

**HOUSE OF ASSEMBLY****Tuesday 18 September 2012**

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

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

**STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL**

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

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

Motion carried.

**PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 5 September 2012.)

**Dr McFETRIDGE (Morphett) (11:03)**: I indicate that I am not the lead speaker on this bill. The Deputy Leader of the Opposition (member for MacKillop) is the lead speaker, but I will make a contribution while he is delayed elsewhere. This legislation was introduced with some haste—and I put on record, once again, that I am just a humble veterinarian, not a lawyer (and by that I am boasting not apologising)—and seeks to right some inadequacies in legislation that was passed in this place a while ago.

There has been considerable angst among some of the Aboriginal citizens of South Australia and, as the shadow minister for Aboriginal affairs, I have said to people who have contacted me that, in fairness to them, I will read into *Hansard* their news release as well as a letter that was written to the minister from the South Australian Native Title Services. On 7 September, Khatija Thomas, the Commissioner for Aboriginal Engagement, released a press release headlined 'Minister introduces bill to remove native title rights from Aboriginal people'. It went on to say:

A Bill that seeks to remove native title rights from Aboriginal people has been introduced into South Australian Parliament this week.

The Bill, entitled the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012, was introduced by Tom Koutsantonis, Minister for Mineral Resources and Energy.

Urgently introduced to Parliament, without any notice to or consultation with Aboriginal people, the Bill seeks to retrospectively remove the Right to Negotiate procedure from Aboriginal people in relation to petroleum production licences granted to petroleum producers in the Cooper Basin, including Santos Limited.

In introducing the Bill the Minister stated that the application of the Right to Negotiate procedure was an 'unintended consequence arising from transitional provisions', highlighting the 'need to provide certainty to petroleum producers in the Cooper Basin'.

The Right to Negotiate procedure is an important right afforded to Aboriginal People pursuant to the Native Title Act 1993—

that is a commonwealth act—

so that an agreement can be made between stakeholders and Aboriginal people on important issues, including protecting cultural heritage and providing consent for activities that affect native title. The Bill is intended to cover licences that did not comply with the Right to Negotiate procedure and may be invalid.

Khatija Thomas, the South Australian Commissioner for Aboriginal Engagement, is dismayed at the introduction of the bill.

'This bill flies in the face of government rhetoric supporting the engagement of all South Australians including traditional owners,' she said.

'First, the process adopted by the Government to introduce the Bill without notice to Aboriginal people is contrary to international law requiring that only free, prior and informed consent be given by Aboriginal people for decisions such as the one to remove a native title right. Second, the Bill undermines our democratic processes.'

Commissioner Thomas also stated that the Bill demonstrates Government willingness to side with big business no matter what the consequence.

Keith Thomas, South Australian Native Title Services Ltd Chief Executive Officer, is also appalled at the decision to introduce the Bill.

'We encourage all stakeholders to reach agreements to properly manage native title rights and interests, and this Bill is an unfortunate attempt by the Government to meddle with our efforts to build sustainable relationships', he said.

'Such agreements are a result of a legal right to negotiate in good faith providing certainty for all parties, and can result in benefits that help foster community development. This Bill attempts to remove that right.'

Mr Thomas also stated that the impact of the Bill should not be underestimated.

'Without agreement, risks to native title interests and cultural heritage will remain unchecked. We are concerned about the message this sends to Aboriginal People,' he said.

That was a press release put out by the Commissioner for Aboriginal Engagement, Khatija Thomas, on 7 September 2012.

The other bit of correspondence I received is from Mr Michael Pagsanjan, a legal officer with the South Australian Native Title Services. This email is addressed 'Dear Ministers', so I am not sure exactly who it has gone to. It has been CC to a number of people but I assume it has been spread quite widely, and certainly was sent to me. It says:

Dear Ministers,

We write to urgently express our serious concerns with the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012...The Honourable Minister Tom Koutsantonis has today given notice to the House of Assembly that he will introduce the Proposed Bill tomorrow. In short, our concerns relate to the Proposed Bill's impact on native title rights in South Australia.

Then the background on this is that:

South Australian Native Title Services (SANTS) is the Native Title Services Provider for South Australia pursuant to the Native Title Act 1993...SANTS currently acts for a number of native title parties, including the Yandruwandha Yawarrawarrka Native Title Claimants (the YY Traditional Owners) in the Cooper Basin.

There are a number of issues that are raised in this email which I will not go into here, but it outlines some other proceedings that SANTS is involved with, and I will allow the minister to explain to the house in his second reading summing up what consultation he has had with the Commissioner for Aboriginal Engagement and SANTS, because I think there are some very technical legal issues involved here. I know the member for Stuart is concerned that there was an article in one of his local newspapers, and I will leave it to him to outline that.

This piece of legislation, it appears, could have been handled much more diplomatically, if not procedurally fairly. The need to make sure that we are handling all of these native title and native heritage issues is so important. I will give another example of a similar sort of issue that we have been seeing here, and this occurred back in January. In an edition of *The Koori Mail* there was a headline, 'SA court ruling against drillers'. The article states:

An exploration venture in South Australia's north has been blocked by a court ruling in favour of the land's traditional owners.

Argonaut Resources and its joint venture partners, Straits Resources Ltd, were planning to start drilling for copper, gold and iron-oxide in parts of Lake Torrens and Andamooka Island.

The companies had been given ministerial approval to access the area, which is part of the traditional lands of the Kokatha Wati and Adnyamathanha people.

But the South Australian Supreme Court has overturned that approval, ruling that the traditional owners were denied procedural fairness in not being properly consulted.

The Aboriginal people involved were rightly concerned about this. I was very concerned when I read that the Chairman of Argonaut Resources, Patrick Elliott, said that the court's ruling was disappointing; and he urged the South Australian government to amend the Aboriginal Heritage Act to prevent traditional owners from having a right of veto over any activity on any traditional lands. That is quite an ask from the Chairman of Argonaut Resources. I wrote to the Minister for Aboriginal Affairs on 25 January. I asked in my letter to the minister:

Can you let me know what the government plan is to resolve this matter and if there are indeed any amendments to the Aboriginal Heritage Act being investigated.

In his response to me dated 9 March 2012, the minister (Hon. Paul Caica) said:

Dear Duncan

Thank you for your recent letter regarding media comments about the ruling by the Supreme Court in the matter of *Starkey and Ors v the State of South Australia*.

In his letter the minister said that there are some ongoing issues that are being sorted out. The minister then went on to say:

I am aware that both prior to and since these court matters, Aboriginal groups have met and negotiated with mining companies (and other proponents) on questions of land access and heritage protection. This approach of resolving matters through negotiation is consistent with the government's policy in the native title area and is likely to be reflected in the new Aboriginal heritage legislation which is being tabled in parliament following the completion of the current review.

So far we have not seen the final bill from the review of the Aboriginal Heritage Act, but what we do see is a position where this government is not handling Aboriginal affairs as well as it might. There is a need to negotiate. There is a real need to close the gap between Aboriginal affairs in South Australia and non-Aboriginal affairs.

We are seeing \$1.5 billion a year being spent on Indigenous affairs in South Australia—\$863 million, I think the figure is—from the state government alone on about 29,000 people. That works out at about \$52,000, I think it is, per man, woman and child per year being spent on Indigenous people in South Australia. That is a huge amount, yet we see significant gaps in Indigenous disadvantage and non-white conditions.

We need to close those gaps. We need to talk, we need to conciliate, we need to arbitrate. We need to make sure that business in South Australia is able to do what it wants to do, but we should not be walking roughshod over everyone's rights and privileges. We should make sure that this parliament is all about protecting the rights of every South Australian. And whether it is through spending money wisely in healthcare or whether it is spending money wisely in allowing businesses to get on and do what they are doing in consultation with the owners of properties, in consultation with business owners, well, then that is what we should be doing.

It is very important that we do not continue on and say, 'This is what we need to do. This is how we are going to do it.' Announce and defend is not the way to do it. The new Premier promised that we were going to have consultation. It was going to be true consultation, not just going out there and telling people what they were going to do. It is so important that we continue down that path.

There is a lot of evidence here from the Aboriginal people of South Australia that that has not happened in this case. I find it personally disappointing, but the thing we do need to do is to make sure that this piece of legislation does not disadvantage any particular groups and certainly does not give any extra advantage to people who may be involved in any form of discussions, disputes, legislation and negotiations.

I ask the minister to tell us in his second reading speech what negotiations and discussions he may have had with Aboriginal groups and with the Commissioner for Aboriginal Engagement to put their minds at rest that this is not going to be a piece of legislation where we see, once again, as we have seen in the distant past, Aboriginal people being given no consideration.

**Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:14):** I indicate to the house that I am the lead speaker for the opposition on the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill. As a nation, we have grappled for many years with the idea and the establishment of rules around native title. The commonwealth Native Title Act is an act of 1993, so it has been almost 20 years since we formalised the processes which surround native title. We still have a significant number of native title claimants across the nation, and likewise here in South Australia.

There are a number of places where the interface is set between native title claimants, native title holders and the rest of our society. Generally, it is to do with people who operate businesses outside our metropolitan area and outside our townships. So, the number of people directly involved is quite small, but of course the ramifications are quite large not only for the Aboriginal peoples but also for people like pastoralists, where native title still exists. We have co-existence of native title land, pastoral leases and obviously the mining industry, and this particular bill is about the mining industry.

It did take the mining industry a significant amount of time after the passing of the commonwealth legislation back in 1993 to come to grips with it, and I think the mining and petroleum sectors still have a number of issues with regard to how they can effectively and efficiently deal with their obligations under native title law. Similarly, I think native title claimants,

native title holders and the Australian Aboriginal people in general are still getting their head around and still grappling with the paradigm that we now operate under with regard to that interface.

One of the issues that this bill seeks to address arose 12 years ago when parliament passed the Petroleum and Geothermal Energy Act in 2000 and repealed some earlier legislation. From memory, one of the things driving that was the idea of geothermal energy. In the latter days of the last Liberal government we were aware that there was huge potential for geothermal energy in South Australia and that legislation at the time did not accommodate that, so that was one of the drivers for that piece of legislation.

One of the drivers for changing the legislation was to increase the amount of activity, particularly in the Cooper Basin. My understanding is that Santos had been in the Cooper Basin for many, many years since it was first discovered and developed as a productive gas and oil field. The government of the day, and Santos, were negotiating about getting other players into that area. As a result of the change in the legislation, Santos changed some of its production licences and some areas which were previously held under licence by Santos were freed up and we saw other players move into that field.

Today, we have a number of players, a number of companies, that have been very successful: Beach Petroleum is one that comes to mind, and Stuart Petroleum has been very active up there over the years too. There are now a number of players in the Cooper Basin, whereas previously it was pretty well limited to Santos, and that is one of the really good things that has come from the legislative changes that were made some 12 years ago.

One thing that came to the attention of the mining sector and the government is that in that new legislation, as I was saying earlier, we were coming to grips with the new paradigm under the commonwealth native title legislation. It seems that some provisions in the new legislation of the day opened up some questions as to the application of the commonwealth act. My understanding, from the briefings that I have had on this, is that this bill is to answer, or clarify, those questions and reaffirm the intent of the parliament of the day.

My understanding is that this has only arisen because of that process I have just described, that Santos went through a process of consolidating some of its previous licences and in that process relinquished some of the ground it had previously held under licence. I have been advised that that process involved revoking the original licences and granting a new licence. The intent of the parliament was that that process could occur without triggering any other unforeseen happenings, such as creating a future event under the commonwealth native title legislation.

My understanding is that there is now a question mark over that and that we, as a parliament, should go back and reaffirm the original position; that is, that when Santos amalgamated those licences and relinquished that ground it still retained the rights and obligations that were previously held by it and its licences. It is not just Santos, I understand that there are a number of other businesses potentially impacted in the exact same way.

I also understand that some of the Aboriginal claimants and title holders are caught up in this with a question mark over what their rights and obligations are. Again, I think that for everybody involved, if the parliament could reaffirm the pre-existing understanding that would probably be a good thing. I am assured that if the bill before us today is approved by the parliament there will be no granting of further rights to any of the particular parties that might be involved across the native title interface, anybody who holds a licence.

We are talking about licences that have been held for a long time, on my understanding licences which, by and large, have been held since before the 1993 commonwealth Native Title Act, notwithstanding that in some cases they have been modified in some way, but not modified in a way that gives any additional rights to the licensee.

It is my understanding that support of this particular bill would not give any enhancement to the pre-existing rights and would certainly not derogate from any of the pre-existing rights held by native title claimants or, indeed, native title holders. I suspect that this is really a piece of legislation which from time to time we see in the parliament to correct what in the fullness of time is seen as an oversight in earlier legislation and/or to correct the machinery of how a piece of legislation operates to overcome some unforeseen circumstance.

The opposition understands that this happens from time to time. We have traditionally been very supportive, both in government and in opposition, of making the appropriate corrections once we are convinced that we are not changing materially the rights of any party involved, particularly

when legislation has a retrospective nature to it, and this piece of legislation does have a retrospective nature. The opposition is always very reticent to support legislation that has a retrospective nature and generally will only do so under the sorts of circumstances that arise as have with the Petroleum and Geothermal Energy Act and its application.

I am also informed that this measure would potentially impact on only a small number of licences held by various petroleum industry operators principally in the Cooper Basin. I am also reliably informed (I am assuming reliably; it is an assumption, and I am sure it is right) that, as they go forward, companies like Santos do indeed have a continuing relationship with native title claimants and/or native title holders because this is an ongoing process for them and other operators in, for instance, the Cooper Basin because they hold many licences.

I am told that Santos expects that over the next few years they will be in negotiations with mostly the YY people for in excess of 70 licences, which will come up for renewal and which will trigger a right to negotiate for the native title claimants and/or native title holders. I think it would be wrong for us not to acknowledge the very real fact that these operators in the Cooper Basin area, principally, are not obliged to have an ongoing and fruitful relationship with the Aboriginal people who have traditionally been in those lands.

Santos were at pains to point out to me their expectations for the sorts of negotiations they will need to undertake over the next period, the next five to 10 years. Basically, they told me that they are acting in good faith, that they cannot operate in the area without acting in good faith, and that that is the way they go about their business on a daily basis. In fact, they tell me that virtually on an ongoing basis their relationships involve them having representatives from the native title claimants and holders regularly working with them pretty well at any time they undertake what is described in the industry as 'ground disturbing' activity.

So, every time they build a roadway, put down a pad for a drill, put on a drilling rig, or build a pipeline, all those basic activities they undertake in the Cooper Basin, they have representatives from the native title holders or claimants on site advising them and working with them on Aboriginal heritage matters, on matters that sometimes operate under an Indigenous land use agreement. They have this range of arrangements, all of which mean that they do indeed have to have an enduring relationship with the local Aboriginal people.

I am confident that this legislation is designed to achieve a very limited outcome, that is, basically to clarify the pre-existing position. When I say 'pre-existing', I mean the position that applied to these particular licences pretty well from the day they were initially granted, which was probably back in the seventies or even earlier. I am also confident that this legislation will not derogate at all from the rights of the local Aboriginal people, and that is important to the opposition.

My colleague, the shadow minister for Aboriginal affairs, has already made some comments and has indicated that he had had discussions with some people from the Aboriginal support agencies. The opposition is continuing with negotiations on this matter. I understand my colleague, the shadow attorney-general, is arranging to meet with some representatives from the South Australian Native Title Services organisation, possibly as early as this afternoon.

The government has indicated that they want to progress this bill fairly quickly. The opposition, through negotiation, has agreed that we will be a party to seeing this get through the parliament. I think I have pretty well covered the position of the opposition. The bill will proceed through this place very rapidly and it is my expectation indeed that the bill will be through the parliament later this week. I will conclude my comments there.

**Mr VAN HOLST PELLEKAAN (Stuart) (11:32):** I too rise to speak on the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012. This house will know how seriously the opposition is looking into this issue from the comments already made by the shadow minister for mining and the shadow minister for Aboriginal affairs.

Let me just start out by saying that this is also exceptionally important to me, both as the shadow minister for regional development and the member for Stuart—the electorate in which the effect of this bill will have most impact. I know very well the importance of the petroleum and geothermal energy industry to our state and to the electorate of Stuart. It is exceptionally important not only from the energy production aspect but also from the local employment aspect.

I have spent an enormous amount of time in the Cooper Basin, around the Innamincka and broader area, speaking with people from Santos, from Beach, from Stuart and from many other energy companies, their subcontractors, their sub-subcontractors, their employees and also, very

importantly, Aboriginal people who have an interest in this area. I have spoken with many people over many years in the different capacities that I have had in that area. It does not make me an expert, but I think I do have some genuine understanding of some of the conflicting interests and also some of the very important and more common interests that arise out of this sort of debate.

Like my colleagues and the Minister for Mineral Resources, I put on record our expectation that this is actually an amendment bill put forward for all the right reasons; that is, to try to close an unintended loophole and get things on track the way we all want them to be. In that context though, I just have to say very firmly that, at this stage of the debate in this house, the opposition will not oppose the bill but we do have more research that we want to do. We do have more briefings that we want to undertake and these are, quite possibly, things that the minister should undertake himself in this area before we can actually progress to agreeing in the other house.

On that note, I would like to put on the record some comments of great concern to me, and to the community of Port Augusta and, more broadly, the community of Stuart, which came up last Wednesday. The minister may well, in the nearly one week since then, have taken steps to address these issues, and he may well make some comments that address this, but none of us are yet aware of that.

Certainly in *The Transcontinental* newspaper in Port Augusta (which comes out once a week on a Wednesday) last week local Arabunna native title chairperson Aaron Stuart criticised this bill. He called it 'administrative racism'. The Commissioner for Aboriginal Engagement, Khatija Thomas, said that she was dismayed at the introduction of this bill. She said:

This Bill flies in the face of Government rhetoric supporting the engagement of all South Australians including Traditional Owners.

Keith Thomas, South Australian Native Title Services chief executive, said that he was appalled at the decision to introduce the bill. Those quotes are very important. It does not make them right; that is their opinion. It does not make them right, but it does mean that it is very important for us to pursue a deeper understanding of their views, of their positions, and to try to find out exactly why they hold those views and why they chose to make those very public comments.

Let me just wind up by saying that I understand that the proposed retrospectivity of this bill will neither confer additional rights on licensees nor detract from the pre-existing rights of the native title claimants or holders, but merely reconfirm the status quo. If that is proven to be the case, then certainly as the member for Stuart I will have no hesitation in contributing my support for this bill as we progress negotiations between the houses, but I think that the public comments made by very genuine Indigenous leaders in my local community deserve further investigation. Until that is done, we cannot agree just yet.

**Mr PEDERICK (Hammond) (11:37):** I rise to make a contribution to the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012. I note that on this side of the house we will be seeking more information on this bill, and I note that it seems that there has been an oversight with the traditional provisions of the principal act. It seems that some existing licences which have been granted, renewed or consolidated may now be subject to the right to negotiate provisions in subdivision P of the commonwealth Native Title Act 1993.

This issue has come to light as a result of the South Australian Native Title Services instituting a case on behalf of some native title claimants seeking a declaration in the federal court in relation to certain licences granted to Santos in South Australia. It is said that the unintended consequence may well impinge upon a number of licences granted, renewed or consolidated, the important point being that the renewal confers no additional rights to the licensee and in no way derogates the rights of the native title holders or claimants.

There is proposed retrospective legislation to reaffirm that existing transitional petroleum production licences granted, renewed or consolidated remain consistent with the aforementioned subdivision 1 and that that is not subject to the right to negotiate. This could potentially impact a number of production licences in the Cooper Basin, and I note the government's wish to ensure that the original intent of the Petroleum and Geothermal Energy Act 2000 is upheld. As I indicated earlier, it is noted that the proposed retrospectivity of this bill will neither confer additional rights on licences nor detract from the pre-existing rights of the native title claimant holders but merely reconfirms the status quo. I will make a few additional comments in this regard, especially as the word 'geothermal' is in the title.

Notwithstanding that, as I have indicated before in this place, I worked in the Cooper Basin myself 30 years ago for a couple of years. I was up there in the last couple of months and I had a quick look as I went past the geothermal activity just outside Innamincka. It is a huge project and I was talking to some locals up there. It could have a great outlook for South Australia as far as renewable energy is concerned. From what I understand and was told, \$400 million has been spent on that project, and there are not too many people, especially in the Innamincka region, raising hopes that there will ever be anything other than limited energy coming out of that well.

They are struggling to control the high temperatures and depth of the well. It is causing some significant issues, and I know that a lot of federal money as well as some state money has gone toward that project. I note that the powerline is being built back towards the Innamincka township only a few kilometres down the road—I think it about 15 kilometres from memory. I would like the project to be successful, as there have been significant amounts of funding poured into it. With those few words, I note that we support the bill and seek further information.

**Mr VENNING (Schubert) (11:42):** Very briefly, I support the motion and commend both the opposition and the government for agreeing to something that is pretty straightforward, with a common purpose in mind, namely, that we do not want to put any further impediments in the way of our explorers, as this would have been if it had not been turned around. I returned from the Eyre Peninsula last week and saw the amount of money being spent on exploration, with no income forthcoming for at least two or three years. As a government we have to make sure we remove all stumbling blocks so that the investment has an opportunity to come to fruition.

In this instance I know it is fraught with danger in relation to the activity of native title, but the existing rules lay it out quite clearly. Everybody wants to have a say about these matters, but it takes time and usually costs money by way of legal costs, and so on. Without further ado, I certainly support reconfirming the status quo, and I commend all our explorers and hope that the exploration they are undertaking in South Australia comes to fruition. The biggest hope is that BHP Billiton can return to the fray and again be the powerhouse to the South Australian economy that we hoped it was going to be. I support the bill.

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (11:44):** I start off by thanking the Deputy Leader of the Opposition for his support. I know this is a difficult measure, and I thank members who have spoken—all but the member for Stuart, obviously. When it comes to matters like this, there is a level of bipartisanship that is enjoyed rarely. I commend the deputy leader today: you will not often hear me saying nice things about him. The Deputy Leader of the Opposition has put his state and community first today, as has the government.

I am not an administrative racist like the member for Stuart repeated in the house today and I find remarks like that, quite frankly, appalling. The member for Stuart is trying to say 'This is what other people are saying about your proposal which I am about to vote for' and I think that that is the height of cowardice. The member for Schubert has been here for a long time and he got up and said 'I support this bill. I know it is difficult but I support it.' The member for Hammond got up and said the same thing. The member for MacKillop did the same thing. The member for Stuart is a political coward.

In August I took to cabinet some details of a bill and the bill was introduced on Wednesday 5 September. It was the Petroleum and Geothermal (Transitional Licences) Amendment Bill. The purpose of the bill was to ensure the validity of petroleum licences which were originally issued under previous legislation introduced by a Liberal government and which have been renewed pursuant to the Petroleum Act 2000. When the parliament passed the Petroleum Act 2000, it provided for petroleum production licences to be granted for an unlimited term.

Under earlier petroleum legislation, petroleum production licences were granted for 21 years, or sometimes 31 years, with the unlimited right to renewal for 21 years at a time. The grant of any mining or petroleum interest under state law has to be done consistently with the commonwealth Native Title Act in order to be valid. The broad intent of the Native Title Act is that, if an act is authorised by certain earlier legislation or legal agreements, it can proceed without going through the so-called 'right to negotiate' process.

The right to negotiate is a specific right under the Native Title Act which allows native title parties to have a say on new mining or petroleum developments where the development will affect their interests. The right to negotiate does not apply to renewal or re-grant of certain earlier

licences. In providing for petroleum licences to be granted for an unlimited term in the 2000 act (particularly that part of the act that deals with the transition of earlier act licences to being dealt with under the 'new' act), parliament inadvertently created a situation where instead of the pre-2000 act licences being able to be renewed or consolidated consistently with the provisions of the commonwealth Native Title Act that allow for such things 'the right to negotiate' part of the NTA became applicable.

All parties had assumed for the past 10 years since the Petroleum and Geothermal Energy Act was enacted that licences created under early legislation could be renewed without the right to negotiate applying. It was thought that the specific part of the NTA that allows for such renewals applied. The government has now put before parliament a bill that seeks to clarify that it did not intend the grant, renewal or consolidation of those licences created under earlier legislation or agreements to be subject to the right to negotiate.

This bill is a one-off piece of legislation to address these unintended consequences. Parliament is entitled and, in fact, I think we have an obligation, to give effect to its original intention by ensuring that the terms of the licences granted under earlier legislation continue to be for 21 years (rather than an unlimited term) to bring them back within what is permitted under the renewal provisions in part 2, division 3, subdivision 1 of the Native Title Act.

The bill is not seeking to avoid the operation of the Native Title Act. It is simply seeking to clarify which part of the Native Title Act will apply to the licences in question. The Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill does not remove native title rights. The bill is not contrary to any commonwealth or international laws. I understand that native title parties may be disappointed that parliament is moving to correct a misstep in the 2000 act, but in my view it is necessary to do so, and native title groups have been and will still be entitled to negotiate (either under subdivision P or the alternative Indigenous Land Use Agreement provisions) about the grant of any new licences. An offer to meet with representatives of the South Australian Native Title Services to explain the bill was declined. At the request of SANTS, debate on the bill was deferred until the week commencing 17 September 2012.

In presenting this legislation to the 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. Newer petroleum production licences granted under the commencement of the petroleum and geothermal act will, of course, be subject to the right to negotiate provisions in the usual way.

Put simply, the commonwealth Native Title Act is very complex legislation. How state laws interact with the NTA is also very complex and can, as in this case, raise some very technical issues. It turns out that there was a misstep in the way the state dealt with the renewal of petroleum production licences granted under earlier legislation, and it is this misstep that the government is now seeking to fix.

I submit the bill to the house, and I say to all members: let's not try to inflame this into some sort of racial debate. I want to thank the member for MacKillop for his strong—he did not say 'support' but he said that he would not stop it passing, so I applaud him for being invisible.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

**Mr WILLIAMS:** These questions apply equally to clauses 4 and 5. New clause 4 has proposed amendments to allow for the consolidation of existing licences; clause 5 allows for the division of existing licences. One of the things that I have been very careful to get my head around is that the rights are not increased by the licensee under the act, and I think that is very important to the native title holders. I think the original intent was that, as long as the status of the licence remained the same, it did not trigger the right to negotiate, so my questions go to the heart of that.

I mentioned earlier that I was aware that licences had been consolidated and that through that process some ground was relinquished by the licensee. I accept that you can argue that the licensee did not gain a benefit from that; in fact, the state may well have gained a benefit by



allowing other players onto some of that relinquished ground. There may have been other benefits to the licensee. I am not quite sure why they might have gone through that process of relinquishing ground. It is even less clear with regard to the division of the licence area. If a licensee has a licence over a particular area which grants to him certain rights—obviously, in this case, to establish a petroleum production site within the licensed area—I am a little confused about why that licence holder may wish to divide up that licence.

It seems to me that it is inherent in the idea that you would want to divide it that you would do that for some benefit. Can the minister explain why we even have this ability to divide an existing licence into smaller licences? I can envisage, I think, where a licence holder may wish to sell off a part of their licence and hold another part of it, but I am not sure whether that is the case. I am just trying to determine, to reassure myself and see that the committee is reassured, whether there are not any other benefits which can be gained by the licence holder going through these processes and which might indeed give the Aboriginal native title claimants some degree of anxiety.

**The Hon. A. KOUTSANTONIS:** Thank you. I will say, first and foremost—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Time's up? Yes; time's up for someone. First things first. The reason the government is moving this bill is not to increase an entitlement for the licence holders: it is basically to maintain the sanctity of the licence. The bill quite clearly provides under clause 4(2a):

The rights of the holder of a licence under subsection (2) are not to be more extensive than those existing under the relevant licence or licences immediately before any variation or amalgamation under that subsection.

What Santos has done, I am advised, is that rather than dividing the licences it is consolidating them to save on an administrative function. So, it is not in fact any value-add. In fact, you could argue that we are decreasing: we have gone from an unlimited licence term to 21 years. The idea of them gaining some benefit out of this is not the intent of the government's amendments. The intent of the government's amendments is to maintain the intention of the 2000 act as introduced by minister Matthews. Our intent is to maintain the integrity of that act: it is not to confer any new rights upon anyone.

**Mr WILLIAMS:** Thank you. The minister has answered half my question, and I accept his answer but, with regard to division, why would they divide?

**The Hon. A. KOUTSANTONIS:** I am advised that there have not been any divisions. If the honourable member is asking why they have the capability under the act, I suspect it is an administrative tool to allow them to consolidate. I am guessing, and I can get a more detailed answer, but we have no examples of them dividing licences, I am advised.

**Mr WILLIAMS:** I accept that, minister. Another—

**The Hon. A. Koutsantonis:** I think it mentions the flexibility to have them consolidated.

**Mr WILLIAMS:** I was wondering whether it did indeed, because you used the term value-add, and I was wondering whether it indeed gave them the opportunity to divide a licence and then sell part of it off. The value of the parts may indeed be greater than the value of the whole. That is why I asked the question. Depending on how the minister answers this, this might be my last question.

The other thing that came to my mind is that, when you consolidate two licences, we have to make one of two assumptions. One is that the conditions of the licences are identical and so when you consolidate them the conditions on the various parts of the licence remain the same. If that is not the case, the conditions of the amalgamated licence are the lesser of the rights that are enjoyed by the licensee before the consolidation.

**The Hon. A. KOUTSANTONIS:** That is correct: it is the lesser.

Clause passed.

Remaining clauses (5 and 6), schedule and title passed.

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (12:00):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

### **REAL PROPERTY (ACCESS TO INFORMATION) AMENDMENT BILL**

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (12:01):** I move:

That standing orders be and remain so far suspended as to enable the introduction without notice and passage of a bill through all stages forthwith.

**The SPEAKER:** An absolute majority not being present, ring the bells.

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

Motion carried.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:03):** Obtained leave and introduced a bill for an act to amend the Real Property Act 1886. Read a first time.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:03):** 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.

A Register Book of land holdings, 'the Register Book', is maintained by the Registrar-General under section 65 of the *Real Property Act 1886*.

Section 65 provides:

Search allowed

65. Any person shall have access to the Register Book, and to all instruments filed and deposited in the Lands Titles Office for the purpose of inspection during the hours and upon the days appointed for search.

The four principal entry points to access information held in the Register Book about title to land under the *Real Property Act* are the:

- name of the registered proprietor;
- address of the property;
- certificate of title reference number;
- plan and parcel reference.

The effect of section 65 is that the Register Book is an open public register that may be searched by anyone and may be searched electronically. As a result, it is possible to search the Register Book by name and obtain the residential address of the registered proprietor of real property.

The Registrar-General's office regularly receives correspondence from registered proprietors, including victims of domestic violence and members of SAPOL, concerned that a search of the Register Book will reveal their residential address to someone wishing to do them harm. Many have asked that their names be suppressed from searches of the Register Book. Owing to section 65 the Registrar-General cannot comply even where he is of the opinion that the safety of the person, a member of their family, or some other person is at risk.

After targeted consultation with industry and within Government, the Registrar-General has recommended that section 65 be amended to enable him to prevent access to a person's particulars via the Register Book where the person's personal safety, or that of a member of their family, is at risk.

This Bill contains the necessary amendments.

Clause 3 repeals section 65 and replaces it with a new provision. New section 65 provides that a person whose particulars are, or are to be, contained in the Register Book or in any such instruments may apply to the Registrar-General to prevent or restrict access to their personal details. The Registrar-General may grant the application if he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of the applicant, a member of the applicant's family or any other person (and the Registrar-General may take any measures he or she thinks fit to prevent or restrict access to any relevant particulars while the application is being determined).

Clause 4 amends section 93 to provide a statutory right of access to the Register of Crown Leases that, like section 65, is subject to the Registrar-General's power to prevent or restrict access to particulars on the Register where he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of

the applicant, a member of the applicant's family or any other person. Although the current structure of section 93 is different from section 65, in practice the Register of Crown Leases can be searched and thus presents the same problem as section 65.

The power conferred on the Registrar-General is consistent with the power conferred on an electoral registrar under section 21 of the *Electoral Act 1985*. I would expect that many electors whose details are suppressed under section 21 will apply to have their personal details suppressed under section 65 or 93.

I understand that Members of this place have been consulted about the Bill and have agreed to support its passage forthwith. For the reasons explained during the briefings on the Bill, the Government is grateful for this support.

I commend this bill to members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal

##### Part 2—Amendment of *Real Property Act 1886*

###### 3—Substitution of section 65—Search allowed

Section 65 of the Act gives the public a right to have access to the Register Book and to instruments filed and deposited in the Lands Titles Registration Office. This clause substitutes a new section 65 to provide that a person whose particulars are, or are to be, contained in the Register Book or in any such instruments may apply to the Registrar-General to prevent or restrict access to their personal details. The Registrar-General may grant the application if he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of the applicant, a member of the applicant's family or any other person (and the Registrar-General may take any measures he or she thinks fit to prevent or restrict access to any relevant particulars while the application is being determined).

###### 4—Amendment of section 93—Execution and registration of Crown Lease

This clause amends section 93 of the Act to give the public a right to have access to the Register of Crown Leases and to allow for suppression of details in a manner corresponding to the proposed new section 65.

**Ms CHAPMAN (Bragg) (12:06):** I rise to speak on the Real Property (Access to Information) Amendment Bill 2012, which was introduced today. I confirm that the opposition has had an opportunity to peruse a draft of this bill. There has been some communication and correspondence with the Attorney-General and his office to progress this matter by way of introduction of the bill and debate in this house today, and subsequently in another place, on the basis that the bill progress through both houses today, the reasons for which I will outline, and I indicate the opposition will accommodate such request.

There are a number of areas, though, of concern, which I wish to place on the record. This is a bill which purports to address the need of protection of certain persons by way of both their profession and/or the safety of victims of domestic violence and the like. The bill introduces a procedure where some names that are currently on the South Australian land information system can be suppressed.

The effect of the bill, in amending the Real Property Act, will be undertaken when the Registrar-General has purportedly received 'regular correspondence from individuals concerned that their residential address details may be accessible via a names research on the registry', the claim being that it creates a problem for individuals, such as victims of domestic violence, South Australian police officers, court officials and the like, who may not wish for their home address to be publicly available. That there is a register that is able to be accessed to ascertain the name, address and occupation of the residence of a party, let alone other property that might be owned by them, is probably not well known.

It is important, for those who follow the very significant laws that we have in respect of property in this state, that we have a public register for the very reason that it supports the principle that, if you are the registered proprietor of an interest—whether that is in fee simple or fee tail or any of the other modes upon which people can operate the ownership of property, or indeed under leasehold interest or crown lease and the like—it is notice to the world that they are the registered proprietor and it has the effect of granting to that person what they call an indefeasible interest which cannot be challenged.

There are always exceptions to some rules but essentially it is the method by which there is an assurance given to the owner of property that the integrity of that ownership will not be under fire and will not be subject to claim. It is to avoid things such as someone coming along and saying 'I am actually the owner of this property,' and someone else has purported to sell it as though they own it, claim their ownership or claim a legal interest which might be saleable or which might become the subject of a mortgage or some other liability against it. Instead of having to produce all the documents by the owner, the public register is there to create that clarity and security for the registered owner.

The Torrens title system, in fact, was introduced in South Australia after settlement and it is renowned around the world as providing a level of integrity and protection in the property ownership world. Those who are familiar with that and those who work in the transfer of interest, sale or encumbrances that are on titles will understand the importance of having this public register. If someone who might be interested in acquiring a property ever wants to go and identify the owner of a property, again, they can search the title and have that interest disclosed to them and reliable information would be provided to them.

It is very important that all registered proprietors under our Real Property Act 1886 are listed on the South Australian land information system and that it is publicly available. Some in this house will understand that that was not always an easy process. Certainly in my lifetime, you always had to pay a fee to access a title, to be able to search it, but it used to have to be done manually. I think there are probably some titles still left in South Australia that have to be viewed manually to actually identify the original or the duplicate certificate of title.

Certainly in my professional life prior to politics, they had graduated to a fiche system where you could go along and search the electronic photographs of titles and it was a little easier, a little more accessible. You still had to pay a fee but there was access on a personal visit to the Lands Titles Office. Subsequently, access to that information became available electronically and you could register, sign up to a subscription either as an individual or as an organisation—whether it was a legal firm or a land broking firm or the like—to access that information from your office.

Probably, there are not a lot of people out there on an individual level who subscribe to this service but, even if they do not, they can quickly attend and access that information or pay for someone else to provide that service to them and, almost instantaneously, people can access that information, again for a fee but, nevertheless, it is very available.

Whilst a number in the public may not be aware of that, the reason for advancing any process upon which there might be some suppression of the address of certain parties in information that is publicly available, the government is concerned to not alert someone who might be mischievously trying to find information for a less than worthy purpose that we should advance this through the house today. For that reason on the basis that there is a prima facie case to actually have this process at all, the opposition is prepared to support the progress more quickly. It does bring about some difficulty because we do not have the answers to a number of things, and I will just place them on the record.

Essentially, I will just indicate that the bill proposes to allow individuals at risk to apply to the Registrar-General to have their details suppressed. If the Registrar-General is satisfied that access to any such particulars would be likely to place at risk the personal property of a person or any other, they would be able to take such measures as they see fit to prevent and restrict access to those particulars. Similar provisions apply under the Electoral Act 1985 at section 21, the Emergency Services Funding Act 1988 at section 12(2) and (3), and the Local Government Act 1999 at section 172(4) and (5).

As many members would be aware, companies, associations and other incorporated bodies will not be eligible for the suppression service. It is worth noting at this point that companies themselves are also able to be searched under a national record, and the Australian securities office keeps a register of companies, their shareholders, their directors and their registered office. Sometimes the registered office is not the workplace of a director but a nominated accountant or secretary to the company, or a public officeholder in an association. That also often provides a wealth of information about the addresses of certain parties, particularly shareholders and directors. That is not within the ambit of this act; it would need to be addressed under commonwealth legislation if it were considered to be a problem.

The process is one where the suppression would apply to particulars contained in the register book, the register of Crown leases or in any instruments lodged or deposited in the Land

Titles Registration Office; however, it would only restrict the ability to identify a title through a name search. Access to suppressed records would still be available through alternate search criteria, such as an address, certificate of title or a Land Titles Office document reference.

Here is the interesting aspect. One way is if a reverse search is done as distinct from a request to search anything in the name of the Hon. Steven Griffiths and, if there was a suppression on his address, as I understand it, that address information would not show up. However, if someone knew of a property, or believed a certain property to be owned by the Hon. Steven Griffiths, and searched his home address, they would get the information as to who was the owner. So, it is the reverse that we would be concerned about.

We would need to have some understanding of how that is going to work, because I would not have thought it would be uncommon for a member of parliament or a police officer, for example, to be a potential victim of an egregious act by a party who searched to find their address. That person could be followed or their address identified and then checked under the electronic process by doing research on that particular title. As members would be aware, the title would show up with the details of the owner and any registered interests on it: a mortgage, caveat, lien, etc. So, there are some queries there about how that might be addressed.

We have been provided with some advance copies of information, including the application forms that the Land Services Group intends to provide to the public. The Electoral Commissioner of South Australia has prepared a draft letter dated September 2012 to send to around 3,500 silent electors across the state to advise them of the appropriate suppression service. Some guesswork has been done, I think, as to how many might take up that option. I am aware—and other members of the house, as members of parliament, may well have found, in their time in office—that constituents have feared for their life. They may have been involved in litigation, they may have a partner who is in prison, they may have been the victim of some assault, domestic violence, or other activity, or they may have been a witness, and they wish to keep their name and address off the public electoral record. At present, an application can be made to the Electoral Commissioner.

Some of those 3,500 may be constituents of members here. I have certainly made applications on behalf of former clients and constituents for their name and address to be suppressed, so that they are not potentially the victim of any illegal or aggressive behaviour by others. That process is not lightly granted; quite a significant amount of effort needs to be gone through by way of declarations and corroborative evidence to satisfy that the person may be, especially, hiding from a particular party. The most common one I have had to deal with is the risk of someone who has been convicted and gaoled, and due for release, and the party wants to be able to keep their address private.

As I said, the guesswork around the 3,500 or so who are silent electors cannot necessarily be translated to the operation of what the Registrar-General might be doing under this bill, because a good number of those parties are not likely to be the registered proprietor of the property they occupy. For those who are renting, or living in a property and in a personal partnership with someone else who is the registered proprietor, they may not be successful in having the address suppressed.

For example, if there were a victim of domestic violence who had repartnered with someone else, or even remarried, and that other party was the registered proprietor of the property, in that situation he or she could apply to the Registrar-General, as the owner. The ambit of the claim of this, in the capacity to have a suppression application successful to the Registrar-General, could include them saying 'Look, I'm married to someone and my new partner has been the victim of certain violence and they need to be protected.' Therefore, they make the application.

So we have no idea how many of the 3,500 who are silent electors across the state would avail themselves, or would need to avail themselves, of this process, but we understand that the Electoral Commissioner is ready to issue a letter to advise them of that opportunity, that is, to apply for suppression on the basis that this legislation is passed. The Registrar-General has advised that they would expect the change to cost about \$50,000 and take about six months to implement.

I will come to the briefing and information that was provided to the opposition by the Registrar-General. We have appreciated his advice on this matter because, after all, he is the party proposed to actually execute the terms of this bill once it becomes law. Back in late August the Attorney-General wrote to our leader, the Hon. Isobel Redmond, to advise her of the introduction of this bill, requesting that the standing orders (which we have now dealt with) be suspended to allow the matter to be dealt with through the house.

That was, of course, a ridiculously short period of time, and the government ultimately agreed to deal with this matter today, after allowing a couple of weeks for us to have a briefing and the like. We are concerned about that; nevertheless, the government did acquiesce and provide that. In itself, though, it is concerning; this is a bill that had been drafted two years ago, back in August 2010, and the government's desire, at least initially, two years later to introduce this bill and to have its passage through within a few days is, I think, quite unacceptable. I think that the government needs to accept that if we are truly as a parliament going to undertake any scrutiny of the bills and not just rubberstamp what the government wants, even when it is a very good idea, we need to have some time to consider these bills properly.

I think the parliament is due some explanation as to why there has been such a delay in not only the introduction of this bill since it was drafted but also since the apparent complaint that has been received apparently over the last decade. That brings me to the consultation that the government says it had undertaken. There is a Registrar-General's consultation report and recommendation that says:

Consultation with the general public was not undertaken because publishing the existence of this search could exacerbate the problem.

The opposition totally accepts that. At the time of the consultation, which occurred between July 2002 and February 2004, there were a number of submissions presented. We do not know how out of date that information is now, to be honest, but this is what occurred. At that time, 57 consultation letters, briefing papers and questionnaires were sent to 33 government agencies and 24 businesses. Eighteen government agencies and 10 businesses responded.

The following businesses and associations were consulted and provided a response: Adelaide Bank, Association of Consulting Surveyors, Australian Institute of Conveyors (SA Division), ANZ Bank, Australian Central Credit Union, Australian Property Institute, Law Society of South Australia, Police Association of South Australia, Urban Development Institute of Australia and the Real Estate Institute of South Australia.

Obviously, I think members will be familiar with why all of those bodies would have been relevant to this process of suppression, as it could adversely affect their capacity to search, for all the reasons I mentioned earlier, not the least of which because they are party to and frequently involved in the sale and financing of real property and therefore this was dear to them.

Only 38 per cent of the above who put those presentations supported the suppression of names. Fifty seven per cent were of the view that, if the suppression of details was introduced, it should be determined by the judiciary, and 29 per cent thought it should be done by the Registrar-General. Seventy three per cent of government agencies responses indicated that they had no alternative information other than a name to search for the information they required.

This is likely to have a significant impact on 88 per cent of the agencies that indicated they conducted name searches. The Valuer-General had also been consulted because suppression would also be required for Valuation SA searches on the PropertyAssist service. However, no legislative amendment would be required for the same suppression service to apply to name searches.

In regard to the consultation by way of a briefing from members of the Attorney's office and the Registrar-General's office, in particular, I acknowledge Kevin O'Callaghan, Brenton Pike (Registrar-General) and Matt Carroll, who is a project officer managing this, who provided the Hon. Stephen Wade and me with a briefing on this bill. We did run through a number of these issues. I will go firstly to the costs.

The guess of \$50,000 may well be an estimate of what it is going to cost to process some of these, but the detail which will be applied or necessary for the purposes of information that is put in the application for scrutiny of the Registrar-General, I would suggest, will have a significant impact on whether or not, in fact, that \$50,000 is realistic.

Let me give this example. Assume for the moment that it will be within the expectation on an application that anyone who is a police officer, a member of parliament, a court officer, a member of the tax department or anyone who might come within the firing line of someone in the public is going to be granted an application merely by a disclosure of their occupational profession. Is the Registrar-General expected to take it as a given that just because you are a member of parliament, or just because you are a police officer or just because you are a member of the tax

office you are vulnerable to unhappy campers out there who might cause you some ill-will (and that is probably a reasonable presumption to make for some)?

Let me just use the police force, for example. Clearly, I think that everyone in this room would accept that for some people in certain divisions in the police force—particularly in the CIB and drug and firearms management—there would be a high degree of risk that they or members of their family could be vulnerable to some unpleasant response by someone who might have been investigated by them, or that they have given evidence against in a hearing or felt aggrieved that they are languishing in gaol as a result of that police officer.

But there must be thousands of the 3,500 police officers, I think, that we have in South Australia who would never be in that situation and that they are undertaking duties which would not attract a level of vulnerability in that regard. So, the Registrar-General could take the view that he or she would need at any one time (it is a 'he' at the moment) to actually consider additional information—not just because they were a police officer—before the authorisation would be granted on that application for the suppression to occur.

I think that it is a bit of an open-ended situation at this stage because we do not know what the criteria are going to be for that, and whether or not it follows a process that is similar to the Electoral Commissioner we are yet to see. As I say, in a number of these categories, just by profession or occupation, they may not be living in a property which is vulnerable because their residential address is not actually registered in their name.

The concern I have is that, further at the briefing, it became clear that, over the 10 year lifetime of this government, when there had been complaint apparently by individuals by letters to say that they felt vulnerable and that they would like to have some kind of protection, it appeared to fall on deaf ears. Except for there being a review in 2002 and 2004 (which nothing happened from) they seem to have been ignored, and the direct precipitating event prior to the drafting of this bill in August 2010 was a submission presented by the Police Association.

It seems clearly from the previous presentations that they were supportive of this back in the review, and there is no criticism of the Police Association presenting a submission to support this type of action occurring. What concerns me is that it appears that ordinary people have presented letters and pleas for protection and it has gone unheard by this government. Until the Police Association say, 'We will have this for our members,' nothing happens. It is very concerning to us; and then when the government finally does act, it wants to whiz it through without us having a chance to have any consultation. It worries me that this is an issue which has apparently—and acknowledged—been going on over the last 10 years, yet it takes one of the unions to actually prompt any response.

Not surprisingly, as was also evident from the briefing, a number of the other people who are involved in the real estate and financing of real estate—banks, land agents and so on—have a number of concerns. They do not need to have their lives made more complicated by the access to information, to check whether someone is the registered proprietor, which they have a legal obligation to do before they hold out a piece of property as being available for sale, which is then subject to a contract for their entitlement to a commission, etc. They certainly did not want this level of suppression being exceeded in any way past what was absolutely necessary for the purposes of a few, rather than whole professions.

I am also advised that the process will be that automatic data will continue to be available to all rating agencies. So, the application goes in, the information is subject to determination by the Registrar-General, but the information will still go to all the rating agencies such as SA Water, RevenueSA, the Australian Taxation Office, Centrelink and the local councils. These agencies will all still have access to this information, for obvious reasons: because they rely on this data for their own revenue streams. For anyone else who is applying, the name search will give the response—as I used in the Hon. Steven Griffiths' example—where no information will come up about the address.

The other aspect that concerns us, which we would like some explanation from the government on, is why there is no appeal process. We have an administrative determination, in this instance by the Registrar-General—and this is no reflection on him, of course; he is being asked to undertake this duty. However, where administrative decisions are made, the public are usually entitled to some review or appeal process to a court or judicial officer in order to protect them against inappropriate, unacceptable or plain wrong decisions of bureaucrats. I think we need some explanation from the government as to why there is no appeal process available.

The final matter is in regard to the other jurisdictions that have picked up this idea. We are told that three years ago Western Australia brought in a similar process by way of application. Victoria have a capacity to suppress addresses, but that is through a court order system, if it is granted at all. I think this is where there could have been an alternative for the government and, again, they need to explain to us why they did not go down this line. It is a process that is used interstate, seemingly effectively.

I am talking about categories of people here. If a police officer, for example, has given evidence in a hearing or has participated in the arrest or detection of somebody who is subsequently convicted of an offence, then there are court hearings. It seems to me that there is no reason that a police prosecutor or the DPP's office could not apply for suppression orders at the time of those hearings. Similarly, if there is an individual person who is at risk, such as a victim of domestic violence, then it could be done at the at the time that they are applying for either an injunction or an intervention order, which is the new process that this parliament passed a few years ago to allow a police officer to impose an intervention order, which subsequently can be sanctioned and processed through a court.

We have a number of hearings in those situations, aside from what may be a prosecution of an offence against a party for an offence which forms the basis of the risk and vulnerability of that party. At that time they could apply, as they do now, for other types of protection. Even at the time of the bail application, obviously when applications are made—

**The DEPUTY SPEAKER:** I think the member for Bragg is straying a little bit.

**Ms CHAPMAN:** No; I am suggesting that the alternate option is that at the time of that any aggrieved party could apply to the court, as they do in Victoria, rather than through—

**The DEPUTY SPEAKER:** You are getting into bail applications, etc. I am not sure we are going to go that far.

**Ms CHAPMAN:** Let me just explain.

**The DEPUTY SPEAKER:** No; I do not need an explanation, that would make it worse. We will take it as read.

**Ms CHAPMAN:** I think to avoid confusion to others who might be reading—

**The DEPUTY SPEAKER:** No; I am sure everybody else has understood it.

**Ms CHAPMAN:** The member for Little Para has had lots of experience.

**The DEPUTY SPEAKER:** You understood it? Every member has indicated that they understood it.

**Ms CHAPMAN:** The member for Little Para is nodding furiously that he understands perfectly that when applications for bail are made and everyone is there, everyone is lined up, they can ask for it then. They do not need the Registrar-General to make it. That is an alternate process which is familiar to everyone in this place. I think the government needs to explain to us why it did not go down that line which has been adopted in the Victorian jurisdiction.

With those few words, I indicate that we hope there will be people who have increased protection as a result of this type of process. We hope that this is not going to be such an onerous or expensive process for the Registrar-General that he, or she, at any time is swept away from other important duties, although I understood that Mr Carroll (the project officer), who was present, will not have much to do after this has gone through so he could probably do a bit to help out. In any event, we are going to be imposing this extra administrative burden on the Registrar-General. I think we need some explanation from the government of the issues I have raised, and I am sure the Attorney can provide us with that. We otherwise support the bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:41):** I thank the honourable member for Bragg for her contribution. As always, I have been admonished. This time for apparent tardiness, some eight years of which I cannot say that I could have done much about it. I make the following very brief responses. I take the honourable member at her word, that in August of 2010 PASA wrote to my office. I do recall this matter having been raised at some point shortly after my being given the opportunity of serving as Attorney.

Since that time, if the honourable member goes through the remarks she has already made, in particular about the number of people who have an interest in this type of matter, it would



be self-evident that this was not something one could deal with in five minutes because one had to consider a complex range of issues. I will not repeat everything the honourable member said about people in the real estate industry, etc., but obviously some consideration of those matters needed to take place and that was not going to happen overnight.

Secondly, I am advised that the Registrar has been coping with what I think in the trade is referred to as legacy systems, and questions about the practicality of transferring information from one place to another have not been insignificant. It would have been both inappropriate and unwise to have pursued this matter, were it ready for pursuit in its present form, in the teeth of the knowledge that the capability to actually perform the task was absent. So, I hope that, to some degree, explains the question of alleged delay.

As to the question of appeal, I have some good news for the honourable member for Bragg. The first thing is, as she would be aware, there is always available to any person who feels themselves to be aggrieved by an administrative decision the capability of judicial review. In addition to that—there is more. There is, in fact, a provision contained in the Real Property Act, in section 222, which gives any proprietor a right of review in respect of a decision by the Registrar-General to which they object. That review is heard by reason of the issuing process of a summons. I will read some of section 222 to give a flavour of it. It provides:

Such summons shall be issued under the hand of a Judge, and shall be served upon the Registrar-General six clear days at least before the day appointed for hearing; and upon such hearing, the Registrar-General, or his counsel, shall open and have the right of reply, and the Court may, if any question of fact be involved, direct an issue to be tried to decide such question...

That is a general right of review that is already embedded in the legislation, and the provision to which we are referring now will have equal access to that opportunity as well as judicial review. I do not think I wish to say anything further. I gather from the honourable member that the opposition will be supporting this amendment. I am hopeful that it will receive speedy and favourable consideration in another place.

Bill read a second time.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:46):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 5 September 2012.)

**Ms CHAPMAN (Bragg) (12:51):** I rise to speak on the Evidence (Reporting on Sexual Offences) Amendment Bill 2012. Members would be aware that the Evidence Act 1929 was significantly amended in relation to what should be published about people who are charged or about to be charged with sexual offences after a review by the late Roma Mitchell and her committee on criminal law reform which dates back to the 1970s.

The new addition to the law at that time was recognition in our criminal law that women could be raped within marriage. It was very controversial at the time and incited considerable public debate but, nevertheless—personally, I think rightly—there was recognition given that, whether you were married or not, conjugal rights were a thing of past eras and women should be protected against sexual advances, whether they were married to the party who was perpetrating it or not.

With that came the significant consequence that, if there were going to be a number of these charges laid against husbands, it was a logical extension that the lawful wife was the victim and her name would be splashed across the public arena with the offender, and that was seen to be very unfair. This is coupled with the fact that this was part of the process of protecting child victims.

That was nothing new. Children have been victims of sexual offences for as long as history has been around, but there was recognition that, if someone was charged with a sexual offence, then that could poorly reflect obviously on possible victims or at least bring into the public arena in disrepute the family members, even if they were not the direct victims of the accused, and that they

should not be suffering and paying the price for the sins of the father, so to speak. I put that in the broad sense because obviously there could be female offenders as well.

This was an important initiative, and it is one that has now been with us for some time. The question has become broader since then, arising out of the fact that Adelaide has been described as 'the suppression city'. A high number of suppression orders has been issued and consequent to concerns about that, in 2006 there was a Legislative Review Committee report and a bill of the same name to deal with this question of what purported to be a high level of secrecy. We had gone, on the face of it, from the protection of innocent victims to a cover, an umbrella of protection for people who do not deserve it, coupled with the fact that the way our suppression orders worked they could be repeated over short periods of time.

I think there was certainly some argument that that somewhat unfairly gave the impression that we were too quick to jump into suppression orders in this state, and that if we were to compare like with like perhaps we were not quite as bad. In any event, from the public's point of view, there was again some controversy about what appeared to be suppression orders being provided too generously.

**The Hon. J.R. Rau:** From a public point of view or from a media point of view?

**Ms CHAPMAN:** I think from a public point of view—the Attorney makes a comment about the public point of view—as a result of media statements, but this is not to be ignored, because the public, of course, can have feelings evoked on this type of issue after there has been some media complaint. Again, that is not new. Media outlets regularly appear on applications for suppression orders in court proceedings. They are a legitimate party. They apply to object to suppression orders being granted, so that is nothing new. Obviously, from the free press argument, 'the public should know' argument, there has been a consistent message. *The Advertiser*, of course, is a regular applicant, as are the television stations here in South Australia. Sometimes they are successful, but in any event they are certainly consistent on it.

When the Attorney asks whether this is a concern of the public or a concern of the media, it soon becomes an issue for the public, because they learn about it when these stories are written, and some may say nevertheless there was still very good reason for these suppression orders to be granted and bad luck if the public is kept in the dark about something. It is fair to say that the government had the concerns that were raised in the public and media arena acutely brought to its attention last year when there had been action and charges laid against a member of parliament.

That is when governments and parliaments are under the scrutiny of the public to give some explanation as to why there should be an automatic suppression order when a sexual offence is involved. I am certainly not going to say anything about that particular case, except that, under the umbrella of charges of a sexual offence being laid, section 71A of the Evidence Act kicks in and the name of the accused in that situation has remained suppressed. I think from all accounts, that I am aware of anyway, the media outlets particularly have respected that. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

## ANSWERS TO QUESTIONS

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

### HEALTH DEPARTMENT BUDGET

**99 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 6, vol. 3, p. 65—

1. Why is \$15.8 million over 5 years required for growth in hospital activity above funded levels, and what is the breakdown of this expenditure?
2. Why is there an additional provision for 0.2 per cent growth in hospital activity funding annually and is the current 2 per cent growth figure underestimated?

**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. & 2. During 2011-12, SA Health experienced growth in acute inpatient activity of 2.2 per cent. SA Health is already provided 2 per cent inpatient activity growth funding within its base expenditure allocation. The additional 0.2 per cent above this base activity funding equates to approximately \$3 million per annum (or \$15.8 million indexed over the five years).

#### **HEALTH, ORACLE CORPORATE SYSTEM**

**102 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 33—

1. What is the present status of the Oracle Corporate System and when will all phases be complete?

2. What has been the total expenditure on the system to date and what is likely to be the total expenditure when all phases are complete?

3. Which legacy systems are to remain open, what has been the cost of maintaining them and when will all the legacy systems be closed?

**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 scope of the Oracle Corporate System (OCS) Project was planned for implementation in two phases:

Phase 1—Oracle Financials

Phase 2—Oracle Procurement and Supply Chain Management

Phase 2 was originally planned to be completed in two parts, with a pilot at selected sites, followed by a full implementation across SA Health.

The implementation of Phase 1, Oracle Financials, was completed in July 2010 across all of SA Health. The pilot of Phase 2 was completed in December 2010.

The completion of Procurement and Supply Chain Systems to remaining SA Health sites (now called Phase 3) is being planned by SA Health for presentation to Cabinet.

2. As at 30 June 2012 the OCS Project expenditure was \$21.9 million. The cost to complete Phase 3 of the OCS Project is currently under determination for presentation to Cabinet.

3. It is the intention that Oracle will replace all legacy Finance and Procurement Systems. Many existing legacy systems consist of both finance and procurement functionality, however because of some relationship to patient administration, there are some legacy systems that will be provided with functionality from the new Enterprise Patient Administration System (EPAS). As a consequence, legacy systems will be progressively closed in line with the Oracle and EPAS deployment programs.

The current cost of maintaining the legacy financial and procurement systems is approximately \$1.2 million per annum in technical support and licensing costs.

#### **MODBURY HOSPITAL**

**104 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 44—

1. What is the government's long-term vision and plan for the Modbury Hospital?

2. What is the total cost to the Health Budget in 2012-13 for the maintenance and operation of the hospital including staffing, administrative and maintenance costs?

3. How many beds are in operation at the hospital and across what functions?

4. What is the total number of employees at Queen Elizabeth, including FTEs and actual persons?

5. What is the total number of Emergency Department arrivals at the hospital at present and what is the forecast?

6. What changes to the Emergency Department will be enabled by the \$17.4 million expansion, what is the program and timetable for work and when will the project be brought to Public Works Committee?

7. Is the \$15 million scheduled for 2012-13 linked to the Emergency Department redevelopment?

**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 Government's vision for the Modbury Hospital is outlined in *South Australia's Health Care Plan 2007-16*. This Plan indicates that the Modbury Hospital will take a key role in servicing the needs of the ageing population in the north-eastern suburbs of Adelaide. In addition to the current services such as medical, surgery, paediatrics and mental health being provided, the aim is to enhance services for older persons related to rehabilitation, aged care and palliative care.

2. The total budget for the Modbury Hospital in 2012-13 is \$106.8 million, excluding corporate overhead budgets relating to the Northern Adelaide Local Health Network.

The annual maintenance costs for 2012-13 (excluding utilities such as electricity, gas and other fuels) are \$1.78 million.

3. The Modbury Hospital has a total of 152 beds (average available beds in 2011-12—preliminary), spread across the functions of medical, mental health, paediatrics, palliative care, surgery, and geriatric evaluation and management.

4. As at June 2012, the Modbury Hospital had 727 employees (554.7FTE).

5. There were a total of 35,510 Emergency Department presentations at the Modbury Hospital in 2011-12. The forecast for 2012-13 is 36,400 presentations, calculated by applying the annual growth rate over the past three years to the 2011-12 result. The accuracy of Emergency Department presentation forecasts are impacted by many variables, including the unpredictability of seasonal illnesses such as influenza.

6. The redevelopment of the Emergency Department involves an expansion and complete redevelopment of the existing facility. It involves the expansion of formal treatment spaces from 23 to 40 thereby providing appropriate facilities to enable timely patient treatment. The project was presented to the Public Works Committee on 25 July 2012. The construction activities for the redevelopment of the Emergency Department are scheduled to commence in August 2012 and be completed in December 2013.

7. The \$15 million allocated in 2012-13 is part of the \$46.4 million Modbury Redevelopment incorporating the redevelopment of the Emergency Department and new Rehabilitation Unit. This \$15 million will be expended on the Emergency Department as it is the first stage of works.

### MODBURY HOSPITAL

**105 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 44—

1. What will be the impact of the postponement of the \$29 million expenditure for 36 inpatient beds at the Modbury Hospital and has this project in effect been a part of the \$17.4 million Emergency Department capital works, are there any other capital works planned with the Estimates period?

2. Will the expansion of the Emergency Department impinge on the operational capacity of the department?

3. What has been the impact of the closure of Intensive Care Unit at Modbury Hospital have any lives been put at risk through transfers to the Lyell McEwin Hospital and what impact has this closure on the functions of Modbury Hospital?

**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 overall budget for this project is \$46.378 million. Of this total budget, \$17.4 million is allocated to the expansion and refurbishment of the Emergency Department and \$29 million for the construction of the new 36 bed rehabilitation unit. No other capital works are scheduled at this time within the Estimates period for the Modbury Hospital.

The rehabilitation beds will be situated in a stand alone building and therefore are unconnected to the Emergency Department capital works.

At the present time the out of hospital services and programs are meeting the needs for the rehabilitation requirements in the north eastern suburbs, so a postponement of the delivery of the new 36 bed rehabilitation unit is not considered to have a detrimental impact on the Rehabilitation Service Plan.

2. The construction work has been programmed in stages to ensure all operational services can continue at optimal levels throughout the construction period and thereby minimise the impact. There are currently 23 bays in the Emergency Department and for a short period through December 2012 to February 2013 this will be reduced to 19 bays before being increased to 27 and finally achieving a total of 40 bays when the upgrade work is completed in December 2013.

3. There has never been an Intensive Care Unit (ICU) at Modbury Hospital accredited by the Joint Faculty of Intensive Care (now College of Critical Care Medicine). It would be very difficult to maintain staffing and standards at an ICU in a hospital such as Modbury, which has a focus on sub-acute care, nor would it be beneficial to the majority of patients. There was previously a unit called an ICU, however it was never accredited and only functioned in a limited capacity.

Modbury Hospital currently has a High Dependency Unit. Intensive care experts have advised that a significant amount of elective surgery, such as the types performed at the Modbury Hospital, can be safely undertaken with the support of a High Dependency Unit.

### MODBURY HOSPITAL

**109 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 15—

Why was \$22 million budgeted for the Modbury Hospital development in 2011-12, and only \$1.378 million spent and what the reason for this delay?

**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:

In the 2011-12 State Budget Papers, the proposed expenditure for the Modbury Hospital Redevelopment project was stated as being \$22 million. The total budget for this project is \$46.378 million.

While it had been intended to commence construction work on this project during 2011–12, this did not eventuate because during the master planning process two options were identified for the delivery of the 36 bed rehabilitation unit and these needed to be fully investigated. In considering these options, a decision was taken late in 2011 to proceed with the construction of a new building rather than refurbishment of the existing tower building.

Once this decision had been made, concept development was undertaken to develop the project design in sufficient detail for consideration by the Government and the Public Works Committee before proceeding to construction. The final actual expenditure on the project during 2011-12 was \$0.83 million.

As part of the 2012-13 State budget considerations, a decision was taken to deliver this project in two stages. The first stage being the redevelopment and expansion of the emergency department, which is due to be completed in December 2013. The second stage will be the construction of the new 36 bed rehabilitation building, which has been rescheduled to commence construction in 2016-17.

### ROYAL ADELAIDE HOSPITAL

**111 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 38—

1. What will be the total cost of demolition and remediation of the current Royal Adelaide Hospital site?

2. How will the government dispose of the site, and if by sale, what is its value?

3. Which buildings will need to be preserved for heritage or other reasons?

**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 cost of demolition and remediation of the current Royal Adelaide Hospital site is not yet known. In 2012-13, SA Health is commencing the planning of the de-commissioning of the current Royal Adelaide Hospital and identifying any related issues on adjacent buildings serviced by the engineering plant of the Royal Adelaide Hospital. That process will determine the costs and program for the work that will be required to de-commission the site and further work will in future be required to determine demolition and remediation costs once the future of buildings is determined.

2. The site is yet to be declared surplus to Government requirements and therefore no sale process has been determined or market values obtained. The site's value will be determined by decisions on the future use of the site. These decisions will be informed by the development of a precinct plan for the Riverbank by the Urban Renewal Authority.

3. There are two Heritage listed buildings on the site:

- (a) The Margaret Graham Building is a State Heritage listed building.
- (b) The Women's Health Centre building is listed as a Local Heritage Place (City significance) in the Development Plan—Adelaide (City)—consolidated 5 July 2012.

Other buildings on the site may be retained for aesthetic or utility purposes.

### HOSPITAL STATISTICS

**119 Mr HAMILTON-SMITH (Waite)** (17 July 2012). How many code blacks have occurred in each metropolitan hospital in 2011-12 or from the last year where full records were kept?

**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:

Metropolitan hospital reported 'code black' events for the period 1 July 2011 to 30 June 2012 are as follows:

- Flinders Medical Centre—1,548
- Royal Adelaide Hospital—1,567
- Queen Elizabeth Hospital—638
- Lyell McEwin Hospital—1,780
- Modbury Hospital—302
- Noarlunga Hospital—190
- Repatriation General Hospital—95

### MEDICARE LOCALS

**120 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, pp. 41, 46, 59—

How has the effectiveness of the newly formed Medicare Locals been assessed in terms of reducing dependence on acute hospital settings and what have been the results?

**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:

Under the Commonwealth Government's National Health Reform Agenda, a network of independent primary health care organisations, called Medicare Locals (MLs), are being established across the nation.

Over the last 12 months, five MLs have been formed in South Australia. These are: Central Adelaide and Hills; Country North SA; Northern Adelaide; Southern Adelaide-Fleurieu Kangaroo Island; and Country South.

Each ML is required to undertake a planning strategy in order to understand the health needs of their local population, and to use this information to inform their future planning and decision-making.

SA Health has been involved in early dialogue with the MLs and will continue to develop and maintain close working relationships with them into the future.

It is expected that a key role for the MLs will be to drive more efficient use of our health resources through encouraging the delivery of primary care, ambulatory and acute care in the settings that are most able to safely and effectively provide them.

It is too early to assess any results of this Commonwealth initiative.

### **SALARIED MEDICAL OFFICERS ENTERPRISE AGREEMENT**

**122 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 38—

When do the next round of doctors and nurses wage enterprise agreement negotiations take place and what provision has been budgeted?

**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:

Formal negotiations for a new Salaried Medical Officers Enterprise Agreement commenced on 24 May 2011. The parties are still having extensive discussions to reach agreement.

On 12 October 2011, an offer was made to the South Australian Salaried Medical Officers Association. The package included a salary offer of:

- Annual salary increases of 2.5 per cent per annum, operative on the first full pay period on or after 14 April in 2011, 2012, 2013 and 2014;
- Conditional on reaching agreement, an additional salary increase of 0.5 per cent to apply following approval by the Industrial Relations Commission of South Australia; and
- 0.5 per cent operative on the first full pay period on or after each 12-month anniversary of the date of approval.

This provides for a compounded salary outcome over the life of the proposed Agreement of 12.61 per cent. It should be noted that the offer has not yet been agreed between the parties.

Negotiations for a new nursing and midwifery enterprise agreement are to commence no later than January 2013.

### **HEALTH DEPARTMENT BUDGET**

**124 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 3, p. 39—

1. How were computer and communications charges in Health comprising of \$62.2 million incurred in 2011-12?

2. Will this expenditure increase or decrease in 2012-13 based on the Auditor-General's Supplementary Report into the Department Health which noted that 'unless the Department is able to effectively review the accuracy of vendor invoices it is open to certain risks/exposures, notably a high risk of being overcharged by external vendors for its telecommunication service provision'?

3. What measures have been taken to address the concerns raised by the Auditor-General and what will be the Budget impact?

**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 computer and communications charges in Health of \$62.2 million in 2011-12 comprised the following:

- |                        |                |
|------------------------|----------------|
| • Servers & Networks   | \$20.1 million |
| • Health Applications  | \$15.4 million |
| • PC Hardware/Software | \$11.7 million |
| • Messaging & Internet | \$5.9 million  |
| • Data Transmission    | \$5.1 million  |

- Telecommunications \$4.0 million

2. The expenditure for computer and communication charges is expected to remain the same in 2012-13.

3. SA Health is assessing the feasibility of centralisation of SA Health telecommunications services management as the first step to establishing consistent management practices and introducing controls especially around telecommunications billing. The budget impact is not expected to be material.

### HEALTH DEPARTMENT BUDGET

**125 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 15—

1. Why was there no expenditure recorded from the \$44.3 million budgeted for Information and Communication Technology Projects in 2011-12 and why is there no budget provision in 2012-13?

2. What did this budget investment measure intend to achieve and why has it been scrapped?

**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 \$44.3 million referred to within 2012-13 Budget Paper 4, vol. 3, p.15 relates to a budget provision that is used to specifically fund a number of eHealth Information and Communication Technology Projects within SA Health. Following approval for the relevant ICT projects to commence, the budget provision is then transferred from this funding allocation pool to the appropriate project lines, where corresponding expenditure is also recorded.

There is no budget provision indicated for 2012-13 against this specific funding line because the budget has already been allocated to various ICT projects that will be undertaken by SA Health in 2012-13.

2. The budget measure has not been scrapped and the investment will still occur across several ICT projects in SA Health.

### CARBON TAX

**129 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, pp. 33, 72—

Is this the total cost impact of the \$3.5 million associated with the carbon tax in 2012-13 across all portfolios and agencies of associated health services?

**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:

The 2012-13 State Budget provided the SA Health portfolio with a total of \$3.506 million of additional funding to account for the cost of the Carbon Tax across all SA Health services.

### SOUTH EAST REGIONAL HEALTH SERVICE

**130 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 64—

1. Has the South East Regional Health Service not renewed the position of Youth Health Services Worker for the Mt Gambier region which has provided one on one counselling for drug and alcohol related problems?

2. If the position was not renewed, did the Department consult Soroptimist International Mt Gambier in respect of their award winning program 'Independent Living Skills' for children under the guardianship of the Government?

3. What alternative plans does the Department have for this service?

**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. SA Health undertook an open competitive tender for the purchase of drug treatment services from non-government agencies across South Australia for both the SA Health's Drug and Alcohol Services Program and the Police Drug Diversion Initiative.

Prior to the tender, it was the Police Drug Diversion Initiative that provided the funds to Country Health SA to undertake health interventions in the Mount Gambier region. Country Health SA, through the South East Regional Health Service, provided the health interventions through a Youth Health Worker position.

Youth and adult health interventions under the Police Drug Diversion Initiative will continue in Mount Gambier under a new service provider. From 1 July 2012, Uniting Communities will be providing health interventions for the Police Drug Diversion Initiative in Mount Gambier.

2. The position is being maintained through a new service provider. The Department did not consult with Soroptimist International Mount Gambier, as an open competitive tender process was undertaken inviting submissions for the provision of interventions under the Police Drug Diversion Initiative in the Mount Gambier region. All non-government organisations had the opportunity to respond to the tender.

3. There is no alternative plan for this service, as the health interventions in Mount Gambier will continue through a new service provider under the Police Drug Diversion Initiative.

### YOUTH HEALTH SERVICES

**136 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 16—

1. What are the aims of Youth Inpatient Services and what has been achieved in 2011-12 and what is scheduled to be achieved in 2012-13?

2. Will this include extra beds dedicated exclusively for youths (16 to 24 year olds) at the Flinders Medical Centre Eating Disorders Unit?

**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 Youth Sub-Acute Unit will be a 15 bed residential facility that will provide sub-acute mental health care to young people between 16 and 24 years, who as a result of the nature of their mental illness are not able to be cared for at their usual place of residence, but are not sufficiently unwell to require admission to an acute inpatient facility. The facility will provide a short-term (three to four weeks) therapeutic residential environment that is staffed by treating clinicians and support personnel.

During 2011-12 the following was achieved:

- development of a new Model of Care that describes what service functions the Youth Sub-Acute Unit will provide and how they will be provided
- engagement of architects to commence the building design process
- engagement of clinicians, carers and consumers in the decision making process.

Scheduled for achievement in 2012-13 is:

- finalisation of building design
- recruitment of clinical staff to support the operation of the service
- selection of the preferred provider of non-government psychosocial support services to be made available within the facility
- operation of the unit.

2. The 15 Youth Sub-Acute Unit beds are not designed to provide specialist support to young people with eating disorders who require an acute admission to hospital, and therefore will not provide extra beds to the Flinders Medical Centre Eating Disorders Unit.

### HEALTH BUDGET

**137 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 35—

Why did expenditure increase from a budgeted \$5.3 million to an estimated result of \$8.1 million in 2011-12?

**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:

The annotation just below the table presented on 2012-13 Budget Paper 4, vol. 3, p. 35, states:

2011–12 Estimated Result/2011–12 Budget

The \$2.8 million increase in expenses is primarily due to additional funding provided for the introduction of new Seniors Card that incorporates Metrocard technology.

#### HEALTH BUDGET

**138 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 35—

What was the budget for the Seniors Card that incorporates Metro Card Technology, what was eventually spent and was this over or under budget?

**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:

The allocated Cabinet approved funding for issuing new Seniors Cards to incorporate the new metrocard is \$3,023,691. The project is due to be completed late 2012 and expenditure is on track.

#### HEALTH BUDGET

**139 Mr HAMILTON-SMITH (Waite)** (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 15—

Why did expenditure on Community Facilities increase from a budgeted \$1.95 million to an estimated result of \$3.2 million in 2011-12 and why is only \$752,000 budgeted for in 2012-13?

**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:

In the 2011-12 State Budget papers, the proposed expenditure for the older person's mental health community facilities project was stated as being \$1.95 million. The total budget for this project is \$4.049 million and is due to be completed in the June Quarter 2013.

The project involves the delivery of older person's mental health community facilities at five sites in the metropolitan area. The sites in the northern, southern and western districts have been completed and are operational. During the mid year budget review the proposed expenditure was revised to be \$3.2 million in 2011-12 for this project. This required the bringing forward of \$1.25 million expenditure and leaving \$0.752 million in the 2012-13 budget to complete the project. This decision was on the basis that because sites had been identified for the eastern and north-eastern facilities, an accelerated cash flow would enable the delivery of these remaining two facilities ahead of schedule.

Unfortunately, protracted lease negotiations related to the eastern facility has delayed the commencement of the fit out of this facility and hence the predicted expenditure did not achieve the revised \$3.2 million target by the end of 2011-12. The actual expenditure on this project for 2011-12 was \$2.2 million, which now requires about \$1 million to be carried over into the 2012-13 budget to enable the project to be completed. As a result, the 2012-13 budget will be revised to approximately \$1.752 million.

#### SURPLUS EMPLOYEES

In reply to **Mr PEDERICK (Hammond)** (29 June 2011) (Estimates Committee A).

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport):** Between 30 June 2010 and 30 June 2011, the following positions with an estimated total employment cost of \$100,000 or more were abolished and created:

(\*Superannuation costs based on 9%)

(a) Abolished:

Department/Agency	Position Title	Estimated TEC
Department of Further Education, Employment, Science and Technology	Manager Asset Management	\$107,103 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	TVSP Project Manager	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Principal Policy/Project Officer	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Program Leader	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Principal Policy Officer	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Educational Manager, Manufacturing	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Education Manager, Applied Food Studies	\$116,583 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Manager, Strategic Business Advisory Service	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Educational Manager, Electrical & Refrigeration	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	General Manager (D), Educat. Programs & Services	\$124,834 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Educational Manager, Business Development	\$116,583 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Educational Manager Level A	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Business Manager, Benchmarking and Research	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Manager ICT Services	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Project Officer Sustainability	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Community Education Manager—Kadina	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Business Development Manager	\$116,583 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Training Manager—Primary & Allied Industries	\$105,679 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Manager, Marketing Unit	\$107,103 (incl salary and *superannuation)

Department/Agency	Position Title	Estimated TEC
Department of Further Education, Employment, Science and Technology	Director, Corporate Services TAFE SA Adelaide South	\$156,730 incl salary *superannuation and vehicle)
Department of Further Education, Employment, Science and Technology	Executive Manager, HR	\$107,103 (incl salary and *superannuation)

(b) Created:

Department/Agency	Position Title	TEC Cost
Department of Further Education, Employment, Science and Technology	Principal Policy Officer	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	SIEC Project Director	\$156,730 (incl salary *superannuation and vehicle)
Department of Further Education, Employment, Science and Technology	TVSP Project Manager	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	Chief Financial Officer, TAFESA Regional	\$180,000 (incl salary *superannuation and vehicle)
Department of Further Education, Employment, Science and Technology	Chief Financial Officer, TAFESA Adelaide North	\$170,000 incl salary *superannuation and vehicle)
Department of Further Education, Employment, Science and Technology	Chief Financial Officer, TAFESA Adelaide South	\$175,000 incl salary *superannuation and vehicle)
Department of Further Education, Employment, Science and Technology	Principal Consultant, Compliance & Review	\$105,192 (incl salary and *superannuation)
Department of Further Education, Employment, Science and Technology	0.5 FTE Fee Higher Education Loan Program (HELP) Project Manager 0.5 FTE E-Skills Training Manager	\$107,103 (incl salary and *superannuation)

#### UMUWA COURTHOUSE

In reply to **Mr MARSHALL (Norwood)** (30 June 2011) (Estimates Committee B).

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

1. The \$4.5 million is in an interest bearing special deposit account relating to Commonwealth funds received for the APY Lands Task Force programs and projects. The total estimated interest earnings on the \$4.5 million to 30 June 2011 is \$597,000. The allocation of this interest amount is yet to be determined and is subject to agreement between the Commonwealth and the State Governments.

#### APY LANDS, POWER OUTAGES

In reply to **Mr MARSHALL (Norwood)** (30 June 2011) (Estimates Committee B).

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

1. In 2010-11, the total approximate cost of repairing electricity outages on the APY Lands was \$318,000.

#### APY ESSENTIAL SERVICES

In reply to **Mr MARSHALL (Norwood)** (30 June 2011) (Estimates Committee B).

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

1. Within the \$5.6 million allocated in 2011-12 for essential services, \$2,977,841 relates to priority energy infrastructure works.

**APY LANDS, EXECUTIVE VISIT**

In reply to **Dr McFETRIDGE (Morphett)** (30 June 2011) (Estimates Committee B).

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

1. As you are aware, the Senior Management Council visited the APY Lands in May 2010 over two days. The visit resulted in a greater understanding by the Senior Management Council of the Amata and Mimili communities.

In response to the Chief Executives' visit to the Amata and Mimili communities, a list of emerging issues was identified requiring an immediate, medium-term or long-term policy response.

A Chief Executives' Action Plan was developed which included five immediate actions, eight medium-term actions and three long-term policy interventions. These actions were also cross-referenced with those outlined in the community Local Implementation Plans (LIPs) for Amata and Mimili. I am happy to provide a copy of the Action Plan from the SMC Visit to the APY Lands. The LIPs for Amata and Mimili are public documents and can be accessed on State and Commonwealth websites.

**SURPLUS EMPLOYEES**

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (5 July 2011) (Estimates Committee A).

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

Surplus Employees as at 30 June 2011

Minister for Sustainability, Environment and Conservation:

Department/Agency	Position Title	Classification	TEC Cost
Department of Environment and Natural Resources	Administration Officer	ASO-1	\$48,656
	Administration Officer	ASO-1	\$48,656
	Administration Officer	ASO-2	\$55,893
	Project Officer	ASO-5	\$85,864
	Project Officer	ASO-6	\$94,246
Department for Water	Policy Officer	ASO4	\$72,511
	Executive Officer *	ASO8	\$113,806
	Project Manager *	ASO6	\$93,398
	Manager Strategic Projects	MAS3	\$115,881
	Deputy Director *	MAS3	\$115,881
	Personal Assistant *	ASO4	\$71,874
Environment Protection Authority	Administrative Assistant (Redeployee)	ASO1	\$44,483.99
Zero Waste SA	Nil	N/A	N/A
SA Water Corporation	Construction and Maintenance Worker (position no longer exists)	SAW1 (C&M2)	\$50,540
	Construction and Maintenance Worker (position no longer exists)	SAW1 (C&M3)	\$47,135

Department/Agency	Position Title	Classification	TEC Cost
	Plumber other Construction (position no longer exists)	SAW2 (Plumb other Con)	\$51,881
	Administration Services Officer	SAW4 (ASO3)	\$71,441
	Project Services Coordinator	SAW5 (ASO4)	\$80,430

\*The Department for Water incumbents of these positions were offered a Targeted Voluntary Separation Package (TVSP) in May 2011 and separated in July 2011.

#### GRANT EXPENDITURE

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (5 July 2011)  
(Estimates Committee A).

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

Expenditure On Grants 2010-11

Minister for Sustainability, Environment and Conservation

The following provides information with regards to grants of \$10,000 or more:

Department of Environment and Natural Resources

Controlled:

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Unnamed Conservation Park Board of Management	200,000.00	Co-management of park	Y
Adelaide City Council	65,000.00	Extra parkland trees	Y
City of Salisbury	43,011.00	Hosting Million Trees Program Project Officer	Y
City of Salisbury	23,011.00	Hosting Million Trees Program Project Officer	Y
City of Onkaparinga	20,850.00	Revegetation Stage 2	Y
City of Charles Sturt	20,000.00	City of Charles Sturt Biodiversity	Y
City of Salisbury	20,000.00	Hosting Million Trees Program Project Officer	Y
Adelaide City Council	15,000.00	Tainmundilla Riparian Restoration	Y
Ninti One Ltd	50,000.00	State Commitment to CRC—remote economic participation	Y
Millicent High School	25,300.00	SE Co-operative Coastal Conservation	Y
Friends of Parks Inc	23,315.00	SE Co-operative Coastal Conservation	Y
Friends of Shorebirds SE	21,120.00	SE Co-operative Coastal Conservation	Y
DC of Robe	16,000.00	SE Co-operative Coastal Conservation	Y
Friends of Parks Inc	11,450.00	SE Co-operative Coastal Conservation	Y
University of Adelaide	10,800.00	Benthic community structure of Great Australian Bight	Y
University of Adelaide	20,000.00	Forecasting change in subtidal habitats	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
University of Adelaide	10,000.00	Marine benthic algae of the Great Barrier Reef (financial contribution to project subject to grant agreement between ABRS and University of Adelaide)	N
Environmental Defenders Office	25,000.00	Natural Resources Legislation review	Y
South East Local Govt Assoc	18,833.32	Heritage Advisory Services	Y
Environmental Defenders Office	12,000.00	Biodiversity report	Y
Northern & Yorke NRM Board	11,690.00	Flinders Olary Naturelinks	Y
Arid Recovery	88,000.00	Contribution to Arid Recovery	Y
Arid Recovery	40,000.00	Annual funding 2010	Y
Flinders University	55,506.00	Employment of Dr Mike Gardner.	Y
University of Adelaide	80,000.00	Part Salary—Prof A Lowe Head of Science—joint appointment	Y
University of Adelaide	68,500.00	HBS Womersly Chair in Systematic Botany—part salary Prof Michelle Waycott—joint appointment	Y
University of Adelaide	60,575.00	Part salary Dr Fred Gurgel—joint appointment	Y
Conservation Council	50,000.00	Community consultation and engagement program	Y
Nature Conservation Society of SA	20,000.00	Community Grant	Y
Environmental Defenders Office	15,000.00	Community Grant	Y
RSPCA (SA)	660,000.00	Enforcing the animal welfare act 2010/11	Y
PIRSA	700,000.00	Implementing National Action Plan for feral camels	Y
Nature Foundation SA	525,000.00	Reserve Land Purchase Fund	Y
Adelaide & Mt Lofty Ranges NRM Board	545,000.00	Managing priority ecosystems in AMLR	Y
Adelaide & Mt Lofty Ranges NRM Board	490,300.00	Torrens taskforce	Y
Northern & Yorke NRM Board	427,000.00	Increase community/landholder participation	Y
PIRSA	346,000.00	Priority SA NRM Biosecurity	Y
SA Murray Darling Basin NRM	334,000.00	Pest Animal Management	Y
SA Murray Darling Basin NRM	265,000.00	Wetland biodiversity & ecological restoration	Y
Eyre Peninsula NRM Board	214,000.00	High priority WildEyre conservation	Y
Adelaide & Mt Lofty Ranges NRM Board	548,600.00	Recovering threatened species in the AMLR region	Y
Kangaroo Island NRM Board	27,000.00	Implementing bioregional marine pests management actions in Gulf St Vincent	Y
Kangaroo Island NRM Board	83,100.00	Little Penguin conservation management in Gulf St Vincent	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Alinytjara Wilurara NRM Board	150,000.00	Bringing back Warru	Y
Conservation Council of SA	102,900.00	Fund core activities of CCSA	Y
Eyre Peninsula NRM Board	132,500.00	Protect Coffin Bay Wetland System	Y
Kangaroo Island NRM Board	168,420.00	Protecting native vegetation and soils on Kangaroo Island	Y
Dept for Water	116,970.00	Taratap freshwater restoration and monitoring project	Y
University of South Australia	80,000.00	SA Heritage Register	Y
South East NRM Board	79,000.00	Our farmers our future—sowing the seeds of sustainability	Y
SA Murray Darling Basin NRM	93,030.00	Improving soil management to support resilient farming systems Murray Mallee	Y
Eyre Peninsula NRM Board	200,000.00	Towards 2050: Eyre Peninsula Climate Change Program	Y
Conservation Council of SA	63,000.00	Facilitate NGO engagement	Y
SA Murray Darling Basin NRM	84,000.00	Southern Bell Frog census and community engagement program in the Lower River Murray	Y
Eyre Peninsula NRM Board	90,100.00	Building living soils by supporting innovative farming practices	Y
Kangaroo Island NRM Board	79,900.00	Glossy Black-Cockatoo recovery	Y
Kangaroo Island NRM Board	78,000.00	Engage KI landholders	Y
Nature Foundation SA	50,000.00	Management subsidy	Y
University of Western Australia	50,000.00	State commitment to the Future Farm Industries CRC	Y
SA Murray Darling Basin NRM	71,300.00	Supporting NRM volunteers in the SAMDB	Y
South East NRM Board	70,000.00	Southeast landholder engagement for on ground stringybark woodland and cockatoo habitat protection.	Y
Kangaroo Island NRM Board	69,000.00	Reinstating threatened plant species and communities in eastern Kangaroo Island.	Y
South East NRM Board	68,000.00	Bucks for Bush—community projects supporting biodiversity in the South East	Y
SA Murray Darling Basin NRM	67,620.00	Southern hairy-nosed wombat population survey—Murraylands	Y
SA Murray Darling Basin NRM	43,000.00	Plant control on unalienated Crown Lands	Y
Kangaroo Island NRM Board	60,000.00	A regional approach to Integrated Weed Management on KI	Y
University of Adelaide	41,000.00	State Herbarium PhD scholarship	Y
University of Adelaide	41,000.00	Monitoring & Evaluation PhD Research scholarship	Y
SA Arid Lands NRM	132,000.00	Pastoral land management for ecological & productivity benefits	Y



Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
SA Arid Lands NRM	125,750.00	Informing best practice dingo management	Y
Angas River Catchment Group	26,360.00	Watercourse restoration in the Angas River, Burnside, Dawson and Middle Creeks.	Y
Kangaroo Island NRM Board	48,500.00	Towards eradication: Developing effective community feral cat control on Kangaroo Island	Y
SA Murray Darling Basin NRM	47,000.00	Animal control on unalienated Crown Lands	Y
Kangaroo Island NRM Board	44,000.00	Restore Harriet River	Y
Aboriginal Lands Trust of South Australia	28,500.00	NRM equipment loan project	Y
Agriculture Bureau of SA	30,000.00	Improving land management (for Karoonda and districts Agricultural Bureau)	Y
Southern Mallee Agricultural Bureau	30,000.00	Long-term effects of soil modification	Y
Birds Australia	30,000.00	Conserving SA's migratory & beach nesting birds	Y
Blinman Progress Assoc	30,000.00	Parachilna Gorge Opuntia control	Y
Cummins Wanilla Basin Streamcare Group	30,000.00	Integrated catchment management	Y
Edillilie Landcare Group	30,000.00	Stream management	Y
Goolwa to Wellington Local Action Planning Association Inc	30,000.00	Restoring an important reach of Rodwell Creek	Y
Kersbrook Landcare Group Inc	30,000.00	Active management of remnant vegetation within the South Para	Y
Loxton to Bookpurnong Local Action Planning Committee Inc	29,700.00	Benchmarking irrigation performance and management post-drought in the Bookpurnong district	Y
Nature Conservation Society of SA	30,000.00	Measure native vegetation condition	Y
Outback Lakes SA	30,000.00	Grazing management	Y
Birds Australia	29,800.00	Conserving SA's wetland birds	Y
Goolwa to Wellington Local Action Planning Association Inc	29,500.00	Managing Threatened flora and empowering volunteers of the Steamranger corridor	Y
South East Local Govt Assoc	29,700.00	Coastal gardens workshops & demonstration (for Limestone Coast & Coorong Coastal Management Group)	Y
Urrbrae Agricultural High School	29,700.00	Recycling wetland for irrigation	Y
Friends of Moores Road Inc	29,600.00	Morialta to Coralinga Biolink	Y
Aboriginal Lands Trust of South Australia	29,500.00	Coastal works on Aboriginal managed lands (for Point Pearce Aboriginal Corporation)	Y
Mallee Sustainable Farming Inc	29,200.00	Capacity building for sustainable Mallee dryland farming practices	Y
Karpinyeri Incorporated	29,400.00	Promote Aboriginal Landcare	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Alberton Primary School	29,000.00	Sustainable farming	Y
Royal Zoological Society	28,930.00	Woodland restoration at Monarto	Y
Allenby Gardens Primary School	10,000.00	Forests 2011 Focus—establishing a bush tucker trail	Y
Women in Agriculture & Business of SA Inc.	27,000.00	Comparative trial between alternative & conventional fertilisers (for Upper South East Women in Livestock)	Y
SA Arid Lands NRM Board	28,000.00	Flora & fauna survey in far NE SA (for Innamincka Progress Association Inc.)	Y
University of Adelaide	28,000.00	NRM research & innovation network scholarship	Y
SA Murray Darling Basin NRM	27,400.00	Sustainable practices SA Mallee producers (for Etrick Sheep Producers Group)	Y
Eco-Action	27,300.00	KI planting guide & workshops	Y
Kangaroo Island NRM Board	38,510.00	Ensuring Successful goat eradication is maintained on Kangaroo Island	Y
Nursery & Garden Industry SA	20,000.00	Grow Me Instead Project	Y
Adelaide & Mt Lofty Ranges NRM Board	10,000.00	Wether Station creek project extension (for Wether Station Creek Project Group)	Y
Berri Barmera Council	26,900.00	Improve stormwater quality for Lake Bonney (for Barmera Playspace Group)	Y
Mannum Aboriginal Community Assoc	26,400.00	Sugar Shack revegetation	Y
Mallee Sustainable Farming Inc	20,000.00	Cell grazing/set stocking effects on feed & residues	Y
District Council of Streaky Bay	26,340.00	Manage urban stormwater (for Friends of Blancheport)	Y
Adelaide & Mt Lofty Ranges NRM Board	25,100.00	Penguin management (for Friends of Encounter Seabirds)	Y
J Rollison	25,000.00	Repairs and painting to verandah	Y
St Mary's College	25,000.00	St. Mary's Dominican Convent—repairs to stone wall	Y
Marine Discovery Centre	24,480.00	New models & workshops	Y
Eyre Peninsula NRM Board	23,750.00	Crown Lands control work	Y
Upper North Farming Systems	23,500.00	Walloway catchment restoration (for Johnburgh Landcare Group)	Y
Mannum to Wellington Local Action Planning Association Inc	23,350.00	Nursery for the MWLAP area	Y
Parks & Reserves Pt Lincoln Inc	22,800.00	Reduce stormwater impacts	Y
Birds Australia	22,430.00	Gluepot Reserve goat management	Y
Friends of Parks Inc	22,250.00	Fencing at Mokota Native Grasslands (for Friends of Burra Parks)	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Public Schools Assoc	21,725.00	Restoration of Club Building	Y
Aboriginal Lands Trust of South Australia	20,800.00	Protect traditional medicine plants (for Davenport Community Council Inc.)	Y
YP Alkaline Soils Group	20,700.00	Increase farmer capacity re native vegetation	Y
Country Arts SA	20,000.00	Change & adaption Stage 1	Y
Goolwa to Wellington Local Action Planning Association Inc	18,000.00	Managing vulnerable species in the Goolwa Golf course	Y
KICE Governing Centre	20,000.00	KI environmental education & action	Y
Nature Foundation SA	20,000.00	DENR Management subsidy	Y
SA Whale Centre	20,000.00	Victor Harbor Railway Station— repairs to stone work and drainage system	Y
Trees for Life Inc	18,300.00	Growing seed management skills in regional SA	Y
Synod Diocese of the Murray	19,835.00	St James Church roof restoration	Y
Aboriginal Lands Trust of South Australia	19,700.00	Protect mallee-box woodland (for Nukunu People's Council Inc.)	Y
Royal Zoological Society	19,300.00	Stringybark & SE cocky habitat	Y
YP Alkaline Soils Group	19,200.00	Improve farm efficiency through modern technology	Y
Aboriginal Lands Trust of South Australia	19,000.00	Cultural affirmation & transfer of knowledge (for Point Pearce Aboriginal Corporation)	Y
Kangaroo Island NRM Board	39,000.00	Weathering Climate Change—an island community's response	Y
Outback Lakes SA	18,200.00	Understanding plant nutritional content	Y
Adelaide Hills Natural Resource Centre	18,000.00	Catchment plan for Third Creek (for Old Norton Summit Road Community Group)	Y
Flinders University	18,000.00	NRM research & innovation network scholarship	Y
Loxton to Bookpurnong Local Action Planning Committee Inc	15,400.00	Building farming skills in profitable water reuse	Y
Aboriginal Lands Trust of South Australia	16,800.00	Riparian vegetation (for Colebrook Community Centre Inc.)	Y
Friends of Parks Inc	16,300.00	Southern Bent wing bat interpretation (for Friends of Naracoorte Caves)	Y
Taitiara District Council	16,200.00	Grey Box woodlands (for Mundulla on the Move)	Y
Caltowie Corridors of Green	15,720.00	Fencing & revegetation Caltowie & Appila	Y
Mannum to Wellington Local Action Planning Association Inc	10,000.00	Managing riparian erosion with the MWLAP area	Y
S A Harrison	15,000.00	Roof replacement—former flour mill	Y
Kangaroo Island NRM Board	13,421.20	Crown Lands control work	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
I Depers	12,750.00	Restoration—Matchbox House	Y
Rhine Park Pty Ltd	12,650.00	Restoration—Rhine Park Homestead	Y
CJT Cowan	12,500.00	Poltalloch Station painting	Y
Friends of Black Hill & Morialta	11,500.00	Restore 4th creek	Y
Cinema Investments Pty Ltd	10,492.00	Piccadilly Cinema	Y
SA Murray Darling Basin NRM	14,950.00	Weed Warriors in the SAMDB	Y
Aboriginal Lands Trust of South Australia	30,000.00	Aboriginal support for Aboriginal land care officers	Y
Friends of Parks Inc	10,000.00	Restoration of woodland at Shepherds Hill Park(for Friends of Shepherds Hill)	Y
Friends of Parks Inc	10,000.00	Restoration Workanda Creek (for Friends of Belair National Park)	Y
I Wilson	10,000.00	Repairs to Ringmer Complex	Y
Kangaroo Island NRM Board	10,000.00	Dolphin watch (for Kangaroo Island Dolphin Watch)	Y
Parks & Reserves Pt Lincoln Inc	10,000.00	Snapper Point restoration	Y
Pt Victoria Progress Assoc	10,000.00	Remove Acacia Cyclops	Y
River Murray Urban users Group	10,000.00	Iconic ground works in Murray Mallee	Y
SPAA Precision Agricultural Assoc	10,000.00	Precision Ag EXPO & conference	Y
Trees for Life Inc	9,800.00	Supporting bushcare on Karinya and Colebrook reserves	Y
University of Adelaide	10,000.00	PSRF (financial contribution to project subject to grant agreement between ABRS and University of Adelaide)	N
University of Adelaide	10,000.00	Phylogeography & systematics of codist	Y
SA Arid Lands NRM Board	10,000.00	Model for applying significant environmental benefits	Y
South Hummocks Agricultural Bureau	\$19,800	Diamond Lake management (for Bismark Valley Conservation Group)	Y
Yartawarli Aboriginal Corporation Resource Agency	\$30,000.00	Regional strategic planning	Y
Conservation Council of South Australia Inc.	\$28,500.00	Engaging boaters in marine pest issues	Y
Adelaide & Mt Lofty Ranges NRM Board	\$27,000.00	Plant control on unalienated Crown Lands	Y

## Administered:

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Royal Zoological Society	3,126,000.00	Annual Government Grant 2010-11 (Treasury appropriation)	N
Department for Water	2,631,040.00	National Action Plan Funding— Redevelopment of Noora Basin	Y
Department for Water	2,392,900.00	National Action Plan Funding— Design, construct and commission salt interception schemes	Y
Department for Water	2,267,472.00	National Action Plan Funding— Upper South East Dryland Salinity and Flood Management Program (USED&FM)	Y
Adelaide and Mount Lofty Ranges Natural Resources Management Board	2,209,000.00	Caring for our Country Funding— Restoring rural landscapes in the Adelaide and Mount Lofty Ranges region	Y
Royal Zoological Society	2,000,000.00	Annual Government Grant—2011- 12 advance payment (Treasury appropriation)	N
Alinytjara Wilurara Natural Resources Management Board	1,751,000.00	Caring for our Country Funding— Alinytjara Wilurara Regional NRM Program 2010-13	Y
South Australian Murray Darling Basin Natural Resources Management Board	1,416,285.00	Caring for our Country Funding— Increasing community engagement and participation in NRM in the SA MDB	Y
South Australian Murray Darling Basin Natural Resources Management Board	1,393,421.00	Caring for our Country Funding— Restoring terrestrial native habitats in the SA MDB through improved management	Y
Adelaide City Council	1,343,000.00	Water Offset Grant	Y
South Australian Arid Lands Natural Resources Management Board	1,253,500.00	Caring for our Country Funding— Valuing People and Building Capacity for Managing Functioning Ecosystems in the Arid Lands	Y
Northern and Yorke Natural Resources Management Board	1,072,000.00	Caring for our Country Funding— Improving Native Habitat and Biodiversity	Y
Eyre Peninsula Natural Resource Management Board	832,600.00	Caring for our Country Funding— Improving the skills and knowledge of the community to enhance natural resource management outcomes	Y
South Australian Murray Darling Basin Natural Resources Management Board	589,618.00	Caring for our Country Funding— Improving land management in the SA MDB	Y
Kangaroo Island Natural Resources Management Board	582,340.00	Caring for our Country Funding— Catchment to Coast-Managing and restoring environmental values in the Cygnet River-Nepean Bay catchment system	Y
South Australian Murray Darling Basin Natural Resources Management Board	505,385.00	Caring for our Country Funding— Restoring aquatic habitats in the SA MDB through improved management	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
South Australian Murray Darling Basin Natural Resources Management Board	451,238.00	Caring for our Country Funding— Aboriginal Partnerships Project	Y
South East Natural Resources Management Board	435,600.00	Caring for our Country Funding— Improving Land Management Practices to Enhance Soil Health in the South East of South Australia	Y
Eyre Peninsula Natural Resource Management Board	416,300.00	Caring for our Country Funding— Protecting threatened flora from rabbits on Eyre Peninsula through skill development and best practice management	Y
South Australian Arid Lands Natural Resources Management Board	405,500.00	Caring for our Country Funding— Improving Natural Resources Management in the Arid Lands of SA	Y
South East Natural Resources Management Board	396,000.00	Caring for our Country Funding— Implementation of the South East Invasive Species Management Strategy (South Australia)	Y
South East Natural Resources Management Board	393,950.00	Caring for our Country Funding— Threatened Species and Habitat Recovery Project	Y
Eyre Peninsula Natural Resource Management Board	358,800.00	Caring for our Country Funding— Engaging Aboriginal communities in the Natural Resource Management process on Eyre Peninsula	Y
Kangaroo Island Natural Resources Management Board	343,860.00	Caring for our Country Funding— Protecting Kangaroo Island from invasive species-preventing rabbit damage and eliminating WoNS and priority pests	Y
South East Natural Resources Management Board	323,350.00	Caring for our Country Funding— Lower South East Wetland Restoration and Strategic Regional Wetland Management	Y
Kangaroo Island Natural Resources Management Board	260,800.00	Caring for our Country Funding— Eastern Plains Fire Trial (Phase 3), Kangaroo Island	Y
South East Natural Resources Management Board	253,200.00	Caring for our Country Funding— Supporting Aboriginal Involvement in Natural Resources Management Activities Across the South East	Y
South Australian Murray Darling Basin Natural Resources Management Board	240,659.00	Caring for our Country Funding— Protecting the Coorong, Lower Lakes and Murray Mouth Ramsar site	Y
Eyre Peninsula Natural Resource Management Board	235,300.00	Caring for our Country Funding—A collaborative approach to improving land protection outcomes for erosion prone soils on Eyre Peninsula	Y
South East Natural Resources Management Board	228,000.00	Caring for our Country Funding— Threat Abatement Program for the Protection of Threatened Native Flora and Fauna	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Northern and Yorke Natural Resources Management Board	187,000.00	Caring for our Country Funding— Indigenous Engagement	Y
Northern and Yorke Natural Resources Management Board	165,000.00	Caring for our Country Funding— Improving land management practices	Y
South Australian Murray Darling Basin Natural Resources Management Board	144,394.00	Caring for our Country Funding— Engaging farming groups in improved NRM	Y
Northern and Yorke Natural Resources Management Board	143,000.00	Caring for our Country Funding— Increasing community knowledge and skills	Y
South East Natural Resources Management Board	142,800.00	Caring for our Country Funding— Involving Youth in Environmental Education and Action for Sustainability	Y
South East Natural Resources Management Board	141,600.00	Caring for our Country Funding— Supporting NRM Community Group Involvement in the South East, Wimmera and Glenelg Hopkins Regions	Y
Bush Heritage Aust	91,300.00	Significant environmental research	Y
South East Natural Resources Management Board	74,500.00	Caring for our Country Funding—A Knowledge Based System for Ecological Burning in the South East of South Australia	Y
Woodcutters Road Environment	68,000.00	Significant environmental research	Y
Landscape Partners	57,650.00	Significant environmental research	Y
Austland Management Pty Ltd	56,161.00	Significant environmental research	Y
Trees For Life Inc	46,115.00	Significant environmental research	Y
Bush Heritage Aust	42,000.00	Significant environmental research	Y
Conservation Council Of SA Inc	41,676.69	Significant environmental research	Y
Austland Management Pty Ltd	39,225.00	Significant environmental research	Y
Friends of Moores Rd	37,300.00	Significant environmental research	Y
Conservation Council Of SA Inc	35,682.00	Significant environmental research	Y
City of Onkaparinga	35,000.00	Significant environmental research	Y
Woodcutters Road Environment	32,000.00	Significant environmental research	Y
Adelaide Hills Council	25,882.00	Significant environmental research	Y
Trees for Life	25,000.00	Significant environmental research	Y
Goyder Regional Council Of	24,000.00	Significant environmental research	Y
Austland Management Pty Ltd	23,307.27	Significant environmental research	Y
Trees For Life Inc	19,534.90	Significant environmental research	Y
Landscape Partnerships	16,500.00	Significant environmental research	Y
O'Connor NRM	15,000.00	Significant environmental research	Y
Bush for Life	14,000.00	Significant environmental research	Y

Name of Grant/ Contribution Recipient	Amount of Grant/ Contribution (\$)	Purpose of Grant	Subject to grant agreement (Y/N)
Conservation Council Of SA Inc	13,052.73	Significant environmental research	Y
Trees For Life Inc	12,817.70	Significant environmental research	Y
University of Adelaide	11,657.63	Significant environmental research	Y
Flinders University	10,044.36	Significant environmental research	Y
City of Pt Augusta	83,150.00	Coastal Projects	Y
Wattle Range Council	29,233.33	Coastal Projects—Beachport groyne repairs and Southend sand bypassing	Y
City of Onkaparinga	14,000.00	Coastal Projects—Christies beach seawall repairs design	Y
City of Salisbury	180,000.00	St Kilda seawall	Y
City of Marion	21,850.00	Hallett Cove management plan	Y
Animal Welfare League	50,000.00	Maintain animal welfare shelter	Y
RSPCA	50,000.00	Maintain animal welfare shelter	Y
Delta Society	35,000.00	Delta Dog Safe Program	Y
Delta Society	26,215.00	School Education Program	Y

## Department for Water

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Adelaide & Mt Lofty Ranges Natural Resource Management Board	\$20,524.00	Payments made by the Department on behalf of the Stormwater Management Authority	Y
Boolapuckee Nominees	\$10,069.10	Biodiversity Offset Grant provided as part of the Upper South East (USE) Dryland Salinity Program	Y
Bureau Of Meteorology	\$ 22,354.54	Facilitation of monitoring of essential river-flow data for Flood Warning purposes	Y
Bureau Of Meteorology	\$62,512.00	Payments made by the Department on behalf of the Stormwater Management Authority	Y
City Of Charles Sturt	\$1,751,448.07	Contribution to the Stormwater Project—Water Proofing the West (which has the capacity to reduce potable water demand by up to 555 megalitres per year)	Y
City Of Marion	\$186,625.00	Contribution to the Stormwater Project—Oaklands Park	Y
City Of Onkaparinga	\$2,591,000.00	Contribution to the Stormwater Project—Waterproofing the South (which has the capacity to reduce potable water demand by up to 1,300 megalitres per year)	Y
City Of Playford	\$600,000.00	Contribution to the Stormwater Project—Water for the Future (which has the capacity to reduce potable water demand by up to 640 megalitres per year)	Y



Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
City Of Salisbury	\$4,500,000.00	Contribution to the Stormwater Project–Unity Park (which has the capacity to reduce potable water demand by up to 400 megalitres per year)	Y
Commonwealth Science and Industrial Research Organisation	\$5,000,000.00	Funding provided on behalf of the State Government for the Goyder Institute for Water Research	Y
Department of Environment and Natural Resources	\$155,000.00	E-Flows and Wetland management project	Y
Department of Environment and Natural Resources	\$13,766,101.00	Murray Futures Program contribution to the Coorong Lower Lakes Early Works Project	Y
Department of Environment and Natural Resources	\$1,149,000.00	Contribution to the Stormwater Project–First Creek Adelaide Botanic Gardens (which has the capacity to reduce potable water demand by up to 100 megalitres per year)	Y
Department of Environment and Natural Resources	\$380,937.00	Return of unspent National Action Plan for Salinity and Water Quality funding to the Department of Environment and Natural Resources, for on-passing back to the Commonwealth who originally provided to the Department for Water for the Salt Interception Scheme	Y
Department of Planning and Local Government	\$28,125.00	Contribution to the Cities as Water Supply Catchments Program	Y
Department of Sustainability, Environment, Water, Population and Communities	\$74,960.00	Contribution to the Water Efficiency Labelling Scheme	Y
Department of Sustainability, Environment, Water, Population and Communities	\$117,500.00	Jurisdictional contributions for two programs the Great Artesian Basin Coordinating Committee and the Lake Eyre Basin Ministerial Forum	Y
Department for Transport Energy & Infrastructure (Government ICT Services )	\$220,000.00	Funding to undertake the Bureau of Metrology's Strategic Water Information Coordination project on behalf of Department for Water	Y
Christopher England	\$38,996.65	Biodiversity Offset Grant	Y
Christopher Edward England	\$55,611.19	Environmental Stewardship cash incentive payment Target: Wetlands and associated habitats (floodplain) along the Marcollat, Bakers Range, West Avenue and Tilley Swamp (West) Watercourses	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Environment Protection Authority	\$276,500.00	Water Quality Improvement Program	Y
Environment Protection Authority	\$30,000.00	Stormwater Management Authority payment for the catchment management subsidy scheme	Y
e-Water Limited	\$150,000.00	Contribution to the e-Water Cooperative Research Centre	Y
Flinders University of South Australia	\$125,000.00	Partnership Organisation funding for the National Centre for Groundwater Research and Training	Y
Helen Dianne Gregory	\$12,340.55	Biodiversity Offset Grant	Y
C & M Hignett	\$11,048.65	Environmental Stewardship Incentive cash payment for protection of the Bangham Vegetation Link	Y
Longeranong Pty Ltd	\$20,776.00	Environmental Stewardship agreement for Revegetation on private land.	Y
KR & V McBride	\$86,871.26	Environmental Stewardship agreement for protection of Wetlands.	Y
Dr MJ & DS Mitton	\$25,343.91	Environmental Stewardship agreement for Revegetation on private land.	Y
Monash University	\$37,500.00	Contribution to the Cities as Water Supply Catchments program	Y
Murray-Darling Association Incorporated	\$22,650.46	Funding for the association to maintain the Management Action Database on their website	Y
Murray-Darling Basin Authority	\$27,667,000.00	State Contribution to the Murray-Darling Basin Authority	Y
Murray-Darling Basin Authority	\$278,646.45	State Contribution to the Murray-Darling Basin Authority Salt Interception Scheme	Y
Nature Foundation SA Incorporated	\$115,000.00	Water for Nature program funding	Y
Department of Primary Industries and Resources, South Australia	\$114,637.00	Contribution to the Murray Futures Program—Irrigation Pipeline Project	Y
Department of Primary Industries and Resources, South Australia	\$34,400.00	Return of excess funds for State Natural Resource Management Program projects	Y
Department of Primary Industries and Resources, South Australia	\$800,000.00	Irrigation research, technology diffusion and education project	Y
Qualco Sunlands Groundwater Control Trust	\$127,272.73	Grant for Operations and Maintenance of Qualco Sunlands Scheme	Y
SA State Emergency Services	\$88,982.24	Grant for flood hazard communication	N
SA Water	\$90,761.00	Murray Futures Integrated Pipeline Agreement—Point Sturt/ Hindmarsh Island Project	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
SA Water	\$1,333,000.00	Contribution to the Stormwater Project–Barker Inlet (which has the capacity to reduce potable water demand by up to 170 megalitres per year)	Y
SA Water	\$771,000.00	Contribution to the Stormwater Project–Adelaide Airport (which has the capacity to reduce potable water demand by up to 400 megalitres per year)	Y
BW & RD Smart	\$17,043.93	Environmental Stewardship agreement for protection of wetlands	Y
South East Resource Information Centre	\$25,000.00	Rural Property Addressing Implementation Project	Y
Struan Valley Pastoral	\$12,289.37	Environmental Stewardship agreement for revegetation on private land	Y
Telowie Pty Ltd	\$16,715.38	Environmental Stewardship agreement for protection of wetlands	Y
The Trustee for The Snuggery	\$55,138.26	Environmental Stewardship agreement for protection of wetlands	Y
Trevor Wardle Family Trust	\$31,551.33	Environmental Stewardship agreement for revegetation on private land	Y
Wetlands & Wildlife	\$95,031.27	Biodiversity Offset Grant	Y
DR & JG Woodman	\$32,267.57	Environmental Stewardship Incentive cash payment for protection of the Bangham Vegetation Link	Y

## Environment Protection Authority

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Cooperative Research Centre (CRC)	153,000	Contribution towards research to enhance Australia's industrial, commercial and economic growth through development of sustained user driven co-operative public-private research centres.	Y
Community members in the City of Port Augusta Council Area	50,000	For installation of solar hot water heaters to homes in the City of Port Augusta region to reduce the emissions from electricity generation in the area.	Y
National Environment Protection Council	125,000	South Australia's contribution to the NEPC Service Corporation.	Y
Water Efficiency Labelling and Standards Scheme	19,000	Joint initiative by the Commonwealth and States supported by an Intergovernmental Agreement to provide for national water efficiency labelling and standards.	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Conservation Council	10,000	Annual Conservation Council contribution as agreed by the Minister of Environment and Conservation and the Conservation Council.	N

## Zero Waste SA

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Adelaide City Council	\$40,000	Rundle Mall precinct—investigation of options for public place recycling	Y
Adelaide Hills Recycling	\$30,000	Adelaide Hills Recycling C&D Resource Recovery Facility	Y
Adelaide Mulch Supplies & Adelaide Woodfibre Pty Ltd	\$180,000	Briquette manufacture from waste masonite and MDF	Y
Amcor Packaging (Australia) Pty Ltd T/A Amcor Recycling SA	\$24,618	Amcor Recycling at Work	Y
Anglicare SA Inc	\$12,000	Anglicare SA, GHG Emissions and Sanitary Waste Compost, 2010	Y
ARRB Group (SA)	\$25,000	Development and Implementation of a Strategic Direction for the SA C&D Recycling Industry	Y
Australian Food and Grocery Council	\$16,281	Westfield Out and About Recycling project	Y
Australian Institute of Management	\$10,145	Eco-efficiency Review, Australian Institute of Management	Y
Bin IT Waste Removal	\$100,000	Solid Waste Recycling and Reuse—Mt Gambier	Y
BSMART (Aust) Pty Ltd	\$10,000	BSmart Zero Waste SA Business Implementation Project—Recycled Bricks and Pavers	Y
City of Charles Sturt	\$50,000	Food Waste Recycling Education Program—City of Charles Sturt	Y
City of Mount Gambier	\$22,675	Waste, Energy and Water Resource Management Framework 2011, Mt Gambier	Y
City of Norwood Payneham and St Peters	\$157,782	City of Norwood Payneham and St Peters Food Organics	Y
City of Port Adelaide Enfield	\$411,141	City of Port Adelaide Enfield Food Organics	Y
City of Prospect	\$80,286	City of Prospect Food Organics	Y
City of West Torrens	\$45,455	Food Waste Recycling Education Program—City of West Torrens	Y
Coorong District Council—Coonalpyn	\$21,100	Resource Recovery Facility at Coonalpyn Waste Depot	Y
Coorong District Council—Tintinara	\$21,850	Upgrade to Resource Recovery Facility at Tintinara	Y
Corporation of the City of Whyalla	\$16,653	The Corporation of the City of Whyalla Food Organics	Y
District Council of Barunga West	\$136,364	Port Broughton Resource Recovery and Waste Transfer Facility	Y
District Council of Cleve	\$52,500	Cleve District Transfer and Recycling Facility	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
District Council of Lower Eyre Peninsula	\$30,000	Coffin Bay Resource Recovery and Waste Transfer Station	Y
District Council of Lower Eyre Peninsula	\$29,200	Cummins Resource Recovery and Waste Transfer Station	Y
District Council of Mount Remarkable	\$13,636	Waste Transfer Station—Port Germein	Y
District Council of Mount Remarkable	\$11,364	Waste Transfer Station—Wirrabara	Y
Foodbank of SA	\$50,000	Expansion of Edwardstown Warehouse and Distribution Facility	Y
FoodSA	\$10,495	Sustainable Supply Chain Practices for the South Australian Food Industry	Y
Innovate SA Inc.	\$19,000	Forums on the Financial Business Case for Sustainability for SME's	Y
Light Regional Council	\$11,782	Light Regional Council Food Organics	Y
Local Government Association of SA	\$355,000	Digital Switchover—Television Collection Program	Y
Local Government Association of SA	\$80,000	Planning Consultants—Regional Program	Y
Orlando Wines (Pernod Ricard Australia)	\$10,000	Waste and Recycling Performance Assessment	Y
Peats Soil and Garden Supplies	\$240,000	Green Waste Grinding Project	Y
Peats Soil and Garden Supplies	\$100,000	Kerbside Screening Project—Peats Soil and Garden Supplies	Y
Propak Industries Pty Ltd	\$84,875	Bio-Fill capability and capacity upscale	Y
Regional Council of Goyder	\$50,000	Transfer Station Construction (3) Regional Council of Goyder	Y
Restaurant and Catering SA	\$10,568	Restaurant & Catering SA: Green Table Pilot Project	Y
SA Waste Management	\$43,750	Mixed Waste Resource Recovery Facility	Y
Signal Waste and Recycling Pty Ltd	\$38,215	Signal Recycling at Work	Y
Tanunda Lutheran Home Inc	\$17,460	Tanunda Lutheran Home Inc	Y
The Australian Industry Group	\$14,000	Environmental Solutions Forums and Environmental Solutions Workshops	Y
The Flinders Ranges Council	\$120,000	Quorn Transfer Station and Resource Recovery Facility	Y
The Garage Sale Trail Pty Ltd	\$24,000	The Garage Sale Trail Event	Y
Uniting Care Wesley Port Adelaide ( on behalf of OzHarvest)	\$60,000	Establishing OzHarvest in Adelaide	Y
Wattle Range Council	\$109,091	Construction of 3 Resource Recovery Facilities; Millicent, Penola and Beachport	Y
Wattle Range Council	\$20,970	Waste, Energy and Water Resource Management Framework, Wattle Range Council	Y
Yorketown Progress Association	\$24,516	Sort and Save Shed Extension—Yorketown	Y
Waste Management Association of Australia	\$75,000	Compost for soils project	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
University of South Australia	\$126,440	Centre for Sustainable Design & Behaviour—ARC linkage projects	Y
PMP Print Pty Ltd	\$12,114	Development of Environmental Sustainability Management System and Eco-efficiency improvements	Y
City of Mount Gambier	\$15,727	Upgrade to Mt Gambier Waste Transfer Station	Y
Kangaroo Island Council	\$70,000	Resource Recovery Centre—Purchase of Auto Baler	Y
SA Health	\$20,000	Development of resource efficiency waste management plan	Y

## SA Water Corporation

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Rainwater Tank Plumbing Rebate Scheme	\$2,218,000	Rebate provided for plumbing a new or existing tank into an existing home	N
H2ome Rebate Scheme	\$7,121,000	Provided to encourage households to achieve greater water saving inside and outside the home	N
Standalone Rainwater Tank Rebate Scheme	\$2,149,000	Rebate for standalone rainwater tanks of 1,000 litres or more	N

Note—whilst SA Water's items are not subject to a formal grant agreement they are subject to a formal application process including the offer and acceptance of specific terms and conditions which formulate an agreement between both parties.

**PUBLIC SECTOR EMPLOYMENT**

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (5 July 2011) (Estimates Committee A).

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

Positions with a TEC of \$100,000 or More Abolished and Created

Minister for Sustainability, Environment and Conservation:

Between 30 June 2010 and 30 June 2011 positions with a total employment cost of \$100,000 or more:

(a) Abolished:

Department/Agency	Position Title	TEC Cost
Department of Environment and Natural Resources	Principal Consultant	\$114,842
	Senior Botanist	\$112,601
	Manager, Volunteer Strategy	\$116,929
	Director NRM Investment	\$141,362
	Interim Deputy Regional	\$114,842
	Snr Project Officer	\$114,842
	Chief Information Manager	\$116,929
	Senior Project Officer	\$114,842
Department for Water	Manager, Stormwater	\$120,451
	Commissioner for Water Security	\$152,392
	Director, Water Licensing & Compliance	\$185,095

Department/Agency	Position Title	TEC Cost
	Director, Infrastructure & Business	\$185,095
	Principal Scientist Monitoring	\$113,043
	Manager, Strategic Projects	\$107,103
	Program Leader, Water Sciences	\$106,653
	Manager, Water Systems Reform	\$111,196
	Director, Strategy	\$127,226
Environment Protection Authority	Nil	N/A
Zero Waste SA	Nil	N/A
SA Water Corporation	Security Manager	\$114,327
	Emergency Mgmt Engineer	\$133,623
	Manager Customer Strategy	\$119,354

(b) Created:

Department/Agency	Position Title	TEC Cost
Department of Environment and Natural Resources	Regional Manager, Alinytja Wiluara	\$140,310
	Regional Manager—Kangaroo Is	\$141,362
	Regional Manager—SA MDB	\$175,000
	Regional Manager—SA Arid Lands	\$155,000
	Regional Manager—Adelaide and Mt Lofty	\$197,801
	Regional Manager—Nth & Yorke	\$172,181
	Regional Manager—South East	\$155,000
	Regional Manager—Eyre	\$155,000
	Director Stakeholder Mgt	\$157,673
	Dir, Regional Integration	\$150,354
	Principal Advisor Ecological Analysis	\$112,601
	RaIN Facilitator	\$114,842
	Principal Policy Officer	\$114,842
	Dir, Legislation, Policy and Planning	\$151,000
	Dir, Volunteers and Visitor Services	\$141,362
	Principal Project Officer	\$114,842
	Snr Policy Off—Visitor Mgt	\$114,842
	Snr Project Officer	\$114,842
	Principal Policy Off—Marine Projects	\$114,842
	Mgr, Performance and Strategy	\$112,601
Mgr, Program Integration	\$114,842	
Director Public Land Mgt & Operations	\$155,000	
Manager, Boards & Committees	\$116,929	
Department for Water	Manager, South East Water Policy	\$105,191
	Manager, Urban Water Policy & Economics	\$130,800
	Principal Hydrologist	\$102,623
	Executive Director, Policy & Urban Water	\$179,375
	Director, State Research Coordinator	\$141,362
	Director, Water Planning	\$177,325
	Director, National Water Reform & Economics	\$164,000
	Chief Information Officer	\$158,875
	Director, Murray Darling Basin Policy & Reform	\$160,746
Environment Protection Authority	Project Manager	\$105,192
	Senior Consultant	\$105,192
Zero Waste SA	Nil	N/A

Department/Agency	Position Title	TEC Cost
SA Water Corporation	Strategic Procurement Category Manager	\$163,500
	Contracts Manager	\$130,800
	Senior Procurement Specialist	\$125,350
	Senior Procurement Specialist	\$125,350
	Senior Procurement Specialist	\$125,350

In regard to the Department of Environment and Natural Resources, note that:

- 16 of the positions created are fixed contract only (10 of these relate directly to the NRM integration project); and
- a number of positions will be abolished once new Regional Team Managers are in place (i.e. Regional Conservator and Deputy Regional Conservator positions).'

#### SA WATER

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (9 November 2011) (First Session).

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

1. The requirement to include such revaluation increases in Other Comprehensive Income is in accordance with paragraph 7 and 82 of the Australian Accounting Standard AASB 101 *Presentation of Financial Statements*. This is further outlined in Note 1(d) of SA Water's Financial Statements.

As outlined in the Report of the Auditor-General 2010-11, page 1354, the Other Comprehensive Income for SA Water in 2010-11 totalled \$598 million. Primarily this amount consists of: Gain on revaluation of infrastructure, plant and equipment of \$848 million, which is offset by a Deferred tax liability increase of \$249 million.

#### SA WATER

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (9 November 2011) (First Session).

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

1. SA Water's procurement policies permit the waiver of competitive tender in certain instances. These waivers are required to be supported by a business case describing the reasons why the tender should be waived. Approval of the waiver is required from SA Water's Group Procurement Manager, who is separate from projects, to ensure appropriate segregation of duties. SA Water advises that in all instances, the waiver of tenders on the North South Interconnection System Project was supported by a business case which satisfied the Group Procurement Manager that waiver of tender was appropriate in the circumstances.

SA Water acknowledges that there were instances where waiver of tenders were approved on the day that the contractor was advised of award, but in all instances, this was done prior to the contractor being advised of award.

2. The value of the initial contract in question was for an amount of \$121,025. The contractor was then awarded a second contract in the amount of \$350,000, where approval in accordance with the process to permit the waiver of a competitive tender was provided. This contract was then varied by an amount of \$800,000 due to additional work being included in the scope of the contract. The total amount paid to the contractor for the two contracts was in the order of \$1,271,025.

It should be noted that, notwithstanding the increases in the contract values, payment was made in respect of additional work performed, work that had been budgeted for in the initial project development funding budget of approximately \$30 million. There was no additional impact to the project budget.



3. A range of options were investigated during the options development phase, before arriving at the preferred project option with a budget of approximately \$403 million. This is the amount that been consistently referred to and used in SA Water's forward estimates and the Full Financial Approvals for the project. This was also the amount included in the Public Works Committee submission.

### EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

In reply to **Mr PISONI (Unley)** (22 November 2011) (First Session).

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development):**

The number of full-time employees in Corporate, Regions and Programs administered corporately as at 30 June 2011 is as follows:

	Corporate and Programs	Regions
Education Act 1972	453	247
School Services Officers Award	21	1
Children's Services Act 1985	32	2
Public Sector Act	882	258
Weekly Paid	6	1
Other	2	37
Total	1,396	545

These staff include allied health workers, teachers and other staff who support schools. The salary of these full-time employees ranges from \$22,918 to \$162,220 per annum.

### DESALINATION PLANT

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (1 December 2011) (First Session)

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

1. The Design Build Operate and Maintain Contract was awarded to AdelaideAqua on 16 February 2009. The Contractor, AdelaideAqua, commenced construction on site in April 2009. The Operations and Maintenance Contract includes provision for the Operator, AdelaideAqua Pty Ltd, to receive payment for each megalitre of drinking water produced from the Adelaide desalination plant after the First Water delivery milestone. AdelaideAqua achieved the First Water delivery milestone on 21 October 2011 and SA Water will continue to pay for drinking water produced by the Operator.

### FAMILIES AND COMMUNITIES DEPARTMENT

In reply to **Mr GARDNER (Morialta)** (1 March 2012).

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development):** The Minister for Disabilities has advised:

As per Section 7 of the *Administrative Arrangements Act 1994*, the Minister for Disabilities is the Trustee of the Client Trust and has the ability to delegate authorisation of expenditure. The Trustee role cannot be delegated and remains with the Minister.

The delegations provide for purchases of varying amounts, with those higher than \$10,000 requiring approval from the relevant Director. In accordance with the Client Trust Fund Delegations approved by the then Minister for Disability on 13 August 2009, Accommodation Services Managers are authorised to make purchases up to the value of \$5,000 on behalf of clients. Regional Managers are authorised to make purchases up to the value of \$10,000.

Prior to 2008, people with disabilities who lived in institutional settings and were financially independent were precluded from the Department's Equipment Program.

As at November 2010, the estimated cost of privately purchased equipment owned by clients was \$142,235. This expenditure spanned several years and was based on the average cost of similar items with no customised features as at November 2010. In 40 cases the equipment had been owned by clients for more than two years.

The Government will offer reimbursements to those clients who could have been provided with equipment by the Department's Equipment Program.

#### CLUBS AND ASSOCIATIONS

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (5 April 2012).

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport):** The Office for Recreation and Sport has advised me that where clubs occupy land managed by the Office it does use an agreement prepared by the Crown Solicitor's Office that contains a clause allowing interest to be charged on rent that is overdue after 14 days.

However the Office for Recreation and Sport has advised me it does not believe this clause has been used. The clause exists to protect taxpayers from long term debt in relation to clubs, and would only be applied in exceptional circumstances.

#### JUVENILE DETENTION

In reply to **Mr GARDNER (Morialta)** (1 May 2012).

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development):** With regard to the young person concerned, I am unable to provide specific information about her circumstances. However I can confirm that my department did not make the submission as claimed.

No young people are held at Magill Training Centre unless there is a police or court mandate in place where they have been charged pending a court hearing, remanded or given a custodial sentence.

#### APY LANDS, ACCOUNTS

In reply to **Dr McFETRIDGE (Morphett)** (31 May 2012).

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

I sighted the 2010-11 Anangu Pitjantjatjara Yankunytjatjara (APY) Annual Report and the 2010-11 Audit Report in June 2012.

#### PHYLLOXERA

In reply to **Mr VENNING (Schubert)** (31 May 2012).

**The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation):** The Minister for Agriculture, Food and Fisheries has advised:

1. The changes are based on the National Phylloxera Management Protocol (the Protocol). The Protocol includes specifications for how pest free areas can be determined or declared. Pest free areas are the Phylloxera Exclusion Zones (PEZ) regions where vineyards have been surveyed for phylloxera according to the Protocol and where the pest has not been found.

The recent changes to South Australia's rules were made to further align South Australia's entry conditions, for machinery and equipment used in grape production, with the national Protocol. Machinery and equipment from an area outside of this State, that has been surveyed and declared free of phylloxera, can move into South Australia without treatment. Up until this point the Board has endorsed the Protocol. However I understand that some industry stakeholders have expressed concerns regarding the methodology within the Protocol for determining area freedom status in Victoria, in particular surveying vineyards for the pest.

The Board has now met and considered this matter on 28 May 2012, and provided a recommendation that the previous rules regarding the movement of grape harvesting machinery and equipment be reinstated while a further comprehensive review and industry consultation process is undertaken.

#### DESALINATION PLANT

In reply to **Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition)** (14 June 2012).

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

1. The first water milestone was achieved on 14 October 2011 and was certified by SA Water's representative on that date. Approximately \$5.7 million (excluding GST) was paid from 8 July 2009 up to first water milestone.

The payments made were for services rendered by the operator in accordance with the terms and conditions of the Operations & Maintenance (O&M) Contract and included:

- Review and certification of the design, procurement and construction works and associated documentation.
- Oversight of commissioning and testing activities to ensure the warranties and obligations of the operator in the O&M Contract are preserved.
- Preparation and implementation of preventative maintenance schedules and regimes throughout the completion phase to ensure the supplier warranties for critical elements are preserved.
- Review of relevant documentation and endorsement for certificate of attainment of first water, certificate of attainment of practical completion, certificate of attainment of project handover and registers of minor defects.

In addition, a number of systems were progressively operated and maintained from March 2011, including seawater systems, pre-treatment systems, diffuser systems, chemical dosing and neutralisation systems, plant instrumentation and control systems and a range of building services and operations. The O&M operator also operated the temporary desalination pilot plant for a period of 20 months from around April 2009.

#### **PUBLIC SECTOR EMPLOYEES**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** The value of the public sector has become a substantial issue of debate in recent days, both here and interstate. I rise to advise the house about the make up of the South Australian Public Sector and the appropriate size of the public sector.

This is a serious matter for public debate but, like all serious debates, it should proceed from a common understanding of the facts. As at 30 June 2011, the date for which we have the most comprehensive published data about the composition of the public sector, there were 101,485 people employed, or 84,882 full-time equivalents; and 33,537 of those full-time equivalents were police, doctors, nurses and teachers. That is almost 40 per cent of the public sector. The numbers and proportion of the overall sector has increased substantially in this group since 2002.

Of those FTEs, 23,775 were in other frontline or direct support roles: firefighters, ambulance officers, allied health professionals, such as physiotherapists or radiographers, school services officers at our local schools, disability workers, and so forth; and 27,570 of those FTEs were employed in policy or administrative roles. Many of these roles are vital for the prosperity of the state or the wellbeing of our citizens.

For instance, consider our mining division within the Department of Manufacturing, Industry, Trade, Resources and Energy. We are regarded as one of the leading jurisdictions in the world for mining regulation and approvals, in no small part because of the team of world-class public servants who facilitate the speedy and certain determination of mining approvals.

So when cuts of up to 35,000 people from the public sector are foreshadowed, the community needs to appreciate that this necessarily means cuts to the groups of workers—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —who we rely on in times of need, and necessarily means affecting the level and quality of services that the community has come to expect. Undoubtedly we can improve the quality and effectiveness of our Public Service. This is why we have acted in this

area, including by creating a new Public Sector Act, and by establishing the Government Reform Commission and the Public Sector Performance Commission, and pursuing the many initiatives developed by those bodies; and we will build on this work. But that improvement should proceed from a position that regards the Public Service as an asset whose value we should realise and not a burden which needs to be minimised.

On indulgence, as members would be aware, since we last sat the Prime Minister's father, John Gillard, passed away aged 83. John Gillard came from the coal mining valleys of Wales. He came from a life of hardship. He was a man of humble beginnings who sought to give his daughters the best possible education opportunities, the education opportunities that he did not have for himself. The Prime Minister often referred to her parents in speeches and spoke lovingly of the sacrifices they had made to ensure that she was given every chance to succeed. I know that all members and, indeed, all South Australians join me in passing on their sympathies to the Prime Minister, her mother, Moira, and her sister, Alison.

I would also like to say a few words on the tragic passing of Port Adelaide footballer John McCarthy. John was only 22. He had spent several years at the Collingwood Football Club after being drafted as a teenager. He joined Port Adelaide this year and played in 21 of our 22 games. He will be greatly missed by everyone at Port Adelaide and our thoughts are with the club, especially John's team mates and staff. I also extend my deepest sympathies to John's parents, Shane and Cath, his brother, Matt, his sisters Frances, Elizabeth and Jane, and his girlfriend, Dani.

### PAPERS

The following papers were laid on the table:

By the Speaker—

Members, House of Assembly—Register of Members' Interests—Registrar's Statement June 2012 [Ordered to be published]

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

Regulations made under the following Acts—  
Intervention Orders (Prevention of Abuse)—Foreign Intervention Order  
Rules made under the following Acts—  
District Court—Civil—Amendment No 20

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

Regulations made under the following Acts—  
Development—  
Building Rules Consent—Disability Access  
Land Division—Water and Sewerage Requirements—Assessment of Requirements

By the Minister for Housing and Urban Development (Hon. P.F. Conlon)—

Architectural Practice Board of South Australia—Annual Report 2011-12

By the Treasurer (Hon. J.J. Snelling)—

Industrial Relations Advisory Committee—Annual Report 2011-12

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

Death of—Robyn Eileen Hayward and Edwin Raymond Durance Report of actions taken following Coronial Inquest June 2012

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

Premier's Climate Change Council—Annual Report 2011-12  
Regulations made under the following Acts—  
Primary Produce (Food Safety Schemes)—Meat Industry—Terminology Change—  
Meat Producer

By the Minister for Transport Services (Hon. C.C. Fox)—

Regulations made under the following Acts—  
 Local Government—Local Government Sector Employees  
 South Australian Local Government Grants Commission—Prescribed Councils  
 Local Council By-Laws—  
 Alexandrina Council—No. 4—Moveable Signs  
 District Council of Mallala—No. 4—Dogs

#### NATURAL RESOURCES COMMITTEE

**The Hon. S.W. KEY (Ashford) (14:08):** I bring up the 73<sup>rd</sup> report of the committee, entitled Eyre Peninsula Water Supply Interim Report: Under the Lens.

Report received and ordered to be published.

**The Hon. S.W. KEY:** I bring up the 74<sup>th</sup> report of the committee, entitled Annual Report 2011-12.

Report received and ordered to be published.

#### SOCIAL DEVELOPMENT COMMITTEE

**Ms BEDFORD (Florey) (14:09):** I bring up the 33<sup>rd</sup> report of the committee, entitled Inquiry into Food Safety Programs.

Report received.

### QUESTION TIME

#### EMPLOYMENT FIGURES

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:10):** My question is to the Premier. Why did South Australia lose 9,000 jobs last month when national job losses totalled only 8,800?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:10):** It beggars belief that the opposition leader would, in her first question after last week's debacle—

*Members interjecting:*

**The SPEAKER:** Order! Point of order.

**Mr WILLIAMS:** Point of order, Madam Speaker. I think the question was quite straightforward and quite simple—

**The SPEAKER:** There is no point of order. The Premier has not started answering yet; he said five words.

*Mr Williams interjecting:*

**The SPEAKER:** Order! Sit down; there is no point of order. Premier, I refer you back to the question.

**The Hon. J.W. WEATHERILL:** We are proud on this side of the house of our jobs record. We have—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Since coming into government, we have created an additional 57,100 full-time jobs. Compare that with the period—

*Mrs Redmond interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Compare that with the period when the Liberals were last in government: a mere 6,100 full-time jobs. Five thousand—

*Members interjecting:*

**The SPEAKER:** Order! The deputy leader will behave!

**The Hon. J.W. WEATHERILL:** It was 57,100 versus 6,100. Of course, what we have seen in the intervening period has been a global financial crisis which has sent economic shockwaves throughout the world. And, indeed, Australia and South Australia have fared—

*Members interjecting:*

**The SPEAKER:** Order! Premier, can you please sit down for a moment. Order! I cannot hear what the Premier is saying. Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. South Australia and, indeed, Australia have fared better than almost any nation or, indeed, regions around the world because of one single factor: the governments—the national and state governments—have decided to maintain the economic stimulus that goes with government investment.

We saw that first with the commonwealth government with its stimulus package, and of course, we have seen it in the most recent state budget when, in the most difficult of times, the Treasurer fashioned a budget which maintained investment in infrastructure which will not only build the future of our state but sustain employment in this state. About all of those matters, the stimulus—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —the federal government put in place, the decisions that we took as a state to maintain our infrastructure spending, about all of those matters, we were the subject—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** Madam Speaker—

**The SPEAKER:** Is that a point of order?

**Mr WILLIAMS:** Yes, it is a point of order: this is about relevance to the question, which is about the jobs that have been lost in South Australia. The Premier is in—

**The SPEAKER:** Order!

**Mr WILLIAMS:** —denial, Madam Speaker, let alone answering the question—

**The SPEAKER:** Order! Thank you; this is not the opportunity for you to make a statement. Continue answering your question, Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. The question about sustaining employment, in circumstances where there is economic downturn in the private sector the role falls to government—the role falls to government. Instead of retreating—instead of withdrawing—in circumstances where the economy most needs our involvement, what we see proposed by those opposite is a massive negative stimulus that would be put into the economy.

At the very time that we are talking of these things, we are hearing propositions from those opposite to put the largest single negative stimulus into this economy one could imagine: a 25,000 to 30,000 job—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** Madam Speaker, the Premier is not answering the relevance of the question, which was about the 9,000 jobs lost in South Australia last month.

**The SPEAKER:** Thank you, you have made that point of order three times now, member for MacKillop.

**Mr WILLIAMS:** The Premier is also debating.

**The SPEAKER:** Order! You will sit down. Thank you. The Premier can answer the question as he chooses, if it is relevant to the question.

**The Hon. J.W. WEATHERILL:** At this critical time when signs of confidence and building confidence in the South Australian economy are at a massive premium, what we hear from those opposite is speculation about a job-destroying, slash-and-burn approach to public sector employment. As we seek—

*Members interjecting:*

**The SPEAKER:** Order! I cannot hear the Premier.

**The Hon. J.W. WEATHERILL:** Later today, I will be having a round table of construction employers seeking to stimulate activity in the residential construction industry, which is on its knees.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** In relation to that sector, what would be a more damaging message to send to 25,000 to 35,000 families who might be considering making the largest investment in their life that under an alternative government they would be facing the sack?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. Hill:** Tell us about the jobs you'd lose.

**The SPEAKER:** Order!

**The Hon. J.D. Hill:** What's your target, Mitch? How many jobs are you cutting?

**The SPEAKER:** Order! The Minister for Health, order! The member for Florey.

#### **PUBLIC SECTOR EMPLOYEES**

**Ms BEDFORD (Florey) (14:16):** My question is to the Premier. Can the Premier inform the house about the level of attrition in the public sector?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:16):** This has become a subject of some importance in the public debate because of the discussion kicked off by the Leader of the Opposition last week. The Leader of the Opposition maintained that, because there are 12,000 retirements each year from the public sector, significant reductions could be achieved through attrition.

Of course, the people of Queensland will be familiar with this pre-election refrain of reducing numbers through attrition, but I do wish to inform the house that this 12,000 retirement figure is, in fact, a fiction. Remember, this was offered as the explanation when the Leader of the Opposition ran into some choppy waters last week. It is possible that there are 12,000 people leaving particular positions in the public sector each year, but a large number of these are moving from one position to another.

I am advised that the attrition rate from the public sector is only 7 per cent, which means that 7,000 employees or 6,000 full-time equivalents leave the public sector each year; that is, about half the number of people leave the public sector as the opposition has relied upon in developing their policy position. This error, I think, just highlights their continued evidence of a lack of preparation for office.

Moreover, when you look at the composition of that attrition, we see the absurdity of relying upon attrition in a workforce as diverse as the public sector as the basis for reductions. For instance, if we were not to replace any staff from attrition each year, we would lose 1,050 nurses, 500 doctors, 400 teachers—

**Mrs Redmond:** I never suggested that.

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —400 school service officers and 100 police officers. Remember this was the thing that was relied upon to get their reductions, it is alleged. Over the four-year term of a Redmond government, we would lose more than 4,000 nurses, 2,000 doctors—

**Mr WILLIAMS:** Point of order, Madam Speaker!

**The SPEAKER:** Point of order.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** This is hypothetical, Madam Speaker, and it is totally wrong.

**The SPEAKER:** I am not sure what your point of order is but, Premier, I refer you back to the question.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. Over the four-year term of a Liberal government, we would lose more than 4,000 nurses, almost 2,000 doctors, almost 400 police officers—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —over 1,500 teachers and more than 1,500 school service officers. I am certain that the electorate would like to understand which hospitals, which schools and which police stations the opposition believes should take these losses. In the policy and administrative areas, it is perhaps a little unlikely that there would be a nice even spread of retirements matching the areas of lower priority that presumably any sensible policy would identify. It is more likely that you would have a Swiss cheese effect.

I think what we are seeing here is evidence of the simple truth, that the Liberal Party in South Australia lacks the experience and competence to be an effective opposition, let alone an alternative government.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Marshall interjecting:*

**The SPEAKER:** Member for Norwood, order! The Leader of the Opposition.

#### MANUFACTURING SECTOR

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:20):** My question is again to the Premier. Since Labor was re-elected in 2010, why have over 13,000 South Australian manufacturing jobs been lost, the highest proportion of manufacturing job losses on the mainland?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:20):** If the Leader of the Opposition had bothered to pay any attention to the speech that we made at the opening of the parliament, she would recall the fact that South Australia actually has one of the highest proportions of manufacturing workforce in the nation. So, of course, the burden of adjustment—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** No, we still do.

*Members interjecting:*

**The SPEAKER:** Order! Premier, have you finished?

**The Hon. J.W. WEATHERILL:** Obviously, we have a high proportion of our economy that is comprised of manufacturing, and the truth is that we have historically high Australian currency. We have an Australian currency—

*Members interjecting:*

**The SPEAKER:** Order! Members on my left will behave. You will either behave, be quiet or leave the chamber.

*Mr Pisoni interjecting:*



**The SPEAKER:** Member for Unley, order! You will not get another warning: you will leave. Premier.

**The Hon. J.W. WEATHERILL:** For those opposite, the high Australian dollar has the effect of making imports cheaper so, those manufacturing businesses which are import-competing businesses—I would have thought the member for Unley, who has presided over a bit of loss of manufacturing employment in his time, would have actually been aware of precisely the factors that are bearing on this question, that is—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Madam Speaker, in a globalised economy where trading barriers have been removed and circumstances of a high Australian dollar, import-competing businesses are under pressure and, indeed, those manufacturers that rely upon exports for their prosperity face the complexity of a higher export price for their goods overseas. So, of course, our manufacturing sector is under pressure. Of course, we bear a disproportionate proportion of that—

*Mr Marshall interjecting:*

**The SPEAKER:** Member for Norwood, order!

**The Hon. J.W. WEATHERILL:** —of that burden because we have a relatively higher proportion of manufacturing in our economy. That is why we chose as one of the seven priorities for the future of our state the promotion of—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** —well, I hope you can recite them all—the advanced manufacturing sector as a key priority for our state. Because we believe in this. We believe that as an economy in this state we want to continue to make things. We believe that, for a balanced economy that is going to be well placed to weather the ups and downs of global turbulence, we need an advanced manufacturing sector that competes on the basis of value, not on the basis of cost. We have an advanced manufacturing paper which is presently the subject of consultation and we invite those opposite to make contributions to that paper. We have a Thinker in Residence, Göran Roos, who is assisting us with strategies and policies—

**Mrs Redmond:** Another great thinker!

**The Hon. J.W. WEATHERILL:** I think you will find that a number of your backbench think that he is actually a very significant thinker who is advancing very positive ideas for the future prosperity of the state. Those are the things that we are doing to address the disproportionate effect of the global financial crisis and, in particular, the resources boom and the effect that is having on our currency and on our manufacturing sector.

#### **SOUTH AUSTRALIAN CENTRE FOR MANUFACTURING**

**Mr MARSHALL (Norwood) (14:24):** I have a supplementary, Madam Speaker. The Premier referred to all that his government has done for the manufacturing sector in his reply. Can the Premier outline to the house whether he now thinks that his government's decision to close the South Australian Centre for Manufacturing was a mistake?

**The SPEAKER:** I will consider that another question.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:24):** Thank you, Madam Speaker; and, no, I don't think it was a mistake. I think that it was a wise decision. When we created the new agency of the Department for Manufacturing, Innovation, Trade, Resources and Energy we did that advisedly because we wanted to bring together for the first time our resources and energy sector together with our manufacturing sector. We believed that it was—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** We also, at the same time, rather than seeing innovation as being peripheral to the work of the agency, we wanted to make it central to the work of the agency, because the truth is—

*Mr Marshall interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —that old manufacturing—

*Mr Marshall interjecting:*

**The SPEAKER:** Member for Norwood, order!

**The Hon. J.W. WEATHERILL:** —does not have a future for us in this state. We need to adopt different business practices, different business models, new technology. We need to explore different markets. We need to look at adding value to our food and fibre. We need to look at going up the technological food change in relation to our existing manufacturing industry. That is at the heart of our advanced manufacturing strategy. It is the reason we have comprised our agency in the way in which we have. It is the reason we have brought in Invest in SA, a new agency which will have a new external focus for our manufacturers. The truth is that we have to raise the ambition of our manufacturing sector, raise the skills of our manufacturing workforce, and that will be the basis on which we guarantee our future prosperity.

### MANUFACTURING SECTOR

**Mr MARSHALL (Norwood) (14:26):** Supplementary, Madam Speaker.

**The SPEAKER:** No, you have—

**Mr MARSHALL:** Well, the Premier raises the importance of Göran Roos's report which was actually received last year. Can the Premier tell us how many of the 48 recommendations in the manufacturing green paper his government is actually going to implement?

**The SPEAKER:** Member for Norwood, that is another question. You have had two now. The Minister for Trade.

**Mr Marshall:** The Premier wouldn't have a clue.

**The SPEAKER:** Order!

*Mr Marshall interjecting:*

**The SPEAKER:** Minister for Trade, can you sit down, please, a moment until we get some order from the left. Member for Norwood, you will behave; you are on your last warning. Minister.

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:26):** I find it compelling that the member for Norwood is railing against—

*An honourable member interjecting:*

**The Hon. A. KOUTSANTONIS:** —proposed and achieved cuts the government has made when he himself—if he were a minister—would cut one in four people in the Department for Manufacturing.

**Mr WILLIAMS:** Point of order. Madam Speaker, the government was asked—in fact, the Premier was asked—a very straightforward question about the response to a government report.

**The Hon. P.F. Conlon:** What's the point of order?

**Mr WILLIAMS:** Relevance, Patrick, relevance. I thought even you would be smart enough to pick that one up, Patrick.

**The SPEAKER:** Order! There is no point of order. Minister, continue your answer.

**The Hon. A. KOUTSANTONIS:** Thank you—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** With manufacturing exposed to unprecedented levels of international competition, we accept that there is a key role for government in ensuring that this sector is able to transform and develop. Almost one-third of South Australians directly or indirectly rely on manufacturing for their income. To survive in an increasingly competitive world, South Australia needs to think smarter and also make more—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I'm only using your words, Isobel. Don't be so upset about it. They're your words. Madam Speaker, South Australia needs to think smarter and also make more of its strengths as a smaller economy focusing on its comparative advantages. This government is committed to ensuring that manufacturing continues to provide higher net incomes, employment creation and wealth distribution in South Australia—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** —and is therefore developing an advanced manufacturing strategy. To begin that process—

**Mr MARSHALL:** Point of order.

**The SPEAKER:** Point of order.

**Mr MARSHALL:** My point of order is relevance. I specifically asked a very simple question: how many of the 48 recommendations is the government going to implement?

**The SPEAKER:** Thank you. Sit down. The minister can answer the question as he chooses. There is no standing order on relevance. Minister.

**The Hon. A. KOUTSANTONIS:** Madam Speaker—

**Mr WILLIAMS:** Point of order, Madam Speaker. The question was a supplementary question to an answer given by the Premier where he started talking about the Göran Roos report—

**The SPEAKER:** Order! Thank you.

**Mr WILLIAMS:** —and the member is seeking some further information about that particular report, which has not been responded to—

**The SPEAKER:** Will you sit down?

**Mr WILLIAMS:** —and why thousands of South Australians are losing their jobs.

**The SPEAKER:** Sit down!

**The Hon. P.F. CONLON:** I raise a point of order, Madam Speaker. I wish to know under what standing order people are allowed to make a speech in the guise of a point of order?

**The SPEAKER:** Absolutely.

*Members interjecting:*

**The SPEAKER:** Order! We will have some order or I will close down question time.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** It seems to me you don't want the Leader of the Opposition to speak today. You just keep on asking questions; outsider tactics.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Like a drowning man thrashing about trying to find something to hold on to. This government is committed to ensuring that manufacturing continues to provide high net incomes, employment creation and wealth distribution, and is therefore developing an advanced manufacturing strategy. To begin that process, the government released a manufacturing—

**The SPEAKER:** Order! Point of order, Leader of the Opposition.

**Mrs REDMOND:** Standing order 98 requires that the ministers must answer the substance of the question. The question was about Göran Roos and the recommendations of his report.

**The SPEAKER:** Thank you. Sit down. If I could hear what the minister was saying I might be able to answer that. Minister, I refer you back to the question.

**The Hon. A. KOUTSANTONIS:** Yes, ma'am. To begin that process, the government released a manufacturing green paper designed to—

**Mr WILLIAMS:** Point of order, Madam Speaker. You have just ruled that the minister should come back to the substance of the question and he has gone on reading from the same script—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** —which is totally irrelevant to the question.

*Members interjecting:*

**The SPEAKER:** Order! Sit down. Minister.

**Mr WILLIAMS:** A lot of people are losing their jobs, Tom.

**The SPEAKER:** Member for MacKillop, will you be quiet. Sit down.

**The Hon. A. KOUTSANTONIS:** The only Public Service job they are interested in is the member for Flinders', Peter Treloar. The moment she heard he wasn't going to renominate she gets on a plane—

**The SPEAKER:** Minister—

*Members interjecting:*

**The SPEAKER:** Order! Sit down. Minister, you will go back to the question or finish your answer.

**The Hon. A. KOUTSANTONIS:** This government is serious about our advanced manufacturing strategy. We have the public servants and the resources in place to implement the report. The government will be back to the house, but I tell you one thing: you can't remove one in four public servants—

*Mr Williams interjecting:*

**The SPEAKER:** Thank you. Order! You will both sit down. There is no point of order. The minister has finished his answer.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Marshall interjecting:*

**The SPEAKER:** Member for Norwood!

#### **PUBLIC SECTOR EMPLOYEES**

**Ms THOMPSON (Reynell) (14:32):** My question is to the Minister for the Public Sector. Can the minister inform the house about the size of the public sector and how that has changed over time?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (14:32):** I thank the member for Reynell for the question. I noted last week—and I think most of South Australia noted—that the Leader of the Opposition said she believed that 65,000 was about the right number for the public sector in South Australia. I also noted that she later claimed that this was an error and the number of 65,000 popped into her head, as it was about the number of employees in the public sector when the Liberal Party was last in government. Given the interest in this issue, I thought it important to provide the house with information regarding the size of the public sector over time.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.F. O'BRIEN:** As at June 2011—

*Members interjecting:*

**The Hon. M.F. O'BRIEN:** You might be interested in this. As at June 2011, as the Premier indicated earlier, there were 101,485 public sector workers. This represented about 12.3 per cent of the total South Australian workforce. As at June 2012, shortly after the Labor government came to office—

**The Hon. P. Caica:** 2002.

**The Hon. M.F. O'BRIEN:** In 2002, sorry—shortly after the Labor government came to office, there were 83,821 public sector workers.

*Members interjecting:*

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

**The Hon. P.F. CONLON:** I am this close and I cannot hear the minister make this very interesting answer. I would like to be able to hear it.

**The SPEAKER:** Thank you. Minister—

*Members interjecting:*

**The SPEAKER:** Could we please have some quiet.

**The Hon. M.F. O'BRIEN:** As at June 2002, shortly after the Labor government came into office, there were 83,821 public sector workers. This represented about 12.1 per cent of the total South Australian workforce. As a proportion of the total workforce, the size of the public sector has hardly moved from the time the Liberals were last in government. Going back in time, in 1994 when the Hon. Dean Brown was premier, there were more public servants than there are today: the total number being 105,836. In 1980, when the Hon. David Tonkin was Liberal premier, there were 92,150 full-time equivalent public sector employees. We have been trawling through the records this week to see when—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.F. O'BRIEN:** —South Australia last had 65,000 public sector workers, but we suspect that it precedes the postwar years of the Playford government. I can only conclude—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.F. O'BRIEN:** —from this that the Leader of the Opposition's claim to the effect that she based her figure of 65,000 on the number of public sector workers when the Liberals were last in government was wildly inaccurate. Given that the figure of 65,000 has nothing to do with when the Liberals were last in office, the community is perfectly entitled to speculate about the origin of this mystery number.

The people of South Australia have the right to know if the opposition leader was being candid when she revealed her belief that 65,000 was about the right number and that a reduction of between 25,000 and 35,000 public sector employees was appropriate. Was this figure based on a state of affairs that in fact never existed, or is it the outcome of opposition party-room discussion that has determined the scale of public sector cuts, which the opposition's trumpeted audit committee will be ordered to deliver?

*Members interjecting:*

**The SPEAKER:** Order!

## AGRICULTURE SECTOR

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:36):** My question is to the Treasurer. Does the government still believe that agriculture will fill the gap left by the cancelled Olympic Dam expansion following the loss of 5,000 South Australian jobs in the last three months in the agriculture, forestry and fishing sector? The Treasurer told the media on 28 August, and I quote, 'What we have to do now is work on new projects that replace the Olympic Dam project. We have a very strong agricultural sector at the moment; it is one of the most important.' Yet we have lost 5,000 jobs in the last three months in that sector.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:37):** I am not sure what exactly the question is. I think the Leader of the Opposition is asking me whether I think the agricultural sector is an important part of our state economy, and the answer is, yes, I do.

*Members interjecting:*

**The SPEAKER:** Order!

### **PUBLIC SECTOR EMPLOYEES**

**Mr ODENWALDER (Little Para) (14:37):** My question is to the Minister for Employment, Higher Education and Skills. Can the minister outline to the house what impact cutting 25,000 public servants would have on overall employment in South Australia?

**Mr WILLIAMS:** Point of order, Madam Speaker.

**The SPEAKER:** What is your point of order?

**Mr WILLIAMS:** The point of order is that the question is hypothetical, and I do not believe hypothetical questions are in order.

**The SPEAKER:** I think your definition of 'hypothetical' is probably a bit different to mine in relation to a question like this. Minister.

**Mr WILLIAMS:** Point of order, Madam Speaker. By asking this question, is the government saying that it is their intention to cut 25,000 jobs? If they are not saying that then the question must be hypothetical.

**The SPEAKER:** Thank you, there is no point of order. That was a question on top of a question. Minister.

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:38):** I thank the member for his question. If 25,000 jobs were cut from the South Australian public sector, this would have a dramatic effect on employment levels in this state. Based on the August 2012 figures—

*Mr Marshall interjecting:*

**The SPEAKER:** Order! Member for Norwood, leave the chamber for the rest of question time. We might reduce our noise level by about a third.

*The honourable member for Norwood having withdrawn from the chamber:*

**Mr WILLIAMS:** I am sure the people of South Australia are more interested in the actual effect of the 30,000 jobs that have already been lost from the private sector in the last 12 months.

**The SPEAKER:** Order! Member for MacKillop, will you stop making statements when you are supposedly making points of order. You will leave the chamber if you do it again. Minister.

**The Hon. T.R. KENYON:** Based on the August 2012 figures, the number of South Australians employed dropped from 811,400 to 786,400. This would be the lowest level of employment in South Australia since February 2008, when there were only 786,200 South Australians employed. In one fell swoop, 4½ years of employment growth would be thrown away. A loss of 25,000 public servants would see the number of unemployed South Australians rise from 49,700 to 74,700. This would be the highest number of unemployed South Australians since September 1994, 18 years ago when the opposition was last in government.

This cut of 25,000 public servants would increase the unemployment rate by more than 50 per cent in South Australia, from 5.7 per cent to 8.7 per cent. This would be the highest unemployment rate in South Australia since March 1999, when it was 8.8 per cent—again under the Liberal opposition when they were last in government. Even if half of those sacked public servants were absorbed by the private sector, we would still see an unemployment rate at over 7 per cent.

Every member of this place who represents a rural or regional electorate would also know that slashing the Public Service by 25,000 people will also hit employment rates in regional South

Australia particularly hard. Between 5,000 and 7,000 jobs would be lost from regional South Australia.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.R. KENYON:** The flow-on to regional economies will see increased unemployment and reduced access to services.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.R. KENYON:** A policy of reducing the Public Service by 25,000 is a declaration to every young South Australian who wants to serve or is currently serving in the community as a nurse, a teacher, a police officer or even a disability support worker that you are not wanted by the Liberals. While this government is focused on getting more people into training for jobs, the opposition is formulating policies which will see—

**The SPEAKER:** Order! Point of order.

**Mr WILLIAMS:** Standing order 98; this is debate.

**The SPEAKER:** No, it's not debate. It was a straightforward question and he is answering that question. Can I remind cameras that they are only to film people who are on their feet. I have noticed the cameras straying to my left quite considerably.

**The Hon. T.R. KENYON:** As Minister for Employment, Higher Education and Skills, I reaffirm the commitment of this government to more training for jobs. Our Skills for All reforms are a road map to achieve just that.

#### **PUBLIC SECTOR EMPLOYEES**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:42):** My question is to the Minister for Employment, Higher Education and Skills. Why have almost 6,000 actual jobs been lost in regional South Australia over the past three months—the highest proportion of regional job losses in all states?

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:42):** The biggest potential threat to regional jobs in this state is the government's—

**The SPEAKER:** Order!

**Mr WILLIAMS:** Point of order, Madam Speaker. The question is about actual jobs; it is not about potential jobs.

**The SPEAKER:** Member for MacKillop, sit down. He has only said about six words; we don't know what he is going to say.

**Mr WILLIAMS:** He said 'potential' job losses. We are actually asking questions about actual—

**The SPEAKER:** Thank you.

**Mr WILLIAMS:** —job losses. About 6,000 people have actually lost their jobs.

**The SPEAKER:** Sit down! Minister, you know the question.

**The Hon. T.R. KENYON:** The member for MacKillop has a point: they are not 'potential', that is what they will do if they get into government. The biggest threat to employment in rural areas in this state is the policy of the Liberal opposition to reduce, between 25,000 and 35,000, the number of public sector jobs.

**Mr VAN HOLST PELLEKAAN:** Point of order, Madam Speaker: standing order 98. The question was very clear: why have almost 6,000 actual jobs been lost? Please direct him to answer the question.

**The SPEAKER:** Thank you. Minister, back to the question.

**The Hon. T.R. KENYON:** Public sector jobs are actual jobs. They are real people, they are real teachers, real doctors, real nurses, real police officers, and they all exist in rural

communities, and if you slash between 5,000 and 7,000 jobs out of rural areas you will decimate the public.

**The SPEAKER:** Thank you, minister. Point of order.

**Mr VAN HOLST PELLEKAAN:** Standing order 98 again: it is purely debate. We want to know about the 6,000 jobs lost in the past three months.

**The SPEAKER:** Minister, did you want to add anything further to your answer?

**The Hon. T.R. KENYON:** No, ma'am.

*Members interjecting:*

**The SPEAKER:** Order!

### OCCUPATIONAL LICENCES

**Mrs GERAGHTY (Torrens) (14:44):** My question is to the Deputy Premier. Can the minister outline to the house the importance of the Public Service in delivering licensing approvals for apprentices and small businesses to South Australia?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:44):** Yes, and I thank the honourable member for her question.

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** I am afraid that the honourable member for Kavel is again using his ventriloquism skills to try to embarrass the member for Unley.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** I thank the member for Torrens for her question. Recently, the house may recall, questions were asked, I think largely by the member for Kavel, about delays—

**An honourable member:** Kavel.

**The Hon. J.R. RAU:** Let's not cavil about it!

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** Largely by him about delays in processing licensing applications and the impact that this was having on apprentices in small business. I want to be able to report to the house today that my department has taken action to address these delays. This involved a review of the entire licensing process within Consumer and Business Services. The government also held a roundtable discussion with industry and other interested parties to identify solutions to these problems. Since this review, a number of improvements have been identified, with various initiatives now implemented. In February, the backlog was over 1,200 applications for construction industry licences.

**Ms Chapman:** Not building houses anymore.

**The Hon. J.R. RAU:** There's a happy ending to the story so just stay with me. This has been cleared and the waiting times have been drastically reduced. CBS is now maintaining levels of just over 300 current applications on hand at any one time. This is the lowest level of files on hand that has been seen in this area of CBS.

In the financial year 2011-12, the construction industry licensing section of CBS received and processed 6,071 new licence applications and over 40,000 renewals. The complaints from industry and applicants have all but ceased. Ultimately, one of the key ways that we have tackled waiting times and to keep them under control has been to reallocate the number of staff working on these important applications. Prompt delivery of these licensing services is essential to supporting tradespeople, small business and especially apprentices. This government understands the importance of delivering prompt approval so that workers can get on with the job and get the pay rise they have studied for.



**Ms Chapman:** Yes, exactly.

**The Hon. J.R. RAU:** I'm very pleased the honourable member agrees with all this; it's very comforting. We have taken action to ensure that these important applications are processed quickly. Apprentices and plumbers, gasfitters and electrical worker applications are being dealt with within a day or two—a day or two; more complex applications are being finalised within six to eight weeks.

Importantly, any cut to CBS—any cut, not a 25 per cent cut but any cut—would undo the improvements that we have made and waiting times would blow out to months as backlogs pile up. Other work to slash red tape that is currently underway would also be seriously in jeopardy if the resources are cut.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** These include IT changes that allow applications to be approved—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** I think there's some people over there who are a bit upset that they weren't invited along with the member for Morphett and the member for Kavel and Mr Wade on the tour the other night—and they should just calm down.

These include IT changes to allow applications to be approved at the front counter, moves to online processing, the ongoing review of each licence type, and a suite of legislative reforms to improve processes. Cutting a quarter of CBS will hurt more than just the families of those laid off: it will hurt small business, it will hurt tradespeople, and it will hurt apprentices. Deep cuts will put a new strain on an already strained industry.

#### YOUTH UNEMPLOYMENT

**Mr PISONI (Unley) (14:48):** My question is to the Minister for Employment, Higher Education and Skills. Why are there proportionately more youth looking for full-time work in South Australia than any other state, and why has the youth unemployment rate in Adelaide's northern suburbs jumped from 29 per cent to more than 42 per cent over the last 12 months?

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:49):** There's certainly no chance of youth getting a job in the public sector as a result of some of the opposition's policies. In fact, there will be a few more on the line; there will be a few more coming out—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.R. KENYON:** A few more coming out of the public sector—

**The SPEAKER:** Minister, I refer you back to the question.

**Mr WILLIAMS:** Point of order, Madam Speaker—

**The SPEAKER:** Thank you, minister, I refer you back to the question. Sit down, I presume that was your point of order. Minister.

**The Hon. T.R. KENYON:** There will be no traineeship programs, there will be no trainees because they will all be booted out. They will all be booted out by the opposition.

**Mr PISONI:** Point of order, Madam Speaker.

**The SPEAKER:** We know what your question was.

**Mr PISONI:** The minister is obviously debating the answer to the question.

**The SPEAKER:** Thank you. Minister, I refer you back to the subject of the question.

*Members interjecting:*

**The SPEAKER:** Order! The member for Croydon and the member for Morialta will not shout at each other across the chamber. Minister.

**The Hon. T.R. KENYON:** There are around 106,400 teenagers aged 15 to 19 in South Australia, and last month 4,500 of these teenagers were looking for work. Most of them—well, all of them, obviously, by definition—were not in training and were not in a job. The government believes very, very clearly, and the evidence shows time and time and time again, that the best way to increase your participation rate and to reduce unemployment is to get people into skills.

That is why we have introduced Skills for All, that is why certificate I courses are free, that is why certificate II courses are free, and that is why dragging people through certificate I and certificate II into certificate III is when you start to see all the best results in terms of employment. So, we are setting about to train people to give them the best opportunity to get work.

### CONSTRUCTION INDUSTRY

**Mr BIGNELL (Mawson) (14:51):** Can the Minister for Transport and Infrastructure update the house on the role of consumer confidence in the housing construction market?

**The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:51):** I thank the member for Mawson for this important question. The construction industry in South Australia is of course a very important industry. It employs something like 60,000 people and adds as much as \$6 billion to the gross state product. I point out that what we do see in the city of Adelaide is a very strong construction industry.

There are cranes surrounding this part of the city, but I do point out that that is a result of a very substantial investment by this government over the last 10 years in infrastructure. I would not like to think about the state of that industry without it, and that is something—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** —apparently, according to the other side, we should not have been doing, of course, but we have, and we—

*Members interjecting:*

**The Hon. P.F. CONLON:** Well, I just heard your interjections. Australia and South Australia have some very robust economic figures. Our unemployment—

*Members interjecting:*

**The Hon. P.F. CONLON:** Our unemployment rate remains historically low; certainly lower than any number we ever saw under the previous Liberal government. The level—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** The level—

*Mr Pisoni interjecting:*

**The SPEAKER:** Member for Unley, order!

**The Hon. P.F. CONLON:** We are now getting advice from that great creator of jobs, the member for Unley. The—

*Members interjecting:*

**The Hon. P.F. CONLON:** Madam, this is an important subject.

**The SPEAKER:** Order! Minister.

**The Hon. P.F. CONLON:** In addition to that strong employment rate, we have the highest level of personal savings a nation has ever seen. This is a good thing. This means—

**Mr Pederick:** That's because no-one's game to spend!

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** This means that we have people in jobs and people with a capacity to invest, and we also have, by historical levels, very low interest rates. It is therefore very

concerning that we see around Australia a lack of confidence in making those investments, particularly in the residential sector. It is a prime—

**Mrs Redmond:** It's worse here any anywhere else.

**The Hon. P.F. CONLON:** 'It's worse here than anywhere else.' Goodness me; think of something witty to say just once before you go—just one time before you go.

*Mrs Redmond interjecting:*

**The Hon. P.F. CONLON:** When you're finished, Leader of the Opposition—and I think that will be quite soon. We have low interest rates, but we do not have the people having the confidence and making investments in the residential sector. It is the reason that we have a round table with the construction industry this afternoon. It is the reason—

**Mr Whetstone:** Are you going to say sorry?

**The SPEAKER:** Order! The member for Chaffey will leave the chamber for 17 minutes, until the end of question time.

*The honourable member for Chaffey having withdrawn from the chamber:*

**The Hon. P.F. CONLON:** Well, he was halfway there.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** If I might continue with this very important question, because the people coming this afternoon who have all accepted are very interested in this subject matter. They are all going to be here and they are all taking this matter a lot more seriously than the opposition does. This engine room for employment and revenue in this state is faltering through a lack of confidence. All of the economic fundamentals are there.

*Members interjecting:*

**The SPEAKER:** Order! Will members stop shouting at each other across the chamber? Minister.

**The Hon. P.F. CONLON:** It is the reason that we gave stamp duty relief in the CBD and the contiguous suburbs, to kickstart some activity in that area. One of the problems we obviously have in this state, and nationally, is a bunch of wreckers in the opposition who—

*Members interjecting:*

**The SPEAKER:** Order!

**An honourable member:** I know—it's Tony Abbott!

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** And Tony Abbott, isn't he going well? Let me tell you about the Tony Abbott I know—the one who runs around the community talking about wrecking balls through the economy.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** Point of order, Madam Speaker. I am waiting to hear the answer to this very important question, Patrick. Get on with it.

*Members interjecting:*

**The SPEAKER:** Order!

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** The Isobel Redmond I used to know.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** Mike Rann—the premier for a decade. Of course, you were a minister for that fantastic flash of time—91 days? No, he hung around longer. He started marine parks.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** We are holding a round table on the construction industry this afternoon to share with them what initiatives we can take and to hear from them their ideas. Can I say, if the opposition will not take it seriously, they will, but I point out that, at a time when we are trying to instil confidence during robust economic circumstances, to tell everyone in the Public Service that they might be the one in four who loses their job in a Liberal administration, that they might be the one in four full-time equivalent or the one in four who loses their job, it is hardly conducive to them taking those savings from the bank and investing them in a house.

*Members interjecting:*

**The SPEAKER:** Order! Minister, your time has expired.

### RETAIL SECTOR

**Mr PISONI (Unley) (14:57):** My question is to the Minister for Employment, Higher Education and Skills. Why have almost 10,000 of the state's retail sector jobs been lost in the last three months, the highest proportion of retail sector job losses in the nation?

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:58):** It pales into insignificance next to 35,000. It pales into insignificance compared to—

**Mr PISONI:** Point of order!

**The SPEAKER:** What is your point of order?

**Mr PISONI:** The minister is debating the answer.

**The SPEAKER:** He has not debated; he has only said one sentence. We will hear how he continues. Minister.

**The Hon. T.R. KENYON:** It is not debate, it is an observation of fact, ma'am. Quite clearly, this government has a policy. This policy of this government is to create jobs. The policy of those opposite is to eliminate jobs.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.R. KENYON:** The opposition leader—

**Mr PISONI:** Point of order, Madam Speaker. The minister is debating the answer to the question—10,000 retail jobs—

**The SPEAKER:** Order! Thank you. Sit down.

**Mr PISONI:** —all those shoppies union subscriptions—

**The SPEAKER:** You don't have an opportunity to make a statement. You made your point of order. Minister, I refer you back to the question.

**The Hon. T.R. KENYON:** Thank you, ma'am. The opposition leader has two policies—French villages and a French unemployment rate.

**Mr WILLIAMS:** Point of order, Madam Speaker. On what basis is the minister responsible for the Leader of the Opposition's policy?

**The SPEAKER:** I don't know what your point of order was, but, minister, I refer you back to the question. Have you finished your answer?

**The Hon. T.R. KENYON:** Yes, ma'am.

**The SPEAKER:** Thank you. The member for Port Adelaide.

### PUBLIC SECTOR EMPLOYEES

**Dr CLOSE (Port Adelaide) (14:59):** My question is to the—

*Mr Pisoni interjecting:*

**The SPEAKER:** Order! Member for Unley, order!

*Mr Pisoni interjecting:*

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

*The honourable member for Unley having withdrawn from the chamber:*

**The SPEAKER:** The member for Port Adelaide.

*Members interjecting:*

**The SPEAKER:** Order! This is one of the noisiest question times I have come across. I am not sure what is happening here today but you will behave or you will all leave. Member for Port Adelaide.

**Dr CLOSE:** My question is to the Minister for Health and Ageing. Can the minister outline to the house the importance of the Public Service in delivering health care to South Australians?

**The Hon. J.D. HILL (Kaurana—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:00):** Indeed, I can. Members of the house will be interested to know in the year 2011-12 I am advised that something like 537,000 emergency department presentations were seen in our hospitals in South Australia, 65,000 elective surgical procedures were conducted in our hospitals and something like 1.2 million outpatient services were delivered through our hospitals. That is an enormous amount of activity that is delivered in our state and, of course, we need staff to deliver that. In fact, we have something like 38,000 people working for us in the public health sector in South Australia as of June 2011, and we make no apologies for having taken on plenty more staff since we came to government in 2002.

We have more than 15,500 nurses working in our state. They represent more than four in every 10 staff we employ in—

*Mrs Redmond interjecting:*

**The Hon. J.D. HILL:** I beg your pardon?

*Mrs Redmond interjecting:*

**The Hon. J.D. HILL:** The member makes a claim which is not based on the truth. Strangely, she would make a false claim. It will be demonstrated within the month that we have one of the best-performing health care systems in Australia. In fact, as a result of the investment in health in our state, we now have a median wait time in emergency departments in South Australia of 15 minutes in 2011-12, which was down from 29 minutes in 2007-08. That means, of those hundreds of thousands of people who came to our emergency department, half of them were seen within 15 minutes of attending.

The only reason we get these good outcomes is because we have invested in doctors, nurses and allied health workers right across the board. In fact, we have 15,500 nurses in this state. That is 4,500 more nurses employed in our hospitals than when we came to office 10 years ago. We have nearly 3,400 doctors, which is about 1,200 more than when we came to office 10 years ago, and we have more than 3,000 allied health workers in our hospitals, which is 1,150 more. We also, of course, employ dentists, ambulance paramedics and staff, health ancillary staff, and a whole range of people who check on public safety when it comes to water and food right across the board.

We also employ something like 5,000 administrative and clerical staff who work in our hospitals to support the doctors so that when a patient rings up the neurosurgeon does not have to answer the phone: they get someone who has clerical skills to do that who can help make a booking.

But, even if the opposition's plans to cut by 25 per cent were applied to the health portfolio, that would come to 9,500 jobs. If they said, 'We are going to get rid of only administrative jobs,' even if they got rid of all 5,000 admin jobs and doctors and nurses had to do the cleaning, answer the phone and file the reports, even if they did that, there would still be 4,000 extra jobs they would have to cut—

**The SPEAKER:** Order!

**Mr VAN HOLST PELLEKAAN:** This is clearly debate. When the minister says, 'even if this and 'even if' that, it is clearly debate.

**The SPEAKER:** Thank you, member for Stuart, sit down. Minister, have you finished your answer?

**The Hon. J.D. HILL:** I think so, Madam Speaker.

#### **PUBLIC SECTOR EMPLOYEES**

**The Hon. I.F. EVANS (Davenport) (15:04):** My question is to the Minister for Public Employment. Why did the Commissioner for Public Employment, Warren McCann, tell the estimates committee in 2009 that 12,000 vacancies arise through natural attrition each year if it is only 6,000 as stated by the Premier today? In estimates in 2009, Warren McCann told the parliament:

It is useful to consider if it is in the context of the number of people who leave the public sector each year. This has increased slightly over the last three years from 10,000 in 2005, 12,000 in 2006 and 12,000 in 2007. During the course of the year, 12,000 vacancies arise through natural attrition.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:04):** This is precisely the point that I made in the answer to my question. Almost half—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —of those are to leave to go to other Public Service positions, so you cannot rely upon them—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. I.F. EVANS:** Point of order, Madam Speaker. Just so the Premier is clear—

**The SPEAKER:** Order! You do not need to repeat your question.

**The Hon. I.F. EVANS:** I think that he must have misheard me, because Warren McCann clearly says 'who leave the public sector each year'—

**The SPEAKER:** Order! Sit down!

**The Hon. I.F. EVANS:** —'who leave the'—

**The SPEAKER:** Member for Davenport, sit down! You have asked your question. The Premier is quite clear on your question.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. The difficulty for the Leader of the Opposition—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —is that she has based the policy of her party on a factual error.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** She has based the policy of her party on a factual error, and this goes to the heart of the point that we make about those opposite: they are inexperienced because they have never been ministers.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** They are incompetent because they have never—

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** Order! The member for Stuart.

**Mr VAN HOLST PELLEKAAN:** Not only is the Premier fallaciously applying policy—falsely, sorry, falsely applying policy, it is clearly debate.

**The SPEAKER:** Thank you, member for Stuart. Premier.

**The Hon. J.W. WEATHERILL:** Madam Speaker, this is a very important point because, for her numbers to add up, she needs to find savings in the public sector, and if only half of the 12,000 are, in fact, exiting from the public sector then—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —there is a—

*Dr McFetridge interjecting:*

**The SPEAKER:** Member for Morphett, order!

**The Hon. J.W. WEATHERILL:** —hole. I think that those opposite have had a disservice done to them in the last few days in some of the public comment. It has been suggested that they have made a gaffe. I think that is a little unfair on the Leader of the Opposition because I think they have been telling the truth to the South Australian people. They have told us the truth about the number of jobs they are going to cut. We know that the Deputy Leader of the Opposition has said that everyone is behind her, and we also know from the alternative leader—

**Mr WILLIAMS:** Point of order, Madam Speaker. I do expect the Premier to misrepresent me regularly, but the question was about him misrepresenting Warren McCann.

**The SPEAKER:** Order! Premier, I think you are starting to stray from the question.

**The Hon. J.W. WEATHERILL:** Yes, I will go back. The factual material is this: that it is of the order of 6,000 FTEs—

*Mr Williams interjecting:*

**The SPEAKER:** Order! You have asked your question.

**The Hon. J.W. WEATHERILL:** —who are separating from the Public Service entirely each year, and that is the relevant number on which to base a policy about reductions in the Public Service.

*Members interjecting:*

**The SPEAKER:** Order! Will members on my left be quiet so that we can hear the Premier.

**The Hon. J.W. WEATHERILL:** If the fact that the wrong number has been used is not bad enough, of course attrition is an uneven way of actually getting reductions in the public sector because it is spread unevenly across a range of particular occupations, which include police, doctors, nurses—

**The Hon. P.F. Conlon:** And teachers.

**The Hon. J.W. WEATHERILL:** —and teachers, and we cannot simply do without those. So what does that leave you with? It leaves you with a gap. What is the gap? The people who get sacked, and people understand this. This is why Campbell Newman's remarks ring incredibly brightly from over in Queensland. He said before the election that it would be attrition that would allow him to achieve these things. We now know that it is sackings that will achieve these things.

So, we now know, courtesy of the reportage today, that it was the putative leader, the member for Waite, who has proposed the fig leaf, which is the audit commission. When you hear the words 'audit commission' substitute 25,000 to 35,000 jobs. This is code—'audit commission' equals 25,000 to 35,000 jobs. This is the policy. The only clarification that five hours later the Leader of the Opposition sought to make is the real policy—

**Mr WILLIAMS:** Point of order, Madam Speaker.

**The SPEAKER:** If this is relevance, I would ask the Premier to sit down.

**Mr WILLIAMS:** The Premier is debating.

**The SPEAKER:** Order!

**CHILD PROTECTION**

**Ms BETTISON (Ramsay) (15:09):** My question is to the Minister for Education and Child Development. Can the minister inform the house of the South Australian government's achievements in protecting vulnerable children and young people?

**The SPEAKER:** Minister, I hope you heard that question.

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:10):** I would like to thank the member for Ramsay for this very important question. It is with enormous pride that I rise in this place today to outline and to remind this house of this government's very significant commitment and investment to children and young people's safety, and I must acknowledge the member for Ashford in this regard.

This government has fundamentally reformed our child protection system, making it a priority for our entire community. The most recent reform of bringing together the Department for Education and Child Development, integrating the work of our social workers, our care workers, our teachers and our health professionals, means that we are again at the cutting edge of ensuring that every child has their very best start in life. But let's look to this government's significant history of investment in child protection.

**Mr Pederick:** Tell us about the NAPLAN.

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** Only weeks after coming to office in 2002, this government commissioned the most far-reaching review of our child protection system here in South Australia, a review undertaken by Her Honour Justice Robyn Layton.

**Ms Chapman:** And Robyn Layton would be appalled at what you've done with it.

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** This government has, since that time, more than doubled the number of social workers in Families SA, which means there are more than 1,500 FTEs overall, all working to protect our community's most vulnerable, our children. The Layton review identified that the budget, that we inherited under the previous Liberal government, for child protection was around \$90 million. Today that budget is now more than \$300 million, and that funds services offered directly by government as well as the non-government sector. That is a doubling of our professional social worker workforce and a tripling of the state's budget for the care, protection and welfare of children and young people. So, just for one moment, let's imagine the impact of losing 25,000 positions—

**The Hon. I.F. EVANS:** Point of order: the minister has just said 'let's imagine losing 25,000 jobs'. That's clearly hypothetical.

**The SPEAKER:** I will listen to the minister's answer. I am sure she meant 'if we lost'. Minister, I refer you back to the substance of the question.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** I don't think I imagined what happened last week when the Leader of the Opposition declared—

*Members interjecting:*

**The SPEAKER:** Order! Minister.

**The Hon. G. PORTOLESI:** —the slashing and burning of our public sector.

**The SPEAKER:** Minister, back to the question.

**Mr Pederick:** I don't think I imagined the NAPLAN results.

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** But in any case—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! Minister for Transport, order!



**The Hon. G. PORTOLESI:** But in any case, our much valued, highly valued public sector workers do incredibly important things like: attend to calls to the Child Abuse Report Line (incredibly important), investigate allegations of abuse and neglect, and provide social work services to children and young people in care, and I spoke about that very matter when I was in parliament a couple of weeks ago. Keeping our children in our community safe is incredibly important. I have to say, everybody in this place would acknowledge that this area of government is perhaps one of the most complex and challenging, but can you imagine how much harder it will be with 25,000 less workers?

#### **PUBLIC SECTOR EMPLOYEES**

**The Hon. I.F. EVANS (Davenport) (15:14):** My question is to the minister for public employment. Given the minister's previous answer that they spent—

**The Hon. A. Koutsantonis:** Public sector.

**The Hon. I.F. EVANS:** Public sector—I apologise. I will ask it again: my question is to the Minister for the Public Sector. Given his previous answer that he spent the whole week looking for Public Service numbers and figures for previous governments, can he explain how he missed Labor's own budget in 2002-03 that says that the total full-time equivalent employees at that point was 66,933?

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The member for Davenport will leave the chamber, and the member for Kavel will also. If we keep going at this rate, there will be no-one left.

*The honourable members for Davenport and Kavel having withdrawn from the chamber:*

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Transport and the Attorney-General will also be quiet or they will go also. Premier.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:15):** I think an important piece of material to place on the record—I do not know whether it is on the *Hansard* record—is that it needs to be made very clear that when the minister was beginning his answer to that question, the Leader of the Opposition said, 'That's what I was told.'

*Mrs Redmond interjecting:*

**The Hon. J.W. WEATHERILL:** Yes, now the gloss. Madam Speaker, it is absolutely clear that what was being spoken about was the number of employees in the South Australian public sector. The number that is being—

**Dr McFetridge:** 66,933.

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Those opposite know that they are searching around, casting around wherever they possibly can, looking for a number that might match—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** Point of order: the member for Morphett should not wave things around; it is out of order.

**The SPEAKER:** I did not see it.

*Mr Williams interjecting:*

**The SPEAKER:** Order! Premier.

**The Hon. J.W. WEATHERILL:** On any metric, there has never been 65,000 people in the state public sector since before we can almost find. It does not matter whether you use full-time equivalents, it does not matter whether you use the absolute numbers, you have to go back—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —a very long way. I think what this demonstrates is the sloppiness of the preparation, the underpinning work, the laziness of those opposite, their inexperience for office—

**Mr WILLIAMS:** Point of order: this is clearly debate.

**The SPEAKER:** Yes, Premier, I would ask you to finish your answer.

#### **PUBLIC SECTOR EMPLOYEES**

**Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:17):** Supplementary question, Madam Speaker. If the Premier is now telling the house that we cannot believe what senior public servants tell the estimates committees and that we cannot believe—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** —the government's own budget papers, what can we believe from this government?

**The Hon. P.F. CONLON:** Point of order, Madam Speaker. It is absolutely plainly argument to start a question with, 'If he says this' and 'If he says that'.

**Mr Williams:** He just said it.

**The Hon. P.F. CONLON:** To channel the member for Davenport—it might be a hypothetical if it starts with 'if', according to the member for Davenport. That was plainly argument and contrary to standing order 97.

**The SPEAKER:** It certainly was a very hypothetical question.

**Mr PENGILLY:** Point of order, Madam Speaker. I find it offensive that the Minister for Transport is trying to instruct the Speaker on how to go about her job.

**The SPEAKER:** Thank you, member for Finniss; I can stand up for myself. I consider that it was a very hypothetical question but, Premier, do you want to answer it?

**Mr WILLIAMS:** On a point of clarification, Madam Speaker—

**The SPEAKER:** The Premier has agreed to answer the question, member for MacKillop. I gave him the option. You asked the question.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:18):** I think that really a deficit exists here. If those opposite cannot read and understand budget papers, if they cannot elicit evidence from a public servant and understand the purport of that evidence, we cannot help them. I think the truth is that we need those opposite to be fit for opposition before they can offer themselves to be an alternative government.

**Mr WILLIAMS:** A further supplementary, Madam Speaker.

**The SPEAKER:** I considered that last one a question, but you can have another question.

#### **PUBLIC SECTOR EMPLOYEES**

**Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:19):** How would the Premier interpret this? When Warren McCann was talking about the numbers who leave the public sector each year:

That has increased slightly over the last three years from 10,000 in 2005; 12,000 in 2006; and just over 12,000 in 2007.

How does the Premier suggest that the opposition interpret that?

**The SPEAKER:** I am not really sure that the Premier is going to answer that question.

*Members interjecting:*

**The SPEAKER:** Order! However, Premier, you may choose to answer it.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:20):** What the opposition is left with is a plea to the government to assist them in understanding some basic elementary facts about—

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Williams interjecting:*

**The SPEAKER:** Member for MacKillop, order! You've had a good run.

**The Hon. J.W. WEATHERILL:** What we are left with is a yelp, a whimper, a plea, requesting us to assist them in the formulation of their public policy because they do not understand basic questions about the composition of the South Australian public sector.

**The SPEAKER:** Order! Point of order.

**Mrs REDMOND:** This is surely debate, contrary to standing order 98.

**The SPEAKER:** It was a question that inflamed it. Premier.

**The Hon. J.W. WEATHERILL:** Madam Speaker—

**Mrs REDMOND:** Point of order: with respect, could I seek a point of clarification? In what way did the question from the member for MacKillop inflame anything?

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! Premier.

*Mr Williams interjecting:*

**The SPEAKER:** Order! Premier, you have a couple of minutes.

*Mr Williams interjecting:*

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

*The honourable member for MacKillop having withdrawn from the chamber:*

**The Hon. J.W. WEATHERILL:** I know those opposite work themselves up for their one hour of work each day and then they return to their hammocks.

*Members interjecting:*

**The SPEAKER:** Order! Point of order.

**Mrs REDMOND:** Surely that is simply debate, contrary to standing order 98.

**The SPEAKER:** Leader of the Opposition, if I could hear what he is saying, I might be able to give you a ruling on that, but I think I will call that question time is finished now; we will move on to grievances. First of all, though, I call the Minister for Police.

#### **CORRECTIONAL SERVICES CHIEF EXECUTIVE**

**The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:22):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.M. RANKINE:** It is my great pleasure to announce to the house today the appointment of Mr David Brown as the new Chief Executive of the Department for Correctional Services. The office of Chief Executive has been vacant since August 2012. The former chief executive, Mr Peter Severin, was headhunted to the role of Commissioner of Corrective Services in New South Wales, which I am sure all members will agree is a real vote of confidence in the South Australia corrections system.

With almost two decades in correctional services, Mr Brown brings a wealth of experience, from his time as a custodial correctional officer to his leadership roles in both the public and private

sectors. Mr Brown's appointment will ensure that the South Australian Department for Correctional Services continues to outperform other corrections systems around the nation. Mr Brown has been with the South Australian Department for Correctional Services since 2009, when he took up the role of executive director of custodial services. During his time in that position, Mr Brown has played a key role in the delivery of a number of programs within the department, including: the development of the Correctional Services Principles; the Shaping of Corrections Service Delivery Framework; the Pre-Release Employment Program, or PREOP; and the Sierra Young Offenders Program.

The PREOP and Sierra programs are exemplary of the department's commitment to giving our prisoners the best chance of rehabilitation. PREOP is a partnership between Port Augusta Prison and BHP Billiton that provides low security prisoners with the opportunity to develop skills and improve their chances to secure employment after their release. I recall being told of one participant of PREOP who had gained employment at Roxby Downs after his release. He said he had bought gifts for his children with money that he had earned for the first time in his life. These programs change lives and I thank Mr Brown for his role in them.

Prior to his appointment as executive director of custodial services, Mr Brown worked in the private sector with G4S. There, he was responsible for the management of a national contract for detention services with the Department of Immigration and Citizenship. Mr Brown has also had a great deal of practical, on-the-ground experience within prisons around Australia. Mr Brown has worked as both the general manager of the Maryborough Correctional Centre in Queensland and as the assistant general manager of the Acacia Prison in Western Australia. In addition, he has worked in a number of offender management and developmental roles within prisons.

Correctional services is an area which has the potential to create great change within our community. It is an area which helps to ensure community safety whilst also offering the opportunity for rehabilitation to those who need it. The South Australian correctional system has embraced this potential, leading the nation with Australia's lowest return-to-prison rate for the last four years, as well as the highest level of prisoner education of all mainland states. I look forward to working with Mr Brown to continue this great work and congratulate him on his appointment.

## GRIEVANCE DEBATE

### EMPLOYMENT FIGURES

**Mr MARSHALL (Norwood) (15:25):** Today's question time clearly demonstrates to the house that this government has absolutely no idea or any plan whatsoever when it comes to sustainable, growing employment in South Australia. They demonstrated with their answers or lack of answers to every single solitary question that the Liberal opposition asked—

**Mr BIGNELL:** Point of order. The member was not here during question time, he got kicked out. He has been kicked out time and time again and the people in his electorate should expect that he is in here taking part in the discussions and listening.

**The ACTING SPEAKER (Hon. M.J. Wright):** No point of order.

**Mr GARDNER:** For frivolous points of order like that, he should be kicked out, Mr Deputy Speaker.

**The ACTING SPEAKER (Hon. M.J. Wright):** I have already ruled that there is no point of order. Member for Norwood.

**Mr MARSHALL:** It does not matter which statistics we look at, this government's performance in terms of jobs in South Australia is absolutely appalling. Last month alone, we lost 9,000 full-time equivalent jobs here in South Australia. Since June last year we have surrendered 30,000 full-time equivalent jobs here in South Australia. This government should hang its head in shame. So what does it do today, Mr Speaker? What does it do today when there are reasonable questions from Her Majesty's Loyal Opposition regarding this important point? What do they do? They become defensive.

They start saying that we are the victims here in South Australia of a global financial crisis. This is where they run. Every time there is a problem this is where they run. They want to become the victims. We have seen it with this Premier, we have seen it with the Treasurer, we have seen it with his front bench—they want to be the victims. They never actually want to get in the driving seat and come up with suggestions on how to improve our economy, how to improve our jobs performance in South Australia.

They say it is because of a global financial crisis. Well, let me tell you why it is that South Australia has the worst unemployment figures in the entire country. Why is that? Why are we doing so poorly relative to our interstate competitors? We are doing poorly because of the government settings that this Labor Party has put in place over the last 10 years.

It is a fact that we have the highest business taxes in the country. We have had the highest business taxes for three years in a row. That is what costs jobs. We have the highest utility prices. We have the highest electricity prices in the country. We have the highest water prices in the world. These are the things which cost jobs.

Let me tell you another thing: we have the worst WorkCover performance in the country. Our average rate in South Australia is over double the national average—over double. At the last state budget, when Victoria handed down its budget, it reduced its WorkCover levy to 1.28 per cent. Our rate is 2.75 per cent, plus the penalty regime. We are completely out of the box in terms of costs in South Australia because of the settings that this government has put in place over its time in power.

However, it does not just stop at the higher cost of WorkCover, the higher cost of electricity and water and business taxes; it is also regulation. This government has made an art form of putting further encumbrances on the business sector here in South Australia. It is completely out of control, and now they are trying to push through the Work Health and Safety Bill which will just add an incredible layer of bureaucracy onto every single small business.

The government loves to talk about the importance of the small business sector. I was at a function last week when minister Koutsantonis stood up and told everybody there that the small business sector was the backbone of the South Australian economy; 142,000 small businesses. What he failed to tell the people who were at that function is what his government had done to help this really important sector or, more importantly, what they had failed to do, what they had cut.

They have cut all of the funding to the business enterprise centres, they have cut the youth entrepreneurs scheme, they have cut the small business emergency helpline, they have got rid of small business month, they have got rid of the SMEDP program, they have got rid of funding for Innovate SA, and they have got rid of their only recent pledge to cut payroll tax for trainees and apprentices. This government has done nothing.

When you look at the Public Service—and that has been a topic of discussion today—the guts problem with this government is where they have got their public servants. You look at the Office of Small Business, Mr Acting Speaker; I will tell you how many of the 84,000 FTE public servants are in that engine room for South Australia: 8.2. Only 8.2 FTEs out of the 84,000 public servants in South Australia are dedicated to the engine room. That is where the government has got it wrong.

They do not understand that employment comes from having a prosperous, sustainable business community. They have got it completely wrong. They think it is about increasing numbers in the public sector. Well, it is not about that; it is about getting a focus back on creating wealth and creating employment in South Australia.

### **SOUTHERN EXPRESSWAY**

**Mr SIBBONS (Mitchell) (15:30):** Duplicating the Southern Expressway is a massive project, both in scale and complexity. Constructing a new road with complex bridge and interchange works within a narrow corridor while safely maintaining an operational road network within a residential area presents numerous challenges. We must try to do everything possible to ensure residents, businesses and community groups are engaged with the project.

I would like to provide some examples of the community engagement work undertaken to date. This includes hosting successful community open days in May 2011 (which were attended by more than 320 people), October 2011 (where 200 people attended), and in March 2012 (where more than 350 people attended). In addition, 75,000 residents and businesses received brochures and other communications material, including bridge closure information, which was distributed in May 2012, as well as a project update brochure sent out in June.

Motorists are being kept informed of traffic impacts through radio traffic updates, on-site signage, website information, social media and letterbox drops, as well as print advertisement for major road closures. Monthly construction updates were distributed to 3,500 residents directly adjacent to the Southern Expressway, with the updates also available on the project's website.

Public transport information was provided to affected bus users through the distribution of 10,000 flyers ahead of the recent bridge closures, as well as bus stop and on-board bus signage.

There have been more than 900 employment inquiries received to date, and the project is currently on track to reach participation and employment targets: 50 per cent of the workforce comes from the southern Adelaide region; 5 per cent of the workforce is Indigenous; and 15 per cent of on-site hours are being carried out by apprentices, trainees, Aboriginal people and those with barriers to employment.

Direct liaison with the community is a strong focus, through door-knocking, a mailing list, one-on-one meetings with residents, a 24-hour telephone inquiry line, two email inquiry addresses, regular staffed and static displays, and liaison with stakeholders and interest groups. To date, more than 1,000 inquiries have been received and responded to when required.

Specific groups have been set up to manage aspects of the project and develop strong relationships with stakeholders. This includes the Traffic Management Group (which I recently attended), the Public Transport Users Group, and the Workforce Participation Taskforce. More than 400 property owners will be engaged during the design process in relation to noise mitigation measures. Regular media releases, print and radio advertisements, letterbox drops, fact sheets and a project website are also used to keep the community informed of the project's progress. The dedicated six-person community engagement team is dedicated to:

- keeping the community informed of the design and construction works;
- addressing community issues quickly;
- managing impacts to residents and businesses, including traffic arrangements;
- traffic management to the expressway and surrounding roads; and
- completing the project as safely and efficiently as possible.

In my view, community engagement is as important to the success of the project as the engineers who design it and the construction workers who will build it. Strong community engagement will ensure the success of the project as it informs the project team's decision-making. Local knowledge received as part of the community engagement process is critical and will ensure we get the best outcome for the people of the south and the state as a whole.

Community engagement is about bringing people with us, embracing the many opportunities that this project presents and working together across all levels of government, industry and the community to maximise the benefits this project can bring. It was not done right the first time, but I am excited and confident that this massive investment in our state's infrastructure will be seen for generations as a road of opportunity for the people in the south.

#### **WILSON, MRS C.**

**Mr GARDNER (Morialta) (15:35):** I am pleased to have the opportunity this afternoon to pay tribute to a fine South Australian educator, Mrs Cathie Wilson. Cathie has been at Stradbroke Primary School since 1990 when she was appointed deputy principal of that school. Since 1998 Cathie has been the principal, and she is finishing up as principal of Stradbroke Primary School at the end of this year. Over 22 years, she has developed an incredible reputation in my local area as a fine educator, and I believe that is a widespread reputation throughout the education department.

She has a wonderful commitment to her students and many of them, now adults, who have been under Cathie as either deputy principal or principal at Stradbroke, fondly remember her in the local area around Campbelltown. Cathie is one of the very few people to bear the distinction of having been recognised for her good work in the federal parliament by both the Hon. Julia Gillard and the Hon. Christopher Pyne. It is certainly an opportunity to recognise her here, as her local school community has recognised her at the school on the number of occasions.

Just recently, on 6 August, I was very pleased to be involved, along with the Hon. Christopher Pyne, the local Mayor of Campbelltown, Simon Brewer, local councillor, Neville Grigg, the entire school community at Stradbroke and many parents when, on sports day, the oval at Stradbroke Primary School was renamed as the Cathie Wilson Oval. I am grateful to the education department for giving the school governing council the right to do that renaming. It was a recognition of Cathie's strong passion for sport and encouraging young people to lead healthy,

active lives over many years and, in fact, Cathie has been the president of the Torrens Valley district for SAPSASA for many years.

I first met Cathie some seven years ago now and I have shared many discussions with her about both educational philosophy and also the needs of our local schools in our area. Unfortunately, the Stradbroke Primary School and the Stradbroke Junior Primary School are being forced to amalgamate under this government's budget cuts from the 2010 budget so, despite a unanimous recommendation from the reference committee that looked at the matter that they not be amalgamated, that school community does face that upheaval in the near future.

Cathie and, I believe, some other members of the senior team at Stradbroke will be leaving the school at the end of the year. I know that Cathie is taking long service leave at the end of the year to spend some time with her family. I hope that she will come back into the education system because she is an incredible educator with a great deal to offer.

Just as a tribute to the high regard in which Cathie is held by the school community, I note that four years ago on her 60<sup>th</sup> birthday, the entire staff and students of Stradbroke Primary School wore hot pink clothing for the day as it is Cathie's favourite colour. It was a sacrifice, I am sure, for many of those staff members to do such a thing, but they have done it for Cathie. She is well regarded and we certainly wish her well. I am pleased to pay tribute to her in this place today.

### BITA PAKA

**Ms BEDFORD (Florey) (15:39):** On Tuesday 11 September, I attended a memorial service and this date from now on will have additional significance for me, not only remembering the loss of Andrew Knox—a friend to many here who, along with thousands of others, died at the World Trade Centre in New York—but because I now know that this is the date, some 98 years ago, of the first military action by Australian servicemen in World War I.

I am indebted to Mr Allen Lyne, President of the Naval Association Australia (SA) for this information and to Jean Hudson, who was involved in the organisation of the commemoration. The well-attended ceremony was held in the Naval Memorial Gardens, Peace Park, North Adelaide. The RAN band provided music, with Mrs Lyne giving an a cappella rendition of *Amazing Grace*.

The Battle of Bita Paka is a little known action at the start of World War I, yet it was an action that had important strategic consequences and affects our relationships with many of our Pacific Island neighbours to the present day. It was a small action, and it was dwarfed by the events at Gallipoli some seven months later and those of the Western Front, with its enormous casualty lists, that followed soon after.

However, small though it was, the Battle of Bita Paka, in what became New Britain on 11 September 1914, deserves a special place in the history of our Navy and our nation. It was an operation carried out by landing parties of the Australian Fleet—the first ever action by the Royal Australian Navy. We, as a nation, sent forth our armed forces on an overseas mission for the first time. Bita Paka was the first amphibious landing by our armed forces. Naval personnel became the casualties—Able Seaman Williams was the first fatality—and Navy personnel won the first decorations (including a DSO) in the history of our national armed forces. Bita Paka was, for us, a victory.

The capture of the German wireless station at Bita Paka was quickly followed by the capture of Rabaul and the surrender of the entire German Pacific Island possessions. This was a major strategic victory won after action by Australian naval and military forces and bombardment by Australian ships. So, almost completely, it was a victory by our naval forces.

The German defence at Bita Paka was 240 native police soldiers and 50 German officers. German New Guinea was different to her counterpart colonies in Africa in that it had no colonial defence force, rather, using local people to put down rebellions and tribal wars.

After landing six miles from Bita Paka, an Australian landing party began their advance but ran into German sniper fire. A German was spotted in a tree and consequently wounded by one of the Australians. After being captured, the German convinced a band of his comrades to surrender by shouting out lies about the strength of the Australians. (They were lies put into his mind by the Australians, by the way.) It was later discovered he was wired to a mine with the capacity to blow up the 12-pounder gun that was soon to be deployed.

There are many other stories like these, remarkable for the telling of the courage and ingenuity of the Australians, and they will be told in the ensuing years. I can add today, though, that

when they successfully reached their objective the Australians discovered the radio tower was felled and much of the equipment destroyed by the fleeing Germans. The Allies were unable to resume transmission with the tower until 1916.

In the aftermath of Bitu Paka, not only did the German governor cede New Britain, New Ireland and New Guinea but he gave up all of the German Pacific Island possessions. I want to note the Germans were ejected from Samoa by our allies in so many actions—New Zealand troops, backed by an Australian fleet.

The Bitu Paka victory meant Admiral von Spee's East Asiatic Squadron had no wireless communication links or logistics support bases (particularly for loading coal) anywhere in our region. He had no way of getting reports on our shipping—merchant or naval. Von Spee was unable to carry out the German war plan that called on him to harass and sink our shipping and to bombard Australian and New Zealand coastal towns and installations. Von Spee was forced to flee for home and was killed at the Battle of the Falkland Islands while attempting to do so. Along with two of von Spee's sons, about 2,400 other German sailors died. That was the first Royal Navy victory since Trafalgar.

Holding Bitu Paka meant Australian shipping was free to move and our transport of troops to the UK and Middle East could take place without fear of interdiction. This was a major strategic victory for Australia at the very start of World War I. In the longer term, Australia was granted sovereignty over Papua New Guinea, New Britain, New Ireland and some other former German Pacific Island possessions following World War I. This has had major effects on our standing in our region and our relations with our close neighbours.

It is sometimes written that Australia lost six men at the Battle of Bitu Paka and that four were wounded. This ignores the fact that one of Australia's first two submarines, HMAS *AE1*, went missing somewhere close to the Duke of York Islands while on patrol during this campaign. Thirty-five of our submariners died that day, and the wreck of their vessel has never been found.

The men who fought, and especially those who died at Bitu Paka and aboard *AE1*, deserve better than they have so far received from the Australian nation. These men volunteered to serve when called upon, not knowing where they were going and not knowing the strength of the enemy forces they would encounter. They went to the colours when called, they performed magnificently, and they won the day.

From now on, we will all remember them and their gallant action, the first ever action by the Royal Australian Navy and the first by Australian military forces in World War I on 11 September each year. The memory of the deeds of those brave naval personnel must be kept alive and honoured in the future forever. We will remember them, lest we forget.

#### REMLAP

**Mr VENNING (Schubert) (15:44):** During question time today a question was asked by the opposition why almost 6,000 jobs have been lost in regional South Australia, and the government all but ignored the question. Today I will tell of just one sad case that reveals exactly this problem.

I would like to pay tribute to a successful small business from my electorate, which after 23 years was forced to close its doors due to this government's lack of support and its decision to award a state government contract to an interstate company. Remlap, a small clothing manufacturing business located in Palmer, has for years supplied the CFS with its protective clothing. However, this year it lost the contract to an interstate company. The loss of this contract resulted in Remlap losing approximately 90 per cent of its business and, as a result, it had to close its doors for good on 30 June and its employees lost their jobs.

Remlap is Palmer spelt backwards, which is a small country town near Mannum. This Weatherill Labor government could have taken measures to ensure that Remlap remained in business but it failed to do so—even I made representations on its behalf without success. In June 2012 the State Supply Board granted approval for a new tender to be called for the supply of specialised uniforms to justice portfolio agencies, not just the CFS but also police, MFS, SES, courts and corrections. This automatically precluded Remlap from being able to lodge a competitive tender as it was a small company and did not have the equipment to be able to produce such a wide range of uniforms.



To its credit, Remlap approached the company that had been awarded the contract to see whether it could subcontract to supply just the CFS uniforms but to no avail. In her response to the correspondence from the proprietors of Remlap, the minister on 6 July 2012 said:

I do understand the significant role a small business from regional South Australia has on a wonderful community like Palmer.

I could not agree more. Well, if that was the case, why didn't the minister and the government continue to support a company that has successfully supplied CFS uniforms to the government for so many years? It has recently been reported to me that the new uniforms—which I assume will be provided by the new supplier that was awarded the contract—will not be available to the volunteers until the 2013 season, possibly even the 2014 season—not be available!

It is an absolute disgrace that we have a successful local South Australian company that can supply and has been supplying protective CFS clothing for nearly 20 years, yet volunteers who could be out fighting fires will not be able to do so because they wait for their protective clothing to be manufactured interstate. What a disgrace!

Small business in rural and regional areas employ local people and keep small towns like Palmer alive. The state government has shown yet again its disregard for country communities by awarding another government contract interstate, which was previously undertaken by a small rural business. I would like to pay tribute to the Borchardts who ran such a successful business for so many years, providing employment opportunity in Palmer.

The product they made was very good (I do own some of it myself), and it was very much appreciated by the emergency services. I have seen some of the CFS volunteers wearing their Remlap overalls that are over 10 years old. They are still in good condition and they are very attached to them because they are of very good quality. There are no breakages, no rips, no tears. We all heard about the problem with the protective clothing for ambulance volunteers, which contained a residue and which caused sickness amongst the volunteers. Apparently that same interstate company has now been awarded this contract. I am very concerned about that.

I am very sad and sorry that they have been forced to close their business, and I thank them for their support over so many years. Unfortunately, Remlap is not alone. Recent business confidence surveys (NAB and the National Sensis Business Index) showed that South Australian business confidence is the lowest in the nation. All I can say is, no wonder.

Retail growth in South Australia for the 12 months until June was on 0.67 per cent compared to a national increase of 2.84 per cent. Building approvals for the 12 months to June fell by 24.9 per cent, the worst performance of all the mainland states. In the 12 months to July, insolvencies in South Australia rose by 38 per cent, the worst performance in Australia. In the quarter to July, over 109 businesses went into external administration in the last 12 months. Is it any wonder?

The cost pressures being faced by South Australians are as a result of Labor mismanagement and are hurting South Australian businesses—country and city. These poor figures are hardly surprising when, in addition to low consumer confidence, businesses have to contend with the highest taxes in Australia, increased compliance costs and rises in electricity and water charges. The Olympic Dam expansion has been scrapped. If the Weatherill government continues failing to support South Australian small business, where will the economy finish?

#### **TECHNICAL AID TO THE DISABLED SA**

**Mrs GERAGHTY (Torrens) (15:49):** Technical Aid to the Disabled SA (TADSA) was started in 1978. It is a not-for-profit organisation that is based in my electorate. It provides a service to people with a disability across South Australia. It aims to help people with disabilities overcome problems by creating, modifying or repairing devices where there is no other solution readily available on the market.

Whether someone has a disability that they have been born with or whether it is an acquired disability, either through ageing, an accident or disease, the consequences can mean that those people's independence has been compromised and their ability to cope with normal everyday actions are severely restricted. Sometimes this puts a burden of care on family, friends or, indeed, the community, when a simple adaptation to suit an individual's situation and needs may be all that is needed to maintain independence and quality of life.

TADSA offers specialised technical advice and information to people with disabilities and their carers. Their volunteer technical members have many different skills to cater for the different needs: some are qualified mechanical, electrical or electronic engineers; some are builders, carpenters or just good handymen. Using their own sheds and equipment, they work with health professionals or individuals to construct many types of custom designed and made equipment for TADSA clients. They often need to be innovative problem solvers, inventors and imaginative thinkers. In fact, it often needs a team approach to create a one-off custom-made solution or to carry out modifications to existing equipment for clients.

I was told about Sue, a client confined to a wheelchair, who found it impossible to hang out her washing, and get it on and off the line. She was dependant on help for what I think most of us would think is a simple task, and she felt it compromised her independence. The volunteer team designed and constructed a framework to support the clothes line, while gas struts, brackets and rollers were used to enable the client to raise and lower the line by the use of a roller. I am told that Sue is delighted, and for the first time in five years she is now able to do this very simple task and feels that she has her independence again.

Another young client who was referred by SCOSA very much wanted to play ball with her friends at school. The volunteers particularly love solving these sorts of problems for their young clients. To the delight of the youngster, they constructed a chute out of PVC piping, with wheels back and front, enabling her to aim the chute and then release the ball from the top so it can be caught by her friends. The volunteers often work with SCOSA, Disabilities SA, the MS Society and other therapists. Families and individuals themselves can also self-refer, and with the expertise that TADSA has managed to garner, the team are rarely stumped to find a solution for very long.

Another client, a grandma, regularly looks after her young grandson, but uses a mobility scooter for long distances. She found that she could not take him to the park, the shops or visit friends as she had always imagined she could do with him. The team attached a carry seat to the back of her scooter, and now grandma and toddler are both happily mobile.

Perhaps my favourite program, though, is Freedom Wheels. This is a customised bike program which modifies standard pushbikes for children with disabilities so that they can enjoy mobility and a form of recreation previously denied them, and it brings such joy. The volunteers from TADSA work with therapists to ensure that the child receives a bike that is age appropriate and suitable for the individual child's height, weight, type of disability, and physical and cognitive abilities. Modifications might include: customised training wheels that are wider and stronger than the standard wheels; postural supports for the head, back, pelvis and hips; foot supports; or perhaps special handlebars.

Bike clinics are held regularly by TADSA at various locations around Adelaide, and bikes are only supplied after attendance at the special assessment and training clinics. I have to say that it is truly wonderful to see these children riding their bikes, independently mobile, and sometimes for the first time in their lives. It is quite moving to see.

I know that we all have many wonderful volunteers and not-for-profit groups in our electorates, but I am truly happy to recommend the work of TADSA to the house, and call on anyone with the technical skills to assist in this program to volunteer their services on behalf of our aged and disabled, and our young community.

### **EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL**

Adjourned debate on second reading (resumed on motion).

**Ms CHAPMAN (Bragg) (15:55):** The government, being faced with the dilemma of a member of parliament being charged with sexual offences as defined within the act, had to make a decision about what it would do in the public interest. Quite appropriately, I think the then premier announced that he would undertake a review—it may have been the Attorney-General at that stage—and that Brian Martin QC, the former chief justice of the Northern Territory and, prior to that, senior counsel here in South Australia, would be appointed to review the whole area of legal protection under automatic suppression orders which prohibit the publication of evidence and identity, etc., in respect of these cases.

What is concerning—and I think every member here should be concerned about this—is that, first, the Hon. Brian Martin prepared and dated his report back on 30 September 2011. The government indicated that the report had recommendations for reform, and that was released on 21 November 2011, with a recommendation that section 71A(1) and (2) of the Evidence Act be

repealed. The government says that this report was never actually tabled or publicly released; however, clearly, copies of the report have been made available. I have certainly read the report. I have not read the annexures to the report as they had not been provided; however, the report is very interesting.

The report's primary recommendations (1 and 2) were rejected by the government and only recommendation 4 was adopted, and that forms the basis of this bill. This perhaps gives us some indication as to why there was a delay of a year before the bill was introduced. The case before the courts involving a member of parliament remains unconcluded. So, it is concerning that, even though the former premier acknowledged that this was an issue of public concern and that there would be an independent review, we now find, over a year after this report was provided, that the government has finally acted on it, but in such a way as to dismiss the two principal recommendations of the report and adopt what I would suggest the easy way out, which would also give some protection in respect of the current case remaining secret to the world.

The other aspect of this is that, although the Hon. Stephen Wade in another place had picked up the recommendations in the Martin report and had tabled a bill back in June in the other place to repeal section 71A (1) and (2), the government chose to reject that and to proceed with the bill that we currently have before us now. The opposition takes the view from the receipt of the Martin report that recommendations 1 and 2 are more appropriate and, accordingly, we will seek to present an amendment to repeal subsections (1) and (2) of section 71A.

The report itself covers a number of issues. It is quite extensive and I do not propose to read all of it into *Hansard*, although I am very disappointed that the government is suggesting that this is a document that should not be available for public consumption. His Honour takes some time to set out in his report the history of the development of what is now section 71A of the act and, in particular, how, from the 1960s, the protection had developed.

I think back from 1965, the attorney-general had introduced amendments concerning the powers of suppression of evidence and identity. Although I outlined in my earlier contribution some significant changes that were made in 1975, it is fair to say that over the last 45 years, each of the amendments that have been introduced to this suppression provision have expanded both the application by the definition of what is a sexual offence and also the extent of what is to be suppressed, moving from simply the identification to the publication of information on any of the evidence, both at preliminary and final hearings, depending on which jurisdiction they were in.

The development of this has been over a sustained period. It has been a balancing act but of which some other events have overtaken to ensure that there are certain protections that would justify the recommendation that section 75A(1) and (2) should now be repealed.

Also in the Martin report is the assessment of other jurisdictions, and I think that this is quite important. The report includes other Australian jurisdictions, and I quote:

All Australian jurisdictions have legislation which automatically protects the identity of complainants in sexual cases. Legislation in the Australian Capital Territory, New South Wales, Victoria and Western Australia does not prohibit publication of the identity of a person accused of committing a sexual offence unless identification of the accused might lead to identification of a complainant. In the ACT, a court possesses the power to forbid the publication of the name of a party to proceedings if publication is likely to prejudice the administration of justice or if, in the interests of the administration of justice, it is 'desirable' that the name of the party should not be published. In Tasmania, publication of the identity of a person charged with incest is prohibited.

The only jurisdictions with legislation similar to section 71A are the Northern Territory and Queensland. The legislation in those jurisdictions is in very similar terms and prohibits publication of the identity of a person charged with specific sexual offences until committal for trial. The Northern Territory legislation contains a wider definition of sexual offence for this purpose than the Queensland provisions.

The position in Queensland was the subject of consideration by the Queensland Crime and Misconduct Commission which reported in June 2003.

At that time the Queensland law prohibited publication of the identity of a person charged with specified sexual offences until committal or sentence. The list of sexual offences was significantly narrower than the sexual offences caught by section 71A of the South Australian Act and the prohibition against publication of identity did not apply to a person under police investigation who had not been charged.

I think what is important to remember here, therefore, is that where jurisdictions have similar provisions to us, it applies in a much more narrow context. The commission reached the conclusion that the Queensland provision should not only be retained but should be expanded. The report identified two main reasons for this view, and there was some information recorded by quotes in the Martin report. However, the report goes on:

To the extent that the Commission was of the view that removal of the prohibition against publication of identity would derogate from the right to a fair trial, I do not agree. In my view, other than in exceptional circumstances, delaying publication of identity until after committal for trial does not enhance the prospect of the accused receiving a fair trial. Indeed, in some circumstances the prohibition against publication of identity promotes rumour, innuendo and suspicion and has the potential to prejudice the right to a fair trial.

In the context of prohibition against publication of the identity of complainants in sexual matters, the Commission also made observations about 'equality' between a complainant and a person charged with a sexual offence...

The Martin report goes on:

I do not agree that because the identity of complainants is protected from publication, persons charged with sexual crimes should be 'treated likewise'. Forbidding the publication of the identity of the complainants has nothing to do with trial procedures and the fairness of the trial from the perspective of an accused person. The reasons underlying the protection of the identity of the complainants are complex and there is no direct correlation with the question as to whether the identity of a person accused of a sexual crime should be protected until committal for trial or some other stage of the proceedings such as conviction. Perhaps the more pertinent question to ask is whether persons accused of sexual offences should be entitled to greater protection against publication of identity than persons accused of other crimes, regardless of how reprehensible and abhorrent the other crimes might be.

The report goes on to discuss overseas jurisdictions and states:

The New Zealand Criminal Justice Act 1985 prohibits publication of the name of a person accused or convicted of incest or sexual conduct with a dependant family member unless a victim over 16 years of age applies to the court for an order permitting publication and the court is satisfied that the person understands the nature and the effect of the order. There is no other general prohibition against publication of the name of the person charged or convicted in sexual cases, but section 140 of the Criminal Justice Act confers a wide discretion on the court to prohibit the publication of the identity of a person accused or convicted of any offence.

In the United Kingdom, the position changed in 1988. Section 6 of the Sexual Offences (Amendment) Act 1976 had provided anonymity for persons accused of sexual offences until after conviction or as directed by the court. This protection against publication of identity was repealed in 1988 following a recommendation by the Criminal Law Revision Committee (1984) ('the CLRC'). Persons accused of other crimes were not afforded protection against publication of identity and the CLRC were of the view that those charged with sexual offences should not be given preference in respect of publication of identity.

The issue of special treatment for those accused of sexual offences was again discussed in United Kingdom in 1999 during the passage of the Youth Justice and Criminal Evidence Bill. The government expressed its full appreciation of the very great distress and discomfort that is often experienced by those wrongly accused or charged with sex offences after being publicly identified. However, it was stated that the principle of openness 'is a vital ingredient in maintaining public confidence and encouraging witnesses to come forward'.

The courts in the United Kingdom possess the power to prohibit publication of the name of a person accused of any crime if it is necessary to do so in the interests of the administration of justice.

The report goes on to refer to the United States which, of course, is largely determined by their constitution. I now refer to the submissions to the review. The Martin report outlines a number of submissions that were received, and a summary of the submissions. In some ways, it is fair to say that they are fairly predictable—the usual suspects that line up with the support or otherwise of this legislation.

Not surprisingly, the Australian Broadcasting Corporation's was the only media submission, and the 'Australia's Right to Know' Coalition endorsed the submission. The report states:

The ABC submitted that the current restrictions were out of step with the rest of the country and impose unnecessary and unreasonable restrictions on reporting of court proceedings; have unintended consequences such as preventing other potential witnesses from becoming aware of the proceedings and undermining public confidence in the administration of justice; place practical and unnecessary restrictions on media groups who now operate in a 'borderless newsroom'; and are unnecessary to ensure the accused person receives a fair trial. The ABC gave an example of the difficulties that the current prohibition has caused in practice.

Contributions were received from legal representatives, such as the Chief Justice (who did not express a particular view and just indicated some caution), the Australian Lawyers Alliance and the Law Society. Again, they are in the category of 'the usual suspects', as we expect, to the reverse presentation; that is, they believe some restrictions should be retained.

What is interesting to note is the submission from the South Australian Bar Association. I disclose that I am a member of the SA Bar Association, just in case there are any comments made to that effect. I certainly did not sit on the subcommittee that put the recommendation to the review, so I do not suggest any conflict in identifying this. The Martin report continues:

Two submissions recommended amending the current law to remove or ease the current prohibition. A sub-committee of then South Australian Bar Association ('the Association') pointed out that committal procedures have changed significantly since the 1970's and that in deciding whether to commit for trial Magistrates no longer

assess the credibility of witnesses. As complainants give direct evidence by way of written statement and are not cross-examined, the Association noted that the chances of committal for trial are higher than in the 1970's. The Association also accepted that in relation to prohibiting publication of identity, there is 'no real philosophical basis' for distinguishing between persons charged with sexual offences and those charged with other crimes.

The Association recommended that the current restriction in sexual cases be removed subject to identity being suppressed prior to the first appearance in the Magistrates Court and Magistrates being empowered to prohibit publication of identity prior to committal for trial or sentence if 'good reason' for such prohibition exists.

I now refer to the assessment and discussion of the Hon. Brian Martin. I wish to place a significant amount of this on the record as this report has not been made available for general consumption, and it appears the government does not intend to do so. The report states:

The starting point of a discussion is the recognition that the issues under consideration all come under the umbrella of 'public interest'. The primary interest is the proper administration of justice. This interest encompasses the principle of open justice because open justice is a fundamental feature of the proper administration of justice. For present purposes, however, it is convenient to treat the principle of open justice as a separate public interest.

The other aspect of public interest under consideration is the avoidance of undue hardship to individuals caught up in the judicial processes, particularly those found innocent of crimes charged against them.

Although I refer to these public interests as 'competing', they are not always in competition. However, this review centres on situations where these interests pull in different directions.

In the discussion that follows concerning the principle of open justice, it is necessary to bear in mind that section 71A does not close the court to public scrutiny. In that sense section 71A does not impinge on open justice. Section 71A impinges on the 'consequential right' of the news media to publish information about court proceedings until a particular stage of the proceedings is reached.

The act gives statutory recognition to the fundamental principle of open justice and the public interest in that principle. Section 69A categorises the public interest in open justice as a primary objective in the administration of justice. This view of the legislature echoes the common law view which has long recognised the importance of open justice to the working of the court.

His Honour then goes on to refer to a number of the judgements and particular statements by the Hon. Justice Gibbs and also the Hon. Justice Kirby when he sat in the New South Wales Court of Appeal, and I see that a Spigelman CJ in the United States is also referred to.

I will not cover all of those, but I think it is fair to say that there was great concern expressed, during the 1990s and up to the mid-2000s, at the oppressive level of suppression and the importance of the principle of open justice and the opportunity for open justice to be employed without necessarily the restrictive provisions of section 71A or its equivalents in other jurisdictions. The academic assessment goes on to deal with open justice being subject to proper administration. His Honour makes the comment on page 18:

The fact that the principle of open justice is subject to the proper administration of justice is reflected in section 69A of the Act which empowers the court to override the public interest in open justice by making a suppression order in order to prevent prejudice to the proper administration of justice. It also overrides the principle of open justice to the extent that a court is empowered to order suppression if satisfied that an order should be made to prevent undue hardship to an alleged victim of crime, a witness in proceedings or a child. However, the importance of open justice is recognised by the statutory direction that the court may only make a suppression order if it is satisfied that 'special circumstances' exist that give rise to 'a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, to justify...' making the order.

Further commentary is recorded in respect of the judicial assessment of hardship, and then the discussion continues:

Notwithstanding the point made by Kirby P, all Australian jurisdictions have chosen to derogate from the principle of open justice to the extent of prohibiting publication of the identity of an alleged victim of a sexual offence. In South Australia an alleged victim can consent to publication and a judge has the power to authorise publication of the identity of the alleged victim, but if the alleged victim is a child, no such consent or authorisation can be given. In addition where the alleged victim of a sexual offence is a child, the court must be closed while the child gives evidence.

In South Australia parliament has chosen to derogate from the principle of open justice through the operation of section 71A.

As earlier discussed, the statutory prohibitions are complemented by the powers of the court to:

- (1) Order specified persons or all persons to absent themselves from court during the whole or a part of proceedings where the court considers 'desirable' to do so 'in the interests of the administration of justice or in order to prevent hardship or embarrassment to any person'.
- (2) Prohibit publication of evidence or the identity of a party or witness or persons alluded to the course of proceedings in order to prevent prejudice to the proper administration of justice or undue hardship to an alleged victim, witness or child.

These are the circumstances, therefore, in which the community, through Parliament, has determined that the principle of open justice should be modified or curtailed to the extent of prohibiting publication or empowering the court to prohibit publication. To put it another way, it is in these circumstances that Parliament has determined that the scope of the right of the news media to publish information about court proceedings should not extend to publication of identity or should, potentially, be prevented by court order from publicising identity and other information about court proceedings. In terms of balancing, Parliament has determined the circumstances in which other interests shall prevail over the right of the news media to publish identity and other details of court proceedings.

While the importance of both the principle of open justice and that aspect of the principle which confers a right upon the news media to publish information about court proceedings is a matter of significant weight, nevertheless, the trauma and distress caused to innocent persons by public dissemination of the identity of the person charged with a crime, particularly when charged with a sexual offence, should not be underestimated. In this context, the family of a person accused of a crime stands in a position of special vulnerability. Unless a member of the family is a child, alleged victim or a witness, a court does not possess any power to prohibit publication of the identity of an accused in order to prevent undue hardship to an adult family member. The adult members of the family of a person charged with a crime are not provided with any protection from publication of either their identity or that of the person charged.

His Honour goes on to consider the impact on innocent persons and relates to the examples given by the Legislative Review Committee in 2005, and they are powerful examples. He concludes this in the legislative review material, and I will quote this aspect. It says:

In many cases, through the eyes of retributionists, families of offenders are perceived as though they were the offenders!

Examples of victimisation and the impact on offenders' children:

- Extended family and friends withdrawing contact
- Children are teased and abused about their parent's offence
- Children are excluded from activities and groups because they are seen to be different
- Other parents do not want their children mixing with 'those' children
- Families receive hate mail, being threatened or assaulted
- Property damaged after being followed home from court
- Families being publicly taunted
- Children physically abused/harassed.

It is easy to feel great sympathy for those charged with a sexual offence who are not committed for trial or are acquitted, but whose identity is the subject of publication in the media. The traumatic and distressing aftermath of publication of identity is well recognised and those effects persist notwithstanding acquittal. They will similarly continue to exist if the identity of a person charged with a sexual offence is published and the accused person is not committed for trial. While the failure of evidence to justify a committal for trial is a stronger pointer to innocence, in the eyes of many in the community the suspicion will remain.

His Honour comes to the following conclusions:

There is no 'right' answer. There are competing public interests and purposes. It is for the community to determine the scope and application of each competing interest and to arrive at a balance which the community regards as the appropriate balance between the competing interests. There are valid arguments and reasonable opinions that can be advanced in favour of each side of this question.

The primary consideration is the proper administration of justice, which includes ensuring that an accused person receives a fair trial. When cause exists for concern that publication of information might have the tendency to prejudice a fair trial, there is a natural tendency to err on the side of caution and to prohibit or impose restrictions on publication. Generally speaking, such prohibitions or restrictions are not permanent and it is relatively easy to feel comfortable in the knowledge that the prohibition or restriction only delays the flow of information to the community. Comfort is also gained from the knowledge that, other than in exceptional circumstances, the court remains open to view by the public. These same considerations can easily lead to taking a relaxed and sympathetic view to the purposes of section 71A. However, pulling in the opposite direction is the principle of open justice and recognition that the principle and flow of information to the community are at the very heart of maintaining public confidence in the administration of justice.

The natural tendencies to which I have referred are perfectly understandable, but in my view they possess the capacity to undermine, sometimes without adequate jurisdiction, the importance and maintenance of the principle of open justice. In turn they undermine the importance of the flow of information to the public. As Lord Steyn said in *Re S (a child)*, in the passage earlier cited:

'Full contemporaneous reporting of criminal trials in progress promotes public confidence in the administration of justice. It promotes the value of the rule of law.'

He then goes on to refer to other cases in respect of freedom of expression by the media, freedom of expression, and the importance of that. He goes on in his conclusions:

At the time the current provisions were enacted, preliminary examinations involved the calling of oral evidence and magistrates were required to assess the credibility of witnesses and exercise an active discretion to decline to commit an accused person for trial. Today, preliminary examinations are almost invariably conducted on the papers and magistrates are not involved in assessing the credit of witnesses. In sexual cases, the complainant is not cross-examined to test the reliability of their version. Little room remains for the exercise of the discretion not to commit for trial. The Office of Director of the Public Prosecutions has advised that since late 2006 there are only two matters recorded on the data base of that office in which an accused charged with a sexual offence was not committed to trial.

As to sexual assault matters determined summarily, it also appears that very few cases are affected by section 71A. Only the offences of gross indecency and indecent assault are capable of being dealt with summarily. Statistics suggest that from 2005 to 2009 only one case involving a charge of indecent assault resulted in a finding of not guilty.

These statistics relate directly to the issue of whether the prohibition on the publication of identity bears a 'reasonable relationship' to the purpose of the prohibition. It appears highly likely that only rarely will a person charged with a sexual offence not be committed to trial or be found not guilty after a summary trial. It might be said that no harm is done if the prohibition against publication of identity for a limited period involves so few persons, but on the other hand such an approach would tend to undermine the importance of the rule of law and the freedom of the media to disseminate information about court proceedings.

He goes on further to say:

In my opinion there is no reasonable justification for a retreat from the current recognition of the importance of both the principle of open justice and the right of the media to publish information concerning court proceedings. When these matters were first given statutory recognition in 1989 they were described as 'considerations of substantial weight'. The standing of these factors was elevated in the 2006 amendment which categorises the safeguarding of the public interest in open justice and the consequential right of the news media to publish information concerning court proceedings as 'a primary objective in the administration of justice'.

It is also appropriate to bear in mind that in 1989 the community, through parliament, determined that it was no longer appropriate to permit a court to prohibit publication of the identity of a person charged with a crime in order to prevent undue hardship to a person charged. Since 1989, if any change has occurred in community attitudes to freedom of the media to publish information about court proceedings in other matters, it is to favour the strengthening of that freedom.

Ultimately the primary consideration is the proper administration of justice, which includes ensuring that a person accused of a crime receives a fair trial according to law. As I have already explained, other than exceptional circumstances, in my view publication of the identity of a person charged with a sexual offence prior to committal for trial or before conviction does not undermine either the presumption of innocence or the right to a fair trial. To the contrary; the current prohibition has the tendency to promote rumour and innuendo which in turn can create an atmosphere prejudicial to the accused person whose identity is suppressed. In the context of ensuring a fair trial, the court possesses ample power to give appropriate directions emphasising the presumption of innocence and to prohibit publication of evidence and identity if the prohibition is required in the interests of the administration of justice.

In my opinion the interests of the few who would be adversely affected by removing the automatic prohibition currently mandated by section 71A do not justify the constraint on the principle of open justice affected by section 71A. To the extent that the few are adversely affected by publication of identity, their personal interests are outweighed by the 'greater public interest in adhering to an open system of justice'. In addition, removal of the automatic prohibition on the publication of identity in these cases will remove the source of rumour and innuendo which currently accompanies the charging of sexual offences in any cases which attract media interest. Publication of identity might also promote the possibility of witnesses coming forward.

There is a further factor which, in my view, is a significant factor favouring the repeal of the current provision. It concerns equality between persons accused of crimes. I recognise that sexual crimes are viewed by the community as particularly abhorrent, but there are other crimes that also attract abhorrence and revulsion. Those accused of other such crimes are not provided with the same protection from publication of identity. In my view this inequality between persons accused of crimes is not justified. As I have already explained in my opinion, it is not appropriate to approach this question as one involving equality between a complainant and an accused. The issue is one of equality between persons accused of crime and in the absence of a compelling reason, all persons charged with committing crimes should be treated equally.

If section 71A is retained in its present form, I recommend an amendment to empower a court to permit publication of identity and of information concerning proceedings and evidence, if publication at a time earlier than permitted by section 71A is required in the interests of the administration or for the purposes of any investigation.

Of course, that is the option the government has taken up. He goes on to say:

As to the current prohibition against publishing evidence or a report of proceedings, even if the existing prohibition in section 71A(2) against publication of identity is maintained, there does not appear to be any compelling reason why there should be a prohibition on publishing information about the evidence or the proceedings if such publication would not tend to identify the accused person or the complainant. In this context the point made by ALA concerning local knowledge in regional areas of small populations is relevant, but if publication would tend to identify a complainant because of a smaller local population, publication would remain prohibited.

The alternative of prohibiting publication of identity until after conviction possesses a degree of superficial attraction because of its capacity to avoid the harm and prejudice that publication of identity brings to those who are acquitted. No other jurisdiction has taken such a drastic step and, in my opinion, such an extensive intrusion into the principle of open justice is not justified and would be accompanied by major problems.

In arriving at these conclusions, I have put aside the impact of the internet. I have approached the issues with fundamental principles in mind and endeavoured to assess the appropriate balancing of those principles. I have not addressed the difficult question as to whether any form of prohibition against publication of identity is appropriate given the difficulties attached to enforcing these orders and preventing publication through the internet. The terms of reference specifically direct that I leave this question aside because it is being investigated at a national level through SCAG and it would be inappropriate for me to investigate this area.

I pause to digress from the report to say that I am disappointed that this was excluded from the terms of reference for Justice Martin.

**The Hon. J.R. Rau:** He will still be working on it.

**Ms CHAPMAN:** The Attorney interjects that he will still be working on it. It would not make much difference. He could have another year because they waited a year before they even brought this legislation to the attention of the house, so I find that a pathetic proposal. In fact, for someone who has addressed this matter comprehensively to be excluded in the terms of reference from dealing with the internet, when it is a major area of concern—and I thought that the previous premier at least had clearly identified that as being an area of concern, particularly as to the control of it.

I, for one, would have to say that the only justification for excluding that from the terms of reference is that there would inevitably be a finding that it is impossible to protect against that and that therefore the absurdity of having this legislation continue would be exposed. His Honour goes on to say:

Having recommended the removal of the current prohibition against publication of identity, evidence and any report of proceedings before a Magistrate or Justice, I am required to consider what other measures, if any, need to be taken to:

- (a) ensure the accused receives a fair trial;
- (b) the prosecution case is not prejudiced; and
- (c) protect or restore the reputation of people who are accused of but not found guilty of a sexual offence.

In my view, no other measures are required to ensure that an accused person receives a fair trial or the prosecution case is not prejudiced. Ample powers exist to enable a court to preserve the integrity of a trial and its fairness.

The third question of protecting or restoring the reputation of people who are not found guilty of a sexual offence is extraordinarily difficult. Other than a suggestion that penalties for non-compliance with section 71B be increased, the submissions did not address this question.

Mud has a distinct tendency to stick. Much depends upon the way in which the media disseminate information about the dismissal of a charge or an acquittal. Often the publication of this information is presented in such a way as to contain an implication that the acquitted person is, in reality, guilty.

Section 71B already requires the publication of a 'fair and accurate' report of the result and a 'reasonable prominence' having regard to the prominence given to the earlier report. Financial penalties are substantial. While I recognise that in practice section 71B does not produce the ideal result, I do not recommend any amendment in this regard.

These recommendations represent my personal views. As I have said, there is no 'right' answer and opinions can legitimately and reasonably vary.

He then sets out his recommendations 1 and 2—which the opposition favours—that section 71A(1) and (2) be repealed and that there be no other recommendations requiring amendment.

What is concerning, as I have said, is the failure of the government to make this publicly available, because a comprehensive amount of work has been undertaken. The delay in its implementation, even to the narrow extent of accepting recommendation 4, is very concerning, particularly given that the case that prompted all of this is still alive.

The other matter that I wish to raise is this: there are other ways of getting the names of accused out in the field. The most notable of course, I think, were the disgraceful statements by Senator Nick Xenophon in federal parliament last year. It was one of those rare occasions on which the then premier and I totally agreed, and we made comments in this parliament about those statements. Senator Xenophon claimed that Monsignor Ian Dempsey had claimed that there had



been some inappropriate conduct of a sexual nature against John Hepworth. It received considerable publicity.

What concerns me is how easy it is, having made that disclosure, for this type of information to be perpetuated. Just last Saturday an article was published by *The Advertiser* in which Mr Nigel Hunt named these parties again and reported that the police had completed their investigation and that the matter was now with the DPP for consideration of the charges to be laid. We do not know whether they will be laid or not; we do not know whether anyone is guilty of any kind of improper conduct in this case, and I would not make any statement about it even if I knew.

After having been named in the parliament, this article suggests that the matter is being considered by the DPP in relation to charges to be laid. *The Advertiser* and Mr Hunt can take refuge in the fact that it has been published nationally and that there has been at least implied consent by the accused after he made a public statement. This would protect *The Advertiser* or the journalist from any allegations of a breach of section 71A, which specifically provides for a penalty for the publication of not only any proceedings against a particular person, where there may be a prosecution, but the identity of a person who has been, or is about to be, charged with a sexual offence.

I am not suggesting that *The Advertiser* is in breach of the act, but I make the point that it would be able to get around it by the reprehensible conduct, I think, of accusing someone of such a crime. I put in a request to Mr Xenophon to give some clarity as to what he would do in future with any of these allegations and what I think is an abuse of the parliament in naming these people when, clearly, no charges had been raised at that stage. Frankly, that was a matter for the DPP and the judge to make a determination on, not by members of parliament. I think the premier made a very strong comment about the attempt to interfere with that.

In essence, we have a situation where our legislation is quite unique. It has been developed in other jurisdictions overseas and dismissed. In the United Kingdom, something like 24 years ago they got rid of theirs because of the imbalance of the protection of the unfairly accused versus the interests of justice. In our own country there are only two other jurisdictions that are close to us, and theirs is in a very narrow context both by definition and those who are caught by it.

I confirm the opposition's position, as we did last year when we at least identified the recommendations of the report and that we would support those. That culminated ultimately in a bill by the Hon. Stephen Wade consistent with those recommendations, and rejected by the government, and we now have this bill before us which the opposition feels is not only inadequate but will leave us out of step with the rest of the country and the rest of the world.

**The Hon. R.B. SUCH (Fisher) (16:40):** I will make some brief comments. I am not a lawyer and I am always impressed when I hear my colleagues in here who have had the privilege of studying law and practising it. This bill is one of those that warrants us treading very carefully because the risk involved in terms of not furthering justice are quite high. I notice that the court has discretion and I think that that is important. I think we need to rely on, and we can rely on, the judgement of judges and magistrates to consider an application in relation to a publication order.

I am always wary when politicians get involved in determining publication or determining the guilt of a person, and I remind members of the time when the former member for Hammond was in this place and he threatened to name several members of this house—or at least one, but I believe several—as paedophiles. That caused enormous concern within the government, which sought to remove the privilege of the house of protection. It did not get to that point and, fortunately—and I do not claim to be any special person—I was able to talk to Peter and point out that, if you name someone and that person is even later found to be innocent, you have destroyed that person.

There is no way in the world that a member of parliament, where an allegation is made in here that they are a paedophile, would ever get elected again. So, we have to be very careful and that highlights the danger of politicians. I have a lot of time for many of the things that Senator Nick Xenophon does, but I did not agree with him naming a priest in the way he did in the Senate. We have to be very careful in that regard.

Our society has a particular problem with any matters to do with human sexuality. I made that point in here recently that one of the reasons we often have sexual offences is because the people within our society have not been able to deal with the whole issue of human sexuality in a responsible and mature way. It is not surprising that the media are particularly interested in sexual-

type offences. We know why this measure is before the house, and I will not go into the detail. Members are well aware of why we are looking at this.

I think we have to be careful that we do not have justice driven by the media, or what is called justice driven by the media, because if you are not careful you can end up with a lynch mob mentality, and someone who, in effect, may be innocent, is found to be guilty and prosecuted and hounded by the media. A lot of media pressure in this particular case has given rise to this bill. But having said that, my view generally is that the less we have in the way of suppression in the court system the better, but there are times when it is necessary to suppress a name and, as I said at the start, I think that is best determined by the judge or magistrate, taking into account the facts, not simply whether or not it is a good story or whether or not you will get people interested in the story and purchasing a newspaper or watching television or whatever.

We know the world has changed as a result of electronic media and it is putting the whole system and, in fact, many aspects of the justice system under pressure. I note, and the Attorney has indicated in his report that this whole issue of the electronic aspect is being looked at nationally. I do not believe that it will be an easy thing to do.

We can see what happens when people use electronic media for bad purposes and what has happened recently in relation to causing not just riots in various parts of the world but the death of six soldiers, at least, in Afghanistan. They are the people who wear the cost of someone doing something that is irresponsible and which, sadly, is now a tool in the hands of some people who can be irresponsible; tools which can cause great harm. We see it in a whole lot of ways—trolling, sexting and all sorts of inappropriate behaviour.

I come to the point that I am very uneasy about this bill. I think it could work and, hopefully, it will work in the best way and will lead to an improvement or will enhance justice, but I say that because I have confidence in our judiciary to make sensible recommendations and decisions about the restriction on publication. However, I am still a little bit uneasy about this measure because I think up until now the system has worked fairly well and I am a bit concerned that we might be doing this simply to make it easier for the media to do what it wants to do, which is to make money out of not just information but entertainment.

I can only give qualified support for this bill. I know the Attorney is the steward of this measure but I would like to be more confident that its implementation will enhance justice and not in any way undermine it.

**Mr PEGLER (Mount Gambier) (16:47):** I rise to indicate that I will be voting against this bill. I feel that we could be opening a can of worms by putting this bill through the parliament. We have often seen people wrongfully accused, particularly by others who are being spiteful to them. Once a bill like this goes through those people will use that opportunity to have those people named and wrongfully accused and then they will, of course, be found guilty by the media before they have even been to court. I think it is a step in the wrong direction. I have always been a firm believer that people should be presumed innocent until found guilty, and the court system is the place for that, not the media. Naming people prior to going through the court system I think would be completely wrong and put those people's lives in jeopardy.

I might also say that I was completely appalled by what Senator Xenophon did in naming that priest. I feel that he used parliament as a coward's castle and it is a bad reflection on the processes of parliament. I hope that we do not bring in a bill that will allow that to happen out in the public. I will not be voting in favour of this bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:49):** I thank all members who made a contribution. Can I first address the members for Fisher and Mount Gambier. Member for Mount Gambier, I understand exactly what you are saying, and if I had to move from a position from where I am to somewhere else, it is exactly where you are. I understand all the points you make and I understand why you make them, I have the greatest of sympathy for them, and I respect your opinion on this matter.

Can I say, to make it very clear, that the measure I am putting forward has that as the default position. So, if nobody does anything, exactly what you want does continue to happen. It is just that, if somebody says there is a good reason as to why there should be a publication, they can make an application to the court and ask the court to allow a publication. That is my model.

I am not delighted to hear that you are voting against my bill, but I am delighted about one thing: if you are voting against mine, you are going to vote early and vote often against the ones the opposition is going to put up, because what the opposition wants to put up is to remove every protection whatsoever and just make it an open slather. So, I am comforted that the member for Mount Gambier, in voting against me, is going to take not quite as much pleasure as he is going to have a little bit later in voting against them, and that is good.

Member for Fisher, again, I sympathise with your concerns about this matter. Personally, from my point of view, it was a finely balanced thing as to whether we did anything at all, or whether we said, 'Look, we will allow a court to have the opportunity of permitting a publication when there is a good reason to,' which is the model we went for. I acknowledge and understand the concerns, member for Fisher, that you raised, and I do appreciate your contribution on the bill. Likewise, I hope that you would be even more troubled by what the opposition, and in particular, the Hon. Mr Wade, is going to be pursuing.

In the discussion that we have had about this—largely contributed to by, as usual, my learned friend the member for Bragg—a number of things have been discussed. What has been thrown up is basically three ideas: (1) the media, (2) open justice, whatever that means, and (3) individual reputation.

I think we all get what the individual reputation thing is about, which is you, me or any of us, as an individual, to have something said of us which damages us in the eyes of all our peers, cannot be taken back, and ultimately turns out to be either totally or partially incorrect; we cannot recover from that. I think we all get that and, to move the debate slightly, that is why we have been so concerned about having the provisions about secrecy in the ICAC legislation, to prevent exactly that sort of thing from happening.

The interesting thing is, in the remarks that you heard from the member for Bragg (and no doubt if, in a moment of insomnia, you wanted to read what the Hon. Stephen Wade says about this in another place), you would see that they actually converge the idea of open justice and the media so that there is no difference between the two, and there is a big difference between the two—a big difference. Let us call a spade a spade; let us explain this for what it is. Why is it that the media want to be able to publish these things? Is it because the media are interested in the law and justice?

Can I just, in parenthesis, remind you who this media is: this is the media that went around hacking into people's mobile phones and computers so that they could beat up individuals by accessing private information illegally and put stories which had that magical tag of 'prurient interest' about it in the paper, so they can outsell other people who were trying to do various things to get stories. These are the people who are called the media. This is their standard about what they think justice is. I am not making up. There is a whole commission of inquiry in the United Kingdom at the present time going on about this.

What about the magazine that has just been published in France with some scumbag who has been hanging around the side of a hill somewhere with a telephoto lens so that he can have a look at a couple of young people on a holiday and sell a photograph, which some degenerate is prepared to publish in a magazine? Do you think they are doing that because it is something about open justice? Do you honestly think that is what it is about? It has nothing to do with open justice and everything to do with selling newspapers. 'Bugger the consequences to the individual concerned, we just want to sell a newspaper.' Has anyone here read the *NT News* lately or indeed at all?

**An honourable member:** It's all about crocodiles.

**The Hon. J.R. RAU:** Not always.

*An honourable member interjecting:*

**The Hon. J.R. RAU:** Yes—here I will not mislead the parliament. I did read the front page of the *NT News* a few weeks ago and the headline was, 'I put a cracker up my clacker'.

*Mr Pengilly interjecting:*

**The Hon. J.R. RAU:** The member for Finnis obviously knows more about this story than I do. I can say that in that story, the closest it got to fair reporting—or at least relevant reporting—was to say that the police inspector who was called to the scene was quoted as having said, 'It

obviously seemed a good idea at the time.' Aside from that, it was there purely because it would attract people to read the paper. It had no value at all aside from that.

**An honourable member:** And you did.

**The Hon. J.R. RAU:** Yes, and I now feel vulnerable. I feel violated because I was attracted to this ruse, but I will not be caught again. Anyway, the point is: what is the news media about? There are learned journals out there that do focus on actually reporting things in a fair and reasonable way who do not make their money by doing the sort of journalistic equivalent of a peepshow all the time on someone else's life. There are straight outfits that work that way but there are a lot that do not.

I am delighted that a number of people in this place today have referred to Senator Xenophon's behaviour, which I know is in a different context. I join with the member for Bragg and the other two members who spoke in saying that I thought it was appalling. However, can I say, unfortunately he is not Robinson Crusoe, because Senator Heffernan has had a bit of a history of doing similar things, too. Does anyone defend any of that? No.

Let us not wrap ourselves in the flag and put our hands on our hearts and look tearfully up at the concept of open justice and mistake the media for that. It is not. They have their own interests which sometimes coincide with open justice and many times do not. What they are really on about is selling newspapers or having people watch television or listen to the radio or whatever the case may be, so let us not get too carried away.

The next point I would like to make is this: there is an issue about media convergence. It is a real issue where the internet and television and everything is starting to become a bit fuzzy. There are some parts of that that are quite easily regulated under the broadcasting and television act or whatever and there are some bits that are not. That is why it has to be dealt with at a national level.

The member for Bragg says, 'You should have got Brian Martin to go off and have a look at this.' This is actually something that the Australian Law Reform Commission has just published a whole paper on. They have just published a substantial work on this and it is being looked at nationally. The extent or complexity of this problem is almost mind-boggling. It pops up all over the place.

It is not just sexting; it is not just texting; it is not just suppression orders being breached. It is a whole range of things, a myriad of situations in our lives, where new technology is changing the rules. Does that mean that we just say, 'Righty-oh,' and we throw our hands up in the air and abandon all the old rules? Bear in mind that the new technology is not regulated at all. It is a jungle. What goes on out there is what you can get away with. Nobody has even the slightest pretext of how to control it or manage it. So, if we just throw our hands in the air and say, 'Oh, well, new technology, let's not worry about it any more,' you are vacating the field altogether and just walking away from the issues.

As to a few comments the member for Bragg made, first, she dismissed, with a fairly brief reference, people like the Law Society as 'the usual suspects'. I note that the member and the Hon. Stephen Wade quote from them as if they are generally writing on tablets on Mount Sinai, but on this particular occasion they have a different view and I am a bit puzzled about that, but never mind.

The Bar Association says, apparently, they have no philosophical basis, as lawyers, to want to retain the existing scheme, and I can see that. From a lawyer's point of view, I get that. But, you see, this is not just about lawyers. It is about privacy and about giving individuals some protection, when there is a question about their guilt, from having their lives destroyed by unreasonable publication of details—of allegations. They are only allegations at that point.

I think too much can be made by people who wish to just pretend that they are all about open justice when, in effect, all they are doing is smooching up to the same people who gave us the scandals in Britain, the same people who have seen the *News of the World* go out of business who have that sort of thinking of what 'journalism' is all about, that sort of ethic about what 'journalism' is all about.

There is no attempt on the part of the advocates of a more extreme position to work out how you sort the wheat from the chaff in the journalism world, how you actually weed out those unscrupulous characters who will do anything and run anything because that is a way to sell a newspaper or a way to get somebody to watch a TV show. I am very sceptical about this notion of

what the media thinks must be good because they are fabulous. There is so much evidence against that proposition, I do not think I have to argue it any longer.

What are we proposing? We are proposing that there be a general proposition that people have their identities protected for a period of time which can be, on application, reversed by a judge or a magistrate. That is what we are putting up. I understand that the opposition will oppose it because the opposition wants to remove all protections. I am glad a large amount of what Mr Martin said has been read into *Hansard* because he says many times there is no right or wrong answer: it is a matter of opinion.

**Ms Chapman:** Why don't you publish the report?

**The Hon. J.R. RAU:** Can I quote to you what the Hon. Stephen Wade said in *Hansard* in the Legislative Council of 13 June 2012. He said, 'His report was completed on 30 September 2011 and tabled on 21 November 2011.' That is according to Stephen Wade.

**Ms Chapman:** But it wasn't. You know that.

**The Hon. J.R. RAU:** Has he apologised to the council for misleading them?

**Ms Chapman:** We want the whole world to be able to read this report.

**The Hon. J.R. RAU:** Anyway, here it is. Mr Martin has made recommendations and we have decided what we think is a reasonable way to go. I appreciate that in this instance I have the member for Fisher and the member for Mount Gambier having very strong views on one side; we have the opposition who is so far in the other direction you will not be able to see them with a pair of binoculars; and I am much closer to where you are but not exactly in your space, member for Mount Gambier. That is where we are.

I do not know whether there is any point in doing anything other than voting on the second and third readings of this because everyone's positions are clear. The line has been drawn in the sand by the member for Bragg, I have expressed my point of view, and the member for Mount Gambier has put his point of view.

**Ms Chapman:** So why did it take a year?

**The Hon. J.R. RAU:** We have to prepare things properly. You like plenty of notice to be able to prepare your speeches, and we would be devastated if you did not have your stuff prepared because you would not be able to assist us with stuff as thoroughly as you have. So, here we are, here is our chance and, hopefully, we are just going to vote on the second and third readings.

Bill read a second time.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:04):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

### GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed not to insist on its amendments Nos 8, 9 and 11 to which the House of Assembly had disagreed; and in lieu of its amendments Nos 1 and 4, to which the House of Assembly had disagreed, made the alternative amendments indicated by the following schedule. The Legislative Council insisted on its amendments Nos 2, 3, 5 to 7, 10 and 12.

Legislative Council's alternative amendment to its Amendment No. 1

No. 1. Clause 4, page 3, lines 1 and 2 [clause 4(2)]—Delete subclause (2) and substitute:

(2) Section 3—after the definition of *minor* insert:

*prescribed graffiti implement* means—

(a) a can of spray paint; or

(b) a pen, marker pen, or similar implement that—

(i) has a tip that is more than 6 mm wide; and

(ii) contains a fluid that is not water soluble and that is capable of marking a surface;

Legislative Council's alternative amendment to its Amendment No. 4

No 4. Clause 8, page 3, line 27 [clause 8, inserted section 5(1)]—Delete subclause (1) and substitute:

- (1) A person must not sell a prescribed graffiti implement to a minor.  
Maximum penalty: \$5 000.
- (1a) However, subsection (1) does not apply in relation to the sale of prescribed graffiti implements of a type excluded from the operation of subsection (1) by the regulations.

## ADJOURNMENT DEBATE

### AGRICULTURE SECTOR

**Mr VENNING (Schubert) (17:08):** Further to the question asked during question time today—I thought the answer was a disgrace—and my speech during the grievance debate, South Australia has experienced the loss of 5,400 jobs in the agriculture, forestry and fishing sectors in the three months to August, according to the latest ABS statistics. That really is a disgrace. The industry that is supposed to fill the void left by the BHP Olympic Dam project and the end of the proclaimed mining boom has lost more than 58 jobs per day over the three months to August—more than 58 jobs per day. I find that extremely hard to understand, and I did question this figure, very much so. However, when you look at the three sectors that is, indeed, the fact. On 28 August on the ABC the Treasurer said:

I'm just saying that farming is one of the areas, agriculture's one of our sectors of our economy that at the moment is doing very, very well and is driving fantastic export growth for our state.

Well, if 58 jobs per day is an example of agriculture doing very well, I shudder to think how many jobs would be lost if the industry was performing poorly. It is an absolute disgrace. When asked about the contribution and support that the Weatherill government had provided to the agriculture sector in the same interview the Treasurer responded, 'I think we have put a substantial investment into agriculture.' When I heard this I could not believe it. The agriculture budget has been slashed repeatedly, every year, year after year, ever since Labor came into government in 2002. Where is the substantial investment the Treasurer is referring to?

The 2012-13 budget included: \$24 million cut from agriculture; 98 jobs to go, in addition to the 400 jobs already slashed from Primary Industries in recent years; fees, fines and penalties increased by close to \$1 million; total operating expenditure to Primary Industries and Regions decreased by \$50 million; reduced biosecurity expansion to the tune of \$8.7 million, with the winding up of the branched broomrape eradication program contributing \$4.8 million; SARDI—a Labor initiative I would remind the house; the Hon. Lynn Arnold was the first minister for agriculture when that was brought in—is to lose \$1 million in research and development activity expenses. Where exactly is the investment, Treasurer?

These cuts were on top of announcements in previous budgets to sell off the forests in the South-East, cut \$80 million from PIRSA, and increase fees and charges imposed on the fishing, wine, mining and farming sectors. The latest ABS statistics are extremely worrying, even more so when the Premier and the minister have, as part of their vision for our future, included our clean, green food bowl, particularly when you consider that the opening speech of this parliament by the Governor mentioned exactly that. I would hate to see what cuts and job losses the sector would have experienced if it was not a priority. In an interview on ABC following the opening of parliament in February, the Premier said:

When we talk about the clean, green food bowl...you need to realise that by 2050 the world's...food needs will double...this is a massive opportunity for us.

Premier, I agree, but what have you done about it? Overseas exports in the 12 months to July show that many commodities have decreased: wool and sheepskins down by more than 15 per cent; wine exports down by 5.3 per cent; wheat exports decreased by 5.3 per cent; and meat down on the previous year by 3.1 per cent. The Weatherill government must do more to support agriculture. If job losses and decreasing exports continue the impact to our economy will be huge.

Recently, an official of the Bill & Melinda Gates Foundation—and this was sent to me by you, Mr Deputy Speaker; I think you sent me this little newsletter and I got this out of there—the Deputy Director of Research and Development in the agricultural development program at the foundation, Rob Horsch, said that in the last 30 years the rate at which agriculture innovation had been accelerating had stalled. He went on to say:

I'm not going to try and prove cause and effect here, but it's a strong enough correlation and there's an internal logic that suggests it's probably all related—less investment, less progress, less productivity gains.

I could not agree more. What agriculture needs is real support—funding for research and development, funding to provide advisory services for farmers, and adequate staffing levels. This is an industry that contributes \$6 billion annually to our state's economy. Mining contributes \$4 billion annually and receives more support from the Weatherill government. I am asking the government to really consider turning this around in its remaining budgets.

They should also realise that we are in serious need of a very good rain, because all of South Australia above the line of Clare to Kadina is in serious need of rain. If we do not get rain in two to three weeks, on the first hot days it will be devastating to the state's economy. The crops look good, but a close look tells you that the tips are dry and the ground is dry. We have not had a decent rain in six weeks. It is different for the South-East because they are being swamped.

I want to now very briefly raise another matter, and that is the very concerning situation of our farmers' political representative body, the South Australian Farmers Federation. It is very sad. These opinions are mine and mine only, and you, sir, have made comments about this over time. You might chuckle and say, 'Well, I told you so.' It is very sad to see our key farmers group on its knees after years of great service. I have made speeches about this in the house before, and I have been quite critical, as you have commented. I want to retract that and try my hardest to be constructive and positive, but I have to be a realist as well.

Our former colleague the Hon. Rob Kerin was employed by the SAFF executive to put up a report on the way forward. I went to a meeting two weeks ago, where he tabled that report. The member for Flinders was also there. The meeting agreed to write a totally new constitution for SAFF, and the name SAFF would then disappear. I am not in favour of this for several reasons. First, SAFF has worked very well in the past, particularly 10, 15, 20 years ago, but we need to realise what went wrong so we can fix it.

Back in the eighties and nineties, SAFF worked extremely well with various commodity groups under the central SAFF umbrella executive. Along came this issue called single desk, as we know. Even after a poll of the growers, which was not fully indicative, roughly 70 to 75 per cent did not agree to a change from their current system of orderly marketing. The grains section thought better of it and decided that it would then deregulate. It decided that it would give the grains industry what it needed, not what it wanted. There is quite a difference when you think about it. That was the key thing that went wrong.

From then on there was a dispute within the grains section, so eventually the grains section was sacked, and I think the Hon. Peter Treloar was on it. It got the sack. It was a sad day, because this was an elected body. It was replaced with a selected body from the executive. It was the single biggest mistake. That was the start of the demise and the membership went into freefall. From then on we saw the disputes building up. I was very concerned that the selected group had two or three—in my judgement—troublemakers in relation to the people who wanted to get rid of single desk and fully deregulate. The fact that they sacked them all and put on the three or four who were there was concerning.

I note, sir, that you are releasing a committee report on grain tomorrow. It will be interesting to see where this comes into it. There is no sense in being negative. I strongly believe that we should not throw the SAFF constitution out. I would go through it very carefully and change it to allow the levy-paying commodity groups to operate. If you throw the whole thing out, it would take two or three years to get some consensus, for the growers to agree to anything, such is the feeling out there. Take what you have and change it; do not start again.

Also, we need totally new faces. We have to encourage new people to come in, particularly younger people. Before I sit down, I want to apologise to the people I have whacked in this place in relation to SAFF, one in particular is Carol Vincent, and also various office bearers over the years, because they did a sterling job. I only hope that we can see some end to this, but we need to exhibit some caution. Do not throw the baby out with the bathwater. Leave SAFF there, but just change it.

#### PEACEKEEPERS DAY

**Mrs VLAHOS (Taylor) (17:18):** I would like to speak this afternoon about an event I attended last Friday morning, 14 September, which was Peacekeepers Day, a commemorative service for the Australian participation in peacekeeping and humanitarian operations at the National War Memorial at Kintore Avenue in North Terrace, Adelaide. I attended on behalf of the veterans' affairs minister (minister Snelling), but I often attend these events as I have a keen interest in the

veterans' affairs and defence industry portfolio, with my electorate holding the base at Edinburgh, where the RAR and the RAAF are located.

At this particular event, which was organised by the SA Peacekeepers Sub-branch, the RSL state branch, the ADF and the RAAF Association, with the assistance of the Adelaide City Council and the Department of Planning, Transport and Infrastructure, we commemorated many people who have unfortunately either given up their lives or been injured serving our nation and helping our neighbours in humanitarian and peacekeeping operations over many years. Conducting the service was Col. Steve Larkins and Carl Aiken, a chaplain who does many good deeds in hospitals as well as with our military community, was conducting and officiating the ceremony. Brigadier Rob Atkinson who has been a longstanding member of the forces for 41 years spoke very movingly at the service. We did the ode, which is traditional at one of these services. I would like to read out to those people here their names so that we remember the honour roll of the people who have died on peacekeeping and humanitarian operations for our nation.

There were 339 Australian soldiers, sailors and airmen who died in the service of the United Nations during operations in Korea from 1950 to 1954. We also lost Lt Gen. Robert Nimmo who was in Kashmir in January 1966; Sgt Llewellyn Thomas, UNCIVPOL Cyprus, in 1969 due to a motor vehicle accident; Insp. Paul Hackett, UNCIVPOL in Cyprus, due to an accident in 1971; Sgt Ian Ward, UNCIVPOL Cyprus, in a mine incident in 1974; Capt. Peter McCarthy of the UNTSO Lebanon in 1988 due to a mine incident; Lance Corp. Shane McAliney of UNITAF Somalia in 1993 in an accidental shooting; Major Susan Felsche in the Western Sahara due to an air crash in 1993; and Lance Corp. Eisenhuth, INTERFET East Timor in 2000 due to natural causes.

Also, in Bougainville in the Asia Pacific area was Lance Corp. Shane Lewis, in 2000, due to a diving accident; Corp. Stuart Jones, East Timor in 2000 in an accidental shooting; Protective Services officer Adam Dunning, RAMSI Solomon Islands 2004 with a murder shooting; and Private Jamie Clark, RAMSI Solomon Islands in an accidental death from a fall while conducting his duties in 2005.

We also remember the six Navy and three Air Force personnel lost as a result of the Sea King helicopter crash off Nias Island in Indonesia in 2005; Private Ashley Baker in Timor Leste, November 2007; and Craftsman Beau Pridue, Operation Astute Timor Leste MVA on 15 September 2011. All of those people gave their lives for our country and deserve to be recognised in this place as much as we did on North Terrace on Friday.

#### **STATUTES AMENDMENT (SERIOUS FIREARM OFFENCES) BILL**

The Legislative Council agreed to the bill without any amendment.

#### **STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL**

The Legislative Council insisted on its amendment No. 2 to which the House of Assembly had disagreed.

Consideration in committee.

**The Hon. J.J. SNELLING:** I move:

That the disagreement to the amendment be insisted on.

Motion carried.

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (17:26):** 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 the Minister for Police, the Minister for Finance, the member for Davenport, the member for Morphet and the mover be managers of the conference on the part of the House of Assembly.

Motion carried.

At 17:27 the house adjourned until Wednesday 19 September 2012 at 11:00.