HOUSE OF ASSEMBLY

Wednesday 5 September 2012

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (11:02): I move:

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

Motion carried.

PUBLIC WORKS COMMITTEE: ADELAIDE ENTERTAINMENT CENTRE MULTIDECK CAR PARK

Mr ODENWALDER (Little Para) (11:02): I move:

That the 451st report of the committee, entitled Adelaide Entertainment Centre Multideck Car Park, be noted.

The Adelaide Entertainment Centre (AEC) is proposing to design and construct a multideck car park on the AEC site to achieve the following objectives:

- to improve access to car parking for AEC concertgoers;
- to expand the AEC park-and-ride facility; and
- to further underpin the operating profitability of the AEC.

The proposed budget for the project is $11.7 million. The project is to be fully funded from existing AEC operating cash reserves and no appropriation is required. The AEC will not be borrowing funds to finance this project. The AEC will self-fund the project while continuing to maintain healthy levels of cash reserves to ensure that the AEC can withstand future event downturns when they occur.

The AEC will be expending a further $2 million capital expenditure in 2012-13 to undertake site beautification, a ticketing system and traffic management upgrade and improvement works. These works again will be self-funded from the AEC's capital works budget and no appropriation is required. The AEC has identified the following specific key aims:

- to achieve a minimum net car parking gain of 550 spaces on the site to provide adequate levels of parking for concerts and events;
- to expand the AEC park-and-ride facility to help reduce vehicle movements in and out of the city;
- to maintain affordable car parking for city-based retail and hospitality workers;
- to build new revenue streams to further safeguard the AEC against downturns in international touring so that it continues to trade profitably;
- to achieve a significant architectural and construction outcome that champions sustainability principles and that optimises operating costs over the lifecycle of the improved facilities; and
- to foster the development of a vibrant entertainment and multimedia precinct on the AEC site.

The AEC expects to obtain a net return of $617,000 per annum from the additional 602 net car parks to be constructed under this project. The current park-and-ride parking fee is $2. It is proposed that, with the new multideck car park, the fee will increase to $4 for all users. This fee is substantially less than other public parking facilities around the CBD and is not expected to have adverse impacts on park-and-ride patronage. The AEC will remain fully operational throughout the construction. Approximately 360 car parks on the site will continue to be available for use through construction.

The AEC has been in discussions with the Urban Renewal Authority about utilising space on the former Clipsal site to provide for additional AEC concertgoer and park-and-ride commuter

parking. The AEC has reached in-principle commercial agreement with the Urban Renewal Authority to enter into a permit agreement to utilise a parcel of land on the former Clipsal site, which is located approximately 400 metres from the AEC and accommodates approximately 280 car parks. The AEC will fund the $100,000-plus GST permit cost to utilise this land parcel throughout the project construction period. The project will be completed by June 2013, so given this and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:05): The opposition supported this project. As the presiding member mentioned in his remarks, the project is being entirely funded from within the Adelaide Entertainment Centre budget, something which we were happy to agree to obviously as we did not need to find additional money. The CEO, Mr Anthony Kirchner, at the time answered all questions put to him in a very professional manner, and it is fair to say that all members of the committee were very comfortable with that project. So, yes, we support it.

Motion carried.

NATURAL RESOURCES COMMITTEE: REVIEW OF NATURAL RESOURCES MANAGEMENT LEVY ARRANGEMENTS

The Hon. S.W. KEY (Ashford) (11:06): I move:

That the 49th report of the committee, entitled Review of Natural Resources Management Levy Arrangements, be noted.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any levy proposed by a natural resources management board, where the increase exceeds the annual CPI rise. The Natural Resources Committee is concerned about a number of issues related to NRM levies, including the widespread practice of proposing above CPI increases and the bureaucratic complexity of the processes required to update business plans.

Whilst the committee is sympathetic to the need for NRM boards to increase their funding bases and has historically recommended increases of some levies, members maintain the position that above CPI levies should be the exception rather than the rule. At a meeting with the Minister for Sustainability, Environment and Conservation in 2011, the Natural Resources Committee made a number of suggestions for improving the process of preparing business plans and, in particular, determining levy increases in 2012-13.

In response to this request the minister directed the boards to provide copies of their draft business plans to the committee, concurrent with their release for public consultation. This has proved helpful in providing committee members with more time to consider the proposed levy increases. I should note that the Minister for Sustainability, Environment and Conservation makes himself available to our committee and meets with us informally quite regularly. We acknowledge his support for the committee.

A number of other suggestions form the basis of this report. The committee acknowledges significant differences between NRM boards in size, diversity and numbers of local government areas included; for example, the committee has recommended greater standardisation in reporting to facilitate comparisons between the NRM boards. The committee also noted differences between the boards in relation to remuneration and turnover. Amendments to the Natural Resources Management Act have been passed recently. These amendments include changes to board members' terms and reappointment. I commend the minister on these changes.

I wish to thank all those who have been involved and have given their time to assist the committee with this report. I particularly commend the members of the committee, Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, and the Hon. Gerry Kandelaars MLC, for their contributions. Finally, I would particularly also like to thank the parliamentary staff for their excellent assistance to our committee. Madam Speaker, I commend this report to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (11:10): I also rise to support the 49th report of the Natural Resources Committee, entitled Review of Natural Resources Management Levy Arrangements. As this house will already know, I have been fairly forthright with my views on Natural Resources Management Board levies, and I wholeheartedly support the work that the NRM boards and their staff do throughout the state, but I do not support any levy increases in excess of CPI.

I can very well understand how those levy increases have come about over many, many years, because the NRM boards are doing essentially what is an endless task. The work that they could do for our state is essentially boundless, so it is not surprising that, of course, they would always try and ask for more and more money. Over previous years, we have certainly had a situation where levy increase requests in excess of CPI have continually been agreed to, and I am actually very pleased that our committee has highlighted this problem and tried to put a stop to it.

It is not that we do not want the NRM boards to do the work that they do, it is just that the act is actually quite clear: the increases should not be in excess of CPI. If they had levy increases double, triple or quadruple CPI, they still would not be able to do all of the work that the people of South Australia would like them to do, so it makes sense to actually just fall back in line with what the act recommends.

Certainly, for my own vote within our Natural Resources Committee, I have decided to vote against any levy increase in excess of CPI. On some occasions I have been in the majority, and on some occasions I have not, but that is the position that I have decided to take, as one member of this committee. There are, of course, three main recommendations that come out of this report, and I am focusing on the first one, Recommendation A, which states:

> ...the Committee recommends that the Minister for Sustainability, Environment and Conservation direct DEWNR to ensure that in future increases remain within the CPI.

The other two recommendations are also very important, but I will not go into those right now; however, I certainly do support those other recommendations. My main point is to ask the minister to accept and uphold Recommendation A.

Ms CHAPMAN (Bragg) (11:13): I rise to briefly make a contribution to this report. I thank the chair and members of the Natural Resources Committee for undertaking this review. On previous occasions, I have made comment about the inappropriateness of levy increases above CPI. Special provision for this is made with a process of supervision under the committee structure that we have. I accept that there can be situations where an increase in levy above CPI could be justified, and I place that on the record.

What happens in the establishment of bodies such as this is that, from time to time, they will be asked to add to their duties, and they will be asked to take responsibility for more and more with less and less. I think, in a circumstance where it can be identified that a new area of jurisdiction or responsibility is to be placed on these bodies, that they could present a persuasive case for additional funding, and that may need to be by a levy. If that occurs, that there is a transfer of an area of responsibility which is currently with a state, federal or local government to the natural resources groups and all their boards, then that is a matter that needs to come with funding.

It also needs to be decided in the context of a revision of fees or funding whether it is a direct allocation or whether it is a fee or levy that applies at the state, local or federal levels. In other words, it is not appropriate, where there is a transfer of responsibility from one level of government to a statutory body, without there being a review of what funding has already been allocated in the level of government that currently has that responsibility.

I can accept that there would be certain circumstances, and the process is there to facilitate that, but what we have seen with the application made by the Adelaide and Mount Lofty region, and their request in recent times for a much greater increase than the CPI and the ultimate rejection of their request, consistent with the recommendation of this committee, is that it cannot be used to simply say, 'We want more and more,' without some assessment of what they are spending the money on.

I have made it perfectly clear to a number of the boards—in particular, the Adelaide and Mount Lofty region—that I expect, as a member of this parliament and as a member of the public paying for this levy, that they prioritise areas of responsibility and deliver services which are effective in water management and preservation and in soil quality and protection against erosion, together with pest management. These are their three main areas of responsibility, and I expect, as I am sure other members would, that they will deliver outcomes in those three areas. I, for one, have not been happy that now, eight years after the initial passing of this legislation and establishment of these groups, we are having still more reviews, more plans, more reports and, I think, an inadequate level of outcome.

Just this year, the minister convened with the new chair of the Natural Resources Management Council on his publication to set out some assessment of the advance and

application of the responsibilities of each of the different regions. We had a dot system: we had a pink dot or a red dot or a green dot according to whether they had actually achieved a certain outcome consistent with the committed areas of the plan that they all signed up to. As a member of the parliament, or as a member of the public, I found that grossly inadequate in terms of any real feedback as to how and what is being done, whether there are achievable outcomes and whether there is a demonstrable benefit from the programs that have been activated to secure the advance of those visionary and very meritorious aspirations.

There is nothing wrong with having a plan, there is nothing wrong with having something that everyone works to, but when it ultimately comes to having set these things up I would still like to see more of the funds allocated in these levies to demonstrable outcomes of programs. So I commend the committee for looking at this issue again.

As it was only tabled yesterday, I have not had an opportunity to actually read the full report, but I will review it. I think the member for Stuart pointed out that this request go to the minister, that there not be an allowance other than at CPI. I agree with the sentiment expressed by the member for Stuart, but that is exactly why we have a provision in the act to have this supervision by the parliamentary committee to cover a situation outside of CPI. We had set it up specifically to accommodate circumstances where it may be justifiable but it should be the exception rather than the rule. I am not sure that asking the minister to do that, contrary to the provision of the act, is actually the way to do it, but it may be that the minister comes back with some proposed amendment to the act for us to cover that, in which case I will look at it with interest, and I hope to be able to support the same.

Mr PEGLER (Mount Gambier) (11:20): I rise to support the 49th report of the Natural Resources Committee, entitled Review of Natural Resources Management Levy Arrangements. First, I would like to say what a great job the member for Ashford does in presiding over this committee; and it is a great committee to work on in that all the members work in a cohesive manner and try to get the best that we possibly can for this state.

I certainly support the sentiments of the members for Ashford, Stuart and Bragg. The boards themselves do a tremendous job, right throughout our state, in managing our natural resources, and those boards have a great diversity in the type of lands that they look after and the way they can raise their levies.

One of the things I would say is that I believe these levies should be referred to as taxes, because that is what they are at the end of the day; and, as a committee and a parliament, we must make sure that those taxes are spent on what they have been raised for, and that is to protect our environment. The boards do a tremendous job in doing that but I think they could do it better.

I certainly support the suggestion that the levy should not be raised by any more than CPI, but there are situations sometimes where there are jobs that have to be done within regions and those boards should be able to put to our committee and the government good reasons why they need to raise that tax to protect the environment in any particular manner.

I will use the arid lands as an example, where the quantum that they raise is very small and they have such a vast area to look after. I had no problem in supporting their application for extra moneys, whereas some of the other boards that raise a lot of money and have much smaller areas to look after have to be extremely careful not to try to raise those levies by any more than the CPI. With no further ado, I support this motion.

Mr BROCK (Frome) (11:22): As with the previous speakers, I also would like to comment on and support the 49th report of the Natural Resources Committee, entitled Review of Natural Resources Management Levy Arrangements. I also congratulate the member for Ashford on her great leadership of this committee. As the member for Mount Gambier has already indicated, this committee is represented by a wide range of political alliances, and it has one final view in the outcome, which is the better management of our natural resources across the whole of the state.

I, like the member for Stuart, have some concerns and, unless it is greatly justified, I certainly would not be able to approve any increases above the CPI. The natural resources boards do a fantastic job under extreme circumstances, and I tend to agree with the member for Mount Gambier that maybe the levy should be renamed a tax, because it is, in effect, some form of taxation to manage issues across the state.

Just because a board puts in an application and it may be below the CPI or just on the CPI increase, I do not believe it should be an automatic approval by the Natural Resources

Committee of the parliament. We are there as a committee to ensure that we get the best opportunities for the people of those regions that each board represents, and we will continue to do that. I think that the natural resources boards need to be very innovative and continually managing to look at the best practices going forward. Everything changes and we need to change with the times.

Also, the fact is that the natural resource boards out there need to be able to allocate more time, and the minister may be able to take this on board. When they put their reports into the Natural Resources Committee of the parliament, we then analyse them and bring the boards in to discuss issues with them. If we have any concerns, we need to get them back to each of those regional boards.

Those boards may need to also come back with some justification, even if the increase is on the CPI or above the CPI, to convince the Natural Resources Committee of the parliament that this increase is justified. These final increases or levies or taxes that are approved need to then go back and be identified to each of the local council areas, and the councils need to include them on their rate notices. We also need to be able to ensure that, if we are going to hold something up because some justification is required, we do not hold up the rate notices going out from the councils because, as I said earlier, they are the ones collecting these moneys on behalf of the government of the day to ensure that we put that into the natural resources.

Like the member for Stuart and other members, I wholly support all the recommendations in this report. Again, I commend the staff of our committee who do a fantastic job. I would say that this committee would be one of the hardest working committees in the parliament. We have certainly done the best we can. We have personally been out on the ground and looked at issues because if you do not do that you do not have a real understanding of the real issues facing the regions and the outback areas. I certainly commend this report to the parliament.

The Hon. R.B. SUCH (Fisher) (11:26): I acknowledge that this committee does a great job, and I think it should remind us all of the value of parliamentary committees: they can—and they usually do—do great work. I know the member for Davenport has sought to expand the number of committees, and I do not have a problem with that. I think committees, where they apply themselves and are diligent, can bring great benefit to the people of South Australia through their insights and inquiries.

In relation to the NRM, I agree with the member for Mount Gambier. We have the River Murray levy, it is a tax; we have the NRM levy, it is a tax; we have the emergency services levy, it is a tax. We should call them what they are, and I do not have a problem with paying taxes provided the money is used for productive purposes.

In regard to the NRM levy and the boards, no other aspect of government, I believe, gets the same scrutiny as the NRM boards. I have argued on many occasions that we should apply the same blowtorch approach to all areas of government because some of the bigger ones are spending billions of dollars and, in comparison, the NRM boards are spending fairly modest sums of money. That in itself is not a reason why NRM boards should be automatically funded beyond CPI, but I think there could be a case-by-case basis for some boards to increase the amount, and I think in particular of the one where I live in the Mount Lofty Ranges area.

I would not support a blanket prohibition on an increase beyond CPI. I think it should be on a justified basis and, if an NRM board can show that the money is being spent productively and on ground works in particular rather than on bureaucratic activity, I think there is a case for particular NRM boards to have an increase beyond CPI.

In a sense, the NRM boards are doing what should be done by government anyway. During the early seventies, a department of environment was created and I think that a lot of people thought that the environment was saved from degradation and so on. The environment is never saved from degradation and destruction, so you need to be constantly not only protecting the environment but trying to restore it and do other things as well so that we keep as much of the natural environment as possible.

What has happened with these levies, whether it is the River Murray levy, the emergency services levy or the NRM levies, is that governments have tried to shift additional revenue collection out of the mainstream budget process. As I say, we have to pay taxes, we know that, but I think it would be more transparent if they were called taxes. Some of these activities were actually funded directly out of the budget.

The NRM boards do a range of things. It varies, to some extent, on where they are, but from soil management issues to pest plants. The Mount Lofty Ranges board in particular is doing a lot of work in relation to watercourses. I am particularly keen to see some of our riverine environments restored. NRM money is funding wetlands. We have seen some fantastic projects on the Torrens. We have seen some of their work in the upper reaches of the Torrens. That is excellent hands-on work that is funded out of the NRM levy and almost certainly would not happen if you did not have an NRM board in that area.

I think people should see the NRM levy as an essential part of environmental management, but, as I said earlier, there should be no blank cheque for any organisation, whether it is an NRM board or any other government organisation, simply to increase its revenue without justifying the expenditure and without doing worthwhile things. I will repeat the point: I do not support a blanket ban on increases beyond CPI, but they should be justified. It should be on a case-by-case basis. If a particular board can demonstrate that in its situation something beyond CPI is necessary then I am quite relaxed about that.

If you talk to councils—and my two colleagues here are well versed in councils—they argue that the CPI is not an adequate measure of the increase in costs that they have to bear, and I guess the NRM boards would argue similarly. The CPI basically reflects the cost of cornflakes and milk. What the NRM boards are doing in managing soil, pest plants, pest animals and restoring creek lines, etc., has little relationship, as far as I can see, to the price of a packet of cornflakes.

So, I think people need to be mindful of using that index. Maybe there should be a focus on a more appropriate index. I am sure councils would argue the same way, because people attack them for increases in their rates beyond CPI. I commend this committee. I support the comments of the member for Ashford. I think the whole committee is very active and very busy and, once again, highlights the importance of parliamentary standing committees.

Mr VENNING (Schubert) (11:33): I will speak briefly on this because in my whole time in this place I have made many speeches on this subject. Initially, I was very keen on putting the old boards together to form NRM boards, but I was never in favour of going the full hog, as they did. As I said earlier, I was chairman of an animal and plant control board. We put the two together back then and it worked. We were about to put the soils in when I got into parliament and then rather than just put the soils in we put the lot in. In hindsight, I believe that was a mistake. It has made a huge body that, I believe, we have lost control of.

I thought it worked well before when we had the councils, and I was on council myself. The Local Government Association was heavily involved with landcare in those days and we had a very strong volunteer ethic. People with both professional and personal interests were involved and the costs were minimal. The landowners, communities, everybody, got good value. Today, we see what has happened, and we knew it would happen, the bureaucracy took over, squeezed out a lot of volunteers and we now have a top-down body rather than a bottom-up, and I am very concerned about that.

I am very pleased that the Natural Resources Committee—very capably chaired by the member for Ashford—can be a watchdog in relation to the ongoing costs of these committees because there is a great tendency to just run up the bills. Bureaucracy can go mad, particularly where they are not being watched. Yes, I can understand—and I agree with the member for Fisher to some degree—that there can be exceptions to costs above CPI. If all the stakeholders agree with it, I have no problem, but generally speaking I am very happy that these costs are being reined in. I appreciate that we have a very effective watchdog in our Natural Resources Committee active here in the parliament and any committee that wants to go above that, I think it is good.

It cannot unscramble the eggs. I am sad to see, as I end my career in this place—and this is an area I have had a strong point of view on—that as I leave this place it is not as good as it used to be. That is sad, indeed, because I believe that we got very good service before at a very low cost; the opposite is true now. I commend the committee and the chair.

The Hon. S.W. KEY (Ashford) (11:36): I thank the members who have contributed, not only to our report but also the speakers today: the members for Stuart, Bragg, Mount Gambier, Frome, Fisher and Schubert. I know that other members in this place would probably speak if they had the opportunity. The passion and support for natural resources in this state is quite overwhelming and I think it is a real testament to the parliament that we have such a wide interest and commitment to try to make it better.

I understand the words of the member for Schubert because having been on the Environment, Resources and Development Committee with him as the chair, this was a debate and discussion that we would have quite regularly with regard to that committee. The member for Schubert has been an ongoing advocate to try to manage our natural resources and has put up a whole lot of models. I understand the comments that he has made and the concerns that he has. In fact, all the speakers today—and certainly other members of the committee—have consistently tried to work out how we can best manage these resources.

I would particularly like to build on the comment made by the member for Frome. There is a great appreciation—and we have some former local government people on our committee, so we have some great expertise as well—for the role that local government plays, not only with the natural resources committees and some of the work that is done, but also the fact that they do the administration, and that is actually a very efficient and useful contribution.

However, there are also other grants. In addition to the levies, I have been very impressed that the different natural resources committees have been able to attract funds, both commonwealth funds and specific funds. One of the inquiries we did looking at weeds and invasive species has shown that there needs to be specific funds set up to address some of these issues as well. That is just one example of natural resource management that our committee looks at.

I commend not only the people who are elected to work with the Natural Resources Committee but the huge volunteer effort that goes in and the goodwill that goes in to natural resources management. Again, I thank everybody and also commend the report to the house.

The SPEAKER (11:39): It is generally not customary for the Speaker to speak on a motion but I also have concerns about the rises as a result of a discussion with a constituent yesterday who has had a very significant rise in his levy in the Arid Lands area, so I wish you luck with it.

Motion carried.

SELECT COMMITTEE ON THE GRAIN HANDLING INDUSTRY

Mr BROCK (Frome) (11:40): By leave, I move:

That the time for bringing up the report of the Select Committee on the Grain Handling Industry in South Australia be extended until Wednesday 19 September 2012.

Motion carried.

NATURAL RESOURCES COMMITTEE: BUSHFIRE TOUR 2012 CASE STUDY, MITCHAM HILLS

The Hon. S.W. KEY (Ashford) (11:41): I move:

That the 65th report of the committee, entitled Bushfire Tour 2012 Case Study, Mitcham Hills, be noted.

An elderly man stands in front of his home wearing shorts and polo shirt. He is holding an empty aluminium saucepan. Behind him is his home and behind that a wall of flames about to engulf it. Thick smoke obscures the sun. The man appears fortunate to be spotted and picked up by fire brigade district officer Thornthwaite as he speeds through the fire front in his four wheel drive vehicle. This is the scene that remains etched in my memory after watching an horrific video of the raw footage from the Canberra 2003 fires.

The 45 minute video entitled *Canberra Fire Storm 18 January 2003*, and available on YouTube, was shot by Channel 9 news cameraperson, Richard Moran, riding with ACT fire brigade district officer, Darrell Thornthwaite. Members viewed this video as part of the Natural Resources Committee tour of high bushfire risk areas in the Adelaide Hills on 17 February this year.

It was a shocking wake-up call to all of us, even for those members with experience in fighting fires while serving as CFS volunteers. It brought home to us the reality of how unprepared people are for bushfires and how easily an emergency response can be overrun and outmatched by a large fire on an extreme fire danger day. The death toll from the Canberra fires in 2003 was four lives lost, and when you watch the video it is amazing that it was not much worse.

In South Australia we know how devastating bushfires in urban areas can be; however, it is now nearly 30 years since the Ash Wednesday fires of 1983. This dreadful event saw my husband's house burnt and my mother acting as a counsellor for the survivors of the fire. Most of us have forgotten what happened and many of us were not even around at that time. The

committee heard from the CFS that most of the firefighters from that time have since retired. The current CFS volunteers are well trained and dedicated but they do not have the experience with bushfires like Ash Wednesday.

The Belair CFS took us on a tour of the Mitcham Hills and Upper Sturt. We saw cars parked illegally on narrow streets, gutters overflowing with leaves, overgrown gardens, and cul de sac subdivisions surrounded by dense bushland that have not seen a fire since 1955.

The lack of preparedness of residents in the hills was exacerbated by confusion about what to do when a fire siren is sounded, confusion about whether to 'go early or stay and defend', confusion about safe areas, confusion about what school students should do, and a road network that will go into gridlock almost at the drop of a hat. It is really a disaster waiting to happen. This tour was arranged as a follow-up to the Natural Resources Committee's November 2009 Interim Report (37th report) and the July 2011 (58th report) on bushfires.

This report includes a number of recommendations that will require funding for the implementation. During the estimates committee hearings on 25 June this year, I asked the Minister for State/Local Government Relations about the current arrangements for the Local Government Disaster Fund. Members may be aware that the fund was created in 1990 to help councils remediate damage caused by natural disasters, including bushfires. The government introduced a special levy of 0.005 per cent, a then existing state tax, the financial institutions duty, to provide the revenue for the fund.

As part of the national taxation reforms in the early 2000s, which included the introduction of the GST, the financial institutions duty was abolished from 1 July 2001. The minister informed me that as yet there had been no expenditure of the disaster fund, although it continued to earn interest on funds collected prior to 30 June 2001.

The minister has agreed to review the disaster funding arrangements in partnership with the local government associations with a view to developing new arrangements more consistent with the national disaster fund arrangements with states and territories.

The president of the LGA has written to the Prime Minister, the Leader of the Opposition and relevant federal and shadow ministers, as well as South Australian federal members of parliament, raising concerns about South Australia's ability to access the proposed flood levy. I am confident that these negotiations will assist in providing funding to enable recommendations such as those suggested in our report to be implemented.

I wish to thank the CFS for hosting this fact-finding tour and, in particular, Dale Thompson, the CFS group officer, and Ray Jackson, the CFS regional prevention officer. I commend the members of the committee, Mr Geoff Brock MP, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC and the Hon. Gerry Kandelaars MLC, for their contribution to this report. I would especially like to thank the Hon. Iain Evans (member for Davenport) and Chris Burford, adviser to minister Rankine, who accompanied the committee on the tour. As always, I thank the staff for their excellent assistance. I commend the report to the house.

The Hon. I.F. EVANS (Davenport) (11:47): I thank the committee for producing an excellent report. I thank the committee members for touring the Mitcham Hills in general—which included parts of my electorate—and the sincere way in which they approached the issue with an open mind to learn more about the fire dangers that exist within the area that I, and indeed other members, represent throughout the Adelaide Hills and the Mitcham Hills in general.

As the house knows, I have attempted to get a committee established to deal with not only bushfires but other natural disasters, and I have been unsuccessful on two occasions. However, as the multiparty committee recommends the establishment of such a committee, I intend to attempt for the third time to bring back a bill to establish a natural disasters committee of the parliament.

If the parliament needs any more convincing about the issue, I will simply read the paragraph that the chair of the committee just read, but I just want to read it a bit more slowly. These are not my words: these are the words of the seven or eight members of the committee who went and looked at what I have been talking about for some years now. This is what the committee said:

> We saw cars parked illegally in narrow streets, gutters overflowing with leaves, overgrown gardens, and cul de sac subdivisions surrounded by dense bushland that has not seen fire since 1955.

All of those issues, if I break there, present various difficulties for the residents and the services in the event of a fire, but the crux of the issue is in the next paragraph:

> The lack of preparedness of residents in the Hills is exacerbated by confusion about what to do when a fire siren is sounded, confusion about whether to 'go early or stay and defend', confusion about safe areas, confusion about what school students should do, and a road network that will go into gridlock at almost the drop of a hat.

And the committee says:

> It really is a disaster waiting to happen.

As the local member, I cannot argue with that and I have advocated that in this house for many years. If you look at the history of fire in the Hills, one comes along every 25 to 30 years. There were bad fires in the 1930s, there were bad fires in the 1950s and there were bad fires in the 1980s.

This issue is now well known to the parliament. It is now well known to the government of any colour and I think we simply have a duty to act, because I do not want to be the MP moving condolence motions after the next fire saying, 'We told you so.' That is not my motive. My motive is to try to head it off, to try to reduce the damage and reduce the risk. We know a committee is not going to stop a fire, but a committee can help better prepare the community, better prepare the services and put pressure on for better road infrastructure or better training or whatever the issue may be.

The committee recommends that the parliament be invited to view the video of the Channel 9 footage of the Canberra fires. I will arrange that as the local member and invite members who are interested to come along, because it is 2 o'clock in the afternoon and it may as well have been midnight as far as the visibility went. All the vehicles had their lights on and it may as well have been midnight.

I think it is really important and I really am pleased that the committee came up. I cannot be more sincere in saying how pleased I am that the committee came up and actually had a look because you could almost hear the pennies dropping as the video was being shown and as they drove around the district looking at what we face. You could virtually see the ducks lining up to a similar view within the committee about the issues that needed to be addressed.

I do not for a minute suggest that the solutions are quick or easy, but unless we start addressing them, then I think we are leaving more people exposed than we need to. I commend the committee on its report. I thank the chair most sincerely for bringing the committee to the Hills. The previous chair, of course, John Rau, did his own tour with me to get his head around the issue, so I know the Attorney is fully across these particular issues. I could go down the path of saying that there are recommendations from the previous report that the government has never responded to. I am not going to go down that path; I am not interested in the political pointscoring; I am simply interested in the right outcome. I thank the committee for the report.

Mr PEGLER (Mount Gambier) (11:53): I also rise to support this report. I might say that I have been in the CFS for, I think, 30 years and I have fought in many bushfires. I was just astounded when we went on this trip into the Hills. I have never seen an area so ill-prepared for a bad day.

A lot of those people just do not realise that if there is even a moderate fire day, but particularly if there is a bad fire day and a fire starts, they will have less than seven minutes to get anywhere and it will probably take them 20 minutes, so they will have to stay in their homes. Their homes are so poorly prepared, and it would not matter, as a state, how many fire trucks we made available, they just would not be able to get in there. I have never seen an area that has such potential for disaster.

I certainly commend the member for Davenport in asking our committee to go up there. It was a great education for me. I think we have to get the message out to a lot of those people. We do not like to scaremonger but we have to get the message out to those people that, if they do not do something within their own area and with their own properties, they will put their own lives and all their properties at risk.

