HOUSE OF ASSEMBLY

Tuesday 16 October 2012

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

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:02): I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:02): I move:

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

Motion carried.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDER ASSETS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:02): I move:

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

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) (11:05): Obtained leave and introduced a bill for an act to amend the Criminal Assets Confiscation Act 2005. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:05): 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.

Labor's 2010 Serious Crime election policy stated that 'This proposal will amend the *Criminal Assets Confiscation Act*…to target persistent or high level drug offenders to provide for total confiscation of the property of a "Declared Drug Trafficker"'. The policy details were:

New powers will be given to the Director of Public Prosecutions to allow criminal drug dealers who commit three prescribed offences within a span of 10 years to be 'declared a drug trafficker.

Under this proposal, which targets high level and major drug trafficking offenders, all of a convicted offender's property can be confiscated, whether or not it is established as unlawfully acquired and whether or not there is any level of proof about any property at all. Property and assets could also be restrained pending prosecution of matters before the court.

The legislation will attack repeat drug offenders. The offences that will attract the declaration if committed 3 or more times within a span of 10 years include:

- *Trafficking in controlled drugs;*
- *Manufacture of controlled drugs for sale;*
- *Sale of controlled precursor for the purpose of manufacture;*

- *Cultivation of controlled plants for sale;*
- *Sale of controlled plants; and*
- *Any offence involving children and school zones.*

The Bill, with a modification, fulfils this election pledge.

Prescribed Drug Offenders

The idea that all of the property of certain drug offenders (described in the Bill as prescribed drug offenders) should be confiscated, whether or not it has any link to crime at all and whether or not legitimately earned or acquired, originated in the Western Australian *Criminal Property Forfeiture Act 2000*. If a person is taken to be a declared drug trafficker under either section 32A(1) of the *Misuse of Drugs Act* of that State or is declared under section 159(2) of the *Confiscation Act*, then, effectively, all of their property is confiscated without any exercise of discretion at all, whether or not it is lawfully acquired and whether or not there is any level of proof about any property at all. The two situations are a convicted drug trafficker of a certain kind and an absconding accused. The first category is the most general.

With respect to convicted drug offenders, there are two situations catered for. The first is the repeat offender. The second is the major offender (whether repeat or not).

The repeat offender is caught if he is convicted on a third (or more) offence for nominated offences within a period of 10 years. The nominated offences are: possession of a prohibited drug with intent to sell or supply, manufacturing or preparing; or selling or supplying, or offering to sell or supply, a prohibited drug; possession of a prohibited plant with intent to sell or supply, or selling or supplying, or offering to sell or supply, a prohibited plant; attempting to commit these offences; and conspiring to commit these offences.

The major offender is caught if the person commits any one offence at any time about a prohibited drug or prohibited plant that exceeds a prescribed amount. Those amounts are prescribed in Schedules to the Act (not regulations) and list, for example, 28 grams of amphetamine, 3 kilograms of cannabis, 100 grams of cannabis resin, 28 grams of heroin and 250 cannabis plants.

Section 159(2) says that a person will be taken to be a declared drug trafficker if the person is charged with a serious drug offence within the meaning of section 32A(3) of the *Misuse of Drugs Act 1981* and the person could be declared to be a drug trafficker under section 32A(1) of that Act if he or she is convicted of the offence, and the person absconds in connection with the offence, or dies, before the charge is disposed of or finally determined. A serious drug offence within the meaning of section 32A(3) of the *Misuse of Drugs Act 1981* means a crime under section 6(1), 7(1), 33(1)(a) or 33(2)(a) of that Act. The content of these crimes has been outlined immediately above.

The Northern Territory *Criminal Property Forfeiture Act* contains very similar provisions, obviously modelled on the Western Australian Act. However, the Northern Territory Act contains only the repeat offender version of the first category and extends to death and absconding. It does not contain what is described as the major offender category described above. No other Australian jurisdiction has anything like either of these Acts.

Under the WA scheme and its counterpart in the Northern Territory, all of the declared drug trafficker's assets are subject to forfeiture—everything. The Government has taken the view that it will ameliorate the harshness of the scheme by providing that the prescribed offender forfeit everything except what a bankrupt would be allowed to keep. These rules are to be found in regulation 6.03 of the Commonwealth *Bankruptcy Regulations 1996*. The lists are extensive, but the general principle is:

> *Subsection 116(1) of the Act does not extend to household property (including recreational and sports equipment) that is reasonably necessary for the domestic use of the bankrupt's household, having regard to current social standards.*

High Level or Major Traffickers

Whether or not a person can be presumed to be, in common usage, a high level or major trafficker will depend largely, but not wholly, on the amount of the drug with which he or she is associated. The SA amounts listed in the SA *Controlled Substances (General) Regulations* as indicating commercial activity are those prescribed as a result of a national consultative process fixing amounts on the basis of research across Australia on the actual activities of the illicit drug markets informed by police expertise. The obvious way to proceed is to fix on the amounts already settled.

Repeat Offenders

The legislation also attacks repeat offenders. The key to this category is settling the offences to which it applies—that is, what offences will attract the declaration if committed 3 or more times within a span of 10 years. The Bill says that the offences to which it should apply are serious drug offences that are indictable. These are those offences listed in that part of the *Controlled Substances Act 1984* under the headings 'Commercial offences' and 'Offences involving children and school zones'.

The Fund

The proceeds from the existing criminal assets confiscation scheme must be paid into the Victims of Crime Fund (after the costs of administering the scheme are deducted). It is proposed that funds raised by the application of this new initiative be devoted to another fund, to be called the Justice Resources Fund. This Fund will be devoted to the provision of moneys for courts infrastructure, equipment and services and the provision of moneys for justice programs and facilities for dealing with drug and alcohol related crime. Disbursements will not overlap with those

made from or eligible for moneys from the existing Victims of Crime Fund. The Government does not believe it to be proper that money from the Fund be spent on law enforcement or criminal investigation purposes.

Other Aspects of the Scheme

The Western Australian scheme has also been modified so that a court has a discretion to ameliorate the inflexible application of this scheme if the offender has effectively co-operated with a law enforcement agency relating directly to the investigation or occurrence or possible occurrence of a serious and organised crime offence. For these purposes, a serious and organised crime offence is defined in a way that mirrors the definition in the *Australian Crime Commission (South Australia) Act 2004*. Every encouragement should be given to serious criminals to inform on their co-offenders and any criminal organisations to which they belong or are party.

As is the case with the WA and NT legislation, a person is a prescribed drug offender where there is sufficient evidence to conclude that a person would have been liable to be a prescribed drug offender and the person either absconds or dies.

The Bill also adopts the Northern Territory innovation that the time period of 10 years in relation to the repeat offender does not run if and while the offender is imprisoned.

This Bill was originally a part of the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill 2011*. The Opposition, with the support of sufficient independents, saw fit to strip out and defeat the substance of this Bill. This time they will have to vote against it as a Bill if they intend the same result.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by this measure.

5—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to include, or to consequentially amend, definitions of terms used in respect of the amendments made by this measure.

6—Insertion of section 6A

This clause inserts new section 6A into the principal Act. It sets out what is a prescribed drug offender, namely a person who is convicted of a commercial drug offence after the commencement of the proposed section, or who is convicted of another serious drug offence and has at least 2 other convictions for prescribed drug offences, those offences and the conviction offence all being committed on separate occasions within a period of 10 years. However, the 10 year period does not include any time spent in government custody. The proposed section makes procedural provision in respect of the convictions able to be used in the determining whether a person is a prescribed drug offender. The proposed section also defines key terms used in respect of prescribed drug offenders, including setting out what are commercial and prescribed drug offences.

7—Amendment of section 10—Application of Act

This clause makes a consequential amendment to section 10 of the principal Act.

8—Amendment of section 24—Restraining orders

This clause inserts new subsection (5a) into section 24 of the principal Act, which prevents a court from specifying protected property (the definition of which is inserted by this measure) in a restraining order unless there are reasonable grounds to suspect that the property is the proceeds of, or is an instrument of, a serious offence.

9—Amendment of section 34—Court may exclude property from restraining order

This clause amends section 34 of the principal Act by inserting new subparagraph (ia), adding to the list of matters a court must be satisfied of before it may exclude property from a restraining order. The subparagraph is divided into parts dealing with where the suspect has, and has not, been convicted of the serious offence to which the restraining order relates.

The first such matter is that the court can only exclude property where the suspect has not, or would not, become a prescribed drug offender on conviction of the serious offence. Alternatively, the property may be excluded if the court is satisfied it is not owned by, nor under the effective control of, the suspect in the circumstances spelt out in the provision (even if the suspect is, or will be upon conviction of the relevant offence, a prescribed drug offender).

The power to correct an error in respect of the inclusion of the relevant property when making the restraining order is given to the court because the property restrained in respect of prescribed drug offenders is not necessarily proceeds nor an instrument of crime.

10—Amendment of section 47—Forfeiture orders

This clause amends section 47(1)(a) of the principal Act to include the fact that a person is a prescribed drug offender as a ground for the making of a forfeiture order under that section (provided that the relevant property was owned by or subject to the effective control of the person on the conviction day for the conviction offence).

11—Amendment of section 57—Relieving certain dependants from hardship

This clause makes a consequential amendment due to the amendment of section 47(1)(a) by this measure.

12—Amendment of section 58—Making exclusion orders before forfeiture order is made

This clause amends section 58 of the principal Act to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

13—Amendment of section 59—Making exclusion orders after forfeiture

This clause amends section 59, consistent with clause 15, to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

14—Insertion of section 59A

This clause inserts new section 59A into the principal Act. That section allows a person to apply for property to be excluded from a restraining order because the person has cooperated with a law enforcement authority in relation to a serious and organised crime offence, be it one that has occurred or may occur in future.

The mechanisms and procedures in relation to an order excluding the property are similar to other such provisions in the principal Act.

15—Amendment of section 62A—No exclusion or compensation where forfeiture taken into account in sentencing

This clause makes a consequential amendment to section 62A (proposed to be inserted by the *Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2012*).

16—Amendment of section 76—Excluding property from forfeiture under this Division

This clause amends section 76 to prevent exclusion of property owned by or under the effective control of a prescribed drug offender (other than protected property).

