HOUSE OF ASSEMBLY

Wednesday 2 May 2012

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

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02): 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.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02): I move:

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

Motion carried.

HEALTH DEPARTMENT ACCOUNTS

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

Leave granted.

The Hon. J.D. HILL: Yesterday, in question time, the member for Davenport asked me a question about reconciliation of figures in the health budget, and two figures of $60 million and $90 million were mentioned. I made a statement yesterday evening in the house in relation to those matters, and I did say in that statement that I used a figure of $90 million in relation to unreconciled bank accounts on 24 November 2011 and, as I explained yesterday, that figure was wrong. I had previously used figures of $60 million and, somehow or other, I inverted the number in my head, I believe. I also believed at that time that I had corrected the record when I said $90 million, and I said that to the house yesterday. I have since discovered that I did not correct the record until yesterday, so I apologise for that mistake.

SELECT COMMITTEE ON THE GRAIN HANDLING INDUSTRY

Mr BROCK (Frome) (11:03): By leave, I move:

That the time for bringing up the report of the committee be extended until Wednesday 5 September 2012.

Motion carried.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March 2012.)

The Hon. I.F. EVANS (Davenport) (11:04): The Parliamentary Remuneration (Basic Salary) Amendment Bill results from a long process that the federal government went through to ensure that the salaries of federal MPs were set at a fair and market rate for the work that being a federal MP entailed.

The issue of MPs' salaries and entitlements has always been a difficult one in the interests of public debate. The federal government decided that it would put in place a process that required the federal Remuneration Tribunal to look at federal salaries and then make a recommendation to the parliament, and the legislation was amended so that the parliament could not reject whatever salary the federal Remuneration Tribunal came down with.

The reason the federal parliament did that is that it has long been recognised that MPs' entitlements are a difficult matter for MPs to debate. In fact, in this chamber back in the 1980s, and in the Legislative Council, a decision was taken to link the salaries of state MPs to the salaries of federal MPs for that very reason: that the issue of MPs' salaries was one that attracted a lot of comment, whether it was informed or not.

When the federal Remuneration Tribunal brought down its finding in the last six months or so, the effect was to increase the pay structure of federal MPs (backbenchers) up to around $185,000 from the figure at the time of a touch under $141,000. In the 1980s, when the parliament in this state first connected the state salaries to the federal salaries, the gap was $500. Then, under the Brown government, the gap was increased to $2,000, and now, under this government, the gap is going to be increased to around $42,000.

This bill effectively maintains the nexus but at a much higher rate. Essentially, state MPs under this bill will receive a salary increase of 2.9 per cent, and the nexus at that point will, as I say, have a gap of around $42,000 between state and federal MPs.

Under the federal Remuneration Tribunal, federal MPs also no longer have to pay for their cars, which is a $700 a year saving if that recommendation is picked up; state MPs will pay $7,000 for their cars. So federal backbenchers are near enough at least $50,000 a year better off than state backbenchers. Of course, federal ministers who get a loading of 75 per cent would get—what is 75 per cent of $50,000?—another $20,000 or $30,000 on top of that. So, federal ministers are probably $85,000 better off than state ministers.

The state government has decided that that is the view. We note that these matters are ultimately decided by state cabinet. The opposition has no questions on the bill and we have no further speakers.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (11:09): I thank the opposition for its bipartisanship on this question; it is always a difficult question regarding members' salaries. I do point out that, with the decision of the Remuneration Tribunal in the federal jurisdiction for members of parliament, part of that pay rise was offset by a number of allowances and other benefits being rolled into the basic salary. It is always difficult to compare like with like with federal and state members of parliament because of the differences in the non-salaried benefits we get, but I think this is a reasonable compromise. It also addresses the concerns of the community at the moment.

We are calling for wage restraint, and I will certainly be calling for wage restraint at budget time amongst public sector workers. I think now would not be a good time for there to be a significant pay rise for members of parliament while at the same time the government is calling for wage restraint amongst our public sector workers. I thank the opposition for its support of the bill, and I look forward to its speedy passage.

Bill read a second time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (11:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROAD TRAFFIC (AVERAGE SPEED) AMENDMENT BILL

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) (11:12): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

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) (11:13): I move:

That this bill be now read a second time.

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

Leave granted.

The *Road Traffic (Average Speed) Amendment Bill 2012* is a Bill to amend the *Road Traffic Act 1961* to introduce point to point speed detection.

Death or injury from road crashes is a major public health issue in South Australia. Excessive and inappropriate speed on rural highways continues to be a significant contributing factor towards road crashes and the extent of road trauma sustained by crash victims.

Monitoring compliance with speed limits is a constant challenge. South Australia uses a variety of speed detection equipment to assist in the deterrence and detection of road users who breach speed limits. Conventional speed detection requires personnel and resources to monitor traffic, often on remote rural highways. In addition, oncoming motorists often warn other motorists when a speed detection device is operating nearby.

Speeding can be targeted at high risk locations with safety camera technology. Mobile or fixed spot speed detection can generate a positive 'halo effect' in the vicinity of the instantaneous speed measurement device, but this is limited to approximately 1 kilometre.

Point to point speed detection can have a far more widespread and beneficial effect. Point to point enforcement promotes area-wide suppression of speeding, because speed enforcement is sustained over a length of road rather than just at one single spot, thus modifying the behaviour of drivers over a larger area. Reducing the speed of all vehicles on a road has significant benefits to all road users. Evaluations of point to point enforcement conducted overseas found a statistically significant 20 per cent reduction in injury crashes in the first two years after point to point enforcement was installed.

Average speed is one form of point to point detection. It involves measuring the time taken by a vehicle to travel between two camera sites. The distance between cameras is certified by an independent surveyor. An image of every vehicle is captured by the first camera, together with a record of the time when the image is taken. The second camera repeats that process. The average speed of the vehicle is calculated by dividing the distance between the cameras by the time taken for the vehicle to travel between the sites. If the average speed of the vehicle is in excess of the speed limit then the driver of the vehicle has committed an offence.

Average speed detection is used extensively interstate and overseas. It has been reported that average speed cameras are perceived by the public as a fairer way of detecting speeding because the cameras detect speed over a length of road instead of at a single point. Average speed cameras are also said to reduce congestion, fuel consumption and accidents due to the traffic moving at a uniform speed and encourage safer driving over longer distances due to the higher level of compliance.

The Government is committed to road safety and has introduced this Bill to enable the use of point to point cameras to detect speeding on stretches of roads where speeding has been identified as a road safety problem.

The first average speed detection system will operate on the Port Wakefield Road between Port Wakefield and Two Wells. It is then planned to develop a network of sites radiating out of Adelaide on the Victor Harbor Road, the South Eastern Freeway, the Dukes Highway, the Sturt Highway and the Northern Expressway. The expected distance between the cameras will be between approximately 14 and 50kms.

The Bill extends the evidentiary provisions of the *Road Traffic Act* to enable evidence of average speed to be taken as evidence of actual speed for the purposes of the Act. This means that the existing penalty structure for speeding offences in the *Road Traffic Act* and the *Road Traffic (Miscellaneous) Regulations 1999* will apply to point to point speeding offences, including excessive speed in section 45A of the Act (with its associated immediate loss of licence, 6 or 12 month disqualification and the minimum court imposed fine).

The Bill also amends the owner onus provisions in section 79B of the Act to ensure that they apply to this offence. The current situation is that when the owner of a vehicle detected speeding by a safety camera is sent an expiation notice and the owner was not the driver of the vehicle, the owner can provide the Commissioner of Police with a statutory declaration naming the driver. The expiation notice issued in respect of the owner is then withdrawn and a new one issued to the driver.

This framework will continue, but the Bill amends the section so that any reference to the 'time' of the offence is, for speeding between 2 points, the whole period of time during which the vehicle travelled between the 2 points.

Further amendments to section 79B clarify obligations and liabilities where it is alleged that there was more than one driver of the vehicle between the 2 points. The current provisions of section 79B are designed for offences that occur at a single moment in time and cannot apply where there is more than one driver.

Point to point speed detection differs from point in time offences since the offence is committed during the time the person drove between the 2 points, and there is a possibility that there could have been more than one driver of the vehicle between those points. The amendments to section 79B require the owner of a vehicle who knows there was more than one driver to nominate all of them. In this situation, the expiation notice issued to the owner could be withdrawn and new notices issued to all the nominated drivers.

The evidentiary provisions provide protection for drivers who can satisfy the court that although they were one of the drivers between the 2 points, they did not at any time speed whilst driving the vehicle between the 2 points. To use this protection they first must have identified the other driver or drivers to the Commissioner of Police by means of a Statutory Declaration.

Speeding remains a major cause of deaths and serious injuries on our roads. The Bill introduces a new approach to the detection of speeding that has been shown to be effective at reducing speeding over large distances, not just near the location of the detection device. The Bill continues existing defences for owners of vehicles and provides protection for drivers in the new situation where it is possible for 2 drivers to have shared the driving. In such a situation a driver can provide evidence that he or she did not exceed the speed limit. At the same time, it deters the exploitation of this provision by the unscrupulous by requiring the evidence to be provided to the court.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

4—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B:

- to ensure that the regulations can make provision in relation to a notice sent with an expiation notice or reminder notice or a summons relating to a speeding offence where the evidence of speeding is evidence of average speed determined in accordance with proposed section 175A;
- to make special provisions in relation to such speeding offences, to deal with the fact that the offence occurs over a period of time (ie the period during which the vehicle travelled between 2 average speed camera locations) and that there may have been more than 1 driver of the vehicle during the period.

5—Insertion of section 175A

This clause inserts a new section as follows:

175A—Average speed evidence

This provision provides for the calculation of the average speed of a vehicle between 2 average speed camera locations and for acceptance of evidence of that average speed as evidence of the actual speed of the vehicle between the locations.

Subclause (3) allows the Minister to publish a notice specifying 2 average speed camera locations and determining the fastest practicable route between the locations and the shortest distance that a vehicle could travel between the 2 locations along that route. This information is then used in calculating the average speed of vehicles between the 2 locations and vehicles are conclusively presumed to have travelled between the 2 locations by that shortest distance along that fastest practicable route (on the basis that this will produce the result most favourable to drivers). The average speed so calculated is then conclusively presumed to have been the actual speed of the vehicle while travelling between the 2 locations. Where there is more than 1 driver of the vehicle between the 2 locations, each driver is, subject to the provision, conclusively presumed to have driven the vehicle at that actual speed.

Subclause (6) allows a driver to rebut that last presumption in certain circumstances where another driver or drivers have been responsible for the speeding. The presumption will be rebutted if the driver satisfies the court that—

(a) there was more than 1 driver; and

(b) he or she has furnished the Commissioner of Police with a statutory declaration naming the other drivers or providing reasons why the identity of 1 or more of the other drivers is not known and the inquiries made to try and identify any unknown driver (so that the police have an opportunity to investigate the claims made); and

(c) if the statutory declaration does not name all other drivers—he or she does not know and could not by the exercise of reasonable diligence have ascertained the identity of any driver not named; and

(d) he or she did not speed between the 2 locations.

Subclause (8) ensures that a person cannot be convicted of or required to expiate multiple offences where in addition to evidence of average speed between 2 average speed camera locations there is also evidence of actual speed at a point between the 2 locations.

The provision also contains a regulation making power in subclause (9).

6—Amendment of section 176—Regulations and rules

This clause makes a minor drafting amendment to make it clear that the reference to 'this Act' in section 176(5b) relates to the Act, the regulations and the rules (which is consistent with the *Acts Interpretation Act 1915*).

Debate adjourned on motion of Mr Griffiths.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April 2012.)

Mr GOLDSWORTHY (Kavel) (11:14): I want to advise the house that I am the lead speaker on behalf of the opposition in relation to this particular piece of legislation. It is not my intention to hold the house unnecessarily during the course of the debate. I understand that the member for Goyder also intends to make a contribution and that we will look to go into committee to explore some of the intricacies of the legislation and what that may or may not mean. I know that the member for Goyder has some questions in the committee stage.

Can I say from the outset that I certainly appreciate the cooperation that the minister's office provided me in terms of a briefing. It is a bill of a reasonably technical nature and it is not uncomplicated. There are some complications in relation to the technicalities that the bill looks to achieve; however, I think I have a reasonable understanding of the intention of the legislation and some of the technicalities within it and, over the next couple of minutes, I will expand on those.

As the Clerk announced, this legislation is entitled the Local Government (Superannuation Scheme) (Merger) Amendment Bill 2012, and it is my understanding that the bill seeks to make amendments to the Local Government (Superannuation) Amendment Act 2008. We know that the local government superannuation scheme is a commonwealth regulated superannuation scheme, conducting business as the Local Super scheme.

The scheme, essentially, ceased to be subject to state legislation following the enactment of the amendment act in 2008, and the expiry of part 2 of schedule 1 of the Local Government Act 1999 in January this year. The Local Government (Superannuation) Amendment Act 2008, essentially, took the Local Government Superannuation Scheme from government control placing it into the private sector investment area, regulated by the commonwealth legislation. Although I note, looking back through the 2008 second reading speeches and the legislation that took place then, amendments were made dating back to 1994, the commencement of transition from the public sector to the private sector in relation to managing the superannuation schemes.

I also note from the minister's second reading speech, and some other information that we have been provided with, that the federal government has undertaken what is referred to as the Cooper Review into Australia's superannuation system, undertaken by a gentleman by the name of Jeremy Cooper, I understand. While I have not had the time to fully read through the Cooper Review (because I think it is many hundreds of pages), I have accessed some information in relation to the review and I can provide the house with a couple of dot points that I have gleaned through a level of research into it. I have looked at the report but, as I said, it is many hundreds of pages, and I did not think it was absolutely necessary in the context of this legislation for me in my role to be completely across dotting every last i and crossing every t in relation to it. I am quoting from some information that I have accessed on the Cooper Review:

> A very changed industry over the next 10 years looks to be emerging following the many recommendations made by the Cooper Review into the superannuation system. While many of the recommendations are currently the subject of much debate in the superannuation industry, there are [arguably] many positive elements in the package of proposed reforms in a broad range of areas, including:
>
> - a new 'architecture' for the superannuation system
> - improvements in the operational efficiency of super funds
> - changes to trustee and investment governance
> - insurance provided through super
> - retirement products.

Things may have changed in the last month or so, and the minister may be across this, but it is my understanding that as at 31 March the federal government had not yet released its response to each of the proposals and the many recommendations of the review, which will require industry consultation ahead of legislative changes being made. The minister may have some additional information in relation to that. I am not sure, but when he makes his concluding remarks in the second reading speech, he may be able to update the house on any developments there.

As I said, it is my understanding that another aspect of the Cooper Review is that it is encouraging superannuation funds to consider merger and acquisition opportunities because the general feeling is that small-scale super funds may not have the economies of scale or the level of funds required to have some increased positive outcomes and benefits for the members of their funds. It is regarded that scale is important to improve returns for investors through the various schemes.

Against that background, taking that into consideration, Local Super Pty Ltd, which is the company formed as a trustee for the Local Government Superannuation Scheme, and the Statewide superannuation scheme, which is a state-based industry fund, are planning a merger. That has been quite clearly communicated in the wider community. The Local Government Association is well and truly supportive of it. I am happy to read into the *Hansard* a communication that I have received from the LGA supporting that. However, as I outlined earlier, there have to be some changes to the 2008 act for the merger to take effect.

Aspects of the bill to note are that the current members' benefits will be protected if and when the merger takes effect, which is anticipated to be by 1 July this year. Part 2 of the bill, clause 3(3)(a), covers this point. I will quote from the actual bill, where it says:

> the fund confers on the member equivalent rights to the rights that the member had under the original fund in respect of the benefits.

That is obviously an important aspect; that is, members' rights under the existing fund are preserved and transferred to any new fund that may evolve, take place or be established under the merger. There is another aspect in relation to subclause (4) concerning the schedule. As we have discussed, this has some technicalities about it but, through my briefing and study of the bill, etc., I think I have a reasonable understanding of this. I certainly appreciate Mr Prior—if I may identify him in the house—and the briefing he provided via the minister's office.

Subclause (4) relates to the name of the scheme once the merger takes effect. The act currently states that the scheme is known as the Local Government Superannuation Scheme, which may well cause an issue when the merger takes effect because one would not anticipate that a newly created scheme from the merger between StatewideSuper and Local Super would want to continue the name of the Local Government Superannuation Scheme. Currently, the act states that the scheme will be named that; however, the bill looks to amend that, and obviously it is an important part of the legislation.

Another aspect of the bill relates to part 2, clause 3—Amendments to Schedule 1, subclause (5). It is my understanding that there are 167 employers within the local government sector who contribute to the Local Super scheme. I will not go through the bill word for word, but basically it provides that a new trustee will need to be created and that the 167 employers will be signatories to the new trustee.

If an employer and/or an employee wants to withdraw from the scheme they are able to; however—and this is covered in clause 5(7); I know we are getting a bit technical, but it is important to highlight these things—if the employee wants to continue in the newly created merged scheme, then the employer has to contribute to that. So, the bill looks to protect members' benefits and also the choice of the individual members if things change; that is my understanding.

I know the member for Goyder has some issues he would like to raise, and he can explain his involvement in the matter. As I said, the bill allows for some flexibility for employers to transfer to a different scheme; however, if an employee remains in the existing scheme, then the employer must continue to contribute into that scheme. That pretty well encapsulates what I have said previously.

Finally, I would like to refer to a communication I received from the Local Government Association, which states:

> I refer to the Local Government (Superannuation Scheme) (Merger) Amendment Bill 2012 as introduced in the House of Assembly on 4 April 2012 by the Hon Michael O'Brien MP, Minister for Finance.

This is paraphrasing slightly. The bill seeks to amend the amendment act 2008 to enable the possible merger of Local Super with some other superannuation scheme.

In January 2012 the LGA State Executive Committee resolved to support legislative changes required to give effect to the merger of Local Super with another scheme, specifically StatewideSuper. That support was conveyed to the Department of Treasury and Finance in February 2012. Now that the bill is before the House of Assembly I reconfirm the LGA's support for the bill in its current form. So, I just wanted to highlight that the LGA is supportive of it.

Another aspect of the bill that I also want to cover is under subclause (4). I know we are jumping around a bit but I think it is also important to highlight this. This legislation is broad enough to cover any future mergers, so any mergers from the newly created scheme from Local Super and StatewideSuper. If that entity wants to undertake any further mergers in the future then the legislation in this bill is broad enough to provide for that as well, as I understand it.

It is certainly our intention to support the legislation, I think that is fairly clear from my remarks. I understand the member for Goyder wants to make a contribution and we will go into committee for a period of time. However, as I have stated, the opposition is happy to support the bill.

Mrs VLAHOS (Taylor) (11:32): I would like to rise today to speak about this bill. This is something that is important to many people in my electorate who work in local government, and for their investment options for the future it is certainly an important amendment to be made. Australians typically spend about 35 to 40 years in the workforce before they retire, and over 20 years in retirement or more as our population ages and lives longer. It is my belief and that of my party that the years of dedicated service deserve appropriate compensation and superannuation is one way that people receive that.

Successive Labor governments have worked towards that end by ensuring everyday, hardworking Australians are given every opportunity to secure a comfortable retirement following their years of service to the workforce. When Bob Hawke took office in 1983, over 40 per cent of the workforce had some superannuation cover. In 1987 a modest 3 per cent superannuation benefit was included in most industrial awards, giving most workers some superannuation coverage. By the time I entered the workforce in 1991, after the Hawke Labor government had introduced a major superannuation reform, the proportion of the workforce with superannuation increased to around 72 per cent.

In 1992 the Keating Labor government introduced legislation to establish the universal superannuation schemes that exist today. Indeed, the superannuation industry has changed many times since that date. The Gillard Labor government is still leading the way with low cost and simple superannuation forms such as MySuper. Australians now have over $1 trillion in superannuation savings and the compulsory nature of superannuation contributions means that by 2035 Australians are projected to have an increase in their collective super savings of around $6 trillion.

In this environment, key challenges to fund managers over the medium to long term include finding adequate economies of scale to ensure effective delivery of member services and the continued growth which their members expect. That is why it is now critical that we keep up with the modernisation of the superannuation industry. A fund with more money can provide significantly increased investment capabilities through higher returns to its members.

The Local Government Superannuation Scheme is a commonwealth-regulated scheme conducting business under the Local Super name. Local Super has around 26,000 members and 170 participating employers, with around $1.7 billion of funds under management. Local Super is currently in discussions with StatewideSuper, which is well-established and a not-for-profit industry superannuation fund for South Australians, regarding a merger of the two schemes as of 1 July 2012. A merger of the two funds will create a new fund with over 160,000 members and over $4 billion in funds under management.

Local Super anticipates that a key benefit of having more money will be significantly increased investment capabilities and a reduction in investment management costs, resulting in higher investment returns for its members. The reason for the legislation contained in this bill is to make one major amendment to the existing provision under the Local Government (Superannuation Scheme) Amendment Act 2008, which, unless amended, would prevent Local Super from merging with another fund.

The offending provision is section 2(1) under schedule 1—Transitional provisions in the Local Government (Superannuation Scheme) Amendment Act 2008, and the provision states that the scheme known as the Local Government Superannuation Scheme is to continue to exist under a trust agreement. The bill therefore seeks to amend this provision to facilitate the possibility of the scheme merging with StatewideSuper or any other super scheme that is suitable.

The bill also caters for the possibility of a subsequent merger of Local Super and other schemes after an initial merger. The amendment has been sought by Local Super Pty Ltd, the trustee of the scheme, and is supported by the Local Government Association. Indeed, I know I have people in my electorate who are eager for this change to take place. I commend the amendment to the house.

Mr GRIFFITHS (Goyder) (11:36): I will only speak briefly at this stage, but I do have a couple of questions I wish to ask the minister in the committee stage about some board issues and

investment options that exist. I will declare at the start of my contribution that I am a member of Local Super and have been since 1984, when it started, after 27 years in local government.

Upon leaving, I have left my money within that scheme because I had confidence in the way it was being managed and its investment returns. All members would have been frustrated about the global financial crisis and indeed the impact that had on all superannuation schemes across the world and I, like others, was caught up in a significant reduction.

I note that the member for Kavel, as part of the joint party discussion about this, commented on the need for smaller schemes to look for amalgamation options to improve the benefit opportunities for members and a question was asked in our room about the membership structure. I knew that local government had 7,000 current staff members. I was not aware at that time that there are 25,000 members of Local Super. The member for Taylor refers to $1.7 billion, whereas the website talks about $1.6 billion in schemes under investment, but it has served the needs of people very well.

I noted on the website again that, in the last five years, it has had a platinum rating. I am not sure who that is judged by, but it must be some association that looks at the performances and has been very pleased with what it has done in challenging times. It is frustrating to me. I actually get excited about talking about super; not many people do, but I do because it impacts on all of us in such a way.

I am scared about the level of financial illiteracy that is out in the community of people who do not appreciate and comprehend the importance of planning for their own future and the fact that superannuation is a tax-advantageous opportunity that they should pursue at every chance, to ensure that they have a quality of life that they want to live when they retire, based on the level of return—be it higher risk or lower risk or medium options—that gives them the level of lifestyle that they choose.

I think that it has been well managed. I know there has been some consistency in the board membership over a long time within Local Super. I do not know about StatewideSuper, but certainly, from the member for Taylor's contribution about the number of members and the level of funds and the management, it demonstrates that they are a community organisation. There is an obvious connection to make between organisations that are both South Australian focused for an amalgamation to occur, so I am pleased that that is in fact happening.

The questions that I have on the bill, minister, you might be able to answer as part of a wrapping up, but I note in relation to the board that there is a brief reference in clause 3(2) to a deed prepared by the board. I am a bit interested in the board membership: is there going to be a flow-on of the number of local government super board members in the complete amalgamation with the StatewideSuper board members, or will there be a reduction; and, if so, how is that to be achieved? Or if there is to be an amalgamation, how long will that new board be in place before it comes down to a smaller number?

Indeed, as to my question about investment options, the member for Kavel has confirmed the protection being there for members' benefits. I presume that is only for defined benefit scheme members because, for accumulation scheme members, it really depends on performances—and the minister is nodding his head at that.

I am interested to see that, on investment options that people choose, the flow-on protections are there to allow them to continue with those investment structures that they think are best for them, but is that forever? If, indeed, they decide to change at one stage, is that option lost to them if it does not exist as part of the new structure that is in place or can they go back to what was previously their investment strategy? That might be a mix of the high-growth options and all that sort of thing. You talk about protection for members, and I commend the amalgamation discussions on that, but I am just interested in whether that flows through forever or if there will be some form of consolidation and change for future investment decisions.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (11:40): The issues raised by the member for Goyder I will probably address in committee, particularly in relation to board structure. The issue of investment strategies, I think, is an unknown in that, if the merger occurs with StatewideSuper, I imagine there would be a range of products available—high risk, low risk and the like. To be able to give surety that the investment strategy pursued by Local Super would remain in place, I think, would be a bit difficult to encapsulate in legislation.

The member for Kavel mentioned recommendations of the Cooper Review. The one that exercised both of the superannuation funds considering merger and other superannuation funds and the industry as a whole, and the concerns that were reflected particularly in the *Financial Review*, related to the application of capital gains tax provisions in the event of a merger. The concern there, as I read it, was that there is a fear or a recognition of the reality that the losses that have been incurred, particularly as a result of the global financial crisis, would actually be crystallised and that in turn would be reflected in a diminution of the asset value or the book value of the merged entity.

The commonwealth has taken those concerns on board and will not be applying capital gain provisions over several years to allow these mergers to occur. My reading was that the superannuation industry had conveyed to the federal government that what it was seeking to achieve by these mergers, and reduction in the number of funds and resulting simplicity for members in only dealing with one fund, would not occur and the mergers would not occur if the capital gains provisions were in place.

As the member for Kavel has pointed out, all of this flows from the Cooper Review. Local Super entered into discussions with StatewideSuper to talk about the possibility of a merger. There was an agreement in principle. The only impediment was the provision in the Local Government (Superannuation Scheme) Amendment Act 2008 that talked about the continuing existence under a trust deed that prevents the merger. What the amendments seek to achieve is the stripping out of that particular provision in the legislation and all associated legislative devices that flow.

The member for Kavel has pointed out that the LGA is highly supportive, as are both of the superannuation funds. I think the benefits for members will be enhanced. There is a provision for the protected benefits—

Mr Goldsworthy: Preserved.

The Hon. M.F. O'BRIEN: —preserved benefits, yes—that is contained in the legislation. Discussions have occurred with all of the entities that make up local government in South Australia and they are aware of their ongoing responsibilities to fund the retirement of their members that have this benefit. That is it, in essence. It is fairly straightforward. As the member for Kavel has pointed out, it is a reasonably technical piece of legislation, but the intent is fairly clear and I do not think there are any groups or individuals that are opposed to the passage of the legislation.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr GRIFFITHS: Again, I have a question in regard to broad structures. Hopefully, between you and Mr Prior there will be an understanding of how it is occurring. I know that both organisations had boards in place. I am interested to hear about the transitional arrangements of how the amalgamation of board membership will occur. Can you give us some details on that?

The Hon. M.F. O'BRIEN: I thank the member for Goyder for the question. I have just had a brief discussion with Mr Prior. At this stage neither of the funds have flagged what the board membership will look like. They are awaiting the passage of the bill before they commence those particular discussions, but I think they would be very much aware of your particular concerns that local government continue to have a significant influence on the management of the funds and the membership that will flow into the merged entity.

Mr GRIFFITHS: I thank the minister for the answer. I understand that it may be a little bit early for those agreements to have been reached, but the amalgamation has been in train for some time. I presume there would have been an indication some time ago that there was no objection to it. I hate to be penny-pinching, but I am by nature a quite frugal person. I do know that there is a payment made to board members.

I do respect the fact that you are going to want to ensure that there is a transfer of historical knowledge, not just within the staff structure but also within the board membership structure. I would have thought that there would be some direction given on transitional arrangements where there might be a collective of six months or so but then a reduction in membership to get back to a reasonable level. After all, the longer the involvement of all those members, the greater the cost to members, and this is all about creating a lower cost structure for membership.

The Hon. M.F. O'BRIEN: I have met with Local Super and their concern was to ensure that the legislation flowed through the house in a timely manner so that the merger could occur come the end of the financial year. The issues that you have raised I am sure will be noted by the management of both funds and by the board. I would be sure that they would be getting the *Hansard*; in fact, I will ensure that they receive the *Hansard* because I think the points that you are making are highly relevant.

The issue is that the state government has very little legislative power of influence, if I could describe it that way, in that these are commonwealth regulated and, ultimately, administered in the sense of a regulatory function; so, we are only facilitators of the merger. As far as giving any direction, we really do not have that power, but I will be writing to both boards suggesting that they take on board your suggestions because I think they make a lot of sense.

Mr GRIFFITHS: You use the word 'management'. I will put on the *Hansard* for the benefit of board members and staff who may review this that I have always been happy with the quality of service provided to me when I have had any query about Local Super. Because Statewide is so much larger and Local Super is so much smaller within its structures, is there going to be a staff loss from an administration point of view or will those staff be fitted into roles within the new group?

The Hon. M.F. O'BRIEN: Member for Goyder, I really have no idea. As I said, I met with the senior management team from Local Super and they were very keen to see the merger occur because the benefits, as they saw them, were reasonably significant. The Cooper Review has mapped out a path for consolidation, which will serve superannuants well. I think a large number of individuals will take the opportunity to merge their various schemes into one, and that will give administrative simplicity.

I think you are right: one of the benefits that flows from the Cooper recommendations is the administrative costs. In terms of that burden, that was felt very heavily during the GFC when returns from investments were in decline and people became very aware of what they were paying in administrative charges. One of the strong benefits that flows from the Cooper Review is driving those administrative charges down. Probably that answers your question.

Mr GRIFFITHS: Again, this is a detailed question and it is probably not the right forum to ask it, but I will put it on the record, and it relates to the fee structures. I understand it is fairly competitive as it relates to contributory members to Local Super, but for non-contributory members, the management cost is a percentage of the value of the investment held. Are you able to comment on whether there is any intention to review that and would that be an up or a down movement?

I know that for some people who are no longer contributing members but who hold substantial funds there, the cost of management of their dollars within the scheme is quite a bit per year. I know that those people would be particularly interested to see if there is some level of protection to ensure that there are no greater costs that will be put upon them for their dollars.

The Hon. M.F. O'BRIEN: Again, the member for Goyder, the commonwealth basically provides the regulatory framework for superannuation. All this legislation is seeking to achieve is the removal of an impediment to the merger. As to the way in which the fund or the merged entity would operate, ultimately that responsibility would reside with the commonwealth. I can give no guidance on that at this point in time.

Mr GRIFFITHS: I understand that. This will be my final comment. I am grateful for the chairman's leniency. For the membership it is an important issue for them, and if the parliament has to pass legislation to allow the merger to occur before 1 July there should be an opportunity in a public forum for that level of information to put onto the record in some way.

If it is not this way I do not understand how it actually does occur. I suppose I am frustrated that there is not that knowledge of the detail behind this legislation because it is important for thousands of people who are out there. Yes, I have a personal interest in it, but I think I am asking questions on behalf of other people, too.

The Hon. M.F. O'BRIEN: It is a fair comment. What we will attempt to do is get a response from the CEs of both funds in advance of this legislation being either debated in the Legislative Council or returning to this chamber so that we have some clarity on that particular matter.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (11:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUPPLY BILL 2012

Adjourned debate on second reading.

(Continued from 1 May 2012.)

Mr GOLDSWORTHY (Kavel) (11:57): We move from one particular piece of legislation to another, that being what is known as the Supply Bill. I am pleased to speak in support of this particular piece of legislation to ensure that a satisfactory level of funding flows into the respective agencies and different sectors of government to ensure the satisfactory operation of the state until the budget is brought down, at which time there will be debate on the Appropriation Bill.

There are a number of issues I want to highlight that relate to some of the areas I have responsibility for on this side of the house, in particular the issue of the performance of what is now known as the Office of Consumer and Business Services, which is a relatively newly created agency from the previous Office of Consumer and Business Affairs and the Office of the Liquor and Gambling Commissioner. A decision was made by the government to merge those two agencies into one. It is my understanding that was a recommendation from the Sustainable Budget Commission, and I have a copy of the particular page from the commission's report making a recommendation that those two offices merge into the one.

What we have seen is that this new Office of Consumer and Business Services has been created. However, as with quite a number of examples that we have seen, this structural reform within government, if I can call it that, has resulted in a less than satisfactory outcome. We have seen the really glaring problems and issues that have come from this newly-created department or agency, whatever you want to call it, in Shared Services. The savings targets have certainly not been reached; and, to my understanding (and I stand to be corrected on this), it is actually costing more than what the functions previously were in their original form within government.

Significant issues have come out of the problems with Shared Services, particularly in the delay in the payment of certain bills. We had that example going back a month or so ago which highlighted the mechanical business in Riverton, up in the Mid North. That business operator blamed the government for the delay in the payment of bills to him which attributed to the closing of that business. That business was actually put out of business given, really, the delays in payment of his bills by the government.

There have been other examples. Members of parliament have had their phones cut off. I can talk personally. I had my iPad connection cut off because the bill had not been paid by the due date. I know that it took me quite a number of hours, paying it from my own credit card, to get it re-established, but that is what I needed to do to get that particular communication device back up and running.

I do not particularly want to spend a lot of time highlighting the issues within Shared Services because I know that a number of members have highlighted the deficiencies in that. I just wanted to raise that as really a case in point about how the structural reform within government has not delivered the outcomes that were promised, and the delays in processing some of the applications and the like in the Office of Consumer and Business Services have highlighted that point as well.

I had been contacted by people in certain sections of industry concerning the delay in issuing trade licences from the time apprentices finish all their skills training and have done their time, so to speak, and they lodge their applications to when they actually receive their trade licence, and that is something that the opposition highlighted. One particular plumbing apprentice—and this was highlighted through the media—had to wait the best part (if not all) of four months for their trade licence to be issued. It should continue to be highlighted that the difference between an apprentice wage and a qualified tradesperson's wage in the plumbing industry, it was stated to me, is about $300 a week. That extrapolates out to about $4,000 or $5,000, if not more, over that four-month period. That is what that person lost in wages because of the government's inefficiencies in dealing with its paperwork.

That is the only explanation for the loss in wages that person experienced. That government department was particularly lax in its methods of dealing with the trade licence, and that is not an isolated case. I have spoken to a number of people in the electrical trades and in other trades and they could expect at least a wait of three months. On behalf of the opposition I highlighted that problem. I received a response from the minister and a letter from the Minister for Business Services and Consumers (Hon. John Rau) dated 29 February, and I can quote from it:

> A specialist team will commence reviewing the process and methodology used in CBS when assessing trade licences in the week beginning 5 March. This team will include independent expertise and process work flows of senior government employees specialising in information technology systems and administrative practices. This team will report their findings to my office by the week ending 9 March 2012.

Well, minister, I would like to know what are the findings of that specialist team. I would be happy to meet with the minister or for him to make a ministerial statement or something like that in relation to the findings of that specialist team. It is my understanding that some improvements have been made, which we are certainly grateful for, on behalf of the industry, and that those apprentices do not have to wait for those long periods of time to have their licences issued.

There was also another matter highlighted—only a couple of weeks or so after the fact that we highlighted the problem with the trade licensing application processing delays—and that was with regard to issues that were raised concerning the Residential Tenancies Tribunal. Some delays have been highlighted to the opposition in the way the Residential Tenancies Tribunal was dealing with applications concerning rent arrears.

It is my understanding that previously it took about two weeks from when the application was lodged, after a number of weeks of unpaid rent, for the matter to be heard by the Residential Tenancies Tribunal. Given the inefficiencies in the agency, that had blown out to about five weeks, so a tenant could be in arrears of up to eight weeks without paying rent until the Residential Tenancies Tribunal heard the matter. It is my understanding that a tenant has to be in arrears for three weeks before an application can be lodged. If you add that three weeks to the five weeks for the tribunal to hear the matter, it puts the landlord, the investment property owner, out of pocket by eight weeks' rent.

People might say we have these wealthy landlords owning a number of properties, but my research shows that quite a percentage of residential property investors are mum-and-dad investors. They are people not on exorbitant salaries through whatever income they derive—average Australian people, mum-and-dad investors—who have looked to use any excess capital they may have to invest in property for their superannuation and obviously for their families benefits into the future. As a result of the government's inefficiencies in dealing with these issues, they are potentially putting these people out of pocket.

Again, the minister has responded. I received a letter he sent to a particular person in the community saying again, as per the letter I quoted of 29 February, that they were getting on to it. I asked a question in the house the last time the house sat and received what I thought was a glib answer: the minister did not actually answer the question I asked. I will be doing some checking within the industry to see if matters have improved in relation to those issues that have been raised.

Again, minister Rau has some responsibility in the area of the next issue I would like to talk about, and that is concerning planning and development. I want to talk about the decision the government made about a year and a half ago, in December 2010, to rezone 1,310 hectares of land in and around Mount Barker from the various zoning categories to residential.

The opposition has been involved in the debate, in the other place specifically, where the Greens party moved two motions: one was to refer the matter to the ERD Committee and one was calling on the reversal of the decision the government made to rezone that land. It has been outlined quite comprehensively, and very accurately and succinctly by the Hon. David Ridgway, shadow minister for urban planning and development in the other place, why we did not support those two motions.

Instead of supporting those motions, the Liberal opposition has undertaken to achieve a far more beneficial outcome in relation to this matter in referring the matter to the Ombudsman. The Hon. Stephen Wade, the Hon. David Ridgway and I met with the Ombudsman and discussed the issue of whether the Ombudsman had the legislative capacity and capability to undertake an investigation, and the information we received was that the office of the Ombudsman certainly

could undertake that investigation; so there has been a motion moved in the other place to that effect.

It was our view, and the Hon. David Ridgway highlighted this, that really what the Greens party was trying to achieve was to just grandstand on the issue. The Hon. Mark Parnell in the other place floats in and floats out on the issue, and gets an article in the local paper from time to time on the issue, but he is not the local member in the electorate. I am, and I deal with the issues, on a day-to-day and week to week basis, that come from the decisions the government made in relation to this rezoning.

I am not aware of the Greens party actually dealing with the day-to-day issues of constituents concerned with the lack of services for children at school, issues with the health services in the electorate or road transport infrastructure issues, but it is my observation, and the observation of other members of the community in the local district, that the Greens float in and float out when it suits them and appear in the local media from time to time.

As I said, members in our party in the other place have accurately highlighted this as political grandstanding on behalf of the Greens, whereas the Liberal opposition wants to get down to the tintacks of the issue and, as such, we intend to refer it to the Ombudsman, as I have previously highlighted. What we trust will happen from the Ombudsman's inquiry is that South Australia will receive a proper, well-resourced, non-political inquiry into the issue of the Mount Barker rezoning. I am quite confident that that will take place.

It was referred to the ERD Committee, as proposed by the Greens party. I sat in on those meetings of the ERD Committee when it was first assessing the DPA and the members of the government on that committee just ran the process. I sat there and witnessed the frustration of the witnesses who appeared before the committee, really opposing the decision of the government to rezone that land, and the process was managed. I do not know why the Greens party representatives think that by them referring the matter to the ERD Committee (in its recent motion) that there would be any different outcome.

It is my understanding that the Hon. Mark Parnell sits on that ERD Committee. I may be mistaken; I will have a look in the *Notice Paper* which usually gives a list of the members of committees. The Environment, Resources and Development Committee—yes, here we are: the Hon. M.C. Parnell sits on that committee. He has had every opportunity to ask those questions when the DPA was before the committee.

Time expired.

Mr VAN HOLST PELLEKAAN (Stuart) (12:17): I appreciate this opportunity to speak to the Supply Bill. As members of this house would understand, it is certainly convention that the opposition will support the passage of this bill so that the government can start spending. Essentially, that is what this is really all about: so they can start spending—but they have not told us what they are going to spend on. They have not told us, and they will not tell us until the last day of this month what they are going to spend on.

As many members on this side have commented, it is a pretty backwards way of doing things. I certainly support the convention but I put very clearly on the record that I have great personal concern, and great concern on behalf of the people of Stuart, participating in this convention because of the government's very poor track record with regard to financial management.

We know, in this house, that the entire debt including all unfunded liabilities that this government has incurred is approximately $23 billion. The debt that we know about costs us approximately $2 million per day just in interest to service. I am particularly concerned about that high level of debt but also about the government's priorities when entering into that debt, and particularly with regard to how those priorities disadvantage regional South Australia.

I would also like to say that one of my concerns about the budget that we will get on 31 May this year is that it will, I believe, leave us with even more debt. I am sure that the budget we will receive will have more debt in it than we are currently aware of. There is another related, but probably slightly sneaky aspect. So that it does not need to show any more debt than the government wants to, or as little as possible, I think the budget will probably not include some very important and some very necessary spending commitments.

I suspect the government will commit to them throughout the year but will exclude them from the current budget so as not to show even more debt than they are going to have to show

already. What that is going to do is to make a lot of organisations all over our state—who need that spending and funding commitment—have to wait and wait and wait and try to operate without that commitment. I think that is going to put many organisations, public and private, under undue stress so that the government can pretend that the level of debt is lower than it actually is and lower than it is going to be.

The Treasurer often uses the example of state debt principles being just like household debt principles and, at one level, I agree with him. It is an example I have used myself, and I think some of the very fundamental principles of how you manage a budget, whether a small household one or a large state or national one, are the same. What is different, though—and what the government and the Treasurer seem to be missing out on—is that while the principles might be the same, the actions have to be very different. You cannot take the capacity to run a household debt and just assume that that capacity, ability and level of expertise is automatically going to be translatable to a state.

Households throughout South Australia would not continue to waste money the way our state government does. Households would not continue to make the mistakes that our state government does, and they are getting sick of it. We are getting sick of it, South Australians everywhere are getting sick of it. Some examples are cancelled projects like the Newport Quays project which was cancelled at a cost of $6 million to our taxpayers. The protection of Arkaroola, totally separate from the pros and cons of protecting Arkaroola from mining, was done so clumsily by this government. An exploration licence to Marathon Resources was renewed and then the protection was put in place, putting the Sprigg family who run Arkaroola, all of the people on both sides of the argument whether they support it or not and Marathon Resources under extraordinary pressure. That clumsy stuff-up cost us $5 million. The cancellation of the Mobilong Prison contract cost us $10 million. Households would not keep making these mistakes.

Other examples of government waste and financial mismanagement involve the late payments to South Australian businesses, putting our business community under incredibly unfair financial pressure and, as the member for Norwood mentioned yesterday, peaking at $1.5 billion of outstanding debt. It is incredibly unfair and it is very poor management. We know that the building of new CFS stations has been stuffed up by this government, and I can tell you that it is not only the money, the stuffed-up contracts and the extra spending and having to pay more for CFS stations to be rebuilt and fitted out than you need to, there is also a very significant operational impact. In many cases, these CFS stations were due to be completed by the start of the fire season but then we went throughout the fire season without them being done, putting incredibly high impact on local volunteers and, in one case that I know of, people were housing equipment and fire trucks in a private shed in a backyard just to get through.

The desal plant: we have had it revealed lately that the prediction is that we will only ever need in the foreseeable future (10 to 15 years out) 21 gigs at the most per year from the desal plant. The opposition was planning to build a 50-gig desal plant but the government decided to build a 100-gig desal plant at a cost of $2.2 billion and $130 million per year to operate. It is four times as big as it is predicted to ever need to be.

As to Housing SA, the sale of properties was supposed to prop up the budget and sell public assets to get money back into the budget, but guess what? They are not selling because the valuations are inappropriate in the current market. They are sitting there, quarantined for sale but not selling, so we do not even have the money back into the budget and the people who need that public housing do not have access to it either.

There has been the printer cartridge scandal and the payout to ex-premier Rann. I am astounded that one of the first public announcements that Premier Weatherill made after assuming the premiership was to announce the additional payment to ex-premier Rann and all future premiers when he knows that he will be the very next person in line to take advantage of that. I am just staggered that that was the first thing he thought it was important to announce.

As to the health department stuff-ups, the member for Waite, the shadow minister for health, has highlighted an endless list of them including the delay to the annual report, the Auditor-General's scathing report. The concerns I have at a very local level, which keep coming to me, are very broad. People know my thoughts about the importance of local hospitals and how this government undervalues them, but something that is very important, too, is that nurses keep coming to me and telling me that, because of the financial pressure that they and the health system are under, every day they are becoming more and more administrators and less and less carers—that they go to work to tick boxes, to do all the things they need to do just to keep the system alive,

and that there is not enough time left for them to do the caring and nursing they want to do, the work they signed up to do.

At a very small scale, this government has taken away a $15,000 grant to the Women in Agriculture and Business organisation, a very proud and very strong organisation that supports women in agriculture and business throughout the state. The government has taken away a $15,000 grant that would not have made any difference to the government's budget position but makes a world of difference to the ongoing operation with regard to that organisation meeting its costs and their being able to have a part-time executive officer who can help them.

An amount of $30,000 has been taken away from the University of the Third Age, a very reputable organisation that supports primarily older people throughout our entire state. A $30,000 grant paid for their public liability insurance so that they could run the programs they run in CWA halls, town halls and council offices. When the insurance is not available, as it often is not for the programs they run in people's homes and living rooms, they now have to try to find that money from somewhere else. So, that entire group—thousands upon thousands of people who participate in the University of the Third Age—has been penalised for essentially no benefit to the South Australian taxpayer. That $30,000 would not make a big difference to the overall budget.

Mr Deputy Speaker, as you well know, I have many examples in regard to regional South Australia. I cannot go through them all, for lack of time, but I will start with the withdrawal of state funding for the RDAs, the Regional Development Australia organisations. This government participated in what was a very good suggestion by state and federal Labor governments to include the three tiers of government in the formation, operation and funding of RDAs across our entire state, which was a hard process.

It was very difficult for those organisations to essentially turn themselves inside out, change their way of operating, rearrange boundaries and put in a new model of governance of operation and, once all of that was done, our state government said, 'We're not going to fund you anymore, as of 1 July 2013'—to go through all that heartache, make them do that work, when the government knew all along it was going to withdraw the funding. But what is even worse is that the model is actually good, and I applaud the Labor governments, state and federal, and the local government that participated in that, for trying to coordinate these three tiers of government so that it would work efficiently and well, regardless of who is in government, state and federally. It is a good model, but the rug was pulled out from under them by the state government when it knew it was going to stop funding all along.

The sale of the forward rotations of the forestry offtakes in the South-East was a dreadful and disgraceful decision. Both the dollars and the timing related directly to the government's need to fund half a billion dollars, or a little bit more, for the Adelaide Oval redevelopment. In relation to the Murray-Darling Basin plan, there is nothing more important going on right now in regional South Australia than getting that plan right, yet the Premier is trying to walk a very tricky, slick public line, saying that what he wants is more water for the environment and what he wants is not to damage any regional communities, particularly any communities on the river. He cannot have it both ways; it is not possible for him to have it both ways with the things he has announced. He is trying to appeal to everybody at once in a way that anybody who looks at it closely knows is just not possible.

I applaud wholeheartedly the Liberal policy, led by the shadow minister for water (member for MacKillop) and the member for Chaffey, who have put together a very good policy for us to work with. It highlights the fact that the very first thing we need to do is an audit of all the places where water can be saved throughout the entire basin. We are already incredibly efficient with water in South Australia. Let's find out where extra efficiencies can be gained in other states before we put a number on it and enforce more savings upon the people of South Australia.

As the member for Stuart, I represent Morgan, Blanchetown, Cadell, Murbko and that important part of the river. I put on the record my view that the town and community of Cadell has suffered more than any other on the river with regard to the drought and the reduction in water allocation over the last several years. So, this is extremely important for our whole state, for regional South Australia, but also for the electorate of Stuart.

Regarding funding for public hospitals, both the health minister and the previous treasurer provided crystal clear information a year or so ago that made it very clear that funding for country health is not keeping pace with funding for heath in metropolitan Adelaide, and that is an issue that must be addressed.

If we are elected, we will reintroduce country hospital boards that will not only make them more efficient and more accountable to local communities, getting very important input from them, but also cheaper to run, because country people in their local areas will make them cheaper and more efficient, helping the taxpayer overall.

Shared Services has been a disgrace. I can understand the principle, the economic rationale, for trying to centralise, use technology and take advantage of what you have going for you to put services together to become more efficient. I have no problem with that whatsoever; however, the millions of dollars budgeted to implement this program have blown out. The savings have been underachieved by millions of dollars and, what is worse, the job is being done worse than it ever was before. So it costs more to implement, savings are not being found and the job is being done worse. What better example do we need of government waste, mismanagement and inefficiency?

I wholeheartedly support the use of technology and the opportunity to save money. Shared Services could be used to support regional South Australia rather than tear it apart. Exactly the same technology that allows payroll, human resources and procurement, IT and other government department services to be centralised means that they could actually be placed in regional South Australia. Instead of taking all those jobs out of regional South Australia and putting them down into Adelaide, hypothetically, we could have an office in Port Lincoln that does all the purchasing for the entire state, Whyalla could do all of the HR and Renmark or Berri could do all of the IT. Mount Gambier could do one of the other services. Those services could actually be placed in regional South Australia. Those savings could be found by using the efficiencies. We are getting the worst of everything in the current situation.

Regional South Australia comprises approximately a quarter of the state's population. People on the government side in this chamber do not understand that that is hundreds of communities. Hundreds of communities make up regional South Australia. We understand that it is a two-way street. We understand that some services will only be available in the city just as there are some things that only regional South Australia can offer. You can only go for holidays in country South Australia. It really is a two-way street, and we get that, but this government's spending is all one way—with the undervaluation of small country schools, of sporting facilities, of support for churches and very important organisations, such as hospitals, and of rural road maintenance.

An example worth pointing out—which I am sure the member for Flinders will support—is that there is not one overtaking lane on Eyre Peninsula. That is an absolute disgrace. It is an area with long distances, highly travelled by tourism, local transport and heavy freight, and there is not one overtaking lane. We know that overtaking lanes make road traffic safer. Eyre Peninsula has just been ignored by this government.

Everybody knows my views on outback roads. One of the very first things that this government did when it got into power 10 years ago was remove one of the re-sheeting gangs for outback roads, and that has just caused inefficiency everywhere.

Agriculture is the most important industry in South Australia. Mining is terribly important as is tourism and manufacturing. Mining is our greatest growth opportunity, but agriculture is, and will continue to be, the most important industry for our entire state, and government spending needs to recognise that. Government spending needs to continue to support agriculture, not just the things that are growth areas or in the public view. Those areas need support, too, but never, ever forget the importance of agriculture. We cannot get out of research and development, we cannot defund all the very important agricultural institutions and organisations that support us, otherwise our most important industry will suffer—and that is just not sensible. I will have more to say later in the week about the increase in pastoral lease rents.

What we are seeing is just taking advantage of country South Australia in many, many ways. All the examples of waste and mismanagement and city-centric priorities is disadvantaging where we make the most money for our state, which is in regional South Australia.

Very quickly (because time is running out), with regard to recreation and sport, I do not have to change my view, I do not have to change a thing I have said about Adelaide Oval the entire time this debate has been in this house. An additional or upgraded oval for South Australia, a sporting stadium, would be absolutely fantastic, but we just cannot afford it—and if we could, right now we have higher spending priorities than that. That is critically important.

Regarding marine parks, I do not think the government gets the fact that marine parks are not just an environmental issue. It is a statewide issue, it affects city people, country people, Liberal voters, Labor voters, rich people, poor people. It is not just an environmental issue, it is not just a sea issue; it is a very important recreational issue as well. The government is harming people all over South Australia with the way it is just procrastinating and stuffing up what was a very good Liberal initiative.

Racing is critically important. I am running out of time, but this government does not support the racing industry; it does not even have a minister for racing. There is no federal minister for racing, so if there is no state minister who is sticking up for and promoting racing in South Australia?

Mr BIGNELL (Mawson) (12:37): I rise today to support the bill and to talk about a particular part of government spending, a major part of government spending, and that is health. The health system often comes under attack in the media and from the opposition but, when I am talking to constituents—whether it is at the local markets, the supermarket, community events or doorknocking—quite often people will say that a member of their family has been in hospital. I ask which hospital and how they were treated, and the overwhelming response is that people are treated very well. There is a huge amount of respect there for the hardworking doctors, nurses and other members of staff in the hospitals.

So, while occasionally things will go wrong in our health system, I think it is worth remembering that we have a state-of-the-art health system that we should be very proud of, one that continually outranks many other states in Australia. While it is an easy target for the opposition and the media when things do go wrong, we also need to pay tribute to those hardworking people in health services who deliver a better way of life and, in many cases, save the lives of people in our community.

Almost one-third of the South Australian government's budget is spent on health, and in dollar terms that is $4,140 per person per year—a bigger spend than any other state. Just this week a new survey, called the Australian Hospital Statistics report, came out and showed that 71 per cent of patients were seen on time in 2010-11, the equal second best result in the nation. The report also showed that the median wait to service in emergency departments was 20 minutes, three minutes below the national average. That is the second best result in Australia and the first time that South Australia has bettered the national average since routine reporting began.

The report also showed that 90 per cent of patients were admitted for elective surgery within 208 days, significantly better than the national average of 252. The median waiting time for elective surgery in South Australia was 38 days in 2010-11, two days longer than the national average. This has improved to 34 days to March 2012. South Australia has the highest number of public hospital beds per 1,000 population (3.1 beds), 19.2 per cent above the national average.

The number of doctors per capita working in public hospitals was 10.8 per cent above the national average of 1.45 per cent, and the number of nurses was 7.4 per cent above the national average—both are higher than all mainland states. The total average cost of treatment per patient for South Australia in 2010-11 was $4,854—the second lowest in Australia. The state government has invested $111 million to ensure more patients are seen, treated and discharged or admitted to a bed on a ward within four hours in hospital emergency departments.

When you look at the statistics and when you listen to the anecdotal evidence out in the community, by and large we have a health system that is performing extremely well by anyone's standards. Sure, things will go wrong from time to time, and we need to hear about that so that we can make the system even better.

Last year (and I am about to go out again to repeat the exercise), I checked in on hospitals and other health facilities in regional South Australia. I would like to thank all the people who work in our hospitals and other health providers in the regions—they do a fantastic job. Our aim is that we keep as many people who are ill or who need hospitalisation in their local area, rather than having to come to Adelaide and that, when they do come to Adelaide, they are here for as shorter period of time as possible so that they can be back amongst their friends and families for recuperation and other medical assistance.

The new Royal Adelaide Hospital will be of great benefit to people right throughout South Australia, not just in Adelaide, because there is always a very large percentage of people in the current Royal Adelaide Hospital who come from country areas. The new RAH, with its individual

beds and rooms, so that you do not have to share with three, four, five or six other people, will be a great advantage to people not just in Adelaide but right throughout South Australia.

In the local area I represent, we are extremely well served by medical services. We have the Flinders Medical Centre, which is the main hospital to service the people in the south, as well as the excellent Noarlunga Hospital, which also does a great job for people in our local area. The GP Plus Healthcare Centre at Aldinga has been a brilliant addition to the local area, and it has decreased the number of people who turn up at Flinders Medical Centre or Noarlunga Hospital.

Often people are afraid that the symptoms that they or a family member are showing may be something quite serious, so sometimes they go to the hospital to seek reassurance, and a lot of those times they are, thankfully, reassured that, 'No, you should be okay if you follow this procedure.' They can now get that service at the GP Plus Healthcare Centre at Aldinga without having to tie up resources in our hospitals.

The McLaren Vale and District War Memorial Hospital at McLaren Vale is another great medical facility in the south and one where the government is working with the local hospital, even though it is a community hospital and privately run by a community board. We are working with them so that people who are, say, in the Flinders Medical Centre and who need to still be under medical observation can be discharged to spend time recuperating in the beautiful McLaren Vale and Districts War Memorial Hospital.

With its gum trees and rose gardens and ease of parking, that hospital really is a wonderful place to recuperate, and for so many people it means that they are a lot closer to their loved ones who want to come and visit them and that, when they turn up, it is easy to get a car park—and, of course, it is surrounded by the beautiful town of McLaren Vale.

With those words, I reiterate that we do have a wonderful health system in South Australia. Another facility I should mention is the newly opened GP Plus Super Clinic at Noarlunga. We hope that that facility will also ease the load on our emergency departments and provide first-class health services to the people in the south.

As I said at the outset, and throughout this speech, South Australians are well served by our health service and we are always out there trying to find ways that we can improve it, and we are keen to hear from the community about ways in which that can be done. The statistics and the anecdotal evidence I am hearing from the community prove that we do have a health service that is of a very high standard and amongst the best in Australia, which of course ranks it amongst the best in the world.

Mr TRELOAR (Flinders) (12:45): I appreciate the contributions that the member for Mawson and the member for Taylor have made from the government side. I always appreciate their contributions and am pleased that they have taken the opportunity to speak in favour of what is essentially a government bill. I have to point out that they are in fact the only two from the government benches who have chosen to speak on this, apart from the Treasurer, who of course introduced the Supply Bill briefly sometime ago; and in fact we are still debating it.

The Supply Bill, as the house knows, offers members an opportunity to make some remarks on the state's finances, and is, in fact, the appropriation of money from Consolidated Account. The member for Stuart mentioned that he felt that it gave the opportunity for the government to start to spend. I actually think it is more likely that it will give the opportunity for the government to continue to spend; but there you go, it is semantics, I guess.

The amount being sought under this bill is $3.161 billion, and I have to reiterate all the remarks that have been made from this side of the house. Unfortunately, this state's finances are turning into quite a debacle really. It just seems that every single day another bad news story comes out about the state's finances: continuing borrowings, escalating debt, and of course escalating interest payments.

The government is at this point in time borrowing an extra $3.74 million every single day. This is a key figure. It is something that we will be highlighting. Each and every day the government is borrowing an extra $3.74 million. People will come to know this figure. It is a figure they can recognise. It is not a figure that is too far out of their understanding or grasp, but when they come to realise that it is a borrowing every single day, the rest of the community will come to realise what a situation we are getting ourselves into. What it of course means is that our interest bill in this state is now $705 million per year, every year.

I would suggest that we cannot go on living beyond our means as we are. In 2010, when I first came to this place, the Supply Bill was at that time one of the first opportunities I had to speak in the parliament as a new member. In that contribution I raised some important funding priorities for my seat of Flinders and regional South Australia generally. It comes as no surprise to anyone that the majority of the regions are represented on this side of the house. I lament now and I am disappointed at how much the government has done in regard to regional spending in the space of 12 months.

Our lead speaker on this bill was our shadow treasurer, the member for Davenport, and I endorse all his remarks. I do not intend to rehash the comments of my colleagues, but it is my duty and my obligation on behalf of the people of Flinders, the people I represent, to express my dismay once again at how the deficit and debt have increased, even since the budget was last handed down (and of course the next budget is just around the corner) and how a decade of Labor's economic mismanagement has resulted in South Australia being the highest taxed state in the land. Additional pressures on the cost of living come with that, that high taxing, high spending, high borrowing government.

The member for Morialta during his Supply Bill speech yesterday quoted a former prime minister of the United Kingdom, Margaret Thatcher. It is not a quote I had heard before, but I did pick up on it and understand exactly why he was using that quote. The quote was that the problem with socialists is that they eventually run out of other people's money to spend.

For a time I had actually thought that, in Australia in the 21st century, we had moved beyond socialist governments, but watching this state government in action I am not sure that that is true. I think what we are seeing in this state is a socialist government—the way they treat the constituency with disdain, the way that they continue to spend other people's money on priorities that they have, not priorities that the community has.

With regard to the seat of Flinders, we of course are based on agriculture and seafood, and primary production in general. Although it is not a certainty by any means, we are anticipating that mining could play a role in our regional economy in times to come. What is remarkable is the government's lack of investment into basic infrastructure to help support those core regional industries of agriculture, seafood and, ultimately, mining as well.

I think, in the end, it is going to come to mean that, without that basic infrastructure, or lack of investment into it, we are seeing infrastructure no longer able to properly support what are essentially growing industries—industries which are growing, which are sustainable and which contribute so much to this state's wealth—and it is just not being recognised or, for that matter, being rewarded.

A good example of this is the port at Thevenard. I have spoken about the port at Thevenard in this place before. In fact, the wharf there is just on 100 years old—it is a century old—and, without being disrespectful, it is beginning to crumble and no longer able to cope with the demands that are being put on it. There has been a lot of good work done by many people in the local community within the state authorities and within the Regional Development Authority, and the private companies that are involved with and rely on that port functioning for their businesses.

There has been a lot of good work done by all those groups in getting together a submission to both state and federal governments for funding. We are yet to see whether that funding application will be successful, but I sincerely hope it is. I would like to highlight that it has had to get to a point where the infrastructure is, as I said, crumbling and no longer able to cope, before anything can actually be done.

Way back in 2002, the Labor government promised a desal plant for Eyre Peninsula. The previous member for Flinders spoke about this often, and still speaks of it, and highlights the fact that that commitment was never honoured. Right at this moment, we are once again having discussions about the long-term security and management of our regional water resource, and how we make best use of that.

My feeling still is that to manage and cope with future expansion and demand desal will need to play a role in that. We are expecting demand to grow as population grows and also as industry grows. I mentioned mining earlier, and the likelihood is that, should that go ahead, there will be significant demands on the local water resource. We need to, through the state government, be able to manage and supply that.

Many of my colleagues, particularly from the country, have mentioned country health services. I still cannot get past the fact that the most number of constituents I see on any single topic is around the Patient Assistance Transport Scheme. Just 16¢ a kilometre is offered to those patients travelling to Adelaide for specialist treatment by road. It is nowhere near enough; it does not go anywhere near reimbursing them for their travel costs. Just $30 a night is available for accommodation after the first night. We have been pushing very strongly for the department to recognise and allow patients from my part of the world in particular—Port Lincoln, Ceduna and places in between—to be able to fly. It is convenient, it is cost-effective and it is less demanding on the patient to fly. Some patients travel often to Adelaide for specialist treatment and the impost on them, both financially and in regard to their time, is significant.

I urge the government to consider very, very soon how it may increase the funding into that scheme which is an essential scheme for the health and wellbeing of people in this state right across the country areas. There may be solutions that come to light in the future. We may be able to attract specialists into larger regional hospitals like Port Lincoln, Ceduna and Whyalla. However, just at the moment that is not happening; it does not happen that way. Sadly, those patients who do get sick and require specialist treatment need to travel and sometimes their very survival depends on it. So I urge the government to consider and to understand the importance of that scheme. There are probably very few families in the seat of Flinders who have not at some stage, for some reason, needed to access that scheme. The concept of the scheme itself is good, it is just a matter of funding it appropriately.

We have had some good builds into the school system in recent times and I do not step away from that. However, one particular school that I would like to highlight is the Port Lincoln High School. It is the largest high school in my electorate and for that reason it is the most significant. Sadly, there has been very little investment into the infrastructure of that high school campus in recent years. In fact, the Port Lincoln High School is still holding classes in temporary classrooms that were put there 40 years ago. That is sad to see and we are doing our best to lobby government to highlight that and to at least get some recognition of the importance of that high school in the state system and the fact that its facilities are dated and inadequate.

Many of my country colleagues and the member for Stuart just previous to this mentioned country roads. I have talked before about the $400 million—no less—road maintenance backlog that has been identified by the RAA. This is the combination of both state and federal government funding that will be required to bring country roads back up to scratch to a point where they are safe, accessible and provide reasonable transport routes, because in the end it is the transport industry that provides the backbone for all the other industries in this state.

Clearly, this massive road maintenance backlog is not a high priority for the Weatherill government. It has been demonstrated time and time again that the condition of roads in the country does have an impact on road safety, and I would suggest that the government should not and cannot continue to neglect country roads; it will be at their peril.

The Tod Highway is a good example of that. There are many examples of neglected country roads and I understand everybody wants money spent on their own road or the road that they use to access their local communities and required services. Just three weeks ago I tabled a petition in this house of over 600 signatures highlighting the desperate state of the Tod Highway. There is a little over 100 kilometres between Karkoo and Kyancutta, so it is a highway and it is the responsibility of the state. It is dangerously narrow in some places. I understand that it satisfies all the requirements of the department, but the fact remains that there are high traffic flows and a lot of that is heavy vehicle traffic—road train transport at harvest time and that sort of thing—and it is downright dangerous. There have been a number of near misses and I hope that the government sees fit to carry out something as simple as sealing the shoulders of that road.

The DEPUTY SPEAKER: Member for Flinders, do you wish to continue your remarks or do you wish to finish at this point?

Mr TRELOAR: I do wish to continue, so I seek leave of the house.

Leave granted; debate adjourned.

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

VISITORS

The SPEAKER: Before we start proceedings for the afternoon, I would like to draw your attention to a number of groups in our chamber today. There is a delegation from the Angolan government, particularly Vice Minister Margarida de Jesus de Barros. Welcome; it is wonderful to see you here.

We also have a group of international hospitality students who are guests of the member for Adelaide, and I think we also have Italian Benevolent Foundation Healthcare from the University of Adelaide. Welcome; we hope you enjoy your time here. We have another group up there. It is lovely to see you.

ANSWERS TO QUESTIONS

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

MINISTERIAL STAFF

297 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 2, p196—

1. How many employees in this portfolio are paid in excess of $100,000 p.a.?

2. How many employees are paid more than $120,000 p.a. and what are their titles and positions?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): With respect to the Science and Information Economy Portfolio:

1. There is one employee paid between $100,000 and $120,000 per annum.

2. There are two employees paid more than $120,000 p.a. Their titles and positions are:

- Director, Digital Economy and Technology; and
- Director, Quality, Tertiary Education, Science and Research.

It should be noted that the recent restructuring within the Department of Further Education, Employment, Science and Technology, the functions of Science and Information Technology have been split across two Directorates and hence the number of employees paid more than $120,000 increasing from one employee to two employees. There has not been an increase in Executive numbers across the Department; it is only the work of the Portfolio spread across two individual Directors.

COMMONWEALTH COOPERATIVE RESEARCH CENTRE PROGRAM

298 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 2, p196—

Who were the four recipients of grant support from the Commonwealth's Cooperative Research Centre Program, which two were successful and how much did they each receive?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): The four bids supported by the South Australian Government were:

- CRC for Contamination and Remediation of the Environment
- CRC Next Generation Australian Pork
- Future Biofuels
- Heritage Futures

As stated in the budget papers, only two of these bids were successful in receiving Commonwealth support these two bids were:

- CRC for Contamination and Remediation of the Environment; and
- CRC Next Generation Australian Pork

These successful SA bids were existing CRCs seeking extensions. The CRC CARE will receive a total of $29 million and CRC Pork a total of $20 million from the Commonwealth. Both CRCs sought eight year extensions and this funding will conclude in 2019.

DFEEST has existing contractual arrangements with these particular CRCs (due to expire in 2011-12) which will now to be extended. Each CRC has been allocated $100,000 per annum over three years (2012-13, 2013-14 and 2014-15).

PREMIER'S SCIENCE AND RESEARCH FUND

299 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 2, p196—

1. Which six projects received part of the $3.3 million funding from the Premier's Science and Research Funding, including the amounts for each successful project?

2. What is the process for considering and approving applications from the Premier's Science and Research Fund?

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

1. The six projects that received funding from the Premier's Science and Research Fund (PSRF) in 2010-11 for the next three years are:

- Trace Element Imaging Facilities—$341,473;
- Drilling Research and Training Facility—$774,373;
- Advanced Reproductive Sensing Technologies—$700,000;
- Seafood Safety and Market Access—$286,902;
- Marine Biotechnology Industry—$20,000; and
- Macroalgal Aquaculture—$1,139,567

2. The process for assessment of the PSRF applications is a two-step process.

Expressions of interest are reviewed by the Chief Scientist for South Australia and a DFEEST representative. This assessment is based on the eligibility criteria set out in the guidelines and the project's potential to contribute to the State's strategic development. Applicants that are successful at this stage are then invited to submit a formal application.

Formal applications are reviewed and assessed by an independent panel chaired by the Chief Scientist. This panel is made up of representatives with extensive experience in industry and assessment of competitive funding programs, along with independence from SA Government and the research organisations. This assessment is based on the contribution the proposal will make to the State, including strategic development and the collaboration between researchers and industry.

The panel invite applicants to an interview where they ask follow up questions regarding their application. Based on these interviews and any other relevant information the Chair may seek, the panel provide a report to the SA Government providing recommendations for funding.

BROADBAND INTERNET

300 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 2, p198—

1. How is South Australia's competitiveness on broadband in percentage terms of internet connections to households compared to other States?

2. What were the participation rates for these 'internet access and digital literacy programs'?

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

1. The most recently published data from the Australian Bureau of Statistics regarding broadband in percentage terms of internet connections to households showed that South Australia was within the required range for this target as defined in the previous version of South Australia's

Strategic Plan. For South Australian households the percentage is 91 per cent compared to the national percentage of 92 per cent. That data was collected in the 2010-11 financial year.

2. The Agency Statement refers to the Oodnadatta and Marree digital literacy programs, which are part of the National Partnership Agreement for Remote Indigenous Internet Access. The model which has been successfully implemented in South Australia trains a local mentor who is able to provide specific and individual support to the community to meet specific needs and build confidence in using digital technology and applications.

In Oodnadatta in 2010–11, there were 52 registered users of the centre, out of a population of 100 people, with reported uses including access to online Government services, weather and road conditions, on-line shopping and e-banking and social networking. There were 51 individual training sessions provided in Marree in 2010-11 on a range of computer and internet topics and around 50 hours of informal help provided to the local community, a participation rate of 50 per cent of the total population.

OUTBACK CONNECT PROGRAM

301 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 2, p198—

What costs were involved in the Outback Connect program and the 'public internet access and digital literacy programs' to Aboriginal communities in Oodnadatta and Marree?

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

- In 2010-11 $76,346 was expended on Outback Connect, a digital literacy initiative delivering basic ICT skills to rural and regional clients and to other disadvantaged groups in South Australia.
- The public internet access and digital literacy program delivered to Aboriginal communities in Oodnadatta and Marree is funded by the Commonwealth through a National Partnership Agreement and in 2010-11 cost $61,410 for Oodnadatta and $12,200 in Marree.

CHIEF EXECUTIVE DISCRETIONARY FUND

17 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Health and Ageing, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

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

1. No Discretionary Funds are maintained by the Chief Executive, Department for Health and Ageing, who reports to the Minister for Health and Ageing. Any funds that are not allocated to direct expenditure requirements are held as a contingency against SA Health's approved savings target.

CHIEF EXECUTIVE DISCRETIONARY FUND

18 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Mental Health and Substance Abuse, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

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

1. No Discretionary Funds are maintained by the Chief Executive, Department for Health and Ageing, who reports to the Minister for Mental Health and Substance Abuse. Any funds that are not directly allocated to direct expenditure requirements are held as a contingency against SA Health's approved savings target.

CHIEF EXECUTIVE DISCRETIONARY FUND

34 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Employment, Higher Education and Skills, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): The Chief Executive of the Department of Further Education, Employment, Science and Technology has provided the following information for the Employment, Higher Education and Skills and Science and Information Economy portfolios:

The Department of Further Education, Employment, Science and Technology (DFEEST) does not maintain a Chief Executive Discretionary Fund.

CHIEF EXECUTIVE DISCRETIONARY FUND

35 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Science and Information Economy, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): The Chief Executive of the Department of Further Education, Employment, Science and Technology has provided the following information for the Employment, Higher Education and Skills and Science and Information Economy portfolios:

The Department of Further Education, Employment, Science and Technology (DFEEST) does not maintain a Chief Executive Discretionary Fund.

AUDITOR-GENERAL'S REPORT

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (8 November 2011) (First Session).

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

During 2010-11, the Department of the Premier and Cabinet reported seven employees who earned in excess of $300,699. Two of the employees received a termination payment.

PAPERS

The following papers were laid on the table:

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

Industry Advisory Group—
Alpaca Annual Report 2010-11
Cattle Annual Report 2010-11

Deer Annual Report 2010-11
Goat Annual Report 2010-11
Horse Annual Report 2010-11
Pig Annual Report 2010-11
Sheep Annual Report 2010-11

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

School Review Reports—
Athelstone
Belair
Braeview
Craigmore South
Dernancourt
Flaxmill
Happy Valley
Largs Bay
Linden Park
Madison Park
Mitcham
Murray Bridge
Nicolson Avenue
Para Hills
Renmark
Salisbury Heights
Settlers Farm
Stradbroke
The Pines
Victor Harbor
West Lakes Shore

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

Training Advocate—Annual Report 2011

SCHOOL AMALGAMATIONS

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G. PORTOLESI: The house would be well aware of the state government's decision announced as part of the 2010-11 state budget to amalgamate 48 co-located junior primary and primary schools on 24 sites. I now wish to advise the house that I have determined that these amalgamations will proceed following—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —following an extensive review process that has occurred over a number of months.

Members interjecting:

The SPEAKER: Order!

Mr Pederick: What was the point?

The SPEAKER: Member for Hammond, behave.

The Hon. G. PORTOLESI: My decision means that these amalgamating schools will now be funded in the same way as the 339 other reception to year 7 primary schools. Of the 48 schools identified, six of these located on three sites voted in favour of the amalgamation. Therefore, in accordance with the Education Act, a number of review committees were formed to review the

proposed amalgamations of the remaining 42 co-located schools. Subsequently, two of these review reports recommended amalgamation and 19 recommended against amalgamation.

Ms Chapman: 19 to two!

The SPEAKER: Order, the member for Bragg!

The Hon. G. PORTOLESI: I advise the house that the requirements of the Education Act regarding consultation with the governing council, teachers, parents and the broader school community were met. I have considered the review reports—

Members interjecting:

The SPEAKER: Order! Minister, could you sit down. This is an important issue for a number of members here and I would like to be able to hear what the minister says. You will listen to the minister in silence. Minister, thank you.

The Hon. G. PORTOLESI: I have considered the review reports and have had the opportunity to visit most of the schools to listen to school leaders, staff and parents in these school communities. I have come to the decision that all 42 schools that undertook the review process will be amalgamated.

These co-located schools already operate effectively as one school with, for example, a single governing council, one site improvement plan, one annual report, a single administration area and school uniforms, etc. I therefore advise the house of this decision—

Mr Pederick: It's about taking money away.

The SPEAKER: Order!

The Hon. G. PORTOLESI: —in accordance with the Education Act, which states that:

> If the Minister makes a decision that...schools should be amalgamated contrary to the recommendations of a committee, the Minister must, within three sitting days of giving notice...cause a copy of the committee's report and recommendations and a statement of the reasons for the Minister's decision to be laid before each House of Parliament.

In accordance with requirements, I present before the house a copy of each of the review committee reports and also my reasons for proceeding with the decision. As the schools move to these new arrangements, an investment of $27.3 million will be made available to assist and improve these schools through this time of transition. I have also listened to the concerns of members of these school communities and acknowledge the need for support as the schools formalise—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —this transition to one school from 1 January 2013. As part of that investment, I have decided to provide a one-off grant of $100,000 to each of the newly combined schools. I also make it—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —quite clear that the decision will mean that students and staff will still continue to teach and learn at the same locations while students progress through their reception to year 7 years. I am confident that these schools will build on what they are already achieving together to support their students and be better able to plan—

Members interjecting:

The SPEAKER: Order! Member for Morialta, order!

The Hon. G. PORTOLESI: —for the whole of the students' learning and development over their primary school years. I also want to place on record my sincere appreciation to the many principals, teachers and parents of these school communities for their commitment to excellence in education. At the same time—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —I reaffirm the state Labor government's longstanding commitment to investing in education—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —an investment which included the extra $203 million for education in the 2010-11 budget in which this announcement was made. In closing, bringing together these schools as a reception to year 7 school will remove what I consider to be this inequitable funding arrangement so that they are funded like other comparable schools which also offer quality teaching and learning for our South Australian children.

Members interjecting:

The SPEAKER: Order!

BUS CONTRACTS

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.C. FOX: It is known that Adelaide commuters have been frustrated by problems following changes to bus contracts last year. It is worth noting that these new arrangements were a result of a formal and proper tender process designed to provide maximum value for money for the South Australian taxpayer for what is a set of contracts worth about $1.5 billion over eight years.

For this frustration and inconvenience, the government has apologised to commuters and has already planned measures that will seek to jointly address congestion problems and improve bus priority measures to provide commuters with a better service. After a long history of underinvestment by the Liberals, the Rann/Weatherill governments have been committed to providing quality public transport to South Australians—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —and we have a proud history of record investment. While the government is investing in infrastructure and working with the three private bus companies on improvements, it is also imperative that the companies themselves perform to levels expected by the taxpayer and to which they have agreed in their respective contracts.

On 13 March I advised this house that I as minister had chosen to impose initial discretionary fee adjustments to all three companies where I felt their performance was materially at variance to their contractual obligations. The fee adjustments for the October-December 2011 quarter were $14,536 for Transfield, $11,973 for Australian Transit Enterprises and $11,919 for Transit Systems.

In April I received the audited performance data for the January-March quarter, covering seven performance criteria, and I wrote to the three contractors requesting they explain why they have failed to meet contractual performance benchmark standards. All three contractors responded to the Department of Planning, Transport and Infrastructure by the due date of last Friday, that is Friday 27 April. Today I have received the department's formal advice on the mitigating circumstances provided by these companies.

Applying the schedule 11 performance assessment criteria for the January-March quarter sees all six contract areas liable for a fee reduction, and I will table a summary of these performances with this statement. A common theme raised by all three contractors was that of traffic congestion and, in particular, an argument that this was beyond their control. In both the media and this place I have acknowledged that this is a contributing factor.

However, while the traffic congestion has some relevance in relation to the Harris Scarfe redevelopment and the 'Mad March' road closures associated with the Clipsal 500, it does not adequately explain—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —the significant failure of—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —some services to reach the on-time running performance benchmarks. Following analysis of all relevant factors—

Members interjecting:

The SPEAKER: Members on my left, order!

The Hon. C.C. FOX: —the government has concluded that, while all three contractors have failed to reach performance benchmarks, Transfield has performed significantly worse than Transit Systems and Australian Transit Enterprises. Transfield was the only contractor to exceed the agreed level 3 threshold, and did so in both of its contract areas. The penalties to be imposed by the government reflect these relative levels of performance. It must be noted that the government considered it appropriate to exclude the Adelaide Hills contract area from any fee reduction given the relatively good performance in this area.

Today I have written to the three companies advising of the following fee adjustments for the January-March quarter: for Transfield, $121,345; for Australian Transit Enterprises, $50,455; and for Transit System, $46,043. I am releasing the amount of these fee adjustments today as I believe it is in the public interest to do so. However, it is important to inform the house that I am restricted in the further detail of the financial calculations that I can provide due to the commercial nature of the legal contracts.

I do not expect the bus contractors to be happy with these penalties, nor do I expect the penalties to ease the legitimate frustration of commuters. However, the government believes these penalties are an important message that the bus companies must lift their performance and work with the government as important changes are implemented to improve the experience of passenger transport commuters.

In closing, I would remind the house of the very important Metrocard system I spoke about yesterday which, when operational later this year—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —will improve bus running times and also provide real-time running times for the South Australian public to see.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:15): I bring up the seventh report of the committee entitled Subordinate Legislation.

Report received.

QUESTION TIME

CARETAKER GOVERNMENT CONVENTIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): My question is to the Minister for Health and Ageing. Why is it that the caretaker conventions made it inappropriate for Kevin Foley to obtain information on the government's promise regarding Adelaide Oval during the caretaker period of the 2010 election campaign but allowed minister Hill to obtain information on the opposition's promise regarding the Royal Adelaide Hospital during the same caretaker period? Former treasurer Foley told the house on 22 June 2010, in relation to Adelaide Oval, and I quote:

> Given that the government was in caretaker mode during the election campaign period, in my view it would have been inappropriate to receive information regarding cost estimates or discussions about the government's contribution to the project.

The SPEAKER: The Minister for Health.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, order! Minister.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:16): I thank the Leader of the Opposition for the question. Firstly, let me say absolutely, completely clearly to the house that I did not breach the conventions. I did not breach the conventions deliberately. I did not breach the conventions knowingly as has been alleged. For the benefit of the house I give this advice. The following parts of the 'Caretaker Conventions and Other Pre-Election Practices—A Guide for South Australian Government Agencies' document, which the leader referred to yesterday, was issued by the Cabinet Office, dated October 2009, and was quoted by the member to support her allegation. She quoted it, and it states:

> ...the aim is to ensure that agencies can continue to operate at 'arm's length' from political activity...public servants must not be seen to be supporting particular issues or parties during the election campaign.

Members interjecting:

The Hon. J.D. HILL: Just listen, listen:

> Officials will not be authorised to...give opinions on matters of a party political nature.

Opinions—that's the point. I move forward. There was no contravention of these requirements at all by me. In seeking factual information from the department there was no impact on the partisanship of the agency. Opinion was not—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, they—

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

The Hon. J.D. HILL: They ask questions, Madam Speaker, and all they want to do is hear their own voices. In seeking factual information from the department there was no impact on the partisanship of the agency. Opinion was not sought on matters of a party political nature, nor—

Members interjecting:

The Hon. J.D. HILL: No, I'm not joking; this is the fact.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam, this is a serious matter. My character is being impugned by those on the other side. I seek to explain, they interject tirelessly, and I would ask you to assist me in getting my points across without this interjection. In seeking factual information from the department there was no impact on the partisanship of the agency. Opinion was not—

Mrs Redmond interjecting:

The SPEAKER: Order! Leader of the Opposition, behave!

The Hon. J.D. HILL: Opinion was not sought on matters of a party political nature, nor—

Mr Griffiths interjecting:

The Hon. J.D. HILL: No opinions were sought on matters of a party political nature, nor was the department supporting any particular political position or party in merely providing factual information. The department maintained arm's length from political activity associated with the provision of the information. I then legitimately used that information to enable me to conduct my political activity, not theirs. The conventions permit ministers to continue to request factual information from agencies during the caretaker period, and the purpose to which such material is put is for ministers to determine. Madam Speaker, this is the critical bit I want to draw to the attention of the house. Of significant note is the section entitled 'Access to public servants by members of parliament' within the 'Caretaker Conventions and Other Pre-election Practices—A Guide for South Australian Government Agencies', which specifically permits:

...discussions may include the administrative and technical practicalities and procedures involved in implementing policies proposed by opposition parties.

That is specifically included in the document. That was left out of the attack yesterday.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Therefore, the communication between my office and the department is completely proper. If the department believed that it was improper, they would have said so. What upsets them is not the questions I asked but the answers that were given, because the answers showed that they had a dud policy.

Mrs REDMOND: On a point of order, Madam Speaker, the question was directed to the explanation the minister could give as to why, then, Kevin Foley said, 'Given that the government was in caretaker mode during the election—

The SPEAKER: Order!

Mrs REDMOND: —campaign period—

The SPEAKER: Order!

Mrs REDMOND: —in my view, it would have been inappropriate to receive information regarding cost estimates or discussions about the government's contribution to the project.' What is the difference between that and this minister's attitude?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, now that the member has asked it in such an angry fashion, let me say that I am not responsible, nor have I ever been responsible, thank the Lord, for the actions or words of Kevin Foley.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Members on my left, order! The member for Ashford.

MURRAY-DARLING BASIN PLAN

The Hon. S.W. KEY (Ashford) (14:22): Thank you, Madam Speaker. My question is directed to the Premier. Premier, can you update the house on recent submissions to the consultation process regarding the draft Murray-Darling Basin plan and public remarks made in relation to those submissions?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:22): I thank the member for Ashford for this question, and I acknowledge her powerful advocacy over an extended period now for the River Murray and for the important work the Natural Resources Committee did to assist this parliament.

On 16 April, the state government released its submission on how the draft basin plan might be improved to return the Murray-Darling river system to health. We know that this river has been such an important part of our nation's history. We know that for so long now many South Australian communities have sought to build sustainable enterprises in the four decades that have passed since we capped our take from this river, and that is to our everlasting credit.

From the outset, we said that the 2,750 gigalitres proposed to be returned to the river was not enough but that we would respectfully and responsibly participate in the consultation process, and this is what we have done; we have done that diligently. We have undertaken the scientific work needed. We have said that science independently reviewed by the Goyder Institute would guide our judgement, and we said that we would reserve our judgement, based on the best available science.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The science and the scientists are clear. The CSIRO, the Wentworth Group and the Goyder Institute for Water Research have all raised serious questions about the scientific basis for the number of 2,750 and, indeed, it is clear that that number is not sufficient to allow us to meet our international obligations. Yet yesterday, the person charged with being chair of the independent authority accused the states of bringing out 'expert' studies in support of their position and suggested that his plan was better than 'no plan', and he was gently dismissive of the many submissions generated by the hard work of thousands of Australians. Such remarks are an insult to everyone in South Australia, and beyond, who, in good faith, attended those public meetings, wrote a submission or engaged in constructive debate to achieve a better plan.

These remarks also proceed from a basic inaccuracy, that is, that there is an option for 'no plan'. There is simply no option for 'no plan'. There is a water act which requires the authority to do its work, and rather than Mr Knowles making speeches I would rather prefer him to get on with his job of preparing this plan. It is not within his statutory mandate to withhold one from us, and he is obliged by statute to get on with the job of making a plan based on the best available sites—

Mr Pederick interjecting:

The SPEAKER: Order! The member for Hammond will leave the chamber for 30 minutes.

The honourable member for Hammond having withdrawn from the chamber:

The Hon. J.W. WEATHERILL: —and not anything else. Can I say that his remarks do actually suggest a worrying mindset and that somehow he puts us in the same category as the other states and says 'Oh, there's this argy-bargy between the states and I've got to try and settle this dispute.' That is not his job. His job is to give us a healthy river based on the best available science and then equitably allocate the waters that are available to the other users of the river. That is his task. It is to get the right decision, not to somehow referee some fight. It is not some political exercise of mediation. There is a statutory mandate under the water act and we would prefer him to get on with his job rather than making speeches of this sort.

Members interjecting:

The SPEAKER: Order!

CARETAKER GOVERNMENT CONVENTIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:26): My question again is to the Minister for Health and Ageing. Will the minister explain why different rules apply to obtaining briefings about an increasing cost in a proposed government project during the caretaker period of the last election and obtaining briefings about the cost of proposed opposition projects during the same caretaker period?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:26): I am not sure what the member is referring to. As a member of government—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Well, I can be rhetorical in my questions too, Madam Speaker.

The SPEAKER: Order! The question also implied that there were different rules and so really I should disallow the question.

Mrs REDMOND: On what basis?

The SPEAKER: Do you want to clarify?

Mrs REDMOND: I was merely going to explain to the minister what he couldn't understand; that is, I was referring to the Kevin Foley quotation that I referred to in the first question.

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: Point of order, Madam Speaker: should the Leader of the Opposition wish to explain a question, she might do that during the question with the leave of the house, not once the minister has started.

Members interjecting:

The SPEAKER: Order! We will get back to the question. Minister, do you wish to respond?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, with that explanation, which was omitted from the original question, what the Leader of the Opposition is really saying is 'Please let me repeat the question I asked in my first question.' I just refer to my answer, that there was nothing improper about what I did as a minister in a government I am entirely—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I am absolutely allowed to ask my department for information, for—

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.D. HILL: As I was saying, Madam Speaker, I am absolutely entitled as a minister in the government to ask my department for—

Mrs Redmond: No, you are not.

The Hon. J.D. HILL: Well, you may disagree with me. I accept that you will have a different view. Just because you are loud about it and you have a different view, does not make you correct. I am telling you, under the conventions that are around, ministers are allowed to ask factual questions of their departments. That is what ministers are allowed to do. What they are not allowed to do is sign contracts, appoint new people, or spend money on overt political campaigns such as the Howard government's—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —advertising campaign, prior to one of their elections.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: That is what the conventions say we shouldn't do. There is nothing wrong with the minister asking departments for information and that is what I did.

Members interjecting:

The SPEAKER: Order!

ROYAL ADELAIDE HOSPITAL

The Hon. M.J. WRIGHT (Lee) (14:29): My question is to the Minister for Health and Ageing. What health services will transfer from the existing Royal Adelaide Hospital to the new hospital when it opens in 2016, and will this include oncology, ophthalmology and obstetrics?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:29): I am very pleased to inform the house that the full range of clinical service specialties currently provided at the Royal Adelaide Hospital will move to the new hospital when it opens in 2016. These clinical service specialties will be in line with a high acuity care model that reflects the level of complexity associated with a tertiary quaternary hospital.

On 18 April the opposition leader stated at a press conference, 'Things like oncology, ophthalmology, obstetrics—I don't know why they all start with 'O' but they're not going down to the new hospital.' That's what she said: obstetrics, ophthalmology and oncology were not going down to the new hospital—'OOO'. The new Royal Adelaide Hospital will have 132 outpatient consulting rooms which equates to 400,000 outpatient appointments a year. The current RAH has

370,000 outpatient appointments a year but 100,000 of those are over the phone. So, there will be a net gain of 130,000 face-to-face outpatient appointments at the new hospital.

There will be 11 dedicated ophthalmology rooms at the new hospital: seven consulting and four treatment rooms. This figure follows detailed reviews and modelling of the current activity of the Royal Adelaide Hospital. Ophthalmology requires specially designed and fitted rooms so it is best, for both patients and efficiency, if they are used to their full capacity. This means providing outpatient services throughout the entire day, five days a week, which is currently not the case.

The full range of oncology and cancer services currently provided at the existing RAH will be provided at the new site, including inpatient beds, day beds and outpatient clinics. Supporting this service will be the relocated radiation oncology service, with five linear accelerator bunkers to be provided in 2016 and provision for a sixth in the future. This compares with four now.

Obstetrics have never been provided at the Royal Adelaide Hospital, contrary to the Leader of the Opposition's assertions. That is because they are provided at the Women's and Children's Hospital in the city. However, there will continue to be gynaecology services, including outpatients, at the Royal Adelaide Hospital. So, 'OOO': there will be oncology, there will be ophthalmology but there will not be obstetrics at the new hospital.

As I have stated repeatedly, there are discussions with doctors about which gynaecology appointments need to be in hospital and which could be better provided closer to patients' homes. The bottom line is that the new hospital will have bigger capacity, will operate more efficiently, will have more staff and will provide more services. Once again, the Leader of the Opposition was wrong, wrong, wrong.

Members interjecting:

The SPEAKER: Order! Member for Kavel, be careful. Leader of the Opposition.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:32): My question is again to the Minister for Health and Ageing. Did the minister breach the Ministerial Code of Conduct when he asked the health department specifically to prepare material for the minister's use in the election during the caretaker period of the last state election?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:32): I don't believe so and I don't believe I have breached the United Nations code of conduct, the World Health Organisation's code of conduct or any other person's code of conduct.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I am entirely entitled, as a minister in a government, to ask my department questions of fact, which is what I did.

Members interjecting:

The SPEAKER: Order! Member for MacKillop, order! Member for Taylor.

SOUTH AUSTRALIAN PUBLIC TEACHING AWARDS

Mrs VLAHOS (Taylor) (14:33): My question is to the Minister for Education and Child Development. Will the minister inform the house about what opportunities there are for parents, school students and others in the community to acknowledge outstanding teachers in our public schools in South Australia?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:33): I thank the member for Taylor for this question and I would like to acknowledge the strong support that she consistently shows for the schools in her community. In fact, I was very pleased to visit a number of them with her recently.

Members may be aware that 5 October this year will be World Teachers' Day. This is an international day that recognises the important role of teachers and, of course, education in transforming the lives of young people. On that day we will honour our outstanding educators through our South Australian Public Teaching Awards. I am pleased to advise the house that nominations for these prestigious awards are now open. This is a great opportunity for people who

have been inspired by a teacher to put their hand up and nominate one of our many outstanding educators. Award categories include:

- Inspirational Preschool Teacher of the Year;
- Inspirational Primary School Teacher of the Year;
- Secondary School Teacher of the Year;
- Inspirational School/Preschool Leader of the Year;
- Inspirational Early Career Teacher of the Year;
- Excellent School/Preschool Support Staff Member of the Year; and
- Innovative School/Preschool Engagement with Business and the Community.

Beyond family and friends, it is often our teachers who are our biggest influence and a very important role model for thousands of South Australians. As *The Advertiser* newspaper, which is supporting these awards, said just last week (I think it was last week), and I quote:

> There can be few occupations more important to the social and economic wellbeing of a society than teaching.

We are investing significant sums to attract and retain teachers, provide for more permanent jobs for contract teachers and provide new opportunities for teachers to progress their career. Teachers like Kirsty Gebert from Nuriootpa High School is one of these teachers who continues to make an outstanding difference to the—

Mr Venning interjecting:

The Hon. G. PORTOLESI: Yes, that's right. The member for Schubert acknowledges this outstanding teacher and her school. We were there just recently. Nuriootpa High School was one of our winners in the inaugural Public Teaching Awards last year. This is what she said at the time:

> My teaching philosophy is strongly embedded in my belief that all kids are born with an ability to be great at something, and I see it as my job to help them find that something. I strive to develop in kids this same belief that they can achieve their full potential. When I convince them that I believe in them, they can believe in themselves and are inspired to learn.

I urge members to invite their local communities—and I can see the member for Schubert nodding enthusiastically—to nominate an outstanding school leader, teacher or support staff member from their local schools and preschools and be part of this fantastic opportunity to honour our teachers.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:36): My question is to the Minister for Health. How is the minister's conduct not a breach of the Ministerial Code of Conduct when the minister told the house yesterday that the reason he asked the health department specifically to prepare material for the minister's use in the election during the caretaker period was '...blindingly obvious: so that we could find out the cost of the propositions the Liberal Party were putting to the public of South Australia', and '...to find out what the cost of your policies were so the public were better informed.' The Ministerial Code of Conduct states:

> Public servants should not be asked to work on party political matters. They should not be asked to specifically prepare material for ministers to use in the election when the government is in caretaker mode after an election has been called.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:37): Madam Speaker, the Leader of the Opposition has asked the same question multiple times. I know she wants to keep fighting the last state election, but, as I said in my answer to the first question that was asked, discussions may include the administrative and technical practicalities—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —and procedures involved in implementing policies proposed by the opposition parties. It is entirely—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order.

The SPEAKER: Order! Minister, there is a point of order.

Mr PISONI: The minister is obviously confused. We are now talking about the Ministerial Code of Conduct.

The SPEAKER: Order! There is no point of order there. Minister.

The Hon. J.D. HILL: It does not matter which document the opposition refers to—

Members interjecting:

The Hon. J.D. HILL: Members on the other side might listen and give me the courtesy of listening. It does not matter which of the documents they refer to. The facts are that I asked factual questions. I did not ask my department to do anything improper. In fact, I did not ask them to do anything. My staff asked the questions, and, in fact—

Members interjecting:

The SPEAKER: Order!

Ms Chapman: That is pathetic, John!

The SPEAKER: Order! Member for Bragg, order!

The Hon. J.D. HILL: I was not blaming the staff at all. I have never done that.

Members interjecting:

The Hon. J.D. HILL: Let us be clear about what is happening here. I am saying you said this. I am just being factual. Members of my staff, who operate under my instruction—and I said that yesterday—asked questions of departmental officers of a factual nature. That information was provided factually by the departmental officers; and, in fact, Madam Speaker—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! Member for Davenport, order!

The Hon. J.D. HILL: In fact, Madam Speaker, the emails that the opposition released yesterday to the media omitted several emails which were provided to them under FOI and which were initiated prior to the caretaker period when the original questions about costings were asked; and, in fact, the later emails sought clarification about some of that earlier information. So, if you want to be pedantic about it, that is exactly what happened. I know they are angry, I know they are still fighting the last election. My conscience is completely clear that I acted properly on all counts.

Members interjecting:

The SPEAKER: Order!

CITY OF ADELAIDE PLANNING

Mr SIBBONS (Mitchell) (14:40): My question is to the Minister for Planning. Can the minister please update the house about the way industry has responded to the government's recent changes to deliver a more vibrant Adelaide?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:40): I thank the honourable member for his question. In March, the Premier, the Lord Mayor and I announced reforms to deliver a more vibrant Adelaide. The centre of Adelaide is, of course, the centre of our state and we want to be a powerhouse that drives the opportunity throughout our state. Having built these reforms by overcoming many years of disagreement between the Adelaide City Council and the government, their strong support of the changes is well known, but the response from industry has been even more positive.

A diverse range of groups, from the Planning Institute of Australia to Cement Concrete and Aggregates Australia to the Maras Group, have all written to me to congratulate the government for this landmark reform to our planning system. The reforms have already led to significant new projects being announced. I can indicate to the house that investment in the order of about $500 million is set to flow as a result of the planning reforms. This investment is an overwhelming

signal that industry approves of these changes and appreciates the new and exciting opportunities they will continue to provide. A clearer signal that industry is supportive of the change is their own words, and I quote:

> Cement Concrete and Aggregates Australia is encouraged by this historic agreement, in that we feel it will be beneficial to developers by accelerating and streamlining the development process.

The Maras Group stated:

> The government's commitment to billions of dollars in public infrastructure, together with and amongst other factors, housing and retail policy, has been a primary reason for the Maras Group, together with our joint venture partners, Commercial and General and the internationally acclaimed Le Cordon Bleu Group, embarking on a proposed redevelopment of 200 North Terrace, Adelaide (formerly known as 'The Gallerie' shopping arcade).

The Planning Institute of Australia stated:

> Taken as a whole, this package comprises a balanced and innovative approach to development assessment in the city which appears capable of wider application.

This support from industry is not just a vote of confidence in this government, it is a vote of confidence in the future of our capital city. Through significant investment and reform, this government is laying the foundations for Adelaide to become a more vibrant place to live, work and enjoy.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:42): My question is again to the Minister for Health and Ageing. Given that the minister asked the health department specifically to prepare material for the minister's use in the election, during the caretaker period, can he explain why this is not a breach of the Ministerial Code Of Conduct, which states:

> Public servants should not be asked to work on party political matters. They should not be asked to specifically prepare material for Ministers to use in the election when the government is in caretaker mode after an election has been called.

The material obtained by the opposition under FOI was clearly material specifically requested by the minister for use in the election and was clearly during the caretaker period.

The SPEAKER: Again, that explanation really involved some argument.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:43): Of course it does, Madam Speaker, it is clearly argumentative. I did not ask my department to do anything of a political nature. I asked them for factual information, which they provided.

BUILDING FAMILY OPPORTUNITIES

Dr CLOSE (Port Adelaide) (14:44): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house of how the state government is assisting jobless families to enter training and work?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:44): I thank the member for Port Adelaide for her question. As members would be aware, Australia's unemployment rates are the envy of the western world. The latest unemployment rates for South Australia, released on 12 April, were steady at 5.2 per cent. However, we know there are some South Australians who, for a variety of reasons, face a number of barriers to enter learning, training and work opportunities. The state government established the Building Family Opportunities program in 2010. This $9.6 million program has shown how one-on-one support received by participant families in Adelaide's northern suburbs, Port Adelaide and Port Augusta can result in real change and create opportunities to access training for jobs.

Put simply, this program provides the opportunity for financial independence for families who never thought this could be possible, including single-parent families, Aboriginal families and families where there is intergenerational unemployment. Importantly, this program deals with problems faced by all family members, including children. There are currently 273 families participating in the program which consists of 886 individual family members.

Since the program began, 117 participants have gained a job and 187 people have participated in education and training. While this is encouraging, there are many other important outcomes for families participating in the program, which include families accessing secure

housing, getting debt under control and establishing a budget, addressing acute and chronic health and mental health issues, supporting children's engagement with school and improving overall motivation and confidence.

There are many inspiring success stories from this important initiative. Mark, a participant who has been unemployed since 1993, faced a number of personal, financial and legal issues whilst trying to support his family—his partner and two children. Mark received financial counselling, assistance to address mental health issues and other support services. Within several weeks' involvement in the program, Mark was employed and this helped to improve his financial situation. Soon the family no longer needed ongoing support.

Another participant, Mathew, an Aboriginal single parent, faced barriers to employment due to problems with alcohol and drugs, along with mental health issues. Mathew wanted to find employment but realised he needed to deal with these issues. As part of his health and wellness plan, he started going to a gym which was an opportunity to increase his fitness and also to build the resilience required to avoid alcohol and drugs. Mathew focused on his studies and received support to assist with his parenting. Mathew is now running a small business, has ceased alcohol and drug use and is managing his mental health issues.

The Building Family Opportunities program helps support resilience and creates real opportunities for families to turn their lives around, particularly through learning and employment. The state government's Skills For All reform is about ensuring that South Australians have access to world-class skills—skills that our industries are calling out for—leading to more jobs and greater opportunities.

HEALTH DEPARTMENT BUDGET

The Hon. I.F. EVANS (Davenport) (14:47): My question is to the Minister for Health and Ageing. Has the government recently appointed Deloittes and KPMG to work on SA Health's northern and southern region accounts? If so, for what purpose and at what expected cost to the taxpayer?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:47): I thank the member for Davenport for the question. We have employed a couple of consultancies to give us advice in relation to the cost overruns in the health budget. We are getting advice from Deloittes, I think, in relation to one or two of the areas and from another consultancy—I cannot recall off the top of my head which one it is—in relation to some of the other health areas.

I will get some advice for the member as to the estimated cost, but it is essentially to look for areas where we can make savings. In the health portfolio, there is an overrun which was mentioned yesterday of $125 million and I have to say that, under our government and previous governments, there has been a general overrun in health budgets. It is partly, as I explained yesterday, because of growth in demand which is often unexpected, but it is also about the nature of the business.

What we are wanting to look at very deeply is which bits of the business of health should be targeted for savings. As I think I explained yesterday to the member for Waite in relation to the Auditor-General's Report, what we will be doing is benchmarking the various activities to see which parts of the health system are more expensive than other parts when there is no apparent reason for that difference in cost.

FLINDERS CENTRE FOR INNOVATION IN CANCER

Mr ODENWALDER (Little Para) (14:49): My question is to the Minister for Health.

Mr Marshall: He's having a busy day.

Mr ODENWALDER: He is having a busy day. How will the new Flinders Centre for Innovation in Cancer improve care for South Australians with cancer?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:49): I thank the member very much for his question. It was my pleasure last week to commission the new $28 million Flinders Centre for Innovation in Cancer, which is co-located with the Flinders Medical Centre. The centre incorporates the Livestrong Cancer Research Centre—a legacy of Lance Armstrong's relationship with South Australia, which was forged through the Santos Tour Down Under—and the ACRF Cancer Prevention Unit.

This centre will be a beacon in this state for research into cancer prevention, control and survivorship, working in collaboration with the South Australian Health and Medical Research Institute. It will lead Australia in innovation for the early diagnosis, prevention, treatment and support for people with cancer and, of course, their loved ones and carers. The centre will incorporate a wellness centre, teashop and patient support area, and there is a haematology oncology day treatment unit where patients can receive chemotherapy treatment as well.

The Cancer Care Clinic on level 3 provides a one-stop shop for patients where all specialists tend to patients at the one location. The centre will also be the focal point for allied health research, including nutrition, psychology and survivorship. The top two floors of laboratories include the latest design in open-plan wet labs and offices as well as an open-plan staff lunch and meeting room to encourage the exchange of ideas.

The new centre will bring together a network of around 100 clinicians, scientists and health professionals from Flinders University and the Flinders Medical Centre to enable them to develop more effective solutions to the growing problem of cancer control. It is expected the centre will drive and inspire more effective results for those whose lives may one day be affected by cancer.

Already, two new initiatives have been born from this venture. Firstly, the Lance Armstrong Foundation's most significant tool for patients—their Survivorship Guidebook and guidebook app—will be translated for Australian patients to suit our country's needs. Secondly, the Flinders Centre for Innovation in Cancer will host Australia's first Cancer Survivorship Conference in February next year.

This centre is an outstanding example of what can happen when people passionate about a cause get together to take action. I would like to acknowledge the many people involved in this project, in particular, Mr Alan Young, Chairman of the Flinders Medical Centre Foundation, who has worked tirelessly with this foundation over many years; Professor Graeme Young, who is the clinical director, an outstanding South Australian researcher and clinician and the centre's director of development; and Deborah Heithersay and her team from the FMC Foundation for their tireless work over many, many years. The funding for this, of course, has come from the state government, the federal government, the clinicians who work in the Flinders Medical Centre, volunteers and, I think, the Cancer Foundation and other charitable foundations in South Australia.

KNIGHT, PROF. J.

Mr HAMILTON-SMITH (Waite) (14:52): My question is to the Minister for Health and Ageing. Are the taxpayers of South Australia potentially facing a damages claim in excess of $5 million as a result of the health minister mishandling allegations of malpractice against cardiothoracic surgeon Professor John Knight, and will the damages need to be paid from the health budget?

On 27 October 2009, the minister used parliamentary privilege to name Professor John Knight and to announce his approval of a decision to suspend the doctor from employment at the Southern Adelaide Health Service. The minister also announced that day that he had engaged the Crown Solicitor's Office to look at the doctor's conduct.

On 28 March, the Coroner completed an investigation that exonerated Professor Knight and was highly critical of the health department personnel involved in the investigation. Professor Knight has filed proceedings in the Supreme Court alleging breach of contract, defamation, conspiracy and injurious falsehood.

Importantly, I have been advised today that, despite the Coroner having cleared Professor Knight of any wrongdoing, his contract at Flinders Medical Centre has just been terminated with effect on 1 July, despite the doctor's request for reinstatement. I am advised by legal counsel that the way in which the matter has been handled by the minister, including the termination of employment, is likely to inflate the claim for damages beyond $5 million, not including costs.

The SPEAKER: Before the minister answers that, can I just ask you to read the start of that question again, please, member for Waite?

Mr HAMILTON-SMITH: Are the taxpayers of South Australia potentially facing a damages claim in excess of $5 million as a result of the health minister's mishandling of allegations of malpractice?

The SPEAKER: Thank you, I would ask you to sit down. You need to be very careful in the wording of your questions; that is really not appropriate. 'Mishandling' is not the right term, but I would also ask the minister if it is appropriate for you to answer this question and is it before the courts?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:54): Well, Madam Speaker, this would be a private matter initiated by Mr Knight. I am not sure where it is at in the process. I understand that he has written to the department along lines, I think, similar to the ones that the member for Waite has raised. I am not sure which aspect of the question I should really answer. Whether or not the government is liable to damages, of course, is a matter that only the courts can determine. The size of any damages would be a matter for the courts to determine as well.

I just have to draw to the attention of the house and of the member that, despite the attempts to personalise on me everything that happens in the health system, one thing I am absolutely clear about is that I do not employ doctors. I employ one public servant, and that is the CE of my department. Everybody else is employed according to the processes that are worked out through the Health Act and the Public Service Act. Whether or not a person's contract is terminated, extended or arranged in any way is not something that I have any control over, and that is the way the process works. If you are talking about ministerial responsibility, let me assure you that ministers are not responsible for dealing with contracts with individual doctors.

Members interjecting:

The Hon. J.D. HILL: Well, they are not.

Mr Marshall: Why have ministers then?

The Hon. J.D. HILL: 'Why have ministers then?' The member for Norwood expects that ministers spend their time recruiting and appointing individual staff members.

The Hon. P.F. Conlon: It's contrary to the act.

The Hon. J.D. HILL: It is contrary to the act, but it would be the only thing I would ever get to do, if that is all I did.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: We employ 37,000 people. Let me just make that point clear: I do not appoint, do not sack and do not have anything to do with the contracts associated with doctors; that is a decision that is made by the local health networks and the CE of the department.

Secondly, I did come into this place and I did give the house factual information in relation to a legal matter, which I thought was my obligation. I did not attack the doctor. I just gave the facts as they were. That is something I thought was my responsibility to do, because I knew if I did not give those facts there would have been a question about it and I would have been accused of hiding something if I had not provided that information to the house, because I know how they operate.

The Hon. A. Koutsantonis interjecting:

The Hon. J.D. HILL: That's exactly right. That was the second aspect of it. I cannot recall the third aspect, but I think that covers pretty well everything I had to say.

Members interjecting:

The SPEAKER: Order!

MINERAL RESOURCES

Mr PICCOLO (Light) (14:57): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house of the new mineral resources projects recently approved by the state government?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:57): I thank the member for his question and his keen interest in mining. The South Australian mining industry is going from strength to strength. The billions of dollars in spending on exploration in this

state unleashed by the Plan for Accelerating Exploration (PACE) and government pro-mining policies has put us in a fantastic position.

Some of the world's most significant mineral discoveries are now either underway or nearing production. Last week we saw South Australia's next major uranium mining development come a step closer with the granting of a 10-year mineral lease for the Four Mile project near the Beverley uranium mine in our state's Far North. PACE funding played a crucial role in discovering the resource at Four Mile, one of the most significant uranium deposits anywhere in the world in the past 25 years.

The lease, accepted by Quasar, an affiliate of Heathgate Resources and Alliance Resources, allows these joint venturers to develop a mining and rehabilitation program for the Four Mile project. The joint venture plans to minimise the environmental disturbance by processing the resource at the existing Beverley facilities as they work to realise the potential of this mine, believed to contain a grade of uranium that is, at some estimates, 10 times higher than that found at Olympic Dam. Heathgate has run a first-class operation at Beverley, employing more than 200 people for more than a decade, and I am hopeful similar practices can be adopted at the nearby Four Mile operation.

This project is the latest in a pipeline of uranium projects and operations that will help realise the benefits of the mining boom for all South Australians and tap into the growing global demand for energy. Nuclear technology is going to play an important role in delivering the world's energy needs in a carbon constrained world. Furthermore, uranium will be a significant part of the energy mix for both China and India as these economic powerhouses continue to develop and urbanise. China's domestic production of uranium can only meet a small part of the demand created by its 13 operating nuclear reactors and the 27 more under construction. India, on the other hand, is expected to increase its use of nuclear power from its current 3 per cent of electricity generation to 40 per cent by 2050. As India lifts hundreds of millions of people out of poverty it will need more energy, and South Australia is well placed to be a supplier of uranium to this growing market.

This week we have also seen approval given to the new owner of the Mindarie project to resume mining mineral sands near Karoonda in the Murray Mallee. The new owner and operator of the Mindarie mine, Murray Zircon, has worked closely with the community during the past year and has committed to a comprehensive technical program to complete the rehabilitation of land disturbed by the former operations.

The important lesson here is that the company's efforts to rebuild a social licence to operate has ultimately delivered a level of confidence in the government, local communities and farmers that this project can progress harmoniously within this important primary producing region. Murray Zircon has worked closely with the community during the past year and has committed to a comprehensive technical program to complete the rehabilitation of land disturbed by the former mining operations.

As more mineral resource projects come online, the success of our expansion should not simply be measured solely in terms of mine output and export dollars; it is also about innovation, the development of skills, and the creation of employment opportunities for people in our regional towns and cities. We are committed to managing our transition into a global mining giant, and that benefits all South Australians. We wish both these projects the best of luck.

HOSPITAL PARKING

Mr HAMILTON-SMITH (Waite) (15:01): My question is to the Treasurer. Was the cabinet submission from the Minister for Health dated 21 September 2011 noting the government's intention to sell multideck metropolitan hospital car parks brought to him as Treasurer at any point prior to the submission's consideration in cabinet and was he present at the cabinet meeting at which it was discussed?

The Treasurer stands by his comments made on 24 April that government plans to sell hospital car parks were, in his own words, 'not something which have been brought to me'. Yesterday, the Treasurer told the house that the cabinet submission to which I am referring was 'not a cabinet submission about selling car parks', but the cabinet submission deals with an initiative approved in 2010-11 to 'increase revenue through charging of staff and the public by $16.8 million over two years prior to the sale of multideck car parks in 2012-13'. The cabinet submission then goes on to state a figure of $90 million of estimated income from the sale in that locked submission.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:03): Well, I am not going to make a habit of commenting on what is or isn't put before cabinet, but it is the usual process for Treasury, prior to cabinet, to brief the Treasurer on all matters that go before cabinet. I am not going to talk about what does or does not happen in cabinet other than to say what is the normal practice, and that is for the Treasurer to be given an opportunity to be briefed on any cabinet submissions by Treasury prior to cabinet.

HOSPITAL PARKING

Mr HAMILTON-SMITH (Waite) (15:03): Supplementary question: in light of the Treasurer's response, could he tell us, yes or no, whether or not a government proposal to sell hospital car parks was something that was brought to him? Was it brought to him or not?

The SPEAKER: The minister is not required to answer yes or no to questions, plus, again, he would be commenting on cabinet. However, the minister may answer.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:04): I have already clarified this matter and made myself absolutely clear. The simple fact is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: The simple fact is that the proposal to sell the multideck car parks is something that is being worked on within government. A business plan is yet to be brought to me. Nothing has been brought to me to take to cabinet—

Mr Hamilton-Smith interjecting:

The Hon. J.J. SNELLING: No—to take to cabinet. This is exactly the same as what I said yesterday, what I said last week. You can go on about it as much as you want, but that is the simple fact: nothing has changed.

Members interjecting:

The Hon. J.J. SNELLING: Madam Speaker, it is a bit hard for me to give an answer when I am being screamed down by the opposition. The simple fact is that nothing has changed. This is not a matter that has been brought to me to take something to cabinet. Yes, it is something that has been previously foreshadowed in the budget papers, as I said last week; but, no, it is not a matter which I have made a decision on and it is not a matter which has been taken to cabinet for a decision.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Member for MacKillop, order!

SCHOOL AMALGAMATIONS

Mr PISONI (Unley) (15:06): My question is to the Minister for Education and Child Development. Why did the minister spend $375,000 on review panels only to ignore their recommendations and force the amalgamations of all 42 schools?

Honourable members: Hear, hear!

The SPEAKER: Order! Minister for Education.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:06): I thank the member for Unley for this important question. The engagement and the creation of these review committees has been a very, very important exercise. It has also been one—

Mr Gardner interjecting:

The SPEAKER: Order! Member for Morialta, leave the chamber until the end of question time.

The honourable member for Morialta having withdrawn from the chamber:

The Hon. G. PORTOLESI: It is also one that is mandated by the Education Act. I thank all of those members of the review committees. There is a diversity of opinion represented in those review committees. I have considered all of those review reports and taken advice. I have met with leaders, I have met with school communities and I have visited many, many sites, and I believe that this is the right decision. I also acknowledge that this is a difficult decision for some school communities because this will involve some change.

But what we need to be honest about is the undeniable fact that what this government flagged a year and a half ago, and what we have been working on for that period of time, has been reflected in our funding arrangements—these 48 schools are effectively operating on one site, they are co-located, they are on the same site, they are effectively operating as one site but attracting, because of their status, two base grants. I do not think that is fair to the 339 reception to year 7 schools that deliver outstanding programs. I have to say that that is the function of government, that is the function of leadership, and I think this is the right decision.

SCHOOL AMALGAMATIONS

Mr PISONI (Unley) (15:08): I have a supplementary question. If, as the minister said, there were such diverse submissions given to her during this process, why then did she present each and every school with the same form letter, with only the address and the last paragraph changed?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:09): Clearly, we have never denied that the majority of the review reports do not favour amalgamation. We have never denied that. We have been completely—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: We have been completely transparent about that fact, as we have been about the fact that, at the time that we made this decision, we have also injected a further $203 million into education. I choose to communicate with the members of the review committees in the manner I see fit, and I think that is entirely appropriate.

I have to say that I have visited all but one school that opposed the amalgamation, and that was Nicolson Avenue Primary, I think, in Whyalla. In fact, Madam Speaker, you would be able to correct me on its proper title—Nicolson Avenue, I believe, the name of the school is. I am sorry I was not able to visit that school, simply for logistical reasons, but I hope to get there with your good self in good time. That has been very, very useful for me, as have been the review reports and the process around that. I think this has been a rigorous process.

I acknowledge that this is a difficult decision for some schools. However, again we need to be very clear about this: many leaders acknowledge, when I ask them, that they are already effectively operating as an amalgamated site—one reception area, one governing school council, etc., same uniform, fully integrated site, fully integrated facilities—and they also acknowledge that for many, many years they have the had the benefit of this extra allocation. They have had the benefit that the other 339 sites—their colleagues around the corner, up the road—have not had, and I do not think that is fair.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order! Member for Bragg, you've got a question.

BUS CONTRACTS

Ms CHAPMAN (Bragg) (15:10): Thank you, Madam Speaker, how pleased I am to have it. My question is to the Minister for Transport Services. Will the minister confirm that no matter how bad the bus services get in Adelaide, she is limited to fining underperforming bus companies a maximum of 2 per cent of their payment?

In schedule 11 of the bus contract—which has now been delivered to my office, thank you, yesterday; I now have schedule 11—it confirms on page 5 the fee adjustments that apply to level 1, level 2 and level 3 thresholds of offence, and that number 2 and level 3, which is the highest, are

both exactly the same, that is, the capacity to deduct an amount corresponding to 2 per cent of the proportion, etc.

The SPEAKER: I think you probably answered the question yourself, member for Bragg, but I will give an opportunity for the Minister for Transport Services to respond.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:11): I don't have a copy of the contract in front of me but I believe that the member for Bragg is correct.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg) (15:11): My question is to the Minister for Mental Health and Substance Abuse. Has the government secured a facility at Glenside for treating drug and alcohol patients, when the rebuilt hospital opens later this year?

An honourable member interjecting:

Ms CHAPMAN: You may laugh, but these patients are fairly important. The government plans to lease a site for the facility from the Chapley Group, who it sold part of the Glenside campus to. You would be aware of that, Madam Speaker, that the new development is not yet even at the development approval stage, although recently I did see an application for that. I think nearly a thousand car parks are going in there. But in any event, the opposition—

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

Members interjecting:

The SPEAKER: Order! I understand your point of order, I think, before you've said it. This appears to be a grievance rather than an explanation. I think you have asked your question, member for Bragg. Minister.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:13): I thank the member for Bragg for her question. I think it was about DASSA—the department's alcohol and substance abuse—I am advised that anticipated inpatient unit will be—

Ms Chapman: Outpatients.

The Hon. J.D. HILL: Oh, you are talking about the outpatients? Sorry, I beg your pardon.

Ms Chapman: Inpatients are in your hospitals.

The Hon. J.D. HILL: Yes, indeed, I know that! I will have to get some further advice about the outpatient service for the member. I am happy to do that and report back to the house.

The SPEAKER: Member for Bragg, do you have another question?

Ms CHAPMAN: Thank you, Madam Speaker. Goodness, my lucky day.

The SPEAKER: I am being very generous to you today.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg) (15:13): My question is to the Minister for Housing and Urban Development.

The Hon. J.D. Hill: Spreading the load.

Ms CHAPMAN: Indeed. Has an investigation been undertaken to determine the extent of remediation required of land at Glenside that the government plans to sell to private developers and, if so, what is the estimated cost?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:14): I thank the member for the question. You are talking about the parcels of land which will be used for housing and residential purposes?

Ms Chapman: Private houses.

The Hon. J.D. HILL: I am not aware of any analysis that has been done but I think that that is a reasonable question, and I am happy to get a report for the member.

BUS CONTRACTS

Ms CHAPMAN (Bragg) (15:14): My question is to the Minister for Transport Services. Has the government's decision to appoint a bus operator with no previous experience, contributed to what the minister has described as a 'lousy' bus service? By way of explanation, I refer to the Auditor-General's report which states, and I quote:

> ...a significant issue that arises is whether the company's inexperience in providing bus services was properly and sufficiently considered...in the procurement process.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:15): As you are well aware, I was not part of that procurement process so, effectively, I cannot answer that question. Secondly—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Secondly, there was a second statement you made that I had made a statement saying that they were lousy services. What occurred was that a radio interviewer said to me, 'So commuters will have to put up with lousy services on some routes,' to which I replied, 'Lousy service on some routes,' and I was emphasising the 'some'.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: That is actually important because there are a number of bus routes which have improved since the last fining period and I think it is very important to recognise that a number of operators have been very responsive to the message that we gave them.

PUBLIC WORKS COMMITTEE

Mr ODENWALDER (Little Para) (15:16): I bring up the 439th report of the committee entitled Port Noarlunga Primary School Redevelopment.

Report received and ordered to be published.

GRIEVANCE DEBATE

SCHOOL AMALGAMATIONS

Mr PISONI (Unley) (15:17): Today we heard an announcement that was no surprise to those of us who have followed the way that this government has operated over the last 10 years. I think the current Premier, Mr Weatherill, described it well when he said it is a government all about announcing and defending; yet, he promised that he was going to do things differently. I believe 'debate and decide' was the way the new Premier was going to operate as Leader of the Government in this state when he took over the reins after the Night of the Long Knives in July when the former premier, Mr Rann, was told by the shoppies union that they no longer required his services as leader of the Labor Party. I suppose you can understand his surprise when he was in the job for so long that he probably did think that he was in charge—he forgot it wasn't him, it was the shoppies union—but I digress.

The minister's announcement today was no surprise to those on this side of the house and to many of the frustrated parents who have been involved in the debate, the protests and the so-called review panels that were set up to review the government's 2010 decision—which was the first education budget of Mr Weatherill, the then education minister and now the Premier—where he cut $100 million from school budgets in that budget. A sum of $100 million was cut by Mr Weatherill in his first education budget and, of that, $8.2 million was to be saved by forcing the amalgamation of, then, 78 schools.

I congratulate Julie Caust from Modbury High School for the tremendous campaign which she started and which I helped facilitate that forced Premier Weatherill to backflip on the forced amalgamations of primary schools and high schools, but it did not stop the Premier and minister Portolesi continuing on with their forced amalgamation of the 42 junior primary and senior primary school campuses.

Of course we all know that it was nothing but a charade. FOI documents proved to us that the cost of this charade, paying ministerial appointees to sit on these committees, was $375,000. We know that that was not a problem for the education department because there is a handwritten

note on those FOIs that says, 'Don't worry about the $375,000 because we will actually be saving $6 million a year not $4 million a year from these forced amalgamations.' Overnight they found an extra $2 million so they could throw $375,000 out there to run the charade and let people, let parents and schools—

Mrs Redmond: Have their say.

Mr PISONI: —have their say, to go through the motions of letting people believe that they do care, that they do want to hear, that they are not the same as Rann. They are a different government. They are not the same as Rann. They want to listen. I can tell you that the difference between the Rann government and the Weatherill government is that Mr Rann made a decision and then he defended that decision. Mr Weatherill makes a decision and then he hires consultants and defends that decision. That is the difference between the Rann government and the Weatherill government, and the decision that we see today by the education minister confirms that there was no such intention of listening to what these schools had to say.

This was all about a direction from Treasury, from the Sustainable Budget Commission, which identified these savings, not as educational outcomes for students, not as educational tools, not as an educational item in the budget, but as a budget measure to help bring in the ever-increasing deficit that this government has delivered over the last 10 years here in South Australia.

Parents in South Australia will understand that they cannot trust the Minister for Education and they cannot trust the Premier in the promises they make. When they say they are consulting it means they are just covering their backsides. Just remember that, people of South Australia. You cannot trust what Premier Weatherill and minister Portolesi say when it comes to reasons for cuts in education.

Mr WILLIAMS: I just want to point out to the house that the government does not have a minister on the front bench, and I think that—

The ACTING SPEAKER (Hon. M.J. Wright): There is no point of order. The member for Little Para.

PICTURE PLAYFORD 2043

Mr ODENWALDER (Little Para) (15:22): I rise today to say a few things about an initiative of my local council, the City of Playford, which—

Mr Goldsworthy: Good mayor.

Mr ODENWALDER: Yes. The member for Kavel says it has a very good mayor. It is not very often I stand up and say anything good about the City of Playford, but today I want to praise it on a very good initiative. It is called Picture Playford 2043, and it is essentially an informal public consultation exercise with the aim of getting residents' input into where they want the City of Playford to be in 30 years' time.

It asks people to picture the kind of city they would like to be living in in 30 years' time (it runs parallel to the state plan), and some of the challenges and opportunities they see in achieving this aim. Importantly I note that it is using new social media as part of its campaign, as well as more traditional forms of public consultation like postcards and conversation corners in public places.

Last week I met with the coordinator of this program, Rachel Siddall, and outlined to her my own history in the City of Playford and some of my views about where the city should be heading. I welcomed the opportunity, having a bit of a layman's interest in urban planning. I welcomed it; obviously I am always interested in improving my local area. I told her about my experiences growing up in Elizabeth Downs, and I was candid about what I saw as both the positive and negative aspects of growing up in what is essentially a satellite city, which was then called Elizabeth.

As I have said before in this chamber, Elizabeth was and is a unique place. When I was growing up it was very much a reflection of the largely UK born or UK descended population. It was also a planned city, based around a large manufacturing plant and some related industry. The central theme behind the original housing plan seemed to be individual and distinct cells of housing all centred on a primary school and a small shopping centre, and at the centre of the city was the aptly named Elizabeth Town Centre.

Over the years we have seen the town centre grow from an open-air pedestrian mall with a fair amount of green space—and notably Windsor Square to the north-east, which once hosted a

visit from The Queen, who the city is named after—into a large enclosed shopping centre, surrounded by a sea of car parking and encircled by a ring of busy main roads. These car parks and roads make the centre an island, physically separated from the residents and surrounding transport, sporting, business and education services.

While I like the Elizabeth centre and I have spent probably more than my fair share of time there over the years, I made it clear that any vision of Elizabeth for the next 30 years should include moves to make the whole of the CBD of Elizabeth more pedestrian friendly and more joined up, with more mixed use development and far easier access of movement between the shopping areas and the sports, transport and other areas. I think this is essential for many reasons, and I will not go into them here.

Today, I simply want to congratulate the City of Playford on making an effort to hear what its residents want. The Picture Playford 2043 project will feed into the Playford Community Plan, which is currently under review. As I said, the old City of Elizabeth was a largely working class, UK-descended city. The City of Playford today, however, following Elizabeth's amalgamation with Munno Para, is a much more diverse community in terms of its population and industry. The Playford website is instructive in illustrating this.

The City of Playford had the fastest population growth rate in the state last year and is now home to about 80,000 people. It is expected that in 2043 this figure will be about 193,000. Twenty-eight per cent of these people are under the age of 17; only 16 per cent of this community is over 60 years old (obviously, this figure will change dramatically with the ageing population over the next 30 years); and 12 per cent of them live in the rural areas of Virginia, One Tree Hill and Angle Vale, which I do not believe were in the old City of Elizabeth.

The demographic mix has certainly changed since I was a kid. Just last year, people from 29 different countries took out citizenship in Playford and 268 overseas immigrants settled in Playford, with 51 per cent from Asia and 29 per cent from Africa. Further, 2.6 six per cent of the population is Indigenous.

Getting back to the Picture Playford 2043 plan, some of the submissions have been instructive, and I want to quote a few here. Individuals have said that they picture:

> A place of community with people connecting in their local area yet relating to the larger community too.
>
> A place with no graffiti, a place for my grandchildren to play without fear.
>
> Playford as a second CBD offering almost all the services of Adelaide. Vibrant, busy, socially attractive.
>
> A place where teenagers feel pride in the area of Playford and can't wait to Twitter or tell their friends about how much there is to do here.

I think this last comment is perhaps the most instructive, because I also want young people to feel pride in their local area. I want them to be proud enough to stay in larger numbers once they have become educated, skilled or qualified because we need to retain a skilled and educated workforce in the north so that local people can truly share in the state's economic success in the future.

I want to congratulate Rachel and everyone else involved in the project. I also want to recognise those locals who have lent their names to the campaign, in particular, Sheila Hall, who is a local Rotarian, and Beau Brug, who is a young man involved in seemingly everything in the north and is an excellent example of the kind of community-minded young person we need to encourage and keep in the north.

KNIGHT, PROF. J.

Mr HAMILTON-SMITH (Waite) (15:27): I want to draw to the attention of the house that the health minister has today confirmed that the taxpayers of South Australia face the prospect of a multimillion dollar damages claim from Professor John Knight as a result of actions taken by the health minister, as I will explain. This all relates to an unfortunate event on 25 November 2008 when a patient, Ms Vera Allan, aged 81, died at the Flinders Medical Centre after undergoing surgery to replace an aortic valve. She died after the operation in ICU.

On 27 October 2009, the minister came into the house and announced that Professor Knight was to be suspended from his employment at the Flinders Medical Centre by, he said, the Chief Executive Officer of Southern Adelaide Health Service. Presumably, the minister would not have made that statement had it not had his approval and his endorsement. The suspension, he said, related to this tragic death. He went on to say that the matter had been reported to the Coroner's office at the time and that the patient had died within 24 hours of a general anaesthetic.

The Coroner made a finding as to the cause of death in March 2009, the minister said, but did not at that time conduct an inquest. The minister noted, in his address to parliament on that day, that on 16 October 2009 the Coroner indicated that an inquest would be held into the death and that the matter was, at that time, before the Coroner.

He made his statement to the house on 27 October, so he knew on 16 October that the Coroner would be conducting a full inquiry. Yet, he went on in his statement to say not only that Professor Knight would be suspended but that further information had come to light in regard to the case. He said that that information would be passed not only to the Coroner but to the Crown Solicitor's Office—which implies some legal response—and that he would provide that further information to the Medical Board of South Australia, without knowing the full facts, because, as I mentioned and he stated, a full coronial inquiry had only been announced some days before.

The minister said that the Crown Solicitor's Office had engaged a government investigations unit to look at the case, and that the information related to the reporting of the surgery and the patient's death and the appropriate supervision and credentialling of an interstate practitioner who was involved in the surgery. The minister's statement was awash with accusations against Professor Knight and had in effect judged him and condemned him before the Coroner had even conducted his full inquiry.

When a minister comes into the house and names a doctor in the house and indicates that he is sending matters off to the Crown Solicitor and to the Medical Board before he has even established the facts, you put that doctor and yourself as minister in a very invidious position. Of course, we all now know that the subsequent coronial inquiry, tabled in March 2011, completely cleared Professor Knight of any wrongdoing and in fact was highly critical of officers of the Department of Health who were involved in making accusations and raising matters with the minister that were not substantiated by the Coroner.

As a consequence, the professor has, without much in the way of a surprise, lodged proceedings in the relevant court and will be seeking a remedy which, I understand from legal counsel assisting Professor Knight, is likely to be in the order of $5 million. I am advised that costs could be $1.5 million and that they may be awarded against the taxpayer and that considerable costs have already been incurred in the Coroner's Court by both the government and a range of parties—Flinders Medical Centre, health officers and so on—and Professor Knight, all of which may come into play.

The ultimate cost of this entire debacle may be $9 million to $10 million and it may all be paid for by the taxpayer. This is another example of a health minister who is out of control, who is incompetently managing his affairs and who is delivering financial ruin to the health budget and to our health system.

Time expired.

MCLAREN VALE HARVEST FESTIVAL

Mr BIGNELL (Mawson) (15:32): I rise today to congratulate the organisers of this year's harvest festival in McLaren Vale and to wish them all the very best as they already begin working on next year's harvest festival in early to mid-January. This year's festival, which was held on the weekend of 13 and 14 January was an outstanding success and a brilliant first-up effort for this festival.

It was organised by the local community to celebrate all that is great about the McLaren Vale region; that is, the wine, the food, the people and the arts. It kicked off on the Friday night with a sell-out dinner at Serafino's at McLarens on the Lake and we were very privileged to have Governor Kevin Scarce and his wife with us for the occasion. They stayed around the following day for the festival itself on the McLaren Vale sports and football oval.

Saturday's events kicked off with a parade of food. We had lots of children from the area carrying bits of fruit and vegetables that had been grown locally. There were a number of religions represented there by their community leaders, and the food was blessed. The festival really kicked off on the Saturday morning. There were unbelievably huge crowds—I think the estimate was up around 6,000 or 7,000 people—coming in throughout the day. I know it was busy when I arrived there at about 10 o'clock in the morning and the crowds just continued to stream in through the day. Simon Bryant, the celebrity chef, was there and you could barely get near him because of the very thick crowds that gathered to watch his cooking demonstrations.

A lot of people did a lot of hard work over the previous year to make this event such a success. As I said, it was the first harvest festival and they are very hard to get off the ground as inaugural festivals. I want to pay tribute to the committee, which was led by Martin Lightfoot and Vicki Vaserelli, as the co-chairs. Clive Allert is the treasurer and other committee members include Jenni Mitton, the secretary; Maria Magueri, who was in charge of sponsorship; Jade Seskis, events; and Adam Jacobs, site management. Adam was out there, I know, on the Friday night preparing things and then first thing on the Saturday morning as well, working very hard to make sure that everything went off very well.

John Phillips was also on the committee, as was Ute Annells, Robin Schubes, Emma Hodge, John Franklin and Joe Petrucci. Joe, again, is one of the great characters of the McLaren Vale region, from Sabella Vineyards. With his big moustache, Joe is recognised around the community for his generous input into so many great community events.

Phillip Tanner, who is also on the committee, is from Onkaparinga council. Phillip did an outstanding job. I know that, at one stage on Saturday afternoon, he was almost down with heat exhaustion, he had just worked so hard over not just that day and the preceding night but for several months to make sure that it was a success. Karon Swan was also on the committee, in charge of the website.

I am very pleased to hear, talking to Joe Petrucci today, that all of the committee members have put their hand up to make sure that the event happens again next year. I wish everyone all the very best in the preparations for the harvest festival No. 2 in 2013 and offer any assistance that I can.

I might also point out that they had a spaghetti eating competition and a wine spitting competition. They invited local celebrities to be involved in that, so I went into both of those. While I took it easy on the spaghetti eating, I did excel in the wine spitting. The target to beat next year is five metres and I have got a beautiful trophy—a 1½ litre magnum inscribed with 'The Inaugural Wine Spitting Champion of McLaren Vale'. That is sitting proudly on the mantelpiece in my office here in Parliament House.

The member for Schubert is here and, as a representative of the Barossa, maybe we could have a spit-off one day to see if you can beat a five-metre spit, member for Schubert. I wish everyone all the very best. In particular, I should thank the sponsor, Simply Organoleptic, which sponsored the celebrity wine spitting and spaghetti eating competitions.

The ACTING SPEAKER (Hon. M.J. Wright): Time is up. Looking at your waistline, I am pleased you are not eating spaghetti. The king of the Barossa, the member for Schubert.

EGG STANDARDS

Mr VENNING (Schubert) (15:38): I would like to change the subject and speak today about the new egg food safety standard—standard 4.2.5—and accreditation requirements that came into force on 1 March 2012. To comply, producers who have more than 50 birds and produce eggs to a food business and sell at a market or wholesale, or sell to another producer, must be accredited. As stated in the media release, Food Standards Australia New Zealand developed the new standards in response to the large number of foodborne illness outbreaks suspected of being linked to eggs.

The standard is a national standard and has been rolled out by all states and territories, but has caught many small producers by surprise and the consultation from our state government has been far from satisfactory. PIRSA consulted with large producers, yet smaller ones were forgotten. The new standard was gazetted on 27 January 2012, but producers at the Barossa Farmers Market were not contacted by PIRSA until March. This lack of consultation seems to be a recurring theme with this Labor government.

It seems strange that the Labor government 'forgot' to consult with small producers, many of whom supply farmers markets, when the brochure put out by Biosecurity SA, entitled Egg Food Safety and Producers, says, 'Producers involved in one or more of the following must be accredited under the scheme.' There is a list provided and one of the dot points states: 'Produce and sell eggs at a market (e.g. a farmers market).'

Given farmers markets are specifically listed as one point of sale for eggs where producers will comply with the new standard, why were they not consulted much earlier? Aside from the lack of consultation, the requirement on small producers really is an impost. Some producers may only sell a very small amount of eggs, perhaps a few dozen cartons at a local farmers market every

week. The fees and associated compliance will be prohibitive for many. The fees and other requirements include: $425 for the application for accreditation, $175 annual fee for accreditation, compilation-approved food safety arrangement, new egg cartons or re-used cartons that are clearly marked with the producers details, and all eggs must be individually stamped.

I can understand the logic behind stamping eggs to ensure their traceability. If the unfortunate and rare case occurs where someone becomes ill from an egg-borne virus then the source of the egg can be traced more easily and perhaps a larger outbreak of illness can be prevented. There is already a requirement in Queensland to stamp eggs, and the costs associated with this are estimated to be approximately 0.083¢ per egg, with an individual outlay of approximately $100 for the manual stamping equipment.

I believe small producers could cope with this, but what justification is there for such exorbitant accreditation fees, both initially and on an annual basis? I understand that a representative of PIRSA, in a presentation to producers at the Barossa Farmers Market, gave an undertaking that PIRSA was willing to assist small producers with these fees and requirements. I hope the government follows through with this and provides fee relief, support and assistance. If not, I am certain we will see eggs disappear from sale at our farmers markets in the future, which would be a great shame.

I commend farmers markets. They are extremely popular and well supported. No doubt members in this house would attend farmers markets, because buyers regularly purchase fresh local-grown product, and usually the producer is standing behind the counter. If there was a problem, surely the customer would raise it with the producer, because that person is standing there. I have not heard of any problem. Again, this is an overreaction and further regulation for the sake of it, and that is what Labor does.

SHORTS FILM FESTIVAL

Mr PICCOLO (Light) (15:42): On Sunday night I had the pleasure of attending a screening of the 2012 Shorts Film Festival being held in the Norwood Concert Hall this week. The festival is nine years old this year. What started as a tiny event held in a former motor garage has grown into a highly respected and internationally regarded film festival, which screens only the best 60 films received and has a luminary list of judges made up of industry, arts and media professionals.

Shorts is proudly supported by our own South Australian Film Corporation. Indeed, one of the founding directors of the festival was the former SAFC chief Teri Whiting, who has just stepped down as chairwoman this year. Support is also given in equal measure by industry professionals. For example, Australian film producer David Lightfoot has just stepped down from the board and has been named the founding festival patron. As members will be aware, Mr Lightfoot is one of Australia's best film producers, with notable projects under his belt such as *Wolf Creek* and Toni Collette's AFI Award-winning *Japanese Story*. The real-life and real industry advice and mentoring of people like Ms Whiting and Mr Lightfoot provide entrants with opportunities to learn more.

The remit of the festival is 'telling a story'. This festival celebrates function as much as it does form. It explores film as a medium to present a narrative, not to just look pretty. From the pieces of work I saw on Sunday night, the entrants are succeeding spectacularly. I saw a number of short films on the night, ranging from the quirky to serious drama, some with very strong moral and ethical messages.

I would like to particularly mention one film, not necessarily because it was the best of the night but because of my strong interest in the topic covered by the film. The film is called *Restare Uniti*, or 'Stick Together'. The film is about the experiences of Italian migrants who were interned in camps around Australia during World War II, which I have spoken about before in this place. This powerful film told only one story, but its message and theme was universal. It is about injustice, the injustice experienced by Italo Australians during World War II in this country. It was interesting to note the reaction to the film by the audience.

Apart from its obvious artistic merit most if not all of the audience were unaware of the internment policy during World War II. These filmmakers are helping to bring to life parts of our history that have not been well recorded or widely told. I wish to congratulate the former Curtin University students who have made this wonderful film. The producer and screenwriter is Daniel Tenni, a former Curtain University student. The director is Julius Telmer, and the lead actor is Frank Fazio. The two of them met at Curtin uni.

With very modest budgets the short filmmakers make some wonderful films. The prizes awarded to the top filmmakers are terrific not solely for the monetary value, which is considerable, but also for the opportunities they provide to the winners. We have to remember that these small budgets, which they work with, do go a long way. I understand, for example, that the filmmakers of the film I just mentioned are now in the process of making a feature length documentary that will tell the story in more detail, and hopefully they will go on to make a feature film.

One of the prizes from the film festival is an all expenses paid trip to an international film festival like Cannes or Sundance, which provides the winner with valuable networking opportunities and offers insight into the mechanisms of the global marketplace.

I would also like to highlight one particular prize. Taking its name from the same formula as the first and second prizes—Gold and Silver Shorts—the Black Shorts Prize is awarded to the best Indigenous film and is valued at $10,000. The prize itself is negotiable, but I think generally this is a fantastic initiative to promote young Indigenous filmmakers and get them noticed on an international stage.

There is during this week a phenomenal array of talent on display. It is almost a shame that there are not enough prizes to go around. I do not envy the jobs the judges have in trying to pick one winner among such a talented pool. These filmmakers are the Beresfords, Weirs, Hicks, Noyces, and Coxes of tomorrow. I wish to congratulate all the entrants on making it this far and wish them all the best in the competition.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION 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) (15:47): On behalf of the Attorney-General, obtained leave and introduced a bill for an act to establish the Independent Commissioner Against Corruption and the Office for Public Integrity; to make related amendments to the Australian Crime Commission (South Australia) Act 2004, the Child Sex Offenders Registration Act 2006, the Correctional Services Act 1982, the Criminal Investigation (Covert Operations) Act 2009, the Criminal Law Consolidation Act 1935, the Criminal Law (Forensic Procedures) Act 2007, the Defamation Act 2005, the Freedom of Information Act 1991, the Legal Practitioners Act 1981, the Listening and Surveillance Devices Act 1972, the Local Government Act 1999, the Ombudsman Act 1972, the Parliamentary Committees Act 1991, the Police Act 1998, the Police (Complaints and Disciplinary Proceedings) Act 1985, the Protective Security Act 2007, the Public Finance and Audit Act 1987, the Public Sector Act 2009, the Shop Theft (Alternative Enforcement) Act 2000, the State Records Act 1997, the Summary Offences Act 1953, the Terrorism (Preventative Detention) Act 2005, the Whistleblowers Protection Act 1993 and the Witness Protection Act 1996; 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) (15:48): On behalf of the Attorney-General, I move:

That this bill be now read a second time.

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

Leave granted.

The *Independent Commissioner Against Corruption Bill 2012* seeks to establish in South Australia an independent body focussed entirely on preserving and safeguarding confidence and the integrity of the functions performed by public officers, agencies and authorities in the State of South Australia.

The *Independent Commissioner Against Corruption Bill 2012* proposes to achieve this by establishing the Independent Commissioner Against Corruption and the Office for Public Integrity. To facilitate this and to take the opportunity to strengthen and improve existing legislative mechanisms regarding the functions of public administration, the following Statutes are to be amended: the *Australian Crime Commission (South Australia) Act 2004*, the *Child Sex Offenders Registration Act 2006*, the *Correctional Services Act 1982*, the *Criminal Investigation (Covert Operations) Act 2009*, the *Criminal Law Consolidation Act 1935*, the *Criminal Law (Forensic Procedures) Act 2007*; the *Defamation Act 2005*, the *Freedom of Information Act 1991*, the *Legal Practitioners Act 1981*, the *Listening and Surveillance Devices Act 1972*, the *Local Government Act 1999*, the *Ombudsman Act 1972*, the *Parliamentary Committees Act 1991*, the *Police Act 1998*, the *Police (Complaints and Disciplinary Proceedings) Act 1985*, the *Protective Security Act 2007*, the *Public Finance and Audit Act 1987*, the *Public Sector Act 2009*, the *Shop Theft (Alternative Enforcement) Act 2000*, the *State Records Act 1997*, the *Summary Offences Act 1953*, the *Terrorism (Preventative Detention) Act 2005*, the *Whistleblowers Protection Act 1993* and the *Witness Protection Act 1996*.

I note for the sake of completeness that a separate companion Bill, namely the *Telecommunications (Interception) Bill 2012*, will also shortly be introduced.

The primary objects of this Bill are to establish the Independent Commissioner Against Corruption ('ICAC') and the Office for Public Integrity ('OPI'). The public officers, the public authorities responsible for the officers, and the Ministers responsible for the public authorities to which the functions of the ICAC and the OPI will apply, are set out in Schedule 1 of the Bill. Further, a private individual may also be subject to an ICAC investigation into corruption, where their alleged corrupt conduct is in connection with a public officer, inquiry agency or public authority exercising a function of public administration.

The functions of the Independent Commissioner Against Corruption ('the ICAC') are designed to further:

- the identification and investigation of corruption in public administration; and
- the prevention or minimisation of corruption, misconduct and maladministration in public administration, including through referral of potential issues, education and evaluation of practices, policies and procedures.

The functions of the Office for Public Integrity ('the OPI') are to manage complaints about public administration with a view to:

- the identification of corruption, misconduct and maladministration in public administration; and
- ensuring that complaints about public administration are dealt with by the most appropriate person or body.

Whilst the ICAC may perform functions under this measure in relation to any issue of corruption, misconduct or maladministration in public administration, it is intended that the primary object of the ICAC be to investigate serious or systemic corruption. Serious or systemic misconduct or maladministration however, is to be referred to the relevant body, with the ICAC giving directions or guidance to the body or exercising the powers of the body, where appropriate.

Despite the primary object of the ICAC being to investigate corruption in public administration, having the authority to act on conduct amounting to maladministration and misconduct is necessary. This is because conduct amounting to maladministration or misconduct may be indicative of an increased risk of corruption or may be evidence of an incipient culture of corruption.

I wish to make clear that the ICAC will perform an investigative role and will not have any capacity to lay charges or prosecute a matter, this responsibility will remain with existing law enforcement and prosecuting agencies. Further the OPI will not be able to resolve complaints or reports about public administration. The OPI will instead act as a clearing house so to speak, referring complaints and reports to existing agencies and authorities for action (where appropriate).

Generally speaking, corruption in public administration has often been described as a crime of the powerful, with no specific victim identifiable other than the community or public at large. At its worst, it can undermine the rule of law and destroy public confidence in governments and public institutions and agencies. Corruption in public administration also diverts or eats away at the limited financial resources of a government utilising public funds to meet the needs of essential services such as hospitals and schools.

Unlike some States, South Australia has fortunately thus far not been in a circumstance where cases of corruption, be it systemic or otherwise, have required an anti-corruption body to be established so as to attempt to restore faith and confidence in public institutions. Given this, some may question why an integrity body such as the ICAC is required in South Australia. My answer to that is that with modern society becoming increasingly complex and the financial resources of public funds being stretched to meet the ever increasing needs for essential government services, the temptation to engage in corrupt conduct for personal gain by abuse of public office will exist. A modern and sophisticated society should pre-empt this risk and proactively act to safeguard and preserve community confidence in the integrity of public administration. Establishing an ICAC constitutes that pre-emptive strike and safeguard.

Other States already have or are in the process of establishing, State based anti-corruption or integrity commissions. In NSW, the Independent Commission Against Corruption was established in 1989 in response to a reputation being acquired around Australia, and indeed overseas, at that time that some people in high office in that State were susceptible to impropriety and corruption. History later revealed this to be true.

The Crime and Misconduct Commission was established in Queensland in 2001.The Crime and Misconduct Commission is also an Independent Commission, exercising the powers of a Standing Commission of Inquiry with a broad mission to oversee and investigate allegations of public sector misconduct and major organised crime.

The Corruption and Crime Commission was established in Western Australia in 2004, replacing the Anti-Corruption Commission. The Corruption and Crime Commission was established due to a central recommendation of the Interim Report of the Kennedy Royal Commission. The need for this change was reported as being due to identifiable flaws in the structure and powers of the Anti-Corruption Commission, bringing about such lack of public confidence in the process for the investigation of corrupt and criminal conduct that the establishment of a new permanent body was necessary.

Most recently, the Parliament of Victoria has enacted the *Victorian Inspectorate Act 2011* and the *Independent Broad-based Anti-Corruption Commission Act 2011*, commonly referred to as 'the IBAC', to establish two new oversight bodies. The IBAC will have a broad jurisdiction responsible for investigating, exposing and suppressing corruption involving or affecting all public officials in Victoria.

In terms of the Commonwealth, currently there is no specialised body dedicated to exposing and investigating corruption. Instead, the Commonwealth relies on a multi-agency approach, vesting responsibility for corruption prevention and detection with a number of Commonwealth agencies. A major development in this area has been the launch of a discussion paper by the Commonwealth Attorney-General, Nicola Roxon MP, on 19 March 2012, seeking submissions and public feedback for use in developing Australia's first national Anti-Corruption Plan, in order to strengthen Australia's existing governance arrangements by developing a Commonwealth policy on anti-corruption.

The *Australian Crime Commission Act 2002* is the most relevant national legislation. This was enacted in accordance with an agreement reached between the then Prime Minister John Howard and the Premiers of the States and the Chief Ministers of the Territories. The establishment of the Australian Crime Commission combined the functions of the National Crime Authority, the Australian Bureau Crime Intelligence and the Office of Strategic Crime Assessments, as a statutory authority to combat serious and organised crime.

The Australian Crime Commission replaced the National Crime Commission with functions in relation to both criminal intelligence and the investigation of federally relevant criminal activity. In the opinion of many, including my own, this cooperative legislative scheme between the States and Commonwealth has been successful in meeting its objectives and obtaining the evidence and information to assist law enforcement agencies across Australia. Key components of the Australian Crime Commission model that have proven to be successful in practice have been adopted for use in this Bill.

I will now summarise the evolution of this Bill and the extent of consultation undertaken by this Government. The model proposed best meets the current and future needs and expectations of the citizens of South Australia.

In August 2009, the then Premier, the Honourable Michael Rann MP, called for the introduction of a national anti-corruption commissioner. After the 2010 election, once appointed as Attorney-General, I publicly supported the former Premier in advocating for a national anti-corruption commission. Accordingly, in May 2010, I raised the establishment of a national anti-corruption agency at a meeting of the former Standing Council of Attorneys-General, where I submitted that South Australia would be interested in working with the Commonwealth, State and Territory Governments to explore the feasibility of establishing a national anti-corruption authority with sufficient powers and resources to investigate allegations of corruption at the Commonwealth, State and Local Government level. Ministers present at this meeting noted the proposal. However, no further action was taken.

Detecting an overall reluctance to implement a national corruption watchdog at that point in time, I sought to progress the matter at a State level by announcing on 6 May 2010 a review of the operation and effectiveness of South Australia's existing public integrity system. The review called for submissions from a number of key agencies to be provided by 14 June 2010. That review examined the existing framework of integrity rules and enforcement bodies in order to identify gaps, weaknesses and opportunities to strengthen the existing system. It culminated in the preparation of a discussion paper entitled, '*An Integrated Model: A review of the Public Integrity Institutions in South Australia and an integrated model for the future*' (the 'Discussion Paper').

The Discussion Paper set out 31 recommendations for the enhancement of South Australia's public integrity system. Those recommendations were grouped under the following sub-headings:

- The Legislature;
- The Executive and public sector;
- Local Government;
- South Australia Police;
- The Auditor-General;
- The Ombudsman;
- Other Statutory Authorities;
- A Public Integrity Office; and
- A Commissioner for Public Integrity.

The Discussion Paper was publicly circulated and submissions sought by 25 March, 2011 and a total of 26 submissions were received. The majority of the received submissions were broadly supportive of the proposed changes and those that recommended legislative reform were, for the most part, consistent with the recommendations made in the Discussion Paper. However, as a result of the consultation process, some of these recommendations were either abandoned or modified to better achieve the intended purpose.

On 24 October 2011 Cabinet approval was given to draft a Bill and during the drafting process we continued to consult with the public agencies and authorities that will be affected by the scope of this Bill. Consultation also occurred with a number of senior individuals within the legal profession. I wish to thank all of the individuals, agencies and authorities who provided their invaluable feedback through my Department on the draft Bill.

I now turn to the main features of the proposal.

Before I proceed any further, however, I wish to clarify that references in my speech to the Police Ombudsman, are to be considered as references to the Police Complaints Authority. This is because in the

consequential amendments, set out in Schedule 3 of the Bill, it is proposed to change the name of the Police Complaints Authority to the Police Ombudsman.

The Independent Commissioner Against Corruption

Part 2 of the Bill sets out the proposed structure of the ICAC, commencing with his or her functions and how they are to be exercised. It is to be noted that in performing these functions, examinations relating to corruption in public administration must be conducted in private. This Bill does however allow the ICAC to make public statements, which I will address shortly.

The functions of the ICAC are summarised as follows:

- once corruption is identified and investigated, to refer it for prosecution or to refer it to SAPOL or the Police Ombudsman for investigation and prosecution;
- to assist inquiry agencies and public authorities to identify and deal with misconduct and maladministration in public administration;
- to give directions or guidance to inquiry agencies and public authorities, and to exercise the powers of inquiry agencies in dealing with misconduct and maladministration in public administration, as the ICAC considers appropriate;
- to evaluate the practices, policies and procedures of inquiry agencies and public authorities, with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration;
- to conduct or facilitate the conduct of educational programs designed to prevent or minimise corruption, misconduct and maladministration in public administration;
- to perform other functions conferred on the ICAC by the measure or any other Act.

Further, at the request of the Attorney-General, the ICAC may undertake a review of a legislative scheme related to public administration and make recommendations arising from that review.

It should be noted that the ICAC is not subject to the direction of any person in relation to any matter, including, the manner in which functions are carried out or powers exercised under this measure or any other Act. The ICAC is also not subject to the direction of any person in relation to the priority given to a particular matter. In order to ensure efficiency, however, the Bill does require the ICAC to deal as expeditiously as is practicable with allegations of corruption.

Part 2 of the Bill also sets out the eligibility and conditions of appointment for the ICAC, Deputy ICAC and his or her employees. Of particular note is the fact that the ICAC may engage employees on terms and conditions determined by the ICAC and that these employees are not Public Service employees, but are taken to be public sector employees for certain purposes. This distinction is necessary in order for the ICAC to attract the best and most experienced candidates, ordinarily difficult to attract due to their specialised areas of expertise being in short supply, particularly when competing with the private sector.

The Office for Public Integrity

Part 3 of the Bill sets out the proposed functions and structure of the OPI. Whilst separate from the ICAC, in terms of staff and functions, it is responsible to the ICAC for the performance of these functions, which are as follows:

- to receive and assess complaints about public administration from members of the public;
- to receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and public officers;
- to make recommendations as to whether and by whom complaints and reports should be investigated; and
- to perform other function assigned by the ICAC.

As already stated, the OPI will not have any capacity to resolve complaints or reports about public administration. Rather it will complement existing mechanisms by referring a complaint or report received to the appropriate inquiry agency or public authority. This means that members of the public can and should still approach the agency or an authority such as the Ombudsman with their complaints directly. However, when a complainant is not sure which public agency or authority to approach or does not wish to do so directly for whatever reason, the OPI is the place to go for assistance. Unlike the ICAC, staff of the OPI will be comprised of Public Service employees, aside from those employees of the ICAC that are assigned to assist the OPI, where required.

Procedures and Powers

Part 4 of the Bill sets out the procedures and powers for both the OPI and the ICAC.

Firstly, in terms of managing complaints received from the public, there is a requirement that a system for receiving those complaints be established for the OPI.

Secondly, the ICAC, once appointed, must prepare directions and guidelines governing reporting to the OPI of matters that an inquiry agency, public authority or public officer reasonably suspects involves corruption, misconduct or maladministration in public administration. The directions and guidelines are to address which type of matters must be reported to the OPI and provide guidance as to how this is to be undertaken.

In any event, on receiving a complaint or report, the OPI must undertake an assessment according to the criteria in Division 2 of Part 4 and action the complaint or report accordingly, depending on whether the matter relates to a potential issue of corruption as opposed to misconduct and maladministration.

The action that can be taken by the OPI, once a matter is assessed as raising a potential issue of corruption in public administration that could be the subject of a prosecution, is that the matter must be either investigated by the ICAC or referred to SAPOL or the Police Ombudsman (if the issue concerns a police officer or special constable) or other law enforcement agency. If, however, the matter is assessed as raising a potential issue of misconduct or maladministration in public administration, the matter may be referred to an inquiry agency or public authority, with directions and guidance, in respect of the matter. Where a matter is referred to an inquiry agency, the ICAC may also exercise the powers of the agency. Finally, where a matter is assessed as trivial, vexatious or frivolous, or has been previously dealt with and there is no reason to re-examine, or for good reason no further action should be taken, the OPI need not deal with the matter.

Investigations into corruption conducted by the ICAC will be conducted in private. This is because persons under investigation by the ICAC have not been charged with any criminal offence. As is currently the case with criminal investigations undertaken by SA Police, a suspect is publicly identified once an investigation is completed and a charge or charges have been laid (subject of course to any suppression order that may be in place). To make an investigation undertaken by the ICAC into corruption public, would prematurely and unnecessarily prejudice the reputation of a person or person, who may or may not end up being charged with any offence.

Under the process set out in this Bill, once a matter investigated by the ICAC has been referred to SA Police for determination as to whether, based on the evidence collected by the ICAC, a charge or charges are to be laid, the normal processes and procedures of a criminal prosecution will apply. In other words, subject to any suppression order, the charge or charges and identity of the accused will then become public and the matter will proceed as per any other criminal offence, through the criminal justice system to finalisation.

In order to protect the integrity of investigations being conducted by the ICAC, subject to an order of the court or judicial officer to the contrary, proceedings for an application for a warrant or injunction under the measure, proceedings for contempt of the ICAC and other proceedings under the measure must be heard in private.

The Bill does, however, permit the ICAC to make a public statement in certain circumstances. The ICAC may make a public statement in connection with a particular matter if, in the ICAC's opinion, it is appropriate to do so in the public interest, having regard to the following:

- the benefits to an investigation or consideration of a matter under the measure that might be derived from making the statement;
- the risk of prejudicing the reputation of a person by making the statement;
- whether the statement is necessary in order to allay public concern or to prevent or minimise the risk of prejudice to the reputation of a person;
- the risk of adversely affecting a potential prosecution.

Investigations

Subdivision 2 sets out the process, powers and procedures in relation to corruption investigations by the ICAC. Generally speaking, an investigation into corruption in public administration may be triggered in three ways, namely:

- a complaint or report received by the OPI which has been assessed and forwarded to the ICAC; or
- the ICAC exercising an own-motion initiative; or
- the Attorney-General reporting a matter directly to ICAC for his or her consideration.

The ICAC will be assisted in investigations by 'investigators' and 'examiners'. It is envisaged the investigators will be out in the field, collecting evidence and speaking with witnesses. A police officer seconded to the ICAC will automatically be an investigator under this Bill and it is intended that the officer should carry across all of his or her SAPOL powers for use in ICAC investigations if required. All other persons employed by ICAC for this purpose must be appointed to the role by the ICAC and issued with an identity card. By contrast, an examiner (who is responsible for conducting examinations) will be a role that can be undertaken by the ICAC, Deputy ICAC, an investigator appointed to this role by the ICAC and any other external person appointed to this role by the ICAC.

Once an investigation is commenced by the ICAC, the Bill provides for various powers (some of a coercive nature) depending on whether the investigation is elevated to a formal examination or not. The exercise of powers also differs depending on whether the place to be searched in an investigation for alleged corruption is a public office or vehicle or a private place or vehicle. To search and seize items from a private place or vehicle a warrant issued by a judge of a Supreme Court is required, whereas in relation to public place or vehicle, a warrant may be issued by the ICAC.

Standard operating procedures to be developed by the ICAC will provide guidance about how the powers are to be used in an investigation. These guidelines and procedures will be made available to the public, once they are developed.

The ICAC must personally head, or oversee the Deputy ICAC or an appointed examiner nominated by the ICAC to head, an investigation. Legal practitioners may be appointed to assist as counsel to the ICAC during an investigation.

Investigators will have the power to require a person to state all or any of the person's personal details and to produce evidence of those details if the investigator reasonably suspects that the person has committed or is about to commit either corruption in public administration or an offence against the measure or may be able to assist an investigation.

Part 4 Division 2 also set out the procedures for investigators to enter and search places or vehicles. For public agencies, public authorities, public officers or public vehicles, the ICAC may either by application of an investigator, or on his or her own initiative, issue a warrant authorising power to enter or search. However, if an investigator wishes to enter and search a private place or vehicle, an application for a warrant must be made to and granted by a judge of the Supreme Court.

A warrant may only be issued in either case if the ICAC or the judge is satisfied that the warrant is reasonably required in the circumstances for the purposes of an investigation into a potential issue of corruption in public administration.

Once issued, a warrant authorises an investigator to:

- enter and search and if necessary use reasonable force to break into or open a place or vehicle; part of, or anything in or on, a place or vehicle; and
- give directions with respect to the stopping or movement of a vehicle; and
- while inspecting the place or vehicle—
    - to take photographs, films or audio, video or other recordings; and
    - to examine, copy or take extracts from a document connected with the investigation or any other investigation into corruption in public administration; and
    - to examine or test any thing connected with the investigation or any other investigation into corruption in public administration, or cause or require it to be examined or tested; and
    - if the investigator reasonably suspects that a person who is or has been on or in the place or vehicle has on or about his or her body evidence of a prescribed offence, to search the person; and
    - to seize and retain anything that the investigator reasonably suspects has been used in, or may constitute evidence of, a prescribed offence, or issue a retention order in respect of such a thing requiring that it not be removed or interfered with without the approval of an investigator; and
    - to seize and retain anything that the investigator reasonably suspects has been used in, or may constitute evidence of, an offence other than a prescribed offence, or issue a retention order in respect of such a thing requiring that it not be removed or interfered with without the approval of an investigator, if the investigator reasonably believes that it is necessary to do so in order to prevent its concealment, loss, mutilation or destruction or its use in committing such an offence.

For the sake of completeness, it should also be noted that investigators will also have the power to seize and retain items found during an investigation, and to utilise listening and surveillance devices under consequential amendments to the *Listening and Surveillance Devices Act 1972*. The power to utilise telephone intercepts will also be made available to investigators under the *Telecommunications (Interception) Bill 2012*.

As already stated, there is a mechanism in the Bill for an examination into alleged corruption to be undertaken. The formal examination procedure is set out in Schedule 2 of the Bill. The provisions in Schedule 2 mirror Part 3 (Examinations) of the current *Australian Crime Commission (South Australia) Act 2004* (the 'ACC Act') with two discrete changes.

Schedule 2 of the Bill provides for the examiner to order a witness who is considered to be in contempt to apply to the Supreme Court for the person to be dealt with in relation to the contempt. Conduct which amounts to contempt for the purposes of the measure is defined at clause 12 of Schedule 2. Where an examiner proposes to have a person dealt with for contempt by the Supreme Court, he or she may, during the hearing concerned, direct a police officer to detain the person for the purpose of bringing the person before the Supreme Court.

Once before the Supreme Court, the Court may do one of two things. The Supreme Court may direct that the person be released from detention on condition that he or she will appear before the Court in relation to the application or order that the person continue to be detained until the application is determined. This approach reflects the amendments to the ACC Act recently passed in the *Statutes Amendment (Serious and Organised Crime)* exercise.

A second change to the current ACC Act is in relation to exemptions from making a disclosure. For the purposes of an examination, a further exemption has been added to enable a person to make a disclosure to another person or body for the purposes of determining whether the person is entitled to obtain an indemnity for legal costs.

The ICAC has also been given the power to require a South Australian law enforcement agency, inquiry agency or public authority to refrain from taking action in respect to a matter under investigation by the ICAC or to conduct a joint investigation with the ICAC. This is a necessary requirement should an investigation reveal corrupt conduct in addition to other criminal offences or vice versa. In such cases, it may be necessary for one investigation to take precedence over the other, or for joint investigations to be conducted simultaneously.

In addition, the ICAC may apply to Supreme Court for an injunction restraining a person from engaging in conduct that is the subject of, or affects the subject matter of, an investigation or proposed investigation to be undertaken by the ICAC.

In any event, on completing an investigation or at any time during the investigation, the ICAC may refer a matter to a relevant law enforcement agency for further investigation and potential prosecution and/or refer it to a public authority for further investigation and potential disciplinary action against a public officer for whom the authority is responsible.

There are also extensive accountability provisions under Part 5 of the Bill including reporting to Parliament annually and an independent review of the exercise of the ICAC's powers. Telephone intercepts and use of surveillance devices are, of course, required to be audited by an independent review agency, as is already the case for SA Police. Further, the ICAC must keep the Attorney-General informed of the general conduct of the functions of the ICAC and the OPI on a general basis and provide information at the request of the Attorney-General. The Attorney-General is, however, prohibited from seeking information identifying or about a particular matter subject to assessment, investigation or referral under the measure.

Finally, it is proposed to establish by amendment to the *Parliamentary Committees Act 1991*, a Crime and Corruption Policy Review Committee. This Committee will be tasked with the function of examining each annual and other report laid before both Houses of Parliament that are prepared by the ICAC, the Commissioner of Police or the Police Ombudsman. I will return to the functions of this Committee in more detail when I discuss the consequential amendments under Schedule 3 of this Bill.

Referral of misconduct or maladministration

Subdivision 3 governs the referral by ICAC of a matter to an inquiry agency or public authority and establishes the criteria for doing so.

Prior to referring a matter to an inquiry agency, which the Bill defines as the Ombudsman, Police Ombudsman or Commissioner for Public Sector Employment, the ICAC is required to consult with the agency and take its views into consideration. Once consultation has occurred, the ICAC can give directions and guidance, including a requirement to submit a report or ongoing reports or recommendations as to the action to be taken and the period within which this is to occur. The ICAC may also exercise the powers of an inquiry agency in respect of a matter referred to the inquiry agency.

Where the ICAC is dissatisfied with the action taken after a matter has been referred, the Bill then sets out an escalating process for raising issues with the agency in question, then its Minister and then Parliament, if the ICAC is not satisfied that the agency has duly and properly taken action in relation to a referred matter.

A separate process is set out in the Bill for referrals to public authorities (as defined in Schedule 1) and imposes the same obligation upon the ICAC to consult with the authority and take into account the views of the authority on the matter prior to referral. For public authorities, however, there is no capacity for the ICAC to exercise the powers of the authority. A further point of distinction is that the Bill does not permit the ICAC to give directions to the Governor, a judicial officer or the Attorney-General in relation to a matter concerning the Governor or a judicial officer. This is necessary to maintain and protect the integrity of the separation of powers.

Request for Auditor-General to examine accounts

Subdivision 4 authorises the ICAC, where appropriate to do so, in respect of any matter subject to an assessment, investigation or referral under the Bill, to request the Auditor-General to conduct an examination of accounts.

Evaluation of practices, recommendations and reports

Division 3 sets out the function of the ICAC to evaluate the practices, policies and procedures of an inquiry agency or public authority. The ICAC must prepare a report of an evaluation and make a copy of the report available to the President of the Legislative Council and the Speaker of the House of Assembly. Division 4 confirms what action can be taken once an evaluation has been conducted, which includes the making of recommendations to the inquiry agency or public authority and the preparation of a report.

Division 4 also empowers the ICAC to make a report to the Attorney-General and to the Speaker of the House of Assembly and the President of the Legislative Council setting out recommendations for the amendment or repeal of a law or on other matters considered to be in the public interest to disclose that do not relate to a particular matter that is subject to assessment, investigation or referral.

Other matters

Part 6 of the Bill addresses a range of miscellaneous matters that are necessary to facilitate the operational aspects of the ICAC and the agencies and authorities with which it will interact. Clause 48 confirms that a person may disclose information to the ICAC or an investigator despite the provision of any other Act or common law relating to confidentiality, except where that law is designed to keep the identity of an informant secret. Part 6 of the Bill also includes a standard provision relating to victimisation of anyone who makes or intends to make a complaint or report under the measure.

A process is also set out for service of documents and notices. Subject to the discretion of the ICAC, it is envisaged that notices issued in relation to a formal examination will be limited to personal service. Finally, there is to be a review of the operation of the Act within 5 years after its commencement.

Consequential Amendments to other Statutes

A range of consequential amendments of a minor nature are necessary to establish the ICAC and the OPI to give effect to their objectives and functions. I therefore intend only to summarise the amendments to existing Acts that are of significance or form part of the key components of the Government's public integrity reforms.

Proposal to amend the *Local Government Act 1999*

Section 63 is to be amended to require uniform codes of conduct to be prescribed in regulations that will apply to all elected members and employees of local councils. The codes of conduct for elected members and employees will be developed in consultation with the Local Government Association and are likely to be in force within 12 months of the ICAC Act commencing operation.

A new section 78A will be inserted into the *Local Government Act 1999* to enable elected members (in certain circumstances) to obtain legal advice at the expense of the council in question. Section 78A provides that regulations may establish a scheme under which a member of council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties. This amendment recognises that elected members may from time to time require legal advice independent to that obtained by council staff, to properly discharge their functions. This new provision contemplates mechanisms to guide elected members as to the practical limits in accessing legal advice, in order to make clear that the right is not unfettered and is subject to considerations including cost and relevance.

It is also proposed that section 263 be amended by deleting reference to section 74 as forming the basis for making a complaint against an elected member in the District Court. It is proposed that any conduct that is outlined in Chapter 5 Part 4 of the *Local Government Act 1999* (as amended) will instead trigger a complaint being made to the Ombudsman.

Section 263A is a new provision that enables complaints to be made, or matters referred to the Ombudsman for investigation and report about an elected member, where the matter constitutes a ground of complaint under the *Local Government Act 1999*. Under section 263A this can occur in one of three ways, by referral by the Minister for Local Government or any member of the public, or as a result of the Ombudsman exercising his or her own initiative. The Ombudsman's power to investigate and report under section 263A is that contained in the *Ombudsman Act 1972*.

Section 263B sets out the recommendations that the Ombudsman can make as a result of completing an investigation under the authority of the *Ombudsman Act 1972*. The recommendations as set out at 263B(1) are complementary to those set out in the *Ombudsman Act 1972*. Under section 263B, it will be the responsibility of the respective council to ensure compliance with the recommendations of the Ombudsman. Where there is non-compliance by the elected member with the recommendations of the Ombudsman made under section 263B(1), the member will be taken to have failed to comply with Chapter 5 Part 4 and the council is to ensure that a complaint is lodged with the District Court pursuant to section 264 of the *Local Government Act 1999.*

Section 264, which currently addresses complaints against elected members in the District Court, is to be amended to remove ambiguities by requiring public officials to refer their complaint to the Ombudsman for investigation before taking action in the District Court. A person other than a public official, however, must have the written approval of a legally qualified person appointed by the Minister after consultation with the Local Government Association before taking action in the District Court.

Section 267 of the Act, which addresses the outcomes of proceedings in the District Court, will be expanded to include reprimanding a person, including by means of a public statement, issuing an apology in a particular form and requiring the person to reimburse the council a specified amount of money.

The proposed amendments to sections 272 and 274 involve removing the role of the Minister and substituting the Ombudsman to conduct investigations into councils or their subsidiaries. It is proposed to delete section 272 in its entirety and replace it with a new provision that sets out when the Ombudsman is to conduct an investigation into council and that a referral to the Ombudsman may be made on the basis of a report received from an auditor or on any other basis.

Section 274 is proposed to be further amended by requiring the Minister, before referring a matter to the Ombudsman, to give the subsidiary a reasonable opportunity to explain its actions and make submissions, unless providing such an opportunity would undermine the investigation.

Proposal to amend the *Ombudsman Act 1972*

Section 3(d) is amended to further facilitate the Ombudsman's ability to investigate local government, namely, to bring the Local Government Association Mutual Liability Scheme (LGAMLS) within the Ombudsman's jurisdiction to ensure the Ombudsman's ability to investigate an individual's complaint is not restricted.

The amendment, whilst not expressly referring to the LGAMLS, achieves this objective in a general sense in order to capture any future scheme, analogous to the LGAMLS within its scope. The clause also specifically excludes application of the Act to the ICAC and the OPI.

Section 13 is amended by ensuring that the ability to lay a complaint for disciplinary action against a person does not prevent a person being able to lodge a complaint with the Ombudsman about the conduct forming the basis of the disciplinary complaint.

Section 19A relating to the circumstances in which the Ombudsman may direct an agency to refrain from performing an administrative act is restructured. It is recognised that a notice must not be issued if compliance with the notice by the agency would result in the agency breaching a contract or other legal obligation or cause any third parties undue hardship. Further, section 19A(7), which prohibits functions under section 19A from being delegated,

is to be repealed. At present, this is the only power under the *Ombudsman Act 1972* which cannot be delegated. Deletion of section 19A(7) will enable the Ombudsman to delegate the power to issue a notice under the section.

Section 20 of the Act is amended to clarify that any body or organisation to which the *Ombudsman Act 1972* applies cannot rely on privilege to decline to hand documents or things over as requested by the Ombudsman in exercising functions and powers under the Act.

The provisions about confidentiality, disclosure of information and publication of reports are brought together and, as a consequence, sections 22 and 26 are repealed.

Proposal to amend the *Parliamentary Committees Act 1991*

The proposed amendments to this Act seek to establish two new committees, the Parliamentary Conduct Committee and the Crime and Corruption Policy Review Committee.

The insertion of Part 5E into the Act establishes the Parliamentary Conduct Committee. This Committee will consist of 5 members; 3 members of the House of Assembly and 2 members of the other place. The Presiding Member is to be a member from the House of Assembly. The members of the Committee are not entitled to remuneration for their work as members of the Committee.

The functions of the Parliamentary Conduct Committee are:

- to promote compliance with standards of conduct required of members of Parliament by their respective Houses and investigate, on its own initiative or on receipt of a complaint, alleged contraventions of those standards; and
- if it is satisfied that there has been a contravention of the standards by a Member, to report to the Member's House the nature of the contravention; and
- to keep the standard of parliamentary conduct generally under review and make such recommendations as it sees fit for modifications of the standards of conduct required of members of Parliament to both Houses; and
- to perform other functions assigned to the Committee under this or any other Act or by resolution of both Houses.

The Government will be moving for the adoption of a Parliamentary Code of Conduct in each House in due course. It is proposed that the code be based on the 2004 Report of the Joint Committee on a Code of Conduct for Members of Parliament. It is the Government's intention that the code be adopted by a resolution of each House of Parliament. The legislative scheme of the Bill explicitly establishes the Parliamentary Conduct Committee to oversee and monitor the standards of conduct required of members of Parliament by their respective Houses, as proposed to be set out in the Code of Conduct.

As stated, it is also proposed to establish a Crime and Corruption Policy Review Committee, under Part 5F of the Act. The Committee will consist of 7 members of whom 4 must be from the House of Assembly and 3 must be from the other place. The Presiding Member of the Committee is to be a member of the House of Assembly and committee members are not entitled to remuneration for their work as members of the Committee.

One of the functions of the Crime and Corruption Policy Review Committee is to examine:

- each annual and other report laid before both Houses prepared by ICAC, the Commissioner of Police or the Police Ombudsman; and
- each report laid before both Houses under the *Police Act 1998*, the *Serious Organised Crime (Control) Act 2008* or the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.

Further functions of the Crime and Corruption Policy Review Committee are to report to both Houses on any matter of policy affecting public administration arising out of a report as the Committee considers appropriate; and to perform any other functions as assigned.

It is important to note that proposed section 15R clearly sets out that nothing authorises the Crime and Corruption Policy Review Committee to investigate a matter relating to particular conduct or to reconsider a decision of the ICAC or any other person or body in relation to a particular matter or to report on the performance of the functions of the ICAC, SA Police or the Police Ombudsman.

Further, Part 5F to be inserted into the Parliamentary Committees Act 1991 expressly prohibits the ICAC from disclosing any information to the Crime & Corruption Policy Review Committee that relates to a particular matter that is or has been the subject of a complaint, report, assessment, investigation or referral by the ICAC. This is necessary to ensure that any matter at whatever stage which is in the possession of the ICAC remains private and that ICAC is not prejudiced by the Crime and Corruption Policy Review Committee in performing its functions. This prohibition is however to be read in conjunction with the ability of ICAC to make public statements so that ICAC may make the same kind of statements to the Committee

Proposal to amend the *Police Act 1998*

Section 38 is amended by requiring the Commissioner of Police to provide the Police Ombudsman with details of each report into breaches of the Police Code of Conduct as soon as practicable after it is made. Section 67(3) is amended to make it clear that special constables will be able to be seconded to the ICAC when required. It is intended that SAPOL officers, including special constables, will retain their SAPOL powers when seconded to the

ICAC. As currently worded, section 67(3) would not permit the Commissioner of Police to authorise special constables to retain their police powers when seconded to the ICAC.

Proposal to amend the *Police (Complaints and Disciplinary Proceedings) Act 1985*

It is proposed to change the name of the Police Complaints Authority to the Police Ombudsman.

Section 12 is amended to ensure that the protection extends to action taken by the Police Ombudsman under another Act. Section 21 of the Act is amended to remove the requirement that reasons be given when the Ombudsman determines not to investigate or further investigate a matter. This is intended to minimise the administrative workload where it is unnecessary to provide reasons.

A new comprehensive offence of obstruction is inserted which will apply to investigations by the Police Ombudsman and Internal Investigation Brach investigations. The maximum penalty will be a fine of $10,000 or imprisonment for 2 years.

Proposal to amend the *Public Finance and Audit Act 1987*

Section 4 is amended by applying a new definition of a local government indemnity scheme to ensure its inclusion for the purposes of section 32 of the Act.

Section 32 is amended to enable the Auditor-General to audit or examine, in whole or in part, the accounts of publicly funded bodies and projects, either by the Auditor-General's own motion or at the request of the Treasurer or ICAC. Under an amendment to section 36 of this Act, the Auditor-General will be required to include information about examinations undertaken under the authority of section 32 in the Annual Report.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Primary objects of Act

The primary objects are—

- to establish the Independent Commissioner Against Corruption with functions designed to further—
  - the identification and investigation of corruption in public administration; and
  - the prevention or minimisation of corruption, misconduct and maladministration in public administration, including through referral of potential issues, education and evaluation of practices, policies and procedures; and
- to establish the Office for Public Integrity to manage complaints about public administration with a view to—
  - the identification of corruption, misconduct and maladministration in public administration; and
  - ensuring that complaints about public administration are dealt with by the most appropriate person or body; and
- to achieve an appropriate balance between the public interest in exposing corruption, misconduct and maladministration in public administration and the public interest in avoiding undue prejudice to a person's reputation. It is recognised that the balance may be weighted differently in relation to corruption in public administration as compared to misconduct or maladministration in public administration.

It is intended that the primary object of the Commissioner be—

- to investigate serious or systemic corruption in public administration; and
- to refer serious or systemic misconduct or maladministration in public administration to the relevant body, giving directions or guidance to the body or exercising the powers of the body as the Commissioner considers appropriate.

4—Interpretation

For the purposes of this measure, complaints about public administration include complaints alleging corruption, misconduct or maladministration in public administration and any complaints about public authorities or public officers.

Public officer, the public authority to which a public officer belongs and the Minister responsible for the public authority are concepts that are explored in Schedule 1. The measure covers a very broad range of public sector officers, local government officers, persons to whom functions or powers are delegated by such officers, persons assisting such officers and persons who perform work for a public authority as a contractor or as an employee of a contractor or otherwise directly or indirectly on behalf of a contractor. The last 3 categories reflect a similar extension for responsibility for honesty and accountability that currently applies in the public sector under the

Public Sector (Honesty and Accountability) Act 1995. The scheme also covers Members of Parliament, judicial officers and the Governor.

5—Corruption, misconduct and maladministration

This clause sets the scope of the matters to be investigated or referred under the measure. Complaints on other matters may still be referred to an appropriate body or person but the Commissioner would not be involved in dealing with or overseeing the complaint.

For clarity, for the concept of corruption the main offences on the State's Statute Book that relate to the conduct of a public officer are referred to (including bribery by a third party) and then a catch all is included for other offences committed as a public officer or former public officer. Incidental offences are included as is the case under section 3(3) of the *Australian Crime Commission (South Australia) Act 2004*.

The concept of misconduct in public administration aligns with the concept of misconduct in the *Public Sector Act 2009*. Codes of conduct applying to public officers set the scene. There are or will be specific codes for Members of Parliament, public sector employees, local council members and local council employees.

Maladministration brings in the idea that practices, policies and procedures of public authorities may be the source of problems as well as the conduct of public officers.

Misconduct and maladministration are dealt with together in the measure through mechanisms for referral. Corruption, that is, criminal conduct in public administration, is dealt with as a matter requiring significant investigation and extraordinary powers are made available to ensure that it can be identified, investigated and prosecuted.

The clause ensures that past conduct is relevant, as is conduct that occurs outside the State.

Part 2—Independent Commissioner Against Corruption

6—Functions

This Part starts off with a high level view of the functions of the new Commissioner. The highest priority is identifying corruption in public administration and investigating and referring the corruption for prosecution or referring it to SA Police or the Police Ombudsman for investigation and prosecution. The second priority is assisting inquiry agencies (the Ombudsman, the Police Ombudsman and the Commissioner for Public Sector Employment) and public authorities to identify and deal with misconduct and maladministration. This includes giving directions or guidance to inquiry agencies and public authorities and to exercising the powers of inquiry agencies as the Commissioner considers appropriate. The third priority is a role in evaluating the practices, policies and procedures of inquiry agencies and public authorities. Here the emphasis is on a comprehensive and effective system for preventing or minimising corruption, misconduct and maladministration. The fourth priority is an educative role. Each of these roles is explored more fully later in the measure.

The clause makes it clear that the Commissioner is independent.

However, the Attorney-General may request the Commissioner to review a legislative scheme related to public administration and to make recommendations to the Attorney-General for the amendment or repeal of the scheme.

The Commissioner is required to perform his or her functions in a manner that is as open and accountable as is practicable while recognising that examinations relating to corruption in public administration are to be conducted in private and that other Acts govern processes connected with how misconduct and maladministration in public administration is dealt with and in a manner that deals as expeditiously as is practicable with allegations of corruption in public administration.

7—Commissioner

The Governor is to appoint a former judge or legal practitioner of at least 7 years standing as the Commissioner for a term not exceeding 7 years. The maximum term of appointment (including in the position of deputy) is 10 years. Removal of the Commissioner is on the address of both Houses of Parliament although there is a process for suspension pending removal. The office automatically becomes vacant in certain circumstances including insolvency or conviction for certain offences. These provisions are similar to those applying to the Ombudsman. The *Public Sector (Honesty and Accountability) Act 1995* is applied to the Commissioner as a senior official.

8—Deputy Commissioner

A Deputy Commissioner may be appointed on a similar basis to the Commissioner. However, the Governor is given power to remove the deputy for contravention of a condition of appointment, misconduct or failure or incapacity to carry out official duties satisfactorily. The *Public Sector (Honesty and Accountability) Act 1995* is also applied to the Deputy Commissioner as a senior official.

9—Pension rights

The *Judges' Pensions Act 1971* may be applied by the Governor to or in relation to the Commissioner or Deputy Commissioner as if the Commissioner or Deputy Commissioner were a Judge and service as the Commissioner or Deputy Commissioner were judicial service. It is contemplated that the instrument would specify the relevant level of judicial office for the purposes of the pension. The written instrument by which the *Judges' Pensions Act 1971* is applied by the Governor may impose conditions on the application of the Act. Application of the Act may also be subject to specified modifications.

10—Employees

The Commissioner is empowered to engage staff on terms and conditions determined by the Commissioner. The employees will be bound by the *Public Sector (Honesty and Accountability) Act 1995* although they are not Public Service employees.

11—Use of services or staff of other government entities

The Commissioner may make use of Public Service employees, police officers, special constables or staff of the Office of the Director of Public Prosecutions under arrangements with the appropriate authorities.

12—Examiners and investigators

This clause allows the Commissioner to appoint examiners and investigators. Police officers and special constables seconded to assist the Commissioner are automatically investigators for the purposes of the measure.

An investigator who is not a police officer or special constable is to be issued with an identity card that must be produced by the investigator at the request of a person in relation to whom the investigator intends to exercise powers under the Act.

13—Cooperation with law enforcement agencies

The need for cooperation with law enforcement agencies is recognised. The definition of law enforcement agency in the interpretation section encompasses federal, State and Territory police forces, police ombudsmen, integrity commissions and supervisory bodies. International or other bodies may be added by regulation.

14—Delegation

A standard delegation provision applies to the Commissioner. The Commissioner may not delegate a function or power under section 29, which gives the Commissioner a power to issue a warrant in certain circumstances. If there are other functions or powers that should not be delegated, regulations may be made to that effect.

Part 3—Office for Public Integrity

15—Functions and objectives

This clause establishes the Office for Public Integrity. The functions of the Office are to receive and assess complaints about public administration, receive and assess reports about corruption, misconduct or maladministration in public administration from inquiry agencies, public authorities (including the Commissioner of Police, the Police Ombudsman and the Auditor-General) and public officers and make recommendations as to whether and by whom complaints and reports should be investigated.

The Commissioner may assign other functions to the Office.

16—Organisational structure

The Office is responsible to the Commissioner and the Commissioner is not bound by the recommendations of the Office.

The staff are to be Public Service employees assigned to the Office to assist the Commissioner. The Commissioner may also assign the Commissioner's employees to the Office if that is found to be desirable.

Part 4—Procedures and powers

Division 1—Complaints and reports

17—Complaints system

A system for receipt of complaints by the Office is to be established. The system will need to handle anonymous complaints as well as complaints from informants who will require high levels of protection.

18—Reporting system

An obligation is placed on the Commissioner to establish directions and guidelines for the reporting of suspected corruption, misconduct and maladministration in public administration to the Office by inquiry agencies, public authorities and public officers.

19—Obstruction of complaint or report

It is an offence to obstruct the making of a complaint or report.

20—False or misleading statements in complaint or report etc

It is an offence to knowingly include a false or misleading statement in a complaint or report or to make a complaint or report knowing that there are no grounds for the making of the complaint or report.

Division 2—Assessments, investigations and referrals

Subdivision 1—Assessment and action that may be taken

21—Assessments

The Office is to assess a complaint or report as to whether—

- it raises a potential issue of corruption in public administration that could be the subject of a prosecution; or
- it raises a potential issue of misconduct or maladministration in public administration; or
- it raises some other issue that should be referred to an inquiry agency, public authority or public officer; or
- it is trivial, vexatious or frivolous, it has previously been dealt with by an inquiry agency or public authority and there is no reason to reexamine it or there is other good reason why no action should be taken in respect of it.

Subsection (2) contemplates the Commissioner assessing, or requiring the Office to assess, according to the criteria set out in subsection (1), other matters on his or her own initiative or that are uncovered in the course of the performance of the functions of the Commissioner or Office.

22—Action that may be taken

This clause provides an overview of the functions of the Commissioner involving investigation or referral. The next sections deal with the powers and procedures that apply in relation to these functions.

In the case of corruption the matter is to be investigated by the Commissioner or referred to SA Police, the Police Ombudsman or other law enforcement agency.

In the case of misconduct or maladministration, the Commissioner may choose to refer it to an inquiry agency (the Ombudsman, the Police Ombudsman or the Commissioner for Public Sector Employment) or the public authority concerned. In either case the Commissioner may issue directions or guidance in respect of the matter, and in the case of a referral to an inquiry agency, the Commissioner may choose to exercise the powers of that agency.

If the matter does not involve a problem with public administration, it may be referred to an inquiry agency, public authority or public officer as considered appropriate or a complainant or reporting agency may be advised to refer the matter to such a body or person.

No action need be taken in respect of a matter that is assessed as trivial, vexatious or frivolous a matter that has previously been dealt with by an inquiry agency or public authority if there is no reason to reexamine it or a matter in respect of which no action should be taken for some other good reason.

The clause recognises that it may be necessary to deal with a matter as raising multiple issues of corruption and misconduct or maladministration and recognises that a matter may need to be reassessed and dealt with differently as it is progressed.

There is a requirement under the clause for reasonable steps to be taken to ensure that a complainant or reporting agency receives an acknowledgement of the complaint or report and is informed as to the action, if any, taken in respect of the matter.

23—Public statements

The Commissioner may make a public statement in connection with a particular matter if, in the Commissioner's opinion, it is appropriate to do so in the public interest, having regard to the following:

- the benefits to an investigation or consideration of a matter under this Act that might be derived from making the statement;
- the risk of prejudicing the reputation of a person by making the statement;
- whether the statement is necessary in order to allay public concern or to prevent or minimise the risk of prejudice to the reputation of a person;
- the risk of adversely affecting a potential prosecution.

Subdivision 2—Investigation of corruption

24—Standard operating procedures

In order to regulate the practices of investigators in investigating corruption, this clause requires the Commissioner to establish standard operating procedures. These are to be made publicly available.

Contravention of the operating procedures constitutes a ground for suspending, dismissing or taking other disciplinary action against an investigator. However, the validity of the exercise of a power cannot be questioned on the ground of contravention of the operating procedures.

25—Management of investigation

This clause requires the Commissioner to oversee each investigation conducted under the measure. The Commissioner may determine to head an investigation himself or herself or appoint the Deputy Commissioner or an examiner to head an investigation and report to the Commissioner. The clause also contemplates the Commissioner appointing legal practitioners to assist as counsel for an investigation.

26—Production of statement of information

The person heading an investigation into corruption in public administration may, by written notice, require a public authority or public officer to produce a written statement of information about a specified matter within a specified period and in a specified form. The person may also require that the statement be verified by statutory declaration.

27—Examination and production of documents and other things

This clause provides for the conduct of an examination for the purposes of an investigation into corruption in public administration as set out in Schedule 2. The clause also provides that a person may be required to produce a document or thing for the purposes of an investigation into corruption in public administration as set out in Schedule 2. The provisions in Schedule 2 mirror Part 3 (Examinations) of the *Australian Crime Commission (South Australia) Act 2004*.

28—Power to require person to disclose identity

This clause authorises an investigator to require a person to state all or any of the person's personal details and to produce evidence of those details if the investigator reasonably suspects that the person has committed, is committing, or is about to commit, a prescribed offence, or may be able to assist an investigation of a prescribed offence.

A *prescribed offence* is corruption in public administration or an offence against the Act.

29—Enter and search powers under warrant

This clause provides for the issuing of warrants authorising investigators to enter and search places or vehicles.

The Commissioner may, on application by an investigator or on his or her own initiative, issue a warrant authorising an investigator to enter and search a place occupied or used by an inquiry agency, public authority or public officer or a vehicle owned or used by an inquiry agency, public authority or public officer. It is considered appropriate to give this power to the Commissioner (rather than a judge) because the focus is on matters of public administration and attendance at offices or vehicles of public agencies.

For a warrant to enter and search a private place or vehicle, application must be made to a judge of the Supreme Court. The judge may issue a warrant on application by an investigator authorising an investigator to enter and search—

- a private place or private vehicle that is reasonably suspected of being, or having been, used for or in connection with a prescribed offence; or
- a private place or private vehicle in which it is reasonably suspected there may be records relating to a prescribed offence or anything that has been used in, or may constitute evidence of, a prescribed offence.

A warrant may only be issued if the Commissioner or the judge is satisfied that the warrant is reasonably required in the circumstances for the purposes of an investigation into a potential issue of corruption in public administration.

An application for a warrant would ordinarily be made personally, However, if, in the opinion of the applicant, a warrant is urgently required and there is not enough time to lodge a written application and attend in person, the application may be made by fax, email or telephone in accordance with practices and procedures prescribed by regulation for applications to the Commissioner, or by rules of court for applications to a judge.

A warrant authorises an investigator—

- to enter and search and, if necessary, use reasonable force to break into or open—
  - the place or vehicle to which the warrant relates; or
  - part of, or anything in or on, a place or vehicle to which the warrant relates; and
- to give directions with respect to the stopping or movement of a vehicle to which the warrant relates; and
- in the course of executing the warrant—
  - to take photographs, films or audio, video or other recordings; and
  - to examine, copy or take extracts from a document connected with the investigation or any other investigation into corruption in public administration; and
  - to examine or test any thing connected with the investigation or any other investigation into corruption in public administration, or cause or require it to be examined or tested; and
  - if the investigator reasonably suspects that a person who is or has been on or in the place or vehicle has on or about his or her body evidence of a prescribed offence, to search the person; and
  - to seize and retain anything that the investigator reasonably suspects has been used in, or may constitute evidence of, a prescribed offence, or issue a retention order in respect of such a thing requiring that it not be removed or interfered with without the approval of an investigator; and
  - to seize and retain anything that the investigator reasonably suspects has been used in, or may constitute evidence of, an offence other than a prescribed offence, or issue a retention order in respect of such a thing requiring that it not be removed or interfered with without the approval of an investigator, if the investigator reasonably believes that it is necessary to do so in order to prevent its concealment, loss, mutilation or destruction or its use in committing such an offence.

A *prescribed offence* is corruption in public administration or an offence against the Act.

The clause prescribes requirements in relation to applications, the matters to be specified in warrants and searches by investigators of persons.

A warrant expires 1 month after the date on which it was issued if not executed before that date.

30—Seizure and retention order procedures

This is a standard provision dealing with retention orders and what happens to seized items.

31—Obstruction

It is an offence under this clause for a person to—

- refuse or fail to provide a statement of information as required by the person heading an investigation; or
- include information in a statement of information knowing that it is false or misleading in a material particular; or
- without lawful excuse, refuse or fail to comply with a requirement or direction of an investigator; or
- alter, destroy, conceal or fabricate a document or other thing knowing that it is or is likely to be required by an investigator performing functions under the Act; or
- otherwise hinder or obstruct an investigator, or a person assisting an investigator, in the performance of his or her functions.

The clause authorises an investigator to arrest a person without warrant if the investigator reasonably suspects that the person has committed, is committing, or is about to commit, an offence under the clause and—

- when required to do so by an investigator the person failed to state truthfully his or her personal details or to produce true evidence of those details; or
- the investigator has reasonable grounds for believing that the person would, if not arrested—
  - fail to attend court in answer to a summons issued in respect of the offence; or
  - continue the offence or repeat the offence; or
  - alter, destroy, conceal or fabricate evidence relating to the offence; or
  - intimidate, harass, threaten or interfere with a person who may provide or produce evidence of the offence.

The clause requires an investigator who has arrested a person under the clause to immediately deliver the person, or cause the person to be delivered, into the custody of a police officer. The person will then, for the purposes of any other law, be taken to have been apprehended by the police officer without warrant.

32—Limiting action by other agencies and authorities

Under this clause, the Commissioner may require a South Australian law enforcement agency, inquiry agency or public authority to refrain from taking action in respect of a particular matter being investigated by the Commissioner or to conduct a joint investigation with the Commissioner in respect of a particular matter. The agency or authority must comply with the requirement even if the agency or authority is otherwise required or authorised to take action under another Act. The requirement is to be made by written notice, must specify the period for which it is to apply and set out details of the action that is not to be taken or the requirements governing any joint investigation.

33—Injunction to refrain from conduct pending investigation

The Commissioner may apply to the Supreme Court for an injunction restraining a person from engaging in conduct that is the subject of, or affects the subject matter of, an investigation or proposed investigation by the Commissioner. This is on the basis that the conduct is likely to impede the investigation or it is in the public interest to grant the injunction.

34—Prosecutions and disciplinary action

This provision recognises that the outcome of an investigation may be a referral for prosecution or disciplinary action.

Subdivision 3—Referral of misconduct or maladministration

35—Referral to inquiry agency

Before a matter is referred to an inquiry agency (the Ombudsman, Police Ombudsman or Commissioner for Public Sector Employment), the Commissioner is required to consult with the agency and take its views into consideration. This is designed to ensure that matters are dealt with by the appropriate body.

If a matter raising potential issues of misconduct or maladministration in public administration is referred to an inquiry agency, the directions or guidance that may be given to the agency by the Commissioner include (without limitation)—

- a requirement that the agency submit a report or reports on action taken in respect of the matter as set out in the directions; and

- a recommendation as to the action that should be taken by the agency and the period within which it should be taken.

The clause sets out certain requirements that apply if the Commissioner decides to exercise the powers of an inquiry agency in respect of a matter referred to the inquiry agency:

- the Commissioner must notify the agency in writing;
- the agency must refrain from taking action in respect of the matter;
- the Commissioner has all the functions and powers of the agency as if the Commissioner constituted the agency;
- the Commissioner is bound by any Act governing the performance of the functions or the exercise of the powers by the agency;
- a reference to the agency in any Act will be taken to include a reference to the Commissioner;
- the Commissioner must inform the agency of the outcome of the matter.

The Commissioner may, as he or she sees fit, do any of the following:

- revoke a referral to an inquiry agency;
- revoke or vary directions or guidance given to an inquiry agency or give further directions or guidance;
- withdraw from exercising the powers of an inquiry agency;
- decide to exercise the powers of an inquiry agency.

There is a process for raising issues with the agency, then its Minister and then Parliament if the Commissioner is not satisfied that the agency has duly and properly taken action in relation to a referred matter.

36—Referral to public authority

Before a matter is referred to a public authority, the Commissioner is required to consult with the authority and take its views into consideration. Again this is designed to ensure that matters are dealt with by the appropriate body.

The provision is similar to that in respect of referral to an inquiry agency except that there is no process for exercising any powers of the authority. The provision ensures that directions cannot be given to the Governor or a judicial officer or to the Attorney-General in relation to a matter concerning the Governor or a judicial officer.

Subdivision 4—Request for Auditor-General to examine accounts

37—Request for Auditor-General to examine accounts

This clause recognises the provisions of the *Public Finance and Audit Act 1987* under which the Auditor-General may conduct an examination of accounts at the request of the Commissioner.

Division 3—Evaluations of agency or authority practices

38—Evaluations of practices, policies and procedures

This clause supports the Commissioner's function of evaluating practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct or maladministration. Reports of evaluations are to be public.

Division 4—Recommendations and reports of Commissioner

39—Recommendations

If, on conducting an evaluation or in the course of conducting an investigation or overseeing the referral of a matter, the Commissioner forms the view that an inquiry agency or public authority should alter practices, policies or procedures or conduct or participate in educational programs, the Commissioner may make a recommendation to the agency or authority accordingly. If the Commissioner is not satisfied of compliance with the recommendation, the matter may be raised with the agency's or authority's Minister and if the Minister does not provide a satisfactory response, the Commissioner may provide a report to the Parliament. This follow up procedure is similar to that available to the Ombudsman in respect of recommendations.

Reports of recommendations are to be public.

40—Reports

The Commissioner is entitled to prepare a report setting out—

- recommendations for the amendment or repeal of a law formulated in the course of the performance of the Commissioner's functions; or
- other matters arising in the course of the performance of the Commissioner's functions that the Commissioner considers to be in the public interest to disclose.

This does not extend to a report relating to a particular matter subject to assessment, investigation or referral under the measure.

A copy of the report is to be provided to the Attorney-General, the President of the Legislative Council and the Speaker of the House of Assembly. The President and the Speaker are required to lay the report before their respective Houses.

Division 5—Miscellaneous

41—Proceedings before judicial body do not inhibit performance of Commissioner's functions

This clause is designed to prevent delay and allows the Commissioner to perform functions despite judicial proceedings. To achieve an appropriate balance, the Commissioner must endeavour to avoid, as far as practicable, prejudice to any person affected by the proceedings.

42—Public authority to assist with compliance by public officers

This clause requires the public authority responsible for a public officer to regard compliance with the Act by the officer as part of the officer's official duties and to reimburse expenses incurred in respect of travel, accommodation and meals.

Part 5—Accountability

43—Commissioner's annual report

This clause sets out matters to be included in the Commissioner's annual reports.

44—Annual review of exercise of powers

A person eligible to be appointed as the Commissioner is to conduct an annual review to determine whether powers under the measure have been exercised in an appropriate manner. A report of the review is to be tabled in Parliament. This provision is similar to that in section 34 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.

45—ICAC Committee

The Commissioner is required to provide the relevant Parliamentary Committee (established by related amendments) with a copy of each annual report and other public report.

46—Commissioner's website

In the interests of the Commissioner conducting functions in an open and accountable way, as far as is practicable, the Commissioner is required to maintain a website. The clause establishes certain material that is to be included on the website.

47—Provision of information to Attorney-General

The Commissioner is required to keep the Attorney-General informed of the general conduct of the functions of the Commissioner and the Office and the Attorney-General may request information relevant to the performance of the functions of the Commissioner or the Office (but not information identifying or about a particular matter subject to assessment, investigation or referral under the measure)

If the Commissioner is of the opinion that to provide the information would compromise the proper performance of the Commissioner's functions, the Commissioner may instead provide the Governor with a detailed written explanation of the reasons for the opinion.

Part 6—Miscellaneous

48—No obligation on persons to maintain secrecy

This clause is designed to enable a person to disclose information to the Commissioner or an investigator despite the provisions of any other Act or common law relating to confidentiality. This would extend to confessional disclosures and medical disclosures.

49—Arrangements for provision of information by Commissioner of Police and Police Ombudsman

The Commissioner of Police and the Police Ombudsman are obliged to make arrangements to grant the Commissioner and investigators access to confidential information and databases for the purposes of an investigation.

50—Commissioner and staff to be regarded as law enforcement body

This clause ensures that the Commissioner and members of the staff of the Commissioner will be regarded as a body established for law enforcement purposes (however described) for the purposes of any other Act.

51—Impersonation of Commissioner, Deputy Commissioner, examiner or investigator

It is an offence to impersonate the Commissioner, Deputy Commissioner, examiner or an investigator.

52—Confidentiality

It is an offence for a person to disclose information obtained in the course of the administration of the measure in connection with a matter that is the subject of a complaint, report, investigation, referral or evaluation

except in the circumstances set out in subclause (1). Subclause (2) contemplates various circumstances in which the Commissioner may authorise disclosure. If information is passed on, the person to whom it is passed on is bound by the same rules of confidentiality.

53—Proceedings to be heard in private

Proceedings under the Act (other than for an offence) are to be heard in private to prevent disclosures of the fact of a complaint etc, subject to an order of the court or judicial officer concerned to the contrary. Proceedings for an offence are to be heard in private if a public hearing may prejudice an investigation under this Act or unduly prejudice the reputation of a person other than the defendant.

54—Publication of information and evidence

It is an offence to publish (without the authorisation of the Commissioner)—

- information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report or investigation under the measure; or
- information that might enable a person who has made a complaint or report under the measure to be identified or located; or
- the fact that a person has made or may be about to make a complaint or report under the measure; or
- information that might enable a person who has given or may be about to give information or other evidence under the measure to be identified or located, or
- the fact that a person has given or may be about to give information or other evidence under the measure; or
- any other information or evidence publication of which is prohibited by the Commissioner.

55—Victimisation

This is a standard provision relating to victimisation, in this case based on a person making or intending to make a complaint or report under the measure.

56—Service

This clause is a standard provision setting out how notices and documents may be served. It is subject to the regulations, which may set out how a summons or a notice under Schedule 2 is to be served

57—Evidence

Evidentiary aids are provided in respect of appointments of examiners, investigators, delegations, notices, orders and receipt or non-receipt of documents, statements of information or other things.

58—Regulations

This clause provides general regulation making power.

59—Review of operation of Act

A report on the operation of the measure is to be tabled in Parliament within 5 years after its commencement.

Schedule 1—Public officers, public authorities and responsible Ministers

The table in the Schedule takes the approach of explicitly listing many classes of public officers and the public authorities responsible for them. This is designed to make it easier for many groups to understand that they are within the scope of the measure. If the Premier is the public authority, the Attorney-General is designated as the responsible Minister. If another Minister is the public authority, the Premier is designated as the responsible Minister. The Premier is designated as the responsible Minister in respect of the Governor, Members and officers of Parliament.

Schedule 2—Examination and production of documents and other things

The provisions in this Schedule replicate Part 3 of the *Australian Crime Commission (South Australia) Act 2004*, with necessary modifications. It contains practices and procedures for an examination or a requirement to produce documents and other things, deals with contempt and creates various offences.

Schedule 3—Related amendments

Part 1—Preliminary

1—Amendment provisions

This provision is formal.

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

2—Amendment of section 18—Conduct of examination

The amendment ensures that if it becomes apparent in an examination that a person knows information relevant to another investigation, the appropriate questions may be asked.

Part 3—Amendment of *Child Sex Offenders Registration Act 2006*

3—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 4—Amendment of *Correctional Services Act 1982*

4—Amendment of section 28—Removal of prisoner for criminal investigation, attendance in court etc

The Independent Commissioner Against Corruption, the Deputy Commissioner or an examiner is authorised to direct the attendance of a prisoner for the purposes of an investigation.

5—Amendment of section 33—Prisoner's mail

This amendment adds the Independent Commissioner Against Corruption and the Office and the Police Ombudsman to the list of persons and bodies to whom a letter may be sent by, or from whom a letter may be received by, a prisoner without it being opened.

6—Insertion of section 35A

The new section requires assistance to be provided to a prisoner who wants to make a complaint to the Office or about corruption, misconduct or maladministration in public administration.

Part 5—Amendment of *Criminal Investigation (Covert Operations) Act 2009*

7—Amendment of section 3—Interpretation

This Act authorise the use of undercover operations and assumed identities for the purposes of criminal investigation and the gathering of criminal intelligence within and outside the State. The definitions of chief officer, law enforcement agency and law enforcement officer are varied so as to add the Independent Commissioner Against Corruption and investigators for the purposes of extending the Act to investigations by the Commissioner.

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

8—Amendment of section 246—Confidentiality of jury deliberations and identities

Section 246 prohibits disclosure or publication of protected information—information identifying a juror or particulars of statements etc made by a jury in the course of deliberations. There are various exceptions including disclosure to a Royal Commission. The exception is expanded to encompass disclosure to the Independent Commissioner Against Corruption, the Deputy Commissioner, an examiner or an investigator or in the course of making a complaint or report to the Office.

Part 7—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

9—Amendment of section 45—Access to and use of DNA database system

10—Amendment of section 50—Confidentiality

11—Amendment of section 57—Compliance audits

These amendments are consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 8—Amendment of *Defamation Act 2005*

12—Amendment of section 4—Interpretation

For the purposes of the Act matter that is published in the course of the proceedings of an Australian court or Australian tribunal is published on an occasion of absolute privilege and as such is not subject to action under the Act. This protection is extended to the Independent Commissioner Against Corruption, the Deputy Commissioner or an examiner conducting an examination.

Part 9—Amendment of *Freedom of Information Act 1991*

13—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

14—Amendment of section 4—Interpretation

The definition of agency is altered to ensure that the bodies that are agencies for the purposes of the *Ombudsman Act 1972* are agencies for the purposes of this Act.

15—Amendment of Schedule 2—Exempt agencies

The Independent Commissioner Against Corruption and the Office are added to the list of exempt agencies.

Part 10—Amendment of *Legal Practitioners Act 1981*

16—Amendment of section 21—Entitlement to practise

Section 21 sets out the scope of practice for which a person needs to be a legal practitioner. This includes representing a party to proceedings in a tribunal, unless the Act constituting the tribunal or some other Act allows an unqualified person to act. Tribunal is currently defined to include a royal commissioner and an arbitrator who is a judge, special magistrate or legal practitioner. The Independent Commissioner Against Corruption, the Deputy Commissioner or an examiner conducting an examination is added as a tribunal for this purpose.

Part 11—Amendment of *Listening and Surveillance Devices Act 1972*

17—Amendment of section 3—Interpretation

18—Amendment of section 6—Warrants—General provisions

19—Amendment of section 6AB—Use of information or material derived from use of listening or surveillance devices under warrants

20—Amendment of section 6AC—Register of warrants

21—Amendment of section 6B—Reports and records relating to warrants etc

22—Amendment of section 6C—Control by police etc of certain records, information and material

23—Amendment of section 6D—Inspection of records by review agency

24—Amendment of section 6E—Powers of review agency

25—Amendment of section 7—Lawful use of listening device by party to private conversation

26—Amendment of section 8—Possession etc of declared listening device

27—Amendment of section 9—Power to seize listening devices etc

28—Amendment of section 10—Evidence

29—Amendment of section 11—Forfeiture of listening devices

30—Amendment of section 12—Regulations

These amendments allow the Independent Commissioner Against Corruption to obtain warrants to use listening and surveillance devices for the purposes of an investigation.

Section 6 currently requires the DPP to certify the requirement for an application for a warrant but then leaves it to the Commissioner of Police to cancel a warrant if the need for it no longer exists, and no certification is required in respect of ACC applications. The amendment leaves both issues to the chief officer of the investigating agency in all cases.

The Police Ombudsman inspects police records to ensure compliance. In the case of the Independent Commissioner Against Corruption, this role is to be performed by an independent person appointed by the Governor.

Part 12—Amendment of *Local Government Act 1999*

31—Substitution of section 63

New section 63 contemplates a code of conduct for members of councils being set out in the regulations.

32—Amendment of section 74—Members to disclose interests

These subclauses are removed as a consequence of the more comprehensive approach to discipline in section 263.

33—Insertion of section 78A

Under new section 78A, a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties may be established by the regulations. The scheme may require the preparation and adoption of a policy by a council and may also include provisions for the variation of the policy and its availability to the public.

34—Substitution of section 110

New section 110 contemplates a code of conduct for council employees being set out in the regulations.

35—Amendment of section 129—Conduct of audit

The material that is deleted is moved to section 272(2).

36—Amendment of section 263—Grounds of complaint

This is expanded so that disciplinary action may be taken in respect of any contravention of Part 4.

37—Insertion of section 263A

New section 263A allows the Minister to refer to the Ombudsman for investigation and report any matter alleged to constitute grounds for complaint under the measure against a member of a council, in addition to contemplating that a person may make a complaint direct to the Ombudsman or the Ombudsman may act on his or her own initiative in investigating such grounds for complaint.

New section 263B sets out the recommendations that may be made by the Ombudsman on the conclusion of an investigation, namely—

- reprimand the member (including by means of a public statement); or
- require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps; or
- require the member to reimburse the council a specified amount; or
- ensure that a complaint is lodged against the member in the District Court.

Councils are empowered to impose those sanctions. If there is non-compliance by a member with a requirement, the council is to elevate the matter to a complaint lodged in the District Court.

38—Amendment of section 264—Complaint lodged in District Court

This amendment requires an investigation by the Ombudsman before a public official may lodge a complaint in the District Court.

39—Amendment of section 267—Outcome of proceedings

These amendments ensure that the full range of sanctions is available to the District Court.

40—Substitution of section 272

Instead of the Minister instigating investigations of a council as well as the Ombudsman, the Minister may refer to the Ombudsman for investigation and report any contravention or failure to comply by a council with this or another Act or any irregularity that has occurred in the conduct of the affairs of a council. This avoids duplication.

41—Amendment of section 273—Action on report

These amendments are consequential.

42—Amendment of section 274—Investigation of subsidiary

This clause similarly provides for the Minister to refer a matter to the Ombudsman for investigation rather than duplicating the work of the Ombudsman by appointing his or her own investigators.

Part 13—Amendment of *Ombudsman Act 1972*

43—Amendment of section 3—Interpretation

This amendment clarifies the application of the Act to the Local Government Association, a body that was continued in existence for a public purpose by an Act. If the LGA contracts out the management of a local government indemnity scheme, paragraph (b) of the definition of administrative act ensures that the Act will apply.

The amendment also excludes the Commissioner and the Office from the application of the Act.

44—Amendment of section 13—Matters subject to investigation

This amendment ensures that the ability to lay a complaint for disciplinary action against a person does not prevent a person being able to lodge a complaint with the Ombudsman about the conduct forming the basis of the disciplinary complaint.

45—Amendment of section 19A—Ombudsman may issue direction in relation to administrative act

This provision is restructured and altered to make it workable. It sets out the circumstances in which the Ombudsman may direct an agency to refrain from performing an administrative act, namely, if the Ombudsman is of the opinion that the administrative act is likely to prejudice an investigation or proposed investigation or the effect or implementation of a recommendation that the Ombudsman might make as a result of an investigation or proposed investigation or likely to cause serious hardship to a person. It is recognised that a notice must not be issued if compliance with the notice by the agency would result in the agency breaching a contract or other legal obligation or cause any third parties undue hardship. The period for which the agency must refrain is limited to 45 days.

46—Amendment of section 20—No obligation on persons to maintain secrecy

This amendment is designed to clarify that a local government body (or any other agency to which the Act applies) is not entitled to rely on privilege to refuse to hand things over.

47—Repeal of section 22

48—Substitution of section 26

These amendments bring together the provisions about confidentiality, disclosure of information and publication of reports. It is an offence for a person engaged in the administration of the measure to disclose information obtained in the course of the administration of the Act except in the circumstances set out in subsection (1). Subsection (2) requires the Ombudsman to be of the opinion that it will be in the public interest to authorise or require information to be disclosed.

Subsection (3) enables the Ombudsman to make a public statement or report if of the opinion that to do so would be in the public interest.

Part 14—Amendment of *Parliamentary Committees Act 1991*

49—Amendment of section 3—Interpretation

This clause substitutes a new definition of 'Committee' so that the term includes all Committees established under the Act.

50—Insertion of Parts 5E and 5F

A parliamentary committee is established to promote compliance with standards of conduct required of members of Parliament by their respective Houses. The title of the committee is simply the Parliamentary Conduct Committee. The Committee is to be comprised of 3 HA members and 2 LC members. The functions relate to promoting compliance with the parliamentary standards of conduct and reporting potential contraventions to the relevant House. The committee may also formulate recommendations for modifications of the standards to the Houses.

The Crime and Corruption Policy Review Committee is also established. The Committee is to be comprised of 4 HA members and 3 LC members and has the following functions:

- to examine annual and other reports laid before both Houses of Parliament prepared by the Independent Commissioner Against Corruption, the Commissioner of Police or the Police Ombudsman as well as reports laid before both Houses under the Police Act 1998, the Serious and Organised Crime (Control) Act 2008 or the Serious and Organised Crime (Unexplained Wealth) Act 2009;
- to report to both Houses of Parliament on any matter of policy affecting public administration arising out of a report as the Committee considers appropriate;
- to perform other functions assigned to the Committee under the Act or any other Act or by resolution of both Houses.

The Committee may not report on the performance of the functions of the Independent Commissioner Against Corruption, South Australia Police or the Police Ombudsman. The Independent Commissioner Against Corruption must not disclose to the Crime and Corruption Policy Review Committee information in relation to a particular matter that is, or has been, the subject of a complaint, report, assessment, investigation or referral under the measure, except such information as could have been the subject of a public statement under section 23.

Part 15—Amendment of *Police Act 1998*

51—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

52—Amendment of section 38—Report and investigation of breach of Code

The amendment requires that, when a police officer makes a report about a breach of the code, details must be provided to the Police Ombudsman.

53—Amendment of section 67—Divestment or suspension of powers

This amendment corrects a minor drafting error in the provision.

Part 16—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

54—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

55—Amendment of section 12—Protection for Ombudsman and person acting under direction

This ensures that the protection extends to actions taken by the Police Ombudsman under another Act.

56—Amendment of section 21—Determination by Ombudsman that investigation not warranted

The requirement to give reasons when the Ombudsman determines not to investigate or further investigate a matter is removed.

57—Amendment of section 28—Investigation of matters by Ombudsman

The provisions dealing with obstruction are replaced by new section 28A.

58—Insertion of section 28A

A new comprehensive offence is created relating to obstruction of the Police Ombudsman or Internal Investigation Branch.

Part 17—Amendment of *Protective Security Act 2007*

59—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 18—Amendment of *Public Finance and Audit Act 1987*

60—Amendment of section 4—Interpretation

A new definition of a local government indemnity scheme is included for the purposes of section 32. The references in the definition of public funded body and publicly funded projects to councils and controlling authorities under the 1934 Act are updated so as to refer to councils and subsidiaries under the 1999 Act.

61—Amendment of section 32—Examination of publicly funded bodies and projects and local government indemnity schemes

The provision currently authorises the Auditor-General to examine accounts of publicly funded bodies and projects if requested by the Treasurer. The power of the Auditor-General to examine accounts is extended to a body managing a local government indemnity scheme. The Auditor-General is given a discretion to examine the accounts on his or her own initiative but can be required to do so not only by the Treasurer but also by the Independent Commissioner Against Corruption.

62—Amendment of section 36—Auditor-General's annual report

The Auditor-General is required to include in his or her annual report information about examinations conducted under section 32.

Part 19—Amendment of *Public Sector Act 2009*

63—Amendment of section 25—Public Service employees

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 20—Amendment of *Shop Theft (Alternative Enforcement) Act 2000*

64—Amendment of section 17—Confidentiality

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 21—Amendment of *State Records Act 1997*

65—Amendment of section 3—Interpretation

This amendment excludes the Commissioner, Deputy Commissioner, examiners, investigators and employees from the definition of agency and so from the obligations under the Act relating to records.

Part 22—Amendment of *Summary Offences Act 1953*

66—Amendment of section 74C—Interpretation

Part 17 of this Act imposes an obligation to record interviews related to indictable offences. The amendment extends the application of the Part to interviews conducted by investigators, but excludes examinations conducted by examiners under the *Independent Commissioner Against Corruption Act 2012*.

Part 23—Amendment of *Terrorism (Preventative Detention) Act 2005*

67—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 24—Amendment of *Whistleblowers Protection Act 1993*

68—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

Part 25—Amendment of *Witness Protection Act 1996*

69—Amendment of Act

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

70—Amendment of section 12—Access to register

This amendment is consequential on the change of name from Police Complaints Authority to Police Ombudsman.

71—Amendment of section 21—Offences

The protection given to investigations by the Police Ombudsman to ensure that relevant information may be obtained for the investigation is extended to the Independent Commissioner Against Corruption.

Debate adjourned on motion of Mr Griffiths.

SUPPLY BILL 2012

Adjourned debate on second reading (resumed on motion).

Mr GRIFFITHS (Goyder) (15:52): I will note that the member for Flinders was on his feet prior to the luncheon adjournment and had some six minutes left. He has been called to a conference and it is impossible for him to continue, but he will continue in the 10-minute grieve opportunity. I note at the outset that minister Kenyon's introduction of the ICAC bill was rather interesting. I hope that the Deputy Premier (the Attorney) is engaged in some form of conference on legislation also.

The Hon. T.R. Kenyon: A deadlock conference.

Mr GRIFFITHS: Okay. I thought that I would put that on the record, otherwise I would have expected the responsible minister to be in here to introduce such a very important bill to many South Australians and something which the Liberal Party has fought for. I think for probably the last four years it has been our policy that such a commission to be established.

I will now turn to the supply debate to allow for the forward expenditure of some $3.161 billion. I have always been intrigued about the process. The budget will be presented before the end of June. I respect that the estimates process will not be completed until after the commencement of July and the new financial year, but I am rather intrigued that we spend an enormous amount of time in this chamber, predominantly members of the opposition, talking about supply and the fact that there is a lot of repetition occurring in that process.

If there is ever a chance to improve the process in this place, the opportunity to consolidate positions being put to allow for important legislation to be debated, it would allow for a far better use of our important time. I note that there is legislation proposed for this week that we have not even got close to yet. Let's hope that the chamber has enough time. I will make a brief contribution; I am not sure whether I will use the 20 minutes, either. So, the member for Schubert, who is following me, might want to take this up.

A lot of things have occurred in my electorate, though, that I want to put on the record. The first one, which I know has caused a lot of debate in my community, are the speed limits which occurred in November last year, when minister Rankine, as the Minister for Road Safety, made the announcement that roads which were not dual carriageway roads within 100 kilometres of the CBD area or on Yorke Peninsula which were state-controlled roads would be reduced to 100 km/h.

It is fair to say that it has caused a lot of debate among the people of Yorke Peninsula and the Adelaide plains. It is important to emphasise, though, that these people are all for road safety. Clearly, they respect the fact that it is important to do whatever possible to reduce the tragedy of any road accident or fatality and the impact it has on the family and friends of those involved. People have also put to me very clearly, though, that they believe that it is speeding and not speed limits that create accidents, associated with the condition of the roads.

The fact that the minister has chosen unilaterally to reduce the speed limit from 110 km/h to 100 km/h has caused a lot of frustration. People have put to me that the longer they are on the road, the greater the risk of an accident occurring. Indeed, as much as people concentrate and are focused on what they are doing, cruising along at 100 km/h lulls people into a sense of boredom, if I can use that word, and the focus is not there the way it should be and they feel that even that might contribute to accidents.

The Hon. T.R. Kenyon interjecting:

Mr GRIFFITHS: Minister, there are a lot of diverging arguments about the best methods, and I say this with careful deliberation because there was another collision today between a truck and a car near Kadina on Yorke Peninsula. I am not aware of fatalities and certainly it is my hope that no-one has died as a result of that. There was a terrible collision on Thursday last week when a truck heading north hit a car near the Mount Rat intersection, and two people aged 81 and 83 were killed. I believe that that was through the fault of the vehicle's driver coming in front of the truck and, even though the brake marks are apparently some 60 metres in length, it resulted in the tragedy of those people being killed, and the tragedy of the driver having to live with the thoughts of what occurred, even though, from what I understand, it was not his fault.

Road safety is a focus but I am not sure if the reduction in speed limit is necessarily the answer. My community is demanding all the time that an increasing amount of funds be spent on road maintenance, and that is what they would like to see. They quote to me constantly, and in my travels around the electorate it is obvious to me, that poor road conditions create a lot of frustration, especially during footy season when you have people from the Copper Coast who travel south on some of the roads, and they think, 'Oh my God, what are these things?' Sometimes they refuse to

go to some of the games when they are a bit iffy about going to support their team, so that is a great frustration.

The next issue I wish to bring to the attention of the house is school bus contracts. It might not be an important issue to some people but, in a previous role that I had within the Liberal Party, I had contact with many family companies who operated school buses who were very concerned about their future. In some cases they had been servicing the community's needs for decades, and I had terrible instances of phone conversations with adults, worried about their own future, crying on the telephone to me because they had done all they could. They had trimmed their tender price as much as they could in the hope of still making a dollar (and I use that term literally, a dollar) and they had still lost the opportunity to continue to provide that service, and it had been allocated to another contractor.

I know in my questioning in estimates last year on education, now Premier Weatherill, when he was minister for education, quoted to me that the majority of the contracts let at that time, a bit over 50 per cent, had gone back to the previous contractors. I said, 'Yes, but does that truly reflect the fact that these people have screwed down their prices so much? The odds are that, yes, they will have a business, but will that business be profitable, and will it be sellable in future too?' It is still a great concern. There are probably about 250 private school buses. We are still involved in contract negotiations with that and those people, no matter how far away they are from the city, are fearful of the bigger corporates coming in—big and small operators—taking away their livelihoods. I still get contact from bus operators, and a company in Gawler is about to close soon because of a variety of reasons, and it is just devastating to those people. Many members have spoken about it in the house and it is an important one.

I put on the record, as other members have chosen to do, the need to support small business. We are often quoted the fact that there are 138,000 small businesses in South Australia. They drive our economy and they need every level of support they can get. They are hardworking, committed, honest people who want to provide an opportunity for themselves to be profitable, to provide for their families, and to provide job opportunities for people around them. They need government support, they need policies that assist them, and they need some mentoring and financial support on occasions too.

I know the member for Stuart has commented about the reduction in funding for the business enterprise centres and the proposed removal of funding from 1 July next year of the Regional Development Australia Board. I find it rather frustrating, too, and if you take away those first contact points for small business to get their problems sorted out, to get some positive mentoring, to be told about who the connection opportunities are to grow their business, I am really fearful about what is going to replace it, and what the impact will be on small business. I hope that there will be a review of that decision to make sure we have a chance to move forward on it.

Health is an important concern across South Australia and in the Goyder electorate. We are lucky enough to be serviced by wonderfully dedicated staff in our hospitals at Yorketown, Wallaroo and Balaklava in the public system, and the private hospitals at Ardrossan, Moonta and Hamley Bridge, and also with the facilities that are available to people around Minlaton area.

The member for Waite, in some recent contributions, has talked of concerns about the management of the health budget and the implications that might have on some capital projects, one of which is $3.3 million for a dental facility at the Wallaroo Hospital. It is my desire that that project happens as committed to in previous budgets, that there is no delay to it, and that it is delivered and servicing the people of the Copper Coast and the greater area.

Other members have commented about the health advisory councils; many of those people flowed over from the previous boards. They are all good people but they want a job to do that actually makes a difference, whereas at the moment they meet but their voice does not count for very much. I hope that the HACs are returned to a position of authority where the commitment that these people make allows them to make a difference.

Wind farms are a very emotive issue, too. Late last year a ministerial DPA was released which talks about, I think, a diminution of democratic principles with the removal of third-party appeal rights and a reduction in the buffer zone of one kilometre from residents and two kilometres from townships. On Yorke Peninsula it is an emotive issue because of the very large project proposal from the series wind farm project of 180 turbines that are 152 metres in height from the ground to the tip of the blades. It will be a veritable forest of the things if that actually happens with

180 turbines of that size. The power will be directed through submarine cable across the gulf and into the St Kilda station.

Some people want them and some people do not want them. Indeed, 35 families have signed in-principle agreements to allow the turbines to be on their properties. I have told people that the process has to be right so that the rights of all are observed. I hope that as part of the project application that the series project is going through (with 26 different studies which will be part of the application they submit as part of the major project status) that the community is still given a chance. I know the process demands that that should happen but the community's voice has to be heard. We have to get it right because these turbines have a minimum 25-year life and if it is not right the community will pay for it for many years.

Marine parks will continue to be a difficult one for the government to manage. The member for Finniss talks about it constantly, and rightly so; he was the first person within our group to express concerns about it. There is universal support from the Liberal Party for the principle behind marine parks but the way it has been managed is the great frustration. The revised plans that were released on Friday of last week where, on an A3 page, you are meant to identify from little green dots exactly where the sanctuary zones are, is near impossible for people.

For example, in marine park 11 (the Port Victoria, Balgowan, Chinaman Wells group) they are unable to comment yet on what the impact will be of the revised proposal put forward by the government late last week because they cannot get the detail on it. These are fisher people and people who are good recreational fishers who have put a lot of scientific effort into putting a counterproposal forward but they want the opportunity to have an informed debate about it. It is not fixed. There has to be a lot more debate about this and the community's input has to be sought.

The local advisory groups did the best possible job that they could do for the eight-month period after they were appointed, in taking a lot of flak from people. It was brave of them to actually stand up sometimes and to put the position as proposed to them by the government out to the wider community. Let us hope that when the eventual solution is there and the sanctuary zones are declared that they are at a level that the community can accept and afford.

I use the term 'afford' very importantly because I have constantly sought from minister Caica, as the responsible minister, the release of the impact statement which looks at the social and economic points of view. I have argued with him on the fact that the economic point of view needs to discount the agricultural production that takes place in the communities around where the marine park sanctuary zones are proposed and looks at the impact of small business on those communities that rely upon so many thousands of visitors every year to come and go fishing.

If you lose that opportunity to bring the fishers there people will sell properties, they will not go there to fish, they will not buy fuel, they will not buy bait, they will not stay there for meals, they will not require accommodation and the communities will suffer from it. It might not be thought by many people to have an impact on a wider economic sphere, but it does, and marine parks have to truly be right.

I also want to talk about public transport. The past two days have brought home to me how frustrating things are. Monday morning it took me one hour and five minutes to travel eight kilometres from Oakden into the city—admittedly I left at 8.30 so I took the risk of the heavy traffic, but it was banked up. There were no works occurring on any of the roads that I travelled on, but it was just madness. Last night leaving this place at about quarter past six and heading out to Oakden, again, if you went down North Terrace, if you went down Hackney Road, if you went out the North East Road, you were caught in traffic terribly. If you tried to take a side street you were caught in traffic.

For the last six years I have spent a lot of my time driving around the city and I have developed a bit of a road rage culture within my own mind, much to my wife's frustration. It is terrible and there is no reason for it. I truly do believe it is because people are so frustrated about the problems with public transport that they have chosen not to use it. They have decided to jump back in their car and be responsible for transporting themselves, and that means that we all suffer for it. As taxpayers we suffer for it. The programs we have put $1.6 billion into—which the Minister for Transport Services referred to today—are being used to a fraction of their capacity, and it is because people do not trust them.

They do not believe that it is going to get there and pick them up on time. They do not believe that it is actually going to deliver them on time to where they want to be. Since 4 October when the new contracts came into place there has been nothing short of rioting in the streets.

Again, that is a bit of an exaggeration, but I was bombarded with emails. I know that the member for Bragg has been contacted by hundreds if not thousands of people who are just sick of it. Talkback radio is consumed by it.

It is a mature service. Public transport should work well. It has been in existence for a long time. The timetables have been there. The current contract is based on January 2011 timetables that were released. They should have been the ones who should have been able to get it through. We have got the advice today that the minister is instigating fines for the second quarter of the contract amounting to about $220,000. These companies need to understand that they are playing with people's lives terribly. For the SDA to come out and say that the minister's office should authorise the issue of apology notices for employees who are running late to give to their bosses so that they can keep their job is an absolute farce. It shows how desperate some people are to still try to curry some favour, but it is not satisfactory for the people who are trying to get to work on time, who are trying to get on with their lives and who want to be transported around. They want to use the bus, trains and tram network but they do not trust it anymore.

If you have a failure in one section of public transport, do you lose complete confidence in all the other sectors, too? An investment is taking place. The Minister for Transport Services and the Minister for Transport will stand up constantly and talk about the $2 billion of investment that is occurring (the absolute majority of that is coming from federal money, anyway), but it is not working. Yes, you need to invest in our infrastructure, but how about getting the most basic thing right, that is, actually making sure that people work to timetables and they have not.

I just want to finish with a couple of little things. One is CFS uniforms. Questions have been raised in the chamber about that before. It was one of my brigades that actually brought it to people's attention first. I was rather frustrated that, when the member for Morphett asked the question, minister Rankine was rather flippant towards it and accused him of saying that he could afford to buy his own boots. The question was asked in all sincerity because of the fact that, in one case I am very aware of, a chap who has been a volunteer for 25 years needed a new uniform because he had had that same uniform for nearly all that time. He had to wait over six months.

His boots have holes in them. He is not asking for the world. He is just asking for equipment that allows him to get on the back of a truck to save people's property and lives, and it cannot be delivered. And then to be told that because new uniforms have one stripe missing and therefore some of those uniforms are being thrown away because one stripe was missing, at $700 a uniform just defies all logic. It is about contract management, it is about getting the process right, it is about ensuring that things get out to people when they are meant to and that things are done properly.

If it cannot happen in that most basic of areas, it is frustrating. There is an investment that occurs in the CFS, and it is fantastic. The emergency services levy raises about $100 million from private property owners per year. I am pleased to stand up and say that I got some money in my electorate for Hamley Bridge and the Balaklava CFS stations that were opened during the laugh 12 months—wonderful. People appreciate it. All the volunteers appreciate it. They are wonderful facilities, but you still have to make sure that the uniforms are there so that people can actually volunteer; and, importantly, uniforms for new people.

These brigades work very hard to get young people and older people to come on and go through the training so that they become qualified, so they can go out and protect people and property, but when they cannot get a uniform they cannot do it. They have to sit at the station. At best they can man the comms area. They get frustrated by that and it is all for the want of a uniform. Please get it right, please make it happen and please improve it.

Finally, on farm machinery movements, there has been a bit of difficulty in the Goyder electorate in the last six months over this. Regulations came into force in the middle of last year, which now require farmers, when they move machinery, to have a gazettal notice on their person or in the vehicle they are towing with. If the gazettal notice is not with them, even if they understand what the rules are, and they are pulled over and a police officer chooses to fine them, it can be between $300 and $1,000.

Mr Pengilly: $6,000.

Mr GRIFFITHS: The member for Finniss says $6,000. This is absolute madness. There are major and minor roads that have been declared. Yes, the farming industry knows it has to do the right thing, and these people are doing the right thing, other than carrying a slip of paper. Apparently, they can have a copy of it on a smartphone, and that will satisfy the police.

Mr Venning: Really.

Mr GRIFFITHS: The member for Schubert says, 'Really,' but that is what they have been told (sometimes) as being the solution. It is bureaucracy gone mad. Yes, we want to make sure that we have safe laws in place so there are no accidents on any of our roads with anybody hitting a machine, and yes, there is a need for site distances, flashing lights, the 'wide load ahead' and all that sort of stuff, but please, let us actually use some common sense and make sure the rules are appropriate. I had one bloke from Arthurton ring me who had a $997 fine because he did not have gazettal notices in his vehicle. I appreciate the fact that minister Rankine has had those fines removed, and I am grateful for that, but let us get it right.

Bill read a second time.

BUS CONTRACTS

The Hon. C.C. FOX (Bright—Minister for Transport Services) (16:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.C. FOX: It appears that company names may have been mixed up at the end of my ministerial statement. For the record, the $46,043 fee reduction is for Transit System and the $50,455 fee reduction is for Australian Transit Enterprises. The ministerial statement provided to members and *Hansard* is correct.

SUPPLY BILL 2012

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (16:12): I move:

That the house note grievances.

Mr VENNING (Schubert) (16:12): The lack of consultation by this government is part of its want to control and centralise everything. We heard about the four school amalgamations today, even after the review committees opposed it. Yet another example is the maintenance of our hospitals, with engineering and building maintenance services and minor works of less than $150,000 in value at South Australian health sites to be provided by the Across Government Facilities Management Arrangements (AGFMA) over the next 12 months. Here we go: another disaster in the making.

One reason for the change is, 'to improve the management of government assets by reducing maintenance and operating costs'. We can all see what is going to happen here: costs will skyrocket and service levels will drop. It is said that the arrangement is aimed at achieving, amongst other things, competitive hourly rates. Current maintenance officers receive approximately $24 to $25 per hour, regardless of the job they undertake. Currently, these experienced maintenance officers do almost everything, including being on-call for 24 hours and, indeed, seven days a week. These are people who we all know, local people who have been doing it for years, and they certainly do not rip anybody off.

Once again, local employees with local knowledge will be lost. This will impact on country hospitals the most. It has shades of the Shared Services debacle. We all know what happened there. We were supposed to have shared services. Services left the country, came to Adelaide, and what did we have? A blowout in costs of millions of dollars. If current maintenance workers are able to continue with AGFMA they will have to work across a diverse range of sites, not only the one they know but if they are deemed to be a non-trade employee they will be either redeployed somewhere within the government or deployed to provide services to the AGFMA.

What about the maintenance officer who has worked at a country hospital for the past 20 to 30 years, and I know one, but does not have a trade? This Labor government is showing scant regard for their expertise and years of loyal service, some of it unpaid. These experienced people will be lost along with the long-term local tradespeople who have supported them, and the knowledge that these people have of these facilities will be lost. They will obviously cost a lot more. We know that. It is obvious that this will be a much more expensive exercise. It will probably include mileage. It will probably include overtime and penalty rates. With this government's record, this is bound to be totally counterproductive and another disaster.

I raise another couple of issues. There is a bridge in Nuriootpa called Robin Bridge located on Murray Street (the main street of Nuriootpa) in a very prominent position. I spoke about this

bridge in this place in 2009 and have raised the issue twice with the minister. The bridge was constructed in the early 1960s on land partly donated by the Robin family. The handrails of the bridge are supposed to be white and the railings a dark green colour, but the paint has deteriorated to such an extent that it is basically non-existent and very shabby, and the prominent lampposts are very unsightly indeed.

I have been contacted by a constituent and urged to again raise the matter. There is a strong community push to have this bridge repainted, so much so that, a few years ago, there was enough support from locals, service clubs and businesses that the bridge could have been repainted at no cost to the government. However, this was not—and is not—allowed to occur, and two reasons are given.

How can this be? Cop this: the paint that remains on the bridge—what little there is—is lead based and, because the railings and uprights would need to be removed, taken to Adelaide, sandblasted and painted and then repositioned, it would be a huge exercise. The reason given was so that any flakes of lead-based paint did not contaminate the South Para River, because they would fall into the river. I would find that laughable, if it were not true. The other reason that has been provided since I commenced this campaign was provided in correspondence from the Minister for Transport and Infrastructure in 2010. He said:

> The Department for Transport, Energy and Infrastructure advises that it does not permit volunteers to paint the Robin Bridge as it is considered to be a high-risk environment.

What a load of garbage! I cannot believe that, when a community wants to self-help, not only does it get no encouragement, it is told that it cannot. I also received a response from the minister in 2009 saying:

> The painting of the bridge will be included in a list of candidate projects for future funding and therefore it will be necessary to prioritise this project against other statewide projects.

That is 2009, of course. Guess what has happened? Absolutely nothing. Here is this bridge, right in the middle of the beautiful Barossa, looking terrible. Here we are in May 2012 and the bridge is looking far from its best. I wrote to the minister again on 30 March 2012 but to date have not received a response.

I urge the minister to have the bridge painted. To have a bridge in such a dilapidated state in such a prominent position does not reflect the Barossa's high tourism standard. If the government does not paint this soon, I will. I will put a tarp underneath the bridge to catch the bucketloads of paint—there might be a cupful—and dispose of it correctly. I will undercoat it with a premium sealer undercoat and I will paint it with a full gloss green. I will paint it. If I go to gaol, so be it.

Mr PISONI (Unley) (16:18): I would like to use this opportunity perhaps just to reflect on the education portfolio and what is coming home to roost now after the first budget.

The ACTING SPEAKER (Hon. M.J. Wright): Member for Unley, I think the clock has been set incorrectly.

Ms Bedford interjecting:

Mr PISONI: I know that the member for Florey thinks too much is never enough when it comes to the speeches of the member for Unley. However, I shall continue. I would like to take members back to the very first budget of the now Premier, Mr Weatherill, as education minister, where the entire budget was basically put together by the Sustainable Budget Commission, based on savings directed through Treasury. We saw today the charade that this government has been going through for the last two years, telling parents that, 'We are going to listen, we are going to consult, we are going to set up these review panels.'

As a matter of fact, they spent $375,000 setting up these review panels for ministerial appointees on those panels. Of course, the poor parents who sat on those panels were not remunerated for their time. Only the ministerial appointees were remunerated, to the tune of $375,000. That, of course, was done purely to save money. If you go to the budget papers for 2010, it will tell you that the co-located schools policy or 'initiative', I think they describe it as—it is an 'initiative'—will save $8.2 million over two years.

We also hear that the minister is telling us that there is a whole lot of new funding there for capital programs to deal with that, but the budget papers tell us that nearly $11 million was already there from existing investment funding that was already in the budget. So, again, not only do we

see the spin with the review panels, we also see the spin with the actual real cost or real benefit in the way of capital projects for these schools.

We have to understand, these capital projects are not for classrooms, they are not for equipment, they are not for canteens: they are for administration buildings. They are not for educational outcomes for these children because we know that there will be substantial cuts to leadership. Principals and assistant principals will be lost from these sites.

We all know how important it is to engage parents in school communities. We know that many of these schools are in disadvantaged areas and we know how much more difficult it is to engage parents in larger schools. The minister may very well say that these schools are operating like they are a single school, but the main difference is that there is a culture of involvement at the junior primary level in particular. I find it strange that this minister, who boasts about early childhood development, is making cuts at that very beginning of the education sector—the cuts to the junior primary schools—by removing specialist leadership in those areas and making schools bigger.

We also know the implications of making schools bigger, particularly in difficult areas—lower socioeconomic areas in Adelaide—that is, we see less engagement, with fewer kids turning up to school. This government continually, even today, makes large and loud announcements about how it has changed education in this state and how they have legislated to keep students at school to the age of 16 and keep students either in training, at school or in work to the age of 17.

Let us have a look at what effect that has had on attendance rates in that time. It is one thing to compel children, through the law, and their parents to have kids at school; it is another thing for students to actually turn up. What was interesting in FOI documents that were released to me several weeks ago, and were discussed in the media earlier this week, is that 27.8 per cent of the 166,000 students in the government system, or 46,391 of those students, missed school for the equivalent of two weeks per term. So, that is eight weeks a year or, if you like, two weeks off of a full term of school.

These figures also tell us that 28,000 of those students are away without reason. They are either wagging or there is no contact from the parents. The school, even if they do follow up, does not get a satisfactory answer as to why that student is not at school. Let us go back to FOI documents that I had from 2004 that show those same figures. The total number of absenteeism of two weeks or more was 9.1 per cent of the school population, or 12,500 students. So, what we have seen under the management of this government here in South Australia—the so-called 'education government' here in South Australia—is a tripling of the number of students who do not turn up for longer periods or for more days every year.

In 2004, there were 12,476 students—9.1 per cent of the student cohort; 27.8 per cent or 46,391 students are now not turning up for whatever reason, and 28,000 of those are not turning up for a full term or more per year. This is a shocking indictment on this government's inability to engage students in schools. I seek leave to insert statistical tables into *Hansard* that support my remarks.

Leave granted.

Absence rate/numbers with and without authorisation—Total Number of students away for 10 or more days Term 3, 2010

	Students	%	Number
Total Students	166,875	27.8%	46,391

Absence Rates by Index of Disadvantage, Term 2, 2004

		Index of Disadvantage						
Year Level	State Total	1	2	3	4	5	6	7
Reception	7.8%	12.7%	9.9%	9.1%	8.2%	7.4%	6.9%	5.8%
Year 1	7.1%	13.0%	9.4%	8.3%	7.3%	6.6%	5.7%	5.5%
Year 2	6.4%	10.8%	8.2%	7.4%	6.6%	6.1%	5.5%	5.0%
Year 3	6.4%	12.0%	8.2%	7.3%	6.5%	6.2%	5.5%	4.9%
Year 4	6.3%	11.2%	8.5%	7.2%	6.7%	5.9%	5.3%	5.0%
Year 5	6.3%	11.9%	8.2%	7.0%	6.4%	5.8%	5.4%	4.9%
Year 6	6.8%	11.4%	8.6%	8.0%	6.7%	6.3%	5.9%	5.7%
Year 7	7.0%	11.6%	8.8%	8.4%	7.0%	6.3%	6.2%	5.7%

		Index of Disadvantage						
Year Level	State Total	1	2	3	4	5	6	7
Primary Other	8.1%	8.2%	8.5%	8.0%	7.6%	8.8%	6.7%	7.0%
Year 8	9.6%	20.2%	14.8%	10.6%	10.1%	8.2%	8.1%	6.8%
Year 9	11.2%	25.5%	16.2%	12.4%	12.5%	9.7%	9.3%	8.0%
Year 10	11.9%	22.2%	17.8%	14.7%	13.3%	10.1%	9.7%	8.6%
Year 11	11.0%	20.9%	15.2%	13.3%	12.5%	9.9%	9.5%	8.1%
Year 12	10.4%	14.9%	13.2%	11.7%	12.7%	8.8%	8.8%	9.3%
Secondary Other	10.7%	15.0%	15.8%	9.6%	8.0%	9.2%	9.4%	9.1%
Primary Total	6.8%	11.7%	8.7%	7.8%	6.9%	6.3%	5.8%	5.3%
Secondary Total	10.9%	21.5%	15.7%	12.5%	12.0%	9.4%	9.1%	8.1%
Total	8.2%	12.7%	11.4%	9.4%	9.2%	7.3%	7.1%	6.2%

Number of Days Absent, Term 2, 2003 and 2004

Number of Days Absent	2003			2004		
	Number of Students	Percentage	Cumulative Percentage	Number of Students	Percentage	Cumulative Percentage
0	35,046	22.4%	22.4%	35,109	22.7%	22.7%
1	29,002	18.5%	40.9%	28,118	18.2%	40.8%
2	21,818	13.9%	54.9%	21,247	13.7%	54.6%
3	15,762	10.1%	64.9%	15,434	10.0%	64.5%
4	11,495	7.3%	72.3%	11,739	7.6%	72.1%
5	9,259	5.9%	78.2%	9,059	5.9%	78.0%
6-10	21,601	13.8%	92.0%	21,651	14.0%	91.9%
11-15	6,791	4.3%	96.4%	6,672	4.3%	96.3%
16-20	2,675	1.7%	98.1%	2,698	1.7%	98.0%
21-30	1,945	1.2%	99.3%	1,977	1.3%	99.3%
31-40	679	0.4%	99.7%	721	0.5%	99.7%
41 +	404	0.3%	100.0%	408	0.3%	100.0%
Total	156,477	100.0%		154,833	100.0%	

Mr PISONI: You might ask: 'What is interesting about the impact of the 2010 budget? Why are we talking about the 2010 budget when we are only a few weeks away from the 2012 budget?' The reason is that a lot of the decisions that Mr Weatherill made as education minister, in his first budget as education minister, are starting to impact now. What we saw today was the beginning of the impact of one of those decisions for the school year starting next year, which of course was the forced amalgamation of schools.

When that announcement was first made, there were about 78 schools, I think it was, which included high schools and primary schools being forced to amalgamate. One school that comes to mind is Modbury High School, which is the only traditional high school in the district where the high school is separate to the primary school, and it was under this hit list of forced amalgamations. I have to congratulate Julie Caust, who is the chair of the governing council at that school, who took up that fight. She contacted my office and we took up that fight.

Ms Bedford interjecting:

Mr PISONI: She came and saw me because, unfortunately, the member for Florey was not very sympathetic.

Ms Bedford: That's not true.

Mr PISONI: That's what she told me. She felt that you did not have the ability to make any difference. That is why she came to see me.

Ms Bedford: And you made all the difference?

Mr PISONI: I made all the difference. I got the minister to backflip on that decision, and none of the high schools were forced to amalgamate in that instance—not even an evaluation process. It just shows you what a farce this review process has been, because minister Weatherill, as he was at that time, made a decision to backflip on the high school and primary school amalgamations because he could not handle the political heat in that instance in marginal Labor seats.

Of course, we need to understand that the difference with the primary school amalgamations is that they were almost exclusively in safe Labor seats or Liberal seats. There were no schools amalgamated in marginal Labor seats. Isn't that ironic? We went through this farce of a process that this government insisted on. When they were in opposition, it was this Labor Party that insisted on this process for the amalgamation and closure of schools, yet they have gone through this process simply so they can say, 'We have consulted,' and then ignored that consultation process. They are only obeying the law. They are certainly not taking into consideration the concerns that those parents and school communities had.

I think that is an indictment on where we are with this government today. The Weatherill government is no different to the Rann government, other than the fact that they employ consultants to help them disagree or take on those that are challenging decisions that they have announced and that they are now defending.

Ms BEDFORD (Florey) (16:29): As I move around the Florey electorate, one of the issues that continually crops up lately is the concern about council rates rising and the debt of one of Florey's local government areas, which is the City of Tea Tree Gully. The City of Tea Tree Gully has recently announced differential rate rises of 50 per cent on businesses. It would be fair to say that there has been a good deal of outcry on the result this impost will have on local businesses and the flow-on to the wider local community.

I speak to local traders all the time. Following an article in the *Leader Messenger* on 29 February this year, I called into Tea Tree Plaza to see local newsagent Peter Nutter and his wife Tracy. The article says that Peter and Tracy have been in Tea Tree Plaza for over 30 years, and I have certainly known them to be there that long. They say it is a bad time for business at the moment due to many factors and they simply do not understand why Tea Tree Gully council is imposing such a big increase. Like all small business owners they spend a lot of their time in their shop. They employ eight people at the moment and say that they would have to consider cutting staff hours to make ends meet, meaning much less family and free time for them. Quoted in the article, Peter said:

> My wife and I will have to swallow the cost somehow, and sadly that will be in labour. Our costs are governed by recommended retail prices of magazines, greeting cards and newspapers. Small business is the biggest employer of local residents. This is a disappointing council decision that will impact on employees as well.

I refer to the transcript of the recent rating review public meeting chaired by Stephen Hains, a well-respected and, in this role, independent chair with acknowledged local government expertise. Local shopping centres were represented by spokespeople or owners. Westfield Tea Tree Plaza, the largest shop group in our area, was represented by Mr Malcolm Creswell, who, with experience from the Marion site—Marion and Modbury being South Australia's two largest city regional centres—does not oppose differential rating but does 'oppose the timing of it for a start'.

He went on to reiterate the tough times retailers face and felt notification in December, when most retail businesses are at their busiest and have completed next year's business plans and budgets, was unfair. He said TTP had plans and budgets that were signed off in October, and I quote again:

> ...now at the beginning of July, there's a chance we could have $800,000 increase in our (TTP) rates.

He went on to say that he was involved in Marion council's process, which was staged over two years with a year's notice. That implementation is nothing like what traders in the Modbury area are being forced to face.

The last and perhaps most damning point that Mr Creswell made was that no market research has been done on the impacts of this decision on the businesses and the local community, something that would seem a reasonable exercise on the strength of the size of the proposed impost. It would be fair to say that several people rightly raise the feeling that the decision already had been made and the process of a public consultation was merely going through the motions and spin.

Council was asked what criteria were used to provide what they called 'a fairer rating system and funding for agreed service standards'. If a minority 3 per cent of ratepayers is subject to this enormous increase, in what way is this new system going to be fairer? Will council conduct a study on the possible long-term impact of the new system before implementing it, and who will be held responsible if an increase of this magnitude, targeting commercial and industrial ratepayers, triggers a massive exodus of businesses and job losses?

The Florey area is surrounded by dormitory suburbs. We do not have industries locally, only retail businesses. They are doing it hardest and everyone holds grave fears about the outcomes the proposed increases could trigger. According to an article by Sydney's Richard Noone in *The Advertiser* on 16 March this year, the National Retailers Association has commissioned Ernst & Young to compile a first ever report with in-depth data on the fate of the retail sector. They claim more than 118,000 retail jobs, or one in 11 throughout Australia, will be lost over the next three years because of a range of factors.

Businesses raised in the public meeting the scenario of people from the community having to commute further to find employment. So, there is a recognised need for sound research and planning. These remarks and sentiments were reflected by other local business owners. Our area's one big hospitality site also made a submission. Their biggest concern was about the timing and staging of the increase.

A local hotelier, who has a longstanding commitment to the area, said he does not get any services from the council and cannot see how a 50 per cent rate increase in one hit can be justified. This feeling was shared by many. Most business people say they have never seen a 50 per cent increase and just do not know how they can meet it. One compared Tea Tree Plaza to Burnside, which has recently been upgraded. Costs are apparently similar, and so with this increase on the radar the trader in question has opted to set up in Burnside.

Other owners have tried to tenant their vacant shops, as people have been forced to close down rather than sell because of poor economic conditions in the area and a lack of disposable income. I quote:

> People come to look (to set up) but go to other areas because of better economic opportunities and bigger populations, more economic activity and better planning and regulation from council. In desperation, landlords have tried to sell their properties but just can't realise market value.

Another submission was from Ms Liz Davies, a prominent local business person, who represented the Liberal Party at the last federal election. While not objecting to the concept of differential rates, she said in part:

> ...the extraordinary rate hike for non-residential users is outrageous. CPI increases of 3.6 per cent per annum are usually the norm not 50 per cent or 75 per cent unless businesses are faced with ambient log of claims. It will put an extra burden on cash flow in businesses that are facing tough economic times. Please reconsider the impact on local business as this would mean less money and jobs in the area.

Importantly, there is no guarantee from Tea Tree Gully council that the residential rates will be on hold from July 2012 and, further, how long the rates might be on hold. Residents have been told that rates would go up 8 per cent if the differential increase does not go through.

Another presenter told the public meeting that reducing the burden of future rate increases on residential properties could be controlled in two major ways without favouring one group or discriminating against the other. Councils should identify more justifiable ways in which to generate revenue and increase accountability and implement internal savings measures. It was claimed that nothing much has been heard about council reining in spending and that the premature adoption of a new differential rating system would create long-lasting negative effects for all ratepayers.

Some people felt that councils raise rates with impunity 'possibly because they do not obviously have political parties to compete against each other'. Council is urged to moderate its expenditure and keep rate rises in line with cost of living measures. Others asked what businesses would get for this massive rate increase, and the answer seemed 'nothing good'. Council was urged to plan expenditure in line with income and leave off non-essential projects and to make sure that they are getting the most from every dollar. An example of waste was the replacement of a perfectly good sign by another simply because they featured a new design.

More worryingly, I have been told that the mayor and CEO of Tea Tree Gully council are in favour of council changing the lease and licence agreements with local community and sporting clubs. They want to scrap the peppercorn lease arrangements and start charging clubs more to pay off council debt, which I believe is currently at $37 million. Surely, this plan cannot be true. Hitting

the most vulnerable groups in our community, providing the necessary services and recreational opportunities for our locals, all with voluntary helpers, is not the way to go.

How did we get into this debt? I am told that a recent audit committee spreadsheet for the 2009-10 year showed a $20 million increase in debt in two years. It is bad enough that these rate increases apply to businesses, mostly local retailers, but there were submissions about vacant land and the spurious contention that higher rates will encourage development. What I hear is that people are facing all sorts of economic factors prohibiting development and so, as a stick rather than a carrot, they will be facing a huge increase—a double whammy. They believe that this rate rise is a blatant money grab, robbing Peter to pay Paul, to balance the budget that has got away from council.

Some business people raised the ability of businesses to pay and the resulting impact on residents. If businesses have fixed prices, they cannot pass on rises to customers, so they will face staffing cuts and closures. If they can pass on rises, the consumers pay. If consumers lose their job, their disposable income goes down. If there is no research into possible outcomes, no-one can plan. Any way you look at it, business people are very worried and councils should be too. All presenters agree that the rate rise needs to be timed to better economic conditions, staged over a longer period, after research and better consultation, and be kept in line with the cost of living rises. A minority of councillors raised these concerns at meetings but were outvoted.

Lately, and more worryingly, I see the sale of local parks and reserves in the longer established Tea Tree Gully council suburbs is again being raised, and it is causing anxiety and stress to local residents—in another revenue raising exercise, I imagine. Selling open space will not keep Tea Tree Gully one city naturally better. Local residents (and I have been one for 35 years myself) all want council to keep open space, particularly in suburbs such as Gilles Plains, where I know the member for Torrens was actively involved in making sure that parks have been upgraded and made reasonable.

Mrs Geraghty interjecting:

Ms BEDFORD: That was when she was in charge of that particular area before a boundary change saw it come back to Florey, where it had been many years ago.

Mrs Geraghty interjecting:

Ms BEDFORD: I know she is joining with me now in expressing her angst at the Tea Tree Gully council's decision to sell off these parks. We put on notice to the Tea Tree Gully council our intention to follow this up.

Mr PENGILLY (Finniss) (16:39): I am sure that Miriam Smith's council will be delighted with that rant. I want to turn to a matter that the Minister for Veterans' Affairs raised in the house yesterday when he talked about the unveiling of a plaque for Sapper Jamie Larcombe at Parndana School on Kangaroo Island. I was asked last week by the family to thank the community—and I mean the Australian community per se—on behalf of the family for every bit of assistance that has been given over the last 12 months. I spoke to the Treasurer after the function because I forgot—and I apologise to him—to thank the state government last Thursday for their efforts in procuring the plaque and for their assistance with the unveiling, and I would like to put my gratitude on the record.

On the same matter, I give my gratitude to the former premier, Mike Rann, and the former minister for veterans' affairs, Tom Kenyon, who last year after Jamie's death contacted me in relation to meeting with the family and were very helpful—particularly the former premier, Mike Rann. I had a great deal of respect for the way they went about meeting with the family at the time, and I just want to put that on the record now.

In the few minutes available to me, I need to pick up on the matter of school amalgamations. I am bitterly, bitterly disappointed at the announcements today. I find it incredible that all these schools got the same letter just with the address and the name of the school changed. I find it an affront to the good people of South Australia, particularly those associated with these schools, that they went through these amalgamation processes, they took places on the committees, and they gave of their time—

Mrs Geraghty interjecting:

Mr PENGILLY: Look, if the member for Torrens wants to have a crack, she can have a crack in a minute, but I have the floor at the moment. Let me say—

Mrs Geraghty interjecting:

Mr PENGILLY: I seek your protection from this vicious attack, Mr Acting Speaker.

The ACTING SPEAKER (Hon. M.J. Wright): It's so vicious, I don't know how you are coping.

Mr PENGILLY: The reality is that there are scores of good South Australian citizens who took part in this process on school committees, who gave countless hours and who have actually been dropped on by the announcement by minister Portolesi today. We had a sniff about what was coming about two or three weeks ago. I go back to the recommendation made by the committee of the Victor Harbor R-7 School. They were pretty much told what they had to do in their recommendation; however, they said that:

> The decision of the committee is not to amalgamate the Victor Harbor Junior Primary School and the Victor Harbor Primary School. The review committee therefore makes the following recommendations: the Victor Harbor Junior Primary School will not close; the Victor Harbor Primary School will not close; the Victor Harbor Junior Primary School and the Victor Harbor Primary School will not amalgamate.

After all of the hours of work that they did—and that included having people on the committee from the local community such as mayor Graham Philp and others—they had countless committee meetings, they did enormous amounts of work, they used vast resources to get this report together, and it has been poo-pooed. I find it disgraceful.

It is interesting to see in the last two or three days that the former minister for the environment and the former minister for education, now Premier, has turned around and walked all over the good people of South Australia, both with the education amalgamations and with the marine parks announcement. You just wonder where this government is going. It has no morals as far as I am concerned, no morals whatsoever. It is totally intent on getting itself re-elected in 2014 and it could not care who it walks on in getting there.

I can tell you that the chair of the Victor Harbor Primary School Governing Council went into my office this morning. They learnt what was going to happen and they were greatly upset, and so they should be. Because of financial incompetence, this government has had to turn around and do this, and try to pay off schools cheaply for 12 months to achieve its stated aim of reducing the budget. The budget overrun, the budget deficit and the cost of running South Australia is like it is because they are totally financially inadequate—they have been for a long time and they are getting worse.

They can turn around and blame poor old Kevin Foley but now they have their hands on the till. The Treasurer, the Premier and other ministers have their hands on the till, and we have seen what a mess the health minister has got himself into in the last few days and it is only going to get worse. It is going to get worse and the Lord alone knows what it is going to look like by 15 March 2014. Heaven knows what it is going to look like; it fills me with despair.

The issue of school amalgamations is going to bite deep into the South Australian community and this government. It is a stupid decision and I can only see that it will turn more and more people against this government. I feel bitterly disappointed for the people of Victor Harbor whose children attend these schools and I feel desperately disappointed that those who are responsible for the finance at those schools are going to have less to play with and they are going to get shafted. They will have to reduce programs and ultimately it will be the kids at the school who suffer while the Minister for Education can take her great big salary and make these announcements in parliament without any fear of anyone coming after her whatsoever.

Let me tell you that, when the time comes for the next state election in 2014, I reckon I can round up a few dollars to knock off the member for Hartley—I am sure we can. I feel certain that the money will be forthcoming. We will beat her comprehensively and I am sure that the people from my area, as they have done in the past, will put their hands in their pockets to get rid of this incompetent minister and this incompetent government.

I would like to revisit the subject of marine parks, which I spoke about yesterday and mentioned a while ago. The MAG committee on Kangaroo Island met this morning. I have not had a chance to hear what they had to say but they are bitterly disappointed with the announcements. It seems to me that the member for Flinders' area around Ceduna, and parts of my electorate, are being crucified in the name of the great green monster, as I said yesterday.

I return to the subject of the Adelaide metropolitan area: the worst and most highly degraded piece of coast in the state, with no marine park. This is where it gets absolutely

nonsensical. If this government and this department had any brains whatsoever and wanted to do something genuine about the environment, the first thing they would have done was turn their attention to the scores of kilometres along the metropolitan coastline from Outer Harbor in the north to Seaford in the south and do something about that. They should turn that into a park and put some plans in place to try to rehabilitate it and get it going again instead of taking a knife to rural areas, destroying business opportunities, destroying families' lives and the way they go about their normal fishing industry business, and destroying recreational fishing. I find the whole thing offensive, quite frankly.

The former minister for the environment, now the Premier, was the one who micromanaged this and he stands accountable. The minister for the environment was given the big shunt on this. Quite clearly it has been micromanaged by the Premier and he can wear the ramifications.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (16:49): There are a number of issues I want to canvass in the 10 minutes available to me today. I will start by continuing on from the remarks that the member for Finniss concluded with about the marine parks fiasco in this state and back up his comments about the marine environment off the metropolitan area.

I would urge the government to have another look at the Adelaide Coastal Waters Study which was commenced under the previous Liberal government in about 1999 and which I think was instigated by minister Di Laidlaw. It took some five or six years before it was completed. That study clearly demonstrates that there is a significant problem with regard to the marine environment off the metropolitan beaches of Adelaide, and it clearly demonstrates what some of the issues are, and one of the principal ones, obviously, is stormwater, which still flows out to sea every time it rains.

That is one of the reasons why the opposition took to the last election a comprehensive integrated stormwater management policy, something that this government has chosen to basically ignore. It is not just about seeing stormwater as an asset rather than a liability: it is about doing something to protect our coastal waters, something positive which is completely unlike the outcome that we will probably get from the current marine parks debate and fiasco which has been going on for over 10 years now.

As I said, there are a number of issues I want to canvass. Let me refer to a couple of comments that have been going around of late. I noticed in the press last week, if not earlier this week, where the Premier was quoted as saying that it is motor cars that make people fat. He was talking about making Adelaide a more pedestrian-friendly city and getting people out of motor cars and onto the footpaths. Let me suggest to the Premier that the first thing he should do if he wants to make Adelaide a more pedestrian-friendly city is to get the buses running properly, because if people are not coming into the city in their motor cars a lot of them will want to be coming into the city on public transport.

We heard the minister today in question time, and she did acknowledge that, in some instances at least, the bus companies have got problems with increasing numbers of vehicles on the road which is curtailing traffic speed. That is, indeed, something which is a real problem in Adelaide, and a lot of it goes to decisions taken by this government. You only have to go out in front of this very building in peak hour and see the fiasco that is caused with the number of traffic lights from the North Terrace-King William Street intersection going west towards West Terrace.

In a space of about 400 or 500 metres I think there are seven sets of traffic lights. It is just madness, and this government wants to build the major hospital for the state just a little further down the road. Just imagine how disastrous it is going to be getting ambulances in and out of that hospital. If they come from the Port Road end, it might be fine, but if they come from any other sector of the metropolitan area it is going to be a disaster. Can I just say to the Premier: if you have an issue with too many people using their cars, talk to your minister for bus timetables and, for God's sake, get it out.

The minister needs to be a little bit more open and accountable about what is going on, too. She refused to answer a question from the opposition yesterday. The question being: is there a penalty, is there a cost impost, to change the timetable before 1 July? The minister went to the point, 'Yes, we actually have to print new timetables and that costs money, etc.', and a couple of other things. She did not answer the question: is there a penalty clause in the contract? I believe that there is, and that is why people will remain inconvenienced for another couple of months by a timetable system which is just not working.

Another issue which I read with some interest in the media—and, again, it was quite recently; if not earlier this week it was late last week—where the Minister for Police was canvassing the idea that we in South Australia may impose a $300 levy on South Australians who happen to have a motorcycle licence endorsement on their driver's licence. What an absolute absurdity. I am sure that the thousands and thousands of South Australians who have a motorcycle endorsement on their driver's licence will not be voting for this government if they go ahead with that stupidity.

I would suggest that more than half the farmers in the state have a motorcycle licence so that they do not break the law when they happen to chase a stray animal off the roadside, or something, because motorcycles are a very important tool of work in the farming industry. Supposedly, they are going to be slugged another $300 for the privilege of being able to ride their motorcycle to bring back inside their fences a stray animal, or something. In a lot of cases that is the only reason why they have a motorcycle licence, so that they do not break the law.

The reality is that motorcycling is a recreational activity. There are huge numbers of people who use motorcycles just for that purpose, not for day-to-day commuting but for recreational activity. I happen to be one of them myself, having been a motorcyclist for most of my life. I think it is an absolute absurdity.

I want to take the opportunity to also comment on the Premier's answer to one of the Dorothy Dixers today in question time when he had a red hot crack at the Murray-Darling Basin Authority, particularly the CEO, Craig Knowles. The Premier does not get it. He is suggesting that there is not an option of not having a plan. He is possibly right. But remember, there were people who thought it was not an option to not complete the Darwin to Adelaide rail line. How many years did it take to complete it? It was completed.

If the Premier continues to be part of the problem, rather than attempting to be part of the solution, that is what is going to happen with the Murray-Darling Basin plan. We will still be arguing about it in 100 years time. It needs people like the Premier of South Australia—who should be an incredible winner out of this process—to get on board and seek to be a part of the solution and not continue to be part of the problem. One hundred-odd years of bickering is not what this Premier is about ending, he is about continuing it.

I remind the house that on the very day the draft plan came out for consultation this Premier's first response was to talk about High Court challenges, rather than getting on board, looking at the draft plan and saying how it may well be improved, and working with the MDBA instead of working against it. I also remind the house that it is this government that has claimed to be the architect of the Murray-Darling Basin Authority. It is this government that has, over recent years, claimed all the credit for the establishment of the authority. It is this government that said, 'We've established an independent authority which will base the plan on science', and yet it is this government that is the first cab off the rank when it comes to crying foul.

I suspect this Premier thinks there is more political opportunity if he is in the camp that destroys the plan as it is going forward, so that we continue to bicker over the next 100 years. South Australia will be the loser, but, more importantly, the river and the river communities. Obviously, this government does not represent any of the river communities, but it is those river communities that will be the real losers. They are already suffering and have done so for a significant number of years.

I think it ill behoves the Premier to be, as I say, a part of the problem. It is time he got on board. It is time he sought to bring the states together and get the best possible outcome he can for South Australia, not to destroy the good work that is being done by the MDBA to try to come up with a solution which is going to benefit both the river and river communities and, indeed, be of great benefit to South Australia. I have a genuine concern about the current Premier's attitude.

Mr GARDNER (Morialta) (16:59): As many members would be aware, Friday 13 April marked the beginning of National Youth Week, and a number of members would have attended functions to mark that. Those members who spend a bit of time in the chamber during grievance debates will be inspired and happy to know that I will be commenting further on some of the events that I attended at the next opportunity I get. The theme for this year's National Youth Week was 'Imagine. Create. Inspire.' That theme inspired me to imagine a state where we created a juvenile justice system that was worthy of the name.

The Cavan outbreak in February has received some attention in this chamber, but I wanted to place a few things on the record about the report into that nearly catastrophic failure in security. We did not have the opportunity to do so when the report was released during that sitting week. I

note that the minister in another place bragged of how his office had offered me a briefing on that report before it was released.

Just by way of filling in the house on the way that this government conducts its business and the manner that it takes to consultation, I can inform the house that I was indeed given the opportunity to have a briefing with the minister's chief of staff, the CEO of the department and another adviser at which we were not provided with the document on which we were being briefed and we were advised, when we asked any questions about the substance of that document, that the information would be contained in the document which we could read when it was released. I had not encountered such an extraordinary approach to public policy, and I look forward to going into some of this in estimates.

That meant that we were not able to discuss it in any detail in the house at the time, but I want to put on record the security failures at the Cavan Training Centre that led to the escape of eight young offenders, some of whom were on trial for, or convicted of, extremely violent crimes—a number of which were indeed murder. I believe there is firm evidence that the security failures that led to that escape are the result of 10 years of poor management by a Labor government obsessed with spin rather than good government.

It is not good enough for the government to suggest that staff are to blame for this monumental security failure. Many of these problems would not have occurred if the government had paid more attention to public safety and risk management at the centre or, indeed, if the government had gone through with the project that was already on the books, was already in the budget after the previous Liberal government, to build a new centre for high-risk young offenders 10 years ago rather than next year under this government's plan. This 11-year delay is definitely part of the reason for this catastrophic breakdown in security.

I note that at the moment our system at Magill has the places for those offenders between the ages of 10 and 18, some of whom have committed serious offences or are being remanded for serious offences but, by and large, the more serious end of the spectrum are those who are in the existing Cavan facility. Those at the more serious end of the spectrum will be moved to the new facility which will have improved security, which will have improved systems, and those who would currently be in Magill under the current arrangements are going to be at Cavan. If the new facility had been up and running, many of these things would not have occurred.

However, in addition to the specific problems that relate to this specific escape, the minister's review conducted by officers from the department of corrections did note a number of systemic problems. Let us go through a couple from the review. On 29 of the 98 days between 1 January and 2 March, no perimeter patrols were undertaken—that is, 30 per cent of the required security patrols were not undertaken. I note that the Cavan Training Centre did not have at the time of the review—which was a couple of months ago now—an operational procedure detailing how to conduct a security patrol of the perimeter or detailing what is expected of the patrollers or the control room.

In May 2011, it was decided that safety procedures would remain unchanged until the new operational procedures for the new Cavan centre currently being built were determined and, of course, some nine months later, we found that that was probably not the right approach to take. Page 4 of the review notes:

> There is little evidence that [the Cavan Training Centre] conducts post incident reviews or root cause analysis. As a consequence, staff are not able to learn from an incident or improve procedures or training.

Page 5 of the review notes:

> During discussions with [Cavan] staff, it was indicated that:
>
> - [Cavan] does not have a formal Incident Management System.
> - [Cavan] does not have a committee to review its operating environment.
> - [Cavan] does not schedule the testing of escape contingencies or of any other emergency procedures.
> - The conference room at [Cavan] doubles as an emergency control centre...however there is no evidence that the equipment needed for an [emergency control centre] to operate effectively (such as radios, PC systems, telephones, photocopier, desks, tabards, electronic clocks, whiteboards, wall maps and floor plans) or the operational and emergency procedures to be referred to are in place.

This is a litany of serious problems that have been in place after 10 years of Labor.

Page 8 of the review notes that Cavan does not conduct tool audits or reconciliations and does not have a master tool register. Only tools valued at $50 or greater are reported on the assets register in the learning centre. Teachers place their own orders for tools and materials through an internal purchase order system but no approval was necessary for Cavan management.

Given that, as I will get to shortly, a hacksaw blade from one of the education centres within Cavan was used to cut through the fence and make the escape, it is noteworthy that there was no tool register in the entire facility. I quote from page 17 of the review, noting that:

> Based on the information available to investigators including the information outlined above it is found that:
>
> 1. There is no specific instruction on supervision requirements for staff dealing with residents.
>
> 2. Procedure * [blanked out] does not identify specific search/security check instructions for all areas within unit accommodation.
>
> 3. There is a lack of consistency in search/security checks conducted by staff within unit accommodation.
>
> 4. There are three areas in which staff are required to record/identify searches/security checks conducted.
>
> 5. There is a lack of consistency in the appropriate recording of searches/security checks conducted.
>
> 6. Conflicting priorities have often meant that security checks are not completed appropriately, or at all.

Specifically in relation to the escape in February, I note that there are no records of security checks being conducted between 23 February and 28 February on the unit in which the escapees were based. The report found on page 13 that there were three toolboxes in a storage area at the rear of the metalwork room, the contents of which was not determined. Residents in these classes had unsupervised access to this storage area during the course of a lesson. At least one of the toolboxes was unlocked for a period to identify any tools appropriate for use in the horticulture class. Residents moving between the metalwork room and the outside recreation area during class were not searched and tools and equipment moving between these areas was not searched.

Further, based on the information available, the report found that one of the residents, X, secreted one half of the hacksaw blade down the front of his pants during the afternoon outside recreation visit on 21 February. Resident X was not searched when he left this area and returned to unit X. Resident X secreted the other half of the hacksaw blade down the front of his pants during the afternoon outside recreation visit on Wednesday 22 February and resident X was not searched when he left this area and returned to unit X. Finally, and I quote again from page 15 of the report:

> During interviews conducted with staff regarding the searches of the accommodation units it was put that, due to conflicting priorities on many shifts, the searching of areas within the unit was either done superficially or not completed.

This is a litany of failures that includes systemic problems as well as specific procedure breakdowns that were specific to the escape in February. The result of this is that eight dangerous young offenders were able to cut through the inner fence, jump the outer fence and escape into the community where they posed a clear and present threat to public safety.

There is a very, very high financial cost to the state of this escape, of course, because the incredibly intense police resources that were needed to recapture the seven within 24 hours and then the last one a couple of weeks later came at a high financial cost. As I have previously, I commend the police officers for their excellent work and the work that they did. There is further a social cost of a loss of confidence from the community in the systems we have in place.

The minister has done some work. We have a new person in charge of Magill and Cavan and I wish them all the best. I look forward to the minister outlining to the parliament what procedural improvements or even that procedural improvements have been undertaken to fulfil the many, many problems identified in this report, both systemic and of a direct nature, specifically to the escape in February. I look forward to that coming from the minister. I hope he will do it soon because the community deserves better. The community needs to have confidence in our youth justice facilities.

Mr PEDERICK (Hammond) (17:09): I rise today to make a grievance speech in the Supply Bill debate. I just want to make some comments on the latest developments regarding marine parks, where a map with a few green spots on it has been placed on the website and we are trying to work out exactly where the new sanctuary zones are. I want to give Daryl Spencer's

version of what he thinks of the new sanctuary zones. He is the President of the West Coast Crayfishermen's Association. His letter to me today is titled 'A Northern Zone's Perspective'. I quote directly from his letter:

> Hello good people.
>
> Anyone who has had anything to do with management/research in the Northern Zone Rock Lobster Fishery over the past 20 years should have alarm bells ringing in their ears after the release of the latest version of the sanctuary zones.
>
> This has the potential, unless changed, to devastate a fishery which has been on its knees over the past five to ten years. We have endured just about everything you could imagine being thrown at us: 50% quota cuts, the SARS virus, the biggest upwelling in history as well as the uncertainty of the Chinese market.
>
> There is no alternative but to either change these new zones or the Government must compensate.
>
> And then you will not have a fishery as the guts will have been ripped out of it—senseless, as this industry is sustainable and provides employment and much needed export income, and direct income, to regional areas of South Australia.
>
> Common sense must prevail; the managers and researchers must stand up and show that this will happen.
>
> Once these areas of Lobster bottom are locked up the biomass attached is lost—our significant bulk of tagging data shows this. 90% of our lobsters are territorial, they don't move from settlement to the time they are caught or die.
>
> We have an 'oasis-type' fishery where we have a quota of 310 tonne in an area TWENTY times the size of the Southern Zone which has a 1,250 tonne quota.
>
> THINK ABOUT THAT.
>
> So this should show you that if you lock up these oasis areas, which may seem small, but with the majority of the other areas 'desert' or sand, the impact will be huge.
>
> We, the managers of the fishery, have worked hard at making this fishery sustainable. Those in power responsible for making these decisions must be alerted to the mistake they are making.
>
> We are all in favour of marine conservation via marine protected areas. But they must be implemented in a sustainable way with real science backing them up and all the facts/justification on the table.
>
> This doesn't seem to be the case at the moment. Aside from banning commercial fishing, which should be addressed under the Fisheries Act, what threats or risks will these sanctuary zones protect against? They won't protect against climate change, run-off from the land or commercial shipping. And all of this at the expense of our sustainable, low impact, export fishery.
>
> I hope this gets the message across and that the Government is listening. Let's learn from the MISTAKES made in Victoria.
>
> Everyone needs to keep at it or risk seeing a fishery fade away.
>
> Daryl Spencer
>
> President West Coast Crayfishermen's Association
>
> Port Lincoln S.A.

He certainly is not a lone representative of different fisheries groups around this state still voicing their disgust at these proposed sanctuary zones put out by this Labor government.

Another issue that I want to discuss today is the forced schools amalgamation. This involves one of the schools in my area. The Murray Bridge Primary School and the Murray Bridge Junior Primary School will be forced to amalgamate. I presented a petition to this house on Tuesday 18 October 2011, signed by 723 residents of Murray Bridge and Greater South Australia, requesting the house to urge the government not to go ahead with the proposed amalgamation of the Murray Bridge Primary School and the Murray Bridge Junior Primary School.

The review committee states that it received a total of 112 submissions/petitions against the amalgamation, with only one being for the amalgamation. The result of this review is likely to cut or reduce the following programs: breakfast club; canteen upgrade for the student pathways program; student physical education programs, which means equipment, the gymnastics program, hydrotherapy and Be Active; and the dance media program will be halved.

Neither the primary school nor the junior primary members were in favour of amalgamation. The review committee acknowledged that the pilot amalgamation has affected support staff workload, roles and responsibilities. This amalgamation will result in the removal of base grant funding to these schools of $358,000. This reduction of funding will see programs such as yard support, pedal prix, artists in residence and mentoring programs reduced. With the amalgamation

and loss of funding, this will have a negative impact on the educational and social needs of the school students.

The loss of leadership accessibility and support for counselling and direct intervention in behaviour management and loss of support programs will lead to problems carrying over into classrooms. School support officer hours are to be reduced, which assists students with disabilities such as Asperger's and ADHD, who are integrated within mainstream classrooms, and social programs. The conclusion reached by the panel clearly reflects concerns or doubts expressed by Australian Education Union members and community members, and these concerns arise from the loss of significant funding to the school under amalgamation. After all of the above, the review committee made the recommendation that the schools amalgamate. This was signed off on 19 December 2011.

I want to read the minority report by Virginia Gill into *Hansard.* Ms Gill was the AEU representative on the Murray Bridge amalgamation review panel. She indicates that she is submitting a minority report for the following reasons:

As indicated in the report, the vast majority of the submissions from the school community were opposed to the amalgamation due to concerns deemed by them to be very significant. These include:

- loss of specialised intervention programs to support students with special learning needs, including a reduction in SSO hours for classroom support for these students;
- the need for well resourced staffing and initiatives to engage positively with students, parents and members of the wider community in a complex category 2 site;
- increased demands on the workload of the leadership team and the principal in particular, leading to reduced accessibility to the principal by parents and the wider community members;
- reduced resources for programs and strategies to support Aboriginal students in their learning to close the gap in terms of learning and life outcomes for them; and
- concerns about staff morale and wellbeing expressed by primary staff in particular during the trial amalgamation pilot in 2011;

Submissions/petitions opposed to the proposed amalgamation numbers 112, and only one was in favour of the amalgamation. This is particularly significant in my decision to lodge a minority report, as the voice of the school community, while certainly not ignored by the panel, is so overwhelmingly opposed to amalgamation in 2013.

Still quoting from Virginia's minority report, she states:

I would like to acknowledge that I believe the principal and all panel members acted in good faith and that the processes undertaken to prepare the panel report by the chairperson in particular were comprehensive. My key issues focus on the reduced finances available to such a high-needs, complex site, and the views of parents, teachers and support staff provided to the panel in consultation process. My understanding is that the process of setting up the amalgamation review committees was to investigate the issues as seen by the communities and the schools. I believe it is clear that the community's preference was that the two schools retain their separate identities. I am also very concerned that the community may respond very negatively to a decision to amalgamate the schools, given their strong opposition to it.

That is why I cannot understand why this process worth $375,000 was spent by the education minister to talk about a proposal to amalgamate schools when, obviously, the minister and her department and this Labor government had already decided because they could save about $5 million across the state—I think it was already decided.

This is so-called consultation, with just a tick the box, thinking that they talked to community members. They do not even listen to their own union members who support the Labor Party. They certainly came into my office. I have never had so many union members in my office at any one time lobbying me to stop this proposal. It shows that this government will still operate in an announce and defend way of doing things instead of consulting in a proper manner so that communities can get the right outcome.

I believe this will have a damaging impact on the educational outcomes at the Murray Bridge Junior Primary School and the Murray Bridge Primary School. The government should have listened to the community. The government was comprehensively told by the community that they did not want this to happen, yet the government just runs roughshod over a community once again. The year 2014 cannot come soon enough.

Mr VAN HOLST PELLEKAAN (Stuart) (17:19): I thank the house for the opportunity to use this grievance speech to continue my remarks on the Supply Bill. I make no secret of my concerns about the spending by the government when it has such a poor track record of waste and also priorities which seriously disadvantage regional South Australia and all South Australians.

Another unfortunate but clear example of this is the fact that, for the last several years, every budget we have had has shown a deficit for the following two or three years, with a surplus in perhaps year 3 or year 4 after that, but we never actually get to the surplus times—we certainly have not for many years—and I do not see that changing this time around.

I could bet that, when we get to the budget from Treasurer Snelling on 31 May, it will show a deficit for the next two or three years and it will show a surplus in year 3 or year 4, and I bet we will not get those surpluses when they are forecast to arrive. I would also bet that the deficits will turn out, in fact, to be much worse than forecast in years 1, 2 and 3, because that is the pattern we have seen over the last several years, and there is no reason to be optimistic that that will change.

With regard to regional South Australia particularly, I did not have time to put on the record some more concerns of mine. One is that Patient Assistance Transport Scheme (PATS) funding is not nearly good enough. I also have grave concerns about dental care. I know the health minister is working on trying to save the Peterborough school dentist, and I am hopeful of a positive outcome. We should all be very aware in this house that access to public dental care in regional South Australia is a very hard thing to come by.

In Peterborough at the moment the school dental program, a one-day-a-week program that is very important to that community, looks like closing. I will be the first person to thank the health minister if he is able to reverse that. He did delay the closure, for which I am grateful, but I cannot impress upon him and this house, though, how catastrophic it would be for the Peterborough community if that program disappears. It is very easy for planners sitting in Adelaide to say, 'That's okay. We'll close that program, and those kids and those families can just go to Port Pirie, Jamestown or Clare.' It is not that simple.

It is unfortunate to say the reality is that, if there is no school dentist in Peterborough, some of those kids will not be taken to the dentist. It pains me to say that, but it is a fact. We in this house should be aware that many health outcomes, not just dental, are directly linked to dental health. So, for the good of those kids and for the good of their future health—for the good of those future adults—I implore the minister to do whatever he is able to do to keep that service in Peterborough.

In relation to rural roads, we have seen this government decrease speed limits on many rural roads—and, Mr Deputy Speaker, you would be well aware of this issue in the northern part of your electorate. That is a shameful thing. That is just a way of covering up poor maintenance—covering up the fact that roads are not being maintained and looked after the way they should. Along with every member of this house, I certainly support efforts to reduce our road toll and to improve road safety, but let me tell you clearly: reducing the speed limit from 110 km/h to 100 km/h is not going to do that.

The real issues lie with the people who are travelling at 130 km/h, 140 km/h, 150 km/h or more. The person who is currently travelling at 110 km/h and is going to follow the new rules and travel at 100 km/h is not the at-risk person. That is not the person who is most likely to die on the road, but that is the person who is being penalised by this change in the speed limit. The good people, the responsible drivers, are being penalised. It is not going to make an impact where it is expected to make an impact. My view is that it is more to save the government money in relation to road maintenance more than being a road safety policy.

While on roads, I would like to correct something that I said earlier. I said that there is not one single overtaking lane in all of the Eyre Peninsula, and the very knowledgeable member for Flinders has been able to advise me that there is one. There is one overtaking lane out of the tens of thousands of kilometres of roads on the Eyre Peninsula: there is one very short overtaking lane, up a hill, just on the outskirts of Port Lincoln. It is remiss of me because I have actually been on that road several times myself.

So, out of the tens of thousands of kilometres of roads on the Eyre Peninsula, there is actually a few hundred metres of overtaking lane in one place. I say to this house, one of the very best things that can be done on rural roads with regards to road safety is to put in overtaking lanes. I can tell you that the road immediately south of Port Augusta on Federal Highway One has seen a significant decrease in road accidents since those overtaking lanes have been put in, so I encourage the state government to concentrate on roads all over the state.

I have a couple more examples, and one very small one, which I suspect nobody in this house is aware of. The Stonefield standpipe, just off the highway between Truro and Blanchetown currently supplies water to the local residents—their only local supply of fresh water outside of their homes—at a rate of five litres per minute. So, if you are trying to fill up your 2,000, 5,000 or

10,000 litre trailer with water for your property—or for your home, so that you can park your trailer at home for domestic use, or to fill up a trough or for stock use—five litres per minute, outrageous, absolutely ridiculous, and the government squabbles with the local council about whose responsibility it is to put in a very small, very cheap, upgrade. All it would take is a 20,000 litre aboveground tank on a stand, so that it can get filled up slowly at five litres per minute—no problem there at all—and then it can be discharged at an acceptable rate into the trailer. That is a very small, but to the local people, it is a very important example of where this government is not looking after the local community.

Mr Griffiths: Or for firefighting purposes.

Mr VAN HOLST PELLEKAAN: As the member for Goyder quite rightly points out, how are you going to fill up your CFS truck? After it has been emptied, it is parked, obviously full of water, but after you have run out of that water, how are you going to fill up your CFS truck to protect local homes and properties if you cannot access the water at more than five litres per minute?

The registration rate for the A-trailer of a B-double combination is extremely popular at the moment and is incredibly efficient. The greatest gains in efficiency in heavy vehicle transport all over Australia at the moment, including in and out of Adelaide, are coming through the increased use of B-doubles. To spend approximately $6,000 per year to register the A-trailer of a B-double combination is killing that efficiency; it is taking advantage of that efficiency; it is not what it costs the government to register that trailer compared to any other trailer, but that is what the government wants to charge. It is taking away the greatest area of operational efficiency so that people will now reverse the trend and move away from those trailers or register them in the Northern Territory where it is much cheaper to do so, and that would be a great shame for South Australia as well. They are some examples of government priorities not supporting regional South Australia as they should.

In the less than one minute remaining to me, I would like to touch on a very important rec and sport issue. I am still in the process of doing my homework, but I have great concern about the fact that the office of rec and sport manages so many of our publicly owned sporting facilities in this state. I think that that is not their area of expertise. They have other areas of expertise but running those facilities is not one of them, and I have further work to do to look into that. Sharing of school and club and council owned sporting reserves needs to be investigated as well.

Time expired.

Mr TRELOAR (Flinders) (17:29): I will take this opportunity to take up where I left off earlier today. Unfortunately I had to take leave over the lunch break and was unable to return at my allocated time.

Mr van Holst Pellekaan: It was a good lunch.

Mr TRELOAR: It wasn't a good lunch. I was involved in a conference—what do they call it?

Mr van Holst Pellekaan: A deadlock conference.

Mr TRELOAR: A deadlock conference, which was an experience in itself as a new member. I will pick up where I left off and continue almost from where the member for Stuart finished, and that was to do with roads and heavy vehicle transport.

It seems that due to a recent agreement by the state government with the National Transport Commission we are about to see huge cost increases impact upon the heavy transport industry. The member for Stuart talked about B-trains, A-trailers and so on. In fact, the government has reduced the registration fees for the A-trailer by 50 per cent and I commend it for this. What they have done at the same time is dramatically increase the cost of registering a road train.

What has happened in the regions—I do not know whether or not the government is aware of this, but it should be—is that because of the expense of registering a B-double people have gone away from that configuration towards road trains because it is cheaper. Lo and behold, now the costs of registering a road train have gone up, so it is a big impost on the heavy transport industry. As we have said time and time again, this state relies on heavy vehicle transport; it is so critical. Efficiencies being gained by the heavy transport industry, it would seem, are now being penalised by the government—really disappointing to see.

Time and time again in this place I have said that, although we are somewhat ensconced in this place and removed from the real world in many ways, the reality is that we do compete on the world market. Our primary producers and our export manufacturers have to compete on the global stage and they need to be competitive. The efficiencies that we can gain are vital to keeping us competitive in the world market, and from time to time governments forget this. I am sure they forget it; they simply do not realise.

As well as the increase in road train registration there is going to be an increase in fuel prices for our trucking operators, so it really is going to be an impost. It seems to me that the transport industry, through its various representative bodies and individuals, has spent a huge amount of time and effort in discussions with the government—seemingly to no avail—on this.

It becomes a consumer issue because these prices are passed on to the customer. When a freight operator transports fruit and vegetables, food and even grain or heavy duty goods and consumer items, the costs that are imposed upon them by the government are, of course, passed on to the consumer or the customer. So it becomes a consumer issue and it feeds into that whole cost of living issue that we have been talking about so much of late; that is, how expensive this place is becoming to live in.

Costs like registration fees, water and electricity—those utility fees that the government does have control over—have been going up and up. The real impost is on people on fixed low incomes such as pensioners and people who do not have any flexibility in the way that they spend their money and who do not have any discretionary income, if you like—that is where it really hits.

We have already spoken a little bit today about sanctuary zones. I wonder how the government intends to manage and police the proposed sanctuary zones and what impact that will have on the budget of this state. There seems to be no consideration for that, as far as I can see, as yet. Of course, when you put in place sanctuary zones or a park of some kind it does need to be managed or should be managed and policed, and there will be a cost on all of that.

What has really flabbergasted me about the latest proposal with regard to marine parks is that the government seems to forget that, at the moment, a select committee is considering evidence on the impact of sanctuary zones and how they might impact on fisheries and also coastal communities. That select committee is a Legislative Council committee, an upper house committee. It has not yet tabled its findings, yet the government has seen fit to put out its proposed sanctuary zones before even seeing the report from that committee—arrogant in the extreme! In fact, when the select committee visited Eyre Peninsula, the two Labor members of that particular committee did not even bother to go. They did not go to hear the evidence, which I found extraordinary.

I am a great believer in productive landscapes. I understand the value of landscape and the preciousness of it, and I understand also how reliant we are as a species on the landscape that we inhabit. Unfortunately, I think that the days of shut-the-gate conservation are well and truly behind us. It is a hangover from a generation gone by. I make this point in regard to the sanctuary zones within the marine parks but I also make the point in regard to the 22 per cent of this state that is now locked up. I fully realise that a good portion of it is out in the Nullarbor and within the pastoral areas, but 22 per cent of this state being locked up is actually too much. We are taking too much productive country out of the equation, and there is very little in the way of management that goes into that. It would seem that somehow the government knows best with all these things.

There are a few big ticket items that we are paying for now and will be paying for for a long time. Of course, there is the desal plant, and we have talked about that a lot; the new hospital that is on the old rail yard site; and Adelaide Oval. It is a pity in my mind at least—and I know there is probably no going back now—that one of the loveliest cricket grounds in the world is to be transformed into a stadium. It is a real pity. They are big ticket items that we will be paying for as a state for many years to come.

I do not think that there has been a lot of thought go into how we might do that, and certainly the benefits of those three items to country people are going to be very limited. All this contributes to a state debt, as I mentioned earlier today, of $8.5 billion, with Labor borrowing an extra almost $4 million every day. Once again, that figure in particular is one that people can get their head around. I think that one of the things that epitomises where we are as a state and where the Labor government is at the moment was highlighted last week by the fact that the CFS was throwing out brand new uniforms purely and simply because they had two stripes rather than three. A lot of people in this state have been very frugal and cautious and managed their way through as

a result of that, and what they cannot get their head around is government waste. It just does not sit with the way we approach the rest of our lives.

With all that, and the red tape and the bureaucracy that has been put in front of business, I firmly believe that a government's role, apart from providing basic services, is also to provide and build a framework in which business can operate, and it needs to do that without too many constraints, without too many obligations. Certainly that framework needs to be workable. Unfortunately at the moment we are just seeing a continuing build-up of red tape, bureaucracy and reporting requirements that need to go into government, and some of them have been touched on today. It is occurring even within the Public Service, and I think that it may have been the member for Stuart who talked about nurses who, rather than being carers, are more and more becoming reporters and administrators. All of that goes into increasing the cost of health.

Certainly I have been disappointed over recent years to see the reduction of funding into PIRSA. My background is in agriculture, obviously, and historically Primary Industries in South Australia has supported agriculture, the development of technology and the extension of that technology into the industry very well, and it is a pity to see that being reduced.

Mr WHETSTONE (Chaffey) (17:39): I rise to continue my remarks particularly about food production. One issue that sits alongside the food industry is biosecurity, and that is a subject that works hand in hand for safe, reliable, consistent, clean, green produce, particularly in South Australia, and today, the pressure is mounting. The New South Wales Department of Primary Industries has ceased its containment and eradication efforts in the Riverina earlier than usual this year and will not start up until much later than usual. It is believed that the Department of Primary Industries has simply run out of money.

The problem is that New South Wales has an unprecedented number of Queensland fruit fly outbreaks on its hands at the moment and there are quotes of a DPI inspector saying that there are up to 1,000 detections every week in the Griffith area alone and that maggots are being found in all kinds of fruit and vegetables. I was astounded to hear that they are finding maggots in potatoes and onions and all sorts of vegetables that I have never actually seen before, after growing fruit and vegetables for 25 years. It is only a matter of time before they start turning up in some early season citrus varieties.

There is a very real risk that all of these outbreaks, combined with the slackening off of efforts by the New South Wales DPI, will lead to the Queensland fruit fly becoming endemic in the New South Wales part of the fruit fly exclusion zone that covers southern New South Wales, northern Victoria and, most important, South Australia's Riverland. This will substantially increase the risk of outbreaks in Victoria and South Australia. This is a looming problem for food producers in the Riverland, which has, luckily, and some would even say miraculously, remained free of outbreaks during the crisis which began in late 2010.

The cost to the taxpayer of containing and eradicating a single outbreak in the Riverland would be around $2 million, and that is according to South Australia's biosecurity. Not to mention the additional cost to the industry of cold treating in the outbreak area, the enormous risk of losing export markets and the demand for fruit fly area freedom.

SARDI and PIRSA will be conducting an 18 month trial importing sterile Mediterranean fruit flies from large international production facilities in countries like South Africa and Austria. They are doing it because, essentially, they are trying to save money on the fruit fly program, a saving of around $5 million a year.

South Australia contributes about $750,000 a year to a facility in Western Australia that breeds sterile Mediterranean flies, which are endemic in Western Australia. This is a fixed annual cost, regardless of how many flies we might get from any of them in any one year. We use sterile flies as part of our local containment and eradication efforts. It is referred to as the sterile insect technique (SIT). It is a proven, effective and chemical-free way of treating an outbreak.

The trial will look at the cost and logistics of getting these flies from overseas on an on-needs basis, so there is no fixed cost. This raises a few potential problems. What if there is a sudden rash of outbreaks that immediately require a large amount of sterile flies? How quickly can we get them from these overseas facilities? Considering these facilities also supply other customers all over the world, there is also a risk that we might not be able to get them at all.

What will the withdrawal of $750,000 a year have on the Western Australia facility? Will it have to reduce production, or even shut down altogether? Will the Western Australian government

have to reduce fruit fly efforts elsewhere to keep it going; for example, reducing the vigilance at the South Australia/Western Australia border? Why is our government persisting in attempts to cut the relatively inexpensive fruit fly program—announcing and then reversing the decision to cut the nightshift at Yamba and Ceduna, now the SIT program in Western Australia—at a time when the risk of outbreaks in South Australia has significantly increased, when it should, instead, be putting more resources into it?

PIRSA's budget has been slashed and we know that is the motivation for trying to cut the fruit fly program. However, the government is pretending to base these moves on a review of the fruit fly program conducted back in 2010. This review showed a benefit to industry of around $20 million a year, a reduced community benefit of 5 per cent due to a drop in backyard fruit production in Adelaide and also highlighted a reduced risk of fruit fly outbreaks being caused by travellers bringing prohibited produce into the Riverland quarantined area.

I am not arguing the benefit to industry, but it is a selective figure considering the overall contribution of the citrus, wine, fruit and vegetable industries to the economy and the fact that aspects of the program like the roadblocks at Yamba and Ceduna also benefit all other industries like livestock, grains and even the building industry. The government is using this benefit to industry as justification for attempting to recover costs from industry.

Former ag minister Mike O'Brien specifically said during estimates last year that the review clearly got a couple of things wrong. Firstly, backyard fruit production in Adelaide is on the increase and gardening expert, Jon Lamb, was quoted in a story in *The Advertiser* some time ago, saying that in 2010, backyard fruit trees and vegetable gardens had produced the equivalent of $50 million worth of produce and that nurseries were experiencing a surge in demand for fruit trees. Jon told me that more people want to grow their own food mainly because they were concerned about the cost of groceries and fruit.

Secondly, the results of recent random roadblocks at Blanchetown would comprehensively demonstrate that the risk of travellers causing an outbreak remains considerable, and that does not take into account the risk of commercial traffic. For example, Berri Estates, the largest winery in Australia, located just outside Berri, receives thousands and thousands of tonnes of grapes, this year having a record crop of 215,000 tonnes crushed in one facility alone. It does receive some of that fruit from Victoria and New South Wales during vintage every year, and it comes on trucks that usually travel through Yamba. Biosecurity costs are a small price to pay for the safe, clean, green produce that we rely on today.

Dr McFETRIDGE (Morphett) (17:47): We have dealt with many matters in the last days speaking about the Supply Bill. The issues that have been dealt with are all extremely serious for each and every South Australian. My portfolios are police, corrections, emergency services, road safety, volunteers and Aboriginal affairs and these areas are at the lead of just about every news bulletin. Perhaps Aboriginal affairs is not, but police and emergency services certainly are, and the government and the opposition do all we can to support our police and emergency services.

One area that has been bipartisan—although there have been different priorities—is the area that I have had responsibility for before and now have again, and that is Aboriginal affairs. There are some serious issues still in Aboriginal affairs in South Australia, mainly in the APY lands but, having been to the Gerard community last week, there are some serious issues there. The Aboriginal Lands Parliamentary Standing Committee that I am on visited Gerard, and we will be putting our concerns to a number of agencies to seek some answers to queries that we have about the way that that community is being run at the moment and the lives of the people who are living there and those who are affected by the way that community has been managed.

Next week the committee is going across to Port Lincoln and then across to Maralinga and Oak Valley and, of course, there are a number of issues over there. Just today I heard that there are some issues with the Tullawon Health Service. There are some disputes amongst staff there. Fortunately, the health services are still being provided at Yalata to the Aboriginal community there, but there are some serious issues going on.

At Maralinga in December 2009, section 400 was handed back to the Maralinga Tjarutja people, and that took a lot of negotiation and has involved a lot of transfer not only of property but also funds to ensure that the old Maralinga village and the surrounds are able to be managed by the Maralinga Tjarutja people. When the land was grabbed by the Australian government and the British government for atomic tests, there were not the concerns that we have nowadays for the welfare of Aboriginal people. Fortunately now, as a result of strong representation by various

groups for Maralinga Tjarutja, the Piling Trust was established, with $13 million initially put aside for the benefit of the Maralinga Tjarutja people. The interest on that money was to be used. Some capital can be used under special circumstances. I understand that $13 million is about $20 million now and the interest is still being used.

Next week, I am looking forward to seeing what has happened at Maralinga village after the handover. I hope that the ventures that were spoken about on previous visits—the educational opportunities and the tourism opportunities—are going to be realised. It will be an interesting visit. Of the 23,000 people of Aboriginal descent in South Australia, the 3,000 people who live on the APY lands capture most of our attention and that is because, if any members of this parliament have been to the APY lands, they will see that there are many issues that have been going on for many years.

The former premier, Mike Rann, was the minister for Aboriginal affairs back in the early 1990s—1992 and 1993. Some of his aims were admirable but, like with many things, expectations were raised but things failed to be delivered. It is really quite sad that one of the legacies of the Rann period as Aboriginal affairs minister was a comment by the then federal Labor minister, Robert Tickner, about the Labor government's response to the Royal Commission into Aboriginal Deaths in Custody. When the then minister Mike Rann said that there had been a lot of money put into gaols and refurbishing gaols, federal minister Tickner said, 'If that is the only answer they have got, well, that is a sick joke.' Unfortunately, short-term solutions for long-term problems have been the whole scene for Aboriginal affairs in South Australia.

At the moment, one of the big issues we have on the APY lands and, I should say, in the southern and northern suburbs with some Aboriginal and white families, is income management. Particularly on the APY lands, there has been a long history now of trying to get some form of income management onto the lands. In fact, in February 2010, the Anangu Pitjantjatjara executive wrote to the then minister—now current Premier, Jay Weatherill—and to myself as the shadow minister for Aboriginal affairs about a trial of the families and relationship commission on the APY lands. In that, the chairperson, Bernard Singer, wrote:

> We believe that a trial in the two APY communities could take place through by-law under the APY Land Rights Act together with the Commonwealth support, for about one-half to two-thirds of the cost of the Queensland trial.

They were talking about an estimated cost of $80 million to $90 million that had been put by the minister, but the APY executive believed that a families and relationship commission could be in place with income management for much less than that. So, way back in February 2010, before the last election, the APY executive representing the communities and representing the people on the Anangu Pitjantjatjara Yankunytjatjara lands were looking for some family relationship type commission and some input into money management—nothing has happened.

We move on to March this year—just a matter of weeks ago. The NPY Women's Council said that they were strongly supporting an income management trial on the lands. It says in their press release:

> NPY Women's Council appeals to all service providers and government to be open to new ideas and models of income management, for example a model that includes voluntary and compulsory income management and which offers options to people on salaries and on government benefits.

I am proud to say that, back in October 2009—so way before the letter from the Anangu Pitjantjatjara Yankunytjatjara executive and way before the letter from the NPY Women's Council—I wrote to the then parliamentary counsel to seek the drafting of a private member's bill to implement welfare reforms for Aboriginal communities in South Australia based on the Family Responsibilities Commission Act 2008, where Aboriginal people are required to attend if one of the following triggers occurs:

1. If a parent or person responsible for a school-aged child allows the child to have more than three unexplained absences from school...

2. If the parent or person responsible for a child is the subject of a child safety notification...

3. If a Magistrate convicts a person of a relatively minor offence.

4. If a person breaches the public or State-owned housing agreement for the residency they have rented.

The Family Responsibilities Commission could then act, control of that person's income would come into effect and the welfare of the whole family could be assured. However, nothing has

happened with that. I asked minister Macklin over at Maralinga in December 2009 what was happening with the federal legislation. Minister Macklin assured me that federal legislation was coming and would be in place by May 2010. As we know, nothing has happened and, as we saw from the NPY Women's Council's press release, they were still clamouring for that as late as 26 March 2012.

Food security has been a big issue on the lands. We know that there was a recent report on food security, and the reports of the Red Cross handing out food parcels is of great concern. Fortunately, it is not widespread, but there are issues. At Watarru, the store has closed. Food management and food prices are an ongoing problem. On 12 May 2009, the APY executive wrote to the then minister, the Hon. Jay Weatherill (now Premier), asking that a by-law which had been passed by the APY executive be passed on to the Governor for assent. That did not happen, so we still have the shemozzle that we see with food being very expensive, stores being closed and food parcels being handed out. It is just not good enough that the ministers can carry on like this.

Another example, unfortunately, of this government ignoring the APY executive was with the former minister, the Hon. Grace Portolesi, when the APY executive wrote to her in June 2010 asking for a conciliator to be appointed under section 36 of the act to deal with issues going on in the lands. This did not get a response from the then minister. So, we have had premier Mike Rann, Premier Jay Weatherill and former minister Grace Portolesi all ignoring appeals from the APY executive.

It is about time this government took Aboriginal affairs in South Australia as seriously as we would like them to. There are no votes in Aboriginal affairs and it is not going to change the government, but we cannot have South Australians living in the way that some South Australians in Aboriginal communities live today. It is an absolute disgrace. I encourage every member of this place to visit the APY lands and see for themselves exactly what is happening.

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

Mr GOLDSWORTHY (Kavel) (17:57): I am pleased to continue the process in relation to the Supply Bill and make a contribution in the grievances. I want to continue the remarks that I made earlier in the day concerning the bill itself and go over one point I raised concerning the performance of the Office of Consumer and Business Services. I quoted from a letter that the minister wrote to me advising that a specialist team had been established to review the processes and so on. I will not necessarily quote verbatim from the letter but, continuing on from those remarks I made earlier in the day, I want to know what the findings are of that specialist team that the minister put together in relation to reviewing aspects of the performance of the CBS. I am certainly aware that the minister did issue a press release that was entitled 'Improving the Trade Licensing System'. I quote from the text of the release:

> The State Government has met with key trades' representatives to hear their ideas about improving the system of issuing occupational licences.
>
> Minister for Business Services and Consumers John Rau said the meeting late yesterday was prompted by concerns about the speed and efficiency in which Consumer and Business Services (CBS) was issuing licences.

Then there is a quote from the minister:

> 'The meeting was positive and constructive, and it has resulted in an excellent collection of suggestions to improve licensing processes,' Mr Rau said.

That is the end of a quote from a press release. It is all very well and good that the minister has released information via a press release, but I want to know what the findings of that specialist team are and what the team reported to the minister's office by the week ending 9 March. I have requested a meeting with the minister or his appointed representatives to traverse this issue, so I look forward to a positive response from the minister's office in relation to those matters.

I want to make some further comments in relation to the performance of the Office of Consumer and Business Services. My office does still continue to receive a steady stream of complaints and concerns and matters that need to be followed up from members of the public, as I said, in relation to consumer and business services.

I just want to highlight a particular issue that a business owner (whose name I will not identify because I do not need to), who contacted my office raised concerning the issuing of his building licence. I will not necessarily hold the house with the relative details of it, but the matter

involved some incentive payments, I understand, from the federal government. This particular business was employing some apprentices. If the deadline was not going to be met, then these incentive payments were in jeopardy. My office referred it to the minister's office for prompt follow-up.

Speaking to my office today, the advice that the minister's staff communicated to my staff was that CBS treated this business person, this business owner, in an 'appalling' manner. That was the description that the minister's staff communicated to my staff, that this business owner received appalling treatment from the Office of Consumer and Business Services. That was a direct quote from my staff to me today. It is pretty evident that there are still some quite significant issues within that agency that the minister has direct responsibility for that need to be addressed. I want to know what the outcome and findings of that specialist team are. I wanted to highlight that issue to the house this afternoon.

I want to continue my remarks from earlier concerning the Mount Barker Ministerial Development Plan Amendment that saw 1,310 hectares of land rezoned to residential. I spoke earlier about the Greens' party involvement and how they float in and out of the issue at the local level. They might get a couple of headlines in the local paper from time to time; however, they are not on the ground in the local electorate, as I pointed out earlier. I am, week in and week out, and I am addressing the significant issues that the community raises as a consequence of this decision to rezone that area of land, and also the consequences of the government not providing a satisfactory level of infrastructure services to meet the current demand within the community. We have significant issues with healthcare services, transport infrastructure and educational requirements. I have mothers of autistic children coming to me crying because they do not have access to a satisfactory level of education services to meet the needs of their children.

I think I am a reasonably fair person; I will give credit where credit is due. Within the Mount Barker Primary School, on the Dumas Street site, a special school facility has been established (the people in the education department would know the site I am talking about), and we are very grateful for that. However, it was not without some significant level of lobbying on behalf of the school community, the general community and myself to see that that facility was established. It is my role, and I certainly enjoy it, and I relish the fact that people within the community do come to see me about these issues, but I am using it as an example of how the Greens just float in and float out on these issues. I am not aware of their having any constituents contacting them about these day-to-day, week-to-week problems that members of the local community experience. It is all very well for the Greens to grandstand on these issues, but they are not up there in the Hills dealing with these issues.

I do want to make the point again that the government could not have made a bigger mess of this process if it had tried. The previous minister for planning and urban development, Paul Holloway, who has now retired from the parliament, went out and said, 'I want Mount Barker to be the Mount Gambier of the Adelaide Hills.' It is all very good to make those bold, grand statements, but where is the commitment from the government to provide the infrastructure and services that a Mount Gambier in the Hills would require? Where are the plans for employment opportunities at a local level to make the Mount Gambier of the Adelaide Hills function? I think I have said before in the house that I regard the Monarto area as a good area for employment opportunities.

Time expired.

The Hon. I.F. EVANS (Davenport) (18:08): I am pleased to be able to contribute to the grievance debate on the Supply Bill. As the lead speaker on the original second reading debate, I understand that I get 30 minutes to contribute to the grievance. I just want to touch on a few issues about the government's poor management. What is becoming apparent to the public is that, across a whole range of areas, this government simply cannot manage the departments and certainly cannot manage the budget and, as a result, taxpayers are feeling a lot of pain and, I have no doubt that, as a result of the budget that will come down on 31 May, they will be feeling significantly more pain.

I want to go through a couple of issues, without going over a lot of the debate I contributed during the second reading stage of the debate. Let's start with the health department and the health minister. If ever there was a department that is in crisis, it is the health department and the health ministry. Here is an agency that could not even get the basic bank reconciliations right. Here is an agency that has a budget approaching $5 billion (or about 30 per cent of the state budget) and, even though the Public Service has increased, in round numbers, by 20,000 extra public

servants over the last 10 years, it was beyond the capability of the agency to go through and do its standard bank reconciliations.

As a result of that, the reconciliation variances ranged from $60 million, $90 million, and even a larger figure has been suggested, but let's take the minister's latest figure which is $60 million. In fairness to the minister, he says that he previously gave the wrong figure—an illustration of yet another mistake out of that agency. How the minister would not know exactly whether it was $60 million or $90 million, I will leave for others to ponder, but here is an agency that takes one third of the budget, and the simple truth of the matter is, it is being poorly managed.

We had the pleasure of the company of the Auditor-General before the Economic and Finance Committee in recent weeks. The Auditor-General spent about five hours in two different sessions at the Economic and Finance Committee, and the Auditor-General confirmed that the health department's problems came about because of its poor management. So, the opposition does not accept any of this nonsense put out by the government, that somehow changing to the new system was the issue that led to the health department financial mess that delayed the tabling of the health report by six months later than it should have been.

The realty is that, if you go back to the Auditor-General's Report of the previous year, the Auditor-General makes it crystal clear that there was a risk to the government if it did not manage the process properly. Through the Auditor-General's Report into the health agency proper, the supplementary report tabled in recent weeks—I invite members to read it—the Auditor-General mentions something like seven or eight times that there was lack of management attention to the process. The simple fact is that this minister, the Minister for Health, and the health department, have totally mismanaged the implementation of Oracle, an IT system and, as a result of their mismanagement, they could not do their reconciliation.

The Auditor-General made it crystal clear. It was nothing to do with the change in audit methodology implemented at the Auditor-General's level or anything to do with the audit process. The Auditor-General was asked that question and he made it crystal clear. He pointed the finger back at this government about its poor management, and the issue with poor management is the impact that it ultimately has on the taxpayer. Already South Australians pay the highest level of tax in Australia—we already pay that—and that is before the coming budget on 31 May. We are running budget deficits in round numbers—$350 million, $427 million and about $340-ish million; around those sort of figures.

We are already running those sorts of deficits and with the state budget, you would have to ask, will they actually push the deficits and the debt even higher because the health department is mismanaged? It already has a $125 million expected overrun this year. Already it is not making its budget savings targets and, if you believe the Treasurer, then revenues have dropped in the lead-up to this budget and that leaves the Treasurer with some decisions to make.

Ultimately the South Australian taxpayer is paying for the mismanagement of this hopeless government through the highest taxing regime in Australia. People complain to the opposition about the high level of taxation—and complain they do—and this government charges land tax at 40 per cent above the Australian average, it charges insurance duties at over 50 per cent above the Australian average, and it charges stamp duties at around 27 per cent above the Australian average. Having had the highest taxing regime in Australia, this government through its own mismanagement, still manages to run $350 million, $420 million and $340 million deficits. It is not as if we are the highest taxing state in Australia and we are running budget surpluses—not this government; they are the highest taxing government in Australia, and this government is managing to run budget deficits.

If you do not believe Her Majesty's Loyal Opposition shadow treasurer, believe the Minister for Finance, Michael O'Brien, who, in a previous capacity but still as a minister of the cabinet, told everyone in the state that this government was borrowing money to pay Public Service wages. We are doing it in 2011, we are doing it in 2012, we are doing it in 2013, and the government intends to do it in 2014.

We are not only borrowing to pay for capital infrastructure, which the government would argue. This government, by its own admission, is borrowing money to pay Public Service wages. Now, you would have to ask the question: why is the future generation being asked to pay for, for instance, the Thinker in Residence program, as just one example? Why is the government borrowing money to pay for a Thinker in Residence program? It is a bit like a household. I remember the Treasurer rolled out the family in the last budget saying, 'This is a family; this is a

budget for all families in South Australia.' The only thing in the budget was a picture of the Treasurer's family, but ultimately you have to ask the question: why should the next generation be paying for some of these programs they are running today?

It is a bit like a family in that there are lots of thing you would love to have, but can you actually afford to have them? As every family has to make its decisions, so does the government. This government says it is not going to run up money on the credit card. The Treasurer went out and said he did not want to run up the credit card debt; well, that is exactly what they are doing. This government over six years has run five budget deficits.

So, in five out of six years—the year before the last election——in the year of the last election they managed to get a small surplus, and every year after that they have run budget deficits. Five years out of six, they have spend more money than they have earned. Even though they are the highest taxing state in Australia, they have managed to spend more money than they earned. You would have to ask the question: how is that not running up the credit card debt?

They are borrowing money to pay departmental wages. They are borrowing money to run the departments, and that borrowing alone nets to about a $1.2 billion increase in our deficit over the five years. That does not include any capital works borrowing; if you add in the capital works borrowing, the debt goes significantly higher.

The Treasurer is going to run a line between now and the budget saying, 'Woe is me, poor old Treasurer of the state, our revenues have dropped.' That is the line the Treasurer is going to run. Let us be clear about this: the Auditor-General has been warning this government since 2005-06 that its level of expenditure was unsustainable—since 2005-06. So six years ago, the Auditor-General said, 'Hello, anyone in government, are you listening? Your expenditure is too high; you will have unsustainable expenditure if your revenues turn.' In 2005-06, then auditor-general MacPherson said:

> Given the forecast expectation that such revenue growth may not be sustained, control of expenses will be important.

In 2005-06 the Auditor-General said:

> ...the State has benefited from sustained strength in both the local and national economy with resultant unbudgeted revenue gains covering expenditure increases.

Another quote:

> The Government has benefited from substantial windfall property taxation revenue and from higher than budgeted Commonwealth current grants, particularly from GST revenues.

Roll forward to 2007-08, when Auditor-General O'Neill said:

> ...the State has received very large amounts of unbudgeted revenues.
>
> ...the State may have developed a culture of expecting growing revenues to continue to support increasing expenses.

And then again, just in case the government did not pick up on those four or five warnings over the years, we see in 2008-09:

> Over the past six years the State has received large amounts of unbudgeted revenues that enabled net operating surpluses...

So the Treasurer is going to roll out in the next month and say, 'Poor old Treasurer, the revenues dropped.' This government was warned. They were warned six years ago, they were warned four years ago and they were warned two years ago that what they were doing was simply unsustainable. Poor management ultimately impacts on the householder and household costs in South Australia; whether it is water, car rego or your driver's licence they are all starting to hurt average South Australians.

Go further than just the mismanagement of the health agency. Let's go to Treasury, the centre of the financial hub of government. We have a Treasurer who ran around telling everyone, 'Don't worry about the Adelaide Zoo, we're going to have observers on the board and they will be able to feed back into government and tell us what is happening so that we will have a direct line of communication.' That was essentially the government's line, only to discover that to the Treasurer's horror there were no observers on the Zoo board. What is the Treasurer's office doing? What is the Treasurer's chief of staff doing? What is the Treasurer doing? What are the Treasurer's advisers doing not even recognising that they had not made a decision to put people on the Zoo board? What were they doing?

Roll forward to the hospital car park issue. The hospital car park issue has been a significant issue of public debate. It was in the 2010-11 budget, the last Foley budget, and they said they were selling the hospital car parks. The current Treasurer was in cabinet when that budget was signed off. It is incomprehensible that the Treasurer did not know or could not remember that the car parks were being sold as part of the last Foley budget in 2010-11. It is staggering that the Treasurer did not recognise and could not recall that figure and it goes to the issue of competence in management.

I am sure that the sale of the hospital car parks is built into the budget because it was announced in the previous budget and I am sure it was built into the budget. I make the point that this goes to the sloppy management of the government and ultimately it is the taxpayer who pays for this mismanagement. The Treasurer says that they have not even modelled the impact on the state budget of the change to the private health rebate at the federal level; they have not modelled it. When I asked about the impact on the state's investments from the United States market, the Treasurer said he had not sought a briefing on the exposure to the United States market. When we asked about the carbon tax, no modelling had been done. You would have to question the management of this government; how it is looking forward to the budget impacts.

I move on to other issues—shared services. If ever there was a policy that needs to be thoroughly reviewed (and we will be reviewing it) it is shared services. It is so hopeless that they have now written out to every electorate office saying, 'Have we got a deal for you! We're going to let your staff pay the bills because we are so scared that Shared Services won't pay the bills on time and your phone will be cut off and your papers will be cut off that we are now going to outsource the paying of those bills to your own electorate offices.'

The reason they have done that is that Shared Services is so hopeless. I know the member for Kavel had his computers cut off, the member for Norwood had his phones cut off and the Minister for Finance had his paper cut off. The reality is—

Mrs Geraghty: Don't forget that some people sent their bills in late.

The Hon. I.F. EVANS: The member for Torrens keeps raising this issue: 'Did they send their invoices in late?'

Mrs Geraghty: They did.

The Hon. I.F. EVANS: Let me tell you they did not. They did not. Go and ask the members for Kavel and Norwood. They have ended up paying them on their own credit cards and have sought reimbursement.

The reality is this: go through Shared Services and tell me which part is working. The ambulance officers' back pay issue when it was first established was a debacle, the nurses' pay issue this week that has been in the media was a debacle, as was the lack of savings. They are $93 million short in their savings. Western Australia and Queensland abandoned shared services because of the debacle that it was. It is the poor management ultimately that is hurting ordinary everyday South Australians.

I want to touch on two other issues not necessarily directly related to my portfolio. One is the contribution by the member for Florey tonight about how unfair it is of the Tea Tree Gully council to put up its rates.

Mrs Geraghty: Oh, for goodness sake!

The Hon. I.F. EVANS: The member for Torrens says, 'Oh, for goodness sake!' Let me explain to the member for Torrens why I have a concern about it. We happened to have a community cabinet in the Tea Tree Gully area in the last fortnight. As part of the briefing we were told that a carbon tax impact on the Tea Tree Gully council was not $100,000, not $300,000, not even $500,000; the carbon tax impact on Tea Tree Gully council is $950,000 a year. The member for Florey came in crying crocodile tears saying it was outrageous that the Tea Tree Gully council is putting up its rates. What does she expect the Tea Tree Gully council to do when the federal Labor government's carbon tax imposes nearly $1 million a year extra cost onto the Tea Tree Gully council? That is just the Tea Tree Gully council. It would be interesting to see what every other council is paying.

We nearly fell over backwards when they stood up and said that the Labor Party's carbon tax is costing the Tea Tree Gully council $950,000. Let's be clear: every Labor member of parliament in the House of Assembly supports a carbon tax, so you can only assume they support

the Tea Tree Gully council having a $1 million a year increase in its cost as a result of the carbon tax. It was not an imposition of the Liberal Party, not an imposition of Her Majesty's Loyal Opposition or indeed the Abbott opposition. This is a matter for the federal Labor Party. When the member for Florey goes out and says that it is outrageous that they have put up the council rates, I say to the ratepayers of Tea Tree Gully that part of the reason your rates are going up is because that council is being penalised to the tune of $1 million extra a year. It is just under $1 million, and they get nothing else for it.

The other issue I want to raise is a local constituent matter. I put this on the record today for the Minister for Education and Child Development and I want the minister to answer this question. I will write to her formally but I put it on the record so that she will not be ambushed. It is a complicated issue, probably too complicated for question time, so I put the question on notice here for the minister. Will the minister explain why a constituent of mine had a confirmed abuse notification against her name in a departmental file when the department had given a written undertaking in 2004 and the then minister (Weatherill) had agreed at a meeting in 2005 that all departmental records would be changed to record abuse not confirmed for matters relating to her and her husband?

I will explain the issue for the house and the minister. In recent weeks my constituent's sister had her children removed by the department for care reasons. At the time the departmental officer asked my constituent whether she would care for her sister's children. My constituent said that she was prepared to. However, the officer then conducted a child protection search and advised my constituent that she could not care for her sister's children as she had an 'abuse confirmed' notification against her name.

Back in 2001 the department raised 'sexual abuse confirmed' allegations against the husband and 'emotional abuse confirmed' allegations against the wife, both constituents of mine. After a three-year dispute with the department regarding my constituents' innocence an agreement was enacted for an independent person to review the evidence against my constituents and advise. The independent person found that, despite three years of claims to the contrary, there was no evidence regarding any abuse of any kind by my constituents to support the allegations made against them. That was the independent review. As a result, the department wrote to my constituent on 15 September 2004 stating:

> Having given careful consideration to the information put before me, I have determined that the 'emotional abuse confirmation' and the 'sexual abuse confirmation' should be reversed. Appropriate steps are now in train to bring this decision into effect. The outcome of intake—

and there is a number, and I will not use the number because it may identify the people—

> will be changed to 'abuse not confirmed', the original being 'abuse confirmed', and that the associated written and computerised case records held by the agency will also be adjusted accordingly.

On 15 June 2005 I attended the meeting with then minister Weatherill with my constituents. The minister gave an undertaking that the actual case closure summary on the file would be amended to reflect 'no abuse confirmed', and that the independent person was to write that summary so that it could be attached to the file.

The minister is aware of the constituent to whom I refer because I have written to the minister in recent weeks (since the latest incident) seeking an explanation as to how an 'abuse confirmed' notification remained on the departmental files. However, as a result of my letter, the response from the minister simply set out the history of the events but did not explain how an 'abuse confirmed' notification was in the file when the department had agreed eight years ago and the minister agreed seven years ago that it would be removed.

The question I would like the minister to respond to is: will the minister explain why the constituent of mine had a confirmed abuse notification against her name in the departmental file when the department had given a written undertaking in 2004 and then minister Weatherill had agreed at a meeting in 2005 that all departmental records would be changed to record 'abuse not confirmed' for matters relating to her and her husband?

I will be writing to the minister asking that exact same question, because it is simply unacceptable for a family to be falsely accused for three years. Credit to the two ministers concerned at the time—credit to them; and the agreement was that we would not raise it publicly at the time if the minister agreed to get an independent person to look at the evidence. The government to its credit did it. The independent person comes back and says, 'Well, guess what?

There's no evidence.' So, having put this family through hell for three years, there is then an agreement that the records will being changed to reflect the truth.

Roll forward to now. My constituent's sister has some issues, and we do not deny that for a minute. Then the department does the search and what comes up is that the abuse is confirmed. How can you have faith in the agency when a new minister in a meeting agrees that the records will be changed, and when the department writes to the family and says, 'Don't worry, the records are going to being changed,' but when, clearly, the records have not been changed? The only way an 'abuse confirmed' notification can come up is if the records have not been changed. My constituent was very, very upset when they contacted me because it brought back all the emotion and stress that they were under for three years when the allegations were first made and always denied.

I am hoping that the minister will not this time write back a cute, historical summary of the events about which we already know, but simply answer the very simple question which goes to the principle: when the government said that the matters were going to be changed both at the ministerial and the departmental level, why weren't they? We wrote to the minister and all we got back essentially was a historical list of events that had occurred.

I hope the minister will now do the right thing and explain to my constituent why that has not occurred. Ultimately, if she does not, we will seek yet another meeting with yet another minister on behalf of this poor family to try to get their record corrected, because no family should have to go through false allegations twice. No family should have to go through false allegations twice, but that is exactly what the government and the department have managed to do with this particular family. They did it years ago for three years.

Having admitted that they were wrong, they still could not go in and change the file to get it right. Essentially, she was re-accused when a person rang and said, 'Well, I'm sorry, you've got an "abuse confirmed" notification against you.' That is just simply wrong. So, I hope the minister will do the right thing and finally provide us with an answer as to what exactly the department did and what exactly it intends to do.

Mr GRIFFITHS (Goyder) (18:36): I confirm that I will be the last speaker from the opposition. I wish to briefly bring up a couple of issues that relate to some budget cuts and the impact they will have on some community organisations that I am aware of.

One is a $25,000 cut which has been imposed upon Women in Agriculture and Business. Many Liberal MPs have received alarming letters quite recently about the impact of these cuts. I have attended a few Women in Agriculture and Business functions within my electorate, as I have a couple of branches that operate within the electorate or close by. Indeed, one was a conference at which I spoke. They are great organisations. I am aware that they get a relatively minimal level of support: some financial, I think, and some physical, where a staff person may assist for at least a couple of days a week. That $25,000 cut will make a serious difference to the capacity of these organisations to continue.

There has been a bit of a resurgence in recent years, with a younger and newer generation of ladies coming on board who are involved in agriculture and want to be involved in business development opportunities within that. So it is a great shame that this money will be lost, and I am very fearful of the impact that that will have upon the future of the organisation. It has a proud history. Its success is a great story, as are the mentoring opportunities that it has provided to many ladies in regional areas. I hope that that decision is reviewed.

Another budget cut that concerns me is a $30,000 cut to the University of the Third Age. Again, I am lucky enough to have a branch of the University of the Third Age within my electorate, in the Yorke Peninsula. I support the university in one small way: by photocopying the newsletter that goes out to all its members on a regular basis, and I am very pleased to do so.

I have attended the university's functions and have looked with envy at the wide variety of courses provided. One important lesson that I learned early on from talking to these wonderful people was that learning is a lifelong experience. That is how the university defines itself: providing a forum so that learning continues to be an opportunity no matter what your age.

The third age is defined as those older members in our community who keep their minds and their bodies active, doing a wide variety of things, which not only provides them with a lot of pleasure but also enforces their education opportunities. In turn, they then have a chance to talk to

other people in the community about the things that they have learned to stimulate that interest in learning. For that to potentially be lost because of a $30,000 funding cut is a great frustration to me.

I have also had some contact in recent weeks from a council in my area that coordinates a community bus, and it is very frustrated by the need for police checks. They understand it is important to have checks undertaken preliminary and the accreditation to exist, but given that, in the main, they use older members of the community to be the volunteer drivers and these people are now being told when they contact the department that they need to put a request for a police check in online, and that is a bit of a challenge for some members of the community, they are finding that there are a lot of drivers that are being lost. They are coming back to their coordinators saying, 'This is all too hard. Yes, we would like to help, but we don't want to have to do this. We ring people, hoping to organise it, and they tell us to go on the web,' and the comment given was, 'Suck it up and go on the internet and make it happen.' So, that is frustrating people and they are being lost.

We would all have had contact from people concerned about the police check criterion and how often it needs to be done, especially if you are a volunteer in multiple organisations, as I understand you need one done for each one and they are done on a regular basis. So, there is the time impost and the cost impost.

South Australia is very lucky that it has a high volunteer rate, but I am fearful that is going to be lost unless some review takes place. I would urge the minister to please look at that to ensure that the culture of volunteerism is allowed to foster in South Australia because we face a bit of a challenge with younger people, who so often now are involved in double income families and there is no spare time. Whereas once there was an attitude to assist within the community and individual families used to volunteer for a lot of different things, we have become a bit more of an insular society that does not get out and do things for other people as much. So, where volunteers are needed I think they should be assisted in every way and the process upon which police checks are required, especially those that work within areas where it is necessary (for youth and older people it is important), let us make it a little bit easier.

The Keith hospital has had a lot of contact with the public of South Australia about funding cuts. Members in the chamber would recollect that when the decision was made to de-fund Keith it also impacted upon the Moonta and Ardrossan community hospitals, which exist within Goyder. I use the term 'community' very purposely because even though they are private organisations they operate for the benefit of the community. They are not there to turn a profit, they are not there to make money for anybody else, they are there to service those communities' needs.

The funding loss has had an impact. The boards of the Moonta and Ardrossan hospitals have been very proactive, with the assistance (admittedly) of Country Health, which has supported them in developing revised business plans. The Ardrossan Hospital decided quite early on to move on with life and make sure it got the most it could from its aged care services, and it has had some help from Country Health to achieve that. The Ardrossan Hospital has been in financial difficulty for 50 years, so it is not new for the community. With the Moonta Hospital, it has come as a bit of a shock to the community. In January of last year, there were about 1,000 people at a rally at which I spoke, member for Mawson, so I can assure you they were actually there, and these people were very concerned about it.

They are good communities and they want to support their hospitals. The Moonta situation frustrated the life out of me because, I think, bed space was available to help out when Wallaroo was busy, or people had to reside in Moonta, at about $105 per night. It was the cheapest public hospital bed you would ever find (nearly) and it was occupied, on average, I think, of the 14 beds potentially, at about seven of those each night. The loss of that has created a serious drain. They have had some management issues with a doctor's surgery they bought a few years ago. They are back on track, but they are going to require continual support from the community.

So, I pay tribute to those members in the community who have raised a lot of money to support those community hospitals. In some cases it has been for decades. It is in the traditional stuff like op shops, but there are also performing groups that put on regular shows to entertain people and raise money for the hospitals. They show a spirit that every member of this chamber should be proud of because they get out there and make a difference.

Motion carried.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (18:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:45 the house adjourned until Thursday 3 May 2012 at 10:30.