The thought of forming a natural disasters committee of parliament is, I think, a tremendous initiative and I feel that it is something that should be done so that that committee can make recommendations on how we can address the road infrastructure in those areas so that fire trucks can get through, how we can make sure that people are not illegally parked when there may be a

fire, and to make sure that people look after their properties. The way I saw it, it is just a disaster waiting to happen, and I hope to never see it happen.

Mr PENGILLY (Finniss) (11:55): I was most interested in this report. As most members know, I was the presiding member of the CFS for a number of years, and the great fear we had was that the Adelaide Hills would go up again. Fortunately, it did not happen while I was in that position and I hope it never does but, unfortunately, it will—that is the sad reality of it. I am delighted that the committee went up there but, unfortunately, there is not enough action being taken either by private landowners or, indeed, any government authorities. As an example of that, the Department of Environment does do small burns—and talks about the wonderful job it has done—but it does not actually listen to the local people.

As an example of that, let me talk about the Deep Creek Conservation Park where, earlier this year in March, the department decided to have a prescribed burn. The department spoke to the adjoining neighbours and they all said, 'No, most unwise; don't do it on that day. It's the wrong day to do it; wait and do it on another day.' They did not consult the CFS locally at all—never consulted them at all. The fire got away and for three days the CFS people (volunteers) were out there assisting in the management.

My understanding is that the cost of that fire was about $500,000. I find that absolutely ludicrous. I put in a freedom of information request about that which I got back a week or two ago, refusing to give me the cost of that fire and I think that is outrageous. I am going to make a public issue of it because I think hiding behind this smokescreen, so to speak—probably the wrong words—of going ahead and burning despite the comments from the neighbours and not consulting the CFS is not good enough.

However, in relation to the member for Ashford's committee report, I applaud the report and I am very pleased that they went up there because I want to be able to stand in this place, when it does go up (if I am still here)—and, hopefully, it will not go up while I am here or, indeed, afterwards—with a clear conscience that they have been told again and again to do something, whether it be private landholders or government authorities. It is not good enough.

We have an increasing urban push by people wanting to live in the hills or somewhere else who have absolutely no idea of how the bush burns, no idea of the climate and no idea about winds. When they get up there and it happens—and God forbid that it does—I can see what happened in Victoria happening over here. That is what is going to happen. You only need to have an appallingly bad day—even yesterday, in the first week of September, we had a fire out of control just near Adelaide. I heard that on the radio last night but I do not have the details.

It is time to act. It is time to take dramatic action in relation to potential threats. It is time to educate people as best we can. You cannot tell everybody everything and you cannot get fools to listen, quite frankly. I have been to enough fires. I have raked a dead body out of a caravan, someone who was burnt to death, when I was 17—that was not a good experience. I have been to a multitude of fires in my lifetime in national parks and on private lands, as indeed have other members in this place. I think the member for Mount Gambier referred to that. It is not a fun time, let me tell you.

If someone does not take some dramatic action, it is going to go ahead up in the Hills, and woe betide anyone who is in a position of authority that day. I have spoken to senior police officers and CFS personnel, whether they be volunteers or paid officers, and they are all worried about it, and I am dreadfully concerned. So, member for Ashford, well done!

Debate adjourned on motion of Hon. R.B. Such.

DESALINATION PLANT

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:01): I seek leave to make a personal explanation.

Leave granted.

The Hon. P. CAICA: A question was asked yesterday by the deputy opposition leader:

...can you confirm that $125 million was paid from SA Water to Treasury—$125 million—which otherwise would have been used to pay for construction costs? It was not paid to AdelaideAqua because of delays to the construction.

In my answer, I inadvertently confirmed the deputy opposition leader's incorrect assertion that $125 million remained unpaid at the end of the 2010-11 financial year because of construction delays and was paid into the Treasury account. In fact, that money was not borrowed from the market for that year and therefore there was no transfer of that amount to the Treasury account due to the underspend of $125 million on the construction costs of the Adelaide Desalination Plant for the 2010-11 financial year.

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

Second reading.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:02): I move:

That this bill be now read a second time.

Passage of this bill through the parliament is a significant milestone for South Australia's citrus industry, which generates about half of the state's horticultural export income—$66 million in 2010-11. The bill sets in motion a process to wind up the Citrus Industry Development Board and the Citrus Industry Fund. In due course, the act will be repealed. The immediate benefits to the citrus industry will be the removal of a regulatory burden that imposes compliance costs in the order of $3.3 million per annum on citrus growers, packers, processors and wholesalers.

The net savings for citrus growers, who currently contribute to the Citrus Industry Fund established under the act, and to the Citrus Growers Fund established under the Primary Industry Funding Schemes Act 1998, will be $2.85 per tonne of oranges they produce and $1.85 per tonne for all other citrus fruit they produce. The government expects these savings will be welcomed, particularly by those farming families who operate small to medium-sized citrus properties who have done it tough in recent years as a consequence of prolonged drought in the Murray-Darling Basin, the global financial crisis and an exchange rate for the Australian dollar that is challenging for exporters.

Deregulation of the citrus industry has been a long time coming, since the 1965 Citrus Industry Organisation Act established an orderly marketing scheme that endeavoured to ensure fair returns for growers. Possibly only the members for Croydon and Schubert were here when the Citrus Industry Act 1991 was passed to create a new citrus industry board—

An honourable member: The fathers of the house.

The Hon. P. CAICA: —yes, with a very long memory too—one with reduced but still onerous regulatory responsibilities. Those early reforms have had their detractors, resulting in conflict between various citrus industry bodies claiming to represent the industry's stakeholders. The current act was passed in 2005 but only after protracted consultation with the citrus industry, and the potential for ongoing conflict between the industry bodies was overtly recognised when it was being formulated.

Unfortunately, conflict did continue, leading calls for the government to intervene. Eventually in 2011 then minister for agriculture, the Hon. Michael O'Brien, commissioned a retired District Court judge, Mr Alan Moss, to review the industry structure. Mr Moss determined that none of the board's functions is not already done, or could not be done, by another body, and concluded that there is no good reason to retain either the CIDB or the act. That conclusion resulted in this bill.

Consultation on a draft of the bill resulted in the inclusion of a reserved power enabling the Minister for Agriculture, Food and Fisheries to require a citrus industry participant to provide periodic returns of information reasonably required for the purposes of the industry. This reserved power addresses concerns that immediate deregulation of the citrus industry may create an information vacuum if the national industry organisation, Citrus Australia Ltd, fails to deliver on its undertakings to gather and publish relevant industry information.

While the government is optimistic that the industry-owned and managed arrangement will deliver the goods and that this power will not need to be exercised, the government also accepted an amendment moved in another place by the Hon. John Dawkins that the principal act may not be repealed before 1 January 2014. This will allow a full citrus season to pass before the adequacy of the industry arrangements is assessed.

To conclude, I thank members of this house, particularly in the other place, for their contributions to the debate and, as we have discussed, their willingness to expedite its passage so that there can be a seamless transition to the arrangements provided for the bill immediately following the expiration of the appointments of the members of the current board on 14 September. We have had discussions about how we might progress this, and I thank the opposition for their commitment to do so.

Mr PEDERICK (Hammond) (12:07): I am the lead speaker for the opposition on this bill, the Citrus Industry (Winding Up) Amendment Bill 2012. The Citrus Industry (Winding Up) Amendment Bill 2012 will wind up the current South Australian Citrus Industry Development Board and will repeal the Citrus Industry Act 2005. The winding up of the board will relieve the citrus industry of a regulatory burden that imposes compliance costs of the order of $3.3 million per annum on citrus growers, packers, processors and wholesalers.

The Citrus Industry (Winding Up) Amendment Bill 2012 is the result of an independent review of the South Australian citrus industry following industry calls for intervention due to discord and disagreement around the effectiveness of industry arrangements over many years. Although it is unfortunate that government intervention became necessary, it is pleasing to see reform is finally underway in this critical horticultural industry.

The review was conducted by retired District Court judge Alan Moss and was the sixth review or initiative into or affecting the South Australian citrus industry in the last decade. The citrus industry is an important contributor to South Australia's economy. The value of citrus exports from the state represents about half of all South Australia's horticultural exports. The Citrus Industry Development Board was created following the introduction of the Citrus Industry Act 1991.

Throughout the 1990s the board stabilised an industry which had previously been somewhat chaotic, and was generally welcomed and respected by industry participants. However, government policy had changed and the regulation of agricultural markets started to undergo significant revolution, or evolution, I should say, as Alan Moss states in the Citrus Industry Review report. I quote Alan Moss:

> By the late 1990's Government policy towards the regulation of markets had undergone a significant evolution. Rather than impose restrictive, anti-competitive regimes on industry, Governments were coming to the view that industry becomes more productive and efficient when competition and market forces are allowed to do their work, unrestricted by government rules and regulations.
>
> This new approach required Governments to help to create a landscape in which industry was free to get on with the job, to provide things which only a Government can provide, for example certain quarantine and disease controls, and not to restrict competition by legislation unless it could be demonstrated that the benefits:
>
> - to the community as a whole, outweighed the cost of the restriction; and
> - of the legislation could only be achieved by restricting competition.
>
> The South Australian Government entered into a Competition Policy Agreement with the Commonwealth Government which required the States to bring their legislation into line with the Commonwealth's competition policy. As a result and after very lengthy consultation with the citrus industry, a new Citrus Industry Act was passed in 2005. The Board's former role as a market regulator was abandoned, but the Board was retained in a new guise as the South Australian Citrus Industry Development Board.

Moss goes on to recognise that the retention of the board was, however, unusual. As far as he was aware:

> the CIDB is the only board which survived the competition policy initiative and all the other industry boards were abolished and replaced by industry based bodies, or associations.

In South Australia, in addition to the board, Citrus Growers South Australia Incorporated (CGSA) and Citrus Australia Ltd (CAL) are two industry-based bodies which represent the citrus growers, packers and processors of South Australia. Citrus Growers of South Australia is the latest incarnation, being a long established grower-based industry association, and is supported by a modest levy on growers under the auspices of the Primary Industry Funding Scheme Act of 1998 (PIFS).

CAL is a relatively new membership-based national industrial body. Citrus Australia Ltd has slightly more than 250 members, but is growing slowly and steadily. CAL replaces a former national body, Australian Citrus Growers Federation, which was wound up by its members in 2008 in favour of CAL. Citrus Growers South Australia has links to CAL and is a supporter of it.

The attitude of the South Australian Citrus Industry Development Board towards Citrus Australia Ltd has at times been hostile. These three bodies, CAL, CGSA and the South Australian Citrus Industry Development Board, had all been competing for influence within the South Australian citrus industry, which led to an unacceptable level of tension between the bodies. The direct result has been the independent review by Alan Moss, which concluded that there was no good reason to retain the Citrus Industry Act 2005 or the South Australian Citrus Industry Board. As Moss notes:

> This Review has occurred at a time of considerable stress and challenge for the citrus industry.

Progress in the South Australian citrus industry has been limited and disjointed because the structure of the industry is fundamentally unsound and disunity has been apparent for some time. Moss continues:

> The citrus industry undoubtedly faces a period of structural adjustment being imposed upon it by irresistible outside forces. To survive in good shape the citrus industry will need strong leadership and unity. Government cannot legislate to provide these essential things, but it can construct policy and enact legislation which creates an environment in which they can grow.
>
> I consider that this Review affords an opportunity to look over the horizon and to help the citrus industry establish a healthy and functional industrial structure to face the challenges of the years ahead.

As to the review of the South Australian citrus industry structures and what has happened in South Australia, we are being represented currently by two industry organisations. We have the South Australian Citrus Industry Development Board and Citrus Growers South Australia. Under the current structure, the South Australian Citrus Industry Development Board is funded by payments it receives from the Citrus Industry Fund, which was established under the Citrus Industry Act 2005. Citrus growers, packers, processors and wholesalers contributed to this fund, and this fund is managed by the SACIDB and used to execute its functions under the act.

Citrus Growers of South Australia was funded by payments it received from the Citrus Growers Fund, as mentioned, which was established under the Primary Industries Funding Scheme (Citrus Growers Fund) Regulations 2005. Only citrus growers contributed to this fund. The contributions were collected by the South Australian Citrus Industry Development Board and then transferred to Citrus Growers South Australia, via PIRSA, and used to execute its functions defined under the regulations.

A number of inefficiencies in the current legislative funding arrangements were recognised by the Moss review, including the duplication of a number of functions described in the Citrus Industry Act 2005 and the Primary Industries Funding Schemes (Citrus Growers Fund) Regulations. This means that the South Australian Citrus Industry Development Board and Citrus Growers South Australia held responsibilities for and were operating within similar areas, and it is possible that the organisation's views with respect to these areas may, in fact, not have been aligned. The citrus growers, in effect, were paying levies twice through the two separate mechanisms.

As already mentioned, the Citrus Industry (Winding Up) Amendment Bill 2012 will wind up the current South Australian Citrus Industry Development Board and will repeal the Citrus Industry Act 2005. The winding up of the board will relieve the citrus industry of a regulatory burden that imposes compliance costs in the order of $3.3 million per annum on citrus growers, packers, processors and wholesalers.

The Citrus Industry (Winding Up) Amendment Bill 2012 is the result of an independent review of the South Australian citrus industry following industry calls, as I mentioned earlier, for intervention due to discord and disagreement around the effectiveness of industry arrangements over many years. The review was conducted by retired District Court judge Alan Moss. As indicated earlier, it was the sixth review or initiative into or affecting the South Australian citrus industry in the last decade.

Ultimately, this review concluded that there was no good reason to retain the South Australian Citrus Industry Board or the Citrus Industry Act 2005. As a result of the review, the government was urged to bring to a halt any further division in the citrus industry and, in doing so, to set up a working party (the South Australian citrus industry transition working party) to formulate the structure and governance for a single unified representative body.

The South Australian citrus industry transition working party was chaired by the Hon. Neil Andrew, former federal member for Wakefield and also a former speaker of the House of Representatives. Neil has a strong background as a citrus grower and a strong connection to the

Riverland. It is my understanding that the Hon. John Dawkins from the other place worked for Neil in the 1980s and early 1990s.

As a result of the South Australian citrus industry transition working party, it was recommended that an advisory committee, to be known as South Australian Regional Advisory Committee (SARAC), is to be established to represent the interests of the state's $350 million citrus industry. SARAC will fall under the auspices of Citrus Australia Limited (CAL), being an advisory subcommittee, and will be supported by a $1/tonne voluntary levy, collected via a PIF scheme and provided to CAL. Being a voluntary levy, it is like most primary industries funding schemes, where the money is an automatic collection. A grower can apply to have that levy returned if they wish, but, as I understand it, in the past, most have not. Under these changes, the Citrus Growers of South Australia, an organisation primarily made up of member growers, will wind up voluntarily.

To further explain the South Australian Regional Advisory Committee, SARAC's role is to respond to South Australian citrus industry issues, to maintain a local or South Australian focus on research and development priorities, to provide information and advice to Citrus Australia on South Australian priorities, to oversee industry development activities, to ensure the integrity of South Australian information in Citrus Australia's crop estimates and planting statistics, to communicate with contributors to the Citrus Growers Fund and the broader South Australian citrus industry, and to develop and update a five-year management plan for the Citrus Growers Fund annually.

With respect to its membership, SARAC will have a minimum of four and a maximum of seven members, and at least four members will be growers. Members do not need to be Citrus Australia Limited members. Members will be appointed for a maximum of four years with half retiring every two years. Members will be selected through nominations and will be skills based. Members will not be remunerated, however the chair or an elected representative may be reimbursed for time spent on committee business.

Citrus Australia's role will be to manage the fund according to a five-year management fund, and it will meet the minister's expectations that funds collected under the act are directed to SARAC for its activities. To support SARAC and the South Australian citrus industry, Citrus Australia will also have a role in national and regional advocacy, market access and development, promotion, information collection, communication, biosecurity and plant health.

Supply chain links and communication will stay the same, which is critical for SARAC to be an effective representative body. The Citrus Growers Fund associated legislation under the Primary Industries Funding Scheme Act will remain in place, however the fund contribution rate will change. Changes that will happen with this major revolution in the citrus industry include the fact that there will one united voice—wouldn't we like see that in all farming and agricultural pursuits?

The South Australian citrus industry will have one united voice for advocating and responding to regional issues instead of the two existing state-based representative bodies. With respect to the Citrus Growers Fund, there will be one state-based fund. SARAC will have access to payments from the fund for its activities. The fund contribution rate will be changed to a dollar per tonne of citrus produced. This is a significant reduction in the contribution rate and represents a saving of nearly 75 per cent, though I am aware that some people are concerned that that levy rate may not be enough. However, that will be up to industry to change that in the future in discussions, I believe, with the minister.

Packers, processors and wholesalers will not be required to contribute to the fund. These businesses will be encouraged to sponsor the activities of the South Australian Regional Advisory Committee. The South Australian Citrus Industry Development Board has wound up, I think, or is about to be wound up when this act is enacted. The Citrus Industry Act 2005 will be repealed (and that is what we are going through at the moment), which means that the South Australian Citrus Industry Development Board will be wound up and the Citrus Industry Fund will cease. The citrus growers of South Australia will not receive payments from the Citrus Growers Fund under this structure.

At this stage I would just like to read a couple of comments from the *Riverland Weekly* from 30 August 2012 and the comments of the South Australian Citrus Industry Development Board Chairman, Richard Fewster:

'Generally today we wished them well at our meeting and one of our directors is a member of the new SARAC board', South Australian Citrus Industry Development Board Chairman Richard Fewster said. 'During the South Australian Citrus Industry Development Board's final meeting it was decided that support and assets will be offered to SARAC. It was a unanimous decision of the board that we are going to provide an information kit to

SARAC on things that are going on and information we have, so at least it gives them a standing start to make some plans for the future,' Mr Fewster said. 'We've also looked at the assets that are sitting there, like furniture and photocopiers and printers and we are suggesting to the administrator that they may be given over to SARAC to get them on the road.'

In consultation regarding this important bill for the citrus industry, I have had several meetings with key industry leaders and stakeholders, including members of the South Australian Citrus Industry Development Board and its CEO. I have spoken to and met with Judith Damiani of CAL. I have met with the President of Citrus Growers South Australia and the former president of the Australian Citrus Growers Incorporated Mark Chown, and I have attended a citrus industry transition working party meeting in the Riverland.

I was also present, along with a number of my colleagues, at a briefing provided to the opposition on this legislation, and I thank the minister for allowing her office and the department for that briefing. I commend my colleague in the other place the Hon. John Dawkins for his assistance and contribution. I also thank the member for Chaffey, Mr Tim Whetstone, who has the vast majority of the citrus industry in his electorate, for his important work on this issue. I also take this opportunity to thank the member for Chaffey for suggesting at that briefing that the expiry of the Citrus Industry Act 2005 be held off for at least one full citrus season to give the industry the best opportunity to see the new system in operation before the act expires.

As a result of these discussions the Hon. John Dawkins, on behalf of the opposition, introduced an amendment that will ensure the Citrus Industry Act 2005 cannot be repealed in its entirety until 1 January 2014. This will give the citrus industry the time it needs to experience and review the reform system over a reasonable period.

At this stage I thank the ministerial staff and departmental staff because these negotiations, especially in light of this amendment with a time line of 1 January 2014, was achieved through very much goodwill through the negotiations. I acknowledge the departmental staff for that goodwill. It is nice to see that, occasionally, you can make things work in this place. In conclusion, I indicate opposition support for this bill and commend it to the House of Assembly.

Mr WHETSTONE (Chaffey) (12:26): I, too, rise to support the Citrus Industry (Winding Up) Amendment Bill. I will speak briefly about my involvement with the citrus industry as a grower over 25 years, and now representing the majority of the industry in the electorate of Chaffey. Over that 25 years there have been a number of issues within the representative groups of the industry, and I guess coming in as a new player nearly 25 years ago I used to scratch my head regularly with the representative groups that used to have internal politicking, if you like, over views and ideas and trying to be power hungry or wanting to be the lead group or organisation to give representation to a vitally important industry, particularly in the electorate of Chaffey. I understand about 95 per cent of the industry falls within my electorate.

Over that 25 years I started as a grower and bought a property with an existing citrus business and was able to experience all facets of the industry, from maintenance on an existing property to developing land, to being able to plant and to understand just exactly what the industry has meant for over 100 years in the Riverland. The geography of the country up there is such that it has deep, sandy, free-draining soil, and we have a great climate not only for growing citrus but for living in general.

The industry that was worth some $350 million almost 25 years ago is still worth that amount of money today. I guess along the way we have seen a lot of change, a lot of change in market demands, particularly the ebb and flow of the commodity prices, the fluctuating demands. I guess over my time we have experienced drought and frosts, and they have had a major impact on the industry. In saying that, through the course of the drought we have had to deal with the citrus trees or orchards, which are reasonably high water users. A standard citrus property would use around 10 megalitres a hectare, and needs that to give you an opportunity to be a viable business.

Not only do you have to be variety driven to supply the markets with what they need but you also have to be production driven. Over the years we have been production driven with a simple variety of Valencia, which was probably one of the major drivers in the citrus industry, whereas nowadays we look at what mothers are packing in lunch boxes and at consumer demand.

The majority of that demand nowadays is for easy-peel. As most people here would know, mandarins, clementines, tangelos and the like are varieties that are easy to use. I must say, once upon a time you would pull a beautiful Washington navel out of a lunchbox and by the time you had

peeled it you had juice running down your hands or running down your arms, and it was not always a great experience.

But today, these new varieties are easy to peel, easy to eat and very, very sweet. That said, those traditional varieties (such as the Imperial mandarin) versus the newly released Afourer mandarin are varieties that again suit export demand, they suit market demand domestically and, more importantly, they return a better dollar value to the grower.

I guess there are many reasons why the Riverland is so important to the citrus industry, particularly now with over 400 growers. It has been underpinned by the longstanding families who have brought the industry into the 21st century and are proudly representing the Riverland brand that has been iconic all over the world. The small sticker that you would see in a fruit and veg shop or a market domestically or overseas is iconic. That Riverland brand tells you that the orange is grown in the Riverland, fruit fly free, and probably of the best quality in the world. It really just highlights the importance of the Riverland to the industry.

Also, many people would have experienced (particularly on a plane flying around the country or even overseas) the small container of orange juice produced by the iconic Berri brand. I am sure that everyone in this place, at one stage or another, has sampled the Berri brand. There are many new brands, varieties and styles that we consume today, and that is underpinning an industry that has been besieged by cheap imports, particularly of concentrates that come from Florida and Brazil. There is a very cheap labour force over there that makes it very hard for us to compete.

Some of the destinations of some of the citrus products—obviously, the table product is something that is a premium that we enjoy here, particularly the Washington navels. The Riverland is classified as growing the best Washington navel in the world. We are classified as growing the best Late Lane (or Summer) navel in the world. Our Eureka lemon is iconic, and is the best lemon that has gone into the very finicky Japanese market. We have enjoyed the fruits and great rewards of exporting our produce into the USA and Asia and, particularly as I have said, into Japan.

But, over time, the ever-changing demands and pressures on the industry have seen high prices. When I started my experience as a citrus grower, prices were as low as $65 a tonne. Just to give you an idea, nowadays it costs you about $80 a tonne just to pick it, let alone to grow it, market it, get it to market and put food on the table. They have really been challenging times.

We have had great, prosperous times with perhaps a shortage in the market, and perhaps a shortage in the processing industry with the juice requirements, and we have reaped the rewards of around $600 a tonne. But, I guess, today we are looking at very lean times. The citrus industry has been besieged by the high Australian dollar and the drought. We have seen a lot of negative media showing the heartache that growers have endured after planting a tree some 20 years earlier and having to push that orchard out or, in some cases, removing all of the trees in their orchard due to financial issues with the market resistance to taking a variety. In a lot of cases growers have had to leave fruit on the trees because it was not viable to even consider taking them.

I really think that nowadays, coming away from a citrus grower and as the member for Chaffey representing, I guess, about 95 per cent of the industry, I am now representing the views not only of growers but of packers, marketers, exporters, nurserymen and the banks. I had regular meetings with the banks throughout the drought, and there was also that rebuilding process of just how the banks could support the citrus industry and how they have supported it, and I would like to think that they see it as a viable business into the future.

I have really just summarised the importance of the citrus industry to South Australia, but there is also the diversity, which I have not mentioned. We have talked about the juice industry, the market industry, but we are now looking at diversity within the industry, growing citrus not for eating but for flavours, for cooking and for the oils, particularly from the peel. If you have ever got your hands dirty you might have used some of the hand cleaning products that are commonly known as 'Big Orange' or 'Hard Orange'. It is a fantastic hand cleaner and it also smells nice—and let's face it, there are not too many hand cleaners that do have an appealing smell.

We are moving into a new era of representation within the industry. In saying that, I have had concerns for over 25 years with the representation, after experiencing the three groups that represented the industry here in South Australia: the Citrus Industry Development Board; the South Australian Citrus Growers; and, more recently, Citrus Australia, which has now come on board.

The government has seen fit to work with the Moss report. Alan Moss, a former judge, interviewed some 60 growers and packers to get a hand on exactly what the concerns of the industry have been. I was concerned that that report came back with quite an agenda; I think I can safely say that the Moss report did have an outcome-driven agenda, but I think it was for the betterment of the industry. I would like to think that the report had a lack of understanding of the long-term future of the industry; it was more about underpinning the frustration with what we have experienced over a number of years with, as I have said, the internal politicking of the representative groups. They would undermine one another, and it was always to the detriment of the industry. The industry was really held back in a lot of instances, with these groups having their own agendas and their own self-interests in a lot of cases.

However, they also did a lot of good, and we cannot take that away from them. Over those many years of representation they did achieve good outcomes. Some of those outcomes, particularly with the Citrus Industry Board, had great outcomes with biosecurity. They had a good impact on some of those emerging export markets, particularly in collecting information and data. That was very important for me as a grower, and it was important for the industry as a whole just to see what the trend of plantings was, the trend of market requirements, and exactly what the planting schedules were within South Australia, so that growers could make informed decisions.

When a grower plants a tree they do not plant it for a five-year period; they plant a tree for the long term. In many cases there are trees that are 100 years old, but in many cases today there are also trees that are put in for, hopefully, a 20 year period. If those growers have the best information they could rest a little easier knowing that they were planting a variety that was there to suit an emerging market or an emerging demand. I think that data and information gathering was very important.

Of course, we needed to know what was happening in the markets on a weekly basis so that we could see how our fruit was going and whether we were looking at prices firming or dropping away. It would give an indication to a grower whether it was worth considering his picking program or whether it was worth holding back.

In the citrus business we had the luxury of being able to hold back some of those varieties on trees. Some varieties have a month window for picking, getting it into market and getting a premium price if the price was not there. For instance, with a Valencia, I can tell you that I have had three crops on my tree at once. I have had three years of fruit that I have been able to hang on to and hold back for the sake of securing a better price, or securing a price for my business to stay viable. That is something that is quite unique in any fruit or produce, to have three pieces of fruit from three different seasons sitting on the tree all at once. That was perhaps a luxury.

Getting back to the reason for the winding up bill, we went past the Moss report, and we dealt with the government looking at that report and endorsing a transition working party. As the member for Hammond has said, that was chaired by the Hon. Neil Andrew, who is a citrus grower himself. I was very happy to see that the minister had given him the role of chair of that working transition party because he does have an understanding of the hardships endured by being in the citrus industry and that he had experienced himself—the internal bickering and internal representation groups that had dragged one another to the ground so often.

In saying that, I would also like to think that the SARAC group (the South Australian Regional Advisory Committee) that has now been appointed will be a transition group that will determine whether Citrus Australia will be the answer for the industry. To date, Citrus Australia represents only about 10 per cent of the industry, and I think it is up to them to secure better membership numbers; but it is also up to Citrus Australia, as a national body, to represent the interests of the South Australian citrus industry. They need to understand what varieties we have in place and they need to give us a clear indication of varieties that could be better planted.

I see that a majority of the plantings here in South Australia are under five years old, so that is a work in progress. As I say, growers have removed old and non-viable plantings, so that information needs to come out to growers, and continue to come out, and needs to be there for the betterment and sustainability of the industry.

Now SARAC is coming on board, appointed by the minister and her department. I would also like to acknowledge my meetings with the minister and her department and PIRSA. They have listened, and I think that is a credit to them. I went to the minister and her departments with the best interests for the citrus industry. I did not go there for any political gain or with any agenda. I went there for the betterment of the industry. It is great to see that SARAC will pick up the mantle, and it

will be proven over the next citrus season, until 1 January 2014, whether Citrus Australia is the best placed representative group for the citrus industry in this state.

I do have some concerns with the levy that is on every tonne of fruit, which was somewhere in the vicinity of $3 (it does vary with different varieties) and is now down to $1. I think that was a knee-jerk reaction. The industry was going through a tough time and they decided to make it $1 a tonne. I will stand corrected that $1 will not be enough, particularly for running the administration side of things and a liaison officer. For the costs of actually running this committee, it will not be enough, but I think we will let time tell.

Another concern I have is with what is going to happen with South Australian produce that is sold over the border. How will SARAC benefit from that fruit that goes into Victoria and goes into New South Wales? As I understand it today, those levies will not be collected here in South Australia. Again, I do have concerns.

I am also concerned that we are still under a five-year moratorium with the exit properties that some of the growers took for different reasons, whether it was for drought or financial reasons, being sick of the industry or they had just got to the age where they had had enough. That moratorium should have been lifted and it will not be lifted by a state minister: it has to be lifted by the federal minister. That would enable the region to move into the next phase of the industry and be able to introduce new varieties and plant that ground. It has the infrastructure past the front gate, and it is vital that that transition is supported by not only the state government but by federal government.

I welcome SARAC. I welcome the amendments that reflect some of the shortfalls with the winding-up bill and seeing those amendments supported. I wish the citrus industry of South Australia every success, led by a strong, united, single voice of SARAC here in South Australia. If Citrus Australia can step up to the plate and represent the industry here in South Australia, I applaud that.

Mr VAN HOLST PELLEKAAN (Stuart) (12:46): The Liberal Party supports the Citrus Industry (Winding up) Amendment Bill 2012 but has also tabled an amendment to assist the industry in transitioning to the new arrangements. Most of the issues have been covered exceptionally well by the shadow minister for agriculture (the member for Hammond) and also the member for Chaffey who, as he said, represents 90 to 95 per cent of the citrus industry in South Australia. He lives and breathes this every single day and represents the people of Chaffey extremely well.

I would like to draw attention to one comment that he made straightaway, that is, that the citrus industry in South Australia is an approximately $350 million industry, and it is a bit sad to say that it was that about 20 years ago. That is clearly not good for any industry and the citrus industry certainly faces many challenges, and I will get to a couple of those in just a minute. I would also like to quote something said by the member for Chaffey in July that really encapsulates this debate:

> The SA citrus industry has made it clear it wants a single body to represent its interests at the state and national level, however, there has been some concern at the haste with which the government has moved to change the arrangements...

I think that is a pretty straightforward statement and really encapsulates the Liberal Party's position. Of course, that is why the Hon. John Dawkins in the other place has moved the amendment on behalf of the Liberal opposition which would mean that the transition cannot take place until 1 January 2014 at the very earliest. I think that is a very wise amendment, and I hope it is adopted everywhere because it gives the industry time to ensure that it makes the best possible transition.

As the member for Hammond mentioned, representation in agriculture in general is a very difficult issue. At the same time as we are working through these issues with the citrus industry, we are also working with agriculture more broadly and SAFF as they go through a very important transition.

Certainly, the most important aspect of this as far as I am concerned is that the industry wants to be represented by one body at both the state and the commonwealth levels. In that vein, I put on record my view that, among other challenges facing the citrus industry, one of the most important at the moment is that of food labelling, which can be addressed by both state and federal governments but is probably more a federal than a state responsibility.

Food labelling is an exceptionally important issue because, of course, while we are talking about the citrus industry, we are not only talking about the retail sale of oranges to end consumers,

and the member for Chaffey has touched on this issue. There is an ever-growing number of uses to which citrus products are put, including, as he said, hand-cleaning products. He is probably a bit more of an expert on hand creams than I am. I am ashamed to say I was not aware of that one, but the member is an expert on all facets of this industry.

I represent the electorate of Stuart. The Morgan-Cadell-Blanchetown-Murbko area, that top corner of the Riverland, is in the electorate of Stuart. It is a very important part of the electorate of Stuart. I am familiar with these issues and I would say that, unfortunately, the town of Cadell has probably suffered more than any other in the Riverland over the last several years. Cadell has suffered as the citrus industry more broadly has suffered with exposure to international markets, exchange rates, drought, the broader issues associated with the River Murray, pressures associated with long-term cropping (I will come back to that in just a minute) and also pressures that have come from the government.

Issues like the Cadell ferry have not helped the citrus industry at all. While I thank the government very genuinely for reversing its decision, I think it is absolutely disgraceful that it ever considered let alone took steps to remove the Cadell ferry from that community and the surrounding district. If it were not for the work of the community, supported by local members of parliament—and, importantly, communities a long way away from Cadell—the government would not have reversed its decision. It is a very important example of the challenges faced by the citrus industry and the part of the Riverland that I represent in the electorate of Stuart.

I will come back to the pressures of long-term cropping, which the member for Chaffey also touched on in his remarks. We are all very familiar, on this side of the house, with pressures placed on agriculture and cropping industries. To plant a crop that you hope to reap rewards from for 20 years or more, and even longer term in the wine grape growing industry, is a significant challenge. To face those issues of exchange rates, droughts, international markets, etc., when you are trying to plant a crop that should support you, your community, your business and your family for, ideally, decades is a very difficult issue.

I hope the new industry representation arrangements will deal with those things. Some things are outside government control but some things are certainly within government control, and I come back again to food labelling. Price will always be important, and I am an advocator of free market economies. Food labelling is a particularly important issue because it allows consumers to make informed choices and, as I said, not just about the oranges they might choose to buy at the supermarket and whether they come from California or the Riverland or any other part of the world.

I say quite plainly that people on very tight budgets trying to do the very best they can by their families cannot be blamed for pursuing price. Let me say that very clearly. It is an important issue. People must consider price in their daily decisions with regard to how they spend their disposable income. Fortunately, in South Australia, and other parts of Australia, we have a large number of people who are not under that amount of pressure that they cannot consider supporting their local industries. That is a very important issue. I think the overwhelming number of people in South Australia would support the South Australian citrus industry if they possibly could. So, food labelling is a very important issue in that regard.

I close by saying that the opposition will always do everything it can to support the South Australian citrus industry, and no more than at the moment. We offer our services at every level with regard to the transition to one representative body at a state and federal level between now and the year 2014.

Mr GOLDSWORTHY (Kavel) (12:55): I want to make some comments in relation to the Citrus Industry (Winding Up) Amendment Bill. As has been highlighted in the house previously by the member for Hammond, the lead speaker for the opposition, and very comprehensively by the members for Chaffey and Stuart, the citrus industry in this state has recently undergone an independent review following calls from the industry for intervention in relation to a number of issues.

As has been previously highlighted, the decision has been made that one body be formed and, as a consequence of that, the Citrus Industry Act 2005 will be repealed. The winding up of the board will relieve the citrus industry of a regulatory burden that imposes compliance costs in the order of $3.3 million per annum on growers, packers, processors and wholesalers.

The outcome of the independent review was the appointment of the South Australian Citrus Industry Transition Working Party to formulate the structure and governance for a single industry representative body. That working party recommended the establishment of an advisory committee

to be known as the South Australian Regional Advisory Committee to represent the interests of the state's $350 million citrus industry which will fall under the auspices of Citrus Australia Limited (CAL). That is the outline and some of the background to the legislation before the house. As has been previously highlighted, there has been an amendment successfully moved in the other place which we regard as an improvement to the legislation.

I want to make a few comments myself about broader issues that relate to the citrus industry. I worked in the Riverland region for the best part of three years in the early 1980s. From that, I like to think I have an affinity with the region. I met and married a girl from the Riverland and that marriage is still going along quite successfully, I like to think.

The Hon. P. Caica: That's what you say!

Mr Pederick: Yes, what's her version? We want her right of reply!

Mr GOLDSWORTHY: Every time I raise this issue and whenever we talk about the Riverland, I always cop some flak about that, but I do like to think I have an affinity with the region. Some of my wife's family, some of my in-laws, my wife's aunts and relatives, and my brother-in-law still work in the Riverland in an industry directly related to primary production. From time to time we enjoy holidaying in the region.

The DEPUTY SPEAKER: And the member will get back to the bill.

Mr GOLDSWORTHY: Well, this is related to the bill. Can I seek leave to continue my remarks after the luncheon adjournment?

The DEPUTY SPEAKER: You can seek leave but whether the house gives it to you or not is a different matter. You are seeking leave to continue your remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:59 to 14:00]

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery of a group of people from Erimus who are guests of the member for Bragg, and the Sunrise Christian School Paradise campus, guests of the member for Morialta. We also have some community groups here today: the Marino Probus Club and the Create Foundation group. It is good to see you here.

SHACK LEASES

Mr PEDERICK (Hammond): Presented a petition signed by 1,481 residents of South Australia requesting the house to urge the government to enable local councils to take effective care, control and management of shack sites to allow shack lessees to sublease shacks from the local government authority rather than directly from the state government.

ANSWERS TO QUESTIONS

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

HEALTH, ORACLE CORPORATE SYSTEM

In reply to **Mr HAMILTON-SMITH (Waite)** (29 February 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 implementation of the Oracle Corporate System (OCS) and transition of SA Health finance staff into a centralised function (i.e. Integrated Finance Structure) has been a complex task. Change management associated with new roles, responsibilities, system and business processes was more difficult than anticipated, with our focus continuing to be on providing additional training and reinforcing the benefits and purposes of the reform agenda.

2. Once fully implemented, it is anticipated that the move to Oracle and concomitant closure of legacy systems will equate to around $9.9 million of savings per annum.

RED CROSS BLOOD SERVICE

In reply to **Mr HAMILTON-SMITH (Waite)** (26 June 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 Blood Service has advised that the proposal will result in national savings of about $16 million over the next five years. The Blood Service has advised that it will continue the timely delivery of quality blood and blood products to South Australia. The National Blood Authority has assessed the proposal, on behalf of governments, and concurs with this assessment.

2. The Blood Service is an independent organisation and the Minister is not responsible for the release of the business case.

SENATOR, ELECTION

The SPEAKER: I lay on the table the minutes of proceedings of the joint sitting of members of the two houses held today for the choosing of a senator to hold the place rendered vacant by the resignation of Senator Mary Jo Fisher, to which vacancy Ms Anne Ruston was appointed.

PAPERS

The following papers were laid on the table:

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

Summary Offences Act—Road Block Establishment Authorisations pursuant to Section 74B

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

Eyre Peninsula Grain Growers Rail Fund—Annual Report 2010-11
Industry Fund—
- Apiary SA Annual Report 2010-11
- Barossa Wine Annual Report 2010-11
- Cattle SA Annual Report 2010-11
- Citrus Growers Annual Report 2010-11
- Olive Annual Report 2010-11
- Rock Lobster Fishing Annual Report 2010-11
- Sheep SA Annual Report 2010-11

Premier's Climate Change Council—Ministerial Response to advice

BROWN, MRS EILEEN KAMPAKUTA

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: On behalf of the South Australian government, I wish to extend my sincere condolences to the family of Mrs Eileen Kampakuta Brown. Mrs Brown is a highly respected, beloved Aboriginal elder and Pitjantjatjara woman who was born at Iltur, south-east of Wataru. I am told that she spent her early years working as a domestic on cattle stations across what are now known as the APY lands.

In October 1953, the British government detonated a nuclear bomb at Emu Field. At Wallatina Station, Mrs Brown observed a black mist which caused many people to become ill, with this experience becoming a significant influence on her life and her actions from that time on. She later gave evidence at the 1984-85 Royal Commission into British Nuclear Tests in Australia.

In 1995, Mrs Brown and other Kungkas formed the Senior Aboriginal Women Elders Council of Coober Pedy to fight against a proposal to develop a radioactive waste dump on their land. The Kungka Tjuta were a major factor in determining the federal government's decision in 2004 to abandon their plans for the dump. Their advocacy also influenced state government policy and former premier Rann's opposition to the dump.

In 2003, Mrs Brown and Eileen Wani Wingfield were joint winners of the prestigious Goldman Environmental Prize—and members would know that the Goldman Environmental Prize is the equivalent in the environmental world of the Nobel Prize—in recognition of their work as part of the Senior Aboriginal Women Elders Council of Coober Pedy.

In 2003 Mrs Brown also became a member of the Order of Australia 'for service to the community through the preservation, revival and teaching of traditional Anangu Aboriginal culture and as an advocate for Indigenous communities in Central Australia'. I am advised by Rosemary and Karina Lester—and I have acknowledged Karina in this place today—that their grandmother's passion was about transferring knowledge from generation to generation for the benefit of young people and this passion was reflected in Mrs Brown's work with the Coober Pedy Area School.

But her work was not confined to young people. Mrs Brown was also instrumental in establishing the Umoona Aged Care Facility indicating that her influence extended across the generations from the young to the elderly. Mrs Brown was truly a remarkable woman. I thank you, Madam Speaker—the member for Giles—for attending Mrs Brown's funeral in Mimili last week on behalf of the government. Once again, on behalf of all members of the parliament, I extend my sincere condolences to her family.

Honourable members: Hear, hear!

The SPEAKER (14:07): Thank you, minister, and I also want to pass on my condolences. She was a very special and amazing woman, and it was an honour for me to be at her funeral. To the Umoona Aged Care community, the Coober Pedy community, the APY community and particularly to her family, Karina who is here today and to her father, Yami, I pass on my condolences. She was a very special woman to me also.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:08): I bring up the 13th report of the committee, entitled Subordinate Legislation.

Report received.

PUBLIC WORKS COMMITTEE

Mr ODENWALDER (Little Para) (14:09): I bring up the 457th report of the committee, entitled Swan Reach to Paskeville Pipeline High Voltage Switchboard Replacements.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 458th report of the committee, entitled Mining and Engineering Centre TAFE SA.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 459th report of the committee, entitled Mount Gambier and District Health Service Redevelopment.

Report received and ordered to be published.

PUBLISHING COMMITTEE

Mr BIGNELL (Mawson) (14:10): I bring up the report of the committee for 2012.

Report received.

QUESTION TIME

EMPLOYMENT FIGURES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is to the Premier. As the Premier said yesterday, that Labor election's promise of creating 100,000 new jobs by 2016 was still the target, can he advise the house how Labor will create the 2,150 jobs required each month—that is almost 500 new jobs a week—from now until 2016 to meet that target?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:11): By pursuing the strategic directions that we laid out for the South Australian community in the Governor's speech earlier this year, we believe that this decade is going to be the single most important decade that we have seen any time in our state's history.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We think that we stand at the cusp of enormous opportunities, not only in our traditional industries such as our food industries but also challenges in relation to our manufacturing industries which we must transform into an advanced manufacturing industry. We will also be presented with enormous opportunities that are presented to a place such as ours in the region that we sit in. For the first time in our history this nation and, indeed, this state within the nation, sit on the edge of the fastest growing economy in the history of the world. We are seeing the largest movement out of poverty of a group of peoples that we have ever seen in the history of the world. Their demand for resources and food will be the thing that fuels the growth for this region for the future.

If we make the right decisions in this decade it will allow us to share in that prosperity. This is the future which is in front of us as part of this state. If we make the right decisions, if we, as a small economy, use our history for agility, our history of innovation, drawing on the strengths that we have always had in this community, living in the driest state in the driest continent, where we had always carved out an existence for ourselves, we will allow ourselves to take advantage of these great opportunities.

What I can say is that we have laid out a comprehensive plan and we have, amongst ourselves, settled on what we think are the seven most important areas that are going to make the most difference for the future of our state. We have promoted those, we have invited those opposite to be part of this dialogue, but when they are questioned about the future of the state they cannot even answer a simple question about what is their vision for South Australia. Despite having three days sitting there talking about God knows what, when they are asked the simple question, 'What is your vision for South Australia?' they are dumbstruck, because they are so consumed—

Mr VAN HOLST PELLEKAAN: Point of order, Madam Speaker. Standing order 98: this is clearly debate.

The SPEAKER: Thank you, member for Stuart. I refer the Premier back to the substance of the question.

The Hon. J.W. WEATHERILL: The reason we will be able to get there, the reason we will be able to achieve these things, is if all South Australians bend their efforts to achieving these objectives. We invite the opposition to participate in this debate. We invite them to participate in the debate about the big questions—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that face our state. We have laid them out. We believe they are the things that will make the most difference to the future of our state. That will drive our future prosperity, the things that we have outlined: our premium clean food industry; an advanced manufacturing sector; making sure that we realise the benefits of the mining boom; ensuring that we do have a vibrant city that projects an image to the world that this is a great place to live; and that this is one of the great small cities of the world that attracts the talent, the people, the ideas, the resources that will allow us to take advantage of the enormous opportunities that exist in a small economy in this part of the world. What we see from those opposite is somebody that is completely absent from this public policy debate—absolutely paralysed by—

Members interjecting:

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

Mr WILLIAMS: The Premier is straying back into debate; standing order 98.

The SPEAKER: Premier, can I refer you back to the substance of the debate.

Mrs Redmond: The substance of the debate?

The SPEAKER: The substance of the question.

The Hon. J.W. WEATHERILL: We will get there. The whole of this community—and I do not exclude the opposition from this—spends their efforts to take advantage of the enormous opportunities that present themselves to our state.

Members interjecting:

The SPEAKER: Order!

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey, order!

SUICIDE PREVENTION

Mr SIBBONS (Mitchell) (14:15): My question is to the Minister for Health and Ageing. Can the minister update the house about a new strategy to address the issues of suicide in South Australia and how it compares to other recent announcements in this area?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:16): I thank the member for Mitchell for this question. Suicide is an issue which everyone would feel is a matter of great seriousness and should be focused on by not only government but the whole community. Many of us, I know, have experienced friends or family members, in some cases, who have taken their own lives, and nothing could be more devastating in a family than that experience. To know that someone you loved and cared for deeply has ended their own life and you were not able to do anything to help them—you may in fact not have known that they were suffering from such depression that they would contemplate that step—is something I think all of us are deeply concerned about.

As a government, we wanted to take an appropriate look at the policy area, and I asked my department a year or so ago to develop some strategy in this area. We wanted to put in place a well-thought-out strategy that was developed in consultation with those who deal with this issue—particularly government agencies, non-government agencies, local councils, public and private schools, South Australia Police, the Ambulance Service, general practitioners, universities, churches, carers, mental health consumers, people related to those who have taken their own lives, and of course the general public.

The development of that policy has been a priority over the past 12 months and extensive consultation has occurred right across South Australia, including 350 people who attended forums in 12 metropolitan and country locations. This process revealed there is a vast array of services already available in the community that are either directly or indirectly working with people who are contemplating ending their own lives. It was evident that the coordination of these services was more critical to South Australia than just injecting more services into the system. There are a lot of services there, but they do not link with each other.

The feedback received on the draft strategy included 400 responders to the online survey and 18 written submissions and provided the necessary information for consideration by the South Australian Suicide Prevention Advisory Committee, which was established in April this year to oversee the development and implementation of the strategy. This committee comprises representatives from government, non-government, business and academia, as well as consumers, based on skill, expertise, lived experiences and their ability to influence suicide prevention initiatives in the community. I have met with the group and it is a great group of people.

The strategy that has been developed, which I released today on the website of SA Health, has seven goals that encompass a whole-of-community response to this issue. There are specific strategies for groups of people who are particularly vulnerable, including children and youth, Aboriginal and Torres Strait Islander communities, men and older persons. In the 2012-13 financial year, we have provided $530,000 plus to a range of services targeted at increasing awareness about mental health and suicide risk in our community. So, I think this is a bit of solid work.

I note that the opposition put out a statement last week, and I congratulate them for having an interest in this area. It is harder, I guess, in opposition to develop a comprehensive policy, but I think they could have done better than three or four dot points they had on a single sheet of paper. They could have, for example, consulted with the shadow minister for health about this issue—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order!

Mr VAN HOLST PELLEKAAN: Standing order 98. It is a great shame for the minister to be debating on such an important, sensitive issue.

The SPEAKER: Order! Thank you, you have made your point of order. Minister, have you finished your answer?

The Hon. J.D. HILL: No, I haven't, Madam Speaker. I was actually asked to compare our policy with other statements last week, and that's what I was doing. I am sorry the opposition doesn't like that, but that is what we are doing in here—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Point of order, Madam Speaker. Just because a Dorothy Dixer is couched in terms 'to invite debate' it does not give the minister freedom to debate. The standing orders are quite clear that question time is about asking and receiving information; it is not about debate.

The SPEAKER: Thank you. There was a bit of debate in that point of order. Minister, you do not have very much time left.

The Hon. J.D. HILL: No, I'm sorry, Madam Speaker, but I was trying to answer the question that I was properly asked. I now look forward to the implementation and positive impact of our new suicide prevention strategy and continue to work towards delivering 251 additional mental health beds and places across our state, with the commonwealth government, including a brand-new mental health and substance abuse hospital at Glenside. People in immediate distress or those concerned about another person can call the statewide telephone support line on 13 14 65. I would invite the opposition to consider this comprehensive report and make some additions to their beginnings in this area. I do congratulate them for having some thoughts on this issue.

EMPLOYMENT FIGURES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:21): My question is to the Minister for Employment, Higher Education and Skills. Welcome back. Can the minister advise why, despite Labor's 2010 election promise to create 100,000 new jobs by 2016, there are 8,200 fewer full-time jobs in South Australia now than when Labor made this promise?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:22): The important point here is to just think through the issue, and the important point is to have a goal. Before you have anything else you need to have a goal, you need a clear idea of where you want the state to be. That is the first step. Then, the second step is to look at the—

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: The second step is to look at the obstacles in the way, and the third step is to try to come up with solutions to address them. The opposition, and the Leader of the Opposition in particular, miss the first step completely, have no idea about a vision, no idea where they want the state to be, unable to take the first step—

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: —in enunciating a vision—

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

Mr VAN HOLST PELLEKAAN: Madam Speaker, there must be something in the water over there.

The SPEAKER: I presume your point of order is 98.

Mr VAN HOLST PELLEKAAN: 98, please!

The SPEAKER: Thank you. Sit down. Minister, I refer you back to the substance of the question.

The Hon. T.R. KENYON: The second step is to just outline the obstacles in the way, which is where the opposition jump immediately and are fixated on, obstacles in the way, problems, never able to contribute in the third step, any sort of solution to the situation.

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: We maintain that is a worthwhile goal to try to achieve 100,000 new jobs by 2016. We maintain that as a goal and we intend to continue to achieve that.

LIVE MUSIC

The Hon. M.J. WRIGHT (Lee) (14:23): Can the Premier inform the house what the government is doing to support live music in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:23): Can I say that we are seeking to revitalise the live music culture in South Australia. In the seventies and eighties, Adelaide was a vibrant music city which saw the emergence of legendary Australian bands—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —such as Cold Chisel, The Angels, The Masters' Apprentices—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: I'm sure you were down there at some of those concerts, when you had hair. I'm sure you were down there.

Ms Chapman: When you had hair.

The Hon. J.W. WEATHERILL: That's right. I had quite a bit of hair in those days. You've seen the photos.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: In the seventies the Largs Pier Hotel was perhaps one of the best live music venues in Australia. Jimmy Barnes with Cold Chisel, AC/DC, the Little River Band and The Angels all played there during the early days of their careers. Bon Scott, who later became the lead singer of AC/DC, even met his wife at the Largs Pier Hotel after a gig in 1971, so what a romantic place it was as well.

The Hon. P.F. Conlon: Let's not forget Mickey Finn.

The Hon. J.W. WEATHERILL: Mickey Finn, let's not forget him, whoever he is. We know that there is no shortage of talented and motivated people in the local music scene, and our task is obviously to create an environment that enables music, musicians, venues and professionals to thrive, and we are doing this, obviously, as part of our commitment to creating a vibrant city centre.

One part of that commitment is to attract more young people into the city to live, to work, to invest and, particularly in the light of recent events, we have to work on the safety of the city so that people do that in a responsible manner. That is why we intend to support what is already working well in this area and also change those things that aren't.

I can announce today that the government is supporting a new Thinker in Residence, Martin Elbourne, to support our efforts to revive Adelaide's live music scene. Martin Elbourne is the live music promoter who was one of the main bookers and executives for the Glastonbury Festival and promoted the first WOMAD Festival with Peter Gabriel. Mr Elbourne brings a wealth of experience in all areas of music industry and brings a global perspective to the issues that will affect the local music scene. He will work with musicians, venues, state and local government as well as anyone else with an interest in live music.

The residency is being hosted by the Don Dunstan Foundation—the first by a non-government organisation. Financial backers of the residency include Arts SA, Adelaide Fringe, Adelaide City Council, the Department of Planning, Transport and Infrastructure, and Regional Development Australia—Barossa.

While the core recurrent funding for the Thinkers in Residence program ends at the end of 2013 as announced in the budget, the government will provide a one-off grant of $185,000 for this live music residency. A staff member from the current thinkers program will also help set up the residency in a part-time capacity. This live music residency will focus on a range of issues that affect live music, like:

- supporting the establishment of small bars and new live music venues;
- ways to deal with associated liquor licensing, building code, noise and other regulatory challenges; as well as
- encouraging live music in places like our wine regions and Port Adelaide.

There has been an enormous amount of support expressed for this live music residency from the community and from industry and we look forward to everyone getting involved. They can get involved by getting onto www.dunstan.org.au.

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery of the former Speaker of the house, the Hon. Peter Lewis—good to see you here.

QUESTION TIME

EMPLOYMENT FIGURES

The Hon. I.F. EVANS (Davenport) (14:27): My question is to the Minister for Employment. As the government promised an extra 100,000 jobs by 2016, why does the government's budget employment growth forecast indicate that only 58,000 jobs will be created between 2010 and 2016, not the 100,000 jobs as promised?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:27): As I said in the last question—

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: —you have to have a goal. Our goal is to create 100,000 jobs. If you do not even know where you want to go, you are never going to get anywhere.

Members interjecting:

The SPEAKER: Order!

Mr Pederick: All those mining apprentices.

The SPEAKER: Order! Member for Hammond, want to take another walk? No birthday cake today; you'll go for the whole of question time. The member for Light.

ADULT COMMUNITY EDUCATION

Mr PICCOLO (Light) (14:28): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about recognition provided for the efforts of the adult community education sector in South Australia?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:28): I would especially like to thank the member for Light for this question. He is a well-known supporter of adult community education in this state—a vitally important part of the training in this state and set to become only more important.

Adult community education is widely acknowledged as an important starting point for many South Australians who may consider vocational education and training, university studies and employment to be initially out of their reach; that's why adult community education is a key element of the Skills for All strategy. The state government is providing $3.38 million in 2012-13 to the adult community education sector to fund 78 projects providing literacy, numeracy and digital literacy training in communities across South Australia. This year, we anticipate more than 7,400 people will be engaged in these programs.

Adult Learners' Week this year is being held from 1 to 8 September—so we are right in the middle of it—with more than 45 events being held across the state to recognise, promote and advance adult community education. Its theme this year is 'Digital literacy—learning in a digital world'. Last night the 2012 Adult Learners' Week Awards were held to acknowledge and recognise outstanding achievement in the sector.

Mrs Sue Steer, a retiree from Hackham West, was named South Australia's 2012 Adult Learner of the Year, showing it is never too late to learn new skills. Since returning to study three years ago, Mrs Steer has completed Certificate II in Active Volunteering and Certificate III in Community Services Work. In 2012 she successfully completed a Diploma in Community Services Coordination. Mrs Steer has also been an active member of the Hackham West Community Centre's board of management, and works as a volunteer to make a positive difference to others.

Ms Tanya Moralee from Bedford Training was named the Volunteer Adult Educator of the Year for her strong leadership in helping other trainees with learning disabilities to succeed in the Bedford Training Abilities for All program. Ms Moralee also became a volunteer at a local community centre, assisting as a mentor and delivering computing classes for beginners.

Susan Lang from the Glandore Community Centre was named the joint winner of the Paid Adult Educator of the Year, along with Mr Simon Cho from Bedford Training. The Adult Learning Program of the Year went to Glandore Community Centre for their Win that Job! program. This program assists people who have experienced long-term unemployment, or are underemployed, to gain employment.

The Learning Community of the Year Award went to UnitingCare Wesley Port Adelaide for their work at the Taperoo Community Centre. I understand that the centre is unique, as it is the only community facility in the local area running a diverse range of programs, including personal development, digital photography and computer skills courses.

I would like to thank the Adult Community Education sector for their efforts and the learning opportunities provided to their communities, and to the participants for taking on the challenge. I also congratulate the individuals and organisations who have been recognised as part of the 2012 Adult Learners' Week Awards for their achievements.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (14:31): My question is to the Minister for Finance. Given the minister's statement in 2010 that it was a really bad time to sell the forests, can the minister advise if it is a better time to sell the forests now, and if so, why?

Members interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:31): I am the Acting Treasurer. I think it is important to note that the South Australian government has acted in the interest of all people in the South-East, and I think, if you read the editorials from the—

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, I think you do, I think you do, and I found very interesting the press release released yesterday by the Liberal Party calling on us to subsidise all log mills in South Australia. I wondered whether or not the opposition have put out any offsets for that extra spending.

Mr Pederick: All or none.

The Hon. A. KOUTSANTONIS: None; that's right. The government has done the right thing by the people of South Australia. The government always acts in the best interests of the people of the South-East. I find it interesting that, when ForestrySA commit to contracts on 15 to 20 years log for some sawmills, that is not privatisation, but when we saw the forward rotations maintain ownership of the land, that is. I think the government has done the right thing by the people of South Australia, realising the value of those assets.

Mr WILLIAMS: Point of order, Madam Speaker. Relevance: the question was, 'Is it a good time—is it a better time to sell the forests?' Is it a better time?

The SPEAKER: Thank you, member for MacKillop. Minister, have you completed your answer?

The Hon. A. KOUTSANTONIS: Yes.

The SPEAKER: Thank you. Member for Taylor.

COMMUNITY SAFETY DIRECTORATE

Mrs VLAHOS (Taylor) (14:33): My question is to the Minister for Police. Can the minister give details—

Members interjecting:

The SPEAKER: Order!

Mrs VLAHOS: —about the Community Safety Directorate and what it is doing to ensure better collaboration across the community safety portfolios?

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) (14:33): I thank the member for Taylor for her question. I know she is a very strong supporter of the emergency volunteer brigades out in her electorate, and I have had the opportunity to visit those brigades with her.

On 14 August I announced the establishment of a Community Safety Directorate in South Australia, as I told the house yesterday in my response to the member for Morphett's question, and I was very pleased to appoint Tony Harrison, the former assistant commissioner of police, to the position of Director-General of Community Safety. As I said, Tony has already brought energy, expertise and ideas to the role that will see the directorate coordinate and implement processes aimed at a safer community for everyone.

The directorate will provide strategic advice and high level coordination across police, correctional services, emergency services and road safety, and oversee the development and implementation of policy. The directorate will not have any responsibility for budgetary or operational matters which clearly lie with our community safety agencies; these responsibilities will quite rightly remain with the relevant chief executives.

As Director-General, Tony Harrison will also take on the role as chief executive of the South Australian Fire and Emergency Services Commission (SAFECOM). The current Chief Executive, David Place, has been instrumental in the directorate to this point and has been appointed Deputy Director-General. The directorate will be a division within the Department for Communities and Social Inclusion, alongside the State Recovery Office, which will see planning, emergency management and recovery all under the same umbrella.

To support the ongoing work and direction of the directorate, a chief executives leadership council will be convened along with a senior officers working group to ensure that all those agencies, associations and unions with a vested interest in the operation of the directorate get a say on how we deliver real benefits to our community. Five employees have been seconded from the Department for Correctional Services, SAFECOM, the CFS, the MFS and the Department of Planning, Transport and Infrastructure to work within the directorate. It will be a small team working on big ideas.

South Australia has enjoyed relatively few major disasters in recent years through a combination of good fortune, good planning and hard work. We have also seen a reduction in road deaths and victim-reported crime. We have the lowest return-to-prison rate in the nation. With a track record like this, it would be easy to sit back and admire our achievements. Instead, we are asking the hard questions about how we can take these achievements to the next level.

This may include improved support for volunteers, many of whom in regional areas are simultaneously involved in multiple agencies; better coordination of public safety messages that are issued by different agencies at peak times; cooperation on IT and infrastructure projects; leveraging the expertise of police, the DPTI, the CFS, the MFS and the SES when dealing with issues around road safety; coordinating responses to inquiries and reviews; and developing sector-wide policy with input from all agencies from the ground up.

In 1838, South Australia established the first centralised police service in the world. We were a world leader. Back in those days the police also helped put out fires, transport the ill and injured and locked people up in mobile prison cells. Twenty-four years later the MFS was born and, over the next 150 years, the process of specialisation continued and we developed some of the finest community safety agencies in the world.

This directorate is not about reinventing the wheel: it is about rediscovering the common purpose and shared heritage of the tens of thousands of officers, employees and volunteers who

choose to put their community before themselves. It will also make sure that after 175 years we continue to show the world how it is done.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Dr McFetridge: Pig's bum.

The SPEAKER: Order, member for Morphett! I know you are used to animal parts but, really, that was not befitting parliament.

Members interjecting:

The SPEAKER: Order! The member for Morialta.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:38): My question is to the—

Members interjecting:

The SPEAKER: Order!

Dr McFetridge: You should have talked to them.

The SPEAKER: Order, member for Morphett!

Mr GARDNER: My question is to the Minister for Education and Child Development with responsibility for child protection. Four years after the police discovered the 'house of horrors' and a year after the perpetrators were sent to jail, why has the review announced by then minister Weatherill in July 2008 not been completed?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:39): Very simply because we had to wait for the criminal and court proceedings to conclude—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —and the Child Death and Serious Injury Review Committee has been doing a very thorough job, I am sure you would appreciate.

Mr Pisoni interjecting:

The Hon. G. PORTOLESI: I think all of us would do well to keep politics out of child protection issues. It is a serious question and I am answering it in good faith. In fact, I think within days of becoming minister I met with Deej Eszenyi, the chair of the committee, and they flagged that soon they would be undertaking that work. We gave a commitment to support that committee. In fact, we gave extra funding and extra resources to that committee to enable them to undertake the very thorough work that they needed to undertake, and they are doing that.

Mr GARDNER: I have a supplementary question, Madam Speaker.

The SPEAKER: If it is a supplementary, yes.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:40): The minister identified that extra resources were given as promised by minister Weatherill on 3 July 2008 and he said that it would be done as quickly as possible. My question is: when will it be completed?

The SPEAKER: I will consider that a question.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:40): I met with Ms Deej Eszenyi just the other day to talk about a number of matters of interest to the committee and myself, and she advised me that they are progressing very well through the report. I expect that the work will be coming to a conclusion soon but I am not going to interfere with the timing of their report. This is very important. They will prepare the report and they will take

as much time as they deem necessary, and they have the government's full support, so I believe that the report will be ready soon.

KAPUNDA HIGH SCHOOL

Mrs VLAHOS (Taylor) (14:41): My question to the Minister for Education and Child Development. Can the minister inform the house about the government's investment to redevelop and restore the heritage-listed building named Eringa at the Kapunda High School site?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:41): I would like to thank the member for Taylor for this important question. I was very pleased just recently to attend, together with the member for Stuart, the opening of the beautifully restored (in fact, I opened it) Eringa building at Kapunda High School. The restoration of this outstanding building is a fantastic effort and I would like to acknowledge the principal, Kristen Masters, and the many teachers and past principals who were also there at the function and, of course, the students and the broader community. It really is an enormous reflection on their commitment.

Eringa was the former home of the South Australian cattle king, Sir Sidney Kidman, and Lady Kidman, who generously donated their home to be used as a school. Today it is used for much more than just administration, although it does house the administration of the school, but it is also used for students for course counselling, the SRC, the governing council and other meetings. The official opening and the leadership of the students during this event was an absolute credit to the school. I am sure that the member for Stuart would absolutely agree.

I am very proud to be a part of a state government that has invested more than $3 million alone in this building to bring it to a point where not only do we preserve the heritage of the building and the community but we also create a 21st century learning space for that school. I would like to extend my congratulations to that school community. Whilst I was in Kapunda, I also visited Kapunda Primary School and had a great opportunity to meet with the students. I had a chat with student leaders and met with new staff at the school, and, I heard a great deal about the fantastic work they were doing in relation to literacy and numeracy. I thank both those school communities for welcoming me so warmly.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:44): My question is again to the Minister for Education and Child Development with responsibility for child protection. Is it the case that a Families SA staff member visited the 'house of horrors' on a number of occasions prior to police intervention in June 2008 but did not report the conditions at the house and, if so, why?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:44): It would appear that, according to all reports, that is the case.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:44): As a supplementary question, I acknowledge that the minister has indicated that a Families SA staff member did attend at the house. Is that staff member still employed in the Public Service?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:45): I think it is in everyone's best interest that I get back to the member for Morialta, but can I say here that all these issues are currently the subject of very thorough investigation, as they should be, by the Child Death and Serious Injury Review Committee, an independent body with important powers that this government set up. I am not going to interfere in that investigation, but this issue—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I am happy to bring back a more specific, detailed answer if that is possible, but I would like to assure the member for Morialta that all things that should be the subject of scrutiny, I am certain, are currently being investigated by that committee.

Members interjecting:

The SPEAKER: Order! Member for Light.

SMALL BUSINESS COMMISSIONER

Mr PICCOLO (Light) (14:46): My question is to the Minister for Small Business. Can the minister update the house on the progress of the Office of the Small Business Commissioner and the mediation panel and services?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:46): I thank the member for Light for his keen interest in the Small Business Commissioner. He is one of the architects of South Australia leading the nation in terms of its interactions with small business and its advocacy on behalf of small businesses, despite members opposite abandoning their traditional base.

I am pleased to inform the house that the Office of the Small Business Commissioner continues to go from strength to strength, and I notice the member for Norwood nodding, which is interesting given that he voted against its establishment. Since opening only five months ago, the commissioner's office has provided assistance and support to over 180 businesses.

Keeping in mind that some cases remain active, I am delighted to advise the house that there has been an impressive 85 per cent successful resolution of completed cases. The formula is simple, and I question again why the dark forces at work in the Liberal Party opposed the establishment of this office. The office provides a low-cost and rapid dispute resolution—

The Hon. J.D. Hill interjecting:

The Hon. A. KOUTSANTONIS: Dark forces, yes. The office provides a low-cost and rapid dispute resolution for small businesses that are generally denied access to justice because of the escalating financial costs of legal services. The commissioner will attempt to facilitate resolution of disputes in the quickest, most cost-effective manner to ease the burden of legal expenses for both parties. Should the commissioner's office not resolve disputes, formal mediation is called upon. These mediation services will be a key part of the assistance offered by the commissioner's office.

A tender process was completed to establish an external mediation panel for the commissioner's office. There are four companies on the initial panel, which will operate for two years with an option to extend for one year. Mediation costs through the tender process total $900 per day, which is well below commercial rates. However, the fee set by the state government is $195 per day. This will ensure that, throughout South Australia, small businesses will have access to low-cost mediation services.

I encourage all members to inform their local small business constituents about the commissioner's office and I again call upon the opposition to finally admit that they got it wrong and throw their full support behind the Office of the Small Business Commissioner.

The Hon. I.F. EVANS: Point of order: standing order 119.

The Hon. A. Koutsantonis: Yes, I'm reflecting on a vote of the house—you got it wrong.

Members interjecting:

The SPEAKER: Order! Minister, have you finished your answer?

The Hon. A. KOUTSANTONIS: Madam Speaker, I am not reflecting on a vote of the house, just the members opposite who have abandoned small business.

Members interjecting:

The SPEAKER: Order! I think the member for Davenport and the minister can take this outside if they want to continue this across the chamber. Minister, have you finished your answer?

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

The SPEAKER: Thank you. The member for Morialta.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:49): My question is again to the Minister for Education and Child Development with responsibility for child protection. I refer the minister to the case of the 11-year-old boy who was reported as having run away from residential facilities of Families SA on 30 occasions, having been supplied with drugs and sexually assaulted on at least one of those

occasions. Why has Families SA rejected calls by the boy's mother that he should be enrolled in a specialised intervention program?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:50): I am very happy to answer this question but I have just been advised that the staff member to whom the member for Morialta referred to earlier is no longer in the employment of the department.

Ms Chapman: Why wasn't she prosecuted?

The SPEAKER: Order!

The Hon. G. PORTOLESI: In relation to the matter that the member just referred to, there has been some suggestion that a camp operating in the Northern Territory would be of benefit at this point in time for this particular case. I have asked the department to look into this and any other similar program that can assist. However, I am advised that there are some serious concerns about the program. Other states and territories do not utilise the program due to the lack of adequate supervision to ensure the safety of young people and the lack of training that mentors undertake to deal with traumatised young people. However, at this stage, we are working with the family and with the young person to ensure additional supports and services are provided to them at this time.

My priority and the priority of my department is to ensure that we have child protection professionals providing appropriate counselling supports and services to this young person and to his family. We are dealing with a child who has very challenging behaviours and we are certainly doing our very best to support this child at this particular moment in time.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:49): I have a supplementary question. I refer directly to the beginning of the answer by the minister where she said that the staff member involved is no longer employed by the department. I would ask that the minister please investigate and report back to the house whether that public servant is in fact still employed within the Public Service as a whole?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:51): Yes, I am happy to do that.

SUSTAINABLE BUILDING

Ms THOMPSON (Reynell) (14:51): My question is the Minister for Sustainability, Environment and Conservation. Minister, what measures are being considered by the government in order to facilitate green building development in South Australia?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): I thank the honourable and outstanding member for Reynell for her question. Over one-fifth of South Australia's greenhouse gas emissions result from the building sector. Following on from previous programs aimed at reducing the carbon footprint of our built environment, the government is considering new initiatives that will benefit business and the environment.

In April, the Premier's Climate Change Council provided advice about environmental upgrade finance, recommending the establishment of an innovative green building finance mechanism in South Australia. Members may have noticed my tabling of the advice and response a short time ago, and I am pleased to indicate that the government welcomes this idea and will be taking further steps in considering its implementation.

Environmental upgrade finance allows a loan to be tied to a property, rather than a property owner, to finance a building upgrade project that results in reduced energy and water costs. It also allows loan repayments to be collected via a statutory charge that is levied on the property and passed on to the financier. In the event of transferring ownership of the property, the loan remains with the property and the obligation to make the repayment transfers to the new owner, along with the benefit of reduced utility costs.

In June I released a consultation paper seeking the views of the finance, property and local government sectors regarding this potential mechanism. The feedback was positive and a number of valuable insights and suggestions were offered about alternatives for making such a scheme work well. An investigation into the location and potential scale of the commercial building retrofitting opportunities was also completed.

This study was undertaken by Arup Pty Ltd, an independent firm of planners, engineers and technical specialists. The investigation found that the retrofitting potential of commercial office buildings in the CBD and fringe areas could unlock between $70 million and $666 million of capital investment in environmental upgrades. Between 310 and 2,685 direct jobs could also result from this work whilst also achieving between 6 per cent and 32 per cent in greenhouse gas savings. This study can be accessed at www.sa.gov.au/climatechange.

An honourable member interjecting:

The Hon. P. CAICA: Very good on the computers, but I myself would eventually find it after a while and a bit of trying. Further investigations will be undertaken in consultation with key stakeholders with a view to developing a business model and business case for establishing environmental upgrade finance for commercial buildings in South Australia. I look forward to progressing this very important project with the support of our opposition.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:55): My question is to the Minister for Education and Child Development. In relation to the staff member who has been the subject of recent questions, why hasn't that staff member been referred to the DPP for prosecution in relation to failure to meet mandatory reporting obligations?

The Hon. P.F. CONLON: Point of order: the question contains a great deal of assertion in it. I would hope that those assertions are correct, and they should not be contained in a question.

Mr GARDNER: Madam Speaker, I was purely referring to the minister's previous answers.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:56): This is a very, very slippery slope.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: No, you are making assumptions about the obligations that she had, and that is incorrect. But what is correct is the fact that the Child Death and Serious Injury Review Committee is all over this issue. The second thing I can report is that this officer, I believe, in 2009 left the public sector. So, you are making assumptions about the obligations of this officer; I am not sure that they are correct, but what I am sure about is that the committee will get to the point of this and if there is any relevance here.

The SPEAKER: Thank you, minister. I was going to refer back to that question, but you did choose to answer it—and I think it was appropriate that you did—quickly.

VOCATIONAL EDUCATION AND TRAINING

The Hon. S.W. KEY (Ashford) (14:57): My question is to the Minister for Employment, Higher Education and Skills. Can he inform the house about the assistance to South Australians who are or have been under the guardianship of the minister with regard to entering vocational education and training?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:57): I thank very much the member for Ashford for this question. She is a constant advocate for those under the guardianship of the minister and their need for training and education. She is very energetic in pursuing that interest.

The state government's Skills for All reforms aim to increase skill levels, lift workplace participation and increase productivity by offering training for existing workers and those trying to break into the workforce. Today I am pleased to announce several measures we are taking to make it easier for South Australians who have been in state care to get into training and find a job.

People under these orders are often among the most disadvantaged in our community. Their experiences and instability in childhood can often result in lower educational qualifications forming a persistent barrier to participating in the workforce throughout their adult lives. We anticipate that about 120 people a year who are or have been in state care will now be able to take up vocational education and training courses due to the easing of restrictions, and that is more than double the number of people who in the past have accessed this training.

The free courses were previously offered only through TAFE SA but are now being offered through any registered training organisation that has qualified as a Skills for All provider. Previously, the fee waiver policy for students contained restrictions depending on age, the type of order, the qualification levels and the number of training courses.

For example, fee waivers were previously only available to those who were under orders until 18 years of age and not those who were under the guardianship of the minister for under 12 months. Free courses will now be offered to both groups. Up until now there has been an age limit cut-off of 25 years for the free courses. This has been removed and anyone who has previously been under the guardianship of the minister is now eligible. Previously, they could access a maximum of two free courses and this is now unlimited.

The state government acknowledges that people under the guardianship of the minister often need greater support to participate in learning and to complete a qualification. Learner Support Services are currently being trialled in TAFE and expanded to a number of Skills for All providers, with priority access being granted for people who are or have been under the guardianship of the minister.

Education is a powerful tool for transforming lives, and ensuring all South Australians can have this opportunity is incredibly important. This is about ensuring that people have every opportunity to reach their full potential regardless of an individual's circumstances, background or family history. Removing the cost barrier for these people means that they have the opportunity and the support to undertake further training because costs of the courses are not an issue. I am extremely optimistic that those South Australians who are or have been under a guardianship order will take up these opportunities providing a pathway to learning and skills development, a pathway to satisfying employment, a pathway to a successful career, and a pathway to a brighter future.

FLINDERS MEDICAL CENTRE

Mr HAMILTON-SMITH (Waite) (15:00): My question is to the Minister for Health. Has the minister's claim, made on 28 August, that no patients had been ramped in ambulances at Flinders Medical Centre since 16 July been proven inaccurate and, if so, what are the correct facts?

On 28 August at Flinders Medical Centre the minister said: 'We've had no ramping here for whatever period of time, for some six or seven weeks.' That afternoon, Phil Palmer of the Ambulance Employees Association stated: 'We've been advised by our members there's been numerous occasions of ramping over the last seven weeks.' The following day, the state secretary of the Australian Nursing and Midwifery Federation, Elizabeth Dabars, said there was 'up to six ambulances outside the hospital awaiting to unload their patients' the previous evening at Flinders Medical Centre.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:01): I thank the member for his question. I have a detailed explanation, which I have four minutes to complete. I will just give you some background information. In July 2012 the Flinders Medical Centre emergency department recorded 5,978 presentations, compared with 4,995 in July the year before.

The percentage of time that the emergency department spent in the white demand status (high demand) in July 2012 compared to that previously was as follows: the monthly average for July 2010 was 42.46 per cent, for July 2011 it was 12.6 per cent, and for July 2012 it was 6.7 per cent; so we have seen a real reduction in the amount of time people spend in that high demand area. That improvement has occurred despite significant increases in demand, and it is an indicator of the improved patient flow at the FMC. We are also told that mental health patients were spending less time there.

On 28 August, which I think is the day that the member referred to, 192 patients attended the Flinders Medical Centre emergency department. There were some notable peaks of 17 attendances at 10 o'clock at night, which is higher than average, which resulted in that white demand status for several hours. Other metro areas were also experiencing a peak in demand. There is a whole range of escalation plans implemented. Staffing was made available to all areas as requested, especially in the emergency department, to compensate for the peaks in demand.

There were four delayed transfers that occurred, all triage category 3: two ambulances were delayed for 25 minutes, one ambulance was delayed for 35 minutes, and one ambulance for 105 minutes. This last case was a transfer from the Ashford Hospital, so it was an intrahospital transfer; it was not a patient coming in from a particular episode. They are the facts. Now, they

have been described one way by the hospital and they have been described in other way by the unions, but they are the facts. There were four ambulances on that day, but two ambulances were delayed for 25 minutes and one ambulance was delayed 35 minutes.

What the hospitals try to do is to have a transfer of patients from the ambulance within certain set time frames. The performance over the last six weeks or so has been vastly improved. There is no policy to hold patients in ambulances outside the emergency department as there was prior to the recent changes at the hospital. We are also implementing, of course, a range of initiatives that were suggested by Dr Monaghan. What I am confident of is that there are vast improvements in the emergency department and the—

Members interjecting:

The Hon. J.D. HILL: Madam Speaker, the interjections on the other side, of course, do not aid debate. What they do is just show that there is a competition on the other side for attention. We understand that; we understand that competition for attention. But the reality is that different people can have different views about a set of events. The department's and the hospital's advice to me was as I described it to the media on that day, and I have just given you the evidence which supports that advice.

GOVERNMENT STATIONERY CONTRACT

Mr BIGNELL (Mawson) (15:04): My question is to the Minister for the Public Sector. Can the minister inform the house about savings achieved through the new across government stationery contract?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (15:04): I thank the member for Mawson for this particular question. Members will be interested to know that the government has completed the tender process for a new across government stationery contract that delivers better value for money. The new contract is for the provision of stationery and related products over the next three years with an option to extend for another three years.

Ms Chapman: Does that include cartridges?

The Hon. M.F. O'BRIEN: Yes, it does actually, so all will be revealed. The estimated total value of the contract over six years is $160 million. I am pleased to inform the house that there will be an estimated saving to the government and taxpayers of around $5.36 million over the initial three-year term of the contract.

The contract will be mandated and implemented across the majority of state government agencies in the metropolitan area. Benefits of this arrangement include reduced transaction and ordering costs through more streamlined processes. It is also anticipated there will be improved reporting and better service delivery.

Members will be aware that there was a number of publicised examples of public servants receiving benefits in exchange for making inappropriate purchases of printer cartridges. As the Minister for Finance, I directed that this across government stationery contract not only deliver better value but also explicitly prohibit the provision of private benefits to public sector employees. Government agencies across the entire state will only be able to make purchase of printer cartridges from the contracted suppliers.

Madam Speaker—and this would be of interest to you having a regional electorate—the government took into account the needs of regional areas when adopting these new arrangements. With the exception of printer cartridges, government agencies in country towns will be able to continue to order stationery from local suppliers if they choose to do so, thereby maintaining investment and business activity in regional communities. I am also pleased to inform the house that the contracted suppliers will support South Australian communities through sponsorship commitments to Indigenous education and netball.

NATIONAL LITERACY AND NUMERACY TESTS

Mr PISONI (Unley) (15:07): My question is to the Minister for Education and Child Development. Can the minister explain why South Australia's NAPLAN results last year were worse than the previous year in 14 out of 20 categories, including year 5 and year 7 students performing worse in writing, spelling, grammar and numeracy. Yesterday, the education minister told the house, and I quote:

I think it takes a great deal of courage for any government to acknowledge that we should aim to be the very best that we can be. This is an aspiration that this government has for our children in our community...

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:08): Now he is quoting Mao Tse-Tung.

An honourable member interjecting:

The Hon. G. PORTOLESI: That's his brother. It's his brother who is quoting Mao Tse-Tung, yes, and let a million thoughts contend. I absolutely stand by what I said yesterday in relation—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni: Tell us about the NAPLAN results.

The SPEAKER: Order! Member for Unley, order!

The Hon. G. PORTOLESI: I am very happy to answer that question—a question I have addressed in this place a number of times. Our NAPLAN results are steady. We track the same as, say, WA and Queensland and, yes, this government has very high aspirations for its students. I have asked my department to do some serious work in relation to literacy.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. G. PORTOLESI: So, yes, I stand by what I said. It does take a lot of courage for any government to say they aspire to be the best; that is what I aspire for our students. Of course, I want our NAPLAN results to be better. I have always said that and we have a number of strategies in place to achieve that.

Mr PISONI: Point of order, Madam Speaker: the minister answered a question that related to the explanation, not the question. The question was: why did we go back in 14 out of 20 categories in our NAPLAN scores last year?

The SPEAKER: Thank you.

Mr PISONI: Why? Why did it happen? That was the question.

The SPEAKER: Thank you; you have made your point, member for Unley. The minister can choose to answer the question as she wishes, and she has done so. Minister, do you wish to add anything further to your question?

The Hon. G. PORTOLESI: No.

The Hon. P.F. CONLON: Point of order: do I understand that the member for Unley is contending that his explanation had nothing to do with his question?

The SPEAKER: Well, I wondered at the time, when you made the explanation. Have you finished your answer, minister?

The Hon. G. PORTOLESI: Yes.

NATIONAL LITERACY AND NUMERACY TESTS

Mr PISONI (Unley) (15:10): I have a supplementary, Madam Speaker: could the minister explain the strategies that she has in place for numeracy and literacy?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:10): Yes, with enormous pleasure. We have an early learning literacy strategy, 264 reading support teacher roles being provided for schools to develop a reading expertise, training for reading support teachers offered across the state. Our TEFL program—internationally recognised—developed by my department, is now being used as a key reference point for improving the quality of teaching and learning in our schools.

Our literacy secretariat coordinates literacy initiatives. The primary mathematics and science strategy has seen more than $50 million in funding to provide approximately 6,900 primary teachers with intensive professional learning in science and maths since the program began in mid-2010. Of course, our literacy and numeracy national partnership placed 14 numeracy coaches and 14 literacy coaches in schools across five regions. And, I have made it very clear that this will

continue to be a focus of our effort. They asked me what we were doing; I have made it very clear what we are doing.

VISITORS

The SPEAKER: Members, I understand we have in the gallery Ms Michelle Sibbons, who has just won the Pride of Australia Medal for care and compassion, sponsored by News Limited. Congratulations.

GRIEVANCE DEBATE

CHILD PROTECTION

Mr GARDNER (Morialta) (15:12): In June 2008, when police discovered what became known as the 'house of horrors', a Housing Trust property in Parafield Gardens where more than 20 children were subject to some of the most appalling degradation, neglect and appalling conditions imaginable—

The SPEAKER: Order! Can we have less background noise, please? Members have finished; can they please leave the chamber and give the member some courtesy.

Mr GARDNER: Thank you, Madam Speaker. The South Australian community were rightly appalled in June 2008 when the circumstances surrounding what became known as the 'house of horrors' became known to the wider public. It was described by police officers working the case who have recently spoken to media sources, including the police review, as the worst case they had ever seen in relation to child protection, of appalling abuses and neglect. The systematic abuse, systematic neglect and degradation by those who were supposed to be there to love and care for them strikes at everything that we believe should be in a family life, and South Australia has been appalled.

On 3 July 2008, in response to the matters relating to the 'house of horrors', the Premier (then as minister for families) made a statement to the house in which he advised the house that the case had been reviewed and referred to the Child Death and Serious Injury Review Committee. The Premier said, 'I have asked the committee to report as soon as possible, and it will be provided with the necessary resources to do so.' That was on 3 July 2008. It is now September 2012.

From 2008 right through until the middle of 2011, the government was saying that they could not comment on the review, and the review could not even be progressed, because the Child Death and Serious Injury Review Committee was prevented, legally, from going into cases that were currently before the courts. The perpetrators of these claims are in gaol, members of the house and Madam Speaker.

The perpetrators of these crimes have been sent to gaol; the matter is not before the courts. The Child Death and Serious Injury Review Committee, we have heard confirmed today by minister Portolesi, is still investigating the matter—the matter that was referred to them to be dealt with as quickly as possible on 3 July 2008. This could not be of more vital importance. I will go back to the Premier's original ministerial statement where he describes why it is so important that this matter be dealt with and the information provided. The Premier said in 2008:

> There is justifiable concern as to how this family could slip through the net. Therefore, I have referred the matter to the Child Death and Serious Injury Review Committee, which is chaired by eminent lawyer and past president of the Law Society...Deej Eszenyi.

The Premier went on to say:

> The committee's establishment was a key recommendation of the Layton report. Ms Layton identified as one of its key purposes that it specifically determine the quality and effectiveness of interventions with abused and neglected children and their families. It has the specific mandate to identify legislative or administrative means of preventing future deaths or injuries. Significantly, the committee has the authority to compel answers, and so override confidentiality provisions which would otherwise apply to these matters.

On 3 July 2008, Premier Weatherill, when he was then the minister, identified to the house exactly why it was so important that this review should take place, be reported and be available—years ago. If this committee is to have value, it is so we can learn from the mistakes that have happened. We can see where problems have occurred. There is no greater sign of problems in our child protection system than the occurrences at the 'house of horrors' in the first half of 2008, yet 4½ years later we sit here with a mute government unable to comment, save to say that its review is still to arrive.

The minister has apparently had a coffee with the chair of the review committee, but she cannot say anything about it. Four and a half years later we are unable to learn what remedies the government has in relation to the matters in the 'house of horrors', the matters that led to the departmental handling of the 'house of horrors'. It is an appalling state of affairs. It is not good enough.

A year after the perpetrators of these awful crimes have gone to jail has to be adequate time to conduct the sort of review required so that we can learn from the mistakes that were made, so that we can implement any legislative changes that may need to be made, so that we can change any departmental practices and processes that need to be improved. Yet, all we hear from the minister is, 'Sorry, I can't comment on that because the CDSIRC is still discussing the matter.' It is time for the government's review to be completed so that we can go forward, so that the community can be confident in the child protection system that the South Australian government is delivering. The community deserves no less.

SOUTHERN ADELAIDE TRANSPORT INFRASTRUCTURE

Mr BIGNELL (Mawson) (15:17): It gives me great pleasure to rise here today to talk about the wonderful infrastructure build that is happening in the southern parts of Adelaide. Last Friday, the federal member for Kingston, Amanda Rishworth, the member for Kaurna (our health minister, John Hill), and I were fortunate enough to be among the first non-construction people to walk on the new bridge that spans the Onkaparinga River, the 1.2 kilometre rail bridge that is the third longest incrementally launched bridge in the world, the longest in Australia. That stands as a great testament to the planners from the Department of Transport and Infrastructure and the joint venturers who have taken on the project to build that bridge.

The bridge, of course, is a very important component of the extension of the rail line from Noarlunga down to Seaford. By next year we will see the delivery of the very first electric trains in South Australia as we electrify the line to Seaford. Testing and driver training will be carried out on the line between Seaford and Noarlunga during next year and, by the end of next year, passengers in the south will be able to travel on the electric trains into the city. It will be a 35 minute trip, so a very quick, very quiet, very fuel-efficient journey from Seaford into the city. It will be 35 minutes on a non-stop train trip.

As I said, it is a 1.2 kilometre bridge, and it is part of the $291.2 million Seaford rail extension. I must pay tribute to the federal government. It has come to the party with a great deal of funding. As I mentioned at the outset, Amanda Rishworth was there last week. Amanda has done a great job working with local members, such as John and myself, so that we can get the maximum amount of funding from both the state and federal governments to really build the southern part of Adelaide.

If we look just across from the Seaford rail bridge, we see the Southern Expressway, which is coming along in leaps and bounds. Unfortunately there are a lot of road restrictions on there, and there are a lot of speed restrictions where people have to slow down to 60. We must remind people that that is entirely the fault of the former Liberal government for not having the foresight to build the bridges wide enough for the duplication to take place down the track. Not only did they not have the foresight to build a two-way expressway in the first place, they also did not have the common sense to build the bridges wide enough.

Each of those bridges, with the exception of one because of the geographical line that it is in, has to be extended so that we can fit the extra two lanes in one part and four lanes in another part onto the western side of the existing expressway. We apologise to those people who are having to slow down on the expressway while the work is being undertaken, but we all know who is responsible for that.

The Southern Expressway duplication is entirely funded by the state government, and work should be finished by midway through 2014. I am very happy to say that I have been chairing the Southern Expressway Employment Taskforce, and we are making sure that as much work as possible goes to people and companies living and working in southern Adelaide. We are achieving very high targets. We set 50 per cent and we are running at about 50 per cent at this stage. We are continuing to monitor those figures to ensure that the south not only benefits from having a two-way expressway but it benefits from having the lion's share of the $400 million worth of work that goes into that.

Another great piece of infrastructure that members across the other side would have noticed when they went to McLaren Vale last week for their love-in is the McLaren Vale overpass,

an $18 million project that will be finished ahead of schedule. The first car should be driving on that well before Christmas and the landscaping will take place in autumn next year, when it is the right time to be planting trees, I am told. So, that is $18 million, again with the federal government chipping in a lot of money there.

We thank the federal government, in particular the minister, Anthony Albanese, for the cooperation that they are showing, but it is also testament to the fact that our department and our minister, Patrick Conlon, always have plans on the go, ready to implement them. As soon as there is federal government money there, they want to see projects that stack up, so if you go to the government and say, 'We have this project, all that is lacking is federal funding,' they will get in behind it. The McLaren Vale overpass, the duplication of the Southern Expressway, and the Seaford rail bridge which will be open on Saturday week—very good infrastructure news in the south.

SHACK LEASES

Mr PEDERICK (Hammond) (15:22): I presented to the South Australian parliament today the second offering of a petition with a further 1,481 signatures from concerned South Australians regarding the life tenure shacks which are on crown land, following the introduction of the Crown Land Management (Life Lease Sites) Amendment Bill. With the 1,481 signatures today, there will be a total of 3,431 signatures for this petition showing tremendous support for the Hon. Michelle Lensink's bill which amends the Crown Land Management Act. Firstly, Michelle has been fantastic in the work she has done preparing the draft bill for the shacks right across the state from Glenelg River through to the Coorong, Milang, Fisherman's Bay and other places so that people have the ability to have tenure.

As I represent the electorate of Hammond, I represent the shack owners of Milang, and I must admit that those shacks are absolutely fantastic down there, and the Alexandrina Council has been extremely proactive, including providing sewerage facilities to the Milang shacks in the early 2000s. I will read the petition's argument to the House of Assembly:

> We draw the attention of your honourable house to the current arrangement for the management of shack leases. The current life tenure shack lessees feel that the current plan for shack leases provides a high level of uncertainty, will have a negative impact on the environment and will potentially remove access to assets that have been used by families for generations. The government needs to work cohesively with lessees to ensure that both environments and lifestyles are preserved.

The request states:

> Your petitioners are calling on the government to enable councils to take effective care, control and management of shack sites such as Glenelg River, Milang and other locations so that people can justify investing in these shacks by gaining tenure. We ask that the government enable shack lessees to sublease from the local government authority rather than leasing directly from the South Australian government.

The Liberal Party introduced a bill for an act to amend the Crown Land Management Act. This Crown Land Management (Life Lease Sites) Amendment Bill was before the South Australian parliament in a slightly different form in 2005, and I must acknowledge there has been a number of dedicated shack owners who have been working tirelessly behind the scenes to gather support and make their issues known.

This bill, which this petition supports, impacts the life tenure shacks which are on crown land. We do realise and recognise that not all shacks are on crown land, with some shacks found in national parks such as the Innes National Park, and the Liberal Party has been working with these particular shack owners in order to support their cause also.

Many of the life tenure shacks across the state are in various states of repair or disrepair, and it is likely that a number of them will deteriorate further because the owners have no incentive to improve or maintain them. Some of the shacks date back as far as 80 years and many require a facelift; the problem is that they are at the end of the line. When the current tenure holders pass on, the tenure returns to the crown and the shack must be pulled down at the expense of the estate, leaving no incentive for lessees to invest or upgrade.

The Liberal Party thinks this is an unnecessary loss and the aim of this bill is to provide the incentive for owners to perform a facelift of their shacks. Shacks in our nation have a strong tradition, with links to the beach or river, escaping with your family and friends on a long weekend, school or Christmas holidays and, if the shacks are allowed to deteriorate and disappear, local towns will lose tourist opportunities and seasonal income.

'Shackies', as the lessees are more fondly known, take pride in their particular sites, many of which have generational ties to their 'patch'. The amendments in this bill aim to encourage shack owners to maintain their shacks to a higher standard not only for their use but also to improve the general environment for all users and provide a long-term assurance to shack site owners.

We are not talking about multimillion dollar shacks that resemble a second home; we are talking about simple yet effective shacks which have been used by families for generations, and they are an icon—especially the ones I have in my electorate in Milang. It should also be mentioned that shack owners pay very high fees and rates—in the vicinity of $2,000 and $3,000 yearly—for the privilege of having those sites, and those fees are continually raised by local and state government.

Credit for initiating the bill really does need to be given to the district councils of Alexandrina and Grant in the early 2000s, and I will make mention of the Alexandrina Council's proposal, tabled to the old DEH, called 'Port Milang shack sites: proposed change of land tenure', in which Alexandrina agreed to provide the care, control and management of the shack precincts under a heads of agreement signed by shack owners and council.

I must thank Mr Keith Parks, councillor of the Alexandrina Council; Mr Keith Turner, President of the Port Milang Shack Owners Association; Mr Geoff Galasch, Vice President of the Coorong Shack Owners Association; a number of other representatives of shack owners associations across the state, including the Pondalowie Shack Owners Association; and, of course, all those who distributed the petition and chased signatures.

ONAM FESTIVAL

Ms BETTISON (Ramsay) (15:27): On Saturday 18 August I had the great pleasure of attending the annual Malayalee food and cultural festival, Onam, at the Croatian Club in Brompton. This kind invitation was given to me by Mr Sreekumar Kesavan of the Adelaide Metropolitan Malayalee Association. The association is a not-for-profit, registered community and cultural organisation whose 1,200 members have a common origin in Kerala in the south of India. Members are able to exchange views and foster friendship, goodwill and understanding whilst making the most of opportunities for literary, cultural and entertainment activities.

For the Onam festival, the association undertook the huge task of organising an afternoon and evening of stunning cultural entertainment performed by its talented members. Onam is the state festival of Kerala and it is celebrated with extreme enthusiasm and zeal throughout the state, irrespective of caste, creed and community. Malayalee communities all over the world come together to celebrate this festival, just as they would have had they never left Kerala.

Legend has it that there once lived a wise and generous asura (demon) king. King Mahabali was highly regarded and when he reigned all his subjects were happy and prosperous. The festival celebrates the king's annual visit from Patala, the underworld. The festival is marked with wonderful celebrations including intricate rituals, feasts, songs, dance, games and fairs. It is also known as the harvest festival of the state and is celebrated at the beginning of the first month of the Malayalam calendar, called Chingam.

On a personal note, my love of Indian dance, culture and tradition can be attributed to my year spent in Penang, Malaysia in 1991 as a Rotary exchange student. Living with several Indian families left me with not only a fascination for the art, history and literature of the culture but also a passion for Bollywood movies and dance. I was not disappointed. The Onam festival was a feast for my senses.

Kummatti Kali is a famous and colourful mask dance that is performed during the Onam festivals. The dance is based on a Shiva myth, and dancers typically wear heavily painted, colourful wooden masks depicting the faces of the Hindu gods Krishna, Narada, Kiratha and Darika. I was told that Onam would not be complete without a performance of Kathakali, a dance drama which involves the harmonious blend of five art forms. Kathakali dance drama can be described as a visual art because performers do not speak but mime. Communication is made effective through the remarkable use of gestures and mudras which are hand gestures, as well as yoga body positions. People of varied tastes all over the world appreciate and admire the beauty of this distinguished art.

Following the extravaganza of cultural festivities, a sumptuous Onasadya was served. Onasadya is a nine course, elaborate vegetarian feast comprising 13 essential dishes. It is consumed without the use of cutlery and is served on a banana leaf. Years ago, Onasadya was

even more elaborate with 64 mandatory dishes served, all to be eaten in one sitting. It symbolises the people of Kerala's devotion to and passion for the spirit of their beloved King Mahabali.

Along with the City of Port Adelaide Enfield, the City of Salisbury is home to the largest number of newly arrived people to South Australia. Of these, in the last five years, the largest arrival group is from India. In my own electorate of Ramsay, examples of the contribution of new arrivals is vast. Walking in the Salisbury town centre it is exciting for me to see the emergence of Indian supermarkets such as Namkeen Indian Supermarket on John Street, and Best Indian Supermarket on Gawler Street. These small businesses provide the entire community with the opportunity to purchase goods that they are either familiar with or to try something they might have never experienced before.

Being invited to celebrate this event with the Adelaide Metropolitan Malaylee Association was very special. The breathtaking talent, richness of culture and welcoming generosity of these people reminded me how lucky I am to live in South Australia where we have such a multicultural society. Once again, I would like to thank the association for extending to me such a warm and generous welcome.

MARINE PARKS

Mr GRIFFITHS (Goyder) (15:32): I wish to talk today about marine parks, and I note the release by minister Caica on 26 August of the draft management plans and, indeed, the commencement of the public consultation (or review period) where information sessions are being held around the state giving people the opportunity to comment on those draft management plans and the implications that the outer boundaries, the sanctuary zones, the habitat protection zones, and the principle of marine parks will have on their regional community.

I think it is important to update the house on a public meeting that I attended at Port Wakefield about three weeks ago on a Sunday, before the release of the draft management plan. The residents of that area who were impacted by Marine Park 14 in particular attended in force. The footy club at Port Wakefield was full with about 230 people there. I recognise the fact that Chris Thomas, the director of the project, and David Pearce, who is the local liaison person within the department that minister Caica is in charge of, were in attendance and answered questions posed to them from the floor.

However, there is a lot of anxiety existing in that community. They are very concerned about what impact the size of the sanctuary zone declaration is going to have not just upon professional fishers but the rec fishers also. There are about 25 professional fishers or so who fish from those waters who are going to be impacted by this, and they employ collectively (if you look at the indirect jobs that are created from it) over 150 or so people, and the revenue and expenditure in the area amount to about $5 million or $6 million.

The 230 people there that day had an opportunity to consider a proposal developed by the local action group which is made up of recs and pros and business operators in that area, with alternative boundaries for a sanctuary zone. It still encapsulates the key principles that the minister wants to see created whereby the uniqueness of the upper gulf marine environment is protected but it reduced in size the boundary of that sanctuary zone. One would hope it allows development to still occur, fishers to have confidence in the future of the industry and the community to believe that they are going to have a future.

Chris Thomas, who was at that meeting, indicated that that level of support is going to make a difference when it comes to the eventual position announced by the minister after this public consultation period is completed on 22 October, but it enforces the need for the community—not just at marine park 14 but also the communities that either use or live close by the other 18 marine parks in South Australia—to get involved in the process. This eight-week consultation period is such a key time for them. No matter what level of impact and views they have put in the past, it is important that they look at this latest draft management plan and identify the impact they think it will have on the local community. That is where I have a great level of frustration with the economic impact statements associated with this draft management plan, because they do not talk about what the real impact will be on the communities that support those sanctuary zones.

From Yorke Peninsula's perspective, while modifications have been made and the minister has listened to some degree on action group submissions that have come in, I know there is still a lot of fear and uncertainty from people who think they cannot go fishing in their local patch anymore. That will impact upon the level of business activity in the area, real estate transactions

that are occurring and the confidence of the people in the community. We have to ensure we get this process right. There are many people out there who are talking about this; I know the blog sites are full of it. There has been talk of rallies.

As I understand it, the professional industry has been—I use the word advisedly—satisfied in many ways, which frustrates a lot of the recreational fishers, who are very upset by this. I note that the Recreational Fishing Advisory Council, which is the peer body of the recreational group has come out in support. I can tell you—and there are probably 300,000 fishers in South Australia—that the peer body might have come out in support of it, but I know of hundreds and hundreds of recreational fishers who are not happy. They are unhappy with the position taken by this peer body and they want to see some level of common sense exist in it, because if it does not they are very fearful of what is going to happen.

Marine parks have been talked about for 10 years. There is support on both sides of the political spectrum for the principle of marine parks but, unless this process is right and unless it works with the community, it is going to be a complete failure; it will not have the support of the people and you will find that people will just go out and do whatever they choose, and that is going to create anarchy just about. I encourage the minister to listen intently to all the submissions that come in and to act as best as he possibly can.

GROCERIES ADJUDICATOR

Ms BEDFORD (Florey) (15:37): In May this year Queen Elizabeth II opened the UK parliament with her speech, written by Prime Minister David Cameron, stating her government 'will introduce legislation to establish an independent adjudicator to ensure supermarkets deal fairly and lawfully with suppliers'. Perhaps this is a policy the South Australian parliament should investigate in the interests of our local producers.

The proposed UK bill is being sponsored by the Department for Business Innovation and Skills (BIS), and the adjudicator would be a body independent of government that would ensure protection of direct suppliers, based anywhere in the world, to the large retailers. At the same time, the BIS has said the adjudicator's role should not stifle the consumer benefits delivered by the supermarkets or harm the important role supermarkets have in the economy. The British government is adopting this strategy to ensure the grocery market remains fair and the British farming industry will not continue to erode. From 1996, the number of UK dairy farmers has declined from 34,750 to 14,500, while demand for dairy products is only continuing to rise.

The need for an adjudicator could be relevant in South Australia too because, just as in the UK, suppliers—particularly dairy producers—have been struggling to survive on the reduced prices supermarkets have been demanding. The so-called supermarket price war has driven down the price of commodities so low that some farmers can no longer break even. The dairy industry in Australia is also under strain from the lowering of milk prices. Queensland dairy farmers estimate their incomes have been cut by $50,000 this year as a result of supermarkets selling milk for $1 per litre.

In the UK, similar strain has started to inspire major backlash. The UK National Farmers Union shows it costs about 29p for a farmer to produce a litre of milk, so it is no wonder the farmers are fighting income reduction in such high numbers. British dairy farmers would lose £300,000 in reduced income for the year if the proposed cuts went ahead.

In short, there is no way farmers could afford it. With public support firmly for the farmers, despite the processing plants cooperating with the supermarkets, the proposed new low UK price was dropped in August. However, with the proposed Groceries Adjudicator Bill still to go through the UK parliament, there is nothing stopping supermarkets going offshore to get the cheaper milk price of 24p per litre from Ireland and the rest of Europe, where farmers receive some support from the EU agricultural subsidies. Either way, farmers everywhere are the ones who suffer.

In Australia, farmer unrest has not reached organised protest yet, but that does not mean farmers are not frustrated. Many farmers feel the ACCC has been ineffective in negotiating with supermarkets. They have also looked to federal and state governments for help in controlling the supermarkets' price war and their representative bodies to raise awareness of the issue. It has been reported that the SA Dairy Farmers Association has split from their sister groups, complaining that the national group was 'disorganised' and 'far off track'. The number of dairy farmers has depleted by two-thirds in the past 30 years, and since the beginning of the price war it has been reported that South Australia has lost 300 farmers. Under current circumstances this trend can only continue.

We are lucky both major supermarkets here are still majority Australian owned. However, this should never come at the expense of other Australian family businesses and companies. Latest information from Woolworths assures us in their campaign 'Australia's Fresh Food People' that '100 per cent of fresh meat sold at Woolworths is produced in Australia' and '96 per cent of fresh fruit and vegetables sold at Woolworths are grown on farms in Australia'. However, this does not mean they are preserving the longevity of these farmers' incomes. The only way of sustaining our farmers is by paying them a price that is fair. Dick Smith's *Magazine of Forbidden Ideas,* which was recently banned from News Corp newspapers, stated that one in four vegetable farmers is in financial ruin. Are these the same farmers producing the 96 per cent of fresh fruit and vegetables Woolworths claim to supply in their stores?

Furthermore, the Australian Food Statistic Report has stated that the value of food imports has increased from $3.9 billion in 1990-91 to $10.6 billion in 2010-11. The supermarkets themselves seem at a loss on how they can resolve the situation. Aldi supermarkets, recently arrived in Australia, expressed the view that they had no option but to reduce the price of their milk to remain competitive, despite both Coles and Woolworths denying allegations of a price war. However, Dynamic Business Australia reported a spokesperson for Coles had 'concerns' for the way farmers were being treated, and stated that '[Coles] do prefer to work with farmers rather than against them'. It appears clear that a mediator between the supermarkets and producers would not go amiss to stop excessive undercutting. Competition is good for the Australian economy but should not come at the expense of Australian food suppliers.

Australian farms are important to the economy. One farm can have 50 to 60 suppliers providing machinery, livestock feed and fertilisers. This makes each farm essential to the local economy. The agriculture industry employs 312,000 Australians, 3 per cent of all employed people in Australia, paying around $13 billion a year in salaries and wages. We cannot afford to lose our Australian farmers. Governments need to protect Australian produce and support Australian farmers to protect the future of agriculture. A groceries adjudicator may be a good first step in this strategy. This information on the grocery adjudicator proposal has been prepared from information gathered by Caitlin Spence, and I am indebted to her for her work on this important initiative.

EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:42): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:43): I move:

That this bill be now read a second time.

This bill amends section 71A of the Evidence Act 1929 to allow a person to make an application to the court for a publication order. The court will be able to lift or vary the restriction on publication of the name of a person accused of a sexual offence, or information about the evidence or proceedings, if it is satisfied that to do so would assist in an investigation of an offence or it is otherwise in the public interest to do so. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Publication of information by which the identity of an alleged victim is revealed, or from which the identity of an alleged victim might reasonably be inferred, remains prohibited by section 71A(4). The only exception to this prohibition is if a judge authorises such publication, or if the alleged victim consents to such publication; but no such authorisation or consent can be given if the alleged victim is a child.

The amendments require the court to make an initial assessment of an application for a publication order to determine whether the applicant has a proper interest in the question of whether the order should be made. If, in the opinion of the court, the applicant does have a proper interest, then the applicant, a party to the proceedings in which the order is sought, a representative of a newspaper or a radio or television station, and any other person who has a proper interest in the question of whether an order should be made, will be permitted to make submissions and, with permission of the court, call evidence in support of the submissions.

This Bill adopts one of the Hon. Brian Martin AO QC's recommendations from his Honour's 2011 report into the operation of section 71A. The Hon. Brian Martin AO QC also recommended the repeal of section 71A(1) and (2), but it was noted that these recommendations represented his personal views and that *there is no 'right' answer and opinions can legitimately and reasonably vary*.

The majority of the submissions made to the Hon. Brian Martin AO QC supported the retention of section 71A(1) and (2) in at least some form. Some confidential submissions to the review provided detailed accounts of the

detrimental effect that the publication of allegations of sexual offending had had on the accused and his or her friends and family. These stories were not only from accused persons, but from friends and family members who had experienced harassment, prejudice and threats even despite an eventual finding of not guilty, or the dropping of the charges.

The Government is well aware that the breadth, speed and accessibility of reporting now available by electronic media make it necessary to review the whole issue of suppression laws, and this is currently being undertaken at a national level. Given that those discussions are taking place, and that submissions to the review were generally supportive of retaining section 71A in some form, it is reasonable at this time to take a conservative approach to reform. The amendments will provide some flexibility to the existing law.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Amendment of section 71A—Restriction on reporting on sexual offences

This clause proposes to amend section 71A of the *Evidence Act 1929* to provide that if an accused person has not consented to the publication of material under subsection (1) or (2), the court may, on application, make an order (a *publication order*) that the restriction on publication under subsection (1) or (2) be varied or removed altogether.

To make a publication order, the court must be satisfied that to do so may assist in the investigation of an offence or is otherwise in the public interest.

An application for a publication order may be made by any person who has, in the opinion of the court, a proper interest in whether an order should be made, and submissions on the application may be made by any of the following:

(a) the applicant for the publication order;

(b) a party to the proceedings in which the order is sought;

(c) a representative of a newspaper or a radio or television station;

(d) any other person who has, in the opinion of the court, a proper interest in the question of whether an order should be made.

Debate adjourned on motion of Mr Griffiths.

SURVEILLANCE DEVICES BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:44): Obtained leave and introduced a bill for an act to make provision relating to the use of surveillance devices; to provide for cross-border recognition of warrants relating to surveillance devices; to repeal the Listening and Surveillance Devices Act 1972; to make related amendments to the Criminal Investigation (Covert Operations) Act 2009 and the Director of Public Prosecutions Act 1991; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:45): I move:

That this bill be now read a second time.

On 5 April 2002, the Council of Australian Governments—COAG, as we all know them—held a special meeting on tourism and multijurisdictional crime. One outcome of that meeting was that leaders agreed:

To legislate through model laws for all jurisdictions and mutual recognition for a national set of powers for cross-border investigations covering controlled operations and assumed identities legislation; electronic surveillance devices; and witness anonymity. Legislation to be settled within 12 months.

That was in 2002. I will just leave that pause there for a moment.

The task of developing these model laws was given to a task force—we always need one of those—known as the national Joint Working Group, established by the then ministerial councils,

being the Standing Committee of Attorneys-General and the Australian Police Ministers Council, and consisting of representatives of both bodies. The JWG, as I will call it now—Joint Working Group—published a discussion paper in February 2003 that discussed and presented draft legislation on all four topics and received 19 submissions nationally. A final report was published in November 2003.

The first three topics were dealt with in this state by what became the Criminal Investigation (Covert Operations) Act 2009. So far as the subject of electronic surveillance was concerned, no national agreement was reached on a model domestic law and so the agreed model related only to cross-border recognition. For as long as that was so, there was no urgency in progressing the issue and no obvious benefit in having one act for domestic law and another for cross-border recognition. However, by 2009, police had taken the view that the existing legislation was due for a general overhaul.

The last amendments were made by the Listening Devices (Miscellaneous) Amendment Act 1998. The point for present purposes is that more than 10 years has passed since the Listening and Surveillance Devices Act 1972 was revisited and much has changed, not least developments in electronic surveillance and methods of intruding into privacy, since then.

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

Leave granted.

The Bill contains the recommended provisions allowing for the cross-border recognition of surveillance device warrants. So far as South Australia is concerned, that means that the law of this State will regard as validly issued those surveillance device warrants of a corresponding Australian jurisdiction declared by regulation. It is up to those other Australian jurisdictions to pass laws recognising our warrants for the purposes of the law of their State. This is nationally regarded as important for the often stated and obviously true reason that criminals do not respect State and Territory borders. The measure is a target in, for example, the National Organised Crime Response Plan.

In addition, a review of the existing Act, in close consultation with South Australia Police (SAPOL), has resulted in extensive proposals for amendments. These are:

Under current law, an urgent warrant application is done by telephone or fax application to a Supreme Court judge at any time of the day or night. In practice, the Supreme Court rosters judges for this purpose. No doubt it is a nuisance for everyone. SAPOL says that the process takes about 2 hours, during which, of course, nothing can be done. The alternative is to allow emergency authorisation for urgent situations to be made by a senior police officer. Many Australian jurisdictions have this procedure and it is part of the JWG model which has been accepted by the Commonwealth. The Bill proposes a similar procedure including, notably, a requirement that police seek judicial confirmation of the emergency authority within 2 business days after the emergency authority is granted.

The Commonwealth provisions dealing with urgent or emergency warrant applications restrict the procedure to certain kinds of offences. The list is: where an imminent risk of serious violence to a person or substantial damage to property exists; and the use of a surveillance device is immediately necessary for the purpose of dealing with that risk; and the circumstances are so serious and the matter is of such urgency that the use of a surveillance device is warranted; and it is not practicable in the circumstances to apply for a surveillance device warrant. This is followed. However, neither current South Australian law nor Commonwealth law allows for explicit emergency authorisation for serious drug offences and this defect will be remedied with similar pre-conditions.

New technology means that a tracking device can be attached to a vehicle in a public place or a place under the control of police (such as a yard for keeping seized vehicles). This will sometimes have to be done in a hurry before the vehicle gets away. In these circumstances, attaching such a surveillance device will be permitted by obtaining a surveillance device (tracking) warrant from the chief officer so long as the device is non-intrusive. Other Australian legislation deals with this situation in different ways. There is no national consistency. The police will be allowed to use subterfuge to get the device attached unnoticed. For example, the police might temporarily move the car so as to attach the device out of the public eye.

The general ability to use a listening device to record a private conversation if it is in the course of duty of the person, in the public interest or for the protection of the lawful interests of that person in the current section 7(1)(b) of the Act is too broad and ill-defined. It is unsuited to the threats to personal privacy posed by the technological realities of the 21st Century. It has been eliminated and more specific and targeted allowances made for lawful use of all kinds of devices.

The JWG model contains special provision for 'remote applications' to deal with instances where physical remoteness means that it is impractical to make a warrant application in person. The Commonwealth legislation adopts the model. This is a common-sense exception to the usual requirement that a warrant be sought by personal application.

The JWG model contains provision for 'specified person warrants'. The point of this is to allow a warrant to be brought for the surveillance of a specific person, wherever he or she may be, instead of the usual warrant allowing the surveillance of a particular place. That makes sense and the Bill contains provisions designed to allow for this expedient.

Material obtained by use of listening or surveillance devices installed pursuant to a warrant is prohibited from being communicated or published unless it falls within one of the exceptions in section 6AB of the current Act. Obviously, material must be used for the purposes of a criminal investigation and that remains and will remain by far the most common use of the material. But, these days, law enforcement has tools available to it that move beyond the simple arena of the criminal justice system. The Government can and will pursue criminals through civil legislative remedies such as those contained in the *Criminal Assets Confiscation Act 2005*, *Serious and Organised Crime (Control) Act 2008* and the *Serious and Organised Crime (Unexplained Wealth) Act 2009* and the product must be made available for these crime-fighting purposes.

The judges of the Supreme Court (who are the issuing authorities under the current Act) have interpreted the current Act so that all people authorised to exercise powers under the warrant are specified in the warrant. SAPOL argues that the specification of SAPOL personnel in the warrant poses potential security risks - risk of retribution from targets of the warrants because of the intrusive nature of the work they perform. There has been extensive consultation with the previous Chief Justice on this issue. He agreed that an amendment to provide for a degree of anonymity was acceptable - using a code on the warrant instead. The code names scheme is in the Bill. The 'holder of the key' is not specified in the Bill - it will be up to the court to determine how it will deal with the matter.

There are other more minor changes proposed. All are consistent with the JWG model.

The Bill authorises the use of a surveillance device on specified premises; in or on a specified object or class of object; or, in respect of the conversations, activities or location of a specified person or a person whose identity is unknown.

The definition of '*premises*' is expanded in line to include land; and a building or vehicle (includes an aircraft or vessel) ; and a part of a building or vehicle; and any place, whether built on or not.

The definition of *'surveillance device'* is amended to mean a data surveillance device; a listening device; an optical surveillance device; or a tracking device; or a device that is a combination of any 2 or more of the above devices; or a device of a kind prescribed by regulations.

The regulation of data surveillance devices; listening devices, optical surveillance devices, and tracking devices, is broadly similar in form. However, following representations that have been made, it should be made clear that the Bill in no way permits as lawful the filming or surveillance of people in toilets or similar places, whether by local government or otherwise. The Bill cannot be read in isolation. Laws against indecent filming already exist and will be strengthened by the imminent introduction into this Parliament of a Bill that has been the subject of wide public consultation and that deals with humiliating and degrading images.

Extensive oversight and reporting provisions are proposed in order to safeguard the public interest as best as can be managed without jeopardising criminal investigations and other sensitive information. In particular, there has been no watering down of current requirements.

The Bill also incorporates necessary provisions to take into account the needs of the Independent Commissioner Against Corruption.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause sets out definitions of words and phrases used for the purposes of this measure.

Part 2—Regulation of installation, use and maintenance of surveillance devices

Division 1—Installation, use and maintenance of surveillance devices

4—Listening devices

Subclause (1) provides that, subject to this clause, it is an offence if a person knowingly installs, uses or causes to be used, or maintains, a listening device—

- to overhear, record, monitor or listen to a private conversation to which the person is not a party; or
- to record a private conversation to which the person is a party.

The maximum penalty for such an offence is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Subclause (2) provides that a party to a private conversation may, however, use a listening device to record the conversation—

- if all principal parties to the conversation consent (expressly or impliedly) to the device being so used; or

- if—
  - the party to the conversation using the device is the victim of an offence alleged to have been committed by another party to the conversation; and
  - the use of the device is for the protection of the lawful interests of that person or in the public interest.

Subclause (3) sets out other situations in which subclause (1) does not apply.

5—Optical surveillance devices

Subclause (1) provides that, subject to this clause, it is an offence for a person to knowingly install, use or maintain an optical surveillance device on or within premises or a vehicle or on any other thing, to record visually or observe the carrying on of an activity if the installation, use or maintenance of the device involves either or both of the following:

- entry onto or into the premises or vehicle without the express or implied consent of the owner or occupier of the premises or vehicle;
- interference with the premises, vehicle or thing without the express or implied consent of the person having lawful possession or lawful control of the premises, vehicle or thing.

Subclause (2) sets out the situations in which subclause (1) does not apply.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

6—Tracking devices

Subclause (1) provides that, subject to this clause, it is an offence for a person to knowingly install, use or maintain a tracking device to determine the geographical location of—

- a person, without the express or implied consent of that person; or
- a vehicle or thing, without the express or implied consent of the owner or a person in lawful possession or control, of that vehicle or thing.

Subclause (2) sets out the situations in which subclause (1) does not apply.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

7—Data surveillance devices

Subclause (1) provides that, subject to this clause, it is an offence for a person to knowingly install, use or maintain a data surveillance device to access, track, monitor or record the input of information into, or the output of information from, or information stored in, a computer without the express or implied consent of the owner, or person with lawful control or management, of the computer.

Subclause (2) sets out the situations in which subclause (1) does not apply.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Division 2—Prohibition on communication or publication

8—Prohibition on communication or publication

Subclause (1) provides that a person must not knowingly use, communicate or publish information or material derived from the use (whether by that person or another person) of a surveillance device in contravention of this Part.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Subclause (2) provides that the prohibition does not prevent the use, communication or publication of information or material derived from the use of a surveillance device in contravention of this Part—

- to a person who was a party to the conversation or activity to which the information or material relates; or
- with the consent of each party to the conversation or activity to which the information or material relates; or
- for the purposes of a relevant investigation or relevant action or proceeding relating to that contravention of this Part or a contravention of this section involving the communication or publication of that information or material; or
- in the course of proceedings for an offence against this measure; or
- otherwise in the course of duty or as required by law.

Part 3—Surveillance device warrants and surveillance device (emergency) authorities

Division 1—Surveillance device (tracking) warrants

9—Application of Division

This clause provides that this Division applies if, for the purposes of the investigation of a matter by an investigating agency, the agency requires the authority—

- to install on a vehicle or thing situated in a public place, or in the lawful custody of the agency, 1 or more tracking devices; and
- to use those devices.

10—Application procedure

This clause sets out the application procedure for the issue, variation or renewal of a surveillance device (tracking) warrant by an officer of an investigating agency to the chief officer of the agency.

11—Surveillance device (tracking) warrant

This clause sets out the grounds on which the chief officer of a law enforcement agency to whom application is made to issue a surveillance device (tracking) warrant and specifies the information that must be set out in the warrant.

Subject to any conditions or limitations specified in the warrant—

- a warrant authorising the use (in a public place or elsewhere) of a tracking device in respect of the geographical location of a specified person or a person whose specific identity is unknown who, according to the terms of the warrant, is suspected on reasonable grounds of having committed, or being likely to commit, a serious offence will be taken to authorise interference with any vehicle or thing situated in a public place, or in the lawful custody of the relevant investigating agency, as reasonably required to install, use, maintain or retrieve the device for that purpose; and
- a warrant authorising (whether under the terms of the warrant or by force of the preceding paragraph) interference with any vehicle or thing in a public place, or in the lawful custody of the relevant investigating agency, will be taken to authorise the use of reasonable force or subterfuge for that purpose; and
- the powers conferred by the warrant may be exercised by the responsible officer or under the authority of the responsible officer at any time and with such assistance as is necessary.

Division 2—Surveillance device (general) warrants

12—Application of Division

This clause provides that this Division applies if, for the purposes of the investigation of a matter by an investigating agency, the agency requires the authority to do any or all of the following:

- to use 1 or more types of surveillance device (including a tracking device);
- to enter or interfere with any premises for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices;
- to interfere with any vehicle or thing for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices.

13—Usual application procedure

This clause sets out the application procedure for the issue, variation or renewal of a surveillance device (general) warrant by an officer of an investigating agency to a judge of the Supreme Court. Subject to clause 14, an application must be made by providing the judge with a written application and by appearing personally before the judge. The clause sets out the information that must be specified in the application and provides that the application must be accompanied by an affidavit verifying the application.

14—Remote application procedure

This clause sets out the procedure for a remote application for a surveillance device (general) warrant if it is impracticable in the circumstances to make an application according to the procedure set out in clause 13. In those circumstances, an application for the issue, variation or renewal of a surveillance device (general) warrant may be made by fax, email, telephone or other electronic means. This clause sets out the procedure to be followed in relation to any such application.

15—Surveillance device (general) warrant

This clause provides that a judge may issue a surveillance device (general) warrant on application if satisfied that there are in the circumstances reasonable grounds for so doing. The clause sets out other matters that must be specified in the warrant, including that the warrant may specify a code name rather than a real name if satisfied that the disclosure of a person's name in the warrant may endanger a person's safety. Subject to any conditions or limitations specified in the warrant—

- a warrant authorising the use of a surveillance device in respect of the conversations, activities or geographical location of a specified person, or a person whose identity is unknown, who, according to the terms of the warrant, is suspected on reasonable grounds of having committed, or being likely to commit, a serious offence will be taken to authorise—

- entry to or interference with any premises, vehicle or thing as reasonably required to install, use, maintain or retrieve the device for that purpose; and
- the use of the device on or about the body of the person; and

- a warrant authorising (whether under the terms of the warrant or by force of paragraph (a)(i)) entry to or interference with any premises, vehicle or thing will be taken to authorise—
  - the use of reasonable force or subterfuge for that purpose; and
  - any action reasonably required to be taken in respect of a vehicle or thing for the purpose of installing, using, maintaining or retrieving a surveillance device to which the warrant relates; and
  - the extraction and use of electricity for that purpose or for the use of the surveillance device to which the warrant relates; and
- a warrant authorising entry to specified premises will be taken to authorise non-forcible passage through adjoining or nearby premises (but not through the interior of any building or structure) as reasonably required for the purpose of gaining entry to those specified premises; and
  - the powers conferred by the warrant may be exercised by the responsible officer or under the authority of the responsible officer at any time and with such assistance as is necessary.

Division 3—Surveillance device (emergency) authorities

16—Application procedure

This clause sets out the procedure for an officer of an investigating agency to make an application (in person, in writing or by fax, email, telephone or other means of communication) to the chief officer of the agency for a surveillance device (emergency) authority in relation to the use of a surveillance device. The clause sets out the grounds and circumstances on which such an application may be made.

17—Surveillance device (emergency) authority

This clause provides that the chief officer of a law enforcement agency to whom an application is made may, if satisfied that there are, in the circumstances of the case, reasonable grounds to do so, grant a surveillance device (emergency) authority in relation to the use of a surveillance device authorising the officer to do 1 or more of the following (according to its terms):

- the use of 1 or more types of surveillance device;
- entry to or interference with any premises as reasonably required for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices;
- interference with any vehicle or thing as reasonably required for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices.

The clause sets out the matters that must be specified in the surveillance device (emergency) authority, including any conditions and limitations on the authority. The powers that may be authorised under a surveillance device (emergency) authority are similar to the powers that may be authorised by a surveillance device warrant.

18—Application for confirmation of surveillance device (emergency) authority etc

This clause provides that the chief officer of a law enforcement agency must, within 2 business days after granting an emergency authorisation, make an application (by personal appearance following the lodging of a written application) to a judge for approval of the granting of, and the exercise of powers under, the emergency authorisation. Any such application must not be heard in open court.

19—Confirmation of surveillance device (emergency) authority etc

On hearing an application under clause 18, the judge—

- must—
  - if satisfied that the granting of the surveillance device (emergency) authority, and the exercise of powers under the authority, was justified in the circumstances, confirm the authority and the exercise of those powers; and
  - cancel the surveillance device (emergency) authority; and
  - if a surveillance device (general) warrant is sought and the judge is satisfied that there are reasonable grounds to issue a warrant in the circumstances—issue a surveillance device (general) warrant;
- may, if not satisfied that the circumstances justified the granting of the surveillance device (emergency) authority, make 1 or more of the following orders:
  - an order that the use of the surveillance device cease;
  - an order that, subject to any conditions the judge thinks fit, the device be retrieved;
  - an order that any information obtained from or relating to the exercise of powers under the authority, or any record of that information, be dealt with in the way specified in the order;

- any other order as the judge thinks fit.

If a judge confirms a surveillance device (emergency) authority, and the exercise of powers under the authority, evidence obtained through the exercise of those powers is not inadmissible in any proceedings merely because the evidence was obtained before the authority was confirmed.

Division 4—Recognition of corresponding warrants and authorities

20—Corresponding warrants

This clause provides that a corresponding warrant may be executed in this State in accordance with its terms as if it were a surveillance device (tracking) warrant or surveillance device (general) device warrant (as the case may be) issued under this measure.

21—Corresponding emergency authorities

This clause provides that a corresponding emergency authorisation authorises the use of a surveillance device in accordance with its terms in this State, as if it were a surveillance device (emergency) authority granted under this measure unless the judge has ordered, under a provision of a corresponding law, that the use of a surveillance device under the corresponding emergency authority cease.

Division 5—Miscellaneous

22—Management of records relating to surveillance device warrants etc

The chief officer of an investigating agency by whom a surveillance device (tracking) warrant is issued, or a surveillance device (emergency) authority is granted, must cause the application and the warrant or authority (and any copy of the warrant or authority) to be managed in accordance with the regulations.

A judge by whom a surveillance device (general) warrant is issued, varied or renewed must cause each of the following to be managed in accordance with the rules of the Supreme Court:

- the application;
- the warrant (and any duplicate or copy of the warrant) as issued, varied or renewed;
- any code name specified in the warrant;
- the affidavit verifying the application.

23—Limitations on use of information or material derived under this Part

A person must not knowingly communicate or publish information or material derived from the use (whether by that person or another person) of a surveillance device under an authority under this Part except—

- to a person who was a party to the conversation or activity to which the information or material relates; or
- with the consent of each party to the conversation or activity to which the information or material relates; or
- for the purposes of a relevant investigation; or
- for the purposes of a relevant action or proceeding; or
- otherwise in the course of duty or as required by law; or
- if the information or material has been taken or received in public as evidence in a relevant action or proceeding.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Part 4—Register, reports and records

24—Interpretation

This clause defines the class of persons to whom this Part applies.

25—Register

This clause provides that the chief officer of an investigating agency (other than the ACC) must keep a register of warrants and authorities issued to the agency under this measure and specifies the information that must be contained in the register.

26—Reports and records

This clause makes provision for the reports that must be given to the Minister by the chief officer of an investigating agency (other than the ACC) in relation to surveillance device warrants issued to officers of the agency under this measure and the uses and outcomes relating to such warrants.

27—Control by investigating agencies of certain records, information and material

This clause provides that the chief officer of an investigating agency must keep certain records and information relating to warrants and authorities under this measure, and control, manage access to, and destroy any such records, information and material, in accordance with the regulations.

28—Inspection of records

This clause provides that the review agency for an investigating agency may, at any time, and must, at least once in each period of 6 months, inspect the records of the agency for the purpose of ascertaining the extent of compliance with this measure. The review agency must, not later than 2 months after the completion of any such inspection, provide the Minister with a written report on the inspection.

29—Powers of review agency

This clause sets out the powers of a review agency for an investigating agency for the purposes of carrying out an inspection under this Division. Under this clause, it is an offence (the penalty for which is $15,000 or imprisonment for 3 years) to refuse or fail to comply with a requirement of the review agency under this clause, or to hinder or give false or misleading information to the review agency.

Part 5—Miscellaneous

30—Offence to wrongfully disclose information

This clause provides that it is an offence for a person to knowingly communicate or publish information or material about a surveillance device warrant or surveillance device (emergency) authority except—

- as required to do so under this measure; or
- for the purposes of a relevant investigation; or
- for the purposes of a relevant action or proceeding; or
- in the course of proceedings for an offence against this measure; or
- otherwise in the course of duty or as required by law.

The maximum penalty for an offence against this provision is a fine of $50,000 for a body corporate or, in the case of a natural person, a fine of $10,000 or imprisonment for 2 years.

31—Delegation

This clause provides that the chief officer of an investigating agency may only delegate his or her functions under this measure to a senior officer (as defined in the clause).

32—Possession etc of declared surveillance device

This clause provides for a mechanism by which the Minister may, by notice in the Gazette, declare that this clause applies to a surveillance device or a surveillance device of a class or kind specified in the notice. A person is prohibited from having in his or her possession, custody or control any such declared surveillance device (the penalty for which is, for a body corporate, a fine of $50,000 and, for a natural person, $10,000 or imprisonment for 2 years) without the consent of the Minister.

33—Power to seize surveillance devices etc

This clause provides that, if an officer of an investigating agency suspects on reasonable grounds that—

- a person has possession, custody or control of a declared surveillance device without the consent of the Minister; or
- any other offence against this measure has been, is being or is about to be committed with respect to a surveillance device or information derived from the use of a surveillance device,

the officer may seize the device or a record of the information.

34—Imputing conduct to bodies corporate

Subclause (1) provides that, for the purposes of this measure, any conduct engaged in on behalf of a body corporate by an employee, agent or officer of the body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, is conduct also engaged in by the body corporate.

If an offence under this Act requires proof of knowledge, intention or recklessness, it is sufficient in proceedings against a body corporate for that offence to prove that the person referred to in subclause (1) had the relevant knowledge, intention or recklessness.

If, for an offence against this measure, mistake of fact is relevant to determining liability, it is sufficient in proceedings against a body corporate for that offence if the person referred to in subclause (1) made that mistake of fact.

35—Evidence

This clause makes provision for evidence in proceedings for offences in the usual terms.

36—Forfeiture of surveillance devices

This clause makes provision for the forfeiture of surveillance devices in the case of a conviction of an offence against this measure.

37—Regulations

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

Schedule 1—Related amendments, repeal and transitional provisions

This Schedule makes related and consequential amendments to the *Criminal Investigation (Covert Operations) Act 2009* and the *Director of Public Prosecutions Act 1991*; repeals the *Listening and Surveillance Devices Act 1972*; and makes provision for transitional arrangements consequent on the repeal of that Act and the enactment of this measure.

Debate adjourned on motion of Mr Griffiths.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:48): Obtained leave and introduced a bill for an act to amend the Petroleum and Geothermal Energy Act 2000. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The *Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012* introduces amendments to the *Petroleum and Geothermal Energy Act 2000* to ensure the validity of certain past grants, consolidations and renewals of petroleum production licences held by Santos Limited, Delhi Petroleum Pty Ltd and Origin Energy Resources Ltd in the Cooper Basin.

It has been drawn to the State's attention that there are potential unintended consequences arising from the transitional provisions of the *Petroleum and Geothermal Energy Act*. The State has concerns that if the proposed amendments are not made, many petroleum production licences could be found to be flawed on the basis of the unintended legislative effect.

Such a finding would have very serious consequences for the confidence of the petroleum industry in carrying on business in South Australia, and the State's ability to encourage future investment in the State's petroleum sector.

The State may have inadvertently excluded the grant and renewal of certain transitional petroleum production licences under the earlier petroleum legislation from the normal, intended renewal provisions in Part 2, Division 3, Subdivision I of the *Commonwealth Native Title Act 1993* and instead left them subject to the right to negotiate provisions in Subdivision P. This scenario was never intended to be the case, and has come about only as a result of an unintended interaction between the transitional provisions of the *Petroleum and Geothermal Energy Act* and the *Commonwealth Native Title Act*.

The proposed amendments to the *Petroleum and Geothermal Energy Act* have retrospective operation in order to ensure that existing transitional petroleum production licences were granted, renewed or consolidated consistently with Subdivision I and therefore did not attract the right to negotiate. Newer petroleum production licences granted after the commencement of the *Petroleum and Geothermal Energy Act* will still be subject to the right to negotiate (or the alternative Indigenous Land Use Agreement) provisions in the usual way. Native title parties have already participated and will continue to participate in these processes, which usually occur before the exploration stage and cover both exploration and production.

In presenting this legislation to Parliament, the Government has carefully weighed up the need to provide certainty to petroleum producers in the Cooper Basin who have continued to produce petroleum on renewed tenements in the belief that they had been properly issued, against the understandable desire of native title parties to participate in the economic benefits of petroleum production.

The Government is confident that native title parties and petroleum producers will work together in a productive and positive manner to ensure mutually beneficial economic outcomes from petroleum production in this important part of the State.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

It is important to note that this measure will be brought into operation without delay. Furthermore, the amendment relating to the on-going operation of section 32 of the repealed Act to the renewal of transitional licences under the Act, and to provide expressly that a licence arising from the consolidation or division of any area that relates to a transitional licence will in turn be a transitional licence, will be taken to have come into operation on the day on which the Act came into operation (25 September 2000).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Petroleum and Geothermal Energy Act 2000*

4—Amendment of section 82—Consolidation of licence areas

In the case of the consolidation of 2 or more licence areas, it will now be the case that the licences will continue or will be amalgamated (with such conditions as may be appropriate and without the issue of a new licence). The rights of the holder of a licence after a consolidation will be no more extensive than those existing before the consolidation.

5—Amendment of section 83—Division of licence areas

This amendment provides for the enactment of a provision to the effect that the rights of the holder of a licence after the division of an area will be no more extensive than those existing before the division.

6—Amendment of Schedule—Transitional provisions

This amendment relates to the term and status of transitional licences, including after the consolidation or division of a licence area. Special provision is also made to clarify the status of petroleum production licences granted under the *Cooper Basin (Ratification) Act 1975*.

Schedule 1—Transitional provisions

1—Transitional provisions

These provisions ensure that the reforms effected by this measure will extend to licences issued before the commencement of the measure as an Act.

Debate adjourned on motion of Mr Williams.

TELECOMMUNICATIONS (INTERCEPTION) BILL

Consideration in committee of the Legislative Council's amendment.

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

That the Legislative Council's amendment be agreed to.

The amendment that has been proposed in the other place is, on this occasion, happily acceptable.

Ms CHAPMAN: The opposition confirms that we welcome the amendment and endorse the same.

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

Consideration in committee of the Legislative Council's message.

The Hon. T.R. KENYON: I move:

That the disagreement to amendments Nos 1 and 7 be insisted upon and that the alternative amendments to amendments Nos 2, 3, 4 and 5 be disagreed to.

We have gone through these arguments before. The alternative amendments were moved in the upper house. While they may achieve the goal set out by the member for Unley and the Liberal Party, my arguments on the position have not really changed. They do not make any changes to the substantive thrust of the bill itself; they merely seek to have a whack at the union to try to take the union out of the equation, and to try to take the employee representatives out of the equation. They have just taken the opportunity to whack the union while the act has been open.

It is a complete dearth of policy alternative, and there is no contribution to the alternative. There is no attempt to change the act to make it a more productive or useful act or bill. It is merely just having a crack at the Australian Education Union. I think it is indicative of what will happen in the event that the Liberal Party is elected. They will seek to attack unions at every opportunity. I think they will take every opportunity open to them to attack unions to make the life of unionists more difficult and to make the life of employee representatives harder.

I do not agree that that is the right thing to do. I do not think the amendments moved by the member for Unley and Liberal Party members in another place improve the bill, and the government does not agree that they are the appropriate way to proceed. We merely had the intent of replicating all the provisions that currently exist in the TAFE legislation and moving them over to the new TAFE act. These amendments do not contribute to that goal, and we therefore do not support them.

Mr PISONI: Obviously, the Liberal Party amendments and the amendment from the Hon. John Darley were of the same thrust, and I just need to make it clear to the house that it was the government that opened up the Education Act and used the opportunity of the TAFE bill to tidy up the Education Act in reference to the Australian Education Union.

It was that occasion that the Liberal Party took to look at the success of the Victorian example. In Victoria, there is no restriction as to membership of a club or union in order to be appointed to their equivalent of our SACE Board, our Teachers Appeal Board or other appointments which, under this act as it stands today, require you to be a union member. It is only fair, in this day and age, that every member of teaching staff is treated equally. This amendment is all about fairness, equality and democracy in our education system. We do not believe that you need to be a member of a club in order to represent your profession in a capacity through the department or through another agency or board in the education service here in South Australia.

One example of how the government has got it so wrong in relation to objecting to these amendments is: we are told that, if we are to believe the education union, 70 per cent of teachers are in unions. Of course, they are not required to prove that claim. They can repeat that claim as often as they like without any requirement to prove it. There are about 21,000 full-time equivalent teachers in the education system.

A massive campaign was launched by the education union for its members to contact Isobel Redmond, the Leader of the Opposition, to explain the dangers of these amendments and to protest in the biggest, strongest form that what was happening was outrageous. However, only several hundred form emails were sent to Isobel Redmond's office. It just so happened that a couple of those teachers taught my children, so I rang them and said, 'Do you understand what the amendments actually do?' They said, 'The union said that you're going to stop them representing us as teachers.' I said, 'Well, that's not true at all. That's a total misrepresentation of this bill. What these amendments actually do is open up the Education Act so that your colleagues, regardless of whether they are union members or not, can be elected to positions on, for example, the SACE board, the Teachers Appeal Board and review panels without the need to be union members.'

They immediately came back and said, 'Well, that's alright. I don't see anything wrong with that.' That is the truth of the matter. The truth is that a very small percentage of the union membership that was active on this issue was active because of a union lie and, when they were told the truth, they were perfectly comfortable with the amendments as they were. I think it is only fair—

Members interjecting:

Mr PISONI: There are interjections from the other side. 'You are either with us or against us'—that is their argument over there. What we are saying is, 'Let's all work together on this. Union members and non-union members, let's all work together.' Why is there a prequalification to be a union member? They do not have it in Victoria, and Victoria happens to have the highest NAPLAN scores in the country, some of the best educational results in the country. It happens to be one of the most autonomous education systems in the country. Principals can actually run their schools in Victoria, and the educational results are there for everybody to see and compare with the rest of Australia. However, we can not walk away from the findings of the Gonski review, that Australia has fallen behind the rest of the region: our neighbours, the countries with whom we compare ourselves in regards to education standards.

The federal education minister Peter Garrett said that 10 years ago we were in the top five. Now they are telling us that their aim is that in 13 years' time—after every single education system in this country was run by Labor governments over the last decade—we are going to get back to where we were 10 years ago under the Gonski plan. That is how it was described on Monday by this government. Their aspiration is to get back to where we were just 10 years ago.

These amendments, which were supported overwhelmingly in the Legislative Council, are the first step in democratising and opening up the education system, making it fairer, and bringing

in some changes that do not prohibit any member of teaching staff putting themselves forward for important positions that are at the moment exclusively only available to union members under the Education Act.

Motion carried.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (16:00): I move:

That a message be sent to the Legislative Council requesting a conference be granted to this house respecting certain amendments from the Legislative Council in the bill and that the Legislative Council be informed that, in the event of a conference being agreed to, this house will be represented at such conference by five managers and that Mr Odenwalder, Mrs Vlahos, Mr Pisoni, Ms Chapman and the mover be managers of the conference on the part of the House of Assembly.

Motion carried.

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr GOLDSWORTHY (Kavel) (16:01): I am pleased to resume my remarks that we were tracking through prior to the luncheon adjournment, and I was talking about my wife's family still living and working in the Riverland region. As the member for Chaffey pointed out previously, the vast majority of the citrus industry is located in the Riverland region. There is a small portion of the industry in and around the Murraylands region but it is my understanding that the vast majority of the citrus industry is based in and around the Riverland region.

I worked in the region in the early 1980s for the best part of three years in the banking industry and the particular corporation that I worked for had a significant proportion of clients involved in the primary production industry and, therefore, in the citrus industry. It was my observation back at that time that the primary production industry within the region ebbed and flowed. There were some producers who, if they had their production base spread across a number of commodities, were able to ride out the cycles of the industry.

If a particular producer had all their eggs in one basket, then they were subject to the cyclical nature of commodity prices and production and things like that, but it is my observation that if a primary producer had some citrus, grapes and some other plantings such as stone fruit then they could generate a reasonable level of income for themselves and their family and obviously have a flow-on effect in the local economy.

There is a considerable number of variables that impact on the economic activity of the region and, as I mentioned previously, I have witnessed that firsthand as a resident of the region, a person living and working in the region. Since that time, over the last 30-odd years, returning to the region as a visitor, going back and holidaying in the region and visiting some of my wife's relatives, I have seen the district and the region change over that period of time.

I have to say that seeing the effects of the drought over those very sad and sorry years was really a sorrowful thing to witness. You once saw flourishing orange orchards, thriving and producing for the local economy and supplying the export and domestic markets. With the effects of the drought, the water allocations were reduced as we know and the growers exited that industry and we then saw those orchards die and be pushed up into large heaps where they were just burnt.

Discussing these issues with the local member—the outstanding member for Chaffey—some of those growers were assisted through packages to exit the industry and a five-year moratorium was placed on those properties. I understand that there are two years to run on that moratorium and hopefully we will be able to see those vacant blocks of land replanted with whatever the particular property owner sees fit, to re-energise the primary production industries in the Riverland.

There was a company called Berri Fruit Juices (BFJ) and that was a significant employer of local people; some 1,100 local people were employed at BFJ. When I was working in the Riverland I had some friends who worked at BFJ, but unfortunately we have seen that business go to the wall, with some of its operations, I understand, being transferred interstate. That is an example of the changing face of industry within the Riverland region.

My wife's brother is employed by a big multinational corporation that is directly involved in the primary production industry in the region. As the member for Chaffey pointed out in his contribution, there are producers planting new varieties and implementing best practice to maximise their returns from their property. In some ways, it is similar to the apple and pear producers in my district in the Adelaide Hills whom I know quite well, where some of the producers have at least 10 per cent of their property out of active production.

They actually remove a certain variety of apple trees and plant new varieties in an effort to meet what the market requires, not only domestically but overseas. So, some of the producers in the Adelaide Hills operate similarly to those in the Riverland region described by the member for Chaffey, in terms of a percentage of productive land being used to introduce new species and new styles of operation.

As I said, we have witnessed the severe effects and severe impacts of the drought on the economy of the Riverland. As I explained, I know some people in the Riverland and they are really a resilient group of people. They have been through tough times previously in past decades for one reason or another. They have gone through a tough time in relation to the drought but they are a resilient community in that part of the state. I know that they will overcome and are overcoming the effects of the drought and will push on into the future and continue to make the Riverland region a significant economic contributor to South Australia.

Mr VENNING (Schubert) (16:10): I rise to support the Citrus Industry (Winding up) Amendment Bill 2012 and also to repeal the Citrus Industry Act 2005. Of course, I was here when that was done and it sounded like a good idea at the time. There certainly were warring factions and we thought that by putting our efforts behind it and tying it up we would have solved it—but it certainly did not and, in fact, I think it probably made it worse.

I support removing the $3.3 million per annum burdensome cost that we imposed as compliant costs on the industry and that our citrus growers, packers, processors and wholesalers had to pay. I had much advice on this matter, particularly from a previous member of this parliament, Kent Andrew, who was the member for Chaffey some time ago. He was a valuable and hard-working member, too, incidentally and he gave us very good advice back then. He was also involved with these committees as he was a citrus grower.

The independent review set up an advisory committee (SARAC) to represent the interests of South Australia's $350 million citrus industry. Of course, I have been a member of SARAC—but a totally different organisation. I was a member of SARAC before I came in here. In fact, I resigned from SARAC to come into parliament. It was the South Australian rural advisory council, which this is, but this was a committee set up by the then minister Frank Blevins as an advisory council to him as minister, so it really has a totally different use.

I was a bit concerned about this title because it does not really mention the word 'citrus' in it; it was the South Australian rural advisory council. It rolls off the tongue and it was a very good committee back then. Certainly minister Blevins was very smart to have a committee like that which looked after not just the industry but the whole rural community. He got good advice and he chose good people to be on it—10 points for him. I was on it so he must have got it right! That was SARAC reborn in a different guise.

The committee will have a national affiliation with Citrus Australia Limited (now called CAL) and will be supported by a $1 a tonne voluntary levy via a PIF scheme, as the member for Hammond said earlier. We know all about PIF schemes because we were discussing that with the grain industry and we have a few little hiccups there. I note the SACITWP consultation meetings were chaired by the Hon. Neil Andrew, former federal Speaker, member for Wakefield and a good friend of mine. Wakefield, of course, contained most of our citrus regions.

The Hon. Neil Andrew had a very good track record. To get a consensus was a pretty fair feat because there were some warring factions here, and the members for Chaffey will certainly know that if you got in between them you knew all about it. They were not exactly a friendly lot. You might say there was competition, and there certainly was—that was fine as long as it was constructive, but it was not always. That was the reason why I think we did here what we did, so a good 10 points to the Hon. Neil Andrew for doing that.

Maybe we need him to sit on a similar committee to resolve the problems with the South Australian Farmers Federation. We really do need that right now. Citrus and horticulture are a vital part of the SAFF commodity section so there is a direct link there and we need to go further and fix this. I still have some citrus growers in my electorate of Schubert from Mannum to Swan Reach

along the river. There are not a lot but there are some there. In the Barossa much of the citrus has been pulled and vines have been planted—more is the pity because I think in hindsight many of them would have been a lot better off if they had stayed with their trees and it was not altogether a smart move.

We need our citrus growers to thrive and be successful. We should be very careful not to put hurdles in their way especially by allowing imports of foreign fruit from so-called developing countries, particularly juice from Brazil.

I believe Farmers Federation problems also need to be addressed when we look at this. At the moment we are in the middle of these discussions and I am opposed to the idea of scrapping SAFF completely. As I said the other day—and the minister would know this because he was a minister for agriculture—it would be a mistake to scrap the whole thing. I would be going back 15 years and totally rewriting or amending the constitution of SAFF and bringing in levies and elections. You can fix it. To throw the whole thing away I think would be a mistake, because I do not think you will get enough consensus to make any progress with it. That is my little bit for today. I will be active. I know that the shadow minister has had a fair bit to say about this. I am very concerned with what has happened. We need our organisations to be strong right now, especially, and to see it fragmented like this is not good.

I certainly support this bill and I again thank all those who have brought this about. It is good to see unity in an industry. I particularly thank the Hon. Neil Andrew for the work he did, and the minister.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:16): I thank the opposition in both places of this parliament for the support that they have shown and the goodwill in which this matter has progressed, and I acknowledge the significant contributions made by the opposition in this place. I also thank the officers from the department who have worked so diligently on this bill, particularly in their ongoing and detailed liaisons with the citrus industry. In this regard, I thank Mr Simon Gierke, Mr John Cornish and their colleagues. Finally, I acknowledge the role of the officers and staff of the Minister for Agriculture, Food and Fisheries and thank them for the role that they have played in progressing this bill to date.

Bill read a second time.

In committee.

Clause 1.

Mr PEDERICK: I am interested in the discussion about the dollar a tonne levy, which is agreed to. We note that this arrangement for $1 a tonne came when the citrus industry has been under considerable stress. What mechanisms are in place if the industry participants want to alter the levy—and I would say more likely upwards—noting that the member for Chaffey said that a lot of the levies have been around $3 a tonne?

The Hon. P. CAICA: As I understand it, in relation to all PIFS that exist in South Australia, there is a requirement for a management plan to be put in place. The department, along with the industry, is currently undertaking the development of that particular plan. As is custom and practice, if any variations were to be made to increase or vary the PIF contribution by growers, that would be worked out with the growers themselves and with their agreement.

Mr WHETSTONE: Touching on the dollar per tonne levy, that is calculated on a tonne rate, and there have obviously been issues of concern from industry and from myself. I understand there is a management plan that will give scope for the dollar a tonne to be changed, or increased or decreased—whatever we need to see. Rather than there being a dollar a tonne levy, was any consideration given to a contribution per hectare so that we would get a steady income stream? Obviously we note that seasonally within the citrus industry in some years you will get half an income stream and the following year you might get a twofold income stream.

The Hon. P. CAICA: As I understand it, the Citrus Transition Working Party was the group that provided the recommendation to the minister in relation to the $1 per tonne. The Transition Working Party had representatives of industry on that and make those recommendations. So, whether or not there were internal discussions that the Transition Working Party had, or considered a hectare figure, I am not aware. All I know is that the recommendation that was made to the minister was for $1 per tonne.

Mr WHETSTONE: Just following on from that, in terms of the $1 a tonne, we are looking at about a 150 tonne crop over a five-year average, or thereabouts; it equates to 150,000. In terms of administering SARAC—the running costs, employing a liaison officer—are you able to give me a breakdown of exactly what sort of funds will be left to address any of the issues that the industry will incur along its travels through this transition period?

The Hon. P. CAICA: I thank the honourable member for his question. I am advised there is a breakdown in the report that has been compiled by the Transition Working Party, which is attached to the PIRSA website, and that gives the breakdown. I also understand that there will be some basic costs involved within that auditing. Also, it will be up to SARAC to determine what and how the money will be apportioned beyond those basic costs that are catered for there; but the information, as I understand it at this stage, is on the website, and that will be varied at the determination of SARAC.

Mr WHETSTONE: Just a final question, minister. The $1 a tonne levy will address some of the administration. Will SARAC have to deal with all of the internal issues that need to be addressed through that $1 a tonne, or will Citrus Australia have any contribution with any unidentified costs that the industry might incur throughout the season?

The Hon. P. CAICA: I thank the honourable member for his question. As I understand it, any contribution or anything that might be provided by the federal body will be a matter for that body, that being the subject, of course, of agreements and discussions between SARAC and that particular body. The minister has made it absolutely clear that the funds collected under the PIF are to go to supporting the industry here in South Australia. I think that was supported by the industry, that those funds themselves find their way not only into the particular fund but to be spent within South Australia with the assistance of the industry. Any determination of funds that might come from the federal body will be determined by SARAC with the federal body and under the proviso of the suggestion that has been made by the minister.

Mr WHETSTONE: I keep coming to that final question. With the $1 per tonne levy, will any of that $1 be handed or used in Citrus Australia's interests or administration costs?

The Hon. P. CAICA: Again, to reinforce the comment I made earlier, the minister has certainly made it clear that her view is that the funds collected under the PIF be used and apportioned for the benefit of the South Australian citrus industry. I know that when I was the agriculture minister previously—and I probably should not go back there—there were certain views in various industries about how any money going to a federal body that is collected in South Australia would then manifest itself as benefit to South Australia. They will be ongoing discussions, I expect, but certainly the view from the government and, in particular, the minister is that those funds collected under PIF be apportioned in such a way that they are of benefit to the South Australian industry.

I would like nothing more—and I go back not just to my role as the agriculture minister but as a trade union official—than for there to be strong, national organisations that assist all components of the various industries that that national organisation represents. We know that has not always happened that way when we talk about the world of agriculture, but I hope that one day that will occur not only for the citrus industry but all other aspects of the agriculture industry. Ultimately, it will be a matter for SARAC, with respect to its internal processes and discussions with the federal body and based on the proviso of the apportionment of those funds that are collected here in South Australia, to advance the interests of the South Australian citrus industry.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Mr PEDERICK: My understanding is that this clause does not fully replicate a clause in the act about reporting citrus trees and what variety or amount of citrus might have been packed by a packer. Just for validation for the house, I understand that, instead of processors and growers reporting to a board, they are reporting directly to the minister who will then be passing that information on, if need be, to Citrus Australia Ltd and, potentially, other bodies.

The Hon. P. CAICA: As I understand it, this particular part 7 was actually introduced as a result of discussions with the member for Chaffey. It involves, if you like, the reserve powers of the minister, and I am advised they would only be invoked if, at any time, Citrus Australia, who has

some responsibility for the collecting of information, was not able to collect that information for whatever it might be and then those reserve powers would be invoked.

As I also understand it, it is certainly the expectation that those powers would not necessarily be used at all often. We would hope that the information that is collected in the interests of the industry would be provided to the national body by the growers here in South Australia. These are reserve powers, and I acknowledge the role of the member for Chaffey in having this part 7 amended to reflect this particular process.

Mr WHETSTONE: In that process, there was, I guess, some concern about collecting the information. I understand that the minister has the power to collect that information, but the process of collecting the information, as I understand it, is of some concern. I have been contacted by several packers who have expressed concern that they now have the onus on them to compile data and supply that data to the minister, such as crop types and tonnages. That is an extra burden on the packers, and is something that was previously performed by the citrus development board. That is only part of the data information. Who will have the capacity to compile planting data, and how is the Privacy Act around collecting that data going to be addressed?

The Hon. P. CAICA: As I understand it, under the new arrangements, Citrus Australia will provide a number of programs in the area of information services, including the national citrus communication program, the national planting database, which the member for Chaffey mentioned, and the national information citrus program. SARAC will be responsible for ensuring that Citrus Australia is diligently collating national information on crop estimates and planting statistics, with emphasis on the integrity of the South Australian information.

As I also understand it, the processors themselves are required to send in information to the Auditor-General from time to time. That information is actually used in such a way to ensure that you are getting the majority of growers—in fact, all the growers—with respect to their particular contributions. But, again, the new arrangements provide for a number of programs in the area of information services, as I have said.

As I understand it, feedback from some stakeholders indicates that information provided in a national context is more relevant to their particular businesses, given the nature of that business and its relationship to the national market. I am also advised there are numerous private providers of information services that individual businesses will continue to pursue. But, again, I understand that this matter is in place, understood and agreed to by the industry as best as it can.

We also know that this is the very nature of agriculture. I often wondered, when I was the agriculture minister, about the early people who opened up land and who were fiercely independent, and of course that does not often lend itself, with that fierce independence, to necessarily working as well as it might from time to time, as a collective. I think that was highlighted by the member for Schubert just a moment ago.

Knowledge is power, and I think whatever information can be provided will further enhance the current and future direction of the citrus industry in this state. I am convinced that that will empower the citrus industry to better plan its future as well, through the provision of that information.

Mr WHETSTONE: I hear what you are saying but, again, Citrus Australia has a voluntary membership. As I said in my earlier contribution, only 10 per cent of the industry are members of Citrus Australia, so they do not have the power or the means to actually collect data, especially when it is surrounded by privacy clauses.

There is a number of issues around addressing collecting the information that bothers me. Another would be crop forecasts. Citrus Australia would have to have people on the ground, as would SARAC, and my concern is that dollar will need someone out there compiling the information on an ongoing basis. Again, as you said, knowledge is power, and to be out there on the ground to articulate that information is a costly exercise.

When collecting tonnages and varieties, a number of the big growers in South Australia contract pack their fruit interstate. So that fruit does not pass through a South Australian registered pack house. How will that information filter back into South Australia, the responsibilities of those Victorian and New South Wales pack houses? It does not appear that there is an onus on them to report that information back.

The Hon. P. CAICA: As I mentioned earlier, Citrus Australia provides a number of programs in the area of information and services. I mentioned that they include the national Citrus

Communication Program, the National Plantings Database and the national InfoCitrus program. These particular services are funded through the national research funding that is available. I am further advised that if indeed a grower subscribes to these particular programs, it would not matter whether they pack it in Victoria or in South Australia, that information would be collected through this particular process. If the packer subscribes to that particular program, that information will be collated and available.

I guess there is a dilemma if some people are not subscribers. It is very difficult to get that information. Being well connected to the industry, like a lot of your friends and colleagues in the Riverland, you should encourage information to be provided that better informs the welfare and the nature of the industry at any particular point in time.

Mr PEDERICK: I want to make a statement. In regard to part 8 and the expiry of act amendment which was introduced by the Hon. John Dawkins in the other place, I would just like to put on the table that I was very pleased—and I said it in my contribution—with the good faith negotiations with both the department and the minister's office. I know that all my discussions with Natalie Rutherford were in good faith and everything went as we discussed as far as this amendment is concerned.

In this place, where things can get fairly robust, I certainly appreciate the work that went into getting this amendment up and agreed to by the government. I am very pleased with that. I think it gives a realistic date (1 January 2014) from which the Citrus Industry Act 2005 can be repealed. I just note my appreciation, minister.

Mr WHETSTONE: Thank you, minister, and the minister's department. I would just like to put something on the record. With the expiry of the act on 1 January 2014, under the guidance of SARAC, obviously the end aim is to be part of Citrus Australia. Can the minister advise the committee that, if there are barriers for the transition from SARAC into Citrus Australia, the minister will revisit the Citrus Act so that we can address any issues for the betterment of the industry?

The Hon. P. CAICA: I thank the honourable member for his question, and the first thing I would say is that we want to go forward, not back and, as I understand it, the industry itself wants to go forward and not necessarily go back. I think during this process, the ongoing dialogue that will occur within the industry and be provided for by SARAC will determine what it is that might manifest itself at that time following the expiry date. I hope and trust that the industry will continue to look forward and not look back to what once was.

Clause passed.

Title passed.

Bill reported without 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) (16:40): I move:

That this bill be now read a third time.

In doing so, I again thank the opposition and acknowledge the comments made about the input from members of the opposition in the other house. The government has very much enjoyed working collaboratively and cooperatively with the opposition to get the outcome that we have achieved here today.

Bill read a third time and passed.

MOTOR VEHICLES (DISQUALIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 July 2012.)

Ms CHAPMAN (Bragg) (16:41): Thank you, sir. I think I heard you referred to earlier as the deputy speaker. Are you currently our deputy speaker?

The ACTING SPEAKER (Hon. M. Wright): No, just acting.

Ms CHAPMAN: I thought you might have been. I thought perhaps you had been elevated and I had missed that. Thank you, Mr Acting Speaker. I rise to speak on the Motor Vehicles (Disqualification) Amendment Bill 2012. I note that this is the maiden bill of the minister and, of

course, I plan to be not only brief but cooperative. This bill was introduced by the minister on 10 July 2012 and, on the same day, the final report of the Ombudsman was tabled in the house. I do not make any reflection on the capacity of the government to be able to introduce a bill which clearly helps to address some of the issues raised in the Ombudsman's report as though they had some kind of early insight into the bill, but I make the observation that from the Ombudsman's report it is clear that the government was well aware for over a year of the problems that this bill seeks to remedy.

I do not say that that was in the personal knowledge of this minister because at the time of the disclosure of this major problem, back in July 2011, then minister Kenyon had provided a public statement in early August 2011 disclosing that there was a problem, and he was clearly the minister seized of the matter. I will come to the purpose of the bill shortly but I make the observation that the minister has really inherited some rather unpleasant, bitter pills in her portfolio. As if public transport difficulties were not enough, and managing the contracts with bus companies has not caused her enough lack of sleep already, to be handed this rather nasty little piece is really, I think, probably a bit uncharitable of senior minister Conlon in not dealing with this matter or keeping it under his wing.

Nevertheless the minister has taken the responsibility, has taken the portfolio, accepted the job, as difficult as some of these explosive issues might be for her, and she has accepted that responsibility. I do not know whether all these things were disclosed to her before she took on the job but, nevertheless, having taken it, she is still there and therefore has this responsibility.

In South Australia car owners should, I think, under this government, on the face of it, have every confidence that they are going to be well looked after. After all, we have four ministers to look after car owners in this state. We have minister Conlon who tells them what roads they can drive on and where they can drive. Of course we have minister Rankine who makes decisions and looks after them as to how fast they can go, and—

The DEPUTY SPEAKER: Member for Bragg, I could sit here for hours and listen to you but, at some point, are you going to get close to debating the bill itself?

Ms CHAPMAN: Absolutely. This is a bill to remedy—

The DEPUTY SPEAKER: This is a preamble.

Ms CHAPMAN: I am sure you have read in every detail the minister's second reading explanation on this. This is a bill to remedy a problem in relation to drivers of motor vehicles who drive motor vehicles unregistered. Because of a complete stuff-up, in short, by former ministers, under their watch, we are here to remedy it. I am making the observation that, on the face of it, car owners should have some confidence in a government that has four ministers allocated the responsibility of looking after them. I have dealt with the first two.

The next one, of course, is the current minister—minister Fox—who has the responsibility to decide how much it is going to cost them to drive. That is in her portfolio. Then of course we have minister O'Brien and he is the one who collects the money through Services SA. So we have four ministers in the cabinet who are supposed to be looking after these issues and what do we find? We find that we have a bill to remedy a stuff-up a year after the government knew about it, and that is of concern to me.

I think it is important that, especially as the Ombudsman instituted his own investigation as a result of complaints in the community, we have some explanation from the minister, and I will ask her to explain in her response why it has taken a year for legislation to be introduced on this mess. It is claimed—and there is no reason to suggest the contrary—that the government was aware of this problem from July 2011.

Minister Kenyon, in August 2011 provided the material to the public to say that they had a problem and, by December 2011, the Registrar of Motor Vehicles had then—I think, on her initiative—issued notices of request through the electorate offices and Services SA inviting complainants to approach the registrar if they had been adversely affected. So we had some action taken, some disclosure made, but no remedying of a problem which was known to affect tens of thousands of people in this state. I do think we are entitled to some answer on that.

In short, for the purposes of those who might be following my contribution in this debate, currently when a driving offence is finalised, the information is electronically transferred from the Courts Administration Authority and SAPOL to the Registrar of Motor Vehicles. The registrar is then obliged to notify the person of disqualification—that is, if the number of demerit points incurred in a

three-year period reaches 12 points and/or some other circumstances. That is the current position. The Registrar of Motor Vehicles has no discretion in acting on that. They have an obligation specifically to act and there is no discretion.

Part of this, it is fair to say, has been the development, as we currently have it, to a stronger, stricter arrangement and regime for getting tough on behaviour that is contrary to the road rules—and I certainly do not propose to go into that—most of which the opposition has supported. The problem in this instance arises out of the fact that the registrar has no discretion. It was compounded by what was an apparent problem since 2009 in the TRUMP computer system, when 8,000 notices of disqualification were forwarded by the registrar much later than they should have been, with some people receiving them up to two years after they should have.

A number of these (probably at least half of them) should not have been disadvantaged because they had already opted for good behaviour agreements and thus been allowed to continue to drive. The greatest inconvenience was to the L and P-plate drivers who had progressed to a higher licence stage prior to receiving the notice of disqualification and were then forced to regress to a L or P-plate status.

The bill attempts to address this issue by changing the act not to allow the registrar to give a notice of disqualification where the notice has been delayed 12 months or more due to a government error. Both conditions must be met to avoid the person deliberately delaying the proceedings to manipulate the time frame or avoid disqualification. That is, if the notice has been delayed 12 months or more then the registrar shall not be allowed, under this bill (if it is passed and we support it), to issue that notice.

The alternative course, it seems to me, is one where there would be some relaxation of the mandatory obligation on the registrar; that is, to give some discretion. That is a possibility, it seems to me. I raise that because I will ask the minister to explain what other alternatives were looked at to try to redress those in the 8,000 group not covered by this legislation, as against the more recent 1,400 or so who are getting protection under this legislation. The government's position has been to say, 'We can't make this legislation retrospective to be able to give some protection to the people who have been affected previously.'

I think the Ombudsman's report is worthy of some comment. In his report dated July 2012 and tabled in this house on 10 July, the Ombudsman considered three issues: (1) the Courts Administration Authority delay in informing the Registrar of Motor Vehicles about the commission of offences that had attracted demerit points and other penalties; (2) the Registrar of Motor Vehicles should not have issued disqualification notices; and (3) the authority and/or registrar should have taken steps to prevent a failure in transferring data.

Interestingly, this is not an investigation by the Ombudsman that has been at the referral of any other agency. This has been an investigation that arose out of his office receiving a number of complaints by individual licence holders. Each of them had complained, he said, about the unfairness caused by the issuing of disqualification notices by the Registrar of Motor Vehicles some considerable period of time after the commission of an offence or offences. I think that is very disappointing because the government knew about this a year ago. He said:

> In order to consolidate these complaints I decided to commence on my own initiative an investigation under section 13(2) of the Ombudsman Act...

It is also worthy of note that, as the Ombudsman explained, he was only able to investigate agencies—namely, the Courts Administration Authority and the department of transport, infrastructure and energy, now the Department of Planning, Transport and Infrastructure. He was unable to investigate at all the behaviour of the South Australia Police department because the Ombudsman Act does not provide any jurisdiction to do so.

There are many good reasons why the police do not get brought into Ombudsman inquiries. My personal view is that we need to look at whether administrative acts carried out by the police department—which I suggest this is—should not escape the scrutiny of the Ombudsman. Nevertheless, we are left with Caesar reviewing Caesar, of course, over there with the Police Complaints Authority. I do not know what action they have taken, if any, in dealing with that, or if SA Police were in any way at fault in this whole process. In fairness to them, if they were completely innocent of any negligence in the management of this then they ought to be able to have their name cleared at the very least. It seems to me that there is some deficiency in the act.

I would hope that members have read this report of the Ombudsman and, in the interest of time, I will not repeat significant amounts from it. However, from the time of issuing the provisional report and then the letters of response in late 2011 from the departments, trying to explain away their lack of attention to this and missing the boat, it is fair to say that the Ombudsman found a number of things. Firstly, the Courts Administration Authority was criticised for failing to establish any internal controls. The Registrar of Motor Vehicles was criticised for failing to have a risk mitigation strategy; in particular, that they should have been alert to the massive drop in referred cases and acted upon it.

In addition to that, the Ombudsman invited complainants to approach the Registrar of Motor Vehicles and seek remedies. In his report he also expected that there would be a report from the Courts Administration Authority and the Registrar of Motor Vehicles on that process by 30 September 2012.

I would invite the minister to assure the house, at least in the department she is responsible for, that she will report to the house as to the progress of that recommended action by the Ombudsman, that she would expect compliance with that, and that she will ultimately provide to the parliament (if the Ombudsman does not himself) his further report on the recommended action that he suggests that they take, independent of what we might fix up here in the parliament. I think everyone is entitled to have some response on that.

There has been a major problem. The second reading explanation was probably a bit thin on this, but the Ombudsman's report makes it absolutely clear that, whilst there was computer error in the data management, there was also human error in this whole process, and we cannot all blame computers for everything. I thought it was a bit cheeky of the minister to come in and present this to the parliament in her second reading explanation as being:

> This bill addresses a problem facing governments in this age of electronic information gathering, storage and transmission...namely, programming errors that cause systems to malfunction, resulting in information not being produced or actioned in reasonable time frames.

Good luck in trying to put a gloss on this, minister, but the reality is that this has been a major stuff-up, and the Ombudsman's report makes that absolutely clear. This is not a computer-age problem, this is a problem which does need a serious and considered response. You cannot just blame computers as though they live in some world of isolation and that the people around them in some way are exempt from any criticism of their own ineptness or negligence in their duty.

The Ombudsman is the independent arbitrator on this and I think he has made very clear what his view is about not only the conduct of these agencies but also their attempts, in their responses to his provisional report, to get out of any liability on it and of blaming other people. He makes it perfectly clear that there should have been more attention paid to this, and a lot of people in South Australia have suffered as a result of it.

The parliament should have on the record some understanding of the significance of the personal and financial cost to the community of this issue. I am not talking now about the taxpayers having to pay for all of the new computing system that the government has announced they are going to implement for the purposes of remedying the computing data management, but the personal cost to the individuals who have been affected.

As is clear, thousands of people who have been affected by this are not going to get any remedy. They have been left out in the cold, and I think we do need to have a bit more explanation than the Hon. John Rau's press release which simply tells us it cannot be retrospective. Well, why not, and why should we not have some indication about the problem with that? The minister in the second reading said:

> The greatest inconvenience was to people who were a learner or a provisional licence holder at the time of the offence, had progressed to a higher licence stage prior to being disqualified and after serving the disqualification, regressed to a provisional licence or learner's permit.

That is the entire contribution that is given to all those poor punters who have been adversely affected. Again, good luck in trying to gloss over this. Here is just one piece of correspondence that has come in, and I think it has gone to most members in parliament, about what he thinks about the government's failure to deal with this issue. It starts with:

> Dear Representative,
>
> In August 2011 I received a letter from DTEI informing me that I had lost my licence for six months due to a computer glitch from over two years earlier. Many of us affected by this glitch engaged legal representation—

and then he names the legal firm—

with no success. The government would not budge from its position, apparently there was nothing they could do.

However it has been brought to my attention that DTEI has since had another computer glitch and the government is looking at changing legislation so that the new group of drivers to lose their licence will be receiving their full licence back at the end of their disqualification. Yet I cannot get my full licence back for two and a half years, surely all people who have lost their licence due to these glitches should be treated equally?

Needless to say I find this is no less than an absolutely disgusting move by the state government. On the one hand to treat the first 8,000 most unfairly, yet for the next group of unfortunate drivers, they are going to get special treatment.

It goes on and on about a number of other aspects, but here is the real impact on the person who has written this letter:

Due to my loss of licence I had no choice but to use Australia's most unreliable and sporadic public transport system to travel from Happy Valley to Semaphore so I could keep my job as a kitchen hand. The round trip alone on weekends was between 3.5 - 5 hours depending on the day, plus my shift at work (It took me 40 to 50 minutes in my car) I was unable to work many shifts because public transport was unavailable at that time (i.e. dinner/closing shifts).

Just to give you further understanding of my situation—

The letter continues and he talks about his disability and so on. I do not think I will go into all the personal aspects that he faces. I think it is important—and he begs me in this correspondence as one of the recipients of this letter—to make it clear to all members of parliament how this type of situation affects real people in real situations and has real consequences. In any event, he makes an almost rather unpleasant comment about how he feels that the government has failed to deal with this matter. He says in conclusion:

I hope that when you sit in parliament on the day this legislation is put before you and the other members that you will remember who you are and indeed who we all are as South Australians and that you will be a beacon of light, justice and fairness for all.

I do not think he means me personally; I think he means all of the parliament. I make the point that we need to understand as a parliament, particularly the ministers need to understand, that when these stuff ups happen they affect real people in real time and they have real consequences. It is not good enough to come in here and say that we need to fix up this because we are in the age of computer glitches and gloss over the significance of this for thousands of people—on the record from the Ombudsman's office it is tens of thousands of people. There are real consequences here.

I think we need some explanation from the minister as to why this one line retrospective referral of the Attorney-General was made in a statement in his press release on 10 July. I notice that he has run 100 miles away from this as well, minister. Obviously we have had minister Kenyon as well and minister Rau who all seem to have dumped it on your plate.

So, I am sorry for you that, as a maiden bill, you are stuck with this, but it should not escape the attention of you or other members of parliament here that there are real human consequences to this and they are entitled to have some answer to the remedy that is being offered and, on the face of it, the inadequacy of it. There may be some justified reasons for that, but I think that they are entitled to some.

Ms Julie Holmes, the Registrar of Motor Vehicles, and other members of the department and members of the minister's staff provided a briefing on this matter. I am pleased that we had the opportunity to have that briefing and I thank them for their time in doing so. It seems clear from that briefing, and I should also place this on the record, that, whilst there is no definition in the bill proposed by the government as to what an administrative error is, I am told, so I place on the record, that that will include an electronic or personal error. So, it is not designed to be able to be evaded, as it could be if it was just one or other of those.

I am a bit surprised that there is not a definition in the bill of what administrative error is for its application because this is a sort of new-age type approach as to how we manage these. It is something that I think needs to be made clear by definition for the purposes of those who might seek to have some remedy under this, but so it is also clear for those who are administering these departments so that they understand what type of conduct could result in them having to implement the terms of this which, in this case, is the registrar to be prohibited from issuing a notice after 12 months. So, I think we need to have some clarity on that or at least confirmation about what that is going to be doing.

I will foreshadow, as the minister knows, an amendment to the bill. While we are dealing with administrative errors, we would like to remedy another problem. Information on this had been provided in the briefing, so I confirm that it is not just me as the shadow minister for transport, but there are real people out there who suffer as a result of not receiving notices of registration and insurance renewals.

This does not include those, I place on the record, who should take responsibility for making sure that they get their notices. I am sure other members have had people complain that they have not had their renewal notice but, in fact, they have been entirely responsible for that because they have not advised the proper authorities of any change of address, for example, or any change of status which might give them eligibility for a renewal notice in a different format.

So, that is their fault and I think everyone in the parliament agrees that this is a personal responsibility thing and they are responsible, but where there is an administrative error—I do not care whether it is a computer or a departmental person—there is a stuff up and they do not issue the renewal, then there are serious consequences. The history of penalty on these is very high, both in fines and demerit points. It used to be an automatic three-month suspension of licence in the old days, but the reason it is so serious is because this notice is not just for the registration but for the insurance.

We have a third-party protection system in the state. Everyone has got to contribute to that if they are driving motor vehicles and it is through this system that that contribution is made. So, it is quite properly very severely frowned upon, and the penalty reflects this, if people do not pay it, because there is a serious consequence for those who might have to end up paying enormous—that is, up to millions of dollars for people in personal injury claims—amounts if there is no insurance. It is all very well to say that the person might have to be liable to pay them, but usually what happens is that person cannot pay it and the victim then is left without proper cover.

So, there is a very good reason why it is severe, but there is also a very good reason, then, why we insist that the government, if there is a stuff-up, should have an obligation not to be able to recover. We foreshadow an amendment to provide that in the circumstances, to present a legal obligation on the department to issue the notice, and that if they fail to do so within that 14-day period we have provided, then the penalties, of course, lapse.

We have put a three-month clause in there to ensure that we do not allow a situation where somebody might be able to get away with the fact that they have not had a notice and be able to get away with it year after year. We recognise that that should not occur either, but this is a mandatory obligation which we think is reasonable.

The department has confirmed, in the course of the briefings that we have had via the Registrar of Motor Vehicles, that yes, there have been occasions when there has been a computer glitch, or incorrect data has been entered. It apparently occurs rarely. It is apparently most likely to occur in circumstances when there is a transfer of ownership of a vehicle, or transfer of the status of a vehicle from urban to city, or city to urban, and when different types of registrations are applicable. Therefore, it is a very real problem.

The only remedy at the moment is for the Registrar of Motor Vehicles to beg the police not to prosecute. That is obviously not a very satisfactory situation. We need the registrar to have sufficient powers to deal with these matters, and I see that the government has gone down the administrative error formula, and so, consistent with that, we have placed this in the same methodology of management of this type of problem.

Of course, we do not know how many people there are out in the community who have just taken this situation on the chin. They may have thought, 'Well, I haven't had the notice, but I could have mislaid it,' or, 'I've got no avenue of redress, I've got no form of complaint, I know I can't deal with it; there is no power for me to get exempted from this—there's not much point in me going to court and saying to the judge that I didn't get my notice.' They do not know that they have any remedy. Those who have really taken that issue up—

The DEPUTY SPEAKER: Member for Bragg, did I understand you correctly in saying you are going to move an amendment to this effect?

Ms CHAPMAN: I am.

The DEPUTY SPEAKER: Right; do you wish to perhaps save your energies for that amendment when it comes before the committee?

Ms CHAPMAN: Normally I would, Mr Deputy Speaker. I spoke to the minister before we commenced the debate and indicated that I was happy to just cover the gist of my amendment so that, when we do move into committee, it can be dealt with rather quickly.

The DEPUTY SPEAKER: I was unaware of that agreement.

Ms CHAPMAN: The minister has highlighted what her indication is on the matter—

The DEPUTY SPEAKER: Is that your understanding, minister?

The Hon. C.C. Fox: That is my understanding.

Ms CHAPMAN: —and so, in the interest of time—

The DEPUTY SPEAKER: I just wish to confirm that is the minister's understanding. Yesterday, we had a situation where one of the members said something and the minister accepted it, but it was not the case at all.

The Hon. C.C. FOX: Yes, I absolutely accept what the member for Bragg says. I also think I imagined the word 'brief' in there, but that was not the case.

Ms CHAPMAN: My brevity in the committee stage will stun you. I am actually winding up, as you might appreciate, because I only have one amendment. The gist of it is: the obligation follows some information that has come to us and it has been confirmed in briefings. We accept that, if we are going to go down the administrative error model, we will follow that to the extent of imposing this obligation, rather than providing a discretion back to the registrar to deal with these matters.

I am also informed—and I am sure quite reliably—that it is not that difficult for the Registrar of Motor Vehicles to check. If there has been an error, they soon know about it. They can soon check whether in fact they have not issued a notice. So, we are not intending to impose any significant obligation.

I think it will be of great comfort to registered owners out there to know that they not only have four ministers looking after them, but that they are going to be properly considered when situations arise which result in an injustice to those adversely affected. With those few words, I commend the bill. I hope to have the support of the minister. As I have indicated, we will be supporting her bill, and I look forward in due course, when she has had an opportunity to investigate the benefits of this amendment between the houses, to her welcoming it back with open arms.

Dr McFETRIDGE (Morphett) (17:15): I rise to speak on this bill because, having had the transport portfolio in previous parliaments, I am quite familiar with the TRUMP system, the system that replaced the DRIVER system. It was supposed to make the registration of motor vehicles quite transparent and seamless, and it was supposed to enable people to use the internet to go about various transactions to do with the Department of Transport, obviously registering their motor vehicles and getting their driver's licence.

I can say that I do have the EzyReg app on my iPhone. I can see that the registration of one of my cars is there. I am due to register the car on 17 December 2012. In fact, I have not opted to pay it now; I have opted to set a payment reminder which has gone into my calendar. However, if you do not have an iPhone or you do not go down that path, you are subject to the TRUMPS software.

The TRUMPS software was first implemented in the department in 2003-04 following the necessary approvals and it was scheduled to be completed during 2005-06. We know that this was not the case. We know that in at least one case there have been qualified audits for the Department of Transport that have had TRUMPS at the centre of their focus. In fact, a supplementary report for the year ended 30 June 2008 was put out by the Auditor-General, which spoke in detail about the problems with the TRUMP system at that time.

Most of the issue that we have now comes back to the fact that the TRUMPS software has never worked properly. In the end, I believe it cost $17.4 million. That is typical of this government: it spends big on a project but is unable to implement it in either its intent or its form, and the results of the projects are not achieved.

It is absolutely vital that motorists in South Australia are aware of when their vehicles need registering. I personally would like to go back to a system where if people want to get a sticker, they can get a sticker. I know of cases where motorists from South Australia have been driving

interstate under the new system, without registration stickers, and have been pulled over by the police. In fact, I have written to police ministers interstate to clarify what is going on. Motorists have been pulled over by police interstate and given infringement notices for having unregistered vehicles.

Going on to the EzyReg app is apparently not good enough for the interstate police. There are serious issues with the way cars are being registered in South Australia and, in many ways, it comes right back to the TRUMP system, which has been around for a long time, has cost many millions of dollars and has been the subject of the Auditor-General's supplementary reports and qualified reports. It is about time this government got it right.

Mr VAN HOLST PELLEKAAN (Stuart) (17:19): I would like to make a few brief remarks. As everybody in this house would appreciate, it is always a challenge to follow the member for Bragg, because she is very thorough and organised and manages to bring many issues into her comments. I will just focus on one aspect that she brought up, and that is human face of this issue. There are two key issues that we are talking about here. One is in the government's bill, and that is the delayed notification—and probably quite rightly so—when demerit points are accrued and motorists find out later about a disqualification.

This has hurt people in the electorate of Stuart, particularly young people who might have been on L and P plates. I have had cases brought to me on this, and then they find out, perhaps two years later, that they have lost their licence and that they are going to still have their licence taken away from them, by which time they might have an apprenticeship or they might have a job. In country areas you really struggle to fulfil those responsibilities if you do not have a car, if you do not have a licence and if you cannot get around.

I will not go into naming names but I have quite a few real world examples in the electorate of Stuart where young men have lost their licence. They might have done the crime, lost the points, and it is quite understandable and quite fair that that happened, but up to two years later when they have got on with their life—and you can imagine that, if you are 17, 18 or 19, two years represents an enormous chunk out of your time; you have changed and you have grown.

In one case I went back through the whole record and he had not had one single traffic infringement of any kind. He had driven with a perfect driving record for longer than the disqualification was going to be, and then this person actually lost his job because he could not go to work because he could not drive his car. So, this is a very real issue in the electorate of Stuart.

The other half of this is the issue that the member for Bragg will raise with her amendment, that is, the issue with regard to unknowingly driving an unregistered car when the owner of the car was not sent a registration form. This is something that I wrote to minister Conlon about on behalf of three constituents, not because it only happened three times but because there were only three cases where I could show, without a shadow of a doubt, that the renewal notices had not been sent.

So, there were three cases and I wrote to the minister and said, 'Look, this constituent was unknowingly driving an unregistered car. They did not realise it was unregistered. They had been to Service SA who confirmed for them that a renewal was not sent, so surely, minister, you can help these people out in this situation.' The answer was a resounding, 'No, I am sorry, the letter of the law applies,' which, of course, is technically true, but my very strong view was that that was quite an unfair response in terms of trying to encourage people to respect the law, trying to encourage people to respect parliament, and trying to encourage people to respect the government.

I wholeheartedly support the member for Bragg in the amendment which we are all aware of and which she will formally put forward shortly. One of the things that I would like to mention is that it only applies in cases where a renewal is not sent. It does not apply to ones where the dog ate it, or you forgot, or you ran into some other thing, or you were away on holidays and did not get home in time—all of the other things which may or may not be quite reasonable, but it does not apply to those. It applies to the ones where a renewal notice was not sent in time and, in this instance, two weeks in advance of when the renewal was due.

Also, very responsibly on behalf on the member for Bragg, it does not apply if the situation is more than three months after the renewal would have been due, anyway, which I think is very appropriate because it does not say to the driver or the owner of the vehicle, 'Look, you have no responsibility. If you do not get one sent, you do not ever have to worry. You still have some responsibility in this.'

So, in the case of the member for Bragg's amendment, if you do not get one for six months and you are driving your own car unregistered for six months, well, bad luck, because you probably should have thought of it in that time. But if this does occur from two weeks ahead of when the renewal was due, up to three months after the renewal was due, then, essentially, you get some understanding from the government, and I think that is a very appropriate situation.

I will not take up too much more time but there is a very human face to this issue in the electorate of Stuart, where people really need their driver's licence, and people really need their cars. We have some public transport but not a lot of it and people who live in Port Augusta, the largest centre by population in the electorate of Stuart, still need to get around the countryside. Even if you live in Port Augusta, you work in Port Augusta, and most of your life is spent in town, in the country you still need to be able to get around, and so a car for us—me and the people I represent—is probably far more important than it is to most people in Adelaide.

The last thing I would like to say is that this has all come about at a very unfortunate time when the government took away the registration stickers. I think that it is probably just an unfortunate coincidence that this issue has come up at the same time as the stickers were taken away, but I think it is a very positive move by the member for Bragg, because her amendment will address that issue of people driving unregistered cars unknowingly.

Mr GRIFFITHS (Goyder) (17:25): I also wish to make a contribution to the Motor Vehicles (Disqualification) Amendment Bill and put on the record some of my recollections of personal discussions and approaches that I had when the disqualification of some 8,000 drivers' licences became known. At that time I had some level of responsibility from a shadow portfolio perspective and I had contact from just about all around the state—younger drivers, older drivers and people everywhere in between—and I listened to some terrible stories of the impact that it was going to have on them.

They recognised that they had done the wrong thing. Their complete frustration though was that, to a large extent, their lives had moved on. Their circumstances in some cases had changed; they had different jobs that relied upon a driver's licence; they had moved to other communities where no public transport was available. For one young fellow who was an apprentice working in the Adelaide Hills who used a motorbike to get to work—and that was his only method of transportation—the loss of his licence meant that he was going to lose his job.

This was a young bloke who was proud of himself. He had come from very difficult circumstances with his family. He was determined to be employed gainfully, which was not evident in other members of his family, and here was his chance of becoming a useful contributor to society being taken away because of the fact that there had been such a dramatic error. I am sure most members in this chamber would have actually heard these sorts of stories. If they had listened to them, it might be a different story, but I know they were contacted on a regular basis and it was uniform throughout the state.

They wanted to do the right thing. They wanted to ensure that they served their penalty, but there was an expectation that the system should have worked much better than it did and that they would have been able to do that at the time—suffer through it but ensure that they had an opportunity to move on. Instead, they thought, 'What's happened here? Nobody has contacted me. I've still got my driver's licence. As far as I know, I can still keep driving,' and all of a sudden they find out up to two years later that that opportunity has been lost.

I had parents contact me on behalf of their kids who were not confident enough to speak to members of parliament, often from metropolitan areas and in Labor-held seats, who were fearful about what their kids were going to do. They pursued every opportunity. They knew that agreements could be entered into but that opportunity had been lost. There was an issue about the costs associated with it, the fact that they would have had to go back to a lower scale of licensing and start out again from scratch.

I know I spoke directly to the Hon. Tom Kenyon about it, trying to get some common sense into this and to ensure that a method was in place so that these people, no matter where they lived and no matter what age they were, actually had some recourse against what was occurring. I understand that it has been necessary to bring in the legislation and it is a good move that it has finally happened.

I am fearful about what the impact may have been. It would be interesting if anybody had the time to do some follow-up with people who directly lost their licences about what has occurred in their lives, so that we can all understand that sometimes there are very serious implications from

omission and, to me, that is what this was. I support the fact that the legislation has been introduced. I am sure that everybody wants to make sure that it has a swift carriage through the parliament, so we will not hold it up for an overly lengthy time, but we have to make sure that the situation is improved.

I also want to put on record my commendation to the shadow minister for transport (the member for Bragg) for the amendment that she has introduced. It is amazing to me that the current situation of receiving a reminder notice is not a requirement but an act of good faith. I am flabbergasted, especially in this age in which we live, when there are no longer registration renewal stickers on car windows and therefore it is a bit more challenging for people to remember when the registration expires, that that guarantee that people would get their notices was not written into that change, which was brought about as a budget efficiency.

I know it occurs in the absolute majority of cases and I do respect that. However, there are those people where, for some reason, it slips through and they cannot find any record of it. They say that, in all honesty, they never received it. The fact that there has been no compulsion to ensure that it has gone out—and when people have checked and it has been proven that no notice was issued, because as I understand it the system is clever enough to understand that that has occurred—is very disappointing to me.

I hope that this amendment has support; it is a common-sense one. There are notices issued already, and presumably it will only be a very minor increase to the cost of doing business to the government, but it provides a level of service to the community who, after all, pay everything towards state revenue to allow these services to even exist, to give people some surety that they are going to get a registration renewal and then they make a decision. I know there are many different ways that you can review your vehicle registration and how you can check on it using different apps and that there is a toll free telephone number you can ring and all that sort of stuff, but the most basic and important principle is to ensure that they get the notice first.

I have listened intently to the contribution made by the shadow minister and by other members on this side about the legislation. All of them have put their concerns to the chamber. I know other members—and we probably still have a few people who wish to speak on this—want to make sure that the contact they have had from constituents becomes part of the historical record of *Hansard* because it is an important issue; it is not just a flippant thing.

Up to 8,000 people were affected by the delay in processing their infringement notices. Many of them contacted us and there were real concerns that had to be sorted out. It took an enormous amount of time from all the electorate offices' point of view and many MPs devoted a lot of time to trying to help in any way they could, as well as just talking people through the issues.

I had some contact with a trucking finally on Eyre Peninsula. They had second-generation people involved in the business who were impacted by this and were concerned about what it was going to do to the business. It is not just about an individual employee, it is about the impact it has on the business. If you suddenly lose somebody in whom you have invested time so that they have the appropriate skills to be part of a business which requires a driver's licence and then that is lost at a key time, it has an impact on the economy.

Economic activity does drive state revenue so here is a throwaway opportunity to recognise that, if policy and practices are not right and there are no fail-safe procedures in place with computer systems and how they work, the impact can be very pronounced on many people. I look forward to the swift passage of the bill and I hope that there is support for the amendment proposed by the member for Bragg.

Mr PEDERICK (Hammond) (17:32): I rise to support the bill. I certainly support all the comments from our side of the house and the comments by the shadow minister, the member for Bragg, and her amendment regarding registration renewals. It is just amazing that in this day and age this type of legislation is needed to cover basically what was a computer error, yet there is no recourse for the many people who have come into all of our offices.

I have several inquiry sheets just from my office and I want to talk about a few of them here today. There is one from Tim from Murray Bridge who got a notice of disqualification of his licence from 2008, and this was back in August 2011. There was an accompanying letter from the Registrar of Motor Vehicles stating why it had taken three years for him to receive it. When Tim's incident happened he was on his provisional licence. He then had a full licence but, with the disqualification issue, it meant that his licence was taken away and he had to start on his learner's

again after 12 months. This is the letter from the Department of Transport, Energy and Infrastructure dated 5 August 2011, which states:

> Enclosed is a notice of disqualification notice that has resulted from an expiation notice (fine) you received up to two years ago. Some time after July 2009, you applied to the Magistrates Court for relief and then entered into a payment arrangement to pay the fine.
>
> The Courts Administration Authority (CAA) is required to notify the Registrar of Motor Vehicles when a person completes an application for relief so that I can record this offence and any associated demerit points against that person's licence record. The Motor Vehicles Act 1959 (the Act) requires that where this results in a breach of a conditional licence or the demerit points scheme, I must disqualify the person from driving.
>
> In 2009 the CAA upgraded its software and the CAA computer system ceased automatically supplying some offence information to the Registrar of Motor Vehicles. This error meant that I was not notified of your offence and therefore did not send you a notice of disqualification. The error has only recently been discovered and I have acted to correct the problem as quickly as possible.
>
> I acknowledge this delay may cause inconvenience. I have no discretion though to remove or vary a disqualification required under the Act. However if you are eligible to enter into a Good Behaviour Option, a Safer Driver Agreement or Appeal the disqualification to the Magistrates Court, you still have the same options. The options available to you are written on the notice.
>
> Further information is contained on the enclosed notice, so please read it carefully.
>
> If you are uncertain about what to do, you should contact Service SA on 13 10 84.
>
> Registrar of Motor Vehicles

That is just one of my constituents. We see that the registrar seems concerned that this has only happened after three years. It is just not good enough. Okay, this is someone who has committed the offence, but why have they not been sent the fine and done the time, so to speak, in a timely manner? It is just ridiculous that this has happened and that it has taken three years to get over it.

George from Murray Bridge had the same thing, a late disqualification for something that happened three years earlier. Another lady, Kirra, received a speeding fine in March 2011 in Victoria, nine kilometres over the speed limit and it took 14 months to sort this out. After 14 months of knowing nothing of this incident, Kirra says that she has a full-time position at the bank and that the offence impacts on social functions and her day-to-day social life and, apart from that, just getting to work. She made her mistake, paid her fine and did what she was told to put the matter to rest. 'Why does the department of registration and licensing's mistake have to become mine after 14 months?'

I have a handful of complaints from constituents here, and these are just some of the constituents who came into my office. It is not good enough in this day and age where we are supposed to have software and computer systems to make life easier, but here we have people's lives turned upside down. They acknowledge that they have had issues and that they have been speeding. They have paid the fine but then they do not get any notice about demerit point issues. It has impacted heavily on their lives.

I refer to another constituent (a young girl) who lives out in the electorate. They have a property at Milang and another one in the Mallee, so they do not always pick up their mail. By the time they received notice of the safer driver option, they had just over three hours to get back and respond to it. This is people who have a long way to drive into the city to sort the issue out. Thankfully, some common sense prevailed in that situation.

This has been a terrible mess. It impacts heavily on people, especially in regional communities, who do not have the opportunities for public transport and who may not have someone who can assist them in getting them to work or social functions, which could be many kilometres away from home. As I said, it does impact heavily on people in regional areas. I guess we can be thankful that we are here to right the wrong, but why has it taken so long?

Mr VENNING (Schubert) (17:40): Just briefly, I will declare that I am a victim of this, so I have some feeling about all this. Doing some 66,000 kilometres a year, I will admit, I do not know why, but I have been very, very good in the last 18 months. Whether that is an accident or whether it is some form of relaxation out there, but to lose one's licence for three months for speeding is not easy. I went through the process purely so that I could learn what it was like to have the privilege removed. Certainly I have a different point of view about it now, and I wonder how other members of parliament did not go the same way.

It is pretty sad to realise that the system has broken down in this instance, and people, 14, 15 months after losing a licence, are to be told they have lost their licence and they have to move

on and put it to rest. It will be a real shock to get in the mail a notice advising you of the cancellation of your licence. I reckon that is pretty poor. I cannot understand the government's response to that.

I read the paper, and I am also responding to what the shadow minister said, that to fix it up they will just say that the bill changes the act by not allowing the registrar to give a notice of disqualification when a notice has been delayed for 12 months. Well, really, I think that is not the answer to the problem, because you cannot rely on the default of the system to get out of it. It is not fair. Some people will be trapped and some people will not, and it is either right or it is wrong.

I also want to support the shadow minister's amendment, particularly in relation to notification to the driver, particularly of registration loss or expiry. It is all very well if you have got one car, but I think it is crazy that in the same breath we first of all do not have to have registration disks on our cars, and at the same time you have to know, and they do not necessarily send out renewal notices. Well, I think that is ridiculous. Particularly if you are a multi vehicle owner you are bound to have some problems because you are not going to remember when the vehicle registration expires.

I do note that a member of parliament has printed his own disk and distributed it to a lot of members around here to put on our windows just to remind us of when our registration expires. I certainly support the amendment that has been circulated and lodged by our shadow minister, the member for Bragg, who has been here for nearly as long as me, but not quite.

Ms Chapman: I've been here 10 years.

Mr VENNING: You're only a youngster. I believe that the registrar must let you know not less than 14 days before the expiry of the period of registration of a motor vehicle and give to the owner of the vehicle a notice, in the form determined by the registrar, advising the owner of that expiry date and registration renewal notice. The question I would have, though, is that a person could say they have never received it. Is there any proof or onus? I do not know whether that can be answered by the minister or by the shadow minister. Is there any proof? Some may deny that they did not receive the notice if they do get caught out.

It is a concern to see and realise that there are so many vehicles out there now driving on our roads unregistered. None of us would ever accept that as being acceptable because you expect that the vehicle coming towards you is driven by a responsible person and is insured and is registered. It is a real worry, and it is becoming more and more of a trend with our younger drivers in particular who do not see the necessity to either register, be licensed, or be insured; so, that is a big concern.

The whole area needs to be cleaned up, and it was pretty unprofessional for the government to allow something like this to continue for 18 months to two years before it was picked up as being a problem. Certainly I join my colleagues in supporting this, the Motor Vehicles (Disqualification) Amendment Bill 2012. Hopefully, it will be tidied up. I am concerned at the number of people who are losing their licence and I think it really begs us to ask the question as to why and whether we are going over the top with speed limits.

Just having returned from Europe, a person notices very much, first of all, the standard of the highways. The speed limits on those highways are right up. We were on a motorway with a 130 km/h speed limit on it and—

The DEPUTY SPEAKER: Member for Schubert, I think you are transgressing across the road on another issue.

Mr VENNING: Anyway, I support the bill and I just think we are being a bit overzealous with loss of licence.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (17:45): I would like to thank all those members for their contributions which have been of interest to me. Three particular questions have emerged from the opposition during this debate and they are as follows: why did it take so long for this bill to come to the parliament, what other alternatives were discussed and why is the bill not retrospective? So, if I may, I will address those issues in order.

Why did it take so long? I am advised that, in 2009, the Courts Administration Authority updated their system to affect notifications to other departments. The change should not have affected the registrar's offence notifications. Offence data was still being transmitted to the registrar, as it should have been; however, offences that had been finalised through the court

granting relief were no longer being sent. As these present a small number of the total offences sent from the Courts Administration Authority to the registrar, the missing offences went unnoticed for nearly two years. That perhaps offers some background as to why it actually took so long.

The second question that the member for Bragg asked is: what other alternatives were discussed? I am advised that when the delay was realised the registrar had no choice but to issue disqualifications because the Motor Vehicles Act actually required it—that was what she actually had to do.

The final question which, I think, has been raised by nearly every single speaker is: why is the bill not retrospective? I would like to answer that in some detail because I think that the member for Bragg would prefer it to be so and I understand why.

I should say, in sitting here and listening to the contributions by the various members, that I in no way dismiss or, as the member for Bragg has said, 'gloss over' any of the experiences that have happened to these people. We recognise that drivers, no matter what their level of qualification, should not have to suffer because of an administrative error on behalf of government. I accept that and that is actually where the motivation for this amendment comes from.

As we know, approximately 8,000 drivers were disqualified due to the 122,000 offences that were delayed in transmission from the Courts Administration Authority to the registrar in 2011. Under the Motor Vehicles Act, as it currently stands, the registrar has a statutory duty to give a notice of disqualification if an offence results in a person becoming liable for disqualification.

The registrar had no option but to act in accordance with the law, even if there had been a significant delay in the transfer of data, which happened in 2011. This bill seeks to amend the Motor Vehicles Act because, while these drivers have broken the law, the government recognises it is unfair to delay licence disqualification for so long.

Retrospective legislation is not supported by the government. Of the approximately 8,000 drivers issued with notices of disqualification in May 2011, 7,300 have acknowledged their disqualification. Not all had to serve the disqualification and, indeed, some drivers even benefited from the delay by accessing options not previously available to them such as the ability to apply for a safer driver agreement. These people have either chosen to serve the disqualification, won a hardship appeal in the Magistrates Court and kept their licence or have entered into a good behaviour option or safer driver agreement which allows them to avoid their disqualification and continue driving but under stricter conditions.

To create retrospective legislation would be unfair to those 7,300 drivers who actually did the right thing. It would also give an unfair advantage to the 880 drivers who have not done the right thing and not acknowledged their licence disqualification notice.

Of these 880 drivers, almost three-quarters have been previously disqualified. I think that is a really important thing to note: over three-quarters of those 880 drivers had already been disqualified. Of these, around 80 per cent have been disqualified at least twice previously, and 16 per cent of them have been disqualified between 10 and 30 times previously. So, these people are sort of at the far end of offending.

I think that the question in relation to why the bill is not retrospective also leads me to reflect on something which was not actually a question that the member asked for the answer to; that is, did the registrar offer any redress to those drivers who were affected by this delay? The answer is yes.

As an act of goodwill, the registrar set up a scheme to reimburse all licence holders disqualified by the delayed offence data from 2011 for any out-of-pocket expenses for licence tests (such as hazard perception tests and practical driving tests) that were incurred as a result of the delayed offence transmission.

That scheme was advertised through all Service SA offices and all electorate officers in September 2011. Once again, the figures are a telling story. To date, 11 claims have been submitted, four have been settled, four are still considering offers, and three are still being investigated. The total sum of the eight claims paid, or where offers have been made, is around the $1,000 mark.

So, we do acknowledge that there was a problem here; people suffered because of a government error, but it is also worth noting—and, while I do not have it in front of me, I think it is noted in the Ombudsman's report—that there was a significant attempt to make some redress for

what has occurred. That is all I have to say on that matter. Perhaps, at this point, I may refer to the amendment as it is suggested by the member for Bragg?

The DEPUTY SPEAKER: Yes.

The Hon. C.C. FOX: The member for Bragg puts an amendment to the house which, while I do not disagree with it entirely in principle, only landed on my desk yesterday at 6pm. It certainly requires further consideration from me, and I would very much like to consult with the stakeholders.

This is not some sort of knee-jerk political reaction situation that I want to go into. I would like to consult with SAPOL and the Motor Accident Commission, I would like to look at the ramifications of what the member for Bragg is suggesting, and certainly then I would be very happy to see if it can be discussed in between the houses.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

New clause 3A.

Ms CHAPMAN: I move:

Page 2, after line 9—Insert:

3A—Insertion of section 26A

After section 26 insert:

26A—Registration renewal notices

(1) The Registrar must, not less than 14 days before the expiry of a period of registration of a motor vehicle, give to a registered owner of the vehicle a notice, in a form determined by the Registrar, advising the owner of that expiry (a *registration renewal notice*).

(2) If, as a result of an administrative error, a registration renewal notice is not given to a registered owner in accordance with subsection (1), no offence is committed against sections 9 or 102 in relation to that motor vehicle until the expiration of—

(a) 14 days after such a notice is given to a registered owner; or

(b) 3 months after the expiry of that registration,

whichever occurs first.

(3) In any proceedings for an offence against section 9 or 102 relating to a motor vehicle, a document purporting to be a certificate signed by the Registrar and certifying that a registration renewal notice was given to a registered owner of the vehicle on a specified date is proof of the matters stated in the certificate in the absence of proof to the contrary.

I rely on the comments made in my second reading contribution. I conclude by thanking both the minister for her indication of consideration of the merits of this (hopefully favourably) between houses, and also the member for Stuart, who I certainly should have acknowledged earlier as the member who brought the seriousness of this matter, and perhaps the remedy available, to our attention. Hopefully, it will have passage through the parliament.

New clause negatived.

Remaining clause (4) and title passed.

Bill reported without amendment.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (17:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

NATIONAL HEALTH FUNDING POOL ADMINISTRATION (SOUTH AUSTRALIA) BILL

The Legislative Council agreed to the bill without any amendment.

At 17:56 the house adjourned until Thursday 6 September 2012 at 10:30.