 for the noes.

Motion thus negatived.

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

TAFE SA BILL

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

BAKER, HON. D.S.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development)

(14:02): I move:

That the House of Assembly expresses its deep regret at the death of Mr Dale Spehr Baker, former member of this house, and places on record its appreciation of his long and meritorious service and, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

Last week, I was saddened to hear of the passing of Dale Baker. He passed away on 28 March after courageously enduring several years of being afflicted with motor neurone disease. He was 73 years of age. Many people will remember and draw strength from what he said publicly in 2009 about the diagnosis of his condition:

It is not what you want to hear but many people, particularly a lot of children and younger people, have been dealt a worse card in their lives.

I personally extend my sympathies and best wishes to his immediate and extended family. Dale was a colourful figure and was widely regarded for his unflinching commitment to the interests of rural South Australians and for his service as a parliamentarian.

Dale Spehr Baker was born in Mount Gambier on 30 January 1939. He was the son of Bob Baker and his wife Jean, who was a member of the local Spehr family. Educated at Scotch College in Adelaide, he won a scholarship to study economics at Adelaide University, but he was the elder of two sons and his father wanted him to work on the family property. Bob Baker had emigrated to South Australia from Britain in 1920. He bought a patch of scrubland at Callendale, near Millicent, and cleared it with an axe and a horse.

Dale became a successful grazier in the South-East. He was also a vigneron, flower grower and businessman. He was very active in his local community. For example, he was chairman of the Millicent Hospital Board for over 20 years. He chaired the Limestone Coast Regional Development Board and was a player life member of the Millicent 'Magpies' Football Club after playing more than 200 senior games. Most of his football was played as a rover, in the centre and in the back pocket. He was known to relish aspects of the vigorous exchanges which are now not acceptable in modern football but were part of the game in his playing days.

One of his local footballing colleagues was the late Terry Roberts who later served the Labor Party and the state in the Legislative Council. Both of them contested the then House of Assembly seat of Victoria—Dale Baker with a little more success. He was first elected to the House of Assembly in 1985 as the member for Victoria, and was re-elected in 1989. At the 1993 election, he won the newly named seat of MacKillop, after redistribution expanded the seat of Victoria to include all of the council of Tatiara. He held the seat of MacKillop until 1997.

Dale was elected deputy opposition leader after the retirement in December 1989 of Roger Goldsworthy, the father of the present member for Kavel. In 1990, after just four years in parliament, Dale Baker was elected leader of the opposition, succeeding John Olsen, who decided to move into federal politics. After the 1993 election, he was appointed minister for mines and energy and minister for primary industries in the Brown government, a position he held until 1995. In December 1996, he was appointed as minister for finance and minister for mines in the Olsen government. His fundamental political philosophy was this:

It is for government to look after the needy and disadvantaged, and to get out of the way of everybody else.

He was a passionate Port Adelaide Magpies and Power supporter, a fact of which we were reminded in 2009, on that occasion when he spoke publicly about his diagnosis with motor neurone disease. Sadly for him and for many of the rest of us, his hope to live long enough to see those teams win yet another premiership was not fulfilled.

Dale was personable and pleasant but also tough and pragmatic. He was easily irritated with what he saw as the ponderous and tedious processes of parliament. He was a doer not a talker. On behalf of members on this side of the house, I extend my condolences to his wife, Margaret, their children Marina and Tom, and their families. I commend the motion to the house.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:06): I rise to support the motion on the life of the former Liberal leader, Dale Baker, who passed away, sadly, on Wednesday 28 March. Dale died at the age of 73, surrounded by his wife, Margaret, and children Tom and Marina, bringing to an end a long battle with the dreadful and debilitating motor neurone disease. Like the Premier, I noted that when Dale Baker was first diagnosed in September 2009, he remarked publicly, 'It is not what you want to hear, but many people, particularly children and younger people, have been dealt a worse card in their lives.'

I think that says much about the man. Dale accepted his lot with humility and dignity, recognising that he had led a full life, both on the public stage and in the private arena. Throughout the rest of his life he never displayed any self pity in spite of being struck by this cruel blow at what we now consider to be quite a young age.

The son of a Millicent grazier, the young Dale Baker made his presence felt very early in the South-East town, quickly gaining a reputation as a bit of a 'shin-kicker', a lad who knew early on how to 'duck a scrap', a skill that would prove invaluable during his later political career. After a few years at Millicent Primary, Dale made the move to the city to continue his education at Scotch College. It was here during his final year of studies that he was awarded an economic scholarship for the University of Adelaide. While this offer held tremendous appeal, as the eldest son the call to return to the land and the family property was strong and so he returned home. Yet this move away from the big smoke in many ways proved to be the making of Dale.

Over the ensuing years, he joined the board of the Millicent Hospital, learning valuable skills in community and public awareness. He became zone chairman of the United Farmers and Stockowners, giving him an insight into the push and shove of negotiation and diplomacy. Further, he expanded the family's farming interests to encompass not only grazing but winemaking, a particular love of his, and flower exporting (proteas in particular), learning important lessons in business and becoming well known for being tough but fair. He pioneered Simmental cattle breeding in Australia in 1972, becoming a foundation and life member of the Australian Simmental Breeders Association and one of its greatest supporters.

It would be remiss of me at this point not to make mention of Dale's illustrious football career, already alluded to by the Premier. As a nuggetty rover, and in the last line of defence as a sturdy back pocket, Dale racked up around 200 games for the Millicent Magpies. I am led to believe that he was not the shy and retiring type on the football field, his unwavering support for his fellow players earning him a reputation as a team player. In his later years and long after he had hung up his own footy boots, Dale was a familiar sight and vocal supporter of the Port Adelaide Magpies and the Power, even joining forces with his political foe, Kevin Foley, to wear black, white and teal scarves on the steps of Parliament House.

Over the decades, this attribute of loyalty and support earned him much praise. Dale embraced and embodied the concept of team, surrounding himself with good people who were rewarded with his faith and trust. He was comfortable in delegating responsibility and equally comfortable to sit back and let others take the accolades. As an active and engaged businessman, a career in politics had never been something to which a young Dale Baker aspired, that was until, as local legend has it, he shared a bottle of Penfold's with his good friend and fellow grazier Ian McLachlan. I understand it was towards the end of this bottle that it a bet was made over who had the guts to enter politics.

History tells us that it was a bet both men won, as Ian went on to a life in federal politics and Dale became the state member for Victoria (later to be called MacKillop), entering the South Australian parliament in 1985. Of course, both men went on to demonstrate that there was a valuable and fulfilling life to be had after politics. Dale cemented his standing as a doer and not a

talker. He never tried to grab the spotlight and scoffed at claims he was from the landed gentry, saying:

That's all bullshit. Anyone who knows me knows that I am in touch with reality.

This ability, combined with his experience and business success saw Dale develop a strong set of ideas and ideals. He was sceptical of convention, red tape and hollow authority. He famously said:

In business, you work out what you want to do and do it; in politics, you form a committee.

Dale wanted more vigour and accountability in government and, on becoming the leader of the Liberal opposition in 1990, he relentlessly led the charge against Labor during the debacle that was the State Bank collapse, bringing the Bannon government to account for one of the biggest catastrophes in this state's financial history.

In his two years as opposition leader, Dale was full of passion and drive, championing causes such as allowing public school boards more autonomy in teacher employment, transferring WorkCover into the private sector, and giving greater power to the Auditor-General to investigate government departments. His final appearance on the floor of parliament as opposition leader came during the historic debate of the controversial poker machine legislation, an 18-hour marathon that saw Dale at his finest: courageous, uncompromising and leading from the front. While he never served as premier of this state, Dale performed strongly as minister for finance and minister for primary industries, mines and energy from 1993 until his eventual resignation in 1997.

While I never had the privilege of serving with him, I know that those who did regarded him very fondly. They speak of a man who was fiercely loyal, did not suffer fools gladly, and was a real character. He was a man who took no prisoners, was blunt and to the point, and once he made a decision he stuck to it. These are also the sentiments expressed by those he employed in this private business who had the utmost respect for their boss and held him in the greatest affection. It is a mark of affection and respect that two former political employees, Richard Yeeles and Ian Smith, spoke at Dale's funeral on Monday.

After the diagnosis of motor neurone disease in 2009, Dale wrote of the changes he faced and the challenges that lay ahead. His matter-of-fact manner and no-nonsense approach shone through more than ever. On describing his condition, Dale detailed:

I went from steak to soup in six months and from soup to PEG [endoscopic stomach] feeding in another six months. Champagne is still fine, no taste, but the same kick. The only drawback is on visits to friends they now give me all their cheap wine.

Typical Baker humour. Robbed of his ability to speak, Dale relied on a whiteboard to communicate. He wrote on it, 'People did not listen when I could talk, so this is more effective.' Again, typical wry Baker humour and evidence that while his mind was willing his body was letting him down. He took to sending me text messages of advice when he could no longer speak, and once he could no longer do that he would write his advice on that whiteboard and it would be typed out and delivered to me.

I note from an article by Rex Jory, published in *The Advertiser* last November, that Dale rejected any notions of sympathy, considering himself as 'one of the luckiest individuals alive' and that he 'never had a day I wasn't happy'. No regrets, no anger, no resentment. His bravery, sense of humour, courage and defiance still healthfully intact, in spite of the ravages of this crippling and cruel disease.

Despite being unable to talk, Dale became a very vocal advocate for voluntary euthanasia. Throughout his public life he had been a campaigner for pro-choice, believing that, on women's issues, gambling, stem cell therapy and euthanasia, the individual deserves the right to choose. He was unshakeable in his view that 'there were too many bloody do-gooders' who deserved no say in determining when life could end. Further, he argued that he should be able to pass this final decision on to his family or doctor, not have it dictated by state parliament.

I was fortunate enough to spend some time with Dale just a couple of weeks before he passed away and I am happy to say that he was as vibrant, positive and engaged as ever—still writing on the whiteboard and giving me the thumbs up when I completed sentences as he began to write them. Despite being in the grip of such a crippling illness, he maintained his trademark sense of humour and the mischievousness for which he had long been known. Indeed, as well as advising me about specific political issues and people, he continually advised me to show more of my legs.

What was truly remarkable to me, though, was that, so close to death, Dale was still focused on others and our battles, which were so much easier than the ones he was facing. He was brought to tears of joy over a recent preselection and was utterly delighted to receive a beautifully handwritten letter from former Liberal prime minister John Howard.

Dale was a lovable larrikin, a lifelong campaigner for the South-East, a man dedicated to public service and an inspirational leader, great colleague and friend. His framed photo sits immediately opposite the door of my office and is a daily reminder to me of strength, loyalty and dignity in the face of adversity. With these words, I endorse the motion and pass on the opposition's condolences to his family.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:16): I rise to support the motion moved by the Premier. The Premier pointed out that Dale was the son of Bob and Jean Baker. Although a few years older, they mixed in the same circle as my parents and were quite friendly with them. In fact, earlier in the week at his funeral, there was a very funny story told about his relationship with his mother, Jean. She lived to a great age, well into her 90s (as did my mother, and they were very close friends).

The story was told that she had moved out of the family home on Belt Road in Millicent and into nursing care, and Dale, in the meantime, decided the best thing to do was sell the house. He expressed concern some time later that his mother was taking a turn for the better and he was a bit fearful that she might want to come home and would wonder why other people were living in her house. My family and Dale's family have had a long association. In fact, Dale lived at Furner, which is only 10 or 15 miles from where my wife and I live near Mount Burr.

As has already been said, he grew up locally and went to Scotch College. When he came home to the farm he was renowned in Millicent for his football prowess. In fact, a few years ago the Millicent Football Club, which, when he played, were the Millicent Magpies (they are now the Millicent Saints), picked a team of their all-time players and, to the best of my memory, Dale made that team, listed as a rover. He shared a great love of Port Power and the Port Adelaide Magpies club, and that is something I share with him. He was a lifelong supporter of those two famous football teams.

I think everybody who has come across Dale or only heard of his actions and exploits could describe him as nothing less than a man of action. Dale was a man of action and had been a man of action, as best I know, for his whole life, from when he was a schoolboy. I have heard stories about him at Scotch College, certainly, on the football playing field, and also playing for the Millicent Football Club. At an early age he became involved in agripolitics, in the Stockowners and, then, the Farmers Federation. Dale was heavily involved when there were bans on loading live sheep for export in Adelaide. Dale was one of the organisers of a rally of farmers in Adelaide to load sheep and break the strike on sheep loading.

He became actively involved, on behalf of the farming community, in the wide comb shearing dispute a year or two later and a number of other disputes raging during that time, particularly through the 1980s, that impacted on farmers. As was said, he spent many years on the local Millicent Hospital board and much of that time as chairman of the board.

In 1985, Dale succeeded Alan Rodda as the member for the seat which was then called Victoria, and he won that seat until 1997, with the seat's name being changed to MacKillop in the meantime. Dale's legacy in politics, I think, is fairly well known, but I will go through a couple of things that pertain particularly to the South-East and to the seat of MacKillop, but certainly he was well known and well remembered for the work that he did exposing the impending disaster of the State Bank.

Dale approached that matter in the same manner that he approached everything he did: once he was convinced that something was happening he was relentless in spite of, I think, great difficulties and a lot of people telling him he was heading in the wrong direction. When the Liberal Party won government in 1993 and he became a minister, Dale left some memorable legacies, some of them particularly to the South-East, that I want to mention.

As the minister for agriculture, food and fisheries, I think it probably was, Dale imposed quotas on the Southern Zone Rock Lobster Fishery. Dale, I suspect, was hated by every fisherman in the region—from Kingston in the north to Port Mac in the south—and, again, he did that in the face of strident and strong opposition from everyone involved in the fishery. There were ongoing arguments. It became very heated. There were stories of sabotage of boats, and all sorts of things,

and Dale was in amongst the whole lot. He was not sabotaging the boats, but feelings ran very high over that.

At the end of the day he turned that fishery from one which was facing imminent collapse into one of the most sustainable and best managed fisheries in the world; and I suspect that, although not many of them admit it, in hindsight I think that most of the licensees in that fishery now would give great respect to Dale not just for what he did but for the way he faced them, stared them all down and actually got a result. That was the way the man operated.

The Upper South-East Dryland Salinity and Flood Mitigation Scheme would never have got off the ground without Dale Baker. That project was absolutely necessary for a vast area of the South-East which was being exposed to dryland salinity. Dale put together a joint project—which was jointly funded by the local farming community—to the tune of, I think, \$6 million, the commonwealth government and the state government sharing the rest of the \$24 million scheme as it was then envisaged.

Dale, again against strong opposition from the local community, drove that and travelled all around the South-East attending meetings and working with the farming community until he got the farming community and the South Australian Farmers Federation to sign off on that funding package and the scheme began; and, as we heard last week, the scheme has only just been completed all these years later. Also as the minister for mineral resources, Dale ensured that the program that had been started by the previous Labor government was funded to a greater extent, and that was the remote sensing of much of South Australia and that the data was collected and made available to all comers.

I remember Dale saying to me one day about the project that it was the 'only damn half decent thing the bloody Labor Party did'. So he was a strong advocate of that particular project and saw that his cabinet colleagues put even more money into it and kept it going right through the 1990s. Dale and I did have one strong difference of opinion on one policy area, and that was obviously water policy.

The Hon. I.F. Evans: It wasn't who should win the 1997 election?

Mr WILLIAMS: Well, that was a function of water policy. We did have a strong difference of opinion on water policy, and that played itself out in the 1997 election. Notwithstanding Dale's defeat there, I think that he showed his true character. Dale went on to serve his community. He took up the chairmanship of the Regional Development Board in the South-East following that and continued to contribute to the community that he was part of. Again, in spite of me defeating him at that election in 1997, Dale continued to show a generosity towards both me and my wife, and I was delighted to take Dale's advice from time to time when we came across each other, which was fairly regularly.

Somebody in the South-East sent me an old cassette tape of an interview Dale gave with Philip Satchell on ABC radio about 12 months after that election defeat, and I still have the tape somewhere in the cupboard at home. He said how wonderful it was post politics, how he was enjoying life, and he talked about all sorts of things. Philip Satchell posed the question, 'What about that Williams bloke who defeated you? What do you think of him?' and Dale, as large as life, said, 'I could kiss the man.'

Dale was one of life's great characters. He was certainly one of the great characters of this place, and I think everybody who worked with or had anything to do with Dale had great respect for his capacity for work and his capacity to get a job done. I suspect you could describe Dale's attitude to getting things done as a bit like a bull at a gate. Sometimes Dale went flat out in not quite the right direction, but he always had the attitude that it was better to be doing something than sitting around and waiting for something to happen, and that was the sort of man he was.

I express my condolences to his wife, Margaret, their children, Marina and Tom, and their families, and I also express the condolences of the people of the South-East.

The Hon. I.F. EVANS (Davenport) (14:26): I, too, wish to add my condolences to Margaret and the Baker family on the passing of Dale. I had the pleasure of serving in government with Dale for four years—not in cabinet, but in government. I will not touch on the stories others have shared, other than to support the comments made by speakers from both sides.

It is funny how people have an influence on where you end up in life, and I will tell this story for the sake of the house. In the early 1990s, Dale was leader, Roger Goldsworthy had decided he was not going to continue in the seat of Kavel, and somehow I was notified of that a bit earlier than

some others might have been. I decided that I would run for Kavel because there was already a very good member for Davenport at that stage, and I spent three years visiting 300-and-something members out in Kavel, trying to convince them that I should be Roger's replacement.

It was probably a bit naive of me to do that because Dale Baker, as the leader, made it crystal clear to me from day one that it was his view that one of his staff should win that preselection because that staff member had a background in economics and should end up a future treasurer of the state. It was probably a bit naive to take a different path from what the leader of the time said in relation to a preselection but, working on the theory that a good local member might win the college anyway, regardless of what the leader might think, I pursued the cause.

I remember being at a function at Mount Pleasant and I asked the Baker staffer who he supported in the local football competition, the Hahndorf Tigers or the Lobethal Magpies. This particular gentleman happened to live on East Terrace in Adelaide, and trying to sell an accountant from East Terrace in Adelaide to the country was never going to work, in my view. This guy guessed at a team and said he supported one of the teams but, of course, it was the other way around: the teams were the Lobethal Tigers and the Hahndorf Magpies.

The news that this bloke did not know the local footy team not only went around the barbeque like nothing on earth but it also went around the district like nothing on earth. Well, that was the end of that, as far as I was concerned. Roger Goldsworthy thought it was an outrageous question to put to him. Dale was not that impressed with it and let me know how he felt in a way that only Dale could.

As we got closer to the day of the preselection, I got a phone call from my father. In my life experience, when my father rings and says, 'There's good news, there's bad news and there's bad bad news,' you only need to worry about the bad news. The good news was that John Olsen was coming back from the Senate and Dale was stepping down for his own reasons. The bad news was that he was going to stand in Kavel, and the bad bad news was that Dale Baker had used his power at the executive to make sure they used the old college and not the new college, so my three years of drinking cups of tea went down the drain and Baker had his way.