17—Insertion of section 76AA

This clause inserts a provision similar to the provision in clause 14 allowing for exclusion from forfeiture based on cooperation with a law enforcement agency.

18—Amendment of section 76A—No exclusion where forfeiture taken into account in sentencing

This clause makes a consequential amendment.

19—Substitution of section 203

This clause amends the structure of section 203 of the principal Act to reflect the changes made by this measure.

20—Amendment of heading

This clause is consequential.

21—Amendment of section 209—Credits to Victims of Crime Fund

This clause is consequential.

22—Insertion of section 209A

This clause provides for the establishment of the Justice Resources Fund, to be administered by the Attorney-General, and for the proceeds of confiscated assets of prescribed drug offenders to be paid into the fund.

Ms CHAPMAN (Bragg) (11:06): We are back here today for the third time to deal with an amendment to the Criminal Assets Confiscation Act in an attempt by the government to fulfil what it says was its 2010 election promise. Consistent with its general wave of 'tough on law and order', the government announced that it would be tough on declared drug traffickers and that the way in which it was going to deal with this would be to ensure that repeat drug offenders would have available for confiscation, once they were declared, all assets, whether they were acquired legally from ill-gotten gains or directly from the crime for which they had been convicted.

In this state, we have comprehensive and effective asset confiscation laws which have had the support of the opposition in their development under this government and which are clearly designed to ensure that criminals understand very clearly that, if they break the law, the fruits of their ill-gotten gains will be able to be taken from them and, indeed, from parties who might have been associated with that venture. That is entirely appropriate. On the information we have, that is an effective mechanism.

My understanding is that frequently what happens is that, when an application is made for confiscation, the recipient of that notice does not even defend it and, as a consequence, very significant amounts of money—indeed, millions of dollars in assets—are able to be taken from them and are able to be applied as part of government expenditure for the provision of services to the people of South Australia. All of that is good. It works, it is effective, and it is right.

The opposition's position, however, in respect of this announcement during the election has been to say that that is unacceptable. Indeed, when the government introduced a bill similar to this one but including provision for miscellaneous reforms, to which I will refer during debate on the bill which is to follow, we made it absolutely clear the last time we were here, back in July I think it was, that that would be our position—indeed, with the support of members of the minority parties and the Independents in the Legislative Council. They, too, saw the benefit in ensuring that we do not go too far; that is, in going too far, to be able to take convicted offenders' property which had been their legitimate asset.

The government's reaction to that is to say, 'We will sever the bills. We will take this portion, together with a victims of crime application issue, and put it in one bill,' which is the bill we are currently discussing. Other issues are to be appropriately remedied and, in due course this morning, the opposition will be supporting that second bill. Their way of managing this is to separate the two aspects that, clearly, are offensive to the opposition and also offensive to right-thinking sensible people in another place who have said that it is an abuse of the power all to try to fulfil an exaggerated unnecessary claim that was presented at the time of the election.

I have said this before and I will say it again: it is quite reasonable for a new government—the new Weatherill government—with a new leader and a new Attorney-General to put behind them into the past acts of lunacy that were projected or proposed or published by the previous government. In fact, the Premier has come into this house and said, 'Under my government, there will be a level of civility in the operation of my ministers and I, in the parliament and externally. We will have a new regime in relation to the transparency, accountability and openness of government. We will not be doing announce and defends.' He set out, almost a year ago now, the level of expectation he had for his new government. He drew a line in the sand (except he did not quite draw a line in the sand in relation to Lance Armstrong), and he came in here and said, 'I am the new Premier and this is going to be the new regime.'

Similarly, we saw that the Attorney had distanced himself from a number of actions and statements of the former attorney-general—his predecessor, the member for Croydon or, as I like to say, the member for Spence, as he should rightfully be known, of course. The member for Croydon had a quirky objection to his own seat in removing the name of Spence from his own electorate, for goodness sake. Catherine Helen Spence was one of the greatest and most renowned suffragettes in this state. Of course, he rejected her even as the name for his own electorate—shame on him.

He had some quirky things, and I will have a little bit more to say about him later in the week. However, on this issue, he made some unusual statements, and he had some rather peculiar ideas. We find that, unfortunately, when the new Attorney-General had the opportunity to draw a line in the sand himself, as the Premier had done in distancing himself from his predecessor, he did not do so. He comes in here, for the third time now, to try to push this through the parliament, to have the accolade of any other shock jocks out there that he can get support from and to march through and try to mince this parliament into submission over this issue. It was not acceptable to us then and it is not acceptable to us now. I think it is rather insulting that the government should come in to say, 'We are now going to separate the bills and we are still going to press ahead with this.'

The government would be better served telling us what, in fact, they have been doing to deal with repeat drug offenders—what they have been doing to catch them, what they have been doing to prosecute them and how effective they have been at it—in relation to making sure that we stamp out this serious crime, organised as it often is, and that we must therefore be vigilant about. But no, they do not come and tell us what they have not done: they come to us with a ridiculous

idea from the former government which they have perpetuated for the third time in an attempt to push it through this parliament. We will not surrender on that, and that is the position.

The second aspect of this bill, which is also totally offensive to the opposition, is that the government is hell-bent on raiding any fund they can find to prop up their own budget. The initiative that they propose is that the proceeds from the criminal assets confiscation scheme are, under these amendments, to be paid into the Victims of Crime Fund, and those funds are to be available for what they say is a new initiative in another fund to earmark it for the provision of moneys for courts, infrastructure, equipment and services, and the provision of moneys for justice programs and the facility for dealing with drug and alcohol related crime. It is to be called the justices resources fund. Well, what happened to the budget? What happened to general revenue?

Why is it that victims of crime—victims of crime, for goodness sake—who this government for the last 11 years has pretended to be the friend of, should suddenly have their fund raided for the provision of services, which, for as long as I can remember and certainly before, has been provided for under general revenue? It is shameful. It is not the first time they have tried to do this. We have already had examples before this parliament where attempts have been made to redirect the resources and funds that came into the legal practitioners fund. That is a fund which enjoys revenue from the interest of clients of solicitors who invest in trust accounts.

Of course, banks should not get the windfall; that is fair enough, but the money from that goes into a fund to ensure that victims of the conduct of a legal practitioner who have suffered a loss and/or are adversely affected can have a legitimate claim, having reached certain thresholds, and have some compensation for that misappropriation, or at least inappropriate conduct of a legal practitioner. What has the government tried to do? It has already come to this parliament and tried to raid that so that it has some control over the direction of those funds.

We have a real estate review out for consideration at the moment. There is no bill before the parliament; I do not know when that is coming. In that instance there is an indemnity fund where the deposits that people pay for the purchase of properties—homes and the like—is accumulated in a fund, and I think there is over $100 million in that fund now. And that is a fund which the government wants to get its greedy little hands on so that it can direct the payment of expenses that have historically (and should continue) been paid out of general revenue.

It is the case that the government is so short of money that it has to pick up the annual report from the budget papers and go through this long list of funds which have been dedicated historically for a specific purpose, which is to provide for victims (usually) of inappropriate conduct by others and to which the government has made no direct contribution. It wants to be able to use it for its education purposes, the payment of its enforcement officers and the infrastructure of courts, for example, in this instance.

I heard the other day about the boat levy where people pay money into a fund. I am not quite sure how that works, but that is in that great long list. Money is paid in when you pay your boat registration—you pay a levy—and there is specific provision to protect those funds to be applied under the direction of a panel (appointed by the minister) to determine where around the state marine facilities might best be developed. That is my understanding. They make that determination—obviously the minister—because government funds go into that fund and, in addition to that, it is supplemented by taxpayers' funds and, therefore, they can make those decisions.

I only heard the other day that that is under threat, that the government wants to try to get its grubby little hands on that. It seems to me it is just going through the list of all of these funds which are held on behalf of others. There are little funds for transport, for water in far-flung parts of the state. There are all sorts of little curious funds. It is an interesting read going through that whole list.

This is just another example. Treasurer Snelling is so cash-strapped that the government wants to come in here and say that now the victims of crime people are going to be deprived of a part of a benefit of a fund which has tens of millions of dollars in it because the government needs it to prop up the court infrastructure process, to fix up the computers and to provide for services. That is a disgrace and the opposition will not be complicit in supporting one consideration, one aspect or one movement towards the alienation of those funds from their proper purpose. The proper purpose in this instance is for victims of crime.

I am appalled at the history of this government in their failure to deal with all of the victims of crime that we had through the Mullighan inquiry. We have had people who have come forward

and we have had a disgraceful display of delay and obtuse interference with settling the reasonable claims of the people who agonised over giving their evidence to the late Ted Mullighan, who was the commissioner in that instance.

The SPEAKER: Point of order. The Attorney-General.

The Hon. J.R. RAU: Interesting and inaccurate though the remarks are that we are now having the privilege of listening to, they are not relevant to the matter before the chamber. It might be helpful if the honourable member confined her remarks to the matter that is actually before us presently.

The SPEAKER: I refer the member back to the substance of the debate.

Ms CHAPMAN: The Victims of Crime Fund—and I will refer specifically to the contribution that has been tabled and received into the parliament as taken as read this morning—confirms with the bill that the funds from the criminal assets confiscation scheme are to go into a justice resources fund. This is money that will be applied for the purposes of infrastructure, services and equipment for the courts. The opposition thinks, with the convincing report of a majority of people in another place, that it is unacceptable to deprive victims of crime, who should be the beneficiaries of these moneys, because the government wants to apply it towards infrastructure and services which should come out of general revenue. It is shameful.

The Attorney-General can complain all he likes, but this is very much on point. It is not acceptable that those moneys be used for a purpose when we have developed the confiscation legislation in this parliament over a number of years not only as an instrument of discipline and penalty towards those who offend but also clearly with the purpose of making provision for that to go into the victims of crime fund. However, the government says, 'We now want to take a whole lot of other assets from these people, but we're not going to put it in the victims of crime fund, we're going to take it and put it in a justice resources fund.' That is not acceptable and I will not participate in supporting the proposal of the government, third time around, to try to prop up their budget at the expense of others.

