HOUSE OF ASSEMBLY

Tuesday 29 May 2012

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

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (11:02): I move:

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

Motion carried.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. A. KOUTSANTONIS: I move:

That the Legislative Council's amendments be disagreed to.

I begin with amendment No. 13A of section 36AC—Interpretation. The government opposes this amendment. The amendments were passed in June last year and acted to limit the cost of the solar feed-in scheme borne by all electricity customers who pay for it through their electricity bills, including a provision to exclude solar systems that are, in the opinion of the distribution network operator, ETSA Utilities, operated for the dominant purpose of feeding into the grid.

The solar feed-in scheme was explicitly designed as a net scheme rather than a gross scheme; that is, the intent of the scheme was to first meet the consumption on the customer's connection point with a feed-in tariff only paid on any additional electricity generated and exported to the grid. A solar system installed in a gross configuration has a considerably greater cost on all electricity customers for feed-in tariff payments than those installed in a net configuration. This amendment would result in the solar feed-in scheme becoming a gross scheme for some customers, thereby increasing the cost of the scheme on all electricity users. In 2012-13, ETSA Utilities is already seeking to recover $160 million of feed-in tariff costs to customers, which includes some under recovery from previous periods.

The amendment is also problematic in light of action by ETSA Utilities to carry out the dominant generator provision. ETSA Utilities advises that 126 solar customers out of the 143 who had the option to rewire or move their solar systems to another connection point on their property to remain eligible under the scheme have now done so at their own expense. If the amendment passed, these solar customers would then have an incentive to rewire their solar systems in a gross configuration. I therefore urge the committee to oppose the amendment.

Mr WILLIAMS: The minister laments that this may impose a cost upon all electricity consumers in South Australia. The minister fails to acknowledge that the whole feed-in tariff scheme has imposed a cost on all electricity consumers in South Australia; in fact, it has imposed a significant burden on all electricity consumers in South Australia. Let's not forget some of the history.

The minister goes on the public airwaves in this state and blames the opposition for this because we supported an amendment by the Greens in the first instance to give the feed-in tariff scheme a 20-year life span as opposed to a five-year life span. I recall saying in this very house at the time that it was the expectation that the house would review this legislation on a regular basis over the ensuing years, and that is exactly what should have happened. The reality is that the government's initial intention was to have an installed capacity of PV solar cells of about 60 megawatts.

I know we have approvals (I am not sure what is the actual installed capacity) of well over 200 megawatts, and probably close to 250 megawatts, probably four times as much as the original intention, only because the government failed to act. The government was very late in

implementing the review it had promised when the original legislation went through the parliament, remembering that the trigger to set off the review—10 megawatts of installed capacity—was achieved in May 2009. The review did not start until the end of October 2009, and then the election ensued. We heard nothing about the review, which was suppose to report back to the government by the end of calendar year 2009, until a press statement by the then premier on 31 August 2010, at which time—

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: No, I am just talking about the history of the feed-in scheme itself, at which time—

The Hon. A. KOUTSANTONIS: On a point of order, he should be talking to the amendment.

Mr WILLIAMS: —I am just bringing us up to speed—the premier announced there would be a cut off of the scheme and also announced that there would be a limit to the size of generators installed and that there would be a dominant purpose test. That was announced on 31 August 2010. We did not see any legislation until the beginning of 2011. That legislation passed through the parliament, I think, sometime in June 2011 and the cut-off date was eventually 30 September 2011. We have a series of statements, we have a series of actions, all of which prompted people to go out and install systems. We saw this huge rush and the government had completely lost control of the system. That is why we have this huge install capacity—all receiving the benefits of the feed-in tariff—at least four times as great as what was originally intended.

Notwithstanding that, we have seen a very small number of people, who acted in very good faith, severely disadvantaged by the scheme. The problem is that the criteria set for the dominant purpose was not established until the very last day that the scheme was open—30 September last year. That was the day that the then minister sat down with ETSA and discussed what criteria would be used to establish the dominant purpose.

A number of people had gone out in good faith and paid thousands of dollars to install schemes in the belief that they would be admitted to the scheme. A number of these people have since been declared to be excluded from the scheme, simply by dint of the circumstances of their property—the fact that they have more than one metre.

The Hon. A. Koutsantonis: That has been fixed.

Mr WILLIAMS: No, it hasn't.

The Hon. A. Koutsantonis: Yes, 126 of the 143 are fixed.

Mr WILLIAMS: What about the others?

The Hon. A. Koutsantonis: They don't want to fix them.

Mr WILLIAMS: No, because it is not practical. So, you are talking about a very small number of people.

The Hon. A. Koutsantonis: Yes, and you are holding up national reforms.

Mr WILLIAMS: I am not holding up national reforms. Minister, you can fix this.

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: Minister, you have been on public radio saying that you will fix this. You have offered no alternative to the parliament.

The Hon. A. Koutsantonis: Yes, I have.

Mr WILLIAMS: No alternative.

The Hon. A. Koutsantonis: Yes, I have; that's not true.

Mr WILLIAMS: Well, where is it? What amendment are you going to move to fix this? The only alternative you have offered to the parliament is to say that there are a number of people out there who, in good faith, have spent a lot of money in the expectation they will be part of the scheme, and you have said, 'Sorry, bad luck. Goodbye.'

Some of them have been forced by your lack of action to spend more money to rewire the meters on their property to comply with the criteria which your government only established on the

last day of the scheme. This is the problem. This is a problem of your government's making. I just remind the minister, when he talks about cost imposition, if it was not for the opposition opposing his government's proposal to add even another 10¢ per kilowatt hour to the feed-in tariff, South Australian consumers would be paying another $90 million a year because of this government's mishandling of this scheme from start to finish.

This proposed amendment will overcome the problem faced by a small number of South Australians, who, in good faith, have sought to do what thousands of South Australians have done but have been caught out by criteria.

The Hon. A. Koutsantonis: No, 146. Not thousands: 146.

Mr WILLIAMS: No, all they want to do is what thousands have done; that is, take advantage of the feed-in tariff. In fact, I think it is close to—

The Hon. A. Koutsantonis: You said thousands were disadvantaged.

Mr WILLIAMS: No, I said 'a very small number'.

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: You can check all you like. You were talking while I am—

The ACTING CHAIR (Ms Thompson): Order! Member for MacKillop, please address the chair and the minister will stop interjecting.

Mr WILLIAMS: Thank you, Madam Chair. I do know that interjections are out of order and, if the minister did not interject, we would not be having this problem. Now that I have his attention, I will repeat for the minister: a small number of South Australians, who acted in good faith in wanting to take advantage of something which was available to thousands and taken up by close to 100,000 South Australians—no, I do not think it is quite that many—that is, the feed-in tariff, have been disadvantaged because you have just got it wrong, minister. You have got it wrong.

You did not actually change the rules, but you did not establish the rules until the last day. These people acted in good faith, thinking they had a government that would do the right thing by them, and they have been caught out. This simple amendment will solve that problem for a very small number of South Australians. Let us not forget that there is another clause in the act which limits the amount that the feed-in tariff is paid to 45 kilowatt hours per day. Notwithstanding the minister claiming that this measure would turn the scheme from a net feed-in to a gross feed-in, that is simply not right. The limit of 45 kilowatt hours per day would kick in in many cases, and I suspect in many of the cases that the minister is alluding to. They would also be limited to that, and I would be absolutely amazed if there were not a significant number of South Australian households, who have complied with all of the criteria which were set on that very last day that the scheme was open who are not limited by that 45 kilowatt hours per day figure. I suspect that that—

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: See, you don't even know your own legislation.

The Hon. A. Koutsantonis: Explain it again.

Mr WILLIAMS: For the minister, I will explain his legislation. There is a limit of 45 kilowatt hours per day that any small PV generator can be paid the feed-in tariff on. No generator can be paid on more than that, irrespective of how much they feed back into the grid. I think that is a very sensible limit. If the minister is complaining that these particular householders would be getting away with something that is not available to anybody else, I point out to him that the 45 kilowatt hours per day feed-in limit would probably pull them up short of being, for all intents and purposes, a gross feed-in generator, just as I am absolutely certain that there will be a significant number of other PV generators that are limited by that 45 kilowatt hours per day.

The opposition thinks this is a very sensible amendment. Indeed, it overcomes problems created by a government that lost interest the moment after it achieved the headline way back in 2007 and the then premier got to speak at the Solar Cities conference in February 2008. Once that moment had passed, the government lost interest in this scheme. It had achieved its end: the political end of getting the headline and the Premier being able to claim that it was the first scheme in South Australia.

It is the government's mismanagement that has caused this problem. The opposition is not doing this to try to help the government out. The opposition is doing this to try to help South

Australian citizens who have acted in good faith. Notwithstanding acting in good faith, they have received no help from the government. The opposition commends the amendment passed in the other place and urges the government to change its mind.

The Hon. A. KOUTSANTONIS: The shadow minister says that the 45 kilowatt hours per day rule is sufficient redress to stop this becoming a gross scheme, even though he knows that if the generators are built for the dominant purpose of just feeding into the grid, without any consumption linked to that generation, it is a gross scheme. He knows that, yet he gets up and he says, 'Well, it's not.'

Of the 143 customers who had solar systems that were not complying with the rules, 126 have made the recommended changes and there are 15 customers still being investigated, and the opposition, with the Greens, are moving amendments in the Parliament of South Australia to address that while the investigations are still underway. I understand—and I said this when the bill was first being debated—the unique situation some farmers are in, and I undertook to the deputy leader that I would meet with anyone he sent to my office who was in this situation to try to sort it out for them, without having to change the legislation in the parliament, because we are the lead legislator and this is holding up legislative reform around the country. I am not saying that the opposition is deliberately trying to delay reform—I am not saying that at all—I am just saying that it is a consequence. So, we are sorting it out, and to try to politicise this, I think, is unfair in the extreme, when the government is attempting to try to resolve this.

I would ask the Leader of the Opposition to take the government on its word on this matter that we are attempting to solve this. I pose this question to opposition members: if this amendment is carried, and it passes both houses of parliament and is assented to, what do we say to the 126 people who have changed their meters? I suppose there will be another bill from the Leader of the Opposition or the deputy leader to compensate them, and perhaps that compensation could also be added to the electricity bill of other South Australians. I think we have reached a point where we can settle this.

What the Leader of the Opposition has to realise also is that the 126 people who have made the change also receive the benefit of a 44¢ feed-in tariff. I think there needs to be a point where we reach some common sense. Obviously, we are not going to here and now, but ultimately there will be a deadlock conference. I urge members of the committee to oppose the amendment.

The ACTING CHAIR (Ms Thompson): Do you want to continue?

Mr WILLIAMS: Yes, I do, Madam Acting Chair, because the minister made a couple of statements there which I think need responding to. I think the minister is suggesting that, because there are only 15, we should not worry about it.

The Hon. A. Koutsantonis interjecting:

Mr WILLIAMS: Minister, you made the statement that, of the 143 who were deemed to be noncomplying, 126 have managed to become complying and there are only 15 left. The minister implied that somehow it seems wrong that the parliament would be bothering to move an amendment because there are only 15 people involved. If there was only one person who was disadvantaged, through no fault of their own, this opposition would see that as a very serious matter. I know the government does not care. I know the government is worried only about big numbers; it is not worried about little numbers.

The minister says that we should not politicise this. I would ask the minister to think about that next time he is out on public radio suggesting that all the problems with the feed-in scheme, and the cost that has been put on the electricity accounts of every South Australian, are solely the responsibility of the opposition. The reality is that it has nothing to do with the opposition. The opposition pointed out, in the first instance, that this legislation would need constant management. It was the government that took its eye off the ball.

The other thing is that the minister has just asked us to trust him. I wrote two letters, with two specific cases, to the minister prior to Christmas last year; I am yet to receive a response to either of those letters. Minister, your plea, when you say, 'Trust me. Leave it with me, and I'll fix it up,' I think, at this point, is falling on deaf ears.

The Hon. A. Koutsantonis: You'd better be right about those letters.

Mr WILLIAMS: I am right. I wrote to your office twice, and to the best of my knowledge I am yet to receive a response—

The Hon. A. Koutsantonis: So, it's to the best of your knowledge now, is it? Okay. I'll check.

Mr WILLIAMS: Yes, to the best of my knowledge, and I think my knowledge is accurate, I have yet to receive a response to either of those letters. I fully understand that we are the lead legislator for this piece of legislation, and it is important to get it through, but the parliament has one chance to resolve this matter for those people who have been disadvantaged. If I said to my colleagues, 'Let's let the minister get away with this, and we'll trust him and he'll fix it up,' we have no guarantee that for those people this problem will be fixed. This issue has been going on since 30 September last year. I think the minister has had plenty of time to fix it. The minister, I believe, has left the parliament with no choice but to say enough is enough; it is time for this to come to an end. My comments to the next matter will be very similar. Again, I urge the government to change its mind on this.

The Hon. A. KOUTSANTONIS: Amendment No. 2 was moved by the Hon. David Ridgway in another place, and the government opposes this amendment also. The government was advised by ETSA Utilities that this amendment would result in an additional cost to the scheme of approximately $1.65 million per annum. However, based on a revised figure, ETSA Utilities has revised the figure to approximately $1.23 million per annum. All electricity consumers will be required to fund this additional cost. Given what the Deputy Leader of the Opposition just said, I will be interested to see how he votes on this amendment.

In 2012-13, ETSA Utilities is already seeking to recover $160 million of feed-in tariff costs from customers which includes other recovery from previous periods. Amendments resulting in additional cost to all electricity consumers are inconsistent with the council's intent when it passed the changes to the scheme in June of last year about limiting the cost impacts to all customers. In August 2010, solar customers were made aware of the proposal to prohibit upgrades of solar systems for the purpose of the solar feed-in tariff. Accordingly, solar customers had the opportunity to fully complete an upgrade of their system between 31 August 2010 and 30 September 2011 to remain eligible for the 44¢ kilowatt feed-in tariff.

Mr WILLIAMS: I am somewhat amazed by the figures that the minister has just indicated to the house from his briefing from ETSA Utilities. I am staggered that there are that many people involved to be quite honest, but notwithstanding that I thought the number of people was very small who were caught out by this particular issue that the opposition is trying to resolve through the amendment that was proposed by the Hon. David Ridgway in the other place and supported by the house.

Let me explain the situation. The scheme allowed new entrants up to 30 September. It also allowed people who had already put on a small PV generator to upgrade that and increase the size and still remain as part of the scheme as long as they had applied for that upgrade and got approval for that upgrade prior to 30 September. For new entrants to the scheme, putting in a new system, there was a grace period in which they had a time in which to have the work done and their system upgraded and installed.

It is my understanding that there are a number of people in that circumstance who, once they have installed their import/export meter and their inverter, ETSA Utilities has really no knowledge of how many panels they have attached. So, as long as they do not attach more panels than the approved size of their inverter, they will stay on the scheme. It is my understanding that there are possibly people out there in South Australia today whose inverter and import/export meter has only just been cut over, who are in the process of adding more panels and will do until they get to the limit of their authorisation. That is the practical reality of what is happening for people who applied for a new development. The people who applied to upgrade an existing system did not have the advantage of that time leeway.

I have at least one constituent living out in the country who applied for an upgrade and signed a contract with an installer to provide the equipment to upgrade a system that had been in for a couple of years. He had an appointment for the equipment to be installed, indeed, before 30 September—I think that was the date. There was inclement weather; the installer did not get to the property until after the cut-off date and then installed the additional panels. The constituent was then notified by ETSA that they were noncompliant because they had missed that date.

If they had been a new entrant into the scheme, that would not have been the case. It was just because they had upgraded a pre-existing scheme that they became noncompliant. Not only have they become noncompliant with their upgraded scheme, they have also been informed that,

even if they took off the additional panels, they would still be noncompliant with their original scheme and would no longer be eligible for the feed-in tariff.

That is one customer I am aware of in my own electorate. The figures the minister just gave to the house suggest that a significant number of people have been caught out in a similar way, if it is going to cost over $1 million per year; I am somewhat surprised by that number. Notwithstanding that, again, we have a piece of legislation that I think, unintentionally, has treated people in two different ways, and all we are trying to do with this amendment is to ensure that people who were early movers are treated equitably compared with those people who applied right at the end when the scheme was about to close—say, on 29 or 30 September last year.

The interesting thing that I think the committee needs to note is that the minister said that the cost to electricity consumers as a whole is $160 million. That is a pity. That is something the government bears total responsibility for.

The Hon. A. Koutsantonis: No, we don't.

Mr WILLIAMS: I know you say you don't, but the reality is—

The Hon. A. Koutsantonis: You extended it to 25 years.

Mr WILLIAMS: —I think it was 20 years, minister—that your government failed to get the review up and happening and then failed to respond to it. Then when it did respond, the government failed to bring legislation to the parliament. It failed at every opportunity. I do take pride in the fact that we successfully moved amendments to prevent the government adding another 10¢ per kilowatt hour, which I believe saves electricity consumers across South Australia $90 million a year.

The cost—which is $160 million—would, but for the opposition, be $250 million a year. Minister, what the opposition has been responsible for is saving you from your own folly but, minister, if your government had a heart, it would have supported the previous amendment, and it would support this amendment. There are a small number of people you are happy to see disadvantaged. I commend the amendment to the committee.

The Hon. A. KOUTSANTONIS: Isn't it amazing that the Leader of the Opposition can hold so many positions on one issue?

Mr Williams: The Leader of the Opposition is not here.

The Hon. A. KOUTSANTONIS: Sorry, mate. It's a dream I have for you to lead them. I hear him quite regularly talking about renewable energy and this government's obsession with renewable energy being a cost burden on South Australians.

Mr Whetstone: It's a cost burden on me.

The Hon. A. KOUTSANTONIS: It's a cost burden on you—the member for Chaffey says so, yet he is about to support a measure that would further increase that cost burden. The government proposed that there be a feed-in tariff for five years. It was amended to 20 years by who? The Greens-Liberal coalition. Then he goes on radio and says, 'Oh, but it's the government's fault.'

An honourable member: Absolutely.

The Hon. A. KOUTSANTONIS: Absolutely—there you go. I think the point to remember here is that publicly the opposition would say, 'Renewable energy pushes your power prices up,' but in the parliament where it matters, where they can make a difference, they vote every single time to pass on the cost to consumers. Five years to 20 years, thanks to Mitch Williams and Isobel Redmond. Those amendments were supported in the upper house by the opposition. The government is saying that there should be no further increase in the cost to consumers. The opposition, in coalition with the Greens, seeks to add a further $1.23 million per year to the cost. I ask members of the House of Assembly to remember while they are voting that if this amendment is successful the result will be an increase in the cost of electricity prices.

Mr WILLIAMS: I wish to apprise the committee of a recommendation from the review into the feed-in scheme, and I will be brief. The report states:

> It is recommended that the government consider implementing a scheme cap similar to the Victorian scheme, at which point, the scheme would be closed to new entrants. Given the relative size of South Australia's population to Victoria, it is suggested that this cap would be less than the 100 [megawatt] cap in Victoria. Advice

would be sought from the government and 'Renewables SA' as to the most appropriate cap in consideration of the total expected costs of the scheme and the 2020 target for renewable energy penetration in South Australia.

The report also states:

> Victoria has implemented their premium scheme with two clearly defined scheme caps and allows the Minister to declare a 'scheme capacity day' when either of these is reached. The first cap is for a maximum installed capacity of 100 [megawatts] and the second cap is when the scheme's average cost per customer of electricity per year exceeds $10 (whichever occurs first).

That is the government's own report; that is the recommendation the government ignored and, notwithstanding that it ignored it, the government did not even respond to the report for well over six months and then did not respond legislatively for well over another six months. That is why this scheme is a mess; that is why South Australian householders are paying $160 million. If the government had taken the recommendation of its own review, it would have limited the cost to other South Australian householders to $10 each per year.

The opposition takes no responsibility for the cost caused by this. The opposition does take responsibility for, first, restricting the $90 million cost that the government wanted to impose and, secondly, for ensuring that the scheme is fair. We do not believe that legislation and regulation should be made at the eleventh hour which disadvantages individuals. One thing about the Liberal Party is that we understand the concept of fairness—we understand it.

Motion carried.

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 17 May 2012.)

Clause 12 passed.

Clause 13.

Mr PEDERICK: I have a few questions about clause 13, which is about the requirement for identification codes. It states that the regulations may provide for a scheme for the allocation by the Chief Inspector of Codes identifying places where livestock or livestock of a specified class may be kept or handled. I would like some clarification. Does a property identification code (PIC) cover all land under the control of a farmer, whether they lease it, share farm it or own it? I understand that it would be covered by a person with those management arrangements, but I would seek clarification.

The Hon. P. CAICA: As I understand it, the new regulations will be amended to improve the overall legislative framework, but there will be further consultation with industry on any changes to the regulations. Those changes are not intended to alter the basic operations of the PIC, which is what you have described there, and, as I understand it, as was the case with some previous bills. The new sections have been developed to cover the current PIC system regulations. However, there will be ongoing discussion and dialogue with the industry with respect to those particular regulations, the same as we spoke about with some earlier amendments.

Mr PEDERICK: So, my understanding of your answer, and it is a little vague, is that if someone was operating multiple properties—a property they own, a property they lease and a property they share farm—I believe that under this legislation any animals under that ownership, whether they be on their own property, a leased property or a share farm property, but they are in the core ownership of one person who is the operating farmer, lessee or sharefarmer, the PIC fee would cover all the stock under his care and control?

The Hon. P. CAICA: As I understand it, that is currently the case. This process is not intended to alter the basic operations of the current PIC system. The answer to your question is, yes.

Mr PEDERICK: Horse SA has some specific questions about the PIC. The first question is along the lines of: is it possible currently to make a horse owner, who does not manage a property, nor is likely to—this is regarding agistment—who has nothing to do with other horses on the property and therefore has little input into the biosecurity arrangements, and has no legal responsibility for the property, get a PIC due to the fact that they meet the 'horse keeper' definition as it currently stands in the regulations? They make the further point, in their correspondence to

me, that this is very uncomfortably close to unique animal identification, which is not opposed in itself if set up to be exactly that, but PICs are not.

The Hon. P. CAICA: What I am advised is that the owner of the stock, in this case the horses that you mention, or indeed the person responsible, is in turn responsible for the acquisition of a PIC.

Mr PEDERICK: So, you are saying that the owner of the property is responsible for the PIC?

The Hon. P. CAICA: I am told that it could, in circumstances, be the owner of the property. The person who is most responsible will be responsible for the PIC.

Mr PEDERICK: In that regard—and this could apply to any animal, but it is a query from Horse SA—is it possible, or even legal, to apply the PIC fee multiple times against one property due to the fact that there could be different people involved in paying the PIC fee? Many people assume that only one PIC per property would be applied unless multiple PICs were asked for to aid livestock management. The submission from Horse SA states:

> It now appears this is not so, therefore it can be assumed that the PIC fee will be applied multiple times against one property but not receive multiple service improvement from PIRSA?

I am just wondering where the legal status is and whether multiple PICs would apply to single properties.

The Hon. P. CAICA: I am told that the intention is to only apply the PIC once. I am also told that there might be some circumstances where multiple PICs may be issued but it is not intended for that to be the case. Again, that would relate to the circumstances from the previous question about the owner of the animal, the owner of the property, or at multiple-jurisdiction level where it might get multiple PICs, but it is not intended to do that and we would expect there to be ways by which that would be subsequently identified and managed appropriately with the intention of, and underpinned by, that position of only issuing a single PIC.

Mr PEDERICK: Can clarification be provided around how people can apply for exemptions from the property identification code and what the criteria is? Is it possible that those with exemptions could be on some sort of public register or some other way to avoid them being lost in the system and receiving a fine from PIRSA for not paying an on-the-spot inspection fee or not having a property identification code on horse show entries, if required, and horse transport companies refusing to accept their business and so on? I just want some clarification around that.

The Hon. P. CAICA: I am advised that there will not be any exemptions from having a PIC, only an exemption that can apply to the fee that is being charged. I am further advised that that exemption would apply to non-government organisations or not-for-profits. As I understand it, at this stage our discussions have focused on one organisation, Riding for the Disabled.

Mr PEDERICK: So at this stage that will be the only organisation, probably?

The Hon. P. CAICA: That is the only one that has applied at this time. The rule of thumb is that you will not be exempted from having a PIC but you can be exempted from paying the fee. At the moment only one organisation has applied for that exemption.

Clause passed.

Clauses 14 to 25 passed.

Clause 26.

Mr PEDERICK: Clause 26—Claims for compensation from Fund. On page 9 of the bill, subclause (3) provides:

> Section 49—after subsection (4) insert:
>
> (4a) The amount of compensation is to be reduced by the amount of the net proceeds of any sale of livestock carcasses or other property.

I am a bit concerned as to what could be deemed 'other property' in this clause.

The Hon. P. CAICA: As has been identified, this amendment will allow for the change in the national deed to allow compensation for animal slaughter on animal welfare grounds to be legally applied in South Australia. The amendment will help farmers access better payments in a natural emergency response. I will not go into any great detail other than to say that the state is a

signatory to the national deed between all governments and the national livestock industry. The deed has recently been amended to allow for compensation for animals slaughtered on animal welfare grounds.

With respect to the specific question as to what might constitute 'beyond carcasses', or where it says 'or other property' (that was the thrust of the question), I refer to clause 49(1)(b) of the existing act, which provides:

> ...an owner of livestock or other property destroyed in accordance with a notice or order issued under Part 4 Division 4, or by action taken or caused to be taken by an inspector under Part 4 Division 4, for the purposes of controlling or eradicating a declared exotic disease during a declared period.

It talks about other property. In this circumstance it might well be sheds, for example, or whatever it might be that, as a result of the determination of the emergency animal disease response agreement, had to be destroyed as a result of whatever that disease might have been. Of course, that would be taken into account when the decision was made to destroy a property. That is a direct result of the management of that livestock on that property certified by an inspector for destruction.

Mr Pederick interjecting:

The Hon. P. CAICA: Other actions as well, yes.

Mr PEGLER: Just on that one, would that other property include skins and hides?

The Hon. P. CAICA: That was my initial reaction, that it would—bones, skins, hides and stuff like that that might have a sale beyond just the carcass. I think it would be a logical fit. In this regard, we are talking about other property, and I guess that is the owner's property, for want of a better term, and that would, in my view, fall in that category.

Mr PEDERICK: So, when you say it could be a shed (you did not talk about yards), could they be sold off under this clause and the proceeds used; not just destroyed assets, but they could be on-sold assets?

The Hon. P. CAICA: I am told that these would be determined by the contents of the national deed and what we have been a signatory to. I am led towards the member for Mount Gambier's description about what might constitute 'other property', and that would seem logical to me to be those other parts of the animal. However, there may be circumstances where either property might need to be destroyed or subsequently—and I do not know the answer to this—it becomes useless to that property owner and they might on-sell them. That would need to be dependent upon what is written within the national deed between all governments and the livestock industry.

Clause passed.

Clauses 27 to 29 passed.

Clause 30.

The CHAIR: Minister, I understand that you have an amendment to clause 30.

The Hon. P. CAICA: I do, sir.

The CHAIR: My understanding is that you just want to delete the clause, so I suggest that you vote against it when the clause is put. Do you have a question, member for Hammond?

Mr PEDERICK: Thank you, Mr Chairman. This is the amendment brought on by the Hon. Robert Brokenshire in the other place regarding the administration of the Animal Welfare Act in relation to livestock, which will be inserted after part 9 in the act. The main thrust of this amendment is that 'the minister responsible for the administration of this act is responsible for the administration of the Animal Welfare Act 1985 in so far as it applies to livestock (other than pets) to the exclusion of the minister who is responsible for the administration of that act.'

I, as the lead speaker, and others on the side of the house have indicated that we do support the amendment that has come down from the other place. We believe that commercial livestock and horses, in as far as animal welfare, should come under primary industries so that the department and its inspectors can manage the animal welfare issues that come up from time to time.

As I indicated in my initial speech on this bill, we believe that the RSPCA does great work regarding managing welfare issues with pets and wildlife. We on this side of the house do not believe that a charity should be responsible for the multi-billion-dollar industry that livestock is to this state.

We have seen bungles at times with management. The biggest issue, I guess, was the Brinkworth case. Tom and Pat Brinkworth were dragged through the mud, with allegations of animal cruelty, because a senior employee of the RSPCA made a fundamental error in an application for a search warrant. The case was subsequently thrown out, without the Brinkworths or their managers able to put their side of things. It is like a lot of things that go on in life: it is pretty easy to throw a bit of mud but, once you throw it, there is always some that sticks. The problem for the Brinkworths and their managers was that they never got to go to court because this case got pulled.

I note that there is a lot of emotive argument on either side of this case about whether or not it should have gone forward and whether they should have perhaps suffered the fate of prosecution, but the sad thing is that they were never able to put their case in a court of law in this state because of a bungled investigation. That is the simple fact of what happened.

In other matters relating to animal welfare, we see pressure from groups. We see that Animals Australia tag team with the RSPCA on issues such as mulesing and live animal exports. The simple fact is that some of these people want to put up all these issues, but they never come up with a solution. They want to impinge on the farming community of this state and this nation—not that anyone on this side of the house condones bad animal welfare practices by any means—putting unrealistic obligations on primary producers. They do not understand, especially in regards to the live cattle episode, how much impact that has on this country and even this state.

As I said in my initial speech on this bill, the impacts of that ban on the live cattle industry reverberated right back to South Australia. Johnsons Feed at Kapunda was heavily impacted; it goes through to the feedlots. What is the other option for these cattle from the north if they do not go north to Indonesia? They have to do possibly a 3,000-kilometre ride in a truck, and plenty of stock does that.

I see what happened during the recent drought in Western Australia, when well over a million sheep came east; some came in here to South Australia and some went through to New South Wales and Victoria. Certainly, tens of thousands of cattle, if not hundreds of thousands, travelled east to come out of the drought, and indeed I witnessed cattle trucks changing their loads at Border Village, on the border of South Australia and Western Australia.

All the time we see farmers feeling as though they have not done enough, yet they are the best people to know how to treat animals fairly. Back in 2008, the caged egg industry was restructured, yet still for some not enough is done, so more impost is placed on the egg producers of this state in regard to the caged egg industry.

We see the sow stall issue, which Coles has pushed along in this nation, where the industry has agreed to voluntarily phase out the use of sow stalls by 2017. Yet, as I understand it (and I must admit that I did not see the program), the Premier of this state said on *Landline* that he wanted to accelerate the exclusion of sow stalls to 2013. It is pretty easy to make those glib comments without understanding the cost. One pig producer in my electorate—and he is a major pig producer—had to spend $1 million to get his shed up to spec. There would not be too many people in this place who could throw $1 million at one project, at one part of whatever they do in life. This farmer knows that his contract with Coles is set for the next five years—and what happens then?

I know from talking to the RSPCA, as I did before we debated this bill a couple of weeks ago, that they want to separate their campaigning from the inspectorate roles. It is not as easy as that; you just cannot split the two. The RSPCA want to keep their inspectors in charge of commercial livestock, but then they say, 'Just split off that idea where we are campaigning against mulesing of sheep.' We debated here earlier the benefits of mulesing for sheep. Yes, it is short-term pain, but I tell you what—it is long-term gain.

As I have indicated in this house before, I shore sheep for 13 years, and I shore plenty around the place. I shore plenty at times which had a touch of flies because of bad weather conditions, humidity, on properties where the weather had gone against them. Not only is it a big issue on the tail of sheep, but if it moves up over the body a body-struck sheep is something that is not very pleasant, not very pleasant at all.

We need to be realistic about what measures are put in place for our farmers because I can assure you that 99.99 per cent of them will do the right thing. Sure, there is always someone who will try to take a short cut, I will admit that, and they should not. We need to respect our food producers, and we need to give them a break. I know that the wool industry bodies are looking at ways of not having to mules our sheep. There are ways to breed plainer sheep, but the trouble is that if you breed plainer sheep you do not get the wool cut and there goes your profitability.

As far as cattle husbandry is concerned, we are the only nation in the world that follows our stock to the slaughterhouse, and that is to be commended. We see recently that, through some of the footage Animals Australia took and the investigation that followed, it looks like a couple of prosecutions will follow, but Animals Australia still were not happy. We have to be careful what we wish for at times. What do people want in this state and country? We are not all going to eat beets and beans and chick peas. Some of us want to eat meat.

Mr van Holst Pellekaan interjecting:

Mr PEDERICK: Yes, I have eaten the odd steak, Mr Chairman, and I enjoy it.

Mr van Holst Pellekaan: Three times a day.

Mr PEDERICK: I would have it three times a day if it was possible, yes. Thank you, member for Stuart. But we do have to be realistic and what I am getting back to is I do not believe that you can, as the RSPCA says, just split off the inspectorate role from the campaign role. You simply cannot do that. As I have said, most farmers—in fact, the vast majority—do the right thing, but they know that they are under pressure and having to spend money, and there is no certainty in the future that any upgrades they do will be good enough even five or 10 years down the track. Yes, there always can be improvements made, but someone has to pay the piper. Someone has to pay the bill. You know what? It is usually not the consumers or the middle men. I know who it is: it is the primary producer who has to pay those costs every time. Sometimes—in fact, most of the time—there is no chance of them finding compensation for that expense.

In the bigger picture, we support this amendment that has come from the upper house. We think it is the right thing to do. We think that Primary Industries, which has very capable inspectors who attend sales throughout the state, who are already there in force, with the appropriate funding applied, should be the ones managing animal welfare in this state for commercial stock and horses. I commend the amendment as it has come from the other place.

The CHAIR: Minister, do you wish to respond?

The Hon. P. CAICA: There was no question to respond to. It was a second reading speech all over again, Mr Chairman. I know I have a right to move a point of order, but there is no question to respond to. I think, with your permission, the member has provided enough leeway for me to, at the very least, give a response. Whilst we are moving to delete this, I accept your ruling that my voting it down will essentially do the same thing, at any rate.

This amendment was introduced, as was said, in the Legislative Council to transfer responsibility for livestock animal welfare from me to the minister responsible for the Livestock Act which, of course, is my colleague in the other place, the Minister for Agriculture, Food and Fisheries. The government, obviously, opposed this amendment in the other place and we will seek to have it excised here.

There is strong public support for the current system with the RSPCA as the primary investigation enforcement body, supported—and I reinforce the point—by PIRSA in livestock matters, operating under a memorandum of understanding between these bodies and my department (Department of Environment and Natural Resources) as the lead agency. There is regular and ongoing dialogue and, where there are issues, they are addressed. Members would note that the RSPCA is publicly opposing the proposed amendment and refuting suggestions they are unable to effectively police animal welfare issues in the livestock industry—an assertion with which I and the government agree.

As was mentioned by the member for Hammond, the vast majority of farmers look after their animals well and strongly support good animal welfare, but there are some who do not. I intend not to go to the Brinkworth case except to agree, perhaps for different reasons, that it was a tragic set of circumstances that this matter did not see the light of day in the courts. Where there are allegations of cruelty, the RSPCA, supported by PIRSA when needed, investigates and deals with the matter as required. The system has been operating well for many years, and the government does not see a need to change this system.

In response to a couple of matters that were raised by the member for Hammond, where he said that farmers are the best people to treat animals fairly, we agree with that position, that 99.9 per cent of farmers do the right thing, so let us give primary producers a break. But, if 99.9 per cent of them are doing the right thing, what is the difference with respect to whether it be the RSPCA or any other body actually doing the enforcement?

No-one has come to me with any evidence to say that the RSPCA has acted outside of this ambit. In fact, no information at all indicating that has ever been brought to me in my role as the Minister for Sustainability, Environment and Conversation, nor in my previous role, which I enjoyed very much, as the minister for agriculture, food and fisheries. I supported them doing—

Mr Venning interjecting:

The Hon. P. CAICA: I supported the RSPCA doing it at that stage, I support them doing it now, as does the government. We see no reason for this amendment that was moved in the other place to be supported, and we will be moving its excision from this particular bill. I could go on but I will not, sir, and I thank you for your tolerance in allowing me to respond to what was essentially another second reading contribution. There were no questions asked. I will leave it at that and suggest that we vote on the bill.

The CHAIR: Before I recognise any other member, I did allow some latitude for the two speakers, and—

Mr Venning interjecting:

The CHAIR: That's fine, you can still speak; just listen up. I would ask that members restrict their comments to the actual clause itself and not have a general discussion about the bill. The member for Morphett.

Dr McFETRIDGE: Thank you, Mr Chairman. I have a question on this particular clause: can the minister tell the house how many prosecutions in the last 12 months to five years have been undertaken by the RSPCA against commercial livestock producers, and how many of those have been successful? On the same clause: could the minister also let us know whether he considers there to be a conflict of interest if PIRSA were to be the prosecuting body?

The Hon. P. CAICA: The situation at the moment is that they work very closely together to get the best possible outcomes that can occur, given the expertise of PIRSA in this particular area, and its working relationship with the RSPCA. Quite simply, it is a good way to do things, it has operated well, and I think it should continue to operate in that particular way. The record of the RSPCA and that arrangement is generally good.

I have been advised, with respect to your specific question, that livestock welfare enforcement has always accounted for about 20 per cent of the RSPCA workload, although prosecutions involving commercial livestock are usually below this level—I understand two of the 32 prosecutions in 2009-10. The RSPCA has always had a high success rate in prosecutions, attributed also to its principle of prosecuting cases with a high likelihood of success. Again, I just reinforce the complementary roles of the RSPCA and PIRSA livestock inspectors in managing this situation.

Dr McFETRIDGE: Just on that same clause: from those figures the minister gave us, am I correct in understanding that only two prosecutions were undertaken with commercial livestock producers? How many were investigated and not proceeded with, and can the minister give us any reason as to why they were not proceeded with? To me, that seems like some of them may have been placed in the too-hard basket or were too expensive, or there may have been some other reasons as to why those prosecutions did not proceed.

The Hon. P. CAICA: I do not have the figures about how many investigations were undertaken, and that is a matter of my asking the RSPCA that specific question. As a rule of thumb, I would think investigations are undertaken and then a decision is made with respect to the likelihood of success, and that decision would be based on the investigation and the incident that occurred. Its high success rate in prosecution is attributed to its principle of prosecuting cases with a high likelihood of success, I am told. I do not think that is unique to this area of responsibility. It happens in quite a few of the compliance and enforcement areas for which government is responsible.

Dr McFETRIDGE: This is my third question on this clause. If they are looking only at cases where there is a high chance of them actually being successful in the prosecution, it seems

to me that, with better resourcing of the people who are involved in those prosecutions and with higher levels of expertise in investigating those prosecutions, there may be more people charged and more people successfully prosecuted.

Everyone would then have confidence in the fact that our commercial livestock producers were doing the right thing, and there would not be this general push by some of the lobby groups to say that commercial livestock producers are only in it for one thing, and that is the money. They certainly are not. That is not my experience in 22 years of veterinary practice; the vast majority, 99.999 per cent, of those commercial livestock producers I dealt with were more concerned about their animals' welfare than they were about the profit at the end.

I just put on the record that I have seen some cases—in particular one case, and if there is one case that gets away with it, that is too many as far as I am concerned—where the guy should have been prosecuted. In fact, there are probably two there. These guys weren't prosecuted, and by any standards, never mind a veterinarian looking at them, by any standards of an experienced animal or stock inspector looking at these animals, they should have been prosecuted. Those people should never own livestock, and neither of those people were prosecuted.

If I come into this with a slightly different view to others in this place it is because of those two cases, which have really made me think 'Well, hang on; is the RSPCA the right organisation to do it?' It does a wonderful job in many other areas. It is a wonderful organisation supported by thousands of South Australians, and I have done everything I can to support it, but in this particular area I urge the minister to look at what is going on here and make sure that the resourcing and expertise is where it should be, and that is with PIRSA.

The Hon. P. CAICA: As I said earlier, I disagree with the fundamental premise that it should be with PIRSA. I am very pleased that we have gone from 99.9 per cent of farmers doing the right thing to 99.999 per cent of farmers doing the right thing, and I do notice the disparity between the lead speaker and his—

Dr McFetridge: Disparity?

The Hon. P. CAICA: Well, in the scheme of things it must be a significantly low number, hence, again, the fact that only two of the 32 prosecutions in 2009-10 were, I am advised, related to commercial livestock. I cannot comment on the specific individual cases the member has spoken about there, and I would back him as a vet—and you cannot be a former vet; you will always be a vet—about his views about how those particular animals were handled in this particular case.

I can only assume that there may have been some other issues that prevented a prosecution. That is my point. What I did not say earlier is that they investigate only those circumstances where there is a high likelihood of prosecution. They undertake an enormous number of investigations and then determine, as is quite appropriate, the likelihood of success of prosecution in those particular cases.

Mr VENNING: I want to commend the member for Hammond's speech and ask a question. I intend to make a comment in support of the amendment we are now debating before the committee, and at the end of it I will ask a question in relation to this. I have had a lot of contact in my electorate over many years, Mr Chairman, as you would have had, on issues like this, and one particular constituent, Mr Warren Starick from Cambrai, has always given me top advice on matters like this. As a chook farmer, egg producer and also in livestock generally—pigs, and all sorts—he has given me a lot of advice, and I will selectively quote (because it is too long) some advice he has just given me in correspondence I have had from him. He said:

> South Australia and Queensland are now the only states that allow third party prosecutions under this act. Shortly new standards are going to be put in place for the transporting of livestock. These standards are enforced differently to the old codes of practice where an actual act of cruelty had to be proven. Under the new regulations someone for example could use their mobile phone to take a photo of a sheep's leg protruding from a truck; this is a breach of a standard. While a prosecution policy may allow a warning, a third party e.g. animal libber [or the RSPCA] could take the operator to court and win the case as there is a clear breach of a standard.
>
> Some years ago a poultry producer was taken to court under the PROCTA act and it was eventually settled out of court after costing the producer some $30,000 to defend himself.

An animal libber then took the same producer to court and, eventually, with the support of the NFF fighting fund, the NFF won the case in conjunction with the 'ham in sheep feed' at Portland.

The industry tried to get the third-party provisions removed, but the government refused to remove it. We know the history of this issue, and, Mr Chairman, you would too, particularly the

Johnson debacle. They were in my electorate at the time. A lot of people there lost their jobs. The Johnsons were very concerned when the live sheep export was held up purely because of the infiltration of these people on the ships.

The Indonesian abattoir was emotive footage on TV. It is always very difficult to watch that on the TV. In fact, I did not watch it. I could not watch the Indonesian abattoir. I did not want to watch that. I used to butcher my own sheep, and, at the best of times, it was always unpleasant work. I do not do it anymore. We always had to do that because that is what you did. I did not watch it. For the ordinary person watching that footage it was horrific, terrible. It should never have been allowed to happen.

We saw the result of that. We saw the industry frozen overnight, and look what has happened since: many people lost their livelihoods and a whole industry came to a stop. You had cattle in the yard waiting to be loaded. They had to be fed, at whose cost? That was cruel in itself, just having those cattle waiting around while everyone dithered trying to work out what we were going to do.

The sow stall is an issue that has come to us in recent days. As a past pig producer I understand exactly why you have sow stalls: it is to save the piglet's life. When a sow goes down on a hard floor—we do not have pigs on soft floors anymore—of course the piglet underneath gets squashed. The massive weight of a large sow just squashes the poor little piglet to death. The rails are put there purely to try to save the piglet's life. I always understood that, once the piglets are four to six weeks old, we remove the rails and allow the mother to be able to turn and then put them out when they are big enough to fend for themselves. When they are born in the wild, the sow makes a hole in the ground and a lot of deaths occur.

Caged birds is always a difficult issue. Mr Starick has given me a lot of advice. In fact, he has gone out of the industry purely because the cost of his having to rebuild to the new regulation was just not worth it. You really are handing this industry over to the big fellows. As I said to the shadow minister, especially today farmers are very good husbandmen, and our friendly vet here—once a vet, always a vet—will back that in. We are very aware. We love our animals. We depend on them for our livelihood. We are not going to be cruel to them. My question to the minister is: will the government consider the removal of third-party prosecutions under this act?

The Hon. P. CAICA: I am advised, and I know it to be the case, that third-party prosecutions as you mentioned there, or bringing proceedings, is not under this act. That is under the Animal Welfare Act. We are dealing with the Livestock Act, and it is not a component of this particular act.

Mr Venning interjecting:

The Hon. P. CAICA: No. It is not part of this bill. It is in the other act, the Animal Welfare Act.

Mr PEGLER: My question is to the minister. How many RSPCA livestock inspectors are out in regional South Australia and where are they? I ask this question because of an experience I had a few years ago. Someone mischievously reported me to the RSPCA for not going around my sheep when they were lambing and that we had many dead sheep, etc. Two inspectors turned up. They drove the roads around my property. They had a look. They had both come from Adelaide especially to inspect that. They had a look at those from the road. They pulled up at my front gate, and they just said to me that they did not have any problems.

I then asked them to come and look over my whole property and I explained to them all our management practices. Bear in mind that the accusations were that we were not going around these sheep at lambing. Bear in mind that our operation probably records more lambings than anyone else in Australia, and it is pretty impossible not to go around your sheep and record all the lambings at the same time. They were great people, but they did not have a lot of understanding of the livestock industry and they were absolutely astounded at our management practices. When this same person rang in the next couple of years saying the same things, they obviously found out that they were being quite mischievous.

My point is that it would have been much easier for a PIRSA livestock inspector based in Mount Gambier to have just come out to my property, had a quick look, understood what we were doing and would have known straight away that this person was being mischievous. I wonder whether the RSPCA has the resources in situations like that.

The Hon. P. CAICA: I thank the member for Mount Gambier for his question and for relating the circumstances of the situation as described. I am told that there are no RSPCA officers appointed within the country regions and that they are centralised here in Adelaide. However, I hark back to the comment made earlier and agree with your view that the PIRSA personnel or police officers, who are authorised officers under the arrangements as well, should at that time have been able to contact the RSPCA and, under those circumstances, said that this is a try on by that person being mischievous. My understanding of the working relationship is exactly that.

RSPCA officers are not permanently located within regional South Australia, but they are still reliant upon information provided through those other mechanisms, not the least of which are the PIRSA representatives that are qualified within that particular area of responsibility, along with police officers, who have the proficiencies. RSPCA inspectors are required to have the proficiencies to be authorised by me as minister for the environment to conduct those routine inspections, but PIRSA staff are equally qualified within that field to provide that advice to the RSPCA of a preliminary nature that you described.

That is one of the circumstances where it was remedied the second time around, but it probably should have been remedied the first time around and my expectation (and certainly the expectation of government) would be that the working relationship between the RSPCA, which is a good working relationship as I mentioned earlier, and other organisations out there, whether it be PIRSA or the police in regional South Australia, will advise the RSPCA in a proper and appropriate way of any issues that might arise with respect to animal welfare in the regions.

Mr PEGLER: To follow up, is the RSPCA directed to first seek advice from the local PIRSA livestock officers or police in situations like that?

The Hon. P. CAICA: No, I am advised that that is not the case. PIRSA animal health officers attend the majority of livestock markets to check compliance of the Livestock Act. Animal welfare issues that are witnessed are either handled by those officers on attendance, if minor, or are referred to the RSPCA for investigation in major problems in which PIRSA officers provide witness evidence.

The RSPCA frequently requests PIRSA officers to investigate reports from country regions to establish authenticity of complaints. PIRSA officers are authorised, as I mentioned earlier, under the Animal Welfare Act for this purpose as well as for assistance in natural disasters affecting livestock truck roll-overs. In answer to your specific question, no.

Mr PEDERICK: In response to that answer and the previous answer: to make the administration of animal welfare much smoother, because the primary industries officers are stationed in regional areas and are at sales looking at how stock are presented, I would have thought that it would be a sensible idea to put them in control of animal welfare. They are already at the sales. They are already at these commercial sales, seeing what is going on and, obviously, they have the knowledge, they are on the ground and we are not having to call on the RSPCA to send out their officers from the city.

The Hon. P. CAICA: I think we are rehashing old ground again. Notwithstanding that, the process that we have in place has worked effectively for an extended period of time. It is the most appropriate and efficient use of existing resources and, most certainly, as we said earlier, we do not agree with the premise of the opposition that there is something wrong with the current way in which things operate. We will be looking to excise this clause.

The committee divided on the clause:

AYES (20)

Brock, G.G.	Chapman, V.A.	Evans, I.F.
Gardner, J.A.W.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Marshall, S.S.	McFetridge, D.
Pederick, A.S. (teller)	Pegler, D.W.	Pengilly, M.
Pisoni, D.G.	Redmond, I.M.	Sanderson, R.
Treloar, P.A.	van Holst Pellekaan, D.C.	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

NOES (25)

Atkinson, M.J.	Bedford, F.E.	Bettison. Z.L.
Bignell, L.W.	Breuer, L.R.	Caica, P. (teller)
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K.	Portolesi, G.	Rankine, J.M.
Rau, J.R.	Sibbons, A.J.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

Majority of 5 for the noes.

Clause thus negatived.

New clause 30A.

The Hon. P. CAICA: I move:

Page 10, after line 15—After clause 30 insert:

30A—Amendment of section 82—Extension of period for prosecution and issue of expiation notice

(1) Section 82(1)—after 'Act' insert '(other than an expiable offence)'

(2) Section 82—after subsection (2) insert:

(3) Proceedings for a prescribed expiable offence against this Act must be commenced within 2 years of the date on which the offence is alleged to have been committed and, despite section 6 of the *Expiation of Offences Act 1996*, an expiation notice for such an offence may be given after the expiry of the period of 6 months from the date on which the offence was alleged to have been committed.

(4) An expiation notice for a prescribed expiable offence against this Act cannot be given after the expiry of the period of 2 years from the date on which the offence is alleged to have been committed.

The effect of this amendment is that it will provide legal clarity regarding enforcement activity under the Livestock Act 1997 being able to occur more than six months after the commission of an expiable offence. The Expiation of Offences Act 1996 limits the period of time for which an expiation can be issued. This restricts the period in which proceedings for prosecution can be commenced, despite section 82 of the Livestock Act 1997 providing two years in which proceedings for prosecution can be commenced.

Due to the very nature of the livestock industry, I am told it is common for expiable offences not to be detected immediately. For example, sheep often move directly from interstate properties to South Australian properties. The sheep require correct identification and health status documentation. However, detection of any offence commonly occurs at the livestock market six or more months after the offence might have occurred.

This amendment is about which act has precedence, and certainly this amendment will not apply to all expiable offences under the act. A regulation will be required to prescribe those expiable offences to which the extension of the expiation and prosecution period will apply. Only those expiable offences that are regularly detected after a period of time has passed since the commission of the offence will be prescribed.

Mr PEDERICK: I note that section 82(1) of the Livestock Act 1997 provides:

Proceedings for an offence against this Act must be commenced within two years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within five years after that date.

Obviously, with an expiable offence, the minister will not have that capacity under this amendment. On this side of the house, we support the amendment. As I indicated in my second reading speech, the inclusion of the multiple expiable offences, I think, brings a lot more clarity to how this bill, if it is enacted, will be able to operate. We support this amendment.

The Hon. P. CAICA: I thank the member for Hammond and his side for the support of this amendment.

New clause inserted.

Remaining clauses (31 and 32), schedule and title passed.

Bill reported with amendment.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:41): I move:

That this bill be now read a third time.

In conclusion, I thank the opposition for the level of support for this very important bill. I acknowledge the comments that were made about the importance of the livestock industry to this state and nation but also the importance of making sure that we properly manage our livestock and the fact that farmers are best positioned with, depending on whom you are talking to, 99.999 per cent of farmers always doing the right thing. I also thank our officers from the department who have worked very well and diligently in assisting in my preparation of this bill.

Mr PEDERICK (Hammond) (12:42): Obviously, we support most of the bill as it has come through. We are disappointed on this side of the house that the amendment moved in the other place has not survived, but we will watch with interest what happens when this bill does go back to the other place, because we on this side are certain that animal welfare issues of a commercial nature, and involving horses, should be under the care and control of Primary Industries.

I also note, as I indicated earlier, the ability to have multiple expiation fees is certainly a sensible move for the rights of farmers and to allow things to progress more smoothly. I certainly acknowledge that, finally, after 15 or so years, people can artificially inseminate their stock without fear or favour. I do hope the upper house holds its nerve as far as the amendment in regard to commercial livestock and horses animal welfare activities being under PIRSA control.

Bill read a third time and passed.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 2 May 2012.)

Mrs REDMOND (Heysen—Leader of the Opposition) (12:44): I am a little surprised that we are approaching it in this order and not the one I was prepared for. Nevertheless, I will start on the Independent Commissioner Against Corruption Bill, not the telecommunications bill.

The Hon. J.R. RAU: Mr Deputy Speaker, there was some brief conversation when we were here before, and the understanding I had was that, given that the telecommunications bill is entirely consequential upon the other one, the main substance of the matter is, in fact, the ICAC legislation, so that is why we are dealing with it.

The DEPUTY SPEAKER: Okay. The Leader of the Opposition.

Mrs REDMOND: I rise to speak on behalf of the opposition and indicate that I will be the lead speaker on this bill. You would be aware, Mr Deputy Speaker, that since becoming leader I have retained the portfolio in relation to having an independent commission against corruption in this state because I have fought long and hard for the introduction of such an organisation in this state.

Of course, it has been Liberal Party policy for a long time since I was the shadow attorney-general. Indeed, when I announced my intention to bring in a bill with the support of my party room to establish such an independent commission in this state, I remember doing a press conference at the time in which I indicated that I would be well satisfied with my parliamentary career if I could see into this state the introduction of an independent commission against corruption. So, I welcome the fact that we at last have such an introduction in this state.

It bewilders me somewhat that the government is bringing it in at this stage after years and years of fighting against such a commission with the stated intention that they are now in a rush to get it through. Indeed, they are in so much of a rush that I want to place on the record the contents of an urgent facsimile which I received from the Local Government Association in relation to the matter. In that, the CEO of the Local Government Association, Wendy Campana, said—and I will not read the whole thing:

...I wish to seek your support to delay discussion of the Bill in the House of Assembly until the LGA has had a chance to respond to the Minister regarding its contents. The Bill has been introduced without consultation with the LGA and our usual process of consultation with Councils is well underway and due to be completed shortly after 7 June. You would be aware the Bill has significant implications for the Local Government sector.

The Hon. J.R. Rau: Untrue.

Mrs REDMOND: The Attorney-General is calling 'untrue' from the other side of the chamber, and I put that on the record because I note the CEO of the Local Government Association in the gallery and I am sure that she wants to know that the Attorney-General is accusing her of saying what is untrue in her communication. She goes on to say:

The State/Local Government Relations Agreement, which was resigned by Premier Weatherill and the Minister for State/Local Government Relations, Minister Wortley—

We have another name for minister Wortley. Minister Wortley and the Premier re-signed that agreement on 17 May—so, not very long ago—and it specifically provides for consultation with local government prior to seeking legislative change that impacts on the sector. Clearly, given the contents of the Independent Commission Against Corruption Bill, this certainly does impact on the sector. The facsimile goes on to state:

The Attorney-General provided the LGA with provisions related to changes to Part 12 of the Local Government Act prior to its introduction and we provided some feedback. At no time prior to the introduction of the Bill did the Attorney-General flag the proposed amendments impacting on the LGA itself.

I wanted to place that on the record at the very outset because I believe it is very important for us to understand just where this bill has come from and what its true history is. If you read the second reading explanation of the Attorney when he introduced the bill, he goes to some lengths to talk about the supposed history of the bill, completely ignoring any part that the Liberal Party had to play. He basically ignores that in favour of a history that only talks about the fact that they went out to consult.

Of course, as is usual with this government, when they talk about consultation, that means that they have gone through a process so that they can say, 'Yes, we consulted.' It does not mean that they have taken any notice of anything that anyone said during that consultation process, merely that they can now tick the box to say 'we consulted'. I sometimes worry that you do more harm than good to any cause with this government by actually turning up at a consultation because it does enable them to tick the box to say 'we consulted' when you know that the government has already made up its mind precisely what it is going to do and it is going to proceed that way anyway.

As I said, my position on this bill and that of my party is that we welcome its introduction at long last. We fought against it with the former premier, that he would not accept that there could be corruption in this state, and eventually he was brought to the position of saying, 'Well, we will have a national ICAC,' which would have done nothing for this state. Eventually we did get to the position where the government, having changed premiers, did some polling and realised that the fact that we were in favour of an ICAC and they were against it was actually doing them harm in the electorate, so they decided that they had better proceed down this path.

Can I remind you that, whenever I used to talk about an ICAC, the government inflated the cost that it was going to be to the community. I remember when I made my first statement about the ICAC, we had investigated the various bodies—the Crime and Misconduct Commission, the CCC, the ICAC in New South Wales, all the different things that existed in the other states. Having looked at them all, we settled on basically the New South Wales model with some tweaking as the most appropriate.

We said, 'Well, we've never run an ICAC before. How do we cost what that is actually going to cost the people of this state? Surely it can't cost any more than what it cost in New South Wales.' At that time, the cost in New South Wales was just shy of $15 million. So we said, 'In spite of the fact that we have a much smaller population and in spite of the fact that it will take some time to actually put things in place, so we would not expect it to be operating at full strength right from the outset, let's cost it at $15 million.'

Straightaway, the government said, '$30 million,' and indeed Mike Rann even went as high as at least $40 million. It was going to be a lawyers' picnic, in spite of the fact that very few lawyers would be employed in the place, and it was going to cost at least $40 million. All the time that we were arguing about the introduction of an ICAC in this state, those sorts of figures—$30 million,

$40 million—were the figures bandied about by the government saying, 'That's what it's going to cost.'

Now when it comes to them introducing it—after, as I say, having done some polling and discovering that it was hurting the government, so 'We'd better introduce one'—how much is it going to cost them? $6 million! After ours, which we costed at $15 million, was going to be at least twice what we said, somehow they are going to introduce an effective ICAC for only $6 million, just a fraction of what we were going to have.

Can I also say that I went to the very first conference dealing with corruption in New South Wales in 2007. It was the first time that all the different agencies—the CMC, the CCC, the ICAC in New South Wales—had got together. People involved in corruption and trying to deal with it throughout the country gathered for the first national conference in 2007. I well remember it because Morris Iemma, who was then the Labor premier of New South Wales, opened the conference. When he got up to open the conference, he said, 'Any jurisdiction that thinks they don't need one is delusional. Any jurisdiction that thinks they don't need one of these is crazy.'

They had been going for 20 years by then in New South Wales and it was a very strong statement from him, but he also made the point that just bribery alone, they thought at that stage, cost in the order of $1 trillion worldwide a year. A trillion dollars: that is a thousand thousand million dollars. They reckoned just the bribery part was 3 per cent of the world's GDP and that is of course not the only part of corruption that we have.

I want to take a few minutes at the beginning of my remarks to talk about just what constitutes corruption. It is a complex area and there are gradings of what people think would be corrupt conduct. Indeed, the first day of the conference was actually a workshop and at that workshop we were divided into groups and we had to deal with various scenarios and say, 'Do you think this is corrupt conduct?' I just want to review a few of those scenarios that were brought up at this conference in which you might find that you had corruption occurring.

Is this corruption? Given the cartridgegate scandal in this state and given that this government thought there was no corruption but was dragged kicking and screaming to having an ICAC, this is a very relevant example. A contractor gives an employee of a public agency a digital camera as a thank you gift. The gift is accepted and shared with other staff members in the office—question: is that corruption?

Another example is a school principal who deliberately overstates the number of students enrolled at his school in order to attract increased departmental funding. He uses the extra funding to upgrade the school library, so he is actually acting in the interests of the organisation he works for but he has falsely upgraded the figures. Or perhaps a public sector mining warden cancels a mining lease without issuing proper notifications and then reregisters the lease in favour of a family member—that particular one is a pretty clear case. Or perhaps a prison officer in charge of a workshop uses prisoners to undertake work for his private business—again, pretty clear.

Here is one that comes up I suspect more commonly than most people would realise but, looking at the cases that I have seen through the New South Wales ICAC, it is remarkable how often this type of thing comes up: a public officer is having an extension added to his house and he engages a company that he has had regular professional dealings with to undertake the work. The company offers him a 25 per cent discount on the private work which he accepts—corruption or not corruption?

Another one is where a routine audit of the department's network finds that a number of client files have been accessed by a casual staff member without proper authorisation and some files have also been emailed to unknown external parties—corruption? In her job at the Department of Land Management, an officer is asked to assess applications for funding to regenerate environmentally sensitive forest areas. The officer is also a member of a local environmental group which has been protesting about degradation in an area that is the subject of one of the applications. That will bring me on to another topic in a moment.

Finally, after being lobbied by a landowner, a cabinet minister intervenes to grant a favourable rezoning that allows the land to be developed as a resort. During the previous election campaign, the landowner attended a fundraising dinner organised by the minister—is it corruption? That obviously led to a lot of interesting debate at that seminar and, largely, people felt that all those scenarios were either corrupt or potentially corrupt. The other thing we discussed that morning was the problem of conflict of interest. Sometimes people have a conflict of interest, and

there is a very fine line and not a big step between having a conflict of interest and not responding to it properly and tripping over the tripwire that can lead you into corrupt conduct.

I will mention a couple of those as well. The Department for Education has just opened a college campus in a developing rural community and an agricultural science graduate is employed part-time at that location to teach environmental science. He moved there from the city after inheriting the family crop dusting business which he currently manages part-time with his current college teaching commitments. The college has requested the officer to research and prepare a report on environmental risks to the new rural campus. College administration is aware that the local council has had a series of complaints from the local community about contaminated waterways. Pretty clearly, there is going to be a conflict of interest for that person undertaking that work.

There are questions arising from those sort of scenarios as to when that slips over the edge and becomes corrupt conduct. Usually corruption is going to be defined in terms of the point at which one gains a personal benefit. In the particular circumstance that I just outlined, for instance, the personal benefit could be that the crop dusting business is not adversely affected because the person who is doing the investigation is so closely tied to it in owning it.

There are many issues relating to corruption in terms of how you define it. I will come to that in more detail when I get further into my comments on this matter. I simply say that I raised those particular things just to highlight the fact that these sorts of issues and these scenarios that I have just outlined, although they were generic in the way they were worded, were all based on real-life examples. These are all things that happen every day and I have no doubt that, with the best will in the world, we are going to have some level of corruption in our various public authorities; be they local, state, federal or independent authorities, at work.

Indeed, one of the things we discussed at this conference was the fact that most people are very honest. We talked about the fact that you could leave money on a desk at the conference and you could walk out (not even knowing the other people) and reliably expect that when you came back into the room that money would still be on the table because people were not motivated to steal it.

However, you could get into certain situations—for instance, if there was someone with a gambling problem or a drug problem—where motivation to step over that line into corrupt conduct increases. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATIONAL ENERGY RETAIL LAW (SOUTH AUSTRALIA) (IMPLEMENTATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

His Excellency the Governor assented to the bill.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2012

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

VISITORS

The SPEAKER: It is my understanding, and I have met with them, that the Ashford Special School were here for lunch today. You may have seen them around. It was lovely to see them here. They were guests of the Minister for Education and Child Development. We also have in the gallery Ms Shirley Peisley, Robyn Layton and Mr Peter Buckskin. Welcome. It is nice to see you here. It is nice to see you back here, Peter. I omitted to mention Ms Khatija Thomas. It is nice to see you here. It is Reconciliation Week, so it is especially nice to have you here representing Reconciliation SA.

ASSISTED REPRODUCTIVE TREATMENT (EQUALITY OF ACCESS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): Presented a petition signed by 294 residents of South Australia requesting the house to pass the Assisted Reproduction Treatment (Assistance for Lesbians and Single Women) Amendment Bill 2011.

HAPPY VALLEY ROUNDABOUT

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 414 residents of the City of Onkaparinga and greater South Australia requesting the house to urge the government to construct a roundabout at Glenloth Drive and Chandlers Hill Road, Happy Valley.

ANSWERS TO QUESTIONS

CLASSIC TARGA ADELAIDE

321 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 4, p19—

1. Is the Classic Adelaide Targa Event to be based out of the Inter-Continental Hotel instead of the Hilton Hotel in Victoria Square and if so, will there be traffic management issues and other challenges linked to that decision?

The Hon. C.C. FOX (Bright—Minister for Transport Services): The Minister for Tourism has advised:

The Supaloc Classic Targa Adelaide official host hotel is the InterContinental Adelaide. The InterContinental Hotel was successful in gaining this contract through a tender process managed by Octagon which included the Hilton Adelaide.

Supaloc Classic Targa Adelaide events scheduled to take place at the InterContinental hotel are:

- Official event start—Wednesday, 14 September
- Event finish and trophy presentation—Saturday, 17 September
- Gala Dinner—Sunday, 18 September (inside the ballroom)

Octagon did not have any traffic management issues as the two outdoor events scheduled held at the InterContinental Hotel were confined to the driveway of the Hotel.

CHIEF EXECUTIVE DISCRETIONARY FUND

4 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Planning, 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.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers): The Minister for Transport and Infrastructure has provided the following advice:

There is no Chief Executive Discretionary Fund held within the Department of Planning, Transport and Infrastructure (DPTI).

CHIEF EXECUTIVE DISCRETIONARY FUND

11 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Transport and Infrastructure, 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. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI), LMC and HomeStart has provided the following information for this portfolio:

The Chief Executive of DPTI has provided the following information for this portfolio:

There is no Chief Executive Discretionary Fund held within DPTI.

The Chief Executive for the former Land Management Corporation has provided the following information for this portfolio:

The Chief Executive of the former Land Management Corporation did not have a Discretionary Fund from which grants were provided.

The Chief Executive Officer of HomeStart Finance has provided the following information for this portfolio:

HomeStart Finance does not have a Chief Executive Discretionary Fund.

CHIEF EXECUTIVE DISCRETIONARY FUND

12 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Transport and Infrastructure, 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. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI), LMC and HomeStart has provided the following information for this portfolio:

The Chief Executive of DPTI has provided the following information for this portfolio:

There is no Chief Executive Discretionary Fund held within DPTI.

The Chief Executive for the former Land Management Corporation has provided the following information for this portfolio:

The Chief Executive of the former Land Management Corporation did not have a Discretionary Fund from which grants were provided.

The Chief Executive Officer of HomeStart Finance has provided the following information for this portfolio:

HomeStart Finance does not have a Chief Executive Discretionary Fund.

PARADISE INTERCHANGE

69 Mr GARDNER (Morialta) (20 March 2012). What is the total cost of the proposed parking upgrade at the Paradise O-Bahn Interchange, according to the advice prepared by the Department in the 2011 document entitled 'Budget Bids—Business Case'?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I am advised that the information sought by Mr John Gardner MP was prepared by the then Department for Transport, Energy and Infrastructure as part of the annual budget bilateral process and as such is subject to the restrictions applying to all Cabinet in Confidence documents.

APY LANDS, ARTS CENTRES

In reply to **Dr McFETRIDGE (Morphett)** (9 November 2010) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. Records show that an amount of $146,235.50 was paid to arts centres on the APY Lands during the financial year (2009-10).

APY LANDS, PERMITS OFFICER

In reply to **Dr McFETRIDGE (Morphett)** (9 November 2010) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. During negotiations with the APY Executive Board about the proposed APY Land Rights (Entry to Lands) By-law 2009, the Government indicated it was prepared to contribute to the cost of employing a Permits Officer to administer the permits and notification processes.

APY LEGAL SERVICES

In reply to **Dr McFETRIDGE (Morphett)** (9 November 2010) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. The funding agreement and the audited Financial Statements for Anangu Pitjantjatjara Yankunytjatjara (APY) for the financial years ended 30 June 2008, 30 June 2009 and 30 June 2010 show the following budget allocations and actual expenditure for legal services:

Budget 2007-08		Actual 2007-08	
Legal Officer	$80,000	Contract Legal Officer	$103,876
		Legal Officer	$15,546
Sub-total legal officer	$80,000		$119,422
Legal consultancy	$10,000	Legal consultancy	$25,711
		Legal consultancy	$7,747
Sub-total legal consultancy	$10,000		$33,458
Total	$90,000		$152,880

Budget 2008-09		Actual 2008-09	
Legal Officer	$80,000	Legal Officer	$0
Sub-total legal officer	$80,000		$0
Legal consultancy	$10,000	Legal consultancy	$19,321
Sub-total legal consultancy	$10,000		$19,321
Total	$90,000		$19,321

Budget 2009-10		Actual 2009-10	
Legal Officer	$80,000	Legal Officer	$0
Sub-total legal officer	$80,000		$0
Legal consultancy	$10,000	Legal consultancy	$54,524
Sub-total legal consultancy	$10,000		$54,524

Budget 2009-10		Actual 2009-10	
Total	$90,000		$54,524

APY LANDS, CONSULTANTS

In reply to **Dr McFETRIDGE (Morphett)** (9 November 2010) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. Records show that there were 17 consultants engaged during the financial year (2009-10) for matters related to Aboriginal affairs on the APY Lands at a cost of $669,033.10.

APY EXECUTIVE

In reply to **Dr McFETRIDGE (Morphett)** (9 November 2010) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. The former Minister for Aboriginal Affairs and Reconciliation, the Hon Grace Portolesi MP, approved an amount of $300 per meeting for meetings over and above the ten meetings of the APY Executive Board.

CEDUNA TRANSITIONAL ACCOMMODATION CENTRE

In reply to **Ms CHAPMAN (Bragg)** (9 June 2011) (First Session).

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): The Minister for Social Housing has been advised:

As at 12 January 2012, no deaths have occurred at the Wangka Willurrara Transitional Accommodation Centre (WWTAC) since it opened in September 2003.

The recent Coronial Inquest into six deaths of Aboriginal people that have occurred since the WWTAC opened confirms that these deaths did not occur at the WWTAC facility.

The findings of the Coroner's investigation were delivered on 4 November 2011. In his findings, the Coroner did not attribute any responsibility to the WWTAC facility and specifically recommended 'that the WWTAC facility continue to be maintained as an accommodation centre for transient Aboriginal persons'.

SAICORP

In reply to the **Hon. I.F. EVANS (Davenport)** (29 June 2011) (Estimates Committee A).

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs): SAFA, through its insurance division SAICORP, maintains solvency reserves or free reserves in its Insurance Fund 1 to meet potential risks such as catastrophes, random fluctuations in individual claims experience, unanticipated trends or changes in the collective claims experience and investment and economic risks.

The level of free reserves is determined by an actuarial based calculation based on several risk components.

SAFA aims to maintain its actual level of free reserves within a target range of 65 per cent to 135 per cent of the actuarially determined level.

Any change to this target range requires the Treasurer's approval.

GIENTZOTIS CONSULTING

In reply to **Mr MARSHALL (Norwood)** (18 October 2011) (First Session).

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. The Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD) contracted the services of Gientzotis Consulting in January 2009 to deliver community governance and capacity building training programs in Amata, Pipalyatjara and Fregon. The contract sum was $290,664, exclusive of GST and the total amount paid against the contract was $285,674 (the final payment was made in February 2010).

DPC-AARD entered into a new contract for services with Gientzotis Consulting on 13 May 2010 to provide community governance and capacity building training programs in six communities (Amata, Fregon, Pipalyatjara, Nyapari, Kanpi and Kalka) on the APY Lands. The contract sum was $256,619 excluding GST with actual payments amounting to $255,347 (final payment was made in March 2011).

The work performed by Gientzotis Consulting was deemed to be 'contract for services' rather than 'consultancy' due to the fact they were supervised by a Senior Project Officer in DPC-AARD who provided direction, guidance and support to the contractor on a regular basis in the performance of their work.

The Capacity Building Program was conducted in situ with each Community Council and was tailored to address the specific needs and capacities of each Council and its members. 'Hands on' work was carried out to establish development and implementation of office policies and procedures, financial management skills, meeting procedures and skills associated with these such as chairing and minute taking, training in the use of office equipment, the development of a community representative organogram based on identifying family groups, the review of each Council's constitution and the transfer of these to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. In addition, a training program was developed for new members to the APY Executive. Support was provided to Community Store Councils to develop or refine their constitutions.

The Contractor spent concentrated periods of time in communities—frequently for two weeks at a time every eight to ten weeks—and worked alongside Council members to strengthen their capacity.

SOUTH AUSTRALIAN TRAVEL CENTRE

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (28 February 2012).

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs): The Minister for Tourism advises that revised delivery arrangements for the former SA Visitor and Travel Centre were implemented by the South Australian Tourism Commission (SATC) following a public tender, with Holidays of Australia provided with a licence to operate the SA Travel Centre.

The South Australian Tourism Commission and Holidays of Australia have since agreed to vary the licence agreement for the operation of the SA Travel Centre. As a result, the SATC has taken over the employment of those staff providing visitor information services at the Travel Centre and Holidays of Australia is to continue to provide the other functions of the Centre through until 30 June, 2012.

I am advised that the additional cost to the SATC in varying the agreement is approximately $30,000 per month until 30 June, 2012.

The SATC advises that it has not contributed to the provision of disability access at the SA Travel Centre at this point.

The future cost of the provision of Travel Centre operations will be determined following a review to determine what the best option is for the delivery of these services.

SOUTH AUSTRALIAN FILM CORPORATION

In reply to **Ms CHAPMAN (Bragg)** (5 April 2012).

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

1. The South Australian Film Corporation was required, through its funding agreement, to provide a copy of its audited annual report to Arts SA by 30 September 2011. The Film Corporation notified Arts SA at this time that due to the timing of the audit by the Auditor Generals Department, this deadline would not be met. The draft wording of the annual report was noted at the Corporation's Board meeting in August 2011 and the audited statements were

approved by the Board in late December 2011. The report was finalised by the Film Corporation to ensure that it was in the required format for tabling in Parliament, and was forwarded to the Board for approval on 26 March 2012 and provided to Arts SA on 28 March 2012.

2. The South Australian Film Corporation aims to develop opportunities for the creation of work by South Australian film makers, and in addition, strives to find mechanisms for this work to find an audience. The grant to the ABC, referred to in the annual report, is for a documentary initiative entitled *The Factory*, which involves the Film Corporation matching a $1.1 million commitment of cash and in kind resources by the ABC with its industry development grant funds. This two year partnership provides the opportunity for two six-part documentaries to be produced and aired each year. The series currently in production are *Croc College* and *Road to London*. Although there are opportunities for documentary makers to produce and air 'one–off' documentaries, this initiative is particularly beneficial as it provides the opportunity for local documentary producers to utilise the skills and support of the ABC and work on a series over an extended timeframe, rather than on individual projects.

ABORIGINAL CONSTITUTIONAL RECOGNITION

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

Leave granted.

The Hon. J.W. WEATHERILL: Yesterday I announced our commitment to provide proper recognition of the first South Australians in the constitution of our state. Our constitution is our most fundamental document, setting out the rules for governance of our state. In such an important document it is proper that Aboriginal people be recognised.

This is a commitment that has been building momentum for some time, both in our state and nationally. The commonwealth government's process of consultation on federal constitutional recognition was led by an expert panel and left no doubt that there is widespread support for such recognition.

In South Australia public consultation on the update of the Strategic Plan led to similar sentiments of support from both Aboriginal and non-Aboriginal people. It is clear that constitutional recognition is widely supported, but we also want to hear from the community on how it should be done. For that purpose, we have appointed an advisory panel of eminent South Australians who will engage with South Australians and provide advice on the possible forms of recognition.

I am pleased to inform the house that the members of the advisory panel are: Ms Shirley Peisley AM (a former co-chair of Reconciliation SA); the Hon. John von Doussa AO (a former judge of the Federal and Supreme Courts and former president of the Human Rights and Equal Opportunity Commission); Professor Peter Buckskin (Dean and Head of School of the David Unaipon College of Indigenous Education and Research, University of South Australia, and current Co-Chair of Reconciliation SA); Ms Robyn Layton AO QC (former Supreme Court justice and current Co-Chair of Reconciliation SA); and Ms Khatija Thomas, Commissioner for Aboriginal Engagement. Peter Buckskin has accepted the role of convener.

We have asked the advisory panel to come back to us after a three-month public consultation with some appropriate options for how this overdue recognition should be made. Part of its role will be to build community consensus for change. We will be seeking bipartisan support to amend the constitution of South Australia.

It is my strong view that this process, although it will not confer new rights or create new obligations, will be of profound importance. The health and well being of individuals is deeply affected by their standing within the community, and it is clear that being treated like second-class citizens affects self-esteem and, ultimately, wellbeing.

We have an obligation to correct this situation through constitutional reform to elevate the Aboriginal people of our state to their rightful place as our first South Australians. Just as 15 years ago this parliament became the first to pass a resolution apologising to the stolen generation, so this initiative will involve us taking a further step down the path of reconciliation.

MURRAY-DARLING BASIN PLAN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:08): I seek leave to make a further ministerial statement.

The Hon. J.W. WEATHERILL: It is beyond doubt that a healthy River Murray is crucial for the future of South Australia—so many livelihoods and so much of our precious natural environment depends upon it. What is also beyond doubt is that the proposed basin plan is inadequate. The best available scientific knowledge and the overwhelming weight of South Australian community opinion confirms this. The choice is clear: admit defeat and surrender, or stand and fight to secure a better future for the river. The South Australian government has chosen to stand and fight. The purpose of fighting is to win but, to win, we need to be united. That is why we are calling on all South Australians to get involved in the campaign to save the Murray.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. J.W. WEATHERILL: Much good work has already been done to this point in raising community awareness of this issue, in particular through *The Advertiser's* I Love Murray campaign, but we must take it to a new level. This is why today, as the first step in our campaign to generate overwhelming public pressure on the commonwealth, we launched the Fight for the Murray website which provides an opportunity to register support, join the campaign and become part of a network that will receive updates as the campaign moves forward. That website is already available and can be found at www.fightforthemurray.com.au.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The Liberal Party thinks that we should accept the proposed plan as a good start. They argue that by speaking out against it we risk jeopardising the entire plan and that therefore we may get nothing.

Members interjecting:

The SPEAKER: Order! Premier, could you just hold on a moment. Members on my left, I'm trying to hear what the Premier has to say and I can't hear him.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you will leave the chamber if you're not careful.

The Hon. J.W. WEATHERILL: The Liberal Party thinks that we should accept the proposed plan as a good start. They argue that by speaking out against it we risk jeopardising the entire plan and that therefore we may get nothing.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: This is patently false. The Water Act requires the creation of a plan and the commonwealth minister has today confirmed that he is prepared to override the states, if necessary, to make a plan. This is precisely why, to maximise pressure on the commonwealth decision-making process, we need all South Australians to unite to fight for a healthy river. We need to show that we are prepared to use all methods at our disposal to achieve that outcome. I invite all members of this house—

Members interjecting:

The Hon. J.W. WEATHERILL: I invite all members of this house—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —to join this campaign to make your voices heard and to demand justice for South Australia and for our river.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following papers were laid on the table:

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

Regulations made under the following Acts—
- Business Names—Revocation of Regulations
- Business Names Registration (Transitional Arrangements)—Fees
- Partnership—Fees

Rules made under the following Act—
- District Court—Criminal and Miscellaneous—Amendment No 12

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

Regulations made under the following Act—
- Liquor Licensing—
  - Dry Areas—Long Term—
    - Gawler
    - Port Elliot Area 1
    - Port Pirie

By the Minister for Transport and Infrastructure (Hon. P.F. Conlon)—

Regulations made under the following Act—
- Harbors and Navigation—Restricted Areas—Glenelg

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

National Environment Protection Council—Erratum Annual Report 2010-11

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

Further Education, Employment, Science and Technology, Department of—Annual Report 2011

University of Adelaide—
- Annual Report 2011
- Financial Report 2011

Local Council By-Laws—
- Adelaide University—No. 1—General

SPEEDING OFFENCE PENALTIES

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: Today the Weatherill government announced it is changing the structure of speeding offence penalties from 1 September 2012. The new structure introduces 10 km/h brackets for speeding up to 30 km/h over the limit, creating an extra offence bracket to better reflect the relationship between increasing speed and crash risk. Drivers caught exceeding the limit by less than 10 km/h will now incur two demerit points instead of one. However, the expiation fee has been reduced from $260 to $150, a reduction of $110.

To ensure the safety message is reinforced, demerit points for speeding offences will also increase by one to two points, out of a possible 12—

Members interjecting:

The SPEAKER: Order! Member for Bragg, order!

The Hon. J.M. RANKINE: —every three years on a full licence.

Members interjecting:

The SPEAKER: Order! Members on my left, order!

The Hon. J.M. RANKINE: Adding an extra demerit point to the penalty means repeat speeders will lose their licence sooner, for which we make no apology. Drivers speeding more than 10 km/h but less than 20 km/h will lose three demerit points and pay a fine of $330. This increases to five demerit points if caught going faster than 20 km/h but less than 30 km/h, and a fine of $670. Seven demerit points will be lost and an $800 fine will apply for travelling 30 km/h but less than 45 km/h over the speed limit. Drivers caught going faster than 45 km/h, which is classed as excessive speed, will lose nine points and pay a $900 fine.

The new 10 km/h bracket better reflects the link between increasing travel speed and increasing crash risk. Crash risk doubles with each 5 km/h increase in speed on a 60 km/h road, or each 10 km/h increase on a 110 km/h road. Increments of 10 km/h also more closely align with established speed zones and are more likely to influence driver behaviour.

It is up to motorists how much these reforms generate, but I am told the monetary amount of fines collected is not expected to increase. In 2011, 224,739 expiation notices were issued for speeding. Four years ago this was 54,000 a year higher (more than 1,000 a week), which is encouraging that the message is gradually getting through. With the exception—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —of the $60 victims of crime levy, all funds collected will continue to be spent on road safety projects through the Community Road Safety Fund. This has been in place since July 2003 and has returned over $602 million to lifesaving projects such as infrastructure upgrades and education programs. The higher expiation fees for speeding road trains recognises that the crash risk is even higher when these heavy vehicles speed. These will range from $400 to $1,000. A public awareness—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Wouldn't it be nice to have a minute's silence one day, Madam Speaker?

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: A minute's silence from the member for Bragg in question time would be a great thing. A public awareness campaign will be undertaken to advise drivers of the new penalties.

Members interjecting:

The Hon. J.M. RANKINE: Don't make too high a bar. Speed is a critical factor in every—

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, order!

The Hon. J.M. RANKINE: Speed is a critical factor in every serious crash. Speeding was identified as a contributing factor in an estimated 36 per cent of fatal crashes in the last three years. Road trauma costs our community over $1 billion a year; however, the human loss and heartache caused by fatalities and serious injuries is immeasurable.

QUESTION TIME

STATE BUDGET

Mrs REDMOND (Heysen—Leader of the Opposition) (14:18): My question is to the Treasurer. After the Treasurer framed last year's budget for families, why do we now have the nation's highest taxes, the nation's highest capital city water prices, the nation's slowest growth in wages but fastest growth in inflation, the lowest consumer—

The Hon. P.F. CONLON: Point of order. You don't have to go very far: asserting that we have the highest taxes is argument and, therefore, disorderly.

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

The Hon. P.F. CONLON: You are the complete man, aren't you?

The SPEAKER: Order! There is considerable argument in that question, Leader of the Opposition, but you have asked the question now, so I will get the Treasurer to respond.

Mrs REDMOND: I had not quite finished, Madam Speaker. There are 20,000 fewer full-time jobs in South Australia and an interest bill on the state debt of nearly $2 million a day.

The SPEAKER: Thank you, Leader of the Opposition. Treasurer, do you wish to respond to that question?

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:19): I will happily respond to that question—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —although I think you would be using the word 'question' rather loosely. The fact is that we have suffered from a—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —massive revenue write-down, $2.8 billion, and what is driving that revenue write-down? Well, I think there are several factors. There can be no doubt that consumers are being very cautious and, in fact, that has been reflected in recent surveys. Why are they cautious? Well, of course, they are seeing the international factors; they are seeing the eurozone crisis; there is anxiety about a number of things that are happening at the moment, and that is causing a dampening of consumer confidence. And, of course, we also had the lowest number of property transactions in 25 years. People are just not—and South Australia is not unique—

Members interjecting:

The SPEAKER: Order! Members on my left will be quiet.

Members interjecting:

The SPEAKER: Order! Treasurer.

The Hon. J.J. SNELLING: This is something that has been experienced across Australia—consumer caution—people not being prepared to engage in large financial commitments at the present time. And, of course, state revenues are very much driven by these sorts of transaction taxes, principally stamp duty and GST, and that is where we have had the biggest revenue write-downs. I have said that ignoring this revenue write-down is not an option, and everything—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —is on the table. In the preparation for Thursday's budget—

Mr Pisoni interjecting:

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

The honourable member for Unley having withdrawn from the chamber:

The Hon. J.J. SNELLING: I should point out that there has been significant tax relief provided by the government over 10 years and, if my memory serves me correctly, by the end of the forward estimates, approximately $3 billion in tax relief would have been provided by this government over our time in office, and that is something of which I am incredibly proud.

MINERAL RESOURCES

Mr SIBBONS (Mitchell) (14:22): My question is to the Premier. What action is the government taking to ensure that every South Australian gets their fair share of the wealth created by the resources boom?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:22): I thank the honourable member for his question. Our state's natural resources are the inheritance of every South Australian. Every South Australian has the right to share in the wealth that is created through our mining resources. The government has laid out as a priority for our activities how we actually do realise and share the benefits of the undoubted mining boom that exists in South Australia—although not in the minds of some people, apparently.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: 'It just hasn't started yet'—*The Advertiser* seems to have a different point of view, but, anyway. The key to this is making sure that South Australians have the skills that they will need in order to participate in the mining industry. We have identified this as the critical issue that will allow more South Australians to participate in the mining industry.

On the weekend, the Treasurer and the Minister for Employment announced that the government would be investing $38.3 million in a new dedicated training centre for mining, engineering, defence and transport industries at Regency Park. At that new centre, young people will learn trades like welding, fabrication, diesel and heavy vehicle maintenance, surveying and spatial services, and mechanical engineering. In addition to this new school, each of our universities has world-class professional training programs in the resources sector, including the Australian School of Petroleum at the University of Adelaide.

This quality education will help our young people to secure those fantastically available but also highly skilled and highly remunerated jobs that exist in this resources sector. There is no doubt that the expanding resources sector will need more and more skilled workers and that is why we have added to that our $194 million Skills for All program, which is aimed at getting the workforce necessary to meet those needs.

That is why when we received news of the approval of the enterprise migration agreement at Roy Hill in Western Australia it raised real concerns with us. Since the earliest mining production, we have welcomed people from overseas to work in our mines and will continue to do that, but this cannot be at the cost of South Australians getting access to these jobs in these mining projects. That is the approach we have taken in relation to BHP and that is the approach we will continue to take.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I have written to the Prime Minister to seek her assurances that the enterprise migration agreements will only be used as a last resort in South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —only where there are no local workers with the skills needed and only where a significant number of South Australian workers are employed.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: This government will never allow South Australian workers to be left behind and if those opposite seem to be in agreement with us, perhaps they could add their voice to our call.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

STATE ECONOMY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): My question is again to the Treasurer. How can South Australian families trust this government to deliver a lower cost of

living, given that a year after the Treasurer framed last year's budget for families, state taxes have risen by twice the rate of inflation, property charges have risen by three times inflation—

The SPEAKER: Order!

Mrs REDMOND: —gas bills have risen by five times inflation—

The SPEAKER: Order! The Leader of the Opposition will sit down. You have asked your question; you do not need to go into an explanation like that. You are debating the question.

Mrs Redmond interjecting:

The SPEAKER: You've asked the question. Thank you.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: On a point of order, Madam Speaker, the Leader of the Opposition should know by now that if you do seek to explain a question you need to seek leave and—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: You can make up your own rules, but they do not work. All I can say is, you must have used up all your intelligent questions fighting discrimination.

The SPEAKER: Order! Treasurer, do you wish to respond to the first part of the question?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:26): Madam Speaker, I am more than happy to answer this. The simple fact is that what the Leader of the Opposition claims is wrong. South Australia remains one of the most affordable places to live in Australia. Indeed, the recent research by the National Centre for Social and Economic Modelling has shown that Adelaide is the most affordable city in Australia in which to live. This is something of which this government is very proud.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: The naysayers of the opposition can whinge and whine and try to talk down our great state, but the simple fact is that Adelaide is the most affordable city in which to live.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: One of the things which of course the government has recently announced is the one-off water security rebate to help alleviate the effect of increased water prices.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! Member for Davenport, order!

The Hon. J.J. SNELLING: Why are they so angry today, Madam Speaker, I wonder? What is going on in the opposition that would make them all so rattled today, I wonder?

The SPEAKER: Order!

The Hon. J.J. SNELLING: Is there some sort of speculation going on? I do not know, Madam Speaker—

The SPEAKER: Order!

The Hon. J.J. SNELLING: —but I notice a change in the tone of the opposition since we last sat, considerably. I think some things have been going on.

The SPEAKER: Treasurer, I would ask you to get back to the substance of your answer.

The Hon. J.J. SNELLING: I apologise, Madam Speaker. The rebate will go to more than 600,000 residential customers. It means that the increase—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —in the average water and sewerage bill for this year will be about 9 per cent. Households using up to 120 kilolitres will receive a rebate of $45 and households using over 120 kilolitres will receive a $75 rebate. This government is very proud of the measures that we are taking. We are listening to what the people of South Australia are telling us. We are not like the opposition. We are not about to try to talk down this great state. We are not naysayers, because we think this is a great place to live.

Members interjecting:

The SPEAKER: Order! You have had your fun; there will be no more of this. Member for Taylor.

SOUTH AUSTRALIAN LAW REFORM INSTITUTE

Mrs VLAHOS (Taylor) (14:29): My question is to the Attorney-General. Can the Attorney-General update the house about the work of the South Australian Law Reform Institute?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:29): I thank the honourable member for her question. The Law Reform Institute commenced operation in the year 2010 and a memorandum of understanding was executed between the South Australian government, the University of Adelaide and the Law Society of South Australia. As a result of that, the institute came into being.

The projects recommended to the institute by its advisory board presently include, amongst others, the modernisation of South Australia's evidence laws to deal with new technologies, a review of South Australian succession laws and a review of the police powers of search and seizure in relation to computers suspected of containing evidence of criminal acts.

On the first project, dealing with the modernisation of evidence laws, the institute has now released its first issues paper, which was on 15 May this year. This issues paper, entitled 'Computer says no'—

Members interjecting:

The Hon. J.R. RAU: No, it's interesting. It's very interesting, particularly for lawyers. The paper poses a number of questions for consideration, primarily about how the Evidence Act is to deal with information generated, recorded, stored or communicated by electronic and digital technology and how it is to deal with outmoded methods of communication referred to in the Evidence Act, such as, for example, telegrams. Submissions on the issues paper are due by 20 July this year.

I am also pleased to inform members that the institute has been recognised and has, indeed, received a grant in the amount of $61,329 from the Law Foundation of South Australia. I am extremely pleased that that has occurred. The grant will assist the Law Reform Institute to consult with country lawyers and the public on the succession law project, which is a very important one because our succession laws have not been reviewed for many years. It is a project that is long overdue.

It will also give the institute additional research assistance with its current projects. It will also enable the institute to be represented at the national annual conference of Australian, New Zealand and Asian law reform agencies in Canberra this year.

PAYROLL TAX

The Hon. I.F. EVANS (Davenport) (14:31): My question is to the Treasurer. Is the reason that the government is cutting the $30 million a year payroll tax rebate for apprentices and trainees so it can fund a replacement measure for the Public Service long service leave cuts, as announced in the 2010-11 budget, which were to save $30 million a year? The Treasurer told the house in February that the long service leave cuts matter would be dealt as part of this budget.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:32): I am not going to engage in any speculation about what may or may not be in Thursday's budget.

The SPEAKER: The member for Reynell.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. Evans: You will announce it to *The Australian*, but you won't tell the house.

The SPEAKER: Order! The member for Davenport, order! Member for Reynell.

MINERAL RESOURCES

Ms THOMPSON (Reynell) (14:32): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house about what other jurisdictions and commentators are saying about South Australia's resources sector?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:32): This government recognises the benefits created for this state and the people of South Australia through an expanding resources industry. We are committed to ensuring this vital industry contributes to growing sustainability, ensuring the benefits of the mining boom are realised—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —for all South Australians. These efforts have not gone unnoticed. Recently, a Victorian parliamentary 'Inquiry into greenfields mineral exploration and project development in Victoria' found:

> The main drivers of South Australian growth include the SA Government's strong support for minerals exploration and mining since 2004 through its PACE...[program] and the targeted marketing of PACE and SA more generally at a national and global level.

The report also stated that the South Australian model was a 'model jurisdiction in Australia for effective government facilitation of mineral exploration and mining projects'. The efforts of both this government and the hardworking members—

Members interjecting:

The SPEAKER: Order! I can't hear the minister.

The Hon. A. KOUTSANTONIS: The efforts of both this government and the hardworking members of my department have developed a world-class industry around a world-class legislative framework. The government shares the concerns of the business editorial in today's *Advertiser* about the Liberal Party's approach to the mining sector, and I quote:

> Playing party politics is one thing; getting your facts wrong in talking down a growing industry to score cheap political points is another.

Chris Russell explains how the Leader of the Opposition went on to dismiss the resources sector and its role in the state economy. I quote the Leader of the Opposition:

> 'The Government has been talking about the mining boom for 10 years but the reality is that we are...still in a mining exploration boom and even that has tailed off in the last few years,' she said.

Mr Russell then writes—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr MARSHALL: Point of order: 128, relevance. The question was about what interstate commentators were saying about the mining sector in South Australia, not what Chris Russell was saying.

The SPEAKER: Thank you. Member for Norwood, sit down. There is no point of order. The minister was quoting from something.

The Hon. A. KOUTSANTONIS: *The Advertiser* then goes on to say this about the Leader of the Opposition's statement:

> That statement is simply wrong, according to Australian Bureau of Statistics data. The most recent ABS report on mineral—

Mr MARSHALL: Point of order. Again, relevance, 128. This has nothing to do with the substance of the question.

The SPEAKER: Thank you. There is no point of order. The minister can answer the question as he chooses.

The Hon. A. KOUTSANTONIS: The most recent ABS report on mineral exploration—

Members interjecting:

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

Mr WILLIAMS: A point of clarification: is it not the ruling of the house that it is out of order to ask a minister to comment on statements in the press?

The SPEAKER: The question was: 'Can the minister inform the house about what other jurisdictions and commentators are saying about South Australia's resources sector?' He was reading from an article in *The Advertiser*, and he can answer the question as he chooses. No point of order.

Mr WILLIAMS: I did not ask a point of order, Madam Speaker, I asked a point of clarification. It is my understanding that it has been out of order to ask a minister to comment on commentary in the press, and it seems that the minister is using commentary in the press to make an answer. I am just wondering whether the rules of the house are changing here and the convention will now be that the opposition can ask ministers about commentary in the press.

The SPEAKER: In the question there was no reference to newspapers, etc. The minister is responding to the question. He can respond as he chooses. If we were not ever allowed to refer to newspapers then I think some of the opposition's questions would disappear also. In the past, well and truly, there were many questions asked about articles, etc., in the newspapers. But, minister, I would ask you to be careful in your response.

The Hon. A. KOUTSANTONIS: Yes, I will. I go on to quote:

The most recent ABS report on mineral exploration shows exploration has bounced back after slumping in the global financial crisis in line with a worldwide pull-back.

The data, for the December 2011 quarter, was published in mid-March and should have reached the Leader's office by now.

Mr Russell says:

In original terms—that is, the real amount spent—the figure was $90.3 million, the third-highest quarterly expenditure after the state record $95.2 million in the June 2008 quarter and $93.5 million in December 2007.

Moreover, to imply that we have only had an exploration boom is a glib assessment that does no justice to the sector.

He continues:

In fact, there would be very few jurisdictions anywhere in the world where the resources sector has advanced as rapidly.

Consider these:

- Prominent Hill copper mine—opened in 2009 at a cost of $1.2 billion.
- Jacinth-Ambrosia mineral sands—opened 2010, cost of $390 million.
- Kanmantoo copper—opened in February this year, cost $173 million.
- Honeymoon uranium—commenced production 2011, cost $146 million.

He goes on to say, 'Add to that the iron mines of Cairn Hill, Peculiar Knob—'

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: '—Iron Chieftain, lead and zinc at Angas—'

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. A. KOUTSANTONIS: '—gold at White Dam, and the Ankata copper mine. All in the space of a few years.' He says:

And it's not just the mines themselves. It's the service industries providing fabrication of mine plant, the civil construction workers, transport, logistics, stevedoring, accommodation, catering, legal and accounting.

The likes of Caterpillar agent CavPower and global mine equipment provider Boart Longyear expanding their SA operations.

He goes on:

Consider how the sector has already reinvigorated Whyalla, Port Augusta, Coober Pedy and Ceduna...But to claim that not much is going on demonstrates an ignorance that must surely embarrass industry players.

The SPEAKER: Thank you, minister. Your time has actually expired. The member for Norwood.

PAYROLL TAX

Mr MARSHALL (Norwood) (14:39): My question is to the Minister for Employment, Higher Education and Skills. Can the minister outline to the house any modelling his department has done on the impact on the number of apprentices and trainees in this state if payroll tax concessions for apprentices and trainees are eliminated in Thursday's state budget? When Labor adopted the Liberal policy prior to the last election, then premier Rann said that this was 'a huge incentive and employers will respond by increasing apprentices and trainee numbers by 10 per cent'.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:40): Well, it is another good try by the member for Norwood, but, no, we will not be drawn on speculation in the media about any item in Thursday's budget.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: On one of these points of clarification that the deputy leader has taken, was that question based on an article from a newspaper?

The SPEAKER: Thank you, minister.

Mr Marshall interjecting:

The SPEAKER: Order! The member for Port Adelaide.

HOME OWNERSHIP

Dr CLOSE (Port Adelaide) (14:40): My question is to the Treasurer. Can the Treasurer inform the house about what steps the government is taking to help boost the property market and assist with affordable home ownership?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:40): Madam Speaker—

The Hon. I.F. EVANS: Point of order, Madam Speaker. We cannot speculate as to what is in the budget.

Members interjecting:

The SPEAKER: Order! Thank you. It is going to be a long week.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: There's a bit of auditioning going on today. There's a bit of auditioning going on.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: The member for Norwood, he is up there. The member for Davenport has had a haircut, so we know what his ambitions are. But the poor old Deputy Leader of the Opposition, what's going to happen to poor old Mitch?

Mr MARSHALL: Point of order, Madam Speaker: standing order 98, relevance.

The SPEAKER: Thank you. I uphold that. Minister, will you get back to the substance of the question, please?

The Hon. P.F. CONLON: Point of order, Madam Speaker. Can the member for Norwood then cease interjecting because it is also out of order?

The SPEAKER: Thank you.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! Minister for Transport, order!

The Hon. J.J. SNELLING: Madam Speaker, I am pleased to inform the house that, over the weekend, the Premier and I announced that the upcoming state budget will include a continuation of the $8,000 First Home Bonus Grant and will provide a new stamp duty exemption for the purchase of off-the-plan apartments.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: First home buyers who build or purchase a newly-constructed home—

Members interjecting:

The Hon. J.J. SNELLING: They are very upset today, Madam Speaker. I don't know what's going on there, but, anyway. First home buyers who build or purchase a newly-constructed home will be eligible—

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.J. SNELLING: First home buyers who build or purchase a newly-constructed home will be eligible for $8,000 of state government assistance for another 12 months, with $5.6 million allocated. Together with the First Home Owner's Grant of $7,000, first home buyers who build or purchase a newly-constructed home in South Australia of $400,000 or less could receive $15,000 in government assistance towards the cost of their first home.

In addition to the First Home Bonus Grant, the state government will also introduce a new stamp duty concession for off-the-plan apartments in the city and North Adelaide. The government has allocated $5.1 million over the forward estimates to provide a full stamp duty concession for the next two years for apartments valued at $500,000 or less, followed by a partial stamp duty concession for the two years after that.

The full stamp duty concession provides relief of up to $21,330 and the partial stamp duty concession provides tax relief of up to $15,500. Purchases of off-the-plan apartments valued at more than $500,000 will be eligible for the capped stamp duty concession. Together with the first home buyer grants, first home buyers who want to live in the city can potentially save more than $31,000 if they purchase an off-the-plan apartment in 2012-13. This incentive will encourage greater residential population in the city and demonstrates the government's commitment to creating a cultural, innovative and more vibrant city.

With the state experiencing some of its biggest revenue write-downs in its history—due to factors including property transactions being at their lowest level in 25 years—these two budget measures will also help encourage continued activity in the building and construction industry and in turn more jobs for South Australians. The new stamp duty exemption has been the result of long negotiations with the building and construction industry, and I have listened to the concerns of this sector in formulating this budget initiative. It is pleasing to see that this announcement to assist the property market and construction sectors has been well received by the Property Council and others in the building and construction industry.

WATER PRICING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:45): My question is to the Minister for Water and the River Murray. How can South Australians trust this government, whose then treasurer, on 11 March 2008, told the media that water prices would double over five years, yet only four years later water prices have almost trebled, increasing by 176 per cent?

The SPEAKER: There is certainly supposition in that question. Minister, do you wish to respond to that question?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): Of course, we were the government that, last week, announced the one-off water security rebate to be introduced to help alleviate the cost of increased water prices. That rebate will go to more than 600,000 households and customers across the state. As a result of that, the average residential customer bill for water and sewerage will increase in 2012-13 by 9 per cent, inclusive of the water security rebate and water prices, as was mentioned. I think you said the then treasurer; is that right?

Mr Williams: The last treasurer.

The Hon. P. CAICA: The then treasurer in 2008. I am not going to be held responsible for what was said in 2008. However—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —what I would say is this, and I am assuming this, that when he made this comment in 2008 he was referring to the entire bill that a customer gets with respect to what we all call the water bill. It is made up of three components: the supply charge, the water component and the sewerage component, and within the water component are the three tiers. We have been very transparent—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —about what the costs would be with respect to ensuring that this state had water security for not only this generation but future generations, transparent about the costs that would be involved with that, and in addition to that, transposing that against the costs that would have been incurred had we not undertaken the decisions that we made to ensure water security. The Liberal opposition can continue to play politics but they know themselves that the water bill in its entirety is made up of three components, one of which is the consumption of water, and there are varying percentage increases over that period of time with respect to the three different components.

Mr WILLIAMS: Point of order. The question was about the price of water, it was not about the bill. It was not about the SA Water bill, it was just the price of water.

The SPEAKER: Order! The minister can answer the question as he chooses, and the response was adequate. Member for Torrens.

EMERGENCY DEPARTMENTS

Mrs GERAGHTY (Torrens) (14:48): My question is to the Minister for Health and Ageing. Can the minister inform the house about extra resources that have been provided to support faster treatment times in the emergency departments of major metropolitan hospitals?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:48): I thank the member for Torrens for her question and acknowledge her very strong interest in health issues and her strong advocacy on behalf of her community. In 2010-11, $111 million was provided over four years to support faster treatment times in our metropolitan emergency departments. With the addition of commonwealth funds from 2008-09, this amount increases to more than $172 million over the period to 2013-14. Hospitals have a target, supported by both the state and commonwealth governments, to see, treat, admit to a ward bed or discharge within four hours 90 per cent of all patients who present to public hospital emergency departments.

In 2011-12, $47.4 million of this funding is being distributed to support better flow of patients through busy emergency departments. These funds are supporting initiatives such as acute medical units where the very ill can receive specialist treatment, see and treat clinics where nurses provide treatment to patients with lower level injuries and illnesses, senior consultants and staff to discharge patients on weekends and patient flow coordinators to monitor the flow of patients through the emergency department and hospital.

There are also discharge lounges to free up the beds of patients ready to go home, more mental health staff to respond to demand and reduce presentations and waiting times in emergency departments, and extended care paramedics to treat patients in their own homes and reduce the attendances to hospitals. So, a lot of work has been done. What has it achieved?

While we have a way to go to reach the four-hour target, we are currently sitting at 64 per cent to April 2012. We have seen some terrific results in other areas. We have recently included major country hospitals in our data collections to bring us into line with other states, such as Western Australia and Victoria. So we are now finally comparing apples with apples.

With this extra information included, the median wait time to service delivery across those hospitals that are included currently sits at 16 minutes to April 2012; that is, 50 per cent of patients are seen in the emergency department within 16 minutes. That compares to 20 minutes in 2010-11, which was at the time the best result ever achieved in our state and the second best in the nation.

The 90th percentile waiting time is now, at April 2012, 91 minutes. That compares to 104 minutes in 2010-11, which was the best in Australia and 10 minutes below the national average. So, we have improved even more. The percentage of people seen on time is 76 per cent to April 2012, compared to 71 per cent in 2010-11, which was equal second best in the nation and a huge improvement on the 61 per cent in 2007-08. So there are big improvements right across the areas which we measure in the emergency department. These are outstanding achievements and a real credit to the many people who work in our hospital emergency departments. This also—

Mr Hamilton-Smith: How's your four hours again, John?

The SPEAKER: Order!

The Hon. J.D. HILL: I would invite the member for Waite to get the call and ask me a question. I would be delighted to answer his question. If he was listening to the answer I gave, he would have known that I addressed that very interjection he asked. Madam Speaker, these are outstanding achievements and a real credit to the many people who work in our emergency departments. It also demonstrates the continued statewide improvement in turnaround times for people who need emergency treatment.

Members of the public, the media and members here would know from debate in the media of late that there is more to be done about moving patients out of emergency departments and through the hospitals. This is an issue we are addressing and, despite the interjections from those opposite, it is a project we are very committed to improving.

SCHOOL FEES

Mr PISONI (Unley) (14:52): It is great to be back. My question is to the Minister for Education and Child Development. If the government framed last year's budget for families, why did it increase public school fees by $25 million, to an average of $561 per student?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:52): Can I ask the member for Unley to repeat in particular the first part of the question?

Mr PISONI: I am happy to do the whole lot. I know how much you will enjoy that, Madam Speaker. If the government framed last year's budget for families, why did it increase public school fees by $25 million, to an average of $561 per student?

The Hon. G. PORTOLESI: The reason why I asked the member to repeat the question is that he does not make a lot of sense to me. You see—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —schools are empowered under a very clear policy and process to make decisions with their school community about the level of their fees. This is the great irony in the member's only policy position, which is school autonomy—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order: the question was about school fees, and minimum school fees are mandated by the parliament. The minister is wrong.

The SPEAKER: I think you have answered the question yourself, member for Unley. Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. Schools can increase fees, and there is a very clear way that they can do that. They have to do that by effectively polling their parent communities. This is what we get in a devolved and autonomous school system, something that the member opposite keeps asking for. David Gonski acknowledges that South Australia along with Victoria have our most devolved systems. This is a product of that. I trust our principals and our governing school councils to make the right decision that reflects the needs of those school communities.

Members interjecting:

The SPEAKER: Order!

GOVERNMENT MAINFRAME COMPUTER CONTRACT

Ms BETTISON (Ramsay) (14:54): My question is to the Minister for the Public Sector. Can the minister inform the house about what is being done to maintain and protect South Australia's important electronic data?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (14:55): I thank the member for Ramsay for the question. Members will be interested to know that the government has extended its agreement with Hewlett-Packard Australia for the provision of mainframe computing services. This will provide increased capacity and savings of more than $3 million. The extension will take the term of the mainframe computing services contract to 11 years and five months with an estimated value of $119 million. The mainframe itself is owned, managed and maintained by Hewlett-Packard while the government owns and manages the applications that run on the mainframe.

Members will be aware that mainframe computers are powerful computers used primarily by corporate and government organisations for critical applications, bulk data processing and electronic transactions. The term 'mainframe' originally referred to the large cabinets that housed the central processing unit and main memory of early computers. Today the term is used to distinguish high-end corporate machines from less powerful desktop computers.

The contract extension ensures access to the capacity required to run critical applications used by most government agencies including the justice information system, police offender information, Housing SA client and asset information management system, and many accounting, HR and payroll systems.

Agencies have already noticed significant improvements in transaction turnaround times since migration to the new mainframe on Tuesday 22 May 2012. This new arrangement will satisfy the government's current and projected processing requirements for the next six years. By allowing immediate access to additional capability and capacity, the risk of outages, and therefore disruptions in service, will decrease. This agreement sees the government gain the operational and performance benefits associated with new infrastructure without having to purchase, own, maintain and manage that infrastructure.

The original eight-year contract between the state government and Hewlett-Packard was due to expire in December 2014. By spreading the costs over a longer period, this new extension (which will expire in May 2018) will achieve approximately $3.1 million in savings over the next six years. This is a positive example of the state government achieving a significant saving while improving a service that is vital to all South Australians.

VISITORS

The SPEAKER: Before we continue with questions, I draw members' attention to the presence in the gallery of the Hon. Steele Hall, a former member. It is nice to see him here.

QUESTION TIME

POLICING PRIORITIES

Dr McFETRIDGE (Morphett) (14:58): My question is to the Minister for Police. Why is the government's priority to crack down on jaywalking, with the doubling of jaywalking fines issued, when there have been five shootings in Adelaide in the last week and nearly 11,000 guns are missing in South Australia?

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

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. P.F. CONLON: I'd be careful, Mitch, you might not have three votes anymore.

The SPEAKER: Order!

The Hon. P.F. CONLON: The member for Morphett cannot ask a question that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —contains argument.

Dr McFetridge: Fact.

The Hon. P.F. CONLON: They're arguing again! He has argued that it is the government's priority to tackle jaywalking and not shooting; it's an argument.

Members interjecting:

The SPEAKER: Order! I do uphold that point of order. The Attorney-General may wish to answer it.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:59): The government takes firearms offences very seriously and we have—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I might be wrong but I thought the reference to jaywalking was an attempt at levity or humour to sort of lighten up the question.

Members interjecting:

The Hon. J.R. RAU: I am reliably informed—

Members interjecting:

The SPEAKER: Order! The Attorney-General has the floor.

The Hon. J.R. RAU: I do understand that many people get killed jaywalking, so that is a serious matter. But on the firearms point, it has been made clear publicly now that the government is very close to finalising a raft of legislation relating to firearms offences. That will be brought into the parliament shortly. I think you will find that those people who misuse firearms, and those people who are wrongly in possession of firearms, and those people who—

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg will leave the chamber for the rest of question time.

The honourable member for Bragg having withdrawn from the chamber:

Members interjecting:

The SPEAKER: Order! Attorney.

The Hon. J.R. RAU: I think you will find that those people who misuse firearms, those people who are in possession of unregistered firearms, those people who commit offences involving firearms, are going to be in extremely serious trouble. The parliament will have an opportunity to examine and consider those laws in that bill very shortly.

Members interjecting:

The SPEAKER: Order! The member for Ashford.

NATURAL DISASTER RESILIENCE PROGRAM

The Hon. S.W. KEY (Ashford) (15:01): My question is directed to the Minister for Emergency Services. Minister, can you outline ways in which communities can seek funding to boost their resilience to natural disasters?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:02): I thank the member for Ashford for this question and acknowledge her constant efforts in helping to keep her community aware of what they need to do if an emergency unfolds. Extreme events such as heatwaves, bushfires and flooding are realities South Australian communities grapple with on an ongoing basis. To assist in building resilience, $3 million in grants is now available as part of the Natural Disaster Resilience Program.

State and local government agencies, not-for-profit organisations, volunteer groups and associations, as well as research institutions, are all encouraged to apply for this year's funding. Since 2009 the Natural Disaster Resilience Program has provided $8.6 million in funding to local organisations for 136 projects. When in-kind support is factored in by the many groups applying for grants, this will take the total spend since 2009 to well beyond $11.6 million.

In the last round, 49 projects shared in $2.85 million of funding. Of these 18 had a focus on bushfire preparedness, while the other 31 engaged in preparations for other natural disasters and volunteer support projects. This included $30,600 for the Aboriginal Lands Trust to lessen the impact a fire could have on Wanilla Forest. This included establishing firebreaks, widening existing fire tracks and increasing the internal refuge zone.

The Royal District Nursing Society was allocated in excess of $65,000 in 2010-11 to study and plan for extreme heat events in South Australia. Smaller amounts of money were also awarded; for example, the Wattle Range Council received funding to establish bushfire set backs and fire tracks for Emergency Services vehicles surrounding Kangaroo Inn Area School, and the Pines Community Association was also awarded funding for a fire water tank.

By working in partnership with a number of respected groups, these grants can help build a better understanding of our emergency risks and establish a shared understanding of how we can prepare to protect our loved ones, our homes, businesses and our communities. Applications for this round close on 22 June, and more information is available on the SAFECOM website, www.safecom.sa.gov.au.

I am sure members present would agree that, whilst the fire danger season has subsided, as with any other natural disaster we face it is only a matter of months or even weeks before we face the threat again. Arguably complacency is our biggest challenge and I would like to thank the many groups who have developed proposals for a Natural Disaster Resilience grant. This program is making our state better prepared for the challenges ahead.

APY LANDS, CHILD ABUSE

Mr GARDNER (Morialta) (15:05): My question is to the Minister for Education and Child Development. Will the minister advise the house what proportion of children in APY lands communities have been the victim of sexual abuse? On radio this morning, the Premier denied the figure provided by Coordinator-General Brian Gleeson, that up to 75 per cent of children have been the victim of sexual abuse in the APY lands communities. The Premier said:

> ...that's not the information that we have...I'm not the relevant Minister, I don't have these numbers, what I'm suggesting is that some of those numbers were I think exaggerated—

The SPEAKER: Order! Thank you. Point of order, minister.

The Hon. P.F. CONLON: Point of order: one, leave should be sought to explain; and, secondly, I trust that the member is not quoting a media report.

Members interjecting:

The SPEAKER: Order! Thank you. It is in order for the member to quote, and he did seek leave to explain the question, but I think he has explained it enough. Thank you. I think you can sit down now.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Point of order: in an earlier question and response from the minister for trade, he quoted extensively from a media article and you allowed it.

The SPEAKER: Thank you. I have just ruled on that. Who was the question to?

Members interjecting:

The SPEAKER: Order!

The SPEAKER: The Minister for Education and Child Development. Minister, do you wish to respond to that?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:06): Yes, I do; and I do thank the member for Morialta for this important question. Absolutely the Premier is correct. We do not—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I do not intend to release child protection figures for any community, whether it be Stonyfell, Munno Para, Mile End, Belair or the APY lands and, like other governments across this country, we do this in order to protect the identity of the children who I have responsibility for. There is also concern that public comments which identify communities may, in fact, jeopardise any ongoing investigation and we recognise the significant problem of people not coming forward about abuse which is why care must be taken with how we debate this in the community. But it was this government that allowed this debate to occur, in particular in relation to what is going on in the APY lands, and I would like to quote the late Ted Mullighan—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Thank you, Madam Speaker. I would like to remind people that it was this government, in fact, that established the Mullighan inquiry, which was established in response to concerns that the then minister, now Premier, had. The inquiry uncovered evidence of abuse on the lands and made 46 recommendations. We have accepted 45 out of 46. We have implemented 26 out of 45. In relation to the other 19, we are making significant progress. This is what Commissioner Mullighan said in relation to his work:

> There is no quick solution. It will take time, but appropriate plans and strategies must be implemented as a matter of urgency with adequate resources.

And this is precisely what we have done. Commissioner Mullighan acknowledged that he 'heard that sexual abuse of children on the lands has been widespread for many years'. He also pointed out:

> Realistically, there are no measures that can be implemented to prevent sexual abuse of children on the lands without addressing the fundamental problems that exist for Anangu and their children.

Commissioner Mullighan also highlights:

> The problems on the lands cannot be solved overnight. It will take time to find and implement—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: It continues:

> It will take time to find and implement solutions but unnecessary delay must be avoided. Anangu must be empowered and resourced so that they can provide the solutions.

We do take this matter very seriously. I have on many occasions expressed to my colleagues opposite my willingness to work with them in particular in relation to child protection matters. This is very important.

SHEIDOW PARK PRIMARY SCHOOL

Mr SIBBONS (Mitchell) (15:10): My question is to the Minister for Education and Child Development. Can the minister inform the house about how Sheidow Park Primary School is supporting student literacy?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:10): I would like to thank the member for Mitchell, with whom I visited Sheidow Park Primary School last week. I was particularly attracted to that school because of the work they are doing in relation to literacy. This is a school that has, I think, very successfully adopted a whole school focus in relation to literacy.

Through the assistance of a specially trained literacy coach, classroom teachers use tried and tested approaches to improve literacy skills of their students. This particular work at Sheidow Park Primary School has been supported through the Smarter Schools National Partnership for Literacy and Numeracy.

Over recent years, schools across both the public and non-government sectors have been supported through this national partnership which enables schools to try a range of programs, solutions and practices to improve literacy and numeracy achievement. While other schools have selected their own particular program, Sheidow Park has achieved well with its use of a literacy coach, and I had the pleasure of meeting her.

This program, coupled with other programs like the Accelerated Reader program, supports and assists both the teacher and the young student to ensure they are getting the best possible foundation in literacy. It was heartening and I could see with my own eyes the effectiveness of the work of classroom teachers, the school principal and the literacy coach who have been working together at this outstanding school.

There was clearly a very strong plan of action by the school in relation to knowing where they were starting from, where they needed to be and what they needed to do to get there. The principal advised me that they have seen an improvement in their NAPLAN reading scores in recent years, that all of the children participate in the Premier's Reading Challenge and that there is a commitment for all students—and I thought this was very impressive—in years 3 to 7 to read for half an hour a day.

The children are not only enjoying reading but are actively developing their comprehension, grammar and reading levels and this was absolutely obvious when I and the member for Mitchell met with the principal, the literacy coach, representatives of the governing school council and, of course, students. I take this opportunity to acknowledge the work but, more importantly, the results that this school is getting in relation to their literacy. I congratulate them for making literacy a focus and I look forward to bringing back further reports to this place.

MULLIGHAN INQUIRY RECOMMENDATIONS

Mr GARDNER (Morialta) (15:13): My question is again to the Minister for Education and Child Development. When will the government complete its delivery of the 19 unfulfilled recommendations from the Mullighan inquiry that the minister referred to earlier which were accepted by the government; and why are so many of these actions incomplete four years after the Mullighan inquiry was completed? When asked on ABC radio last Friday how long it would take to implement these recommendations, minister Portolesi responded:

> I will be making a—tabling the annual report—and that will be my next—I'll be tabling that annual report and I'll have a look at it, as I do on a regular basis.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:14): I thank the member for this question. Like I said, we have accepted 45 out of the 46 recommendations. We have implemented 26.

Mr Goldsworthy interjecting:

The SPEAKER: Order! Member for Kavel, order!

The Hon. G. PORTOLESI: Towards the end of every year, I provide a report to the parliament on our progress in relation to those recommendations. We are making good progress on the remaining 19, but these are long-term recommendations. I am very happy to, as I will in due course, provide a report to the house, but there is no question that everybody who sits on this side, on the front bench, is absolutely committed to doing our bit, with communities.

Members interjecting:

The SPEAKER: Order!

An honourable member: And us.

The Hon. G. PORTOLESI: Of course, you. We actually have to deliver services on the lands but, of course, we are absolutely committed to working with communities, working with the commonwealth and working with people like Brian Gleeson to ensure that Aboriginal and Torres Strait Islander people in our community have the life chances that every other child in our community has.

The SPEAKER: I point out to the member for Morialta that, on the explanation he gave to that last question, I failed to see the relevance, from what I heard. Member for Florey.

CAREER CHOICES

Ms BEDFORD (Florey) (15:15): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about resources that are available to assist young South Australians to investigate vocational education and training, further education and higher education options, to assist them to plan their future career choices?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:15): I thank the member for Florey for her question. She is a well-known advocate for training and a long-term advocate for training. The latest edition of the annual Career Choices booklet was recently released to assist South Australians investigate learning and training options and the pathways to occupations in various industries. The Career Choices booklet is particularly designed for young South Australians to identify vocational education and training, further education and higher education options, to assist them to plan their future careers.

Career Choices is widely distributed. It is sent to all secondary schools—both government and independent—and is also distributed to TAFE SA campuses, education and training organisations and universities, as well as the wide range of employment services across South Australia. These include Job Services Australia, career development centres, apprenticeship and trainee services, Aboriginal services, migrant services, community centres and youth services. Career Choices is arranged into 32 key industry sectors of the economy and includes:

- information about employment prospects, including expected new jobs and replacement jobs in South Australia and the regions where these jobs are likely to be located;
- top occupations, based upon expected demand;
- qualifications available as part of the training guarantee for SACE students;
- vocational education and training courses;
- university courses;
- occupations in the industry;
- occupations in similar industries; and
- where further information can be found on jobs in an industry.

Career Choices also includes useful websites for information on training and learning and career opportunities. South Australians can also contact the Skills Infoline on 1800 506 266 or visit www.skills.sa.gov.au for further information and advice.

The state government's Skills for All reforms that are being rolled out across the state will help more South Australians enter vocational education and training and further education, to gain the qualifications needed for jobs now and into the future. From July this year, certificate I and II courses, along with a range of foundation courses and priority causes, will be available free. The state government will continue to heavily subsidise certificate III and IV courses, and diploma and advanced diploma courses will have access to a HECS-style loan arrangement, making sure that students face no up-front fees in these courses.

The state government's Skills for All reforms recognise that vocational education and training, further education and skills development is essential to assist young South Australians to fulfil their career aspirations. The Skills for All reforms also recognise that increasing the number of South Australians completing vocational education and training and further education will help raise the skills level of business and industry. The state government's Skills for All reforms will encourage more South Australians into learning and training, so they can reach their full potential and get their fair share of the expected benefits of the mining boom.

GRIEVANCE DEBATE

PAYROLL TAX

The Hon. I.F. EVANS (Davenport) (15:19): I just want to make some comments on the poor old Treasurer, leading up to budget week. Over the weekend, we had the Treasurer with his construction hat on, sort of a Bob the Builder from Treasury, out there breaking a fundamental promise and, again today, in *The Australian*, announcing a broken promise on behalf of the government in relation to the payroll tax rebate for apprentices and trainees.

Three days before the last state election, they had done their polling and Mike Rann, the then premier, comes out and announces an exact match of the Liberal Party policy; that is, there would be, in round figures, a $25 million a year rebate for apprentices and trainees. He promised that it would increase the number of apprentices and trainees by 10 per cent. He promised that it would be four years. If you go to the press release, it said that it was over four years. From memory, it was a $108 million commitment. This was a commitment to last four years. What do we find? On the eve of this budget, the second Snelling budget, they have poked the South Australian public and the employers in the eye and they have abandoned the promise. They have broken yet another promise.

What it means for the employers in the building industry is that there is an extra cost of around $1,500 per apprentice. This government is making it harder to employ apprentices and harder to employee trainees. Why would a government do that, other than the fact that their budget is in a mess?

The Treasurer goes out on the weekend and makes budget announcements, but in here in front of the TV cameras, when he is asked very simple questions about his own press statements, the poor old Treasurer says, 'I can't talk about the budget. You will have to wait until Thursday.' The simple fact is they have broken their promise. It is yet another promise that Labor has broken.

We are still waiting for the Mount Bold Reservoir duplication. We are still waiting for the prison PPP. My electorate is still waiting for the underpass and overpass at Sturt Road and South Road. We are still waiting for the tunnel at the intersection of Grange Road and South Road. These are all promises the government has made and ultimately walked away from. There was the promise before the election about the Adelaide Oval: $450 million and not a cent more.

All Treasurer Snelling has done today is to show why he is so desperate for the media to come and watch him having a boxing session on budget day. Why would a Treasurer want to set up a media stunt on the morning of budget day if it was not to distract from the bad news in the budget? It is a joke. It is a joke that the Treasurer is so desperate to hide the bad news in the budget that he wants 10 or 15 seconds of the budget wrap-up that night to have Jack doing his shadow boxing with the bag. It makes no difference to the budget. He has a right hook: that will be $5 million saving here. He has a good left jab: that will be $3 million saving there. Frankly, it is pathetic. Jack Snelling could not go two rounds with a revolving door.

Let us get back to the real issue facing South Australia. This government went to the last election misleading the public on a number of fundamental promises, and today we have another one. All those apprentices and trainees out there, you have just been jabbed in the eye, and your employers have been jabbed in the eye by this government. There is a double whammy here, of course. This is the Treasurer and the government that are putting their hand in the pocket of the Construction Industry Training Board to grab $4.5 million a year out of the Construction Industry Training Board. So, apprentices and trainees have just got more expensive for the employers to employ and then the Construction Industry Training Board is going to have less money to provide training.

If you want any better example that this budget is in trouble, you have a government breaking a fundamental promise, and the best the Treasurer can come out with is to come and have a look at him doing a bit of boxing. It is a joke.

Members interjecting:

The SPEAKER: Order!

GAWLER COMMUNITY EVENTS

Mr PICCOLO (Light) (15:24): Today I would like to speak about three recent events in my electorate that reflect the strong volunteer culture within my local community. I do not think there is

a single person here today in this chamber whose life has not been in some way affected by cancer. The sobering fact about cancer is this: one in two Australians will be diagnosed with some form of cancer by age 85. It is the leading killer in our country, taking more than 43,000 lives in 2010 alone.

The good news is that we are turning the tide. We can diagnose it earlier and with greater accuracy, and people living with cancer are responding better to treatment. We have accomplished this because of the hard work organisations like the Cancer Council do in the community. One of the Cancer Council's major fundraisers is Australia's Biggest Morning Tea, which is currently being celebrated all over Australia.

Last week I was happy to accept an invitation to Gawler's Biggest Morning Tea. The event was a great success. More than 300 people attended—triple last year's number. I am happy to say that the morning tea raised more than $10,000 to help fight cancer in Australia, but more than that the event was truly an example of the community uniting behind a common cause. A great many people came together to make this event a great success.

I would like to pay a personal debt of thanks to Dominic Shepley and Jo Farrelly, the Chief Executive and Office Manager respectively of the Gawler and Barossa Jockey Club, who graciously offered their trackside function room free of charge for the event. They also named one of their weekly races after the Biggest Morning Tea, which gave the event invaluable publicity. Not only is this a fine example of local businesses supporting great community causes, but the goodwill generated by gestures like this is incredible and certainly far outstrips the minor financial cost. I applaud them.

At the morning tea we were entertained by square dancers from the Scoot Back Squares and the Wild Frontiers dancers, as well as the Adelaide Plains Male Choir. Our colleague in the other place the Hon. John Dawkins MLC is a member of the choir and gave an impromptu performance himself. I could say that, if ever there is a debate in that house that becomes too heated, I am sure that a reprise of his *Kumbaya* will be enough to calm things down.

Almost all the catering was prepared and coordinated by just two people: Gwenda Green and Bev Filmer. They were ably assisted in table service by students from the Gawler 15, a local vocational education training (VET) program which offers hospitality training for students in local schools and which is based next to Gawler High School. Finally, big thanks go to the Gawler branch of the Cancer Council and the Gawler Lions, particularly the Lion's treasurer, Eric Filmer, for helping to organise and run the event, and also to every person who came along to the morning tea. It is truly inspiring to see so many people not only working to fight against the scourge of cancer but also uniting as a community in general. It has been a week for that sentiment of solidarity in the general community.

I spent some time on Saturday morning helping collect money for the Salvation Army's Red Shield Appeal, which is the Salvation Army's major annual fundraising drive. I have to say that I was pleasantly surprised by the strong support and generosity of the local community. I had high hopes for the community but these were surpassed even in the short time I was there. Dozens of people dug deep to help the valuable work that the Salvos do in our community. Last year the Red Shield Appeal raised more than $75 million, and South Australia contributed $5 million to that total. It is my hope and the hope of the Salvos that we can beat that total this year, so I urge all South Australians to dig deep. The appeal in Gawler has already raised more than $10,000 and the campaign has been well led by local Salvo officer Jodie Jones and the chairman of the local committee, the Hon. John Dawkins MLC.

The final event I would like to mention is the launch of a new carers support hub in Gawler. Being a carer is an arduous task. It is emotionally and physically demanding and can be very isolating. It relieves the healthcare system of a tremendous burden; however, the same burden is taken on the shoulders of individuals in the community who most often do the work without payment.

The Northern Carers Network is an organisation that, put simply, cares for carers. It provides support and services for people who care for other people. These services can range from training and counselling right down to something as simple as a cup of tea and a social chat, but every service it offers, no matter how minor it may seem, is invaluable to the carers it assists. Previously carers who wanted to access services had to drive to Elizabeth, so it is fantastic for the town of Gawler that there is now a local hub where these services can be accessed.

I would like particularly to thank the Northern Carers Network's Chief Executive, Maria Ross, and our local project officers in Gawler, Wendy Rose and Ian Harland. I would also like to extend my thanks to the Reverend Jeff Noble, the pastor at the Gawler Baptist Church out of which the new hub operates.

Time expired.

PRESCRIBED BURNS

Mr VAN HOLST PELLEKAAN (Stuart) (15:29): I rise today to advise the house of a very alarming incident that occurred in the electorate of Stuart. On Monday 7 May, a prescribed burn got out of control in the Wirrabara Forest. For the benefit of the house, a prescribed burn is when the Department of Environment and Natural Resources, or another qualified government department, deliberately burns off some land so that it might help with fire prevention down the track if another accidental bushfire takes place. The very unfortunate situation here is that a prescribed burn that was intended to burn off 35 hectares of land in the Wirrabara Forest actually burnt 800 hectares, and it burnt 800 hectares because the prescribed burn got out of control.

What we had was an out of control bushfire started by a government department—a very alarming situation. That meant that the CFS had to be called in to try to put it out, which it did very professionally. I say professionally with regard to the way the CFS operates. Well over 100 CFS volunteers were called out of their beds, away from work, away from whatever they were doing for the rest of the week, to help, and they were working hand in hand with paid staff from DENR and ForestrySA. Quite avoidably, we had a situation of a bushfire out of control, started by a government department and then volunteers had to come to put it out.

How did this happen? Let me make it very clear that I am not here to try to get any individuals in any sort of strife. I want to focus on the system. I want the system to be fixed so that this never happens again. Sadly, this is not the only time this has happened. Approximately a year ago, a very similar incident occurred at Panye Station in the Gawler Ranges, and I am sure everybody in the house remembers that. Let me quote from an article from *The Flinders News* from last week (a local newspaper in the electorate of Stuart). The article, which is titled, 'Crews pleaded for burn-off delay', states:

> Crews given the task of conducting a burn-off in the Wirrabara Forest pleaded with their superiors to cancel the operation, fire-fighting sources say.
>
> The crews told ForestrySA that it was too dangerous to go ahead because of the weather conditions, but the operation continued.

That is an incredibly alarming report, and based on information coming directly to me from local constituents it is an accurate report. It should be incredibly alarming for everybody in this house. The real concern, apart from the fact that it got out of control and people's lives came close to being put at risk—there was approximately half a day where homes were in the path of the fire, but that was averted by the good work of the people on the ground and also by favourable, or improving, weather conditions—is the fact that the orders came from Adelaide, I am told, that the prescribed burn should not be stopped.

The reality is that the burn took place on the wrong day. For Saturday and Sunday the weather conditions were forecast to be quite favourable, the high temperatures for the days were forecast to be in the high teens with low winds. Yet, for the Monday and the Tuesday (and the burn was done on the Monday) the forecast weather conditions were for the high temperatures to be in the high twenties with high winds. So, it was well forecast, and in fact so well forecast that everybody in the district knew about it. I live in Wilmington, only 50 kilometres away, and people were talking about the fact that early next week the weather was going to be pretty unpleasant and that farmers should not consider burning off, because this is the time when people do burn off. This prescribed burn was planned for a day when weather conditions were inappropriate. There is no getting around that fact.

I look forward to receiving a copy of the internal review from the minister. I have asked the minister for that review. I say again that I am not out to condemn anybody, from the people on the ground who lit the fire all the way through to the top of the department. The reality is that I want the minister's department to conduct a thorough and open review of what happened. The review must include direct and clear directions for improved practice in the future so that this never happens again.

People's lives cannot be put at risk. The environment cannot be damaged. Think about the number of animals, native and feral, their lives are each just as precious if they are going to be burnt to death in a fire. Think about the number of households nearby on the outskirts of Wirrabara Forest which were also put under threat. I look forward to receiving the report from the minister.

PORT ADELAIDE

Dr CLOSE (Port Adelaide) (15:35): I have lived on the Lefevre Peninsula for 11 years. Both kids were born since Declan and I moved there, and Semaphore, Largs and Port Adelaide are their home turf. In comparison to those whose families stretch back generations, we are new-comers. Once you live in the Port or on the peninsula, you rarely move far away, and families tend to stick together. I would love to think that our children will stay and make homes there, too.

A decade of living in and loving a place gives you some perspective on the changes to the area, and spending months knocking on people's doors and asking what matters to them is a fast track to understanding what the community thinks. What I distil the message down to is this: community comes first. Places change; the tide of history can be cruel. Working through that change must be done with the community—with what we share, not with what we hold privately—at the centre.

What we have seen at the Port is a massive step-change caused by the containerisation of international shipping and the desertion of the inner harbour by the big shipping companies. Gone are the thousands of wharf workers and their families, working, living and thriving in Port Adelaide. This has happened everywhere in the world where the first harbour was down a river in a confined area. However, that change does not need to be a catastrophe. Efforts have been made in the past few decades, some more successful than others, some with more good will than others.

The location of three substantial museums—largely built on volunteer enthusiasm combined with international level expertise—has been a wonderful addition to the Port, giving it a grounding as a tourism and family destination. The location of the shopping centre away from the heritage heart of the Port has been more destructive, with much of the life now hidden and almost lost in the maze of streets.

Accommodating the expanding SA economy and therefore the increase in freight movements to Outer Harbor has added complexity to the Port area. The associated jobs are welcome. Noise and air quality issues need to be managed. The removal of the trucks from the heart of Port Adelaide is a positive step that was made to differentiate between freight activity and the inner harbour. However, the removal of disruption and noise is one thing, bringing life into the area is another, and this where I return to my message about community being at the centre of revitalisation.

The wrong model is to put the development of private spaces first and to separate those spaces from the community they sit in—its history, its culture and its future. This is why, in my opinion, the Newport Quays development was never accepted by the community as being part of the revitalisation of the Port, and the destruction of the boat yards to make way for development was widely regarded in the community as a tragedy.

The Port's future success depends on several ingredients. First, the community needs to be fully part of the decision-making. Serious options with costs and implications need to be shared with the community. Secondly, public spaces in the Port must be cared for first. When building a community, the first step is to cherish the shared places and assets. The places where we congregate, spend time with family, and bring visitors to are the ones that define a community.

Thirdly, anything that happens in the Port must revel in the fact that it is in the Port of Adelaide, that it is not some sanitised 'anywhere' place. This is a place with deep Kaurna, migrant and maritime history. It is home to a diverse arts community. It has an increasingly healthy environment, with dolphins living nearer a capital city than nearly anywhere else in the world. It is a place where people still know how to make wooden boats.

I do not want to give a definitive list of what I want to see because that is something that needs to emerge in partnership with the community, but I will give five ideas that I want to test with the community:

1. More public space that is good to spend time in: lawns, BBQ areas and, above all, a playground to attract young families. I know that when you have small kids, above all, you want a free place to go and see other parents and let the children stretch their bodies and have some fun.

2. Putting the inner harbour at the centre of activity. This means getting watercraft onto the harbour from kayaks and row boats through to returning the *One and All* alongside the *Falie* at the harbour, and the City of Adelaide and the *Nelcebee*, too. To this end I would like to see a water plan for the inner harbour so that we can plan for the maximum compatible activity on the water.

3. Creating a pathway for a leisurely bike ride or walk around the inner harbour so that you can still have some exercise and finish with a coffee at the Port.

4. In the longer-term, creating a maritime precinct that recreates a boat yard, with young people being able to come along and watch boats being built.

5. Opening up spaces for artists to fill and create attractions for more people to come to the Port.

These are my thoughts after listening carefully to the community. I know that we need to work out how to fund the ideas we collectively come up with. We still need more people to live and work in the Port, and we still need to get public and private investment into the Port, but I believe that we must start with our shared spaces: our community assets. More discussion needs to happen and then some real action is needed. We need to start seeing real, practical action, action that honours our past and celebrates our future.

REGIONAL EXPRESS AIRLINES

Mr PENGILLY (Finniss) (15:40): I draw to the attention of the house and the parliament, and, more particularly, the government, the situation with Regional Express Airlines (known as Rex) on Christmas Day this year. Rex is a very good regional airline operating in Queensland, New South Wales, Victoria, Tasmania and South Australia. It provides an excellent service. It is a very safe airline and it has good staff. I use it very regularly, as do a couple of other members in this place. My argument is not with that side of the Rex operation.

My concern and what has been brought to my attention is that on Christmas Day Rex Airlines is ceasing operations for the day around Australia. They are taking the day off and I know that their staff want to have the day off with their families as everyone else does on Christmas Day so I can understand that side of it, but it probably comes down more to the point of how many passengers travel on that day.

In this state they travel to Ceduna, Whyalla, Broken Hill, Mount Gambier, Port Lincoln and Kingscote. Of these places the only port that is serviced by another airline is Port Lincoln, by QantasLink. These places are a long way from town, and on Christmas Day many people who have worked overnight—shift workers, police, nurses and the list goes on—like to get home on Christmas Day, and they do so by Rex.

This situation is exacerbated on the island because in those other places you can drive if you have to. It is an eight-hour drive to Ceduna, I totally understand that. However, Kangaroo Island is going to be left completely in the lurch. It is going to have no airline service and already SeaLink, the ferry service, does not operate to the island on Christmas Day; they have the day off for their staff, and other reasons as well, and, as I said before, I understand that.

However, the government is spending millions of dollars promoting Kangaroo Island, and I know from my time in tourism that there are always people (internationals) who want to come and do a tour of Kangaroo Island on Christmas Day. I know, again from personal experience, that many family members either want to travel to the island on the morning of Christmas Day or some family members over there who for one reason or another have to travel to the mainland for Christmas Day and they are simply not going to be able to do that.

Tourism operators have contacted me; they are quite upset about this. It seems absolutely ludicrous to promote the place as a great destination, particularly for internationals but also for domestics, and for them not to be able to get there or back on Christmas Day. I know that Rex must run as a profitable business. We expect them to run as a profitable business (they are not into the tourism business and they do not market holidays) but they also provide a critical service. I think, quite frankly, they do have an obligation to provide that service on Christmas Day.

The point I make is that it is going to cause a lot of distress and anger, I would suggest, on the island particularly, and possibly in other places, when the general public finds out that there are not going to be any services on Christmas Day. It is a big network and people who rely on that

service to get family or themselves to and from destinations—particularly the tourism industry—are going to be left high and dry on Christmas Day with no Rex services.

I believe it is beholden on the tourism minister and the government to meet with Rex to discuss this matter and to question why they are doing this. At the risk of repeating myself, they are a very good airline. However, it is most disappointing and it is going to be highly disruptive for many people and the tourism industry to not have Rex servicing their routes on Christmas Day and more particularly to not have them servicing Kangaroo Island, which is going to be left without any air or ferry service whatsoever.

I make the point here that hopefully the government may pick up on this. They may or may not be aware of this, I do not know. The Minister for Tourism is in the other place but we have a couple of transport ministers here who should be able to pick up on it as well. It is a private company, not a government company, but it is an important matter and I ask the house to take note.

CLARE QUILTERS

Mrs GERAGHTY (Torrens) (15:45): On Monday of last week a group of 18 ladies travelled down from the Clare Valley to visit Parliament House, and they were particularly interested in having a look at the women's suffrage centenary tapestries that are in the House of Assembly chamber. I had the privilege of hosting them on behalf of minister Gago.

This group of women meets regularly. They call themselves the Clare Quilters, and they celebrated their 25th anniversary last year in 2011. As part of their celebrations they presented an exhibition in the town hall at Clare. It was the largest exhibition they had ever presented, and they won the local Australia Day Community Event of the Year. They then also proceeded to win the State Event of the Year. Eight of the ladies from the Clare Quilters travelled to Government House to receive their reward in January this year. I have to say they are an absolutely delightful group of ladies.

The club has provided an extremely important service to the community by not only providing a channel for women in rural settings, many of whom are isolated and live on farms, but the Clare Quilters have also participated in a huge amount of charity work, where they have made and donated many quilts to organisations for them to raffle for fundraising. Certainly, I am sure their work is much sought after.

The club has not only supplied quilts to disasters in local areas, such as the floods in Stockport, but also to other states where there have been a number of disasters which have devastated the community. They have donated thousands of dollars towards cancer research, the local hospital and many other needy groups. Clare Quilters received a mayoral award for services to the community in 2006.

What was most noteworthy to me, apart from their other outstanding achievements and work, was the amazing connection a member of their club has with this parliament. On our wall is displayed a tapestry of the portraits of three leaders from the suffrage campaign. Elizabeth Webb Nicholls on the right was the president of the Woman's Christian Temperance Union. I was really quite surprised and thrilled to discover that her great-granddaughter, Anne Whitehorn, was standing with me in the chamber admiring the tapestries. I thought that was really quite extraordinary.

I would really like to offer my congratulations to the ladies of the Clare Quilters for their wonderful community spirit. It was a great pleasure to host them on behalf of minister Gago. I look forward to accepting an invitation to visit them and see them at their work. Well done ladies, a fantastic effort. I know that you will continue to support your community and many others.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Adjourned debate on second reading (resumed on motion).

Mrs REDMOND (Heysen—Leader of the Opposition) (15:49): Before the lunch break I had been providing some introductory remarks in terms of the origins of this bill and, indeed, the sorts of behaviour that give rise to the need to have an independent commission against corruption. I mentioned in those preliminary remarks the fact that I had attended the very first Australian public sector anticorruption conference in October 2007; so, almost five years ago now. Some things were brought up at the conference in terms of the nature of the conduct which was considered to be corrupt.

Indeed, in my own report on attendance at that conference, I said that mostly what the conference brought home is that corruption is not mostly about the high profile cases that attract enormous media interest. It is really about building within any organisation a culture which is alert to possibilities of corruption, and to ensure that, in the case of government departments or agencies or local councils, every procurement contract, every tender which is let, every licence which is granted, and every planning or other decision which is made occur on a fair, open and accountable basis.

Before lunch, I took members through examples of the sorts of things that could lead to corrupt conduct. I used those examples to illustrate the point that all sorts of behaviours which we would normally think were somewhat inoffensive could potentially become corrupt and, certainly, if one had a conflict of interest that could easily trip into corrupt conduct, but I made the point that most people do not engage in corrupt conduct. Indeed, for corrupt conduct to occur, there usually has to be a convergence of three elements, that is, motive, opportunity and a low threat of detection. If you can remove even one of those elements, then that will, by itself, minimise the threat of corrupt conduct occurring.

The reality of our lives is that most people do not commit corrupt acts. Even if all three of those elements—motive, opportunity and the likelihood or unlikelihood of being detected—are present, most of us still would not commit corrupt conduct and, basically, our society relies on people behaving according to their own very sound moral and ethical codes. At that conference they also talked about the factors associated with corrupt conduct, and these were distilled from a review of the investigation reports of the various ICACs around the country. It is quite an extensive list but I will go through it because I think it is important for us to understand what it is we are trying to overcome in this bill.

1. Public officials developed inappropriate relationships with clients.

2. Public officials failed to declare conflicts of interest (pre-existing relationships).

3. Inadequate supervision or work review.

4. Aspects of the culture of the agency.

5. Inadequate knowledge, skills or experience of corrupt public official or related supervisor or manager.

That can often occur. I have come across qualified legal practitioners who do not recognise a conflict of interest when it basically hits them in the face.

6. Inadequate policies, procedures or systems.

7. Failure to follow existing policies, procedures or systems.

8. Poorly managed contracting or commercial relationships.

That is if you have tendering advertisements that do not have enough detail, or no reply deadline for a published tender and so on, or no contract and so on.

9. Significant change imposed on the agency (for example, an internal restructure, or the introduction of new functions or commercialisation).

In one particular jurisdiction, in New Orleans after Cyclone Katrina, because there had been such a massive change in what had to happen in that area—significant change was imposed, it was not imposed for any invalid reason, and it was significant change in how the agencies had to react—they found a 452 per cent increase in the level of corruption that was occurring in New Orleans after the agencies had these massive changes, and the potential for corruption, of course, increased.

10. Inadequate agency resources.

11. Inadequate legislative provisions.

I will talk a bit more about that.

12. Nature of the work or the agency.

For example, some jobs involve particularly close working relationships and, therefore, there can be more potential for corruption to exist.

13. Corrupt public officials had high levels of personal discretion, autonomy, power or influence.

So, the higher up the pecking order you are, the less likely you are to be fully supervised and, therefore, the more potential you have to commit corrupt acts.

14. Poor understanding of proper agency functioning by certain sectors of the community.

15. Failures of senior or corporate management.

16. Public officials had feelings of dissatisfaction or perceptions of unfairness.

Now, this factor was reported in only four investigations but, for example, staff dissatisfaction with new premises and potential conditions and salaries following a council boundary change had actually been one of the factors leading to some corrupt conduct. Well down the list is:

17. Potential for significant gain—financial or otherwise.

I had already mentioned in my preliminary remarks the fact that someone with a gambling addiction, a drug addiction or other addiction may well be motivated to commit corrupt acts simply because of the financial gain they can get from it. Lastly, there is:

18. Highly competitive operating environment.

I think we see that in a range of areas.

Those, in summary, are the sort of findings that came out of the first national conference on corruption and, as I say, one of the most remarkable things was premier Morris Iemma in his remarks at the opening saying that any jurisdiction that thinks they do not need one of these is delusional.

Returning to the bill at the moment, of course, the government has introduced this bill and largely it reflects what I had proposed in the bill that I introduced some years ago, which the Attorney-General just neatly ignored in his comments about the origins of their bill but largely it does reflect it inasmuch as my bill had three essential elements.

Both bills are concerned with public administration. In some other jurisdictions, such as Hong Kong, you get into the area of the corruption in private enterprise and so on but, in Australia, generally, we have public administration as the target of these organisations. Within the organisation there were to be three arms under both my bill and the government's bill.

The first and most obvious is the investigative process: that is, that this organisation will be responsible for determining whether corrupt conduct has occurred. In both the government's model and my model, there were not to be actual prosecutions by the ICAC. They were to be taken care of by the Director of Public Prosecutions or the police, but other organisations outside the ICAC will actually be responsible for the consequences of the investigation and the ICAC is to be responsible for the investigation.

The second component was that of education because, from the illustrations that I have already given about the sorts of conduct that have occurred that were actual, real-life examples, it is obvious that even those with significant education in the area will not necessarily agree on the point at which conduct does become corrupt.

There is a significant issue about educating the public and certainly parliament, but probably most importantly the broader public sector. I mean by that everyone from the directors of state government departments through to the heads of various agencies through to not only the elected members of local councils but the staff and officers of local government, because everyone who holds a public office—the bill sets it out and I will come to that in due course—potentially must know what is corrupt conduct in order to avoid stepping in it.

I believe that sometimes people actually fall into corruption not because they have intended to become corrupt but because something happens and they do not actually realise that they have even behaved corruptly until they have actually stepped over that line. Conflict of interest, for instance, is often confused with corruption. That is one of the areas where there are similarities between the bill that I proposed and the bill that the government proposes.

There were certain other elements in common: that is, we had the provision for secret surveillance and, of course, the other bill—the related bill under the telecommunications act—deals with that particular issue. I will say more about that in due course, but both bills had those elements. We also provided for parliamentary review of the conduct of the ICAC. I was very concerned, and obviously one of the things that all politicians are concerned about is that, when an ICAC exists, there is the potential for people's reputations to be damaged very badly unless there is sufficient protection put into the legislation to make sure that people cannot simply make an unfounded allegation and go out into the public and say, 'I have reported so and so to ICAC,' and

proceed to have a vast media campaign about whatever the issue might be, without there necessarily being even one shred of evidence to impugn the person who has been named.

Indeed, not only do we need to have provisions to protect that from happening—and the government has gone about that in a particular way—but can I say that I had a conversation with a former assistant commissioner in New South Wales who said to me that, in fact, he makes it very clear when people come into the ICAC, if they are going in to report someone, he says to them, 'If you go out and say anything about this, then I will make it my business to make sure that you are investigated just as thoroughly as the person you are complaining about.' I think the government's bill does a little bit better than that particular provision, because I think that is an unsatisfactory way to manage it, and the government has decided to have a matter of no public hearings.

I want to go to the detail of the layout of the bill because it is a reasonably lengthy bill. It is divided into six parts and then into three schedules, pursuant to the legislation. The very first part is the preliminary (as it is called in the description of it) and it contains the usual things like the short title, the commencement date and so on but, importantly, it contains the objects, the definitions clause and deals with what is meant by corruption, misconduct and maladministration, and they become fairly important.

What it does is seeks to establish in South Australia an independent body focused entirely on preserving and safeguarding confidence and the integrity of the functions performed by public offices, agencies and authorities in the state of South Australia. When you want to find out what the public offices are, that is dealt with in the schedule, and I will come to that in due course.

It provides the mechanism to do that by a two-step process, basically. It establishes the Independent Commission Against Corruption and it separately establishes what is called the Office of Public Integrity. Now, that is something which is novel. It is certainly different from what I put into my bill and it is certainly, as I understand it, novel compared to the other mechanisms in the other states. We will wait to see whether it is the best way to work it but, clearly, what the government intends is that it is a one-stop shop. People come in the front door of the Office of Public Integrity and they make their complaint.

There will obviously need to be officers within that Office of Public Integrity who have a fair knowledge of who is covered by what because there will, of course, still be other organisations that will deal with certain complaints. For instance, the Ombudsman's office will not cease to exist and, equally, what is now called the Police Complaints Authority becomes the Police—

The Hon. J.R. Rau: Ombudsman.

Mrs REDMOND: —Ombudsman, under the legislation. Thank you, Attorney.

The Hon. R.B. Such: Just a different name on the door.

Mrs REDMOND: Yes, it will still be the Police Complaints Authority. It is absolutely clear to me that not all complaints about police officers are complaints which would justify the involvement of the Independent Commission Against Corruption. Certainly, there are police officers who simply misbehave in some minor way, but there is no hint of corruption in their behaviour. I will not go into detail about some of the funny circumstances I have seen with some of our younger police officers particularly, who simply make a mistake in their behaviour whilst wearing the uniform but there is no hint in them that they are subject to corrupt conduct.

This is really I think—and, in fact, I think I recall the Attorney in our briefing on this matter using the term—the 'sorting house'. This is the place where people can come to, rather than having to figure it out for themselves and going to an office where they are told, 'No, it is not us: it is someone else,' then they go to another office and they say, 'No, it is not us: it is someone else,' and then they go somewhere else. Rather than that happening, I can see some sense in what the Attorney is putting, that you have this office which is the doorway through which all the complaints are received, and then someone in there helps them to sort out whether it is something that is corrupt or whether it is something that needs to go off to the Ombudsman or the Police Complaints Authority, which will be renamed the Police Ombudsman.

Indeed, we may have other ombudsmen in the state at that stage. For instance, we have a Health and Community Services Complaints Commissioner already and, equally, the possibility of an education ombudsman has been discussed from time to time. There could be any number of complaints that come in through that front door. I suspect it might be overwhelmed at first by the number of people bringing in complaints. One question I would ask the Attorney is: what about privatised organisations? If you have an organisation that is no longer under the control of the

government, where do complaints go about those organisations and are they going to be covered within the ambit of this bill?

Part 2 sets out the proposed structure and functions of the ICAC. One of the key features which differs in this bill, compared to the bill that I originally proposed, is that, in performing the functions of the investigation, examinations relating to alleged corruption in public administration are to be conducted in private. There are arguments each way about whether that is the appropriate way to conduct these investigations.

As I have mentioned before, I think there is clearly some benefit, in the sense that people can have their reputations besmirched—and it is often said that if you throw enough mud it will stick, and people's reputations can be damaged, and damaged irreparably, through processes if they become too public. On the other hand, we are a state that for a long time has had a reputation of being suppression city, and we suppress things which are not suppressed in other states.

Certainly, the proposal as it is now mooted gets over the problem that I see currently with suppressions, which is that modern technology makes statewide suppressions a nonsense, because whatever is suppressed in this state can simply be published in another state and obtained online. Even if we went national, we still have the problem of international publication. Whereas, under this proposal, because it is private, it does stop allegations being made and published too soon. Having said that, I want to refer to a paper.

The Hon. J.R. Rau: It is an investigation at this stage, not a court process.

Mrs REDMOND: The Attorney correctly points out that it is an investigation at this stage. I refer to a keynote address, which was given at the most recent public sector anticorruption conference, held in Fremantle in November last year. This is part of the address given by the Hon. Wayne Martin, the Chief Justice of Western Australia. He talks specifically about public accountability of anticorruption agencies. He says:

> Public confidence is an essential component for the effective operation of any anti-corruption agency. Public confidence is enhanced by public accountability.

He then goes on to talk about the oversight mechanisms.

> More controversial is the use of public hearings as a mechanism of public accountability.
>
> The question of whether or not anti-corruption agencies should generally conduct hearings in public has been a subject of controversy in most jurisdictions which have created such agencies. In Western Australia, it has been a subject of particular controversy since the creation of the Corruption and Crime Commission, given that its predecessor, the Anti-Corruption Commission, never held hearings in public.
>
> The controversy arises from the conflict between a number of competing considerations. The considerations in favour of public hearings include the proposition succinctly put by Frank Costigan QC.

Everyone would remember the Costigan name, royal commission and so on. This is a quote from Frank Costigan QC:

> Once you start investigating allegations of public corruption privately, then you add the smell of a cover-up.

That is what Frank Costigan had to say. I continue:

> Other considerations which favour public hearings include the fact that the community is aware of the work being done by the agency, and useful information can flow to the agency as a result of publicity given to its activities. Importantly, the conduct of public hearings performs an educative role which can be of great significance in the fulfilment of the preventative function which is conferred upon many anti-corruption agencies...

Then he goes on to say:

> On the other hand, there are a number of considerations against the holding of public hearings, perhaps the most significant of which is [and I have already mentioned it] the irreparable damage that might be done to the reputations of particular individuals during the course of such hearings, irrespective of the findings ultimately made by the agency. The prospect of damage to reputation is exacerbated by the risk that the public might focus on the questions asked of a witness during a hearing, rather than the answers given, especially where the line of questioning is salacious. Other considerations include possible prejudice to the investigative function by discouraging those who might have information from coming forward, lest they be caught in the glare of publicity—

and whilst all those in this chamber are fairly familiar with the glare of publicity, it is very much something that is front of mind of people—they try to avoid it at all costs, and I think that is very real risk—

> and by alerting those who might themselves be subject to subsequent investigation of the lines of inquiry or cross-examination...

In other words, someone who may be associated or nearby this type of corruption and has something to fear themselves may have time, in fact, to be made aware of the nature of the investigation as proceeding and, indeed, divest themselves of evidence and other things like that. Chief Justice Wayne Martin goes on to conclude:

> The balancing of these competing considerations is a difficult task. There can be no general answer to the question of where the balance lies, because in any particular inquiry, or part of an inquiry, the weight to be given to particular considerations will depend upon the particular circumstances of the inquiry. The only opinion I would venture to those charged with making these difficult assessments is drawn from my experience in the courts and from my observation that public confidence in the integrity of the administration of justice critically depends upon the transparency of that process, and the fact that it is only in the most rare and exceptional circumstances that any part of that process will be conducted behind closed doors. That experience, and the significance which I attach to the educative and preventative functions, incline me to the view that hearings should be held in public unless there is a good reason to the contrary. In the context of the administration of justice, it has long been accepted that the risk of damage to reputation is the price which must be paid for transparency.

I indicate that we have given considerable thought and debate to the comments made by His Honour Justice Martin and, indeed, to other people in regard to this. We are not going to seek to amend the government's legislation in relation to this aspect, but we will be keeping very much a watching brief on what happens and how things transpire in the light of these closed hearings. The examinations must be conducted in private, and the functions of the ICAC are summarised as follows:

- Once corruption is identified and investigated it will refer it for prosecution 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 as the ICAC considers appropriate;
- To evaluate 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; and
- To perform other functions conferred on the ICAC by the measure or any other act.

They can also, at the direction of the Attorney-General, undertake a review of the legislative scheme related to public administration and make recommendations arising from that.

As I say, one thing we have in common, in spite of the privacy of the investigations, is this focus on how to prevent public administration from being corrupted. It is not just a matter of the education of the people who are involved in public administration, but very much, particularly with new computerised systems, looking at the systems by (often) forensic analysts who can look at computer systems to see where the potential for corruption exists. The more you can overcome that and lower your chances of corruption, the better the system will be and the less work the other branches of the ICAC will have to do.

I mention in passing the fact that I am on the Stirling Hospital board. We had a young man come to work for us who ended up in gaol as a result of his behaviour. He corruptly used the position he held within the hospital to make payments to himself, which was not found out for some time. We have had to since examine our systems and make sure that those systems are as tight as possible, because where your local sporting club and so on has relied, and probably still relies, on simply countersigning cheques, having two trusted individuals who both agree to sign a cheque, because of computer keeping records we do not have the same facility and quite often only one person is charged with the management of accounts and so on. That deals with part 2 of the bill.

Part 3, as I have already mentioned (it appears in part 3 of the bill), is the Office for Public Integrity. It is separate from the ICAC in terms of its staff and functions and is directly responsible to the ICAC in the performance of those functions. Its functions, as I have broadly explained, are: 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 offices—so, you have the two lots of people

coming in already: the public and people who are public servants and so on—to make recommendations as to whether and by whom complaints and reports should be investigated; and to perform other functions assigned by the ICAC.

The OPI does not have any power itself to resolve complaints. It only has the power to identify the nature of the complaint and to decide where that complaint should go. I suspect that there may be some confusion on the part of those officers, unless they are exceptionally clever. I suspect that we may find, as this progresses, that there will be occasions when they refer a complaint to the Ombudsman but when the Ombudsman looks into it sufficiently it may turn out to be something corrupt and has to come back through their office to get to the ICAC. So, I do not think they will always get it correct, but I can see some sense in what the Attorney is proposing in relation to having this front door that people can go to.

Members of the public can, and should, still approach an agency directly, such as the Ombudsman. If they know that their matter is one which the Ombudsman can look into or they know it is a complaint about a police officer so it should go to the Police Ombudsman, then it is entirely appropriate that they go direct to that agency and not have to come through the front door, but there are many circumstances where they may not know which agency. Indeed, it is not too hard to imagine that there could be circumstances where there could be different components of what starts out as a single issue and the different components need to be referred to different agencies.

I see the Attorney nodding at that. As previously practising lawyers, I am sure we can both readily imagine a number of scenarios where people come and tell a story and there are components which might involve misbehaviour, or something the Ombudsman should look into, or corrupt conduct, and they need to be separated and investigated separately.

We then get to the procedures and powers for both the Office for Public Integrity (that is, that front door) and the ICAC itself. The first thing to be done is that the OPI must establish a system for receiving complaints from the public. The ICAC (once appointed) has to prepare directions and guidelines governing reporting to the OPI of matters that an inquiry agency, public authority or public officer reasonably suspect involves corruption, misconduct or maladministration in public administration.

The guidelines are to address the types of matters which must be reported to the OPI and to provide guidance as to how this is to be undertaken. In any event, upon receiving a complaint or report the OPI must undertake an assessment according to the criteria laid out in division 2 of this particular part and the action, complaint or report has to be dealt with accordingly, depending on whether the matter relates to a potential issue of corruption or some other problem that can be referred elsewhere.

If it does raise a potential issue of corruption in public administration that could be the subject of a prosecution, it is a matter that has to be either investigated by the ICAC or referred to SAPOL or the Police Ombudsman if the issue concerns a special constable, police officer or other law enforcement agency. Division 2 sets out the process, powers and procedures in relation to corruption.

Generally speaking, an investigation into corruption in public administration can be triggered in three ways. It can be a complaint or report received by the Office of Public Integrity (OPI) which has been received, assessed and forwarded to the ICAC. The ICAC can exercise its powers with its own initiative; it can simply decide that it needs to investigate something and it can exercise those powers. Thirdly, the Attorney-General can report a matter directly to the ICAC for his or her consideration.

The ICAC will be assisted in investigations by investigators and examiners. The investigators are out in the field. They collect the evidence, they speak with witnesses and they will need to be reasonably well trained. I suspect, as with the New South Wales ICAC, we will find that a lot of police officers will go to work there. Some very senior police officers were, sadly, lost from this state because they went to work for the ICAC commissioner in New South Wales. The reason for that is we need to be sure that those who are taking statements actually know what to do—what to ask and what not to ask—in terms of not leading witnesses and making sure that a statement is taken correctly and forms part of an appropriate chain of evidence. So those people are the investigators and a police officer seconded to the ICAC will automatically be an investigator under the bill and it is intended that officers should carry across all their SAPOL powers to use in ICAC investigations as required.

There will potentially be others who could well be people who have not been police officers, who are not current serving police officers or who do not have a background as a police officer who could nevertheless become investigators under the ICAC. They have to be appointed to the role, and I have no doubt that the ICAC commissioner will intend that they satisfy some criteria in order to be allowed to carry out that investigative process and they will have to be issued with an identity card.

In addition to the investigators we will have examiners. They are responsible for conducting examinations and that role can be undertaken by the commissioner himself (I use 'himself' in the grammatically correct form embracing both female and male so I am not suggesting that only a male might be appointed to that role) or it could be a deputy commissioner, an investigator or any other external person appointed to the role. I imagine that the number of examiners appointed will depend on the nature and amount of work that is coming into the system.

There are provisions in this part to deal with people making false or misleading complaints (I think it was a fine of about $10,000 and two years' potential imprisonment) because we want to make sure that people do not use this ICAC as a mechanism for simply trying to force their views on the rest of the world. We only want to have people who make appropriate complaints to the ICAC.

There are extensive accountability provisions in part 5 of the bill and that includes reporting to parliament annually and an independent review of the exercise of the ICAC's powers. There are provisions in the other bill that we will deal with later on such as provisions for the interception of telephone communications. Those things are covered in terms of their reporting powers under the separate legislation, but there is provision in here to deal with how that all happens.

Furthermore, the ICAC has to 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. So, the Attorney-General is prohibited from seeking information identifying a particular matter, identifying a particular person who may be under investigation. However, the Attorney-General on the one hand is able to ask the ICAC for reports as to what they are doing, and on the other hand the ICAC has an obligation to keep him informed on the general conduct and functions of the ICAC.

It is proposed to establish, by amendment to the Parliamentary Committees Act, a crime and corruption policy review committee. That 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 and the Commissioner of Police or the Police Ombudsman. There are some things about that that are a bit technical, and I do not intend to go into them.

Finally, part 6 is miscellaneous provisions, which is the usual format for a bill. You get through all the detailed stuff and then you have got a range of miscellaneous matters that are necessary to facilitate the operational aspects, such as serving of notices and all those sorts of regular things. 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. So, they actually have to find the person if they are going to bring them in and investigate them.

A lot of the time they may be bringing in other people who are not the subject of the investigation. That is of some interest, given the Attorney's announcement at the beginning of question time about the review of the provisions relating to things like telegrams and modern methods of communication. It will be interesting to see how we continue to deal with personal service. I expect that we will not be able to change it very much, but there may be some changes.

There is no obligation on persons to maintain secrecy, interestingly. It sounds like a strange thing. As I said, I have spoken to a former deputy commissioner in New South Wales, who said that he made it imperative that people maintain their silence before at least a prima facie case had been made out. You could not run in and say, 'I have reported so-and-so to the ICAC' because that would damage reputations. However, although it has that heading, clause 48 is there simply to confirm 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. The clause is designed to enable a person to disclose information to the commissioner or investigator despite the fact that it would otherwise not be allowed.

For instance, if you are an employee in a particular department, and the legislation governing you is the Public Service Management Act and any particular legislation of that

department, you may well have in that legislation provisions that would prevent you from disclosing information that came to you in the course of that employment. The purpose of clause 48 is simply to say that this overrides that, that you can actually go to the ICAC if you believe there is corruption going on and say, 'Hey listen, for these reasons I have seen this, this and this. I therefore think that corruption is going on.' So there are provisions as to those things.

As I say, this is the section where you find proceedings that will be heard in private, proceedings under the act other than for an offence. If someone has breached the provisions within the department under the act, they do not necessarily have to be held in private, but other proceedings under the act are to be held in private. Proceedings for an offence are to be heard in private as a public hearing may prejudice an investigation under the act or unduly prejudice the reputation of a person other than the defendant.

One of the other things that I wanted to come to in here is the schedule, because the schedule indicates who is covered, and it is quite an extensive list of people who are covered. It provides:

> Schedule 1—Public offers, public authorities and responsible Ministers
>
> For the purposes of this Act, the table below lists public officers, the public authorities responsible for the officers and the Ministers responsible for the public authorities.

So it tells us who is covered. I will not read out all of them but I will cover a certain number of them. Firstly:

> a person who constitutes a statutory authority or who is a statutory office holder;
>
> a person who is a member of the governing body of a statutory authority;
>
> an officer or employee of a statutory authority or statutory office holder or a Public Service employee assigned to assist the statutory authority or statutory office holder;

So, that is all the statutory authorities and just about anyone that you can think of associated with them.

> a member of a local government body;

Again, that is the elected members. Then we have:

> an officer or employee of a local government body;

So, all the non-elected people who are working in local government. Further:

> the chief executive of an administrative unit of the Public Service;

So, the head of the department is covered. And further:

> a Public Service employee (other than a chief executive);
>
> a police officer;
>
> a protective security officer appointed under the *Protective Security Act 2007;*
>
> an officer or employee appointed by the employing authority under the *Technical and Further Education Act 1975;*
>
> a person appointed by the Premier under the *Public Sector Act 2009;*
>
> a person appointed by the Minister under the *Public Sector Act 2009;*
>
> any other public sector employee;

I am curious, and would be interested in an answer from the Attorney as to the very last one of the people mentioned in schedule 1, that is:

> a person declared by regulation to be a public officer.

Given the extensive list above that, I am curious as to who that could be. Are there any examples of what sort of person that would be; that is, 'persons who have previously been declared by regulation to be a public officer'.

In general, that is an outline of the bill and where it is going. There are a number of areas where there are a number of questions to be asked. We certainly will be moving a couple of amendments on our side, so we will be going into committee, and I do not intend to hold the house forever in terms of my comments on the bill. But there are a number of things that I think need to be canvassed, and I have some questions here which arise from the fact that, as I said at the outset,

the Local Government Association has not had the opportunity, in its view, to respond as fully as it wanted to.

The Hon. J.R. RAU: Mr Acting Speaker, I am very happy to move to committee at any time the leader wishes to do so. I am more than happy to answer any questions she has. I do not know that she will get as much of a free exchange of question and answer in the format of the second reading as we would in committee, but it is entirely a matter for her. I am very happy to answer any questions that she has, but I am not sure we can actually do that comfortably in the second reading. For what it is worth, if the leader is happy to move to the committee stage of the bill, I think I can answer everything I can.

The ACTING SPEAKER (Hon. M.J. Wright): The Attorney is correct. It is a matter for the leader and the leader would be well aware that questions are in committee stage, but I will allow a little bit of latitude.

Mrs REDMOND: Thank you, Mr Acting Speaker, and I thank the Attorney for his offer in that regard. Given that the Local Government Association has provided its questions referenced to the particular clauses of the bill, I am happy to do it in the committee stage, because it will take some time to get through these as well as our other matters.

The Hon. J.R. RAU: Once again, I am sorry, Mr Acting Speaker, but I am not quite sure of the formality of this. My understanding is that the telecommunications bill is not formally in front of us presently, but I think the honourable leader is aware that that bill is entirely consequential upon this bill and that the provisions of that bill are basically entirely laid down by the commonwealth because they are the parliament that manages that sort of thing. I want to indicate that I am happy to take her questions about that one as well, provided that does not offend other members of the house, in the context of the discussion about the main bill and, in that way, perhaps save a little bit of time.

If it assists the honourable leader in coming to a finalisation of her contributions in the second reading, I certainly will not object if she makes any remarks she wants to make about the other bill as well in the context of the second reading and, if nobody else objects, we can, in effect, deal with the second reading and questions and answers in respect of both of them at the same time, because they are tied up, if that assists in any way.

The ACTING SPEAKER (Hon. M.J. Wright): Is the leader happy with that approach?

Mrs REDMOND: Mr Acting Speaker, I think it is probably easier to deal with the other bill separately. I understand that it is a separate bill which is entirely consequential on this bill and obviously, if this bill did not get up, you would not even be proceeding with that bill. I understand that, but I do want to make some separate comments on that and I think it is just easier for us to deal with that separately. There are just a couple more things that I wanted to comment on. One of them is this issue of the criminal onus that the government is insisting on. It is one of the differences between the bill that we originally proposed and the bill that is now before us.

It is a matter of some concern, I think, inasmuch as, at that very first conference that I attended in 2007 and before we had settled on the model that we were going to adopt for our independent commission against corruption, one of the most telling points raised in the keynote addresses at that conference was the fact that, although South Australia already had its anticorruption branch of the police force and various other provisions in the criminal law which purportedly were going to deal with corruption—and which the former attorney-general in backing the former premier consistently said would deal with potential corruption in this state—one of the criticisms raised about this state was that it required proof on the criminal onus, and the reality of corruption is that that is too high a standard a lot of the time, even though it is clear to the public that corruption has occurred and corrupt conduct has occurred.

We believe that the ICAC should be allowed to investigate misconduct or maladministration, subject to conditions, and to allow the international definition, I think, would be a better way to go.

The Hon. J.R. Rau interjecting:

Mrs REDMOND: I thank the Attorney for his continuing to be so helpful, but it really is easier for me if I simply make my comments and deal with what I have to deal with. As I say, it is five years now since we introduced our original bill to establish the ICAC and the fact is that we have had the cartridgegate affair and the foodgate affair involving public sector employees who

have potentially obtained personal benefits through promotions when ordering large amounts of stock or services for public sector departments, and can I just comment on that.

Again it comes down to a lot of education and simply understanding. I can tell you that, when I ran my legal practice, I used to regularly order stationery, and it was a consistent part of the firm that I mostly dealt with that they had a book in which you could decide what you needed in the way of pens, pads and all those things. Consistently if you ordered more than a certain amount, you got a particular present, and if you ordered a bit more, you got a particular present and that was fine, because I was the owner of the business.

The Hon. J.R. Rau: Flybuys.

Mrs REDMOND: The Attorney points out Flybuys, which is the same thing. It is fine when you are the owner of the business and you are getting the benefit; that is perfectly legitimate. The only problem that has occurred is that public servants have either not recognised or deliberately gone into a situation which is identical to what happens in private enterprise, except that they have taken a personal benefit when, in fact, their role requires them not to take a personal benefit.

The Hon. J.R. Rau: I think they might have over-ordered, too.

An honourable member: You're not wrong.

Mrs REDMOND: And, of course, as the Attorney points out, they might have over-ordered and, what is more, I suspect they over-ordered at inflated prices, so it did become quite corrupt conduct in a number of cases. It is part of the difficulty of identifying what amounts to corrupt conduct that we have something like cartridgegate where, as I say, if I ordered those things in my private business and I had received a benefit, and if I had paid extra for them and I had ordered extra, that is entirely a matter for me because I am the one who has to pay for them.

The difficulty for the public servants was that they were not the ones who were having to pay for them. It was not their money that they were spending, but they were getting the personal benefit. I think that those sorts of things are, of necessity, a part of a vast educative process that we will have to go through to make sure that people at large and particularly those employed in the public sector—statutory authorities, local government and so on—do understand what it all means.

Other examples have featured in the courts recently, like a manipulation of car defect records to remove defect notices—another little bit of corruption. Of course, we have had the investigations of Burnside and Charles Sturt councils. In terms of council investigations, I know that (because I spoke to the guys in New South Wales) with the Wollongong council in New South Wales, which was a famous investigation—there have been many councils investigated, of course—they did undercover surveillance work for 18 months before that investigation became known. There were 18 months of listening to things.

My favourite story about the Wollongong situation, of course, is the fact that a couple of clever people got involved at the point where they pretended to the people who were behaving corruptly. They went to them and they said, 'We are from the ICAC and, if you pay us, we will make this go away.' They were silly enough, even then, to pay up. They thought they were making the whole investigation go away because someone was clever enough to insert themselves into the process and make it all go away.

Labor has consistently opposed having an ICAC in this state. As I pointed out in relation to the funding, what we are getting now is certainly what you would call ICAC lite, but I do welcome the fact that we are going to have an ICAC. I note that, in fact, there is to be a review of it in five years, I think, at the end of the time.

I think that the introduction of the legislation is to be welcomed. I note that, in the previous sitting week, the Attorney wanted us to hurry on both this bill and the associated telecommunications bill on the basis that they could not advertise the position until they had the legislation through. Now that, I would have thought, was at law the correct position, but this government itself had previously advertised a position when we had not passed the legislation for something else in this parliament. We will be interested to see what they go through. I just hope it is not one of our Thinkers in Residence who gets the job as the ICAC commissioner.

The last thing that I want to cover in general comments is the protections in the bill. One is that, where a matter is assessed as trivial, vexatious or frivolous, or has been previously dealt with and there is no need to re-examine or, for good reason, no further action should be taken, the Office of Public Integrity need not deal further with the matter. The second protection—and I

mentioned it briefly earlier—is that it is an offence to make a false or misleading statement in a complaint or report, or to make a complaint or report, knowing that there are no grounds for making the complaint or the report.

Those two protections—and I would concede that the privacy of the hearings, whilst there are question marks over whether they are going to be completely transparent and accountable and the arguments that I have already mentioned—go some way to protect against problems of people making false accusations.

I sometimes think that maybe we need to put in some provisions to say not only that but that, if you are a newspaper publisher or a television station putting on the news, we should have a power, in some circumstances—not to make it the most regular thing—to say, 'If you have reported on a matter in a certain way, if it subsequently turns out that the person who was being criticised is actually completely innocent, then perhaps it would be reasonable to require the person who has published, in whatever way, to then come back and publish a similar level of retraction and statement that the person has indeed been found to have no case to answer or has been completely exonerated,' or whatever the terms may be.

I would like to think that there could be some level of justice for people who are wrongly accused. Of course, we have had some famous cases in this state. I know the member for Davenport has pursued one case for a long, long time, where an officer of Families and Communities was not only wrongly taken to court, but it was clear that the media had been tipped off that he was going to be arrested. Even though the police arrived at his house at six in the morning, the media was there ready to meet him while he was arrested. Although he was ultimately exonerated, it cost him a lot of money. Not only that, but many people never get redress of having any publication of just how fully they have been exonerated.

Indeed, I was listening to the earlier debate on the livestock bill, and mention was made of Tom Brinkworth down in the South-East, who was similarly given all the bad publicity of the allegations made against him but never was there proper publication of just how unfounded those allegations were and how innocent he was of the charges which had been brought. I think that would provide a further level of protection but, as I said, it is not something that we will pursuing. This is a bill we are going to support. We believe that having an ICAC in this state will be of benefit to the state. As I said when I was shadow attorney and I introduced my bill in relation to this, I always thought if I managed to get this into the state as attorney-general it would be a really good thing. I would be able to say, 'Well, I have achieved a really fundamental and profound change in this state as a result of coming into this place.'

Having spent some years on local government, I look back and there are only a couple of things, in all the hours that I spent in local government, where I think, 'The township of Aldgate probably would not be there today but for the fact that I was on the council and managed to stop the building inspector who had ordered the demolition of every shop in the main street without so much as mentioning it to anyone beforehand, and to stop them, if there was a spillage on the freeway, from bringing hazardous material off the freeway into our dump in Stirling or Heathfield.' I managed those two things in all the years I was on council. There were a number of other small things, but really they were the main things.

Similarly, I think getting an ICAC into this state will be a major achievement for the Liberal Party, because I am sure that, but for the Liberal Party, having pursued this issue for so long, over many years and in spite of the intractable opposition from the government, this bill would not have eventuated. We stuck to our guns. Clearly, the public wanted to have an ICAC and ultimately, on the basis that the government decided it was not going to be a winner for them, they decided that they would reverse their position and introduce an ICAC.

As I said, the funding of it makes me think it is going to be ICAC light, but I do welcome the introduction into this chamber of the Independent Commissioner Against Corruption Bill 2012 and indicate the opposition's support. We will be moving some amendments during the committee stage and I will also be asking questions on behalf of the Local Government Association, who make fair complaint that this government has not allowed them the consultation that they deserved in relation to this bill before it was brought in.

The Hon. R.B. SUCH (Fisher) (16:49): I will be brief. First, I commend the Attorney for bringing this bill before the house and also the efforts of the Leader of the Opposition over a long period of time to achieve, via this house, the implementation of an act relating to dealing with the issue of corruption. The point has been made that it is difficult, really, to define corruption

absolutely precisely because often what you are talking about is maladministration, and it gets into a bit of a grey area. I would consider that corruption generally results in a personal benefit, normally financial but it may take another form.

I have experience in local government. I was on the City of Mitcham and the council at the time passed a resolution giving the outgoing CEO a Holden Berliner as a retirement present. That information was suppressed under the confidential items of the council, but the question is: is that corruption? If the council authorises the gift of a car to the outgoing CEO and then suppresses it from the knowledge of the ratepayers is that corruption, is that maladministration or is it something else?

The Mitcham council and the Unley council are the joint owners of Centennial Park, and in the time I was on the Mitcham council I could not understand why people were fighting to get onto a cemetery committee. I found out later why. It was because the benefits accrued were substantial. The people administering the cemetery became the recipients of a SAAB. Other people got a SAAB provided to them as well, and there were things like crayfish suppers which were brought up on the catafalque within the cemetery premises—the chapel; and nearly everyone on the board got a trip around the world. I realised after a time why people were keen to be on the cemetery board.

Now, is that corruption or is that over-generous recompense to people who are on the board of a cemetery? I think that they are some of the dilemmas that one faces. In relation to those particular examples, it took nearly 10 years to get hold of the privately-commissioned audit report on what had happened at that cemetery—10 years. I remember discussing it with the former auditor-general, and he said, 'Well, look, I don't have any power as an auditor-general to look at those sorts of things because local government doesn't come under my responsibility.'

There were some other experiences, too. The former chief of staff to premier John Olsen on her government credit card incurred expenses in excess of $200,000 buying all sorts of things, and I still have the documentation on that issue. Likewise the head of one of the government departments, John Cambridge. He used his government credit card extensively to buy protective clothing. That is just one example. It was R.M. Williams clothing. Stationery he used to get from a shop in the Adelaide Arcade called Pencraft, which does not supply stationery: it supplies expensive pens.

I have seen those (and I still have, as far as I know) records of those credit card transactions. When I raised that issue with the former auditor-general, he said, 'Well, it's not clear what the rules are for people in those positions.' Nothing therefore happened even though the amounts, in the case of one of them, ran over $200,000 purchasing clothing from stores, and so on. I just make the point—which was highlighted earlier talking about public servants who may have over-ordered stationery—that there are elements in this which are somewhat grey.

The particular bill changes the name of the Police Complaints Authority to Police Ombudsman. I would hope that at some stage—and it is really a related matter—that the police in South Australia are brought under some proper form of scrutiny. As in the case of corruption (which I do not believe is widespread in South Australia, but I do not know because we have never investigated thoroughly) I do not believe that within the police force there is serious wrongdoing, but currently we do not have a mechanism whereby the police are held accountable for what they do apart from the so-called Police Complaints Authority, which in my experience and that of constituents for whom I have had to go into bat, is a very ineffective and inappropriate mechanism for investigating complaints against the police. In theory, the police answer to the police minister, but if the police minister does not see that accountability as a key role then the police in South Australia (unlike other states) are not accountable for their activities, and they should be.

The bill does not deal effectively with the issue of the Anti-Corruption Branch. I guess that is subsumed now, but in my experience that is a very poor section of the police department in terms of the way it is operated. Its behaviour, its actions, and so on, have been, in my view, (not always, but often) substandard. As to its dealings with the parliament, members can talk to senior staff of parliament to find out how the Anti-Corruption Branch has acted. In the case of my own staff, they accused my staff of leaking material, which was false, and the person who received the so-called leaked material can testify to that. The Anti-Corruption Branch did not even interview my staff, it just made what I consider to be a smear against my staff accusing them of leaking something, which was completely false.

I think the Anti-Corruption Branch needs to be completely remodelled, or reformulated. I am not sure that this bill will achieve that, but it should. Likewise, the Police Complaints Authority

needs to be completely remodelled and refocused. I do not agree with taking away from the Police Complaints Authority the need to give reasons for its lack of action. It is very hard to get the Police Complaints Authority to do anything, in my experience. If it does not want to do it then it does not do it. If it does not want to do it then it just leaves it. I do not think that is appropriate.

I am also concerned that the police have an internal disciplinary process that involves a magistrate. I have grave concerns about that with respect to individual police officers. We do not know what goes on there. We do not know anything about the process. I do not think that is appropriate, as a form of dealing with the police.

With respect to the Police Complaints Authority, when I have asked what has happened by way of punishment of a police officer who has done the wrong thing, I receive no answer. The police will not tell you. Even though a police officer has admitted that he falsified documents and so on, the police will say it is a private matter and will not divulge the punishment, nor will the Police Complaints Authority. I do not find that acceptable.

As to the provision of the parliamentary committees, I note that the opposition is going to move some amendments. If you are going to have oversight by parliamentary committees then they have to have some real teeth, not to conduct another investigation but to ensure that matters relating to corruption have been properly and thoroughly investigated. Whether the opposition amendment is in the right format remains to be seen, but I think the intention is good. Parliamentary committees need to be looked at in terms of ensuring that they have the correct focus and the ability to have meaningful oversight over this whole area of anti-corruption.

In essence, I welcome this bill. It has been a long time coming. To his credit, the Attorney has brought it before the parliament. As I said at the start, to the credit of the Leader of the Opposition and others in here who have been pushing this issue for a long time, it looks like we are finally going to get to a point where the issue of corruption can be dealt with more efficiently and effectively.

I personally do not believe that South Australia is riddled with corruption. I note that that was the argument used by the former premier, Mike Rann: that we did not need an ICAC because we did not have corruption here. That was, I guess, the essence of his argument. However, unless you investigate, you are never going to know, and I know that that gets into the realm of Donald Rumsfeld. I am fairly confident that, in South Australia, we do not have widespread corruption in any area of government or, likewise, in the private sector.

I reiterate the point made by the Leader of the Opposition. I think it is important that we have a review of this bill, and I think it is important that all public officials are well aware of what constitutes corruption so that we do not have people inadvertently getting into trouble by doing things that they should not do. I understand that that is already in the Public Service procedures. When someone comes into the Public Service, they are informed of that. I think that needs to be reinforced with all public officials to make sure that people do not see things such as over-ordering stationery with side benefits as harmless.

With those words, I commend this bill and look forward to its speedy passage, hopefully with some minor changes to improve some aspects of it. However, I think the general intention of it is excellent.

The Hon. I.F. EVANS (Davenport) (17:01): I just want to touch on this particular bill. I will not go over the comments made by my leader, who has set out the history behind the bill and her significant work on behalf of the party in achieving this outcome and this response from the government.

I want to touch on three or four issues that the minister may want to consider in between the houses and, indeed, that the house might want to consider in relation to this bill. The first issue that is not clear to me is how this bill interacts with parliamentary privilege. It is not clear to me whether the ICAC and its investigative officers and the powers that are given to the ICAC have the opportunity to override parliamentary privilege.

As a practising politician, I would like to know exactly what the bill does in relation to parliamentary privilege, because there are a number of circumstances where oppositions of any colour could come into possession of documents that they want to raise at a particular time only to have them raided by an investigative officer or the ICAC. I am not sure how it interacts.

Speaker Lewis previously ruled about access of police officers to the building. Speaker Gunn might have, too, from memory. I am not clear at all about how this body would

interact with parliamentary privilege; there is nothing in the second reading speech or in the legislation itself that I could see. So I think it is only fair that the parliament be crystal clear about how this particular body, and all its powers, is going to impact on parliamentary privilege, if at all.

If it is not going to impact on parliamentary privilege, then maybe there should be a line in the bill just so that it is crystal clear to those who are enforcing the particular legislation the intent of parliament. Parliamentary privilege is an unusual beast, Mr Deputy Speaker, as you know. In my time here, certainly speaker Gunn had an issue with the police about access to the parliament—

Mrs Redmond: Speaker Lewis.

The Hon. I.F. EVANS: Speaker Lewis had an issue with the police and access to the parliament. If I recall, speaker Snelling took a matter to the court in defence—was it speaker Snelling? It might have been another speaker on behalf of the member for Playford; I cannot remember. There was certainly an issue about privilege that went to court. I do not want to be unfair to the member for Playford, but my memory is that there was an issue when they went to court over a letter or something regarding lawyers and defended the principle of privilege. I am not interested in the issue, I am more interested in the principle of protection of privilege. Privilege has been established for centuries, and it is there for good reason, so if this body is going to have extraordinary powers it is best that we know if it is going to have any impact—

The Hon. J.R. Rau interjecting:

The Hon. I.F. EVANS: That's alright. I am just putting it on the record so that we are clear. If there is no intention to impact on privilege, then a line in the bill would offer some guidance in 50 years' time to whoever might be in this place or, indeed, occupying the position of ICAC commissioner.

The other issue I raise is whether people who make reckless claims, as distinct from knowingly false claims, should also be brought into the bill. There are people out there who like to take pot shots at certain people, whether they be premiers, politicians or local council members. As I understand it, the bill essentially protects them if someone deliberately makes a false statement—

The Hon. J.R. Rau: Or makes a statement that's untrue.

The Hon. I.F. EVANS: —if they know the statement to be untrue, right—then I just wonder whether (and I am not sure of the legal words; better legal minds than mine have to come up with them) the principle of whether someone recklessly makes the claim should be addressed at some point because it is one thing to make a statement knowing it is untrue and another thing to make a statement having not researched it at all and just go and make the statement.

There are going to be people in elected positions who will attract the attention of certain personalities in the community who will not make an untrue statement but who will consistently make reckless statements. I am not sure that it would not be of benefit to the legislation to deal with the issue of reckless claims. Again, I leave it to the Attorney and better legal minds than mine to work out whether that should be dealt with.

If that is dealt with, the issue of costs to the person who the claim is made against also needs to be dealt with because I am not sure what the bill does in relation to costs for the person who the allegations are made against. If an allegation is made knowing it not to be true, does the person the allegation is made against get their legal costs reimbursed by the person who made the allegation? I am not sure. My view is that they should if they have made a statement knowing it not to be true. I would go as far as to say that if they are found to be reckless in making the claim, then the issue of costs can be made out again in that case.

The Hon. J.R. Rau interjecting:

The Hon. I.F. EVANS: The Attorney interjects, and I appreciate that the interjection is a polite one trying to inform me; I accept that. He says it is a criminal injury matter. I am not sure that that helps me with my legal costs. I can name plenty of people who have been falsely accused of things who have not been able to get their money back. I went through an inquiry with the Auditor-General at one point, and I was not criticised in relation to the matter, but I was lucky I was a minister of the Crown and the taxpayer picked up my legal costs.

I make the point that MPs, and indeed local councillors and others who are subject to these claims, will not have the protection of the Crown to seek legal costs, and so a false, malicious or reckless claim would expose those people to significant legal costs. Of course, a member of parliament or elected official is going to attract, I would suspect, more reckless claims, because

they want our scalp for all sorts of reasons. I am not against the principle of an ICAC. I just think we need to be very careful that the claims that go to the ICAC are sincere claims and not motivated by other motivations.

The other point I want to raise with the house is whether elected officials—whether federal, state or local government—should be given some priority in the investigative process if some allegation is made against them. I just make the point that there is going to be a certain group of individuals who think they will be able to make up some claim. I know that if it is known to be false it is dealt with, but they are going to try to come up with a claim to damage an elected official.

To my mind, given the nature of elected officials, there would be some benefit in having claims against elected officials given some priority within the system, because while a public servant's job is on the line in that sense, an elected official can change government. An allegation against an elected official could change government, and we are seeing that play out to some degree in rather unfortunate circumstances in Canberra. We saw one investigation there take three years. I think it would be unfortunate if government changed and someone's reputation was injured on the basis that the investigators were looking at some public servant maladministration issue while the elected official was left hanging.

I can tell you, Mr Deputy Speaker, having gone through an Auditor-General's inquiry and faced a number of QCs across the table, it does put a lot of pressure on the individual, even if you believe you have done absolutely nothing wrong, to prepare for it and to deal with all the issues. I remember in that case, in very unfortunate circumstances, the then opposition, with the support of the Independents in the house at that time, agreed and moved a bill to take away our right to legal representation at taxpayers' expense, even though we were ministers of the Crown, which, I think, was an unfortunate decision of the parliament and one which I hope is not revisited any time soon.

I am hoping the minister can deal with those issues either in his response to the second reading or in between the houses, because I think those issues would improve the bill and provide the right balance in establishing the ICAC.

Ms CHAPMAN (Bragg) (17:13): I rise to speak on the Independent Commission Against Corruption Bill 2012. The Leader of the Opposition has comprehensively and very ably set out on behalf of the opposition our position on this matter. I thank her for that and also for her tireless efforts in progressing the establishment of an ICAC for the benefit of South Australians. That has been over a number of years. During the time that I was shadow attorney, I took pride in taking this issue to the people of South Australia at the 2010 election and the Liberal Party has for a number of years now been committed to introducing this protection for the people of South Australia.

Essentially, this bill is confined to being an inquiry facility for persons in public office. From my assessment, relative to the more superior model proposed by the opposition, this is what I call the Weight Watchers version. It is the skinny ICAC, with an opening office, the Office of Public Integrity, designed to screen, sift and divert lower-level activity and complaint and have a streamlined body which will deal with corruption on a very exclusive and high level. There are disadvantages to that.

It is clear, however, that the government's final commitment to progress this body and establish it reinforces their attitude over a number of years and demonstrates how they have come kicking and screaming to this position, particularly as the funding allocation is expected to be so thin. Not only was this announced during the previous statements of the Attorney but the myriad of criticism of the cost under the opposition model has been reflected. That is disappointing because, clearly, such a body does need to be able to undertake its investigations and ultimately prosecute an investigation to deal with a high level of crime which does require expensive personnel, experienced professionals, and equipment. I note that we are to consider the amendments to the federal Telecommunications Act to accommodate that.

The position of the former premier is one which I think needs to go on the record. He had for a number of years run the line in principle, 'We don't need an ICAC. We don't need a watchdog.' Even though we have come from the appalling management, or mismanagement, of the Randall Ashbourne affair under the Rann administration he still came through episodes of that suggesting that there was no basis upon which to have an independent authority, even though it came with resounding criticism, subsequent to that inquiry, of the fact that the government had kept this inquiry in-house and had not referred the matter for prosecution to the police immediately. That in itself should have alerted the government, and others on it, particularly the then attorney (although he was inextricably tied up in that little episode), to the need to have an ICAC.

Having watched the tide of cries for an independent commission against corruption mount some momentum over a number of years, he then switched to a position of having a federal body, a federal ICAC. His position as at October 2009 was, and I quote:

> ...a national ICAC, like the National Crime Authority, would guarantee independence from any administration.

As we led up to the 2010 election, he said on 22 February 2010:

> I support a national ICAC and I think that everyone thinks that makes common sense.

That was a quantum leap from his previous position. We then had statements again even later that day:

> If there's going to be an ICAC it should be a national ICAC.

And as we came, as I say, into the election he said:

> We've got an Anti-Corruption Branch, which is independent, and if there's going to be an ICAC it should be a national ICAC that basically covers the whole country. I've said that before.

That is what we saw at that stage. Then, of course, we moved with some pressure from others. Nick Xenophon, Senator from South Australia and former member of this parliament said in the lead-up to the 2010 election:

> If you're against corruption you should be for a local ICAC and for the Premier to be calling for a national body is really a nonsense, it's a stall story.

The then premier again said:

> This seems to me to make sense. Just as we have a National Crime Authority—to have a National ICA—to avoid constant duplication and expense.

The calls then expanded, and more people came forward to support the establishment of a state ICAC. Stephen Pallaras QC, the Director of Public Prosecutions, on 3 June 2010 said, 'But what I expect is that in the fullness of time, however long that may take, South Australia will have an ICAC.'

The Attorney-General had a different history. Suffice to say that it seemed, I thought, that he had sat quietly during the earlier deliberations and proposals for an ICAC. By the time we got to the election—he was still, of course, sitting on the back bench, but nevertheless he undertook the role after the election in 2010—back in 2010, even though there had been an announcement on 6 May 2010 that there would be a review of the state's public integrity system but it remained opposed to a state-based ICAC, Attorney-General Rau said, 'Demands for the establishment of a state so-called ICAC have been noisy but unsupported by a substratum of fact or logic.' He went on to say:

> If areas are identified that might be improved they will be improved...the government holds no illusions about the possibility of corruption at any level of government...If areas are identified that might be improved, they will be improved.

So, an acknowledgement that corruption is there; it is acknowledged by the government at the highest levels of government, yet there is a consistent refusal to take it up.

Finally, a colleague across the border, the then Victorian premier John Brumby, announced on 3 June 2010 that his government would establish an anticorruption commission and, as members would know, their IBAC has subsequently been established. I must say that it is pretty much as skinny as ours, and it has come under some criticism for that; nevertheless, they acknowledge that it was necessary not just for security against abuse of public office and public officials and elected officers in several levels of government but also, of course, to protect individuals in the community.

Probably the most extraordinary statement of all throughout the debate of refusing the importance of having an ICAC and leaving us exposed to potential corruption over a number of years was the very audacious statement by the then attorney-general on 19 June 2008, when he spoke in this chamber about all the reasons why there should not be an independent commission against corruption. He said—

Mr Goldsworthy: Who was it then?

Ms CHAPMAN: The then attorney-general, the Hon. Michael Atkinson, member for Croydon. He said this:

ICACs are a gift to malicious slanderers who want nothing more than a headline or a TV promo. They are also a gift to those who want to exert inappropriate pressure on public officials. These people say, 'Give me what my client wants or I'll call in ICAC,' or 'Your decision will be ICACable.' We can do better by giving one or more of the existing agencies authority to compel people to attend hearings and answer questions on oath; and there is scope to improve the independence of the Police Complaints Authority. I am working on it, but it will never arouse the lust that an ICAC will among journalists, oppositions and the vexatious.

That is the great contribution from the former attorney-general. He probably still takes the same view today. I notice that at this stage he has not made a contribution to this debate; I certainly hope he does, to endorse the government's position about how there is a wonderful turnaround, how he has seen the light and how he has had a light bulb moment and is now going to support this magnificent initiative of his successor.

However, let us be under no illusion. The current Attorney took a long time, in fact years, to come across as well. What he said back on 19 June 2008 in this chamber on the independent commission against corruption motion is quite extraordinary. He said:

I was looking forward to hearing the member for Heysen put together an argument about why the state needed an ICAC, because I am interested in hearing a well argued, well reasoned, well rounded proposition to explain why someone would want to go down this path. Unfortunately, all we got was a series of rather peculiar complaints about individuals, some of which I think are probably unfair. I do not know very much about Mr Moore's position but I have to say on the record that, if Mr MacPherson wants to be Ombudsman for the term of his natural life, I will be happy with that, because he is doing a good job. Where is the issue there? He is doing an excellent job. Is there some suggestion that Mr MacPherson has done the wrong thing in order to secure the position of Acting Ombudsman? I do not think so. It is bizarre.

What worries me about the proposition put forward by the member for Heysen is this. It is an example of me-tooism: 'People in New South Wales have got one. I want one. People in Victoria have got one and people in Western Australia have got one. I want one too. Why can't I have one? They've got one.' No question about whether it is useful, whether it achieves anything or whether it is a despotic outfit completely out of control, doing more harm than good: 'They've got one. I want one.' I think psychologists talk about some sort of envy in children. I think this is an ICAC envy, instead of something that young girls are supposed to experience.

He went on and on and on. The Attorney-General has obviously had a very significant bypass on his approach to ICACs.

He went on to make, I think, quite insulting comment about how the member for Heysen had to go and watch all *The X Files*, about how she could enlighten herself about conspiracy theories and that she should go off and buy the full series from Coles or Woolworths to give herself some understanding about why it was completely unnecessary to have an ICAC.

It was rude, it was offensive, it was insulting. It was certainly gratuitous, but isn't it amazing? It is that sweetest little pearl that we have when he comes back into the chamber four years later to say, 'I was wrong. I was wrong. I was wrong. We don't need a national ICAC.' When did he ever come back to this parliament and tell us that he had been off fighting the cause for a national ICAC? When did he go off to those meetings of attorneys-general and come back and say, 'I've been fighting the good fight for a national ICAC?'

I think I asked the premier of the day several times when that had been put on his agenda, and it seemed to have slipped off the agenda. I do not think it was ever discussed but, nevertheless, a national ICAC came and went. That was a complete disaster, so I say to the house that I am extremely pleased that the Attorney-General has decided that it is important to go down this path. Finally, even though he is going to starve it of money, it is going to come in. Kicking and screaming, it will be brought into this house without adequate funding, no doubt. That will be a remediable matter that of course the opposition can look at if we have the privilege of government in 2014, because it must be done.

I think there are some other aspects that need some consideration and some amendments have been foreshadowed to cover those. I will not traverse them, but there is one thing I also note. This ICAC is for public officials only. I think there are some aspects in relation to local government that leave a lot to be desired in this bill. Of course, I have been the local member and had to sit by patiently and watch over $1.5 million of taxpayers' money being spent on the Burnside inquiry which, if we had had an ICAC, we might have actually been able to avoid.

Secondly, as a ratepayer in that area, there were hundreds of thousands in addition to that that we have paid in Burnside council rates to cover their legal costs. That is a shameful episode in the history of any kind of proper inquiry into some kind of misconduct at the local government level. That needs to be remedied. I am not convinced that the code of conduct process that we are being

asked to consider before we have even seen the code of conduct is entirely proper, but that will be teased out in due course.

The final aspect on which I make a point is the narrowness in relation to public office. In other countries, consideration has been given to corruption in the private sector. That is a matter which I think needs to be at least inquired into at another time. Certainly the opposition is not foreshadowing any amendment, and it is not something that has been traversed at any significant stakeholder level—but the level of corruption in the private sector, including in the finance and banking industries, and in sport. It would not be a great surprise to people to hear that wherever there is gambling in sport there can be corruption, and that is an aspect that needs to be looked at in due course.

Let us get this ICAC going. I look forward to seeing it launched. A number of eminent people have provided advice on this matter during its gestation, long that it has been, and they should also be acknowledge—-and I am sure the Attorney will do that in his summing up—and they include former judge, His Honour Kevin Duggan, who has other roles now since his retirement from the Supreme Court. I mention him because, clearly, the Attorney-General has a lot of appointments to make before 30 June, and the ICAC commissioner in due course is one that will also need to be considered. I will say that retired judiciary, people like the Hon. Kevin Duggan, clearly are part of an outstanding group of people in our own state who can take up that position.

I look forward to the passage of this bill with some helpful amendments, which I am sure will be presented here and for which we ask the government's favourable consideration, together with some more to come in another place, and we will see how it traverses. We look forward to its swift passage to ensure we get it going. Long live the ICAC.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:32): I am attempting to get into the spirit of things because we are trying to move this thing through as reasonably quickly as possible, and I am grateful to the Leader of the Opposition for her assistance and cooperation in relation to that matter, and I think all members will be pleased that this matter will be finally resolved tomorrow, as will the other bill, which is excellent.

I wanted to say a couple of things very briefly. First, picking up on the honourable member for Bragg's remarks, as usual she has flagellated me with criticism and, when I collect my thoughts afterwards, I will think of a witty retort, but I cannot think of one presently—I'm too upset! The one thing she did say which I thought was very useful and very helpful and dovetails into something I anticipate is coming shortly was the question about whether or not this bill went far enough in that she thought the definition of 'public office' and 'public officer' was perhaps too restrictive. That is interesting, because what I believe will probably be the issue that occupies most of our time in committee here will not be opposition amendments, of which I have notice of a few. I will be disappointed if there are to be others of which we have no notice yet. But I received some this morning, and the Leader of the Opposition showed me one a moment ago, which I am aware of.

What troubles me is not so much the late arrival of those amendments, because I foreshadow that we will be attempting to resolve whatever we can in relation to those between the houses, and I will not waste this chamber's time arguing the toss on them, but I have some general views about them, which I will express in due course, otherwise I am not in position to make a call one way or the other about those, so I just let everyone know that we will not be wasting their time on that.

As to the business of public and private hearings, the dichotomy between those things: I think we've got it right—there should be private hearings, and I applaud the Leader of the Opposition's consistent concern for the possible destruction of the reputation of individuals for no good reason, either because there is frivolous or stupid complaint or they might even have simply been called as a witness, and the mere fact of their being there as a witness is misinterpreted by some malicious individual to be a warrant for besmirching their name.

The other point I wanted to make is that much of the concerns that have been raised by the leader and the member for Bragg were anticipated in the sense that, number one, we have said that the commissioner will make an annual report to the parliament in which we would expect the commissioner annually to say, 'Look, I am finding I have this problem' or 'that problem', or, 'The legislation is working' or 'not working. Parliament, can you please fix it up?'

That is supplemented by a five-year mandatory review of the legislation, so I think we can be reasonably comfortable. We do not have to anticipate every conceivable possible thing that is

going to happen over the next 10 or 20 years with this, because every year it will be recalibrated by the reports brought to the parliament by the commissioner. In five years, whether or not we like it, whether or not any of us are here, this parliament will review this legislation. I do not think there needs to be a mad scramble to get it absolutely finetuned to whatever degree, particularly since the commissioner is really going to be in the best position to make those decisions, not us.

The next point, very briefly, is that the Leader of the Opposition mentioned things about the definition of corruption. I think there is a danger here of us getting into a semantic argument. Corruption is what you call it. What we have called it here is a criminal act, something known to the criminal law which is currently capable of being prosecuted. We have called things less than that—that is, not criminal acts but still misbehaviour—either maladministration as defined or misconduct as defined. The legislation as it stands enables the ICAC commissioner to step into the shoes of the people who investigate those things and take them over, if the commissioner thinks it is appropriate to do so.

I anticipate one of the amendments the opposition will be moving sort of invites the commissioner to bring their coercive powers with them. That is a debate we will have to have but, I must say, I do not think whether somebody is being rude to somebody at work warrants them being taken into a room and examined under coercive powers or having their phone tapped. I just cannot imagine how that is warranted, but we will talk about that. Parliamentary privilege was raised. There is no intention for us to be in any way destroying parliamentary privilege or affecting it in any way.

The last point I wanted to make is that I anticipate that we are going to have our time unnecessarily occupied during the committee stage by a number of interventions from the Local Government Association, who, through their chief executive, has made the most outrageous, misleading and improper statements in media releases, which I do not blame the Leader of the Opposition for because, quite reasonably, she has not had the time to look into the veracity of these things. The fact that we are going to be taken through this, courtesy of the CE of the Local Government Association, is extremely unfortunate—not only because the Local Government Association does not deserve to be put in the position of having to listen to what I am going to be saying about the CE and the way the CE has conducted herself but also the sheer misleading nature of it all. I am not going to burden people with all of that now.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mrs REDMOND: This clause deals with corruption, misconduct and maladministration. It appears that this clause would enable allegations previously dealt with in the ministerial investigation into Burnside council to be put to the Ombudsman or the Public Integrity Commissioner. Can it be confirmed that that will be the case? Also, can I extend that question slightly; that is, is there to be any back date?

My attitude has been that there is no date beyond which the commission cannot look back in time. Normally, of course, we would not be passing retrospective legislation. So, the broader question for the Attorney is: does the bill allow, from the day the office opens, for a complaint to be made, or a matter to be raised, which can look back into events which have already transpired?

In reminding the Attorney about sexual offences, and the fact that that back date had to be removed, my attitude has always been that we would not be putting an impasse on any investigation. But that said, obviously, like all investigations, it becomes more difficult to gather evidence over a period of time. The first part of the question is: does that mean that Burnside, Charles Sturt and so on can be reopened?

The Hon. J.R. RAU: It was the explicit intention of this legislation to enable something like Burnside to have been addressed quickly and promptly by reason of an investigation by the Ombudsman, rather than having to wait for the fairly cumbersome section 272 of the Local Government Act procedure. So, the answer to your question, Leader of the Opposition, is that, yes, that is explicitly the intention of this legislation. That is the way in which it was designed, and that is what it is intended to do. It is intended to be able to attack problems before they become huge. Rather than waiting until they become of such a magnitude that you require the enormous effort involved in a 272 investigation. That is point 1.

Point 2: retrospective. In particular, again, we are talking here about the criminal law inasmuch as we are talking about the activity of the ICAC commissioner. As the leader would be aware, some criminal offences are statute barred, particularly summary offences. There would be a number of offences which, by reason of the effluxion of time, would no longer be capable of being prosecuted. It is not our intention to disturb that passage of time limit in any way by this legislation.

Likewise, there are many other offences for which there is no statutory time of expiry, and those offences would continue to be able to be investigated. Inasmuch as we are talking about things which are not criminal offences, unless we are talking about acts which are basically civil, or acts such as torts or contractual enforcements, there really is not a statute of limitations in that formal sense. So, from a purely legal sense, are they being blocked? No. But from a purely practical sense, given the magnitude of what they might be and how long ago they might have occurred, one wonders whether they would be bothered with them.

Clause passed.

Clause 6 passed.

Clause 7.

Mrs REDMOND: In the very first provision of clause 7, the appointment of commissioner is for seven years. Can the Attorney advise whether that is the standard term of appointment of commissioners around the country for the other ICACs or, if not, how did we arrive at the seven years?

The Hon. J.R. RAU: I am not sure, to be perfectly frank with the leader, whether that is a provision commonly held elsewhere. That was derived basically from looking at other parliamentary or public officers like, for example, the Director of Public Prosecutions or the Ombudsman. We thought that this office was in some respects analogous to that, and that was the reason for the selection of that term.

Clause passed.

Clauses 8 to 21 passed.

Clause 22.

Mrs REDMOND: This clause deals with action that may be taken. If a matter is assessed as raising a potential issue of corruption in public administration, the matter can be investigated by the commissioner or referred to the South Australia Police and so on. Subclause (2) goes on to say, 'If a matter is assessed as raising a potential issue of misconduct or maladministration'—so, the first part is corruption and the second part is misconduct and maladministration. Could this provision result in duplicated inquiries, that is, in an agency looking into a matter at the same time, for instance, the Office of Public Integrity and/or the Ombudsman?

The Hon. J.R. RAU: That is not what is intended. I do not think the drafting would permit what the leader is concerned about to occur. We are differentiating there between the criminal level of things and then the subcriminal level. In relation to the criminal level, as the leader said, it goes off to the police or is investigated by the commissioner, as the commissioner may determine. In relation to subcriminal matters, the commissioner, for all the reasons the leader referred to in her second reading contribution, might nevertheless be interested in a subcriminal investigation occurring, say, in the Ombudsman's office or somewhere else. What subclause (2) is intended to achieve is for the commissioner in effect to become involved, or in some circumstances to in effect take that over, but not for there to be parallel investigations occurring.

Clause passed.

Clauses 23 to 31 passed.

Clause 32.

Mrs REDMOND: This clause deals with limiting action by other agencies and authorities. Basically, the commissioner can require a South Australian law enforcement agency or other public authority to refrain from taking action in respect of a particular matter being investigated by the commissioner under this act, and can set out the period for which that is to apply, and so on. It is a double-barrelled question: firstly, would the clause cause an agency to have to cease to undertake an act, such as a contracted service, whilst an investigation is undertaken? If the answer to that is yes, what are the cost implications likely to be from this clause and how will they be overcome, if

there is this requirement that people stop doing something which they may have contracted to undertake?

The Hon. J.R. RAU: It was intended that the operation of this clause would apply in a circumstance where, let us say, for example, the Ombudsman is investigating something, or has been given notice to investigate something, and the commission forms the view that, if the Ombudsman goes in and starts doing what the Ombudsman is likely to do, it will alarm a person who is a suspect in a serious investigation. The commissioner would say to the Ombudsman, 'Look, you back off for a bit. Let me do what I have to do. Let me get my phone taps organised and let me do whatever else I want to do. You just keep out of that space while I do what I have to do.' It might even be SAPOL they are talking to, it could be anybody. That is the nature of it because it is referring to those sort of corruption investigations and it is an attempt to stop agencies from tripping over each other.

Clause passed.

Clauses 33 and 34 passed.

Clause 35.

Mrs REDMOND: There is both an amendment and a question on clause 35 and I think it is probably easiest to deal with the question first and then I will move the amendment, if I may. This clause is one where another organisation is investigating a matter and the commissioner becomes involved in the investigation and, indeed, the amendment that I will move in a moment relates to that. The question is: if an agency is already undertaking an inquiry into a matter, does this clause require or enable the commissioner to stand in the shoes of the agency and take over the matter, including liaison with a client and determining remedies? I am asking that question on behalf of the LGA. My understanding is that, indeed, they do completely take over and have all the authorities and powers of the agency and, therefore, that is what would be intended; that is, they would take over liaison with clients and involve the remedies.

The Hon. J.R. RAU: The leader is absolutely correct. The effect of that section is, in effect, to put the commissioner literally in the skin of the agency that the commissioner has stepped into. In effect, the commissioner becomes the agency for the purposes of that investigation. They bring nothing with them and they lose nothing that agency would have.

Mrs REDMOND: I move:

Page 27, after line 34 [clause 35(5)]—After paragraph (e) insert:

(ea) the Commissioner may, if of the opinion that the conduct the subject of the matter may develop into corruption in public administration, conduct an examination or require a person to produce a document or thing as if the Commissioner were conducting an investigation into corruption in public administration; and

As I say that is the clause that enables the commissioner to take over. If the Ombudsman is investigating a matter, this is the clause that enables the ICAC commissioner to come in and take over that investigation, and he takes it over with the powers of the organisation rather than bringing in his own powers. The amendment is meant to address that very issue because it seems to us that there may well be occasions when having done that the commissioner thinks that it would be appropriate to apply the powers of the commission.

I hope that the Attorney will carefully consider this between the houses. I do not intend to pursue the matter tonight and, indeed, I expect that we will lose the vote and you will call it in the Attorney's favour, and I am not going to be calling a division on it, but I do invite the Attorney to consider it between the houses. What we are proposing is that in subclause (5), just after paragraph (e) we insert new paragraph (ea), and that is in very restricted circumstances to give the commissioner a slightly extended power. That is to say that we insert the words 'the Commissioner may, if of the opinion that the conduct the subject of the matter may develop into corruption in public administration'—if he thinks it is going to develop into corruption in public administration—then he can conduct an examination or require a person to produce a document or thing as if the commissioner were doing it under his ordinary powers basically.

The Hon. J.R. RAU: I thank the leader for her contribution on that. I will give that due consideration between the houses. As I have literally only seen that a few minutes ago, I am not in a position to agree to it. I do understand what she is saying. I do understand her point. As a matter of formality, I oppose it, but I indicate that I am happy to talk to the leader about that between houses.

Amendment negatived; clause passed.

Clause 36.

Mrs REDMOND: This clause deals with referral to a public authority. If there is an investigation already being undertaken by the minister under the Local Government Act into a matter that has come to the attention of the Public Integrity Commissioner, what is the approach to reconciling potentially two investigations into the same matter?

The Hon. J.R. RAU: I still have not had my chance to talk about the LGA, have I?

Mrs Redmond interjecting:

The Hon. J.R. RAU: I hardly began.

The CHAIR: We can extend beyond 6 o'clock should you wish to do that.

The Hon. J.R. RAU: No; I promised that I would not do that, so I am afraid you will have to come back tomorrow to hear more about the LGA.

Mrs Redmond interjecting:

The Hon. J.R. RAU: You can hear it tomorrow; I will not go into it now. In answer to your question, again, courtesy of the LGA (I hope everyone is taking notice of that, which incidentally has been consulted on all this stuff; anyway, we will hear more about that tomorrow, I just want to whet everyone's appetite for that), in relation to the situation on public authorities, and so forth, the intention is that the commissioner does not trip over other people. Unless the commissioner is investigating a corruption allegation, in which case the commissioner may be in the same space as the Ombudsman and would probably have told the Ombudsman, 'Hey, back off, I'm in this space,' then either the Ombudsman is doing it or the commissioner has slipped into the Ombudsman's skin and the commissioner is doing it pretending to be the Ombudsman, if that makes sense. The chance of there being people tripping over each other in that context, I think, with respect, is virtually zero.

Clause passed.

Clause 37 passed.

Clause 38.

Mrs REDMOND: What assurances can the minister give that the rights and obligations of a council to adopt policies, procedures and practices to service and govern its communities is not unduly influenced by the work of the ICAC?

The Hon. J.R. RAU: I am fascinated by the words 'unduly influenced'. What does the LGA think is undue influence from the ICAC commissioner? That is a tantalising thought! If the ICAC commissioner, presumably, does not like what the councils are doing, or does not like what the schedules are, they will report to parliament and the parliament will decide what is going on. It is a matter for the parliament. I think it is outrageous that the LGA should be suggesting that the commissioner should butt out of council business because it is none of the commissioner's business—extraordinary.

Clause passed.

Clauses 39 to 41 passed.

Clause 42.

Mrs REDMOND: Again, a question on behalf of the LGA: is it reasonable for public officers to be seeking legal advice on the requirements and directions that may be given by the commissioner, the deputy commissioner, an examiner or investigator, and, if so, who will pay for the costs of those public officers seeking that legal advice?

The Hon. J.R. RAU: I thank you for that question, but I think that my answer may take longer than 30 seconds.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Wednesday 30 May 2012 at 11:00.