I chipped him at a function that night, and I said, 'Well, thanks for that, Dale,' and he said, 'Look, young Evans, I told you from day one that you're young enough and there will be opportunities elsewhere; go look for them,' so that was it. I guess that was another thing about Dale: when I first met him, I was 'young Evans'; when I finally won preselection, I was 'young Iain'; and when I finally got into the parliament, I was 'Iain', and at that point I thought I had made it.

I totally agree with the comments about his honesty, his straightforwardness, and his hate of red tape and the bureaucratic process. He was someone who wanted to get on and get an outcome for someone or for something, whether or not it be an economic decision.

If Dale had a fault, he did not promote some of the great work he did well enough. The Hon. David Ridgway in another place told me the story of the Tatiara meatworks when it was in desperate trouble. The banks were going to close on it. Dale jumped on a plane, flew to Melbourne, negotiated an outcome for that meatworks, and 20 years later provided work for 500 families all that time. David makes the point that that particular booth still voted largely for Mitch, regardless of Dale's good work.

Just on Mitch as deputy leader taking over from Dale, Dale said publicly after he lost that he loved Mitch Williams, that the best thing that could ever have happened to him was to be voted out of the process and not have to be here. So, that sort of approach was interesting from Dale.

I thought the service was magnificent the other day, and I appreciate members of the government being there. I sincerely appreciate that. I thought the three speeches summed up Dale's life magnificently. There were some very funny stories told, and two are worth telling here. Dale lived life on the edge all the way through his life. He claimed the Adelaide to Millicent speed record of two hours 45 minutes. He got picked up for speeding some weeks just before he passed, and he wrote on his whiteboard to the police officer, 'Fine me if you want. I'll be gone before it's due for payment.' On that basis, the police officer withdrew the fine. He also went to a funeral and happened to be sitting next to an elderly gentleman who had lost one leg and was sitting in a wheelchair. Dale, of course, could not speak. He wrote on the whiteboard, 'I tell you what: I'll lead the singing, you lead the dancing.' He had that sense of humour all the way through. As I said, it was a pleasure to serve with Dale. My condolences to the family.

Honourable members: Hear, hear!

Mr PEGLER (Mount Gambier) (14:32): I rise to offer my condolences to Dale Baker and his family and support this motion. My grandfather and Dale's father, Bob, were great mates and great antagonists on the snooker table. Right throughout life I received a lot of advice on dealing with the Baker family. I was involved with Dale for many years in various farming organisations and also through my involvement with local government. I always found Dale a great bloke to work with. He was no-nonsense, straightforward, and you always knew where you stood with him.

He was a great supporter of the business community and the people of the South-East in general, and he certainly always put us at the forefront. His approach to life and to government was very similar to his approach to football: there was no quarter given, he was always right, and he always fought to the bitter end to make sure that he got what was best for our communities and businesses. He was a great man. He will be very much missed by the people of the South-East. My thoughts and prayers go out to Dale's family and friends.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:33): I rise to join the condolences. I wanted to wait for the member for Davenport to conclude his remarks because I know how close he was to Dale Baker. Kevin Foley was a very good friend of Dale Baker's and visited with the family before Dale passed away. In a conversation with Kevin, we remarked how Kevin and Dale had a lot in common. They were both characters, and I think unfortunately for one reason or another those sorts of characters are being weeded out and we are losing a bit of the colour from our political system.

People like Dale Baker brought a certain vibrancy and colour to politics. He was someone who maintained friendships on both sides of parliament. I know that he maintained a friendship with Kevin and a friendship with Ralph Clarke. He maintained it with Ralph for different reasons—probably more about sticking it up us than anything else, but good on him.

The member for MacKillop raised a very important point. We are living the legacy of people like Frank Blevins and Dale Baker because of the work that they did. We are standing on the shoulders of giants when it comes to our mining industry, and people like him deserve to be recognised for the hard work that they did in maintaining it. After the State Bank disaster, this state needed to grow and needed to create wealth. It was visionaries like Frank Blevins and Dale Baker who continued the bipartisan program of joining in the risk of exploration in the search for minerals. For that he will be forever engraved in the prosperity of South Australia and for that we owe him a huge debt of gratitude. The way he conducted himself during the entire State Bank fiasco was with honour and dignity and he did it exceptionally well. I have no doubt that Mr Baker would have led the Liberal Party to victory in 1993.

Mr VENNING (Schubert) (14:35): I rise to support the motion, and I commend the other speakers. Dale Spehr Baker was a farmer, vigneron, horticulturalist and parliamentarian, but most importantly a husband, father, grandpa, strong community advocate and friend. He was funny, naughty, charming, commercial, insightful, hardworking, honest and tough—a leader. Dale was elected to this parliament in 1985 and he retired in 1997.

When I won preselection for the by-election in Custance in May 1990, Dale was leader of the opposition. He had just taken over the leadership from John Olsen who left for the Senate and I then filled that vacancy at the by-election in June 1990. My first impression of this man is a very long-lasting one: very friendly, strong, confident, laid back, no bells on himself, direct, forthright, no inhibitions, no spin and all action. The by-election was a bit of a worry and some members will probably remember it, but Dale's cool and calm influence affected us all and the result was very good.

An incident I will always remember—a point in time, you could say—was the very first public function that Dale and I attended together as leader and new recruit. It was at Gladstone and Dale was guest speaker. Afterwards, Dale said very publicly, 'Come on, Ivan, let's have a celebratory drink,' and within earshot of my father, 'Come on, lad. Howard will understand.' The next day, Kay and I were at home relaxing and in comes dad and he gestured to me when Kay was not looking to come outside. I went outside and dad said (he was starting to slip a little bit with Alzheimer's), 'Ivan, it was a great night last night, congratulations, but I saw you drinking with Baker. You know, Ivan, we Vennings don't drink.' You could say that was a turning point, I will not say in my career but maybe in my life!

Seriously, Dale really did love his wine, especially the Padthaway Estate Eliza sparkling. Dale was extremely generous and he shared it with us all, as he owned the winery, and he shared

it with all of his colleagues on both sides. After parliament he often went up to the Hansard offices with half a dozen bottles. The attendants, the caretakers and the catering staff were all his friends and they will long remember him as generous with his time, generous with his care and generous with his hospitality.

I would like to read words from Ms Helen Cadman, Hansard Supervisor, Parliamentary Reporting Division:

Dale Baker is remembered as a happy man and a friendly, approachable member of parliament who was always appreciative of the work of the Hansard reporters on his speeches. In return, the reporters always appreciated his generous gift of fine wine from Padthaway, especially the Eliza champagne, at the end of session parties and his willingness to join them in the celebrations.

From the House of Assembly attendants, Mr John Moylan, Senior Attendant, House of Assembly:

Dale never forgot us at Christmas time—a bottle of pinot champagne for the ladies and a case of beer for the blokes. Dale and I had a running joke with some dog Latin. 'How does it go again?' he would ask. 'Non carborundum illegitimi,' I'd say, 'Don't let the bastards bring you down.'

All these people were there with Dale. From the catering staff, who else would you get but Ms Chrissy Irons who has been here longer than I and who was here for the whole time that Dale was here. She said:

Dale was a pleasure to serve in the dining room and always very appreciative of the food we served him. Even if it was the wrong dish he wouldn't complain. Always a true gentleman, fondly remembered by me and all the staff at the time.

That was Chrissy Irons from the Catering Division in Parliament House, who is the longest serving staff member. He was a man of great generosity and spirit, especially towards his staff. He often gave wine and his beloved banksias to mark their birthdays and other occasions.

Another moment in time was in 1995. Dale and I were together in the South-East inspecting the geographical index (GI) boundaries for the wine districts and also the forest plantations when his phone rang. He looked very concerned and said, 'You'd better ring him.' I did not know what they were talking about. Seconds later, my phone rang and it was the state director. Custance had been abolished at that point in time. I looked at Dale, who had dropped his phone in his coffee. He said, 'No worries, lad. We'll fix this'—and amazingly enough, they did. They commissioned a draft a second time, and, of course, the seat of Schubert was created. So, he certainly was a man of influence.

Dale treated everybody the same, and he had friends everywhere, as was evident at his funeral at Magill on Monday. He trusted people and they trusted him, and many a story can and may be told about his influencing what is now party history. We will not go into that, but I do think about what happened during that time. His influence in the early negotiations of the State Bank disaster have been mentioned. The State Bank was serious trouble for South Australia, and Dale had the disarming ability to work it through with his political enemies for the good of all of us.

He was at the front of every scrap, whether it was in this place or in the field. Many disputes were won by the unique persuasive Baker style. The wide comb dispute, the live sheep dispute, black ban on stock and carriers—it is all history. There was even a scrap with his own treasurer—and there is a little bit of history there, too. I happened to be in view of that.

Dale could have been premier, as was said on Monday, and he would have been a good one, but he chose to take one for the team, to quote Richard Yeeles, which was a brilliant speech, and he did stand down. Another quote: 'Dale could see in people what they couldn't see in themselves.' How true. Dale's love of football and unwavering support of Port Adelaide and the Power are quite legendary, and he had a very good relationship with the late Allan Scott.

I enjoyed working with him, especially when he was the minister for agriculture. Many of the policies we took to the victorious 1993 election had his influence all over them, and his input was a big part of that victory. Yes, Dale did it his way, and his passing saddens us all. He is now with his great mate, the late senator Jeannie Ferris, who was a very close friend and confidant of Dale's. I am sure that Ren DeGaris will also welcome Dale up there, as will Allan Scott.

On behalf of all members and everyone in the building, we express our sincere condolences to Margaret, his children, Mariana and Andrew, Tom and Lizzy and his adored grandchildren, Piper and Charlotte, Olivia and Harry. Dale's bravery in the way in which he fought his debilitating disease is quite inspiring. I did have the story to tell that Iain has just recounted about the slate and the policeman. Who else could do that and get away with it?

I also watched the late Gordon Bruce suffer and die from this debilitating disease, and now Dale. I really do think it is time we did visit something like this, as controversial as it might be. Dale has gone, but he has left a big part of this state's history changed. Dale always rose to the occasion. Vale, Dale Baker. To know you was special.

Honourable members: Hear, hear!

Mr PEDERICK (Hammond) (14:44): I rise to support the condolence motion for Dale Baker. Former Liberal member of parliament, Dale Baker died in Adelaide recently, on 28 March, at the age of 73. Tributes from both sides of politics soon appeared in the city press for the man who was opposition leader from 1990 to 1992, when he held several ministerial roles. Dale was born in Millicent, as we heard earlier, on 30 January 1939. He was educated locally and also at Scotch College in Adelaide.

Dale was the elder of two sons. His late parents, Bob Baker and his wife, Jean, who was a member of the local Spehr family of the South-East, were English migrants. Dale was a successful grazier who later turned his hand to native flower production, vineyards, the Simmental stud and broadacre farming. Among his other business interests were olives, the Padthaway Homestead and winery, and swimming schools. He even owned the freehold of the Tiger Hotel at Tantanoola for a while.

His local community service was marked by over 20 years as the chairman of the Millicent Hospital Board, as well as player life membership of the Millicent Football Club, with more than 200 senior games. I also share the passion for Port Adelaide that Dale had. Dale was the Liberal MP for the Millicent-based seat of Victoria (which turned into MacKillop) between 1985 and 1997. As I indicated earlier, this included time as opposition leader from 1990 to 1992. In recent years, Dale suffered from motor neurone disease, and this forced him to step down from chairing the Limestone Coast Regional Development Board, now known as the RDA.

I want to add a few of my own personal thoughts. I first met Dale in 1984. I was a young learner shearer and I went down to shear for six weeks, I think it was, in Dale's brother Dean's shed at Callendale. Then we went down to the sheds at Furner and Woonallee. We had been going seven days, and I was only doing about 75 or 80 sheep a day. I am sure the President in the other place would be quite appalled at that low number of sheep. Be that as it may—

The Hon. I.F. Evans: Quality shorn.

Mr PEDERICK: Yes, quality shorn. Margaret, the workmen, and I think there might have been some of the kids there then, turned up with a pet sheep. I said, 'There's no way I'm shearing a pet; I'm only a learner.' We were already calling Dale 'the politician', even though he had not been elected. I said, 'I am not cutting up the pets for a politician.'

Certainly, since that time, I have had a fair bit to do with the family, especially his brother, Dean. I worked for him as a shearer for many more years, and it was always an enjoyable time. I met Dale's father, Bob, who was a true gentleman. He would walk into the shearing shed with a white coat and always come down the board and have a chat to the shearers. I saw Dale over the years at many Liberal Party events and many local fundraisers involved with my branch, the Lower Murray. I will finish with a couple of thoughts. Dale never let his position get in the way of who he was and the true character he was. My sympathies go to Dale's family and friends.

Mr HAMILTON-SMITH (Waite) (14:47): I want to add my condolences and thanks to Dale Baker and his family for the fantastic contribution he made to this party, to the house and to his community. He was very much an example of a regular bloke who was successful, in touch with his community and who, after accomplishing quite a bit, decided to come into politics and try to make change happen, and he did it very well.

Like many others in the chamber, I was on the receiving end of quite a bit of advice from Dale from time to time—he was not backward in coming forward—and it was always well received and well intended. He was an absolutely fantastic ambassador for this parliament, for this party and for his local district in particular, and I think that is worth noting. Anyone who spends 20 years as presiding officer of their local hospital board and, having made a contribution before becoming a member of parliament, then goes on to continue that contribution after he has gone is a testament to his local community.

I agree with earlier speakers that he was part of a dying breed of people who come into parliament having accomplished something and make a contribution. As politics becomes increasingly professionalised, the Dale Bakers of the world are harder to find, and we are very

much the better for having had his service. I also note a point made by others that, during the State Bank crisis, he faced a great deal of criticism from senior people in the business community who told him not to proceed and not to push on. To his great credit, he did so and that courage resulted in perhaps aversion from an even bigger mess than we finished up having, and I think we need to be particularly thankful to Dale for that. He was a fantastic member of this party, a great member of the parliament and he will be missed.

Mr BIGNELL (Mawson) (14:49): I rise today to talk about Dale's contribution to journalism. As a journalist in the eighties and nineties, I am sure I speak for everyone from that era that we give great thanks to Dale because he gave fantastic grabs. He was off the cuff, he was not scripted, he just said it exactly how he saw it, and that is something that we should all do in this place. We all admired the way that he just came out and said what he thought, even though we were thinking, 'Well, this is going to lead the bulletin when we get back.' It might not have been the right thing politically to do, but it was the right thing as far as Dale saw the world, so I commend him for his honesty and for the forthright way in which he would go into bat for what he thought was right.

I grew up with my family in Glencoe, which is not too far from Millicent. My grandmother, who is 99, and my grandfather had the bakery in Glencoe, and they would be up at three or four in the morning baking bread and pies and pasties. Dale and his mates would be on their way home from the dance at about that same time, and they would call in and get some pies and pasties and warm bread and continue the drive on to Millicent. My grandmother has always said that it did not matter how many longnecks he may or may not have had on the way home and at the dance, he was always charming, he was always polite, and he was always a pleasure to be around.

As a journalist, and as a friend of mine Ian Smith was his press secretary, Ian and I and other mates would be out having a drink and, from time to time, Dale would join us, and he was always terrific company, a great storyteller and a person who did great things for South Australia. I extend my sympathy and condolences to his family.

The SPEAKER (14:51): Members, I always think that comments made in remembrance of a person are the mark of them, and the comments that have been made today are very indicative of the man who has passed away. I also pass on my sympathy to his family, and I hope that they realise that he will be remembered with great affection by members on both sides of the house, both past and present.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:52 to 15:02]

REGULATED AND SIGNIFICANT TREES

Mr MARSHALL (Norwood): Presented a petition signed by 72 residents of Adelaide and the greater metropolitan area requesting the house to urge the government to take immediate action to reopen the consultative process with appropriate industry and community bodies with the intention of rewriting the Development (Regulated Trees) Variation Regulations 2011.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Agency Audit Report: Department of Health and associated health service activities Supplementary Report April 2012 [Ordered to be published]

Register of Member's Interests—Primary Returns April 2012—Registrar's Statement [Ordered to be published]

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

Parole Board of South Australia—Annual Report 2010-11

Ms CHAPMAN: Point of order: now that all of the supplementary reports from the Auditor-General have been tabled, during the further adjournment of the parliament after today I ask that some consideration be given to the listing of the further Auditor-General's questioning of all of the

reports that have been tabled since October so that we may complete the examination of the Auditor-General's reports.

The SPEAKER: Thank you, member for Bragg. I do not think that was a point of order, but I am sure that will be taken on notice. I call for questions without notice, and anybody who tries to get thrown out to have an early minute for Easter might get asked to stay here for longer.

Members interjecting:

The SPEAKER: Order! Leader of the Opposition.

QUESTION TIME

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (15:05): Thank you, Madam Speaker, and I will take that as an indication that I can have a lot of licence today.

My question is to the Minister for Water and the River Murray. Why did the government double the size of Adelaide's desalination plant to a capacity of 100 gigalitres per year? Modelling by the Academy of Technological Sciences and Engineering, provided to MPs last week, reveals that, even in the driest years under climate change scenarios, South Australia will require less than 25 gigalitres of desalinated water per year until 2050.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:05): Of course, we did it for one simple reason, that is, to ensure that metropolitan Adelaide and, indeed, the state will be better waterproofed through the construction of a 100-gigalitre desalination plant.

ADELAIDE OVAL

The Hon. M.J. WRIGHT (Lee) (15:05): Can the Premier inform the house about the progress of the redevelopment of Adelaide Oval and how it relates to other government initiatives focused on revitalising the state?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:06): I thank the honourable member for his question and I note his keen interest in matters of sport. I think he will be very proud when he sits in that stadium, at that first match in 2014, watching a couple of great teams coming out onto the ground.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I am sure those opposite will all be there. They will accept their tickets and come along and celebrate it all with us.

Today, the Prime Minister and I attended the ceremony at Adelaide Oval marking the beginning of major work of the Oval's redevelopment. It was a joyous occasion. We were joined by some students from Black Forest Primary School and the Grange Cricket Club, who contributed to a time capsule which will be buried in the Oval to commemorate the occasion.

Once completed, the Oval will boast 77 per cent of seats under cover, 2,000 dining spaces with food and beverage outlets no further than 40 metres from any seat, multiple replay screens and 10-metre wide concourses. At the same time, we are retaining those beautiful parks at the Adelaide Oval that people love: the hill, the fantastic view of the cathedral from the ground, the Victor Richardson Gates and, of course, that magnificent 100-year old scoreboard.

The redevelopment of the Adelaide Oval is a central component of the government's plan to deliver a first-class precinct at the Riverbank. Imagine a crowd of 50,000 at a Showdown, with people moving across the footbridge back into that part of the city, bringing to life that beautiful city precinct. When the Oval hosts AFL in 2014, I think we will see an enormous boost to the city in terms of the local eateries, pubs and all the other enterprises along there, and I am sure we will see many more enterprises grow up and exist along that area.

The redevelopment of the Adelaide Oval is fundamentally about a new optimism for our state. We have seen a whole lot of sacred cows being slain in this state. We have got away from a Dickensian mental health facility and we now have a hospital which will be a 21st century hospital.

Who would believe it: we now have an expressway that goes both ways, we have an airport where you can come in from the plane and not get rained on and, now, finally, a world-class stadium—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —which is fantastic. And who would forget shop trading hours and trading on public holidays in the city?

Members interjecting:

The SPEAKER: Order! Premier.

The Hon. J.W. WEATHERILL: And, in probably the most dramatic example of the lion lying down with the lamb, the Adelaide City Council is combining with the state government to give us a world-class city planning system. All these things reflect the growing confidence in our state's future and we would like those opposite to join in and celebrate with us.

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (15:09): My question, again, is to the Minister for Water and the River Murray. Did the government model the required capacity of Adelaide's desalination plant in the driest years and, if so, will it release this modelling? A Treasury briefing to then treasurer Kevin Foley dated 7 September 2010 reveals that water prices would more than treble due to the government's 100 gigalitre desalination plant.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:09): Of course, if I just go back a couple of steps to a couple of questions within I think what the Leader of the Opposition is inquiring upon, if we go back a bit, we have got the most—

Mrs Redmond: What was that mumble?

The Hon. P. CAICA: What I am saying is—

An honourable member interjecting:

The Hon. P. CAICA: —there are a couple of questions that she asked within—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Quite simply, Madam Speaker, we were confronted with the most unprecedented drought in anyone's living memory, a drought that scientists tell us—and I know that we have climate change deniers on the other side, that was a glimpse of our future, that is, that we would have more frequent droughts and they would be of higher intensity than we have experienced. The right decision was made by the—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —government to increase the capacity of the desalination plant, and, of course—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: There is nothing that he doesn't know, Patrick, not a thing. We know that the desalination plant is not only our insurance against those future droughts and those times when there will not be—

Mr WILLIAMS: Point of order, Madam Speaker.

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

Mr WILLIAMS: The minister is debating the answer and he is not being relevant to the question. The question was: did the government model the state's water needs and, if so, will he table the modelling?

The SPEAKER: Thank you, member for MacKillop. No, there is no point of order. Minister, stick to the substance of the question.

The Hon. P. CAICA: Thank you very much, Madam Speaker. And, of course, not only was it and is it our insurance policy against the future, it allows for us to never increase our draw upon the River Murray again in the future with respect to—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —going cap in hand asking for more water to be drawn from the River Murray. That will be capped with respect to critical human needs, and the desalination plant, Madam Speaker, will of course allow—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —for the future growth of Adelaide and South Australia. So it was a sound decision when it was made, it is a sound decision now and it will prove to be sound decision in the future when we need that water. Of course, the decision was not taken lightly and it was based on a whole lot of factors.

Members interjecting:

The SPEAKER: Order! The member for Port Adelaide.

SENTENCING ADVISORY COUNCIL

Dr CLOSE (Port Adelaide) (15:12): My question is to the Attorney-General. Can the Attorney-General inform the house about the first issues on the agenda of the newly formed Sentencing Advisory Council?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:12): Yes, and I thank the honourable member for the question. I would like to advise the house that the Sentencing Advisory Council had its first meeting on Friday 30 March. The council is designed to bridge the gap between the courts and the community. It will inform the public and provide the justice system with community views and ideas for reform. The council, chaired by retired Supreme Court judge Justice Kevin Duggan—

The Hon. M.J. Atkinson: Top bloke.

The Hon. J.R. RAU: —a very good man and excellent counsel altogether, I should add— has a mix of members, justice system experts and people from the wider community. I have asked the council as its first task to examine a particular area of the law, namely, the law relating to people who claim to be mentally unfit to plead or mentally incompetent to have committed an offence. This is a notoriously difficult area of the law. However, the consequences are that a person found unfit to plead or mentally incompetent cannot be sentenced to imprisonment. This defence has at times caused concern in the community, and it has also caused concern to the Parole Board from time to time.

The council will bring members' broad perspectives to the question of how and whether the threshold for this defence is too low. The council will provide a report to me about the relevant section of the Criminal Law Consolidation Act. I have also foreshadowed with the council that, at some point after this, it should consider looking at whether reform is needed in relation to sentencing guidelines. These are guidance provided in legislation setting out the range of penalties for particular offences and the factors judges can take into account.

The council's value is that it will bring to this and other questions a broad range of perspectives, including those of legal professionals, community members and victims advocates. I look forward to receiving the first report.

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:15): My question is to the Minister for Water and the River Murray. Can the minister assure the house that SA Water has no obligation to pay for water from Adelaide's desalination plant at any time when traditional, cheaper sources of bulk water, such as the River Murray or the Hills reservoir water, are available? The New South Wales Premier was recently quoted in the media as saying that the former New South Wales Labor government entered into a 'stupid contract', obliging their water authority to buy expensive water from their desalination plant, even when their dams were full and it was still raining.

The Hon. P.F. CONLON: Point of order, Madam Speaker: the explanation is not relevant to the question. Yesterday, in fact—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I just point out, Madam Speaker, than on the basis of the explanation, the minister would be free to talk at length about the New South Wales desalination plant.

The SPEAKER: Thank you, Minister for Transport.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Member for Unley and Minister for Transport, behave. The explanation did not seem necessary; however, the question was in order. Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:16): Thank you very much, Madam Speaker. Of course, what occurs in New South Wales is, as was pointed out, completely irrelevant to what is occurring here in South Australia. We—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: You know, I do find—my understanding was, Madam Speaker, that the opposition proposed a 50 gigalitre desalination plant, so presumably in their—

Mr Whetstone interjecting:

The SPEAKER: Order! Member for Chaffey, leave the chamber for 10 minutes.

The honourable member for Chaffey having withdrawn from the chamber:

The Hon. P. CAICA: So presumably, Madam Speaker, the same logic applies to what it is that they are proposing. In fact, the line of questioning is—

Mrs REDMOND: Point of order, Madam Speaker. The minister is talking about something totally irrelevant to the question that was asked about the cost of—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —the cost of water.

Members interjecting:

The SPEAKER: Order! Thank you. Minister, return to the substance of the question, but ignore the explanation.

The Hon. P. CAICA: Well I will, Madam Speaker, but the nature of the question allowed me, I think—and I am not being disrespectful—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni: Move a motion if you don't agree with her.

The Hon. P. CAICA: I do agree with her. I do agree; I just don't agree with you.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: So, Madam Speaker, I see their question as not only somewhat interesting in regard to what was their position on a 50 gigalitre desalination plant; but of course, is a poor reflection, and I think an attack, on the former leader who was proposing that desalination plant.

Getting to the substance of the question: we have entered into very, very good arrangements with respect to the maintenance contract and operational contract in relation to the desalination plant, to the extent that there will be—and I have detailed this to the house—ongoing costs that will be incurred whether the desalination plant is operating or not, and they are aware of that, because I have detailed that to the house previously. But, Madam Speaker, if we are not—

Mrs REDMOND: Madam Speaker, point of order: the relevance of the minister's answer. The question was about whether we have to buy from the desalination plant water when there is other water available because the dams are full and there are other cheaper sources.

The SPEAKER: Minister, can you return to the substance of the question?

The Hon. P. CAICA: Yes, of course, Madam Speaker.

The SPEAKER: It was a political question.

The Hon. P. CAICA: I beg your pardon, sorry?

The SPEAKER: It was a political question—the explanation was, so—

The Hon. P. CAICA: Sorry, Madam Speaker, they are heckling while you are talking.

The SPEAKER: —but minister, can you return to the substance of the question.

The Hon. P. CAICA: I couldn't—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I couldn't hear what you were saying, Madam Speaker, that's all; that's my point. No, we will not have to pay for water that is not produced.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Would the minister want me to re-ask the question? Because he obviously didn't hear the question I asked.

Members interjecting:

The SPEAKER: Order! The minister can answer the question as he chooses. If you have a further question, you can ask it after.

Mr WILLIAMS: No, he chose not to, Madam Speaker.

Members interjecting:

The SPEAKER: Order! Sit down. The member for Light.

VETERANS' MEMORIAL PROJECTS

Mr PICCOLO (Light) (15:20): My question is to the Minister for Veterans' Affairs. What grants have been made recently to ensure that the service and sacrifice of those who have served our nation in times of peril are not forgotten?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:20): I thank the member for Light for the question. It comes at an appropriate time as we look towards the centenary of ANZAC and World War I commencing in 2014. I am pleased that national planning for the centenary of ANZAC is well advanced, and work done in South Australia by Veterans SA is highly regarded. Commemorative projects play a major role in educating Australians young and old about our wartime heritage. My department has worked collaboratively with the commonwealth government to ensure appropriate funding is provided for South Australian memorial projects.

In partnership with the commonwealth, Saluting their Service grants have provided funding to the Clare RSL sub-branch to help install lighting on its World War II memorial and the District Council of Orroroo to assist in the restoration and relocation of an important stained glass window, Orroroo being in the electorate of the member for Goyder.

Mr van Holst Pellekaan: Stuart.

The Hon. J.J. SNELLING: I beg your pardon. I just heard the member for Goyder saying, 'Hear, hear!' My apologies. Recently, \$170,000 worth of grants for memorial projects across Australia were announced by the Hon. Warren Snowdon MP, commonwealth Minister for Veterans' Affairs. Projects in a variety of rural areas have been funded at Clare, Georgetown, Mount Lofty, Myponga and Port Vincent. Hopefully these will all be completed by ANZAC Day. These projects help to ensure that our wartime history is remembered and the sacrifice of those who served continues to be honoured.

Veterans SA has a strong relationship with the Department of Veterans' Affairs in South Australia, and I was pleased that as a result of this relationship we could direct the East Torrens Historical Society to where funding could be found for their worthy project, the restoration of a World War I honour board at the Uraidla Primary School.

A very large number of volunteers for World War I and World War II came from country South Australia. Rural South Australia was heavily impacted by war. Often more than one member of a family was lost; that is why these memorials are so important. They are beacons of remembrance to ensure that we never forget.

Honourable members: Hear, hear!

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:22): My question is to the Minister for Water. I will ask my very serious question very slowly so that the minister has an opportunity to hear. How much was paid under the desalination plant operation and maintenance contract prior to first water being achieved? Documents obtained under freedom of information indicate that payments began on 8 July 2009, over a year before first water was achieved in October 2011.

Mr Marshall interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:23): Gee whiz! Is there nothing that the member for Norwood does not know? He knows everything. I am not being disrespectful to the Deputy Leader of the Opposition but I have learnt over a period of time that his questions are sometimes not as carefully constructed as they might be, and as a—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order, Madam Speaker: 127. You cannot—

The SPEAKER: I do not see that as a reflection, particularly—but minister, could you answer the question and please don't refer to the other side.

The Hon. P. CAICA: I will do my best, Madam Speaker. I do not have those details before me. I will get back with a fulsome answer to the house.

HOSPITAL FIRE SAFETY

Mr SIBBONS (Mitchell) (15:24): My question is to the Minister for Health and Ageing. Can the minister inform the house how SA Health is addressing fire safety standards in South Australia's major metropolitan hospitals?

The Hon. J.D. HILL (Kaurana—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:24): I thank the member for this question. I am very pleased to advise the house that \$3.3 million is being invested this financial year to address fire safety compliance in our major metropolitan hospitals. This is in addition to extensive investment in fire safety works delivered as part of major redevelopment and routine maintenance works.

As members would be aware, a major capital works program is underway to upgrade our ageing hospital infrastructure and we are redeveloping or rebuilding every metropolitan hospital as well as four general hospitals in rural South Australia. All new works will be compliant and are compliant with the Building Code of Australia which, of course, includes fire safety provisions. In addition, SA Health works with the Metropolitan Fire Service and the Country Fire Service to improve the fire safety of older hospital buildings. While the current requirements in the code do not apply to older buildings, the Metropolitan Fire Service and the CFS assess all buildings against the current provisions in the interests of fire safety. Priority recommendations are assigned within triennial fire safety report surveys.

The most recent surveys of our metropolitan hospitals identified 163 priority 1 and 70 priority 2 recommendations; of these, 108 priority 1 and 49 priority 2 recommendations have now been completed, I am advised, and the remaining works are currently underway or awaiting funding due to the high costs of these items of work.

Many of these works exist at the Royal Adelaide Hospital where numerous fire safety projects have been funded in recent years, including fire sprinkler installations, emergency and exit lighting, installation of fire doors and an emergency warning intercommunication system upgrade. However, as we know, the hospital comprises very old buildings with subterranean tunnels across the site, and it would be very complex and costly to bring the site to the current Building Code of Australia standard. Fortunately, we will not need to do that because we are building a new hospital instead which will meet the latest building regulations and standards.

The new RAH will also have higher standards in the areas of earthquake resistance and disability access. The state government is very committed to improving the fire safety of our hospitals and will continue this work through hospital maintenance, rebuilding and redevelopment programs into the future. I would like to take this opportunity to thank all our emergency service officers for the fine work they do in our community.

MINISTERIAL STAFF

The Hon. I.F. EVANS (Davenport) (15:26): My question is to the Treasurer. Why did ministers spend over \$900,000 on ministerial staff without the appropriate expenditure authority in place, and why were ministers then granted expenditure authority for more than was actually required? A Treasury briefing to then treasurer Foley dated 7 June 2010, released to the opposition under FOI, states:

Provision of the full 0.908 million would exceed actual requirements...Some ministerial offices will overspend without the additional expenditure authority. We do not have the information to identify which offices fall into which category. Consequently it is probably best to grant the additional expenditure authority.

The former treasurer approved additional expenditure of \$908,000 for ministerial staff on 22 June.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:27): I'm a bit surprised that the member for Davenport would be asking questions not to do with my time in the office of Treasurer but asking questions that really would have been better asked of the previous treasurer.

Members interjecting:

The SPEAKER: Order! Treasurer.

The Hon. J.J. SNELLING: This is not a briefing or note from Treasury that I was privy to. I am more than happy to have a look at it and come back with an answer, but I do know always to be a bit careful when the opposition rather selectively quotes—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, surely it is disorderly for a minister, in answering a question, to suggest that the opposition is making it up—surely?

Members interjecting:

The SPEAKER: Member for MacKillop, order! I think the Treasurer has finished his answer. The member for Davenport.

Mrs REDMOND: Madam Speaker, can I have a point of clarification on that, please? I don't understand why the fact that the minister has finished his answer somehow makes the objectionable behaviour any less objectionable.

The SPEAKER: Well, I don't think that it was particularly objectionable. He was saying that he would verify the answer; he perhaps couched it in the wrong terms. However, we will move on, but the Treasurer will be careful in future about how he—

Mr WILLIAMS: Madam Speaker—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —I don't believe that that's what the minister did say, and I don't think that is what he was attempting to say. Can I ask you to verify what he did say with the *Hansard* after question time, and I would ask if you could bring a ruling back to the house because this has become a habit of ministers.

Members interjecting:

The SPEAKER: Order! I am happy to do that if it means so much, unless the minister wants to withdraw the comment. What I heard, I did not find that it was particularly bad. He was saying that he was going to verify what was said. However, I will look at the *Hansard* afterwards, and I will come back to the house.

AUDITOR-GENERAL'S REPORT

The Hon. I.F. EVANS (Davenport) (15:30): My question is again to the Treasurer. How is it that, after 10 years of Labor, Country Health SA and Adelaide Health Service's finances are in such a state that the Auditor-General cannot obtain sufficient audit evidence to conclude that balances relating to staff benefit expenses, supplies and services, payables, revenues from fees and charges, receivables, cash and cash equivalents were not materially misstated? Just so that the Treasurer knows that I am not selectively quoting, the Auditor-General's Report tabled today, says this:

As a result of these matters, I was unable to obtain sufficient audit evidence to conclude that the following balances in the financial report were not materially misstated:

- Staff benefit expenses
- Supplies and services
- Payables
- Revenues from fees and charges
- Receivables
- Cash and cash equivalents

It is not possible to quantify the financial effects, if any, on the financial report as a result of these matters.

The SPEAKER: Order! Before I call the minister, I point out to the member that he did not need to use the term 'such a state'. He could have asked a question without including that. The minister.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:31): The issues associated with the Auditor-General's comments have been raised in this place before. It is a matter about which I have answered a number of questions in relation to the Auditor-General's Report.

Members interjecting:

The Hon. J.D. HILL: I take it that this a serious question. I would like to give a serious answer to it. The Auditor has made a number of comments. This is the first time I have seen the full report, and obviously I will go through it in detail. There are a number of areas within the health budget and the performance of the financials in the health system which are not up to the standard that I and the government would want and, clearly, it is not up to the standard the Auditor-General believes should be there, and we are taking action to ensure that we get our finances in order.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The Deputy Leader of the Opposition continues to interject but call for order.

Members interjecting:

The SPEAKER: Minister, deputy leader, behave, order!

The Hon. J.D. HILL: I do not think that I have said anything political, I have not criticised the other side. I have not said anything which is not directed to the relevance of the question.

The SPEAKER: Absolutely.

The Hon. J.D. HILL: Yet I still get this barrage of commentary from the other side. The point I was making is that we are committed as a government and as a department to getting our finances in order. One of the issues we have had to deal with over the last year or so has been the development of a new computer system known as Oracle, which has had some problems in terms of its introduction. The Auditor-General's Report, if you read through it—and I have been looking through it now—makes plenty of comment in relation to that. Of course, in all audits in every department every year, there are always issues where the Auditor-General says you can do better. However—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Can I just draw members' attention to a quote from the Auditor on page 8, because one should not selectively quote. I am going to give quote for quote to the member for Davenport—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —and this is what the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —Auditor-General says on page 8, under the heading 'Assessment of controls':

In my opinion, the controls exercised by the Department of Health in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, except for the matters raised in relation to funding to non-government organisations, payroll, accounts payable and accounts receivable as outlined under 'Communication of audit matters', are sufficient to provide reasonable assurance that the financial transactions of the Department of Health have been conducted properly and in accordance with law.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: Madam Speaker?

The SPEAKER: Is that a supplementary? I couldn't hear for the noise.

AUDITOR-GENERAL'S REPORT

The Hon. I.F. EVANS (Davenport) (15:34): Can the minister advise the house how many health entities receive qualified audit reports?

The SPEAKER: I'm not sure that's a supplementary.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:34): I will take on notice that question because, as I have said, I have only just received—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —this report. I would not be surprised if it were all of them because, as I have said, we have had some problems associated with the introduction—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! If you knew the answer you should not have asked the question.

The Hon. J.D. HILL: That is typical of the member for Davenport, isn't it, as you pointed in the address today in relation to the late Dale Baker. I will get information and get back to the house.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:35): My question is to the Minister for Emergency Services. How many CFS brigades are unable to provide personal protective equipment to CFS volunteers? The opposition has been sent an email from a rural CFS brigade captain that states:

...because of the lack of commitment by the CFS to supply the appropriate personal protective equipment, the feeling with new members is that they feel they are not wanted and left out when they are needed. We are about to lose more members. Somebody should listen and take urgent action.

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:35): I thank the member for Morphett for his question. Can I say from the outset that no-one in the CFS is taken for granted, nor are they unwanted. They provide an enormously important and valuable service to our community and we have in excess of something like 14,000 volunteers here in South Australia.

In relation to equipment and/or uniforms, my understanding is that there was some delay with a particular contract. I understand those problems have been fixed. Uniforms are issued through the local region and decisions are made sometimes that perhaps a new volunteer does not necessarily get new uniforms immediately; they wait and see that they have some ongoing commitment to the service. If the member for Morphett has evidence of people not being equipped to do the job they need to do, I would be happy for him to give it to me.

Dr McFetridge: I had to wait months for my boots.

The SPEAKER: Order!

The Hon. J.M. RANKINE: I am sorry, Duncan, but I reckon you've got enough money to buy your own boots.

Members interjecting:

The SPEAKER: Order!

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:37): My question is again to the Minister for Emergency Services. Will the minister ensure CFS volunteers that SACAD, the call and dispatch computer system, is fully functional and not putting lives and properties at risk because of malfunctions? Last

month a meeting of senior CFS officers produced a report detailing 18 serious issues with the SACAD system, including CFS volunteers on the way to a fire having to phone 000 to get further assistance, the wrong type of fire truck being sent to an incident, the wrong call signs being used for fire trucks responding to incidents and a lack of support staff for SACAD.

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:38): I thank the member for Morphett for his question. SACAD is something like a \$33 million investment to replace some very outdated computer systems and a very degraded communication system, and those old systems were at high risk of collapse. It is a massive change. There have been some teething problems, but we have all agencies working to fix any identified issues. I have been assured by the emergency services that in no way has public safety been compromised.

CLIPSAL 500

Mr VAN HOLST PELLEKAAN (Stuart) (15:38): My question is to the Premier. Has the government been advised by V8 Supercars boss, Tony Cochrane, that it will cost taxpayers \$7 million to \$8 million to install lighting for a night V8 car race, and have these discussions suggested that, if the government does not install the lighting, the race could be moved away from March?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:39): I thank the honourable member for his question. The answer to the first part is yes, although our advice is that is a pretty dramatic underestimate of what it would cost to put lighting in the Clipsal V8 event. The answer to the second part of the question is no. In fact, it is a bit the other way around. If the event were to be taken to night racing, it opens up the opportunity of it being shifted to earlier in the year because, apparently, there is some risk to the race, and certainly from the drivers' perspective it becomes a riskier proposition running the event too far into February because of the heat associated with running the event.

This is from the perspective of obviously Mr Cochrane, and he is looking at it from his perspective, and obviously there are opportunities here for him in being able to get a potentially larger, different audience to match up with certain time zones in other parts of the world, but there is no doubt that he presented some of the opportunities that are present in night racing, but we have not yet reached a concluded view about what we are going to do with that proposition. But, certainly it is a bit of an underestimation to say \$7 million to \$8 million, on our advice.

CLUBS AND ASSOCIATIONS

Mr VAN HOLST PELLEKAAN (Stuart) (15:41): My question is to the Minister for Recreation and Sport. How many clubs and associations are paying interest on back rent owed, even when they have not been invoiced for the rent? The opposition has been told that the government is charging interest on rent charged to clubs and associations using government land when they have not been invoiced for the rent.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:41): I thank the member for Stuart for his question. I will take the question on notice and get back to the house with a full answer.

RESIDENTIAL TENANCIES TRIBUNAL

Mr GOLDSWORTHY (Kavel) (15:41): My question is to the Minister for Business Services and Consumers. Will the minister advise the house what immediate action is being taken to remedy the long delays with the Residential Tenancy Tribunal in hearing matters? The opposition has a copy of a letter from the minister which states:

The current timeframes for hearings at the Tribunal are of concern to me and I have asked the Commissioner for Consumer Affairs and the Presiding Member of the tribunal to take immediate action to remedy the situation.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:42): I thank the honourable member for the question. As I understood his explanation, he answered it for me.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The honourable member asked me what I was doing about it. He has obtained by some means a copy of a letter which I recently sent both to the commissioner and to the presiding member of the tribunal saying, 'Look, I've had complaints. I'm not happy about it, so I would like you to explain to me how we are going to improve things.' That is the state of play. If you have the letter there, you might see the date, and I think you might find that the date is probably in the last week or thereabouts so, if we crack that question down, it is basically, 'Has Australia Post been able to process my letter to that person, and their response back to me in a week?' The answer to that is no.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker: I thought the Premier told the house that serious questions would get serious answers. I don't think this is a serious answer. This is a serious matter that has been raised by constituents.

The SPEAKER: The member will sit down. It seemed serious enough to me. He answered the question. He explained what his answer was.

RESIDENTIAL TENANCIES TRIBUNAL

Mr GOLDSWORTHY (Kavel) (15:44): Madam Speaker, I can clarify: what is the action being taken?

The SPEAKER: Member for Kavel, he has just explained that to you. Minister, can you explain it again in simpler terms perhaps?

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. Snelling: Can you do it in a picture?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:44): That's a thought, actually. If we had a board, I could help make it easier.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: It goes something like this: I discovered that some people are not satisfied with the service because I have received complaints, and you have, I think, been one person who has drawn matters to my attention about this, and you are not the only one. I said to myself: this is not good.

Mr Marshall: Do you talk to yourself often?

The SPEAKER: Order!

The Hon. J.R. RAU: No; I said to myself: this is not good. I am concerned—

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. J.R. RAU: Madam Speaker, I am trying to break it down so that it is digestible.

Mr Pisoni interjecting:

The SPEAKER: Order! Member for Unley, leave the chamber for the rest of question time.

Mr Pisoni interjecting:

The SPEAKER: I will give you 10 minutes; I will call it a compromise.

Members interjecting:

The SPEAKER: Order! Then you can't go home.

The honourable member for Unley having withdrawn from the chamber:

Members interjecting:

The SPEAKER: Order! The minister is trying to give a sensible answer.

The Hon. J.R. RAU: Anyway—where was I up to?

The Hon. P.F. Conlon: Somebody complained to you.

The Hon. J.R. RAU: Somebody complained to me—

Mr Pederick: You're hearing voices.

The SPEAKER: Order! Member for Hammond, behave, or you will go out again. Minister.

The Hon. J.R. RAU: I thought to myself, I am going to take these complaints seriously; they are serious matters. I thought, shall I just make up an answer and go off and do it without discussing it with anybody, or should I actually communicate with the presiding member of the tribunal and the chief executive of the relevant to department, which is, business and consumer affairs? Again, I thought to myself, I reckon I might ask them because they might be able to provide a solution to the problem which began the process that we started explaining a couple of minutes ago, which is people not being happy. After that happened, I thought the best way to communicate with them might be to write them a letter.

Members interjecting:

The Hon. J.R. RAU: Yes, a letter. So, I sat right down and wrote them a letter, and I signed the letter, and I believe it was posted. You now have a copy of one of those letters. When I get answers to those letters, I will read them, I will consider them and, in the fullness of time, I will respond to them.

Members interjecting:

The SPEAKER: Order! The member for Florey.

METROPOLITAN FIRE SERVICE SESQUICENTENARY

Ms BEDFORD (Florey) (15:48): I was following all of that; it was so good. My question is to the Minister for Emergency Services, and it is time sensitive. Can the minister outline to house how the MFS will celebrate its sesquicentenary?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:48): I thank the member for Florey for her question. Over the coming months, the South Australian Metropolitan Fire Service will celebrate its 150th anniversary of providing fire protection to our community. The MFS has a proud history. It was originally known as the South Australian Fire Brigade, and documents show it was formed on 5 November 1862 and is now one of the oldest legislated government fire services in the world.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Locally and internationally, our South Australian MFS is held in high esteem and employs over 1,000 staff across 36 stations, 20 in the metropolitan area and 16 in our regions. The MFS will mark this occasion with six months of celebrations, beginning with an opening parade on Thursday 26 April at the Adelaide Fire Station in Wakefield Street.

Several of the state's firefighter memorials will also be refurbished and unveiled. This includes the *City of Singapore* ship fire memorial at the Cheltenham Cemetery, Fireman Gardner's drinking fountain at Elder Park, the Emergency Services Memorial at Centennial Park, and the Wall of Remembrance at the Adelaide Fire Station. A shift parade will follow at the Adelaide Fire Station on 4 May to recognise St Florian's Day, also known as International Firefighters Day. St Florian is the patron saint of firefighters.

Meantime, all MFS fire appliances will be branded with the message '1862-2012 Serving South Australia'. An interactive stand will again be included in the program at the Royal Adelaide Show, followed by a further shift parade at the Adelaide Fire Station on 10 October for National Firefighters Remembrance Day. Celebrations will conclude with the traditional MFS open day on 10 November following the Christmas pageant.

Whilst this anniversary is cause for celebration, it is also a timely opportunity to remember the 10 MFS firefighters who have lost their lives in the line of duty. This includes the *City of*

Singapore fire at Port Adelaide, where three firefighters lost their lives in the line of duty—Albert Greenman, George Anderson and James Hickey. As a mark of respect, celebrations will start on 26 April, the day of the tragic ship fire 88 years ago.

The MFS also has a proud history of community education and engagement, whether it be taking tour groups through fire stations, educating little ones about the dangers of fire, their successful road awareness program or reminding people to change the batteries in their smoke alarms. They work hard to educate all sections of our community. Little known, I think apart from by those who benefit directly, is that MFS officers also fund Camp Smokey for children who have suffered burns, and they pay for urgent household items to help people who have suffered the misfortune of fire. They raise this money not from external fundraising but from direct deductions from their pay packets.

South Australians rightly hold this service, the men and women of the MFS, in the highest esteem. Like all our emergency services personnel, firefighters give an enormous amount. Daily, they put their lives on the line to protect others. By supporting the 150th celebrations, South Australians have the chance to thank our MFS for the role it plays and has played over the last 150 years in keeping our community safe.

VISITORS

The SPEAKER: Members, I draw attention to the presence in the gallery of the former speaker, Hon. Graham Gunn. I am glad you are here to keep an eye on my left, and I am sure you will have something to say to them afterwards. Welcome back.

QUESTION TIME

COMMUNITY SERVICE WORK

Mr TRELOAR (Flinders) (15:52): My question is to the Minister for Correctional Services. Is the Department for Correctional Services in the habit of asking local councils to cover the remuneration costs for community service work to be carried out in local government areas and, if so, why? The Port Lincoln City Council has recently rejected a proposal from the department for the council to cover the \$200 per day remuneration costs, when previously the Garden of Remembrance, the grounds at the Axel Stenross Maritime Museum, and others, have been maintained by the community service workers free of cost?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:53): Repay SA is a really important rehabilitation program that Correctional Services runs, where we have people who are being monitored in the community undertaking community work or lower security prisoners going out in the community and doing work. The direct answer to the question is yes, it is normal to charge, and I understand that about \$200 a day is the normal fee. A range of councils that we have agreements with pay Correctional Services to cover the costs of the materials that are often used in relation to undertaking the work these people do.

COMMUNITY SERVICE WORK

Mr TRELOAR (Flinders) (15:53): I have a supplementary question, Madam Speaker. If the councils are not prepared to cover the costs, will the services be withdrawn?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:54): I guess that is something that we have to give serious consideration to because this is a cost, and it is a cost that councils would normally bear. They are actually getting this work done at a very cheap rate, as members would understand—\$200 a day for a significant workforce. It does come at a cost to the taxpayer. We have these arrangements with very many councils across South Australia, and we will have to consider Port Lincoln council's willingness to participate.

HEALTH BUDGET

The Hon. I.F. EVANS (Davenport) (15:54): My question is to the Treasurer. Were financial reporting procedures in place to report to the government any working capital deficiency in the health entities and, if so, why is it that at 30 June the Children's, Youth and Women's Health Service had a working capital deficiency of \$14.1 million?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:55): I am happy to get advice in relation to that. I am not certain, but it could well be that we were waiting for flows of capital from the commonwealth which was funding a large expansion project on that site, but I will get advice. In relation to the other question the member asked me in terms of which of the health services received unqualified audit opinion, they were the Department of Health, SA Ambulance Service, the Women's and Children's Health Service (so, three) and two others, Country Health and Adelaide Health Service, did not.

HEALTH BUDGET

The Hon. I.F. EVANS (Davenport) (15:55): Supplementary: can the minister confirm to the house that the quotes that he used from page 8 of the Auditor's report regarding financial controls were to do with the health department and not the health entities that received a qualified audit?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:55): I read the quote, 'In my opinion, the controls exercised by the Department of Health—'

Members interjecting:

The SPEAKER: Order! The member for Bragg.

SOUTH AUSTRALIAN FILM CORPORATION

Ms CHAPMAN (Bragg) (15:56): My question is to the Minister for the Arts. Will the minister explain now why the 2010-11 annual report of the SA Film Corporation was six months late and why the biggest single grant for that year was paid to the ABC? Last week the minister in response to a question said that he would be meeting with Ms Cheryl Bart, the Chair of the SA Film Corporation, to ascertain why the report was so late. As well as being the Chair of the Film Corporation, Ms Bart is also on the board of the ABC. From the report tabled of the over \$1.3 million paid to the ABC in the 2010-11 year, the biggest single grant of \$1 million was paid to them.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:57): Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —one could not help but notice the implied slur, of course, in that question. I did—

Mr PISONI: Point of order, Madam Speaker: standing order 127. The minister is making personal reflections on the member for Bragg, and I ask for it to be withdrawn.

The SPEAKER: Sit down. When you ask a political question, you get a political answer. Members need to be very careful in the way they ask the questions and particularly in their explanations today; so, I am happy for that to go ahead. Minister, do you want to answer the question?

The Hon. J.D. HILL: Thank you. There are two parts of the question, and I did meet with the Chair and the Executive Director of the film centre earlier this week. As the member said, the report was late, and I talked to them about their need to have it provided on time in future. The period for which this report occurred was a particularly difficult time for the film centre because it was building new premises and moving locations, and I guess that is really the explanation for why it was late.

In relation to the issue about the grants to the ABC, I will get a complete answer for the member, but my recollection is that the ABC and the Film Corporation entered into a partnership agreement to make a series of films in South Australia which were done on a joint basis, and I assume that is what that refers to. As I say, I am happy to get a report.

SOUTH AUSTRALIAN FILM CORPORATION

Ms CHAPMAN (Bragg) (15:58): My question is now to the Treasurer. Did the Treasurer approve a \$100,000 payroll tax exemption for the producers of the children's television show *Resistance*? The Payroll Tax Act only allows for exemptions for feature films. As part of a

\$1.5 million incentive to lure the children's show here, the SA Film Corporation agreed to underwrite an application for a \$100,000 payroll tax exemption. Production of *Resistance*, as we now know, is not happening in South Australia. Had you approved that?

The SPEAKER: Member for Bragg, I think you have probably answered the question yourself.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:59): I will need to go back to my records and check. Normally what happens when we are approached—or when I am approached—any relief we get with regard to any taxation is normally done by way of an ex gratia grant. I don't have any recollection of such an ex gratia grant, but I will certainly go back to my records and check.

HEALTH DEPARTMENT

Mr HAMILTON-SMITH (Waite) (16:00): My question is to the Minister for Health. Is poor management and financial mismanagement referred to by the Auditor-General in his report tabled today in parliament the cause for an increase in full-time equivalents in the Department of Health from 1,273 people in 2010 to 1,859 people—an increase of 586 FTEs in the past 12 months? The Auditor-General, in confirming an almost 30 per cent increase in FTEs in the Department of Health states on page 79 of his report, 'The increase in the Department of Health FTEs is mainly attributable to the workforce and finance integration across SA Health.'

The Hon. J.D. HILL (Kaurana—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (16:01): That is absolutely true; what we have done is to bring—

Mr Hamilton-Smith: What a mess!

The SPEAKER: Order! Member for Waite, behave.

The Hon. J.D. HILL: I find it hard—I get one sentence out and I actually agreed with the comment made by the member, and I still get an interjection, but it is his spin on the question that really needs to be addressed, because it's true—

Members interjecting:

The SPEAKER: Order! Member for Norwood, leave the chamber for the rest of question time.

The honourable member for Norwood having withdrawn from the chamber:

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It is absolutely true that, as part of the process of reforming the health service, we brought together the finance and management control measures into the Department of Health. We have taken them out of the regions, where those employees used to be, and we brought them together into the head office. There has not been a growth in the Public Service; there has been, in fact, a consolidation so that we can reduce the number of public servants we have who manage the resources, who manage the finances, who do procure—

Mr Pisoni interjecting:

The Hon. J.D. HILL: Well, it may not sound like that to you, but that's unfortunately the case—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It may not sound like it to the member for Unley, and I am sorry if he does not understand it, but part of the reform process is the consolidation of management services in head office and the reduction of those services elsewhere. So, for example, the Department of Health in 2010-11, in terms of the number of executives in the department, there were 59, and in 2009-10 there were 56. But, if you go down the track and you add up all of the departmental officers in each of the various regions, you find that in 2010-11—this is one example—there were 121 executives who were being paid over \$103,600 a year, whereas in the previous year (2009-10)

there were 128 executives being paid \$101,000. There were fewer executives in 2010-11, but if you only looked at the Department of Health you would think there were more, because we are consolidating those jobs so that we can reduce the number of positions that are required to run those kinds of management services across the health system.

HEALTH, ORACLE CORPORATE SYSTEM

Mr HAMILTON-SMITH (Waite) (16:03): My question is again to the Minister for Health. Has he misinformed cabinet, and has he failed to correct that misinformation, about the Oracle IT system he introduced across his department? The Auditor-General's Report tabled today explains that the minister failed to bring a business case to cabinet when he first introduced the project to cabinet, misinformed cabinet about the cost of the project, and he advises today that, as of the date of publishing of the report, the minister has still not corrected that misinformation to cabinet.

The SPEAKER: Order! I will allow the minister to answer that question, but it was a very provocative question. I think you need to defend yourself.

The Hon. J.D. HILL (Kaurua—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (16:04): Thank you, Madam Speaker. The member for Waite has tried about four times to make a political point in relation to this issue; I have addressed it several times, and I will do it again. I am advised the actual cost of the Oracle contract is \$9.6 million for five years only. Whole-of-life costs, outside of the contract, are offsetting in nature and have no impact on operations or the state's budgetary commitments beyond the forward estimates period. Whilst the purchase recommendations submitted to the State Procurement Board sought approval for a 15-year term, Oracle Corporation—

Members interjecting:

The SPEAKER: Order! Listen to the minister's answer.

The Hon. J.D. HILL: —policy prohibits it from contracting for periods greater than five years in duration. The approval cabinet submission, therefore, reflects the final negotiated position with Oracle Corporation and costs that could be estimated with certainty. The recurrent costs for five years are set out in the cabinet submission which has been reviewed and endorsed by the Department of Treasury and Finance in their cabinet costing comment. As part of the development of the phase two rollout, which will include the related Benefits Realisation Plan for Oracle, SA Health will provide cabinet with a formal update on the current status of the project and proposed completion of phase 2. It was done entirely properly. The member has tried this four or five times. The answer remains the same: cabinet was properly informed. It was on the basis of the rules that—

An honourable member interjecting:

The Hon. J.D. HILL: Well, the Auditor-General, I am quite sure, is happy to hear me say this here and will read what I have to say. Cabinet was properly informed. Treasury and Finance signed off on it. This arrangement was absolutely put in place according to the standards of cabinet.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:07): Obtained leave and introduced a bill for an act to provide measures to protect and enhance the special character of the Barossa Valley region; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:08): I move:

That this bill be now read a second time.

In September of last year I introduced the Character Preservation (Barossa Valley) Bill of 2011. That bill sought to recognise the special character of the Barossa Valley and provide statutory protection from inappropriate urban development. A similar bill was introduced at the same time providing similar statutory recognition and protection for the McLaren Vale district. As members will recall, each bill lay on the *Notice Paper* for members of the community and councils to provide their views on the proposed method of protection of these two iconic wine-producing regions.

The reasons for this bill are the same as for the Character Preservation (McLaren Vale) Bill. Indeed, as for the McLaren Vale bill, feedback received during consultation on this bill has

highlighted and confirmed the government's view that protection of the Barossa Valley from urban sprawl—from either expanding townships or creeping suburbia—is a priority of the community. People want to see the character of the Barossa Valley protected and they support legislation as a means for this to occur.

Today I am introducing an amended version of the Character Preservation (Barossa Valley) Bill 2011. This bill has been subject to the same public consultation process as for the parallel Character Preservation (McLaren Vale) Bill 2012 and has been subject to similar amendments arising from consultation. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Firstly, as for the McLaren Vale district, the boundaries of the Barossa Valley district have been altered in response to submissions received from councils and the community.

The eastern boundary of the district now follows the boundary of the Barossa Council and therefore excludes land within the Mid Murray Council. This change reflects the concern expressed by some that this boundary was too expansive and included areas that were not obviously related to the character of the Barossa Valley or intrinsic to its fabric.

On the west, the boundary of the district has also been revised and no longer includes an area of land east of the Sturt Highway adjacent to the northern end of Gawler. This small area of only 204 hectares sits at the very edge of the district and is more directly connected to the adjacent Kingston industrial estate opposite than to the Barossa.

In total, the revised boundaries will ensure that 128,509 hectares of land are recognised and protected within the Barossa Valley district. A revised map of the district has been deposited in the General Registry Office reflecting the changes.

Additionally, unlike the McLaren Vale Bill, the Bill provides for certain designated areas, specified on the map lodged with the General Registry Office, to be excluded from the prohibition on residential subdivision.

Within the Barossa Valley, a number of areas have been zoned for rural living over past decades. These areas, including a large tract between Sandy Creek and Williamstown, are now nearly fully developed under current zoning policy.

It is not possible to turn back the clock and restore these areas to agricultural uses. The decision, some time ago, to allow them to be zoned for rural living purposes has long since removed them from being viable primary production lands.

I acknowledge that some land owners may have purchased properties in good faith with the intention of subdividing them for residential use to the extent permitted by the existing zoning policy. A side-effect of the original Bill would have been to remove that right from these land owners.

Given that these areas have long been removed from viable primary production and that subdivision in accordance with the existing policy will not be detrimental to the overall landscape quality of the area, I have accepted submissions from the community and decided that, if subdivision is currently permitted in a relevant zone under the development plan, the area of that zone should not be subject to the prohibition on residential subdivision which the Bill applies to other rural parts of the district for the time being.

However, I am concerned that it is important that the zoning policy in these areas is not changed in the future to more intensive residential uses. For this reason, the Bill provides that the current zoning policy, which sets a minimum allotment size for residential subdivision consistent with the rural living landscape of these zones, should not be altered without parliamentary approval. The exact minimum allotment size permitted varies in each zone within a range from 0.5 to 20 hectares. Generally, the minimum allotment size tends to be around one hectare.

In essence, this means that development in these areas will be treated on a similar basis to the townships—residential subdivision will be permitted and assessed, on its merits, against the provisions of the development plan. However, unlike the townships, the minimum allotment size currently specified in the development plan cannot be changed without parliamentary approval.

The remaining changes to this Bill reflect those made to the *Character Preservation (McLaren Vale) Bill*. Full details of those changes are outlined in my remarks in the second reading debate on that Bill.

I believe the amended Bill will improve the effectiveness of the protection regime the Government is seeking to put in place.

The changes reflect the feedback received during the consultation period and I want to publicly acknowledge all those who took the time to put in a submission as part of that process.

As members would recall, the original Bill was based substantially on a discussion paper and associated maps I released for consultation in June 2011.

Overwhelmingly, the more than 220 submissions received from councils, members of parliament and community and industry groups supported the proposal to enact legislation to preserve and enhance the special character of the Barossa Valley district.

Once operative, this legislation will set out what is desirable and undesirable in the Barossa Valley. Neither the State Government nor any of the councils will be able to change the rules, or allow incremental erosion of the landscape for urban development, without the approval of parliament.

As with the McLaren Vale Bill, complementary to this Bill, I can also inform the House that the Development Plan Amendment or DPA which I introduced on an interim basis last year to support the operation of the original Bill has also been revised, via a new interim DPA, in response to public feedback.

The new interim DPA will prevent inappropriate urban development from occurring within the district as parliament debates this legislation, while allowing growth within the key township areas.

As with the McLaren Vale Bill, given the substantial community interest generated by the previous Bill, I believe it is important that members have the opportunity to canvass their constituents and give the Bill appropriate consideration. For this reason, following introduction of the Bill today, I plan to let it lay on the table for at least four weeks to allow public comment. I will then seek that the House consider the Bill.

However, I reiterate to the House the Government's strong commitment to seeing this process through to a successful conclusion. We believe this Bill strikes the appropriate balance and will ensure the special character of this district is protected and maintained.

As with the McLaren Vale Bill, I would like to acknowledge the work and insight of a number of people who have made important contributions in this debate—including Maggie Beer, Margaret and Peter Lehmann, Jan Angas, the Member for Light Tony Piccolo and others who have highlighted the importance of protecting the Barossa Valley. The region is justifiably well known and regarded, both here and internationally.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Interaction with other Acts

This clause provides that the measure is in addition to, and does not limit or derogate from, the provisions of any other Act (except as provided otherwise) and provides that this is to be a character preservation law for the purposes of the *Development Act 1993*.

5—Objects

This clause sets out the objects of the measure.

6—Character values of district

This clause sets out certain character values of the district and provides that these values are relevant to assessing the special character of the district and to the policies to be developed and applied under the Planning Strategy and relevant Development Plans under the *Development Act 1993*.

7—Major project provisions not to apply

This clause disappplies the major project provisions of the *Development Act 1993* in relation to developments or projects in the district.

8—Limitations on land division in district

This clause makes the Development Assessment Commission the relevant authority under the *Development Act 1993* for developments involving land division in the district. In relation to areas identified as *designated areas* under the relevant plan lodged in the GRO, the minimum allotment size applying under the Development Plan on the *prescribed day* (being the day on which the Bill is introduced in the House of Assembly), after any amendments to the Development Plan made on that day, will continue to apply to applications for land division made after the prescribed day despite any subsequent changes to the Development Plan and despite section 53(2) of the *Development Act 1993*. The clause also provides, in relation to other land in the district, that any application for development authorisation made after the commencement of the clause that would result in the creation of additional allotments for residential purposes is to be refused.

9—Power to require information

A person or body involved in the administration of an Act may require further information from a person applying for a statutory authorisation or from a government or local government authority for the purposes of the measure.

10—Review of Act

This clause provides for a review of the Act 5 years after its commencement.

11—Regulations

This clause provides for the making of regulations for the purposes of the measure. The regulations may, without limitation—

- prohibit or restrict the undertaking of a specified activity, or an activity of a specified class, within the district, or a specified part of the district (despite any other Act or law)
- provide that a person undertaking a specified activity, or an activity of a specified class, or proposing to undertake a specified activity, or an activity of a specified class, within the district, or a specified part of the district, comply with any prescribed requirement or condition (despite any other Act or law).

Schedule 1—Transitional provisions

1—Transitional provisions

The transitional provision provides for the Planning Strategy to be altered to incorporate provisions which address the character values of the district within 6 months after commencement and for a review of relevant Development Plans within 6 months after the changes to the Planning Strategy.

Debate adjourned on motion of Mr Griffiths.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:10): Obtained leave and introduced a bill for an act to provide measures to protect and enhance the special character of the McLaren Vale region; to make related amendments to the Development Act 1993; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:11): I move:

That this bill be now read a second time.

In September of last year I introduced the Character Preservation (McLaren Vale) Bill 2011. That bill sought to recognise the special character of McLaren Vale and to provide statutory protection from inappropriate urban development. A similar bill was introduced at the same time providing similar statutory recognition and protection for the Barossa Valley.

As members will recall, each bill lay on the notice paper to provide for members of the community and councils to provide their views on the proposed method of protection for these two iconic wine-producing regions. The feedback received during consultation has highlighted and confirmed the government's view that protection of McLaren Vale from urban sprawl—either from expanding townships or creeping suburbia—is a priority for the community.

People want to see the special character of McLaren Vale protected and they support legislation as the means for this to occur. Today I am introducing a revised version of the Character Preservation (McLaren Vale) Bill. The revised bill contains a number of changes from the original bill, which I believe will improve the effectiveness of the protection regime that the government is seeking to put in place. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The changes reflect the feedback received during the consultation period and I want to publicly acknowledge all those who took the time to put in a submission as part of that process.

As members would recall, the original Bill was based substantially on a discussion paper and associated maps I released for consultation in June 2011.

Overwhelmingly, the more than 220 submissions received from councils, members of parliament and community and industry groups in response to that paper supported the proposal to enact legislation to preserve and enhance the special character of the McLaren Vale district.

In essence, the key features of the original Bill remain unchanged.

As in the original Bill, this Bill defines the boundary of the district, sets out broad objectives guiding its development and, at the local level, ensures that development will be assessed against local zoning policies that are consistent with these objectives.

Once operative, this legislation will set out what is desirable and undesirable in McLaren Vale. Neither the State Government nor the local council will be able to change the rules, or allow incremental erosion of the landscape for urban development, without the approval of Parliament.

However, as I have already indicated, I have decided to make three changes in response to feedback received during the consultation period.

Firstly, the boundaries of the McLaren Vale district have been altered in response to submissions received from councils and the community; in essence the northern boundary of the district now follows the boundary of the City of Onkaparinga and does not include any part of the City of Burnside, the City of Mitcham or the Adelaide Hills Council.

This change reflects the concern expressed by some that the district boundaries were too expansive and included areas that were not related closely enough to the character of McLaren Vale.

In total, the revised boundaries will ensure that 38,905 hectares of land are recognised and protected within the McLaren Vale district. A revised map of the district has been deposited in the General Registry Office reflecting the changes.

Secondly, the Bill does not include the district and township objectives, describing the special character of the district, that were set out in the schedule to the original Bill. Consultation feedback suggested councils in particular found these provisions confusing and so, instead of this, the Bill now contains a simplified list of district character values and proposes that these be elaborated upon in a supplementary volume of the Planning Strategy.

This new volume will be prepared, in collaboration with the affected councils, over the course of the next 6 months. During the same timeframe, the Bill proposes that affected councils must review their development plans to align zoning policy with the special character of the district. Consultation on both of these statutory processes is intended to occur concurrently.

Thirdly, whereas the original Bill prohibited subdivision for residential and industrial purposes within the district, the revised Bill places that prohibition on the creation of additional residential allotments only.

Residential subdivision in rural areas can substantially impact on both landscape character and core primary production activities. Subdivision in these areas is often the thin edge of the wedge—fragmenting rural and agricultural lands so that they are no longer economically viable as farming operations.

However, given that there are a number of industrial land uses complementary to agricultural production, I have accepted the view put to me through consultation that a statutory prohibition on subdivision for industrial purposes would be overly restrictive. Instead, such proposals should continue to be assessed, on their merits, against the development plan.

Importantly, in response to feedback from members of the community, I have relaxed the subdivision controls in the interim development plan amendment to enable those land owners along the coastal living strip between Aldinga and Maslins Beach to apply for residential subdivision in accordance with the previous zoning policy.

I want to make it clear to Parliament and land owners in those areas that the former subdivision controls for this coastal living area—which is zoned as part of the Metropolitan Open Space System—imposed tight controls on subdivision to preserve the open space seascape character of this important coastal strip.

There are just under 140 allotments in these two areas and less than 30 of them are subdividable under the policy, which sets a minimum allotment size of 4 hectares. It was never the case that these two areas—which provide an important landscape corridor connecting the wine-growing areas of the Willunga basin with the sea—would ever be allowed urban subdivision under the former policy and, if Parliament supports this Bill, the opportunity for the area to be rezoned to allow residential subdivision in these areas will be removed.

Those land owners who are contemplating subdivision in accordance with the 4 hectare minimum allotment size will have a window of opportunity starting today with the relaxation of the interim development plan amendment. However, should Parliament support this Bill, that opportunity will end upon commencement of the legislation.

The other key elements of the Bill remain substantially unchanged.

Complementary to this Bill, I can also inform the House that the Development Plan Amendment or DPA which I introduced on an interim basis last year to support the operation of the original Bill has also been revised, via a new interim DPA, in response to public feedback.

The new interim DPA will prevent inappropriate urban development from occurring within the district as Parliament debates this legislation, while allowing growth within the key township areas.

I turn now to other aspects of the Bill the operation of which I would like to clarify, given some of the feedback on the Bill and DPA I have received.

Firstly, it is important to reiterate that this legislation does not aim to replace or replicate the *Development Act 1993*. Applications for development will still go to council and be assessed against the local development plan. The only exception to this—as stated previously—relates to the residential subdivision in the rural areas of the district which is prohibited under the Bill.

This close connection to the *Development Act 1993* has, I believe, been reinforced by the changes I have made linking the character values of the district directly to the Planning Strategy.

I also wish to clarify that, while the Bill also contains a power to make regulations, this power is limited and reflects the standard regulation-making powers contained in most legislation. For example, there is no power for the regulations to specify exceptions to the requirements of the Bill. In short, the Government will not be able to act without Parliamentary scrutiny to change the legislation.

It is important to emphasise as well that the Bill requires a review of the legislation within five years of commencement. The responsible Minister is required to table the report of the review in both Houses. This review

will provide a suitable opportunity for the entire protection regime—legislation, Planning Strategy and development plans—to be assessed for their effectiveness in collaboration with councils.

Finally, it is important for me to highlight that the district boundary does not include Glenthorne Farm, despite views put to me by some in the community that it should do so. When I introduced the original Bill, I stated that the Government would investigate extending the district boundary to include Glenthorne Farm in response to community concern.

However, given its disconnection from the remainder of the district, I have decided it would not be appropriate to include Glenthorne Farm in this Bill. The Government is continuing to examine other options to ensure its continuing protection as an open space.

Given the substantial community interest generated by the previous Bill, I believe it is important that members have the opportunity to canvass their constituents and give the Bill appropriate consideration. For this reason, following introduction of the Bill today, I plan to let it lay on the table for at least four weeks to allow public comment. I will then seek that the house consider the Bill. I will adopt a similar process in relation to the separate Barossa Valley Bill.

However, I reiterate to the House the Government's strong commitment to seeing this process through to a successful conclusion. We believe this Bill strikes the appropriate balance and will ensure the special character of this district is protected and maintained.

It would be remiss of me to not acknowledge the work of the member for Mawson and the Hon. Robert Brokenshire, who have both championed the protection of the McLaren Vale area.

I would also like to acknowledge the efforts of Pip Forrester, the McLaren Vale Grape Wine and Tourism Association and others groups such as the Friends of the Willunga Basin who have for many years been seeking to further protect this region. I want to take this opportunity to particularly thank both the elected members and staff of Onkaparinga Council who have been extensively involved in this and the previous Bill as well as the associated DPA.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Interaction with other Acts

This clause provides that the measure is in addition to and does not limit or derogate from the provisions of any other Act (except as provided otherwise) and provides that this is to be a character preservation law for the purposes of the *Development Act 1993*.

5—Objects

This clause sets out the objects of the measure.

6—Character values of district

This clause sets out certain character values of the district and provides that these values are relevant to assessing the special character of the district and to the policies to be developed and applied under the Planning Strategy and relevant Development Plans under the *Development Act 1993*.

7—Major project provisions not to apply

This clause disapplies the major project provisions of the *Development Act 1993* in relation to developments or projects in the district.

8—Limitations on land division in district

This clause makes the Development Assessment Commission the relevant authority under the *Development Act 1993* for developments involving land division in the district and provides that any application for development authorisation made after the commencement of the clause that would result in the creation of additional allotments for residential purposes in the district is to be refused.

9—Power to require information

A person or body involved in the administration of an Act may require further information from a person applying for a statutory authorisation or from a government or local government authority for the purposes of the measure.

10—Review of Act

This clause provides for a review of the Act 5 years after its commencement.

11—Regulations

This clause provides for the making of regulations for the purposes of the measure. The regulations may, without limitation—

- prohibit or restrict the undertaking of a specified activity, or an activity of a specified class, within the district, or a specified part of the district (despite any other Act or law)
- provide that a person undertaking a specified activity, or an activity of a specified class, or proposing to undertake a specified activity, or an activity of a specified class, within the district, or a specified part of the district, comply with any prescribed requirement or condition (despite any other Act or law).

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

This Part is formal.

Part 2—Amendment of *Development Act 1993*

This Part makes related amendments to the *Development Act 1993*. These related amendments apply in relation to all character preservation laws. The amendments would ensure that the objects under a character preservation law are incorporated in the Planning Strategy and provide that the Planning Strategy must incorporate provisions which address any character values of a district recognised under a character preservation law. The Part also makes provision in relation to amendment of Development Plans to promote the objects under a character preservation law and to allow for the Development Assessment Commission to act as the relevant authority in relation to proposed development in certain circumstances.

Part 3—Transitional provisions

The transitional provision provides for the Planning Strategy to be altered to incorporate provisions which address the character values of the district within 6 months after commencement and for a review of relevant Development Plans within 6 months after the changes to the Planning Strategy.

Debate adjourned on motion of Mr Pederick.

TAFE SA BILL

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:13): Obtained leave and introduced a bill for an act to establish TAFE SA; and for other purposes. Read a first time.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:14): I move:

That this bill be now read a second time.

This bill establishes TAFE SA as a statutory corporation which is an important part of our Skills for All vocational education and training reform. This initiative deals with the major skills challenge facing the state from a rapidly changing economy and our ageing population. In its most recent report, the South Australian Training and Skills Commission identified additional job openings in South Australia over the next five years to 2015. These amount to 163,000 jobs due to both economic growth and the need to replace workers as they retire.

Labour supply and skill levels in South Australia must increase to capitalise on these opportunities. Our changing economy also means that the skills needed to do these jobs are also changing. The Training and Skills Commission projects a total demand of 299,000 qualifications for new entrants to the labour force as well as existing workers over that same five years. The vast bulk of these, more than 85 per cent, will be for higher qualifications of certificate III and above.

It will be a massive task to meet this challenge, one that will require very significant reform of the vocational training and education system, which is why we are implementing Skills for All, the most wide-ranging and significant reform of the vocational education and training system in this state to date. The state government has committed an additional \$194 million to support this reform over six years and to help fund the 100,000 additional training places for South Australians. The TAFE SA Bill 2012 to establish TAFE SA as a statutory corporation is a key component of Skills for All.

The state government recognises and respects the importance of TAFE SA to the South Australian economy and the role it will play in meeting this enormous challenge. This government is committed to a strong, dynamic, modern and publicly-owned TAFE SA. We are committed to ensuring that TAFE SA students have access to state-of-the-art training infrastructure. We are also

committed to seeing TAFE SA succeed under Skills for All and putting in place the appropriate legislative framework to enable it to do so.

A skilled workforce is fundamental to realising South Australia's potential for a high growth economy. TAFE SA, as the state's largest training provider and the state's largest provider of publicly-funded training, will play a critical role in skilling that workforce. Since 2007-08, this government has, together with the commonwealth, made the biggest single investment ever in TAFE SA infrastructure.

More than \$200 million has been committed to upgrades and new facilities. An amount of \$125 million has been committed for the Sustainable Industries Education Centre at Tonsley Park, \$50 million has been spent on new infrastructure and upgrades to existing facilities, while a further \$33 million in commonwealth funds has been invested in improving facilities in a number of metropolitan and regional TAFE SA campuses.

Modernising infrastructure is, however, only one part of the equation. We also need to modernise and improve the vocational education and training system to be able to respond quickly to the needs of industry and to deliver the breadth and depth of skills demanded by a rapidly changing economy. I seek leave to have the remainder of explanation inserted in *Hansard* without my reading it.

Leave granted.

The State Government's *Skills for All* initiative is a comprehensive reform program, which aims to increase the number of people in training and in jobs. *Skills for All* will introduce a demand driven system in which access to public funding will be open to both public training providers and approved private training providers. Together with this significant system reform, the State Government will give eligible South Australians a training subsidy that provides them with ability to select the training provider of their choice.

TAFE SA is here to stay and it is going to play a central role in this new training system. The establishment of TAFE SA as a statutory corporation is a key component of *Skills for All* because it modernises governance arrangements to enable TAFE SA to operate in the more commercial and competitive environment *Skills for All* will bring. An update to the legislation is well overdue with the current legislation dating back to 1975.

The State Government is committed to recognising the importance of TAFE SA as the State's largest provider of publicly funded training within this context. TAFE SA will continue to play an important role in this new demand-driven VET system, by meeting industry training and community service needs and contributing to the social and economic development of regional communities.

The existing TAFE SA brand is synonymous with quality training, excellent employment outcomes and high student satisfaction. Modern, state-of-the-art facilities, together with autonomy and flexibility as an independent statutory corporation, will create the opportunity for TAFE SA to build on its existing strong reputation, attract more funding, and grow in the expanded training market that *Skills for All* will bring. To this end, this Bill establishes TAFE SA as a statutory corporation.

There are three main outcomes achieved by introducing a statutory corporation model for TAFE SA.

Firstly, by establishing TAFE SA as a statutory corporation, TAFE SA will be provided with greater commercial autonomy and accountability through a board of directors, and flexibility and independence from government processes. This will enable TAFE SA to be even more responsive to market needs.

Secondly, by establishing TAFE SA as a statutory corporation, greater separation of the roles of TAFE SA and the Department of Further Education, Employment, Science and Technology (DFEEST) will be achieved. This is important in the development of the demand-driven and market-based model introduced by *Skills for All*, to ensure that the relationship between the funder and the provider of the training is transparent for all participants of the training system.

Under *Skills for All*, the role of DFEEST will be to:

- manage the VET market to direct training resources to meet the critical and strategic skills needs of the State in consultation with industry and other stakeholders;
- be the purchaser and funder of VET in South Australia;
- provide guidance, advice and support to industry, training providers, students and other users of VET;
- ensure the quality and integrity of the VET system is maintained and enhanced through approval processes and contractual arrangements with *Skills for All* training providers.

The primary function of TAFE SA will be to provide technical and further education—defined in the Bill as education and training recognised as vocational education and training or higher education for the purposes of a law of the Commonwealth or a law of the State and other post-compulsory education and training in any academic, vocational or practical discipline. In addition, the Bill gives TAFE SA statutory functions to:

- undertake or facilitate research that relates to technical and further education;

- provide consultancy or other services, for a fee or otherwise, in any area in which staff of TAFE SA have particular expertise developed (whether wholly or partly) in the course of, or incidentally to, the provision of technical and further education;
- undertake or provide for the development or use, for commercial community or other purposes, of any intellectual property, product or process created or developed (whether wholly or partly) in the course of, or incidentally to, the provision of technical and further education;
- perform any other function assigned to it by the Minister.

Thirdly, by establishing TAFE SA as a statutory corporation, the State will meet an important requirement of the Commonwealth government's reform of the VET system. The proposed governance changes for TAFE SA satisfy the Commonwealth's National Skills Reform agenda. The direct implication is that VET FEE-HELP (income contingent loans) will be available to VET students in South Australia who study at least diploma level where study is publically subsidised through approved training providers.

TAFE SA will be established as a corporation to which the provisions of the *Public Corporations Act 1993* will apply, other than section 35 relating to the appointment of the Chief Executive, which is otherwise provided for in the Bill.

TAFE SA will be governed by a board of directors appointed by the Governor. There will be between 6 and 11 members. The board members will together have the expertise, abilities and experience required for the effective performance of TAFE SA's functions and the proper discharge of its business and management obligations. The Minister will have power to recommend to the Governor removal of a director on any ground that the Minister considers sufficient.

A chief executive of TAFE SA will be appointed by the board with the approval of the Minister. The chief executive will be responsible to the board of TAFE SA for giving effect to the board's policies and decisions, the attainment of performance objectives, and the effective management of TAFE SA and the conduct of its employees. The Minister will have the ultimate power to approve the dismissal of a chief executive by the Board.

The staff of TAFE SA will be employed by the chief executive on terms and conditions determined by the chief executive with the approval of the Commissioner for Public Sector Employment. This Bill and the *Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012* preserve, without any substantive amendment, existing employment conditions that apply under Part 3 of the *Technical and Further Education Act 1975* and the regulations. Relevant provisions will be relocated to Schedule 1 of the *TAFE SA Act 2012*. Importantly, under the transitional provisions, all existing staff will be transferred to the employment of the chief executive of TAFE SA retaining their current terms and conditions of employment.

The existing enterprise bargaining processes will continue for each category of staff and staff will continued to be employed on the same terms and conditions, whether they are currently employed under the *Technical and Further Education Act 1975*, the *Public Sector Act 2009*, or under an Enterprise award or agreement under the *Fair Work Act 1994*.

If a new staff member is required to fill a position in which the duties and roles are the same or substantially similar to an existing classification, it is intended that the employee will be employed by the chief executive of TAFE SA in the existing classification on the same terms and conditions as others in the classification. The terms and conditions will be subject to the same enterprise bargaining processes as exists currently.

If a new staff member is required to fill a new position that is not captured by existing classifications or categories of staff in TAFE SA, the chief executive may employ the new employee on terms and conditions that will meet the needs of TAFE SA, subject to the approval of the Commissioner for Public Sector Employment. The relevant unions will be consulted in the employment of staff in these new roles.

The Bill provides for the use of services of an administrative unit of the Public Service. This ensures that Department of Further Education, Employment, Science and Technology (DFEEST) can continue to provide Corporate Services to TAFE SA when the need arises.

The Bill is intended to operate alongside the *Public Corporations Act 1993*. Under that Act:

- TAFE SA will be under the control and direction of the Minister, and will be required to provide and disclose information to the Government, both on the basis of regularly reporting as well as in response to specific requests for information.
- The Government will be responsible for setting the strategic direction and framework for TAFE SA operations via a Charter and a Performance Statement. The Charter can limit the statutory functions and objects of TAFE SA.
- The Performance Statement will set specific financial and non-financial targets for TAFE SA to pursue, against which the board's performance will be assessed.
- The board will also be responsible for protecting the long-term viability of TAFE SA and the Crown's financial interests.

Within this context, the board will provide strategic leadership of TAFE SA, through appropriate strategic and business plans that are consistent with the Charter and Performance Statement. It will evaluate and monitor the performance of TAFE SA's chief executive. These duties are clearly stipulated in Part 4 of the *Public Corporations Act 1993*.

The changes proposed for TAFE SA will improve its ability to win business and earn market share, as well as enter into partnerships in its own right as a public corporation, and attract students to its pathways. TAFE SA will continue to partner with higher education providers as well as providers in the school sector and provide pathway opportunities.

The Bill includes new provisions for the protection of proprietary interests including the 'TAFE SA' name and brand and the terms 'TAFE' and 'technical and further education'. The Bill makes unlawful the use of these terms and names in circumstances in which it would be reasonably understood to indicate that a person is TAFE SA. This is considered important in a competitive training environment where the TAFE SA brand is well established and highly regarded.

The Bill provides that TAFE SA will have the power to create rules and bylaws, a power commonly given to statutory bodies such as Universities.

TAFE SA will be able to make rules for the purposes of the administration of TAFE SA including the formation of student or staff associations, residential accommodation for students and disciplinary action against students.

The by-laws deal with the grounds of TAFE SA and conduct in those grounds, with provision for fines and expiation fees to be imposed for the breach of a by-law. For example, by-laws may prohibit trespassing on TAFE SA grounds, regulate driving, riding and parking on TAFE SA grounds and prohibit disorderly or offensive behaviour on TAFE SA grounds.

The Bill does not provide any power to TAFE SA to make rules or bylaws to deal with employment conditions. Employment conditions are expressly provided for through the determination of the chief executive, with the approval of the Commissioner for Public Sector Employment, Schedule 1 (provisions relocated from the current *Technical and Further Education Act 1975* and the regulations.

The existing regulations under the *Technical and Further Education Act 1975* will continue in existence under the new Act, and will be consequentially amended as required to remove any regulations for which a regulation-making power is not provided for in the measure.

It has been made clear by the quality of the feedback during the consultation period that there is great interest in this proposal, not only among TAFE SA staff but also the general public. There is no doubt that the reforms will be an important milestone for TAFE SA and for *Skills for All*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

Part 2—TAFE SA

4—Establishment of corporation

This clause establishes TAFE SA as a body corporate that has all the powers of a natural person that are capable of being exercised by a body corporate and that has the functions and powers assigned or conferred by or under the measure or any Act.

5—Application of *Public Corporations Act 1993*

This clause provides that TAFE SA is a statutory corporation to which the provisions of the *Public Corporations Act 1993* (other than section 35) apply.

6—Functions

This clause provides for the functions of TAFE SA, that are:

- (a) to provide technical and further education; and
- (b) to undertake or facilitate research that relates to technical and further education; and
- (c) to provide consultancy or other services, for a fee or otherwise, in any area in which staff of TAFE SA have particular expertise developed in providing technical and further education; and
- (d) to undertake or provide for the development or use of any intellectual property, product or process created or developed in the course of the provision of technical and further education; and
- (e) to perform any other function assigned to it by the Minister.

In providing technical and further education, TAFE SA may—

- (a) provide services at campuses and premises established for the purpose, at industry and commercial premises and elsewhere, whether within or outside the State; and
- (b) provide Internet based services; and
- (c) provide services to domestic and international students; and
- (d) in order to provide students with practical training and experience—
 - (i) establish or carry on an enterprise or activity, for commercial, community or other purposes, in which students are to participate; and
 - (ii) provide for the participation of students, on such conditions as TAFE SA thinks fit, in a commercial, community or other enterprise or activity carried on by some other person or body; and
- (e) provide scholarships or establish other schemes to assist students; and
- (f) charge fees for goods and services.

7—Establishment of board

This clause establishes a board of directors as the governing body of TAFE SA to be appointed by the Governor.

The board's membership must include persons who together have the expertise, abilities and experience required for the effective performance of TAFE SA's functions and the proper discharge of its business and management obligations (including in the areas of education and training, business, industry and community affairs and strategic planning).

8—Conditions of office of director

This clause provides for the conditions of office of a director of the board.

A director will be appointed for a term, not exceeding 3 years, and will be eligible for reappointment at the expiration of that term. Remuneration will be fixed by the Governor.

A director may be removed from office by the Governor on the recommendation of the Minister, which may be made on any ground that the Minister thinks sufficient. The clause also lists other ways in which the office of a director becomes vacant.

9—Board proceedings

This clause provides for the conduct of board proceedings.

10—Conflict of interest under Public Corporations Act

This clause provides that a director of the board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Corporations Act 1993* by reason only of the fact that the director has an interest that is common with those engaged in or associated with the technical and further education sector generally, or a substantial selection of those engaged in or associated with the technical and further education sector.

11—Common seal and execution of documents

This clause provides for the use of the common seal of TAFE SA and for the execution of documents on behalf of TAFE SA.

12—Chief executive

This clause provides for the appointment of a chief executive of TAFE SA and for the responsibilities of that chief executive, namely—

- (a) giving effect to the board's policies and decisions; and
- (b) the attainment of performance objectives set from time to time by the board; and
- (c) the effective management of TAFE SA and the general conduct of its employees.

13—Delegation by chief executive

This clause provides that the chief executive may delegate a function or power of the chief executive under the measure, or any other Act, to another person.

14—Other staff

This clause provides for the employment of staff of TAFE SA by the chief executive (subject to the measure) on terms and conditions determined by the chief executive, which must be approved by the Commissioner for Public Sector Employment.

Subclauses (4) and (5) operate together to maintain the eligibility of certain employees under the *Superannuation Act 1988* who are transferred to the employment of the chief executive under the measure.

15—Use of services or staff of administrative unit

This clause provides that TAFE SA may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

Part 3—Rules and by-laws

16—Power to make rules

This clause provides that TAFE SA may make rules for the purposes of the administration of TAFE SA. The measure specifically lists purposes, such as the formation of student or staff associations, residential accommodation for students and disciplinary action against students.

17—Power to make by-laws

This clause provides that TAFE SA may, with the approval of the Minister, make by-laws for certain purposes related to the grounds of TAFE SA and conduct in those grounds. For example by-laws may prohibit trespassing on TAFE SA grounds, regulate driving, riding and parking on TAFE SA grounds and prohibit disorderly or offensive behaviour on TAFE SA grounds. There is provision for fines (not exceeding \$1,250) to be imposed for the breach of a by-law and also for related expiation fees (not exceeding \$160).

18—Evidentiary provision

This clause provides evidentiary presumptions relating to certain offence provisions that operate in the absence of proof to the contrary.

19—Fines and expiation fees

This clause provides that a fine recovered in respect of an offence against a by-law and an expiation fee paid in relation to an expiation notice issued for an alleged offence against a by-law must be paid to TAFE SA.

20—Availability of rules and by-laws

This clause requires TAFE SA to ensure the availability of copies of each rule and by-law by publication on the Internet or by public inspection at the principal office of TAFE SA.

Part 4—Miscellaneous

21—Protection of proprietary interests of TAFE SA

This clause provides that TAFE SA will have a proprietary interest in all official insignia, such as logos, designs and official titles and creates offences in relation to the unauthorised use of such insignia.

This clause also creates an offence in relation to the use of other terms and phrases in the course of a trade or business in circumstances in which it would be reasonably understood to indicate that the goods, services or benefits are provided by or in association with TAFE SA.

22—Regulations

This clause provides that the Governor may make regulations for the purposes of the measure.

Schedule 1—Transitional provisions

1—Transfer of staff

This clause provides for the transfer of employees employed under the *Technical and Further Education Act 1975*, and certain employees of the chief executive of the administrative unit that is under the Minister responsible for the administration of the *Technical and Further Education Act 1975*, to the employment of the chief executive of TAFE SA on the same terms and conditions.

This clause provides that a transfer of a person under the clause does not constitute a breach of the person's contract of employment or termination of the person's employment, or affect the continuity of the person's employment for any purpose.

2—Regulations

This clause provides that the *Technical and Further Education Regulations 1999* will continue in force as if they were made under this measure and will be taken for the purposes of Part 3A of the *Subordinate Legislation Act 1978* to have been made on the day of commencement of this clause.

Debate adjourned on motion of Mr Pisoni.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:18): Obtained leave and introduced a bill for an act to amend the TAFE SA Act 2012; to amend certain provisions of the Technical and Further Education Act 1975 and relocate them in the TAFE SA Act 2012 and then to repeal the Technical and Further Education Act 1975; and to amend the Aboriginal Lands Trust Act 1966, the Education Act 1972, the Public Sector Act 2009, the SACE Board of South Australia Act 1983 and the Training and Skills Development Act 2008. Read a first time.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:19): I move:

That this bill be now read a second time.

This bill is a companion bill to the TAFE SA Bill 2012 that establishes TAFE SA as a statutory corporation. It is designed to come into operation immediately after that bill comes into operation. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

There are 3 main functions of this Bill.

The first function is to preserve the provisions of the *Technical and Further Education Act 1975* that relate to the employment of officers under that Act by relocating them to the *TAFE SA Act 2012*. The provisions will be relocated in an amended form that ensures that those provisions, without substantive amendment, fit into the structure and mechanisms used in the *TAFE SA Act 2012*. The functions of the Minister with respect to technical and further education will be undertaken by the statutory corporation under that Act and so it is necessary to transfer the staff performing those functions to the statutory corporation and the provisions to that Act. The necessary amendments to those provisions are achieved in Schedule 1 to this Bill and include by way of example:

- references to 'an officer' being replaced with references to 'prescribed employee';
- reference to the 'employing authority' being replaced with references to the 'chief executive of TAFE SA' since the chief executive will be the employer of TAFE SA staff;
- references to 'this Act' being replaced with references to 'this Schedule';
- references to the 'Department' being replaced with references to 'TAFE SA'.

The second function of this Bill is to repeal the *Technical and Further Education Act 1975* which will occur after the provisions have been relocated to the *TAFE SA Act 2012*.

The third function of this Bill is to make amendments required to other legislation as a consequence of TAFE SA becoming a statutory corporation. These are essentially minor changes that will replace obsolete terms and references to Acts. The Acts that will be amended include:

- *Aboriginal Lands Trust Act 1966*;
- *Education Act 1972*;
- *Public Sector Act 2009*;
- *SACE Board of South Australia Act 1983*;
- *Training and Skills Development Act 2008*.

Schedule 2 of this Bill is for information purposes only and has been included to show what the new *TAFE SA Act 2012* will look like after the relevant provisions of the *Technical and Further Education Act 1975* (relating to employment terms and conditions) have been amended, relocated and redesignated. It shows Schedule 1 of the new *TAFE SA Act 2012*, which will list all the terms and conditions that will apply to prescribed employees (as defined in the Schedule) being the same terms and conditions that currently apply to officers employed under section 15 of the *Technical and Further Education Act 1975*. The Schedule will therefore not apply to the employment of other staff of TAFE SA who are not 'prescribed employees', including those currently employed:

- under section 39AAB of the *Technical and Further Education Act 1975*, e.g. hourly paid instructors
- under the *Public Sector Act 2009* working in TAFE SA (excluding Corporate Services staff)
- as weekly paid staff in TAFE SA Institutes.

The terms and conditions of these other categories of staff are preserved by the transitional arrangements in the *TAFE SA Bill 2012*.

As a companion Bill to the *TAFE SA Bill 2012*, this Bill ensures that the transition to the new TAFE SA statutory corporation is as comprehensive and seamless as possible.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *TAFE SA Act 2012*

4—Redesignation of Schedule 1

This clause redesignates Schedule 1 of the *TAFE SA Act 2012* as Schedule 3. Schedule 1 will deal with conditions of employment for prescribed employees, Schedule 2 will deal with interpretation of other Acts and instruments and Schedule 3 with transitional provisions.

Part 3—Relocation of certain provisions of *Technical and Further Education Act 1975*

5—Amendment, redesignation and relocation

This clause amends certain provisions of the *Technical and Further Education Act 1975* as listed in Schedule 1, relocates certain provisions of the *Technical and Further Education Act 1975* to the *TAFE SA Act 2012* and redesignates those provisions within the *TAFE SA Act 2012*. The amendments are technical and not substantive.

Part 4—Repeal of *Technical and Further Education Act 1975*

6—Repeal

This clause repeals the *Technical and Further Education Act 1975* immediately following the amendment, relocation and redesignation of provisions as referred to in Part 3.

Part 5—Amendment of *Aboriginal Lands Trust Act 1966*

7—Amendment of section 20A—Business Advisory Panel

This clause is consequential to the repeal of the *Technical and Further Education Act 1975* and substitutes a reference to that Act with a reference to the *Training and Skills Development Act 2008* for the purposes of the selection of members of the Aboriginal Lands Business Advisory Panel.

Part 6—Amendment of *Education Act 1972*

8—Amendment of section 5—Interpretation

This clause inserts a new definition of *AEU* which means the Australian Education Union, South Australian Branch and repeals the definition of *the Institute of Teachers*.

9—Amendment of section 29—Classification review panels

This clause substitutes references to the Institute of Teachers with the *AEU*.

10—Amendment of section 45—Teachers Appeal Board

This clause makes amendments to the composition and selection of the Teachers Appeal Board that are consequential to the amendment and repeal of the *Technical and Further Education Act 1975*. The amendments provide for the selection of members of the Teachers Appeal Board to include representatives of the prescribed employees of TAFE SA as nominated by TAFE SA and by the *AEU*.

11—Amendment of section 53—Appeals in respect of appointments to promotional level positions

This clause substitutes references to the Institute of Teachers with the *AEU*.

12—Amendment of section 75D—Approved learning programs

This clause substitutes references to the Institute of Teachers with the *AEU*.

Part 7—Amendment of *Public Sector Act 2009*

13—Amendment of section 25—Public Service employees

This clause replaces the reference in section 25(2)(l) of the *Public Sector Act 2009* to an officer or employee appointed by the employing authority under the *Technical and Further Education Act 1975* with reference to an employee of the chief executive of TAFE SA under the *TAFE SA Act 2012*.

Part 8—Amendment of *SACE Board of South Australia Act 1983*

14—Amendment of Schedule 1—Designated entities

This clause is consequential to the repeal of the *Technical and Further Education Act 1975* and updates the list of designated entities that may make representations in relation to the nomination of a person for appointment to the SACE Board of South Australia. The list is to include TAFE SA and the chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Training and Skills Development Act 2008*.

Part 9—Amendment of *Training and Skills Development Act 2008*

15—Amendment of section 15—Staff

This clause is consequential to the repeal of the *Technical and Further Education Act 1975* and deletes reference to officers or employees under that Act who will no longer be assigned to work in the office of the Training and Skills Commission under the *Training and Skills Development Act 2008*.

16—Amendment of section 23—Delegation by Training Advocate

This clause is consequential to the repeal of the *Technical and Further Education Act 1975* and deletes reference to officers or employees under that Act who will no longer be assigned to work in the office of the Training Advocate under the *Training and Skills Development Act 2008*.

17—Amendment of section 24—Staff

This clause is consequential to the repeal of the *Technical and Further Education Act 1975* and deletes reference to officers or employees under that Act who will no longer be assigned to work in the office of the Training Advocate under the *Training and Skills Development Act 2008*.

Schedule 1—Amendments of *Technical and Further Education Act 1975*

This Schedule contains the technical amendments to be made to the *Technical and Further Education Act 1975* under clause 5 of the measure.

Schedule 2—Schedules as they will appear in TAFE SA Act

This Schedule is provided for information purposes only and contains the provisions of the *Technical and Further Education Act 1975* as they will appear in the *TAFE SA Act 2012* after the commencement of clause 5 of the measure.

Debate adjourned on motion of Mr Pisoni.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WATER INDUSTRY BILL

The Legislative Council agreed not to insist on its amendment No. 12 to which the House of Assembly had disagreed and agreed to the alternative amendment made by the House of Assembly in lieu thereof.

AQUACULTURE (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 44 printed in erased type, which clause being a money clause cannot originate in the Legislative Council but which is deemed necessary to the bill. Read a first time.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:21): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia is home to Australia's most diverse range of aquaculture sectors with a world class reputation for quality seafood and environmental sustainability. Of South Australia's total seafood production 30 per cent originated from aquaculture in 2009-10, representing 49 per cent of the total seafood value of production. This trend is reflected worldwide with expectations that, by 2020, aquaculture will produce 47 per cent of global seafood production.

The South Australian aquaculture industry continues to generate employment across the State, most of which is in regional South Australia. In 2009-10, South Australian aquaculture generated direct employment for approximately 1,800 persons and 1,700 flow-on jobs, a total of 3,400 jobs in the State, 71 per cent of which are in the regional areas of South Australia.

Indications are that there is significant potential for further industry growth, not only in established sectors such as tuna and oyster farming, but also in other marine finfish, shellfish, biotechnology and land-based aquaculture.

The success of aquaculture development in South Australia can be attributed to the South Australian Government's aquaculture resource management framework and the strong partnership approach we have fostered with key stakeholder groups, particularly in the seafood industry. Central to this framework is the *Aquaculture Act 2001*, a unique piece of legislation dedicated to aquaculture in the state that provides certainty to industry and the community. The Act is the first of its kind in Australia and has, as its primary objective, the ecologically sustainable development of aquaculture.

The *Aquaculture (Miscellaneous) Amendment Bill 2012* (the Bill) builds upon the framework established by the Act and aims to streamline processes and reduce red tape. It also aims to further promote fair and transparent decision-making with respect to the management of and access to, State marine water resources, whilst maintaining the balance between social, economic and environmental needs of the community.

Amendments to the Act contained in the Bill are considered appropriate to keep the legislation up-to-date with the rapid development of industry practice, aquaculture management practice, administrative best practice and the on-going ecologically sustainable development of the aquaculture industry. The Bill will also further enhance and facilitate attraction of private investment to the aquaculture sector through the introduction of third party registrations on leases (similar to mortgage arrangements on property).

The development of the Bill has been aided by the consideration and input of the Aquaculture Advisory Committee, members of industry peak bodies and members of government agencies involved in regulating the aquaculture industry. With Cabinet's approval on 13 December 2010, the draft Bill was released for three months public consultation from 17 December 2010 to 18 March 2011. During this time advertisements promoting consultation were published in newspapers across South Australia, public meetings were held in Ceduna, Port Lincoln, Adelaide, Kadina and Kingston SE. During consultation, meetings were also offered to key government agencies, including DTEI and DENR and with key stakeholder bodies.

A separate process has commenced for the review of the supporting *Aquaculture Regulations 2005* that are both consequential changes from the Bill, and other amendments linked to regulatory improvements. This step will involve further consultation.

The Bill

It is important to state at the outset that the objects of the *Aquaculture Act 2001* (the Act) remain unchanged—namely ecologically sustainable development of marine and land-based aquaculture; maximisation of the benefits to the community from the State's aquaculture resources; and assuring the efficient and effective regulation of the aquaculture industry. It is with these principles in mind that the following key amendments are sought.

New definitions have been added to clarify that the Act encompasses the regulation of aquaculture equipment and farming structures held on licensed sites. This will bolster the regulation making powers of the Act to clearly enable the making of regulations dealing with such matters as the use of infrastructure including site markers, anchors and feed barges used on licensed sites. Previously the Act only regulated the farming activity, the infrastructure that did not contain stock on a licensed site was left unregulated. Holding sites and the maintenance of infrastructure will be managed on the licence under these very clear powers. The capacity to licence the towing of live aquaculture stock has also been included in order to be able to regulate the risks to the State from the movement of stock to and from a licensed site.

The Bill has given greater clarity and transparency to the determination of a suitable person who may be granted an aquaculture licence. The Minister will have the power to take into account such matters as the person's financial capacity to comply with the obligations of the Act and whether the person has committed any offences or has had any statutory authorisation relating to aquaculture, fishing or environmental protection cancelled or suspended. This will ensure that the State's aquaculture resources will only be granted to those who are prepared and committed to undertake aquaculture farming activity as regulated under the Act.

Further clarity has also been added by the Bill so that there will be no confusion as to the application of standard conditions of aquaculture policies. Once created under such a policy, those standard conditions will apply to all aquaculture leases and licences whether granted before or after the making of the policy and will prevail over any such lease or licence to address any inconsistency.

The Bill ensures that the 28 day timeframe set for consideration of aquaculture policies by the Environment Resources and Development Committee of Parliament is not eroded by the Christmas holiday period or in periods near general elections. Such periods will be disregarded in the 28 day timeframe. This was recommended by the Environment Resources and Development Committee itself. Now policies can be referred to this committee at any time without compromising the opportunity for parliamentary scrutiny.

The concurrence of the Minister responsible for the administration of the *Harbors and Navigation Act 1993* to the grant of an aquaculture lease has been clarified in the Bill with the effect that concurrence is not required where a lease is subdivided or two leases are amalgamated. In these situations the leases are replaced or substituted with a new lease or leases within the same area. This substitution is not a 'grant' for the purpose of seeking the concurrence of the Minister responsible for the administration of the *Harbors and Navigation Act 1993*. This section also establishes that concurrence is not required for an emergency lease unless it is to be granted within the boundary of a port or harbor.

The Bill removes a mandatory requirement for the lease to specify a class of aquaculture as, in practice, it has long been considered more appropriate for a licence to specify this. The Bill also provides that the lease may specify performance criteria to be met by the lessee. All leases granted since 2006 have performance criteria as it is a key management tool to ensure all State waters set aside for aquaculture are actually used for this purpose and not left undeveloped for speculators simply seeking to make a profit from a lease entitlement. Allowing leased areas to remain undeveloped is not consistent with the objective of the Act relating to maximising benefits to the State from the use of State resources.

The Bill introduces a power for the Minister to cancel an aquaculture lease where no aquaculture is being conducted; where the performance criteria have not been met or where lease fees have not been paid. While these conditions are present in all leases granted since 2006, before this time some long-term leases were granted without them and the conditions on those leases did not always enable their variation for this reason. This section creates consistency in this regard and also inserts procedural fairness steps that the Minister must follow before any cancellation may take effect. This provision will make all leases subject to these requirements and will thereby ensure that leases are held only for ongoing aquaculture activities.

The classes of lease have been varied to remove development leases. The removal of development leases simplifies current administrative measures, reducing red tape, without compromising the adequacy of the aquaculture management regime. The term and rate of development under a development lease can be managed in the same way through a production lease. Removing the development lease reduces the need for lease conversion into a production lease after nine years. As part of the transitional provisions of this Bill all development leases will automatically become a production lease with the same terms and conditions as those that applied to the existing development lease. The Minister will now be required to give consent to the transfer of production leases in the same way consent was required for the transfer of development leases.

As part of further measures to streamline administrative process and reduce red tape, the provision for the allocation of pilot leases in prospective zones has been removed together with the provision for prospective zones as the latter have not been used in practice and there is no longer any perceived need for them.

To help foster innovation and new aquaculture development, the maximum aggregate term of a pilot lease has been increased to not more than five years (up from 3 years). This term better reflects the time that is required to set up a new aquaculture farm including the establishment of infrastructure, obtaining stock, providing for development of aquaculture activities which may include proof of concept on a lease site, to a scale considered suitable for the grant of a longer term lease arrangement under a production lease. This timeframe also allows proper environmental monitoring of the site before any consideration of conversion to a production lease. The lease may be converted after three years if the Minister is satisfied with the performance of the activity on the site.

A new scheme for the grant of leases within aquaculture zones that is more flexible and more transparent to those involved has been provided in the Bill.

As part of further measures to streamline administrative processes, the Bill identifies two methods by which to 'release' tenure or access rights to areas of State waters within aquaculture zones. The current 'public call' system has been retained and will follow an advertised call for applications in much the same way as is currently provided for in the *Aquaculture Act 2001*. As part of further measures to streamline administrative process and reduce red tape, applications for a lease and corresponding licence are now to be made at the same time (as a package). The applications however, will still be considered by the Aquaculture Tenure Allocation Board.

The second and new form of tenure release is an 'on application' regime where no public call will be required. Accordingly, certain zones will allow for applications to be received throughout the year and any applications received will be assessed by the Aquaculture Tenure Allocation Board and processed accordingly. This will permit aquaculture farmers to make applications at any time which commercially suit them and will not require them to wait for a public call process. This scheme will be applied to zones which are determined by the Minister to be of lesser commercial interest and will be utilised to encourage investment whenever possible. In practice the Aquaculture Advisory Committee will review any proposed change to the application regime of an aquaculture policy and recommend appropriate action for the Minister.

In either case all applications will be assessed by the Aquaculture Tenure Allocation Board against set criteria, taking into account the objects of the Act, assessment guidelines approved by the Minister and the provisions of the aquaculture policy governing the relevant waters. Grading of applications by the Aquaculture Tenure Allocation Board may be subject to weighting of relevant criteria.

The guidelines provide relevant criteria for pre-selection and will provide a greater level of transparency to the assessment process for the applicant. The draft Bill proposes that the Ministerial guidelines be gazetted and be available on the internet, providing clarity and confidence in the process to prospective applicants and the wider public. The guidelines will be available to everyone before a public call is made.

The assessment of the lease and licence applications, once they have passed the tenure allocation process, will then undergo the same environmental and public scrutiny currently afforded to such applications.

To continue to foster and enhance the innovation and research that has underpinned the success of aquaculture industry development in South Australia, the concept of a research lease has been included in the Bill to enable certain waters to be dedicated to research activities. By doing so, research providers and aquaculture farmers will not be competing with each other for access to State waters. It is proposed that the grant of a research lease and corresponding licence will be at the discretion of the Minister. The term of the research lease will be five years or less. A research lease will be renewable but not as to extend beyond the research project. It will not be transferable and the holder of the corresponding licence must be the same as the holder of the research lease. Applications for these leases may be made at any time.

To improve administrative process and reduce red tape, a new regime for the grant of emergency leases has been introduced in this Bill. Emergency leases will no longer require an aquaculture emergency zone to exist as the type, area and effect of any emergency is not predictable. The Minister may, on her or his own initiative or upon application, grant an emergency lease if the Minister considers that emergency circumstances exist that warrant such action. They may be granted inside or outside an aquaculture zone, but not within an aquaculture exclusion zone, without public notice or referral to the Environment Protection Authority as time will be of the essence. The concurrence of the Minister responsible for administering the *Harbors and Navigation Act 1993* will be required only if it is necessary to grant an emergency lease within a port or harbor.

The provisions of the Bill allow an emergency lease to be renewed for a term commensurate with the length of the emergency. It is considered more practical and flexible to manage an emergency lease in this manner. The Minister is required to ensure that the Environment Protection Authority and the Minister responsible for the administration of the *Harbors and Navigation Act 1993* are notified of a proposal to grant or renew an emergency lease. This arrangement will enable swift and effective action to be taken to move aquaculture stock that may be in danger to a safer location pending the end of the emergency. Should it be necessary, more permanent

arrangements can be made for the movement of the site in the normal manner consistent with the provisions of the Act.

The current power for the Minister to require or carry out work on a licence has been extended to require or carry out work on a lease. The Minister may now direct a lessee or former lessee to take action or remove equipment in certain circumstances in much the same way as is currently possible in relation to a licensee. Failure to comply with the Minister's direction may result in a penalty and the Minister will be able to organise for the work to be done and recover the associated costs from the lessee or former lessee. It should not be forgotten that aquaculture leases exist in State waters and any dangers to other users of these waters resulting from aquaculture activity should be minimised. For example, abandoned sites must be secured and clearly marked until any existing infrastructure is removed.

The Bill modifies and expands the provisions dealing with licence conditions and variation of licence conditions, clarifying the scope of such conditions and the time at which variations may be made. It also introduces an offence of contravening a condition of licence, with the maximum penalty being \$10,000 or a fine of \$1,000.

To provide for greater business certainty and to enhance the attractiveness of investment in the South Australian aquaculture industry, an important change has been introduced by this Bill to provide for the ability to register the interest of a third party (for example a mortgagee) on an aquaculture lease or licence. Currently third parties are noted on a lease or licence but this does not provide the third party with a level of security or protection of their interest in the asset. Once registered the third party is required to consent to the transfer and variation of a lease or licence. The Minister must also give a registered third party written notice of any proceedings for an offence, of any notice proposing to cancel or not renew a lease, of any notice to suspend or cancel a licence or direct a lessee or licensee to carry out work. This new provision will foster greater investment in aquaculture activity in this State and is supported by the Australian Bankers Association.

The Bill clarifies the fee structure for lessees and licensees and elevates provisions dealing with annual fees for licensees to the level of the Act, replacing the periodic fees that are currently managed under the regulations.

Membership of the Aquaculture Advisory Committee is expanded from 10 to 11 members, the additional member being a person engaged in the administration of the *Harbours and Navigation Act 1993*.

The Aquaculture Resource Management Fund will be known as the Aquaculture Fund, with the Fund proposed to be applied to two additional purposes, namely research and development relating to the aquaculture industry, and removing or recovering aquaculture equipment, stock or lease markers should that action be required to be taken under the Act.

To further enhance the environmental management of aquaculture activities conducted in South Australia, the Bill deems the Minister to be an administering agency for the purposes of the *Environment Protection Act 1993* and enables the Minister to appoint fisheries officers (who currently have the power to administer and enforce the *Aquaculture Act 2001*) as authorised officers under the *Environment Protection Act 1993*. This is proposed so that powers under the *Environment Protection Act 1993* may be used by the Minister and those officers to enforce the general environmental duty and relevant environment protection policies in relation to aquaculture activities. These powers will only be used in the context of activities carried out on aquaculture lease or licence sites or activities prescribed by regulation.

To further enhance business certainty, the Bill clarifies succession arrangements, providing certain persons with powers to carry on aquaculture should a lessee or licensee die, become bankrupt or insolvent, or, in the case of a body corporate, become wound up or under administration, receivership or official management.

A confidentiality provision is included, making it an offence for persons engaged in the administration of the Act to divulge trade processes or financial information gathered in the course of official duties unless its use falls within the limited exceptions of the provision.

The Bill provides important enhancements to a unique and respected Act that has underpinned the sustainable development of the South Australian aquaculture industry. These enhancements will assist in ensuring the continued sustainability of the aquaculture industry in South Australia into the future.

I commend the Bill to the Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Aquaculture Act 2001*

4—Amendment of section 3—Interpretation

A new definition of *aquaculture equipment* is added to support new provisions relating to the removal of aquaculture equipment from sites on cancellation or suspension of a lease or licence and to support the exclusive

occupation provision relating to an aquaculture lease. A new definition of *farming structures* is added for the purposes of the definition of aquaculture equipment and for use in connection with provisions relating to licence conditions and the regulation making power.

The new term *public register* is added to the interpretation section to support references to it added by clauses 24, 35, 36 and 45. The new scheme is intended to provide a level of security to financiers by allowing an interest in a lease or licence to be noted on the public register of leases and licences and requiring the consent of the person holding the interest to the transfer of the lease or licence. This scheme is similar to that applying to fishery licences.

The definition of *varying licence conditions* is required to accommodate the proposed improvement in flexibility when dealing with conditions.

5—Insertion of section 4A—Suitable person to be granted licence

The new section specifies the factors that may be taken into account in considering whether a person is a suitable person to be granted a licence, namely:

- any offence committed by the person, or, in the case of a corporation, by a director of the corporation, against the Act or any other law of this State or another State or a Territory of the Commonwealth relating to aquaculture, fishing or environment protection; and
- whether the person, or, in the case of a corporation, a director of the corporation, has held a relevant statutory authorisation that has been cancelled or suspended or has been disqualified from obtaining such an authorisation; and
- the financial and other capacity of the person to comply with obligations under the Act.

6—Amendment of section 7—Interaction with other Acts

The amendment disapplies the *Development Act 1993* to development within the area of an emergency lease for the purposes of carrying on the activities authorised by a corresponding licence.

7—Amendment of section 11—Nature and content of policies

This amendment is central to the removal of the concept of prospective aquaculture zone from the Act and to the inclusion of the new concept of a public call area within an aquaculture zone.

The reference to aquaculture emergency zones is removed. Because the site of an emergency cannot be predicted, it is proposed to remove the need to establish a zone before granting an emergency lease.

New subsection (3b) puts beyond doubt that if standard conditions of lease or licence are included in an aquaculture policy the conditions apply to all leases and licences regardless of when they were granted and that standard conditions imposed by an aquaculture policy prevail over other conditions of a lease or licence in the event of inconsistency.

8—Amendment of section 12—Procedures for making policies

This amendment makes it clear that plans or policies against which a draft policy must be assessed are those established under an Act.

9—Amendment of section 13—Parliamentary scrutiny

The period allowed for the Environment, Resources and Development Committee to pass a resolution relating to an aquaculture policy received by it is proposed to be adjusted so that the Christmas/New Year period and any election period is disregarded.

10—Amendment of section 14—Certain amendments may be made by Gazette notice only

The Minister is authorised to amend an aquaculture policy by notice in the Gazette if the Minister considers it necessary to amend the policy in consequence of an amendment to the Act or the making, amendment or revocation of the regulations or another aquaculture policy. For example, if this Bill is enacted, the removal of provisions dealing with aquaculture emergency zones from aquaculture policies may be effected by notice in the Gazette. The Minister is also authorised to amend an aquaculture policy by notice in the Gazette in order to designate, or revoke the designation of, an aquaculture zone as a public call area.

11—Amendment of section 16—Offence to contravene mandatory provisions of policy

An expiation fee is introduced for breach of any mandatory provision of an aquaculture policy. When initially enacted it was envisaged that mandatory provisions would involve serious breaches worthy of a significant penalty. However, that has not turned out to be the case and allowing for expiable offences will provide a greater level of flexibility at the level of policies.

12—Substitution of section 17—Requirement for licence

This clause is consequential on introducing a separate offence for breach of licence conditions (see new section 52(7)).

13—Substitution of section 19—Requirement for lease

This amendment elevates an exemption currently contained in the regulations to the level of the Act. It allows for the granting of an aquaculture licence in an area that is not the subject of an aquaculture lease to a person

carrying on aquaculture on a navigable vessel as it operates within State waters. Out of an abundance of caution it also allows for the granting of a licence subject to conditions regulating the towing of farming structures containing stock by means of navigable vessel to or from the area of the lease and the feeding of the stock or the taking of other action in relation to the stock during the movement of the stock.

14—Substitution of section 20—Concurrence under Harbors and Navigation Act

Section 20 is amended so that concurrence of the relevant Minister is not required—

- for the substitution of an aquaculture lease following the division of lease areas into separate lease areas, or the amalgamation of lease areas, in accordance with the regulations; or
- for the grant of an emergency lease over an area that is not within a port or harbor within the meaning of the Harbors and Navigation Act 1993.

15—Amendment of section 22—General process for grant and renewal of leases and corresponding licences

This section is reworked so that it covers both the grant and renewal processes for leases and the process for application for a corresponding licence. A licence application is to accompany the lease application.

16—Substitution of sections 23 to 25

The deletion of sections 23 and 24 reflect the change in processes for applying for leases and corresponding licences. The provisions substituting for section 25 involve a reorganisation and expansion of the general provisions dealing with conditions, variation, cancellation and surrender of leases.

Lease conditions are currently dealt with in section 25. New section 25 expressly refers to the specification of performance criteria.

New section 25A deals with variation of lease or lease conditions on application by or with the consent of the lessee. It ensures that the variation will not include an increase in the size of the area leased. It makes more transparent the arrangements under which the area subject to lease may be varied. It also ensures that the consent of any person with a registered interest in the lease will be required.

New section 25B deals with cancellation of the lease if—

- aquaculture has not commenced or has ceased to be carried on in the area leased; or
- performance criteria specified in the regulations or the lease have not been met; or
- an amount has not been paid for or under the lease in accordance with its conditions.

New section 25C deals with surrender of a lease and protects the interest of any person with a registered interest in the lease.

New section 25D deals with a matter currently dealt with in section 54.

17—Amendment of section 26—Classes of leases

The reference to development leases is removed and a reference to research leases added.

18—Substitution of section 28—Granting of corresponding licence for pilot lease

Current section 28 is deleted because it dealt with pilot leases in prospective aquaculture zones (which are being removed from the Act).

New section 28 deals with the process for the granting of a corresponding licence for a pilot lease. As with other types of lease, public notice is required.

19—Amendment of section 29—Term and renewal of pilot leases

The amendment allows renewal of pilot leases for an aggregate term of 5 years—an increase from the current 3 years.

20—Repeal of Part 6 Division 3

Division 3 deals with development leases and is deleted because that type of lease is no longer to be available. Effectively, development and production leases are to be rolled into a single class of lease, the production lease.

21—Insertion of sections 34 to 36

Division 4 (Production leases) is reworked to give effect to the collapsing of development and production leases. The current arrangements are that a pilot lease may be converted to a development lease or a development lease directly granted and then that a development lease may be converted into a production lease. The new process involves the direct grant of a production lease or the conversion of a pilot lease into a production lease.

New section 34 (Granting of production leases limited to aquaculture zones) is the equivalent of the current section 32 in relation to development leases.

New section 35 (Granting of production leases and corresponding licences in public call areas) and the next section establish an entirely new process for the granting of production leases. This section governs the process if a public call is required. The Minister is to set the area or maximum area to be made available for lease

and the criteria against which applications for leases will be assessed. The Minister may determine that the call is to be in the form of a competitive tender with monetary bids. The Aquaculture Tenure Allocation Board (ATAB) is to assess each of the applications received in response to a public call against the objects of the Act, the terms of the relevant zone policy and any applicable criteria and weightings that have been determined by the Minister. The assessment is to be carried out in accordance with the Minister's assessment guidelines. ATAB must then make recommendations to the Minister as to any applications that should not be granted and the order of merit of the remaining applications. The Minister is then to determine the preferred applications and can conduct negotiations to work out optimum arrangements for lease areas and the number of leases. The process for advertising corresponding licences and referring them to the Environment Protection Authority then comes into play (subject to the zone policy). If someone drops out or a decision is made not to grant the lease or licence, there is the potential for renegotiation with other preferred applicants.

New section 36 (Granting of production leases and corresponding licences if public call not required) provides that an application for a lease and licence in an area that is not subject to the processes set out in the preceding section is to be assessed by ATAB taking into account the object of the Act and the relevant zone policy. The assessment is to be carried out in accordance with the Minister's assessment guidelines. A recommendation is then to be made to the Minister as to whether or not the lease and corresponding licence should be granted. The usual process for advertising the application for the corresponding licence and referring it to the Environment Protection Authority applies subject to the zone policy.

22—Amendment of section 37—Conversion of pilot leases to production leases

This section is altered so that it governs conversion of a pilot lease (rather than a development lease) into a production lease. Currently an application for conversion is to be made not more than 60 days before the end of the term (or the last term) of the lease.

It is proposed to alter this to a window between 90 and 60 days before the end of the term in order to give the Minister time within which to determine the application.

An amendment is also made to ensure that the pilot lease continues if the application cannot be determined before the end of the term of the lease.

23—Amendment of section 38—Term and renewal of production leases

This amendment is consequential on the introduction into the Act of provisions that deal with cancellation of a lease.

24—Substitution of section 39—Transfer of production leases

This amendment ensures that a production lease may only be transferred with the consent of any person holding an interest in the lease noted on the public register.

25—Insertion of Part 6 Division 4A—Research leases

The new Division introduces a new class of lease—the research lease. A research lease can be granted in respect of any State waters (whether within or outside an aquaculture zone) and an application for such a lease may be made at any time (even if the area is a public call area). The usual process for advertising the application for the corresponding licence and referring it to the Environment Protection Authority applies subject to any relevant zone policy.

New section 39B provides that the maximum term of a research lease is 5 years. A research lease is renewable for successive terms but not, if the corresponding licence authorises the conduct of a particular research project, so that the term extends beyond the duration of the research project.

Under new section 39C a research lease is not transferable and under new section 39D only the lessee under a research lease may hold the corresponding licence.

26—Substitution of sections 40 to 42

This clause introduces a new scheme for the granting of emergency leases and corresponding licences. The requirement for an aquaculture emergency zone to be created before an emergency lease may be granted is removed. A lease may be granted on application of the holder of a pilot lease, production lease or research lease or on the initiative of the Minister. The Minister must be satisfied that circumstances of emergency exist such that the granting of the lease is warranted for the protection of the environment or the preservation of endangered aquaculture stock.

27—Amendment of section 44—Term and renewal of emergency leases

The amendment removes the arbitrary limit of 6 months as the maximum period for an emergency lease and allows the lease to continue for the period reasonably required for response or recovery following the emergency.

28—Insertion of section 44A—EPA and Minister to be notified of emergency lease

This amendment ensures that the EPA and the harbors and navigation Minister are informed of any proposal to grant or renew an emergency lease.

29—Amendment of section 47—Interference with stock or aquaculture equipment within marked-off areas

This amendment clarifies the scope of the offence and ensures that all relevant equipment of a lessee or licensee within a marked-off area of a lease is protected.

30—Insertion of Part 6 Division 7—Power to require or carry out work

The new provision is designed to ensure that on the cancellation or termination of an aquaculture lease, the Minister may take steps to ensure that the site is cleaned up as required by condition of the lease and that all stock and equipment is removed. Relevant directions may be given and, if not complied with, action may be taken and the cost of doing so recovered as a debt.

31—Amendment of section 49—Applications for licences other than corresponding licences

32—Amendment of section 50—Grant of licences other than corresponding licences

These amendments clarify that the scope of the sections is confined to licences other than corresponding licences. The processes for corresponding licences is dealt with in earlier provisions.

33—Insertion of section 50A—Term and renewal of licences other than corresponding licences

This matter is currently dealt with in section 53.

34—Substitution of sections 52 to 54

New section 52 applies to an inland licence and to a corresponding licence. It gives some examples of the matters that may be included in licence conditions. It also makes it clear that licence conditions may be varied on renewal of the licence or at least once each year in the case of a licence for a period extending beyond 1 year.

Licence conditions may also be varied with the consent of the licensee, as provided by licence condition or the regulations or if the Minister considers it necessary to vary the condition—

- in order to correct an error or make a change of form (not involving a change of substance); or
- in order to prevent or mitigate significant environmental harm or the risk of significant environmental harm; or
- in consequence of contravention of the Act by the licensee; or
- in consequence of an amendment of the Act or the making, amendment or revocation of regulations or an aquaculture policy.

The recent regulations standardised many of the requirements that were formerly in licence conditions and aquaculture policies and imposed the requirements in the form of regulations. As a consequence of this it was necessary to vary licence conditions. To the extent that the requirements were matters of environmental significance the current provisions enable variation of the licence conditions. Subclause (3)(c)(ii)(D) puts beyond doubt that all such consequential variations of licence conditions are authorised.

The requirement to refer the variations to the EPA is retained.

New section 53 deals with annual fees for licences.

35—Amendment of section 55—Transfer of licences

This amendment ensures that a licence may only be transferred with the consent of any person holding an interest in the licence noted on the public register.

36—Substitution of section 56—Surrender of licences

This amendment ensures that a licence may only be surrendered with the consent of any person holding an interest in the licence noted on the public register.

37—Amendment of section 57—Suspension or cancellation of licences

Under the current scheme contravention of a licence condition or of another law relating to aquaculture may lead to suspension or cancellation of a licence but contravention of a regulation is just dealt with as an offence. To facilitate enforcement of the scheme, a number of matters that have previously, or could be, dealt with as conditions of licence have now been included in the regulations in order to make contravention an expiable offence. However, logically, these matters should also, in appropriate cases, lead to suspension or cancellation of the licence. The amendment provides for this result.

38—Amendment of section 58—Power to require or carry out work

For the reasons set out in relation to the previous clause, section 58 is amended to ensure that contravention of a regulation that requires a licensee to take action may lead to the issuing of a direction for compliance and, if non-compliance continues, action by the Minister and the recovery of the costs of taking the action. Enforcement of this kind is suitable where it is important that the action be taken, for example, the taking of a benthic assessment recording as part of the overall scheme for environmental monitoring.

An additional ground for requiring work to be undertaken is added, namely, if on suspension of an aquaculture licence in respect of an area comprising or including State waters, the licensee fails to remove aquaculture stock, or aquaculture equipment, from the State waters.

39—Amendment of section 59—Reference of matters to EPA

These amendments are consequential.

40—Amendment of section 60—Appeals

New subsection (1) provides that there is no right of appeal in relation to an application for a production lease or a corresponding licence if the application is made in response to a public call for applications and the application was not an application determined by the Minister under the Act to be a preferred application.

41—Insertion of section 60A—Guidelines for ATAB assessment of lease and corresponding licence applications

New section 60A enables the Minister to gazette guidelines to be followed by ATAB in the assessment of applications under the Act, and requires the Minister to publish the guidelines on the internet.

42—Amendment of section 65—Membership of AAC

The amendment expands the Aquaculture Advisory Council by 1 member, being a person engaged in the administration of the *Harbors and Navigation Act 1993* nominated by the Minister responsible for the administration of that Act.

43—Amendment of section 73—Membership of ATAB

The amendment requires at least 1 of the members of ATAB to have knowledge of or relevant to the farming of aquatic organisms.

44—Amendment of section 79—Aquaculture Fund

The name of the fund is altered and the purposes for which it may be applied expanded to include research or development and taking action to remove or recover aquaculture equipment or stock, or equipment used to mark-off or indicate the boundaries of a marked-off area of a lease, in accordance with the Act.

45—Amendment of section 80—Public register

These amendments remove reference to the word 'details' as this word has led to unrealistic expectations of what may be included in a public register that can be inspected at a website. Subsection (2)(e) is altered as a consequence of dealing with requirements for environmental monitoring reports in the regulations rather than in licence conditions. Subsections (2a) and (2b) are added to deal with notation of an interest in a lease or licence on the public register of leases and licences. A person who holds an interest noted on the register is entitled to be informed if proceedings for an offence against the Act are commenced against the lease or licence holder or a notice of proposed suspension or cancellation is given to the lease or licence holder.

46—Amendment of section 82—Fisheries officers and their powers

This amendment applies Part 8 Division 1 Subdivision 5 of the *Fisheries Management Act 2007* in connection with the enforcement of the Act. This is a miscellaneous subdivision dealing with provisions relating to things seized and the offence of hindering an authorised person.

47—Insertion of Part 10A—Compliance with general environment duty and environment protection policies

New Part 10A allows the Minister to act as an administering agency under the *Environment Protection Act* for the administration of the general environmental duty and environment protection policies in relation to activities carried out or purportedly carried out under an aquaculture lease or licence or activities prescribed by regulation.

48—Insertion of section 82B—Death, bankruptcy etc of lessee or licensee

New section 82B deals with the situations that occur when a lessee or licensee dies, becomes bankrupt or insolvent or is being wound up or is under administration, receivership or official management.

49—Insertion of section 89A—Confidentiality

New section 89A makes it an offence to disclose information about trade processes or financial information obtained in the administration of the Act.

50—Amendment of section 90—Evidentiary

A new evidentiary aid is included so that if it is proved that aquatic organisms were present in the area of a licence at a specified time or date it will be presumed, in the absence of proof to the contrary, that the aquatic organisms were being farmed for the purposes of trade or business or research at that time or date.

51—Amendment of section 91—Regulations

These amendments—

- provide express support for regulations providing for the division or amalgamation of lease areas and licence areas;
- increase the penalties and expiation fees that may be imposed by regulation to amounts considered appropriate to the nature of aquaculture businesses;
- recognise that annual fees are to be dealt with at the level of the Act;
- expressly contemplate regulations about storing, maintaining, repairing or cleaning farming structures in State waters or towing farming structures containing stock.

52—Repeal of section 92

Section 92 provided for review of the Act and is spent.

53—Repeal of Schedule

The Schedule included transitional provisions that are spent.

Schedule 1—Revocation, transitional and validation provisions

The transitional provisions ensure that the range of activities authorised by existing licences is not unduly expanded without the opportunity to impose appropriate conditions.

The validation provisions ensure that all leases and licences under the Act are valid despite any lack of power or regularity affecting the grant, transfer, conversion, renewal or variation of the leases and licences.

Because copies of all relevant delegations under section 61 of the Act have not been able to be located, the provisions validate past acts of employees of the Public Service that should have been undertaken as delegate of the Minister.

The *Aquaculture Variation Regulations 2006* contain provisions about the division of lease areas and licence areas and the *Aquaculture (Standard Lease Conditions) Policy 2005* contemplates the substitution of lease areas. Out of an abundance of caution an express source of power for both these matters is included in the Act by amendments in this measure. The validation provisions ensure that the regulations and policy are to be regarded as having been made with those sources of power in place.

Debate adjourned on motion of Mr Pederick.

SITTINGS AND BUSINESS

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:21): I extend best wishes to all members and staff for a safe, happy and holy Easter.

The SPEAKER (14:22): I wish everybody a safe and happy Easter also. I hope the Easter Bunny comes to you all and that we see you back here in three weeks' time.

At 16:22 the house adjourned until Tuesday 1 May 2012 at 11:00.