I also make the point that this fund not only has over $70 million in it—I think much more than that now—but it also has an obligation to meet with it the payment out to victims of crime. Under our victims of crime legislation, people can apply for up to $50,000—I think it is still at that limit—if they were the victim of an assault or something personal to them. It is not for property damage, but as a personal victim. Those funds should be available to them. In the course of that, there have been reports backed by this government as to how they have progressed, settled and sold out—I make the point—the victims of crimes in the Mullighan inquiry. I will not see a situation where the government is targeting one thing—

The Hon. J.R. RAU: Point of order.

The SPEAKER: Order, member for Bragg! Point of order, Attorney-General.

The Hon. J.R. RAU: This is not about the Mullighan inquiry. The remarks being made about the Mullighan inquiry people are, amongst other things, inaccurate, but we are not even talking about that, so that is not relevant at all. It is not even about the Victims of Crime Fund, and if the point the honourable member is making is that this is not the Victims of Crime Fund but another fund, the penny has dropped. I got it. So can we please get on to the rest of it, because I have understood the honourable member's point. I heard it last time we were here; I understood it then and I still understand it, but the discourse about Mullighan is not really relevant to the rest of the bill. I have heard it, and I understand the honourable member's point.

The SPEAKER: Thank you. I think your point of order was relevance, and I hope the member for Bragg has taken that on board.

Ms CHAPMAN: I am happy to, and I am thrilled that the penny has finally dropped with the Attorney. This is the third time we have been here on this issue; finally—click, click, click, click, click—the penny has dropped, and he actually understands that we do not accept that the deprivation of victims of crime from the proceeds of this windfall is not acceptable to go into this fund.

I make the point though, that one of the reasons for this is because we need more money to pay to victims of crime, and some of them have been those victims of sexual offences. So it is reasonable and it is not irrelevant; it is relevant alright, because there are funds sitting there. These people have been paid off—I think shamefully and inadequately, those who have got settlements—

and we have a situation where the government is saying that we are going to have more confiscation because the funds that should be coming into the victims of crime they want to go into this dedicated fund.

Here we have an Attorney-General who says, 'I understand that. I get that; that's fine. I understood it last time.' If he understood it last time, what on earth are we doing here again? Why did the government not take notice not only of the opposition, and how shamefully inequitable that is, but of the other place, that also will not tolerate that scavenging, scrounging around, Snelling approach to pinching money from people who deserve it?

The other statement I want to make is in relation to the separation. The government has held up a number of improvements and initiatives over the last two years since the election, as to what is necessary, what has been the determination of the courts, to fix some of the confiscation law. We have at all times been prepared to deal with that, so this tactic of the government, coming in two years later with a separate bill as distinct from the separating of the offensive aspects right from the start, or at least the second time, is, I think, scandalous. These things should have been fixed up a long time ago, as they were dealt with.

But here we go, the government wants to try to sneak through its reforms with the pressure of trying to publicly say, 'Well, the opposition is being unreasonable. It's holding up these things in the bill.' We could have done this 18 months ago but, no, the Attorney-General decides he want to press on with these offensive aspects without agreeing to put through sensible reform, which we have supported throughout this debate.

It is a rather childish approach of the government. It is like being a little toddler spitting the dummy. If it does not get what it wants on something, it wants to have some other reason to go on the Leon Byner show or to be able to give some offensive spray at the opposition for doing its job—which is to identify what is appropriate and necessary, what is good reform—to throw out, or cast out, some criticism of the opposition because of the hold-up on this.

I think one of his more recent statements was to say, 'the opposition, with the support of sufficient Independents, saw fit to strip out and defeat the substance of this bill. This time they will have to vote against it as a bill if they intend the result.' What kind of nonsense is that? That is just a childish, juvenile, toddler approach to not getting its own way. We would like to put on the record that we have been absolutely clear that, when reform is appropriate, it should be addressed so that the passage of the bill can be dealt with.

The government could have signed up to that and come back with another bill to deal with this if it wanted to, but, no, it just wanted to diminish that, not let the bill go through as amended, and press ahead again. The opposition will not be moved on this, and the government, hopefully, will finally get the message that we will not be moved. The government can try all sorts of sneaky ways of packaging things up or separating them off, but we will not be moved.

Finally, I am not quite sure why the government has proposed to press on with the Criminal Assets Confiscation (Prescribed Drug Offender Assets) Amendment Bill 2012 before the miscellaneous bill, but I point out to the Attorney that this bill actually relies on the passage of the other bill to be effective, and we have not dealt with it yet. I think that has something to do with the arrogance of the government. It just presumes that it has the numbers in the lower house, so bugger the way the matter is procedurally listed: 'It doesn't matter; we'll get our way, anyway.'

For the record, the Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2012 makes provision for clause 10—which relates to section 62A of the assets bill, that is this bill, what I call the principal bill—to be amended under clause 15, which also relates to section 62A. Secondly, clause 14 of the miscellaneous bill needs to be passed before clause 18 (which relates to section 76A) can have effect.

It is just so typical of the government. It does not care what the opposition says. It does not worry about procedure or process or the orderly management of bills. That seems to be irrelevant to the government. It just seems to think, 'Well, this is what we'll shove through and they're not going to have a say on it.' However, I make the point that, if for some reason I were struck down by lightning in the next 15 minutes and the Attorney-General was shot and we had not actually got to the miscellaneous bill, then this bill would be in a bit of trouble—just a touch. So, in future, we would expect the government to treat the parliament with some respect and get it right and ensure that, at the very least in the introduction of these bills, it gets them in the right order.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:33): I thank the honourable member for Bragg for her contribution on this matter. I certainly do not wish her to be struck by lightning because I for one would be the poorer for not being able to have contributions from her in this place, and I certainly do not want to be shot. The honourable member's contribution on this bill, which I have now heard for the third time, is getting better. It is actually more refined than it was originally, less discursive and it is keeping more to the topic, and I applaud that.

I just want to make a few brief points. The first is that this was an election promise, and we are bound to try to bring into the parliament things which we promised the public we would bring forward. Yes, the promise was made prior to the 2010 election; however, since that time, it has been my privilege to be the Attorney, and I have tried to do what the public elected the government to do for this term, a part of which is this.

The second thing is to address the very good technical point about this being out of order with the other bill. Technically, I think the honourable member is correct although, hopefully, the two will pass from this place together and that technicality will not be of any practical significance. However, she did ask the rhetorical question: why put this one on first? There are really two answers to that, the honourable member for Bragg: one is that I think that the clerks decided they liked the sound of this one better and so it came first.

Ms Chapman: Blame the clerks!

The Hon. J.R. RAU: I do not know, but I think the clerks actually do have some discretion. They look through the bills, they decide which ones they like the sound of and they—

Ms CHAPMAN: Madam Speaker, the Attorney-General has just made a statement that, personally, I think is insulting to the clerks of the parliament.

The SPEAKER: Thank you.

Ms CHAPMAN: I make the point of order, and I think that the Attorney-General should apologise for trying to diffuse and deflect the blame of something which is entirely his responsibility.

The SPEAKER: I am not sure that we have a standing order that relates to the clerks; however, thank you, member for Bragg.

Ms CHAPMAN: We should have, and he should apologise.

The SPEAKER: The clerks do not look particularly traumatised, but perhaps you had better be careful in your—

The Hon. J.R. RAU: Indeed.

The SPEAKER: —accusations, Attorney-General.

The Hon. J.R. RAU: I do not believe there is a standing order reflecting on the clerks, but can I say to the clerks: if I have in any way made either of you feel uncomfortable I sincerely apologise and withdraw. Also, if what I am saying is right, please let me know because you will help me out with the member for Bragg.

The other reason that this bill came on first is that in preparation for today I did look back over what had passed on previous occasions, and I suspected that this would be the one of the two that the member for Bragg would be most critical of.

Ms Chapman interjecting:

The Hon. J.R. RAU: If we can finish this shortly, we can go. This is the one that I thought the honourable member would be most critical of and, Madam Speaker, to be perfectly frank with you, I thought that, as I was going to get a hiding, I might as well get it first up, so I decided to take my medicine up-front rather than have to sit here becoming more and more anxious about what would happen when we got to this bill. I thought, 'Rightio, just front up and cop it.' That is what I have done and that is why it came first, aside from the other speculation I entered into.

The business about the justice fund, I get it and understand what the honourable member is saying; we just have a difference of opinion about it, that is all. The honourable member would be aware that the Victims of Crime Fund is an important fund. I do not disagree with her at all about that. I do disagree with some of her remarks about the way in which we have handled the Mullighan people but, never mind, that was a diversion.

I do not know if the honourable member has had any communication with people in the justice system, but I do not think they have the same hostility towards this provision the honourable member does. I think they would actually welcome having some dedicated resource they could have regard to. We have a difference of opinion about that, so I guess we have to agree to disagree on that particular topic.

However, I do acknowledge that the Victims of Crime Fund is very important and I acknowledge that we should be doing everything we can to assist victims, and I am happy at any time to sit down with the member for Bragg and talk about how we can do better with what we have in the Victims—

Ms Chapman interjecting:

The Hon. J.R. RAU: Indeed, and that was a terrible affair. It is an ongoing matter, so I will not comment about the detail, but I was personally shocked about that. I do not think I really should comment any further, but that is a terrible matter.

I gather from what the honourable member has had to say that perhaps the second bill (which logically should have been the first perhaps) will receive a warmer welcome than the one we are presently dealing with, so I will let that go a bit. The honourable member referred to me giving what she described as an offensive spray to the opposition for doing their job; I guess that is a fair cop in this place. She also introduced the analogy of a toddler wandering around spitting a dummy out and so forth. I would like to offer an analogy to the honourable member, since she has picked up on the toddler theme, and it goes something like this.

The honourable member talks about how legislation that the government prepares receives 'improvement' in another place. That is a favourite word of the Hon. Mr Wade. He rather styles himself as an 'improvalist': he 'improves' things frequently. From our point of view, having spent a lot of time on a lot of legislation, I think the toddler analogy is pretty good. If you spend years, literally, working on a piece of legislation and it is the legislative equivalent of a Titian or a da Vinci or a Rubens, and you carry it lovingly down to another place and the toddlers come out with the crayons and put buck teeth on it and moustaches and eye patches, it is a bit disconcerting.

The Hon. S.W. Key: Driller Jet Armstrong.

The Hon. J.R. RAU: Yes, a bit like Driller Jet Armstrong. Actually, that is a good point, that is a real-life analogy.

Ms Chapman: Armstrong?

The Hon. J.R. RAU: Driller Jet Armstrong. You might recall he interfered with Mr Bannon Sr's painting some years ago. I think it ill behoves the opposition to talk about 'improvements' because that is not always the case.

Anyway, I acknowledge that, under all of this, there are really two issues. The first is that we made a promise at the election which we are attempting to fulfil; and, secondly, the opposition does not agree with the discrete fund for the provision of justice services. That is a philosophical objection, which I acknowledge and respect but it is one we are not going to agree on. I guess it is a matter of the other place doing whatever it is going to do with this in due course and we will see what the legislation looks like later on.

I do not think there is really much else we can say about this. We have a philosophical objection to the justice fund. We have what, to me, is still a mysterious objection to the idea of basically bankrupting repeat serial drug traffickers. Quite frankly, I do not know why anyone has any sympathy for them and why people are wringing their hands and worrying about these poor criminals who might be losing their assets in circumstances where these people are peddling misery in the community at enormous profit to themselves.

They are consuming enormous resources in the health sector and enormous resources in corrections—not enough resources in corrections, because they are not there long enough. Meanwhile, when they get out of gaol, they go home to the Maserati and the li-lo next to the swimming pool and the rather large glass with the umbrella in it and the multicoloured drink, and it is all good. It is not bad: you spend a couple of years growing turnips at Her Majesty's pleasure—it is not the best accommodation in the world, but there are worse places—but then you go back to business as usual and back into the swimming pool.

For the life of me, I cannot see why the opposition has a problem with saying that these characters should not be able to do that. I just do not get it—I just do not. Anyway, that is their point

of view, and they are making it clear enough that they do have sympathy for these people. They do think that repeat serious drug offenders deserve a light touch. That is fine: I am not saying they are not entitled to that view, but I do not understand why they have that view. That is the bit I do not get. Anyway, never mind. That is what it is about. We clearly have a difference of opinion, Madam Speaker.

I will finish where I started. I appreciate the honourable member having been quite succinct in her remarks and, aside from wounding me several times with savage criticism, having been pretty much to the point. I wish the bill a speedy passage.

Bill read a second time.

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:45): I move:

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

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members is not 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) (11:47): Obtained leave and introduced a bill for an act to amend the Criminal Assets Confiscation Act 2005. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:48): I move:

That this bill be now read a second time.

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

Leave granted.

The contents of this Bill were originally a minor part of the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill 2011*. The Opposition, with the support of sufficient independents, saw fit to strip out and defeat the substance of that Bill. They revealed no opposition to the necessary miscellaneous amendments proposed and so this Bill is designed to propose those amendments again.

The Bill makes amendments in three general areas.

Pecuniary Penalty Provisions

The Bill also amends the pecuniary penalty provisions of the Act. The necessity for this amendment arose directly from the decision of the Full Court in the case of *DPP v George* [2008] SASC 330. The appellant George was convicted of an offence of producing cannabis. The subject of the charge was 12 mature cannabis plants and 20 seedlings with roots attached. The plants were being grown hydroponically in a shed on his residential property in Seacombe Gardens. He was also convicted of knowingly abstracting (stealing) electricity. He was fined $2,500 for both charges. Under the law applicable at the time the maximum penalty for this offending would have been 25 years imprisonment. Under current law, 10 plants is a trafficable quantity and he was over that, not counting seedlings, so there would be a presumption of sale.

The DPP intended to pursue the defendant under the *Criminal Assets Confiscation Act*. Accordingly, a restraining order was placed over the residential property. After conviction, the defendant applied for an order excluding the property from forfeiture. In the meantime, the DPP applied for a pecuniary penalty order forfeiting a sum of money equivalent to the defendant's interest in the property. The house was valued at $255,000 with a mortgage of $164,731. It follows that the pecuniary penalty would have been about $90,000. It can be accepted that the defendant would have to sell the property to pay the pecuniary penalty.

The question then arose whether the court had a discretion whether to impose a pecuniary penalty order or not. On the face of it, the legislation seemed to say that there was no discretion. The legislation says that the court must make a pecuniary penalty order about the proceeds of a crime or an instrument of crime. All had assumed hitherto that 'must' meant 'must' and that was that. The magistrate below had threaded a way out of what he thought to be an injustice by holding that the house and land were not instruments of crime. That was an ingenious argument and the Supreme Court on appeal divided 2/1 on the facts, holding that the property was an instrument.

But White J, with whom Doyle CJ and Vanstone J agreed on point, said that must did not mean must. There was a discretion after all. The key passage was:

Moreover, the construction for which the DPP and the Attorney-General contend has the potential to bring the administration of justice into disrepute. This is likely to engender a lack of respect for such proceedings and the authority of the courts conducting them is likely to be undermined. The DPP could, for example, take the attitude before a court hearing an application under ss 47 or 76 that its decision will be immaterial, and conduct the proceedings accordingly. It is inimical to proper respect of judicial authority for one party to an application before the court to be able to take such an attitude.

I referred earlier to the absence of any provision in the CAC Act which would enable a court to take account of, or to ameliorate, the harsh consequences of a PPO or the interests of others in the subject property. Nor is there any provision enabling the court to take account of the public interest in the way in which s 76(1)(c) requires in relation to statutory forfeiture. The absence of such provisions is stark if s 95(1) is construed as obliging a court, upon satisfaction of the specified matters, to make a PPO. It is difficult to identify any reason why Parliament should have considered provisions to that effect to be appropriate in relation to forfeiture orders, but not in relation to PPOs. Similarly, it is difficult to identify any reason why Parliament should have intended consideration of the public interest to be relevant in relation to applications for exemption from statutory forfeiture, but not in relation to PPOs. The absence of provisions permitting a court to ameliorate the harsh consequences of a PPO, or to consider the public interest, loses much of its significance however if s 95(1) is construed as vesting a discretionary power, rather than imposing an obligation. (emphasis added)

The lesson was plain. 'Must' does not really mean 'must' because of the harsh, arbitrary and unjust consequences it would bring. 'Must', said the Court, really means 'may'. The Act is amended to fix this. This State should not have on the books a law that is thought to be so unfair and unjust that a Court has to strain the ordinary use of language in that way in order to bring about a fair result. The amendment gives the court a discretion to impose a pecuniary penalty in relation to instruments of crime, just as it does in relation to the forfeiture of instruments of crime. That discretion is informed by an inclusive list of factors identical to those legislated in relation to the forfeiture of instruments of crime.

Restraining Orders

In the course of deciding the main issue in *DPP v George*, the court, (particularly the contribution of White J) points out another technicality that poses problems. In summary:

- The Act contains provision for what is known as 'automatic forfeiture'. The essence of the scheme is that property subject to a restraining order will be forfeited by operation of law after the expiry of a certain time period after conviction.
- The only way for a defendant (or any other interested party) to escape this process it to apply for and win an order excluding property from the restraining order.
- White J pointed out that a literal reading of the Act could say that the property will be automatically (and irretrievably) forfeited even though an application to exclude that property is on foot and has yet to be resolved. He regards such an outcome (with considerable justification) as unfair and unjust.

White J held that this problem deserved the attention of the Parliament. His Honour did not observe that the legislation permits a person in this position to apply to the court for an 'extension order', which has the effect of postponing the automatic forfeiture. But that omission is in itself telling. The system is just too complicated. And the necessity for a separate extension order is not obvious. If the applicant for an exclusion order knew about it, he or she would surely apply for it and, equally surely, a court would grant it routinely in order to avoid the injustice to which White J referred.

The problem is fixed in this Bill. The way in which it is done is to abolish what used to be called extension orders as a separate phenomenon and instead provide that any person may apply for the exclusion of property from forfeiture and, when that application is made, the forfeiture of property is subject to an extended period terminating when the application for exclusion is finally determined.

Other Amendments

South Australian Police and the DPP asked for an amendment to the Act so that a person who is the beneficiary of a discretionary decision to discount a sentence because of the consequences of forfeiture cannot also be the beneficiary of an amelioration of forfeiture for the same reason. In other words, the defendant cannot get the same benefit twice. This has been done, except for those who have co-operated with law enforcement in cases of serious and organised crime, who may get a sentence discount for their co-operation and also a discretionary form of relief from total forfeiture under the prescribed drug trafficker scheme contained in this Bill. The reason for that is good public policy—every encouragement should be given and every lever should be applied to those who are in a position to inform on serious and organised criminals.

The Bill makes minor amendments to clarify the provisions relating to the forfeiture of a security given by a defendant or other person on the making an application for an exclusion order.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of section 3—Interpretation

This clause makes a consequential amendment by deleting the definition of *extension order* and inserts a new subsection (2), providing that a reference in the principal Act to an *indictable offence* includes an indictable offence of a kind that is required to be prosecuted, and dealt with by the Magistrates Court, as a summary offence under a provision of any Act. The amendment to the definition of serious offence is consequential to this latter amendment.

5—Amendment of section 6—Meaning of effective control

This clause makes an amendment of a statute law revision nature, to ensure consistency of language.

6—Amendment of section 34—Court may exclude property from restraining order

Subclause (1) makes a statute law revision amendment consistent with clause 5.

Subclause (2) prevents property being excluded from a restraining order on application by a person convicted of the offence to which the restraining order relates where the convicted person has had the possible forfeiture of the property taken into account in sentencing for the offence.

7—Amendment of section 46—Cessation of restraining orders

This clause amends section 46(4) of the principal Act to reflect the fact that restrained property may vest in the Crown under an Act other than the principal Act.

8—Amendment of section 47—Forfeiture orders

This clause makes a minor amendment to section 47(5) of the principal Act to make it clear that subsection only relates to forfeiture orders under section 47(3).

9—Amendment of section 48—Instrument substitution declarations

This clause makes a minor amendment to section 48 of the principal Act to distinguish between forfeiture orders made under section 47(3) and those made under section 47(1).

10—Insertion of section 62A

This clause inserts new section 62A into the principal Act. That provision provides that, if a court has taken a forfeiture of a person's property into account in sentencing the person, the person cannot then apply for an exclusion order or compensation order in respect of the property.

11—Amendment of section 74—Forfeiting restrained property without forfeiture order if person convicted of serious offence

This clause is consequential to clause 12.

12—Substitution of section 75

This clause substitutes a new section 75 of the principal Act, replacing the current 15 month extension orders with an extended period which will apply automatically when an application to exclude property has been made, but not finally determined, at the end of the period of 6 months after conviction (when automatic forfeiture would otherwise occur).

13—Amendment of section 76—Excluding property from forfeiture under this Division

This clause amends section 76 to broaden the range of people who can apply for an order excluding property (currently only the convicted person can apply) and to ensure the provision works properly in relation to securities given under section 38 or 44.

14—Insertion of section 76A

This clause inserts a provision similar to the one proposed in clause 10 providing that, if a court has taken a forfeiture of a person's property into account in sentencing the person, the person cannot then apply for exclusion of the property under this Division.

15—Amendment of section 95—Making pecuniary penalty orders

This clause substitutes subsections (1), (2), (3) and (4) of section 95 of the principal Act. New subsection (1) ensures that mandatory pecuniary penalty orders relate only to benefits derived from crime while new subsection (2) provides the court with a discretion to make such an order in relation to an instrument of crime. New subsection (3) sets out matters the court may have regard to when determining whether to make an order under subsection (2). Proposed subsection (4) ensures that the court is not prevented from making a pecuniary penalty order merely because some other confiscation order has been made in relation to the offence.

Section 95(7) is consequentially amended to apply only to benefits.

16—Amendment of section 96—Additional application for pecuniary penalty order

This clause makes minor statute law revision amendments to simplify section 96.

17—Insertion of section 98A

This clause inserts new section 98A into the principal Act, which provides that, for the purposes of the Division, a court may treat as property of a person any property that is, in the court's opinion, subject to the person's effective control.

18—Amendment of section 99—Determining penalty amounts

This clause clarifies references in section 99 of the principal Act.

19—Amendment of section 104—Benefits and instruments already the subject of pecuniary penalty

This clause amends section 104 of the principal Act to include reference to instruments.

20—Repeal of section 105

This clause repeals section 105 of the principal Act and is consequential upon the insertion of section 98A into the Act by clause 17 of this measure.

21—Amendment of section 106—Effect of property vesting in an insolvency trustee

This clause amends section 106 of the principal Act to ensure it applies in relation to instruments as well as benefits of crime.

22—Amendment of section 107—Reducing penalty amounts to take account of forfeiture and proposed forfeiture

This clause amends section 107 of the principal Act to insert a new subsection (2), setting out reductions to penalty amounts under pecuniary penalty orders that relate to instruments of crime where the instruments have been forfeited in relation to the offence to which the order relates, or where an application for such forfeiture has been made.

23—Amendment of section 108—Reducing penalty amounts to take account of fines etc

This clause amends section 108 of the principal Act to ensure it encompasses instruments of crime.

24—Amendment of section 149—Interpretation

This clause amends the definition of *property-tracking document* in section 149 of the principal Act, to refer, for the sake of consistency, to property owned by or subject to the effective control of a person, rather than simply the property of the person.

25—Amendment of section 219—Consent orders

This clause makes a consequential amendment to section 219 of the principal Act to reflect changes made by this measure.

26—Substitution of section 224

This clause substitutes section 224 of the principal Act to include forfeiture, or pecuniary penalty orders, under the law of other relevant jurisdictions as matters to which a sentencing court must not (under new paragraph (b)) or must (under paragraph (c)) have regard to in determining sentence.

Ms CHAPMAN (Bragg) (11:48): The Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2012 will be supported by the opposition. Essentially, this bill makes reasonable amendments to the act to ameliorate the unjust elements of the current scheme in respect of confiscation of assets consistent with judicial determinations. Furthermore, the bill is also identical to the version of the bill created by the Liberal amendments to the Criminal Assets Confiscation (Prescribed Drug Offender Assets) Amendment Bill in September 2011 and again in March 2012.

We are very proud of this bill. It might be under the name of the Attorney now, but it has been a child of the Liberal Party. I want to make this point: it is very concerning to us that it has taken such a long time in the gestation period of the development of the first bill to remedy these issues, which had been clearly identified as a result of the Full Court decision in the case of DPP v George (2008) SASC 330. The then chief justice Doyle and justices Vanstone and White had considered a number of aspects in relation to the interpretation of pecuniary penalty provisions and also restraining orders in that judgment. I do not know where the previous attorney was; I hate to even try to hazard a guess at what he was do doing between 2008 and 2010, except for getting himself into trouble in all sorts of ways. I think it is a bit like *Gulliver's Travels* when it comes to 2010 to 2012. Here we are in October, 2½ years since the election, four years since the judgement of the Full Court, and we finally have some redress and proposed remedy to be able to manage this. It is unfortunate.

Why is it like *Gulliver's Travels*? My recollection, in relation to childhood fables, is that Gulliver is a normal-sized person and he finds himself shipwrecked on an island and he is captured

by the little people. I am not sure whether that is the politically correct way to describe it these days, but anyway the little tiny people.

Mr Griffiths: The Lilliputians or something like that.

Ms CHAPMAN: The Lilliputians, the member for Goyder reminds me. While he is sleeping or half drowned they tie him up and put stakes in the ground and lock him down and all sorts of things happen before he is able to wake up, and he then apparently has quite a good relationship with these people, even though he had been their prisoner. In any event that is possibly one thing that has happened to the Attorney-General—I do not know. It seems rather odd to me that someone who is so intent in other circumstances on bringing into the parliament a remedy for these things, yet it is 2½ years after his elevation to Attorney-General before we are here to deal with this and finalise it. I just find it very disappointing, and it had to take the Liberal opposition and the Hon. Stephen Wade and others, with stakeholders who had been putting submissions to the government, to get this fixed up before they deal with it.

Does that just tell us that really they do not give a tink about the confiscation of assets and what it might recover from these criminals? So far in the government's submissions I have not even heard how many of these people they have actually arrested or prosecuted successfully and how much money they have taken from the offenders in these cases, but it just seems to me that it is all about show, about them making it look like they are doing something when they are caught out after a sustained period of failure to do something.

In any event, the substance of the bill relates to the Full Court decision of DPP v George, and the Attorney-General set out in his second reading contribution the history of the case, the determinations of which were the subject of the Full Court decision, and he sets that out quite well. I am sure that is because of the preparation from his advisers, but in any event the essential aspect was that the appellant George had been convicted of an offence of producing cannabis and there was a very significant change in the penalties that applied to that offence and to the law that was applicable at the time compared with the legal position at the time of the addressing of the charges and conviction. In essence, the question this arose was whether or not the court had a discretion to impose a pecuniary penalty in respect of those offences. On the face of it, the legislation appeared to say that there was no discretion. Reading from the second reading explanation:

> The legislation says that the court must make a pecuniary penalty order about the proceeds of a crime or an instrument of crime. All had assumed hitherto that 'must' meant 'must' and that was that.

So, the judgements can be read. They have been extensively quoted in the second reading contribution by the Attorney; I will not repeat them. I simply say that the courts had also found that the provisions have had the potential to 'bring the administration of justice into disrepute' and seem to be inconsistent with the parliament's intention when viewed together with the statutory forfeiture provisions. As has been clearly outlined, this bill will cover an amendment to remedy that situation and essentially allow for the court's discretion.

The property forfeiture aspect under the act is automatic following the expiry of a restraining order period on an asset, so the second purpose of this bill is to deal with that aspect. If an application to exclude property from the order has not been accepted within the expiry time, a literal reading of the act means the property is permanently forfeited. It has been identified that this might cause an injustice where an application is underway but not yet resolved for property to be excluded.

If the expiry period is reached before the matter has been heard, it might be technically impossible for the application to exclude the property that is subject to the application. Obviously, this is a sensible reform and we want to allow time for exclusionary proceedings to be completed before the forfeiture is finalised.

The other aspects covered by this bill come as a result of the DPP and the police—I assume the commissioner—requesting an amendment so that a person cannot receive a discounted sentence in compensation for the forfeiture, but then also a discount in forfeiture for the same reason. The bill seeks to amend the act so that the discount is applied to only one or the other, not both.

There is an exception to this proposed in the Criminal Assets Confiscation (Prescribed Drug Offender Assets) Amendment Bill 2012 which of course we have just passed in this house and which proposes further discounts to be available for cooperation with a law enforcement agency. So, we are hear to fix up what the Full Court told us about over four years ago.

Shame on the previous attorney-general for doing nothing, while he was jumping out there, trying to grab the limelight on all sorts of issues at the time, although I notice he was promptly disposed of after the election, and we saw the elevation of the current Attorney-General, so I will not dwell on him; he is old news. But I will say that the current Attorney has comprehensively failed on this occasion to deal with this matter expeditiously.

It was clear; the opposition made it clear, other relevant parties made it clear, but so hell-bent was the government on tying this up with other controversial aspects that there was, at least, the potential for ill to have come from future interpretations. Now, it may be that the government just has not bothered to deal with confiscation in the circumstances where it has not applied—I do not know; we have not had any detail of that.

But, for a government that is in so much of a hurry to make it look like it is out there being tough on the criminals, you would have thought that it would be in here saying, 'It is important that we get this legislation through, because we've got four pending cases,' or, 'We've got other proceedings which we need to be on the hunt on, and to be able to get this money in.' But, for whatever reason, Gulliver lay sleeping.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:59): I got off a bit more lightly this time than last time. I have been chastened but not brutalised like I was in relation to the last bill. In response, can I say, first of all, I do appreciate the member for Bragg speaking on behalf of the opposition and expressing support for this legislation. It is always a joy for me when the member for Bragg and I agree on something, and today is no exception; I am going to mark it in my calendar.

It is great that we have support from the opposition on this very important measure. To the extent that my chastisement was directed toward a lack of vigour on my part in pursuing these matters, I would point out for the record that this is now the third time I have tried to get these measures through the parliament. So, I would have thought that would not indicate a lack of interest in pursuing the matter on my part or, indeed, on the part of the government.

I hope the support the member for Bragg has flagged in this place will be replicated somewhere else (certainly by the opposition), and if that is the case then I would also hope the opposition will be happy to cooperate in effecting the speedy passage of at least this piece of legislation through the other place without lengthy and tedious delay. In between the houses, I am happy to speak with the member for Bragg and anybody else who wants to talk about the great merit of the bill we are going to be coming back to a bit later, but that is another matter. Again, I thank the member for Bragg for her contribution on the matter, I thank her for the opposition's support for this important measure and I commend the bill to the house.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.R. RAU: I believe the standing orders would normally require us to go through these provisions one by one and deal with them separately. I am happy to do that.

The ACTING CHAIR (Ms Thompson): They can be done en bloc, particularly if the amendments are associated or consequential.

The Hon. J.R. RAU: I am in the hands of the chamber. Whatever suits members is fine by me. In terms of having, perhaps, some general remarks about it, I understand that some members of the opposition have a wish to make comment about this legislation, and it may be that some government members do, I am not sure. I am entirely relaxed if members would prefer just to talk about whatever it is they want to talk about first, and then we deal with the more technical approach to the thing; or whether we just go through it in a technical way—I am entirely relaxed about either of those courses of action.

The ACTING CHAIR (Ms Thompson): Perhaps if I call on No. 1 and, providing people do not go on forever, I will be fairly generous in terms of what they are saying and assume that they are talking about the package of amendments. Will that work?

Mr Williams interjecting:

The Hon. J.R. RAU: No.

The ACTING CHAIR (Ms Thompson): It must relate to the amendments to the bill, in fact, there is that slight limitation according to standing orders.

The Hon. J.R. RAU: My offer is intended to be made on the basis that, if they have a go now, we will not get to hear it all over again as we go through the passages because that would not be cricket, really. Anyway, I will take you at your word, and we will proceed in that less formal fashion.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

In so moving, can I talk in general terms about this and try and explain what has happened? This legislation began over 12 months ago. The original bill was a far more, in my view, sophisticated bill, and I would have preferred that bill to have been the one that we ultimately passed. However, in an attempt to provide some degree of greater confidence to communities, in effect, the bill has been simplified, to the point where we now have a very much more elementary bill.

Now that does not mean that there is anything wrong with it, it just means it is a simpler bill than the original version. The primary object of this legislation is pretty simple: it is to say that in respect of the areas which are the preservation zones—and there is a map which accompanies the bill which is going to be legislated—people can get on with their normal activities and can do pretty well whatever they can do now, except that if they want to subdivide land for the purposes of, in effect, housing, they have to get the approval of the parliament to do that.

Aside from that, there is no interference in their activity. The reason for this is to actually protect these two areas which are now quite proximate to the metropolitan area of Adelaide from incursion by urban sprawl. So the idea is to protect the McLaren Vale region in the south from further incursion so that it retains its agricultural and rustic character and, likewise, to protect the Barossa Valley in the north, which is already really very close to areas of development such as Gawler and proposed areas of development such as Roseworthy. That is the fundamental thing.

The townships themselves are basically untouched and they continue to be regulated in the same fashion as they always have been. There are a number of amendments which have come to us from the other place and there is some interplay between some of the government amendments and some of the opposition or Independent amendments; that is, in some respects some of the government amendments are a response to amendments moved by others. I guess to make that a little clearer, if some of the other amendments go, I do not need to pursue some of the government amendments, if that makes any sense.

It is probably useful for me to say that most of these are relatively minor matters, and I do not want to waste too much time now on them, but can I say that, in my view, the amendments moved by the Hon. Mark Parnell are not helpful. If they were to be passed, they would create a very strange anomaly in the whole planning and development system in South Australia whereby the particular townships within the preservation zones are completely different to townships everywhere else in South Australia.

The whole object of this legislation has been basically to leave those townships completely unaffected by this legislation and for them to be able to do whatever they want to do using their current governance arrangements and for that to be an orderly progress of the existing things. The Hon. Mr Parnell's amendment would create this peculiar anomaly in our planning and development law whereby a couple of townships like McLaren Vale or Tanunda or whatever would be in this unique, anomalous, strange position from a planning point of view. With the greatest of respect for him, I do not think that is justified nor is it consistent with the whole approach of this which has been brought back to me several times of making this as light a touch as possible. In other words, interfere with things as little as possible, which is where the government has wound up. As I said, the Hon. Mr Parnell's amendment is not consistent with that objective.

The other thing I wanted to say briefly is that in the run-up to this legislation coming before the parliament and in order to circumvent the possibility of people attempting to get around the legislation by being quick off the starting blocks, we put in an interim DPA to stop people rushing in to try to get subdivision applications on before this could actually be dealt with by the parliament. I want to say to members here today that in the benefit of hindsight the original interim DPA which was used as a preservation tool was a little bit too crude. It was not as elegant and sympathetic to the requirements of landholders as it might have been, and I have acknowledged that before and I acknowledge it again. However, we have rectified that in consultation with communities and, as soon as this legislation has gone through, then the work of the interim DPA will be done anyway and it will be an unnecessary tool. Then we will see the regime essentially returning to what it was before the interim DPAs were deemed necessary.

My desired position is that the legislation passes minus Mr Parnell's suggested amendment and we get it proclaimed as quickly as we reasonably can. We can then lift the interim DPA and everything will basically return to normal in the Barossa Valley and in McLaren Vale, the only difference being that those areas will be protected from urban sprawl, and the people who have an agricultural lifestyle, a rural lifestyle, in those areas will be able to continue with that in the confidence that it is only by the agreement of the parliament that their lifestyle will be interfered with in the future.

That is basically the position. Can I say that along the way also, a number of people have been of great assistance. The officers of my department have been very helpful, patient and thorough in relation to this work, and I congratulate and applaud their efforts. The member for Mawson has been a long-time proponent of this type of measure and has tackled me vigorously on many occasions to put his point of view. Whilst I have not always appreciated it at the moment that he tackles me, because it can be vigorous, he has been a fierce advocate for his community and I congratulate him on that.

To be fair, the member for Schubert has asked me questions several times about what is going on here too, and I know he has an interest in his community. Hopefully today is a happy occasion, so I do not want to make too many storm clouds, but I have to say that attempting to negotiate with the Barossa Council was an education for me, and I think perhaps I will just leave it at that.

As I said, I am happy for members to speak as they wish about this, and we can get on to the nitty-gritty bit later. Just to foreshadow, I might just make this clear: not necessarily all of the government amendments will be pursued, because some of them are interrelated with propositions which were advanced by people other than the government, so there is a bit of parrying going on here potentially. With those few remarks, I am happy to listen to what other members have to say.

Mr WILLIAMS: First of all, I just want to correct one thing that the minister said in his opening remarks a few minutes ago, saying that the legislation began over 12 months ago. This matter began prior to the last election, when the Hon. Robert Brokenshire in another place proposed—he had a different name for it—that we legislate to protect the Willunga Basin against development. The Hon. Robert Brokenshire, being the former member for the seat of Mawson, has long argued that particular case. There has been a long and ongoing debate about this.

I was interested in the minister's comments that the amendments of the Hon. Mark Parnell in another place would create, I think he said, a strange anomaly, where the towns within the preservation areas would be treated differently and become quite different from the towns in the rest of the state. My personal view is that the whole bill—and the other one, which I understand we are not addressing today, the Barossa Valley one—is going to create an anomaly, where one particular parcel of the state is going to be treated quite differently from the rest of the state.

The Hon. J.R. Rau interjecting:

Mr WILLIAMS: No, I am talking about the rural area now, the preservation area, excluding the townships, yes, though I understand the townships will be treated the same. It is my personal view that planning law is very difficult to develop and very difficult to administer. This only makes it more difficult because, as we all know, beauty is in the eye of the beholder and all of us would like to think that our little corner of the world might stay the same forever, and that is what I think is driving this particular piece of legislation.

The reality is, I think, we have as a state made huge mistakes over the years. Some of our most productive agricultural land is now buried under houses and development right here on the Adelaide plains, so I can understand the motivation to do this. I am not quite sure about picking out

two areas, albeit that they are iconic in the minds of many South Australians, and maybe the minister might say, 'Well, look, this is just the start of a much wider process to protect.' I do believe that we should be conscious of protecting our valuable agricultural land in this state, and not just land that has aesthetic appeal.

I think one of the things that came from the decision of BHP Billiton not to proceed immediately with the development of the Olympic Dam expansion is that even this government acknowledged for the first time in its 10-year existence that agriculture is and remains an important part of the state's economy. As we continue to see agricultural land converted to housing—and it is considered very good agricultural land that we are losing generally in and around metropolitan Adelaide—we are doing ourselves as a state a disservice. As I recall, one of the best ideas that I think Don Dunstan came up with as premier of the state was to build a city at Monarto.

Ms Chapman: The other one was to resign.

Mr WILLIAMS: The other one was to resign! I always admired the idea of building a city at Monarto because it would have, I guess, allowed us not to build houses on a lot of that valuable land which has been developed since the seventies. It would have allowed us not to convert it to housing and to have left it to its earlier use of growing vegetables, fruit and valuable crops on that really valuable land in and around Adelaide and on the Adelaide plains in particular. It would have utilised land with much lower value for agricultural purposes for housing but, of course, one of the few good ideas that that premier came up with, he walked away from, unfortunately. That is my opinion.

Minister, I have been asked on behalf of the shadow minister to put to you a question which I am hoping you will be able to put on the record. This has been brought to my colleague the Hon. David Ridgway by a number of people. Your colleague in the other place made this statement, and I am asking whether you will confirm that this is the intent of the government. On 18 September, minister Gago stated:

> If these bills are passed by parliament, subject to the advice of the DPAC, the government will return planning policy to the position that existed prior to the bill's introduction; that is, if the landowner had an ability to seek approval to construct a dwelling outside townships or rural living areas, that ability would be reinstated. By the same token, if a landowner had property where, prior to the introduction of the DPA, a dwelling was noncomplying, then the policy position would be reinstated.

The question is: can you confirm that, following the assent to the bill, those pre-existing rights would be reinstated? The minister in the other place talked about the dwelling; I guess it would be other development as well. Can you confirm to the house that those pre-existing rights would be reinstated and, where there were no pre-existing rights, no new rights would be created by the bill? That is the extent of my contribution.

The Hon. J.R. RAU: Shall I respond to that now—

The CHAIR: Yes.

The Hon. J.R. RAU: —otherwise we might lose track of things? In relation to the comments made by the honourable member for MacKillop—first of all, I thank him very much for his comments on it—can I say that his priority about protecting agricultural land is one that I share and that the government shares. If we had the ability to be able to rewind the clock, I think all of us would—

Ms Chapman: Cancel Adelaide.

The Hon. J.R. RAU: Well, I think that's going a bit far. You are an advocate of big Kingscote; I know that. You think that the biggest error that was made occurred in 1836, when they kept going. They should have just—

The CHAIR: The minister should get back to the topic.

The Hon. J.R. RAU: Sorry; I was thinking about the old mulberry tree and everything else, but back to Adelaide. Prime agricultural land is a really important issue. I think it is not only a practical issue but one the public genuinely have a strong feeling for—not just people who live in the rural parts of the state; I think that people in the metropolitan area also have a view about this. The member hinted that maybe we would look at other things. The reason we have done this is that these are the two prime agricultural areas that are so proximate to the city that they are under imminent threat. At the moment, the—

Mr Williams interjecting:

The Hon. J.R. RAU: The city cannot go west because it gets very wet; the city cannot really go east because we have the Hills Face Zone; and, courtesy of this legislation, this city cannot really go much further south, other than areas that have already been designated. There are small areas in the south that are left, relatively speaking, to be developed because they have already been rezoned—but not many. This is preventing the city drifting off to the north-east and colliding with the Barossa Valley and everything the Barossa Valley stands for in terms of agriculture and its value as a part of South Australia's culture, history and identity.

If these measures go through and settle as I anticipate they will, I think that, in the fullness of time, we may have a discussion about whether this type of approach is going to be of value elsewhere—but that is something down the track; I do not have any view about that presently. If this all works well, and it receives general support by the community, there may be a call for doing it somewhere else. Obviously, the economic pressures, when you are as proximate as the Barossa Valley and McLaren Vale are to the City of Adelaide, are different from the economic pressures in Cowell, Wudinna or beautiful Millicent.

In relation to the member's specific question, the problem that some people have encountered in these two areas, about feeling like they cannot put up a shed or they cannot do this or cannot do that, as I alluded to in my earlier remarks, was a consequence of the interim DPA, which was put in there as a prophylactic measure, I think the term is, to stop things happening.

An honourable member interjecting:

The Hon. J.R. RAU: Prophylactic? It is a word of general application, and certainly in that context it was. That has already been refined somewhat in order to take into account concerns expressed by people in communities. I can say that it is my intention that, once the legislation is passed, we will be able to revert to the pre-existing regime, and that would mean, to be quite particular about it, that, if prior to this legislation being introduced, you owned a parcel of land and you were able, under the then existing planning regime, to make an application to put a building on it—or any other activity, for that matter—you should have the opportunity to continue to make such an application, as you always did.

Having said that, it is a part of the intention of this legislation that there will be, after a period of time, a review of the planning regime in these areas, that would be done in conjunction with council, and that review may or may not subsequently recommend some other changes. I do not know; I have no idea. The review has not even happened yet. In terms of the legislation, I can say quite clearly that it is my intention that, once this is passed—and I sincerely hope it will be—everything will revert to the situation that applied previously. The only thing that will be different is that, in the rural areas of those preservation zones, it will not be possible for a minister—the Minister for Planning—a council, a landowner or anybody else to subdivide for residential purposes.

Aside from that, they will be able to completely get on with their lives as they previously did. If it was previously impossible to build a house on a block or it was a noncomplying thing or it was going to be a merit-based approval process, that is exactly what will apply in the future.

Ms CHAPMAN: I was delighted to hear the minister's indication that he wished to proceed on the basis of general comment and then specifics. I took that as an offer rather than an invitation to treat and he can, of course, receive my statements as an acceptance of that, so I hope he will listen to that contractual obligation to listen attentively. I am very disappointed that this bill has come back to our parliament without significant amendment, in particular, the proposal by the opposition that ministerial DPAs should not be able to be applied in the broadacre areas. Be under no illusion, members of this house, the purpose of this bill is political.

Firstly, the minister (who was, I think, then the minister for tourism as well as the Attorney-General and the Minister for Planning—it has got another combination now), wearing three hats, went out there to tell us about the importance of the character of two districts in South Australia and his intention to replicate and cherrypick all the good bits of South Australia and continue this in the future. He was going to save these particular regions from these rapacious acts of development and, in particular, save our tourist areas and our productive rural areas. What utter rot! He was doing this as a political move to try to prop up the members in those areas, and I will be referring to subsequent acts that have been in total contradiction of this.

The other thing that occurred is that the government itself acted in a most unacceptable manner toward the people and district of Mount Barker. Members will only have to read, as I have, the well over 100 submissions that were put in through the periods of consultation on these two

bills, which have been published, unlike some others that we had to go to the District Court to get hold of.

In any event, in this area, we have had some very interesting submissions. Dozens of them, one after another that I read, displayed the distress of people who saw themselves as the victims of an invasion by the government that completely dismissed local government autonomy and local people in the Mount Barker district. So they were putting submissions in on this bill, sometimes to support it, because they saw it for what the government were presenting it as, namely, some protection against the rapacious acts of invasion by this government, given their form on Mount Barker.

So, let's be under no illusion here: the public had been beaten up in relation to that region—certainly in the two regions that have been the subject of this bill and another, which is apparently on its way from the other place—because they wanted to have some protection. But the way that this could have been dealt with is for the government to say, 'We got it wrong. We will not come in and steamroll local government legislation. We will act cooperatively with them. We've got the power in this parliament to set rules in relation to planning which we can implement.' But, no, they came in bulldozing that regime in these areas, because they had acted unconscionably themselves. That is why we are here.

Be under no illusion: this is nothing to do with food production. That's rubbish! When did this government give a tink about food production in this state? I would have to go to the list about what they have done in that regard. These are the urban playgrounds for the rich, and that is what this government wants to support.

Let me just say this: not only was there a complaint about the conduct of the government, but the model which they were proposing to introduce, which they modified—and the minister has indicated some modification of that—clearly was a clumsy, blunt, expensive model that was going to be imposed upon the people of these regions with complete disregard for local government.

There has been some argy-bargy, there have been some negotiations. The local government think they have clawed back a bit, so the deal was struck. That is what actually happened. When the 30-year plan of this government came out, remember the first version? The first version was that they were going to develop 100,000 residences in the north of the metropolitan area—100,000—which encroached into the Barossa region. After some outrage about that they modified it a bit and took it back to, I think, 30,000 in the final plan.

My point is this: this government do not give a tink about the people who live in the encroaching area into the Barossa or the encroaching area into McLaren Vale—could not give a toss about them. They were prepared to put 100,000 people up there in the Barossa Valley, and now they come in and say to us, 'Oh, we care about these people, we care about the people in the McLaren Vale region.' Hello? They have just developed the extension of the Expressway, the electrification of rail, they still have on the books the Noarlunga to Aldinga development of transport—all very good projects; we've been supporting them. Why? Because major development is being proposed in those regions.

And why do we know that? Because they are out there. The boundaries have been drawn around them. There are major areas of development which will increase the significant population of these areas. So don't come and tell us about caring about the productivity of an area. If they really cared about that they would say, 'No more.' But, oh, no, no; they have cherry picked the bits they wanted to develop, and they have said, 'We're going to have these nice green vineyards and little paddocks with little sheep and little grapes in them, and they are going to be pretty to look at, and we're going to have lots of little cottages with little geraniums in their flower boxes.' That is what we are talking about. I mean, really, what absolute rubbish when they come in here and tell us they care about food production.

And why do we know that again? Why do we have this reaffirmed again? Just listen to what the Premier said yesterday. Six years ago he was in here, as the then minister for housing, debating the housing affordability bill with me, talking about the importance of urban infill, of consolidation of housing, of renewal of housing in areas of Port Adelaide (of course, that has bitten the dust), of major areas of development within metropolitan Adelaide, and the importance of having affordable housing, blah, blah, blah. I know that I spoke for 7½ hours, and I would love to today, but I will not, you will be pleased to hear.

But what I will say is this: in terms of all this stuff about how important it was to have consolidation, he has cherrypicked out a bit of central City of Adelaide since then, jumped on a

good Liberal idea of our leader and said, 'Yes, we do need to add some people to the metropolitan area,' and, of course, in the last budget he announced the free stamp duty on buildings. I noticed in the *Gazette* the other day that he has whacked up the open space levy by hundreds of dollars per unit. Does he think we are stupid or that we do not understand, that when they rob from one side they give it to the other? Jack Snelling must be sitting there thinking, 'Oh, beauty. Money is coming in. We can offer them these peanuts and we're going to take the whole tree.'

I will get back to the point. The point is this: the government claims that they give a tink about these regions. Not only are they building infrastructure to them but they announced a policy yesterday that is going to promote housing in greenfield sites. There is no question about that. Apart from giving themselves stamp duty options in the central part of Adelaide, plus Bowden conveniently, which of course is a government development, they have redefined what was the new home owner's scheme, whacked down the amount available for support to those buying existing homes and thrust up in a massive way the opportunity for new home buyers. This is irrespective of whether you are a first home buyer or not. How many people will be lining up to get this money? Not the little kid in the hut that is in *The Advertiser* cartoon today, but I am talking about people who have the money to be able to buy units or houses for their children. What a nonsense.

Yesterday's announcement has moved the direct priority target to the development of new housing. Obviously we all know why: because the housing and construction industry is on its knees. We know why the Premier announced it, but here is the rub on this: the reality is that what is going to happen is that the development of greenfield sites will not occur in the Gulf St Vincent because, as the minister has quite rightly pointed out, you would get a bit wet out there. It is not going to be on the Hills Face Zone because there is a law against it. It is going to be in the south and in the north.

They come in here and try to pretend that they actually care about the preservation of the historical character in relation to the opportunity for food growing and the development of tourism potential. They do not care about that. They are building infrastructure to the end of both of these areas and they announced policies as late as yesterday which are designed to absolutely push the population out into those regions. I do not accept that for one moment. If they were really serious about saying, 'Well, okay, even if we made a mistake with Mount Barker, we will make sure this doesn't happen again; we are going to protect these regions,' would you not think that they would be the first to come into this house and say, 'We agree that there should not be ministerial DPAs in this broadacre area.'

What is going to happen with this formula or this piece of legislation that has come back without significant amendment, apparently except for some from the Hon. Mr Parnell from the upper house? What will happen is that the legislation will have an adverse impact on the people in these regions, there will be a further crushing of the responsible role of local government in these areas, and the government will continue with policy developments and decisions which are going to invade these regions. They will completely undermine what they claim is their interest.

The final thing I will say is this: I did not hear much in this debate about heritage. I noticed that the government, along with other brilliant decisions, has removed 'heritage' even from the title of the department and minister for environment and natural resources. Heritage has disappeared. These people do not care about heritage. They do not care about food. They do not care about the responsible role of other levels of government. They do not give a tink about those. They care about trying to cover up a major problem that they created. If they had the guts to admit that, they would be able to say, 'We got it wrong. We will respect other levels of government. We will respect people and we will get rid of the ministerial DPA power in broadacre.'

The Hon. J.R. RAU: I am not stopping any other contributor but, as always, the member for Bragg's contribution is so rich with material that I will lose my place if I do not respond straightaway, if everyone is comfortable with that. Again, subjected to more biffo from the member for Bragg. We had quite a lengthy discourse about Mount Barker. Of course, this is not about Mount Barker. Mount Barker is actually to the east of here and in this particular instance we are talking about the south of here.

The honourable member, as always, is never constrained by the actual topic of the debate. I have a number of regrets in my life, as most people probably do, but one of them is that I have never actually practised in the same jurisdiction as the honourable member. I have a view that if it were to be the case that we ever wound up being in court in a matter, I think it would be quite an

experience—certainly for me. The range of topics that witnesses might be invited to comment upon, I suspect a number of objections from me on the basis of relevance, hopefully some—

Ms Chapman: I'm pretty sure I'd win.

The Hon. J.R. RAU: In your jurisdiction that may well be the case, because I do not pretend to be an expert in matters on which you are well known to be a very eminent person. I think we would have some fun anyway, and I hazard a guess that the judge would call you to order at least occasionally. I am going to come to watch you one day just to see if my suspicion is correct; just to sit up the back and learn.

However, back to the topic. North and south: it is true that, to the extent that the government, in the 30-year plan and otherwise, contemplates there being a role for greenfields development, that greenfields development will occur predominantly in the north and the south, but actually more in the north than the south. In fact, if you look at the maps associated with this particular bill you will see that all we are actually doing is leaving the already rezoned precincts down in the south as development options and basically sealing off the south as a corridor of further expansion.

So there is an effective stopper being created by this legislation in the south preventing the City of Adelaide going any further, because you will have the eastern part protected by the Hills Face Zone and the southern part protected by this legislation. In fact, I think the honourable member is well aware that I consulted extensively on this. I believe the honourable member wrote to me early on in the piece, because I think some of her constituents were potentially being involved in this.

She wrote me a very nice letter and said, 'Look, my constituents are very happy not being in your zone; would you please just leave them alone?' Given that they were already in the Hills Face Zone anyway and that if we ever get to looking at that they are logically to be dealt with in a different group, I took on board the suggestions the honourable member made, partly because they were meritorious and partly because I was afraid of what she would do to me if I did not. I did take those on board and they were removed, so there has been a genuine consultation about this.

I make this point, and it is very important: it is anticipated in the 30-year plan that we will actually be putting 70 per cent of new dwellings within the existing footprint of metropolitan Adelaide, and only 30 per cent will be made up by greenfields development. At the moment those figures are actually reversed; at the moment we are doing infill of only about 30 per cent, and 70 per cent is greenfields.

I think that for a couple of reasons the honourable member can rest assured that her fears about Adelaide being a sprawling mess are certainly not part of my policy. The first thing is that we have discovered, through the process we went through with the City of Adelaide, that you can actually do substantial rezonings to accommodate much higher density in consultation with local government. The Adelaide City Council, to its credit, warmly embraced—

Ms Chapman interjecting:

The Hon. J.R. RAU: Maybe they have their reasons; nonetheless, they embraced the rezoning. I can tell members that the plan now is that within the next few weeks we are going to move to the rim councils and that—

Ms Chapman: About time. You've been keeping that secret for a year.

The Hon. J.R. RAU: I know. The honourable member interjected that it was about time. I agree that it is about time, but I decided that it was appropriate to wait until we had bedded down the centre of the city before we started making requests of people on the city perimeter, otherwise we would have had a doughnut sort of development, which is not really a desirable outcome. The honourable member is quite right, it did get slowed down. It was slowed down by me because I did not want to have a doughnut; I wanted a city where the middle was rezoned, and then we started rezoning out. However, I can assure you that that is within weeks.

The other thing is that, if there is anything the honourable member can do to assist me in negotiating with a council that seems to be a major part of her electorate, I would be most grateful for her advice. Without mentioning anybody in particular, they do at some point intercept with what we call the rim, and so far—

Ms Chapman interjecting:

The Hon. J.R. RAU: Well, maybe. So far, that particular council appears to be—what was the word Paul Keating used to refer to—

Ms Chapman: Recalcitrant.

The Hon. J.R. RAU: Yes, recalcitrant. They have been a bit recalcitrant—well, actually, very recalcitrant. If there is anything the honourable member can do either to assist me with those people or even advise me as to what technique I might employ to get anywhere with them, I would be genuinely grateful. However, leaving them aside, Unley has been really good. We have had really useful talks with Unley, with West Torrens and with the small intersection there, with even Charles Sturt. Prospect has been great.

Ms Chapman: Norwood.

The Hon. J.R. RAU: Norwood has been fine. They have all been good. So I anticipate that we are going to be able to deliver substantial rezones in that area in a cooperative fashion, and the trade-off we are going to try to offer those communities is: 'You give us higher densities along the parkland verge, along Greenhill Road, for example, and then back from there, where we have what all of us would regard as character suburbs with some of those magnificent buildings that make Adelaide so special, we would be able to protect those areas from two-for-one infill, which is actually the most dangerous form of development from the point of view of character.

I imagine sometimes that I have won X-Lotto and that I can afford to live in the honourable member's electorate, and I think of those beautiful streets. I have never actually been there but I have seen postcards and I have seen it on television: beautiful streets with plane trees or jacarandas. I imagine myself there in November or December when the jacarandas are flowering and there is that beautiful purple haze in the air, just wandering down those beautiful footpaths, looking at these character bungalows and lovely wide driveways. Some of them are so big, I am told, that you can drive in one side of the front and then drive—

Mr Marshall interjecting:

The Hon. J.R. RAU: No, hang on, you are not paying attention. You have come in half way. Just settle down.

Mr Marshall: Well, the first half wasn't that interesting.

The Hon. J.R. RAU: Settle down. At least you have put your tie on; that's good. The threat to those beautiful homes is that Joe Bloggs, a developer who buys that home, realises that it is on 1,400 square metres or 1,200 square metres and thinks, 'Goodness me, under the present guidelines, I can bowl this piece of Adelaide history down and put up three two-storey Tuscan somethings and sell them off and make a lot of money.' What is that doing to those beautiful streets, and what do your constituents think of that? I do not think they like it. My point is—

Mr Marshall: It's the state government's code.

The Hon. J.R. RAU: Just get with the program before you start interjecting. My point is this: part of the offer to the rim councils is that, in exchange for providing for high density around the perimeter of the city, those areas of the council which have street after street of these beautiful character homes can be protected from the two-for-one or three-for-one infill, which is actually the risk to those precincts of the city and a risk to the city in terms of losing character regions. Of course, that concern does not apply to every part of the city because, for example, in much of my electorate there are not a lot of those homes.

Ms Chapman: Have you visited it lately?

The Hon. J.R. RAU: And there is not an anxiety—in fact, I was there on Saturday; a street corner meeting, as a matter of fact. So different parts of the city have different qualms. My point is that there is an enormous potential for urban infill partly through medium and high-density building—

Ms Chapman: You have to fix up the Britannia roundabout.

The Hon. J.R. RAU: That is one of the many things on the list.

Ms Chapman: Good.

The Hon. J.R. RAU: But we are in a position where we are looking to find higher density; we do not want sprawl. This legislation is absolutely sincerely dedicated to the protection of the character and the amenity of these important parts of the city. I can indicate to the honourable

member that we are being very cooperative with the other place today and most of what they have sent us we are gratefully receiving, and we will be accepting it. I will leave it until right at the end to tell you the specific news about what we think about particular things.

Mr Marshall: We've got to sit here and interpret things.

The CHAIR: The minister will address the Chair.

The Hon. J.R. RAU: Yes, I am sorry, Mr Chairman. I was distracted by the member for Norwood—who is apparently not in his seat, either. I think that is the best I can do in responding to the member for Bragg.

Progress reported; committee to sit again.

[Sitting suspended from 12:57 to 14:00]

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SERIOUS FIREARM OFFENCES) BILL

His Excellency the Governor assented to the bill.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

REAL PROPERTY (ACCESS TO INFORMATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDER ASSETS) AMENDMENT BILL

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

VISITORS

The SPEAKER: Members, I draw attention to the presence in the gallery (but I am sure that you can hear them) of a group of mothers from the South Australian Breastfeeding Association. They are guests of the member for Unley. It is lovely to see you. I am a firm advocate of breastfeeding. I am a bit old now but certainly have done my share in the past. It is lovely to see you here.

MOYLAN, MR J.

The SPEAKER: Members, I am sure you are all aware of the absence today of John Moylan, our wonderful attendant, and I am sure you have heard he has had a fairly significant medical occurrence in the last week. I am sure you will join me in wishing him well for a speedy recovery. He is in the Royal Adelaide Hospital still, and recovering. He will be sorely missed, I know. My pens did not work this morning. That never happened when John was here. I am sure that the attendants will do a wonderful job but it will not be the same without John. I am sure you will all join me in sending a message to John that we do miss him and we want him back as soon as we can.

Honourable members: Hear, hear!

COLE, MS J.

The SPEAKER: Also, for some time now, we have not had Joy here. She is also having some medical treatment. I believe some quite serious treatment starts today. We wish her well in her recovery as well.

Honourable members: Hear, hear!

The SPEAKER: It is a different place today, but I know the staff will do very well.

AUSLAN

Mr BROCK (Frome): Presented a petition signed by 1,937 residents of Port Pirie and greater South Australia requesting the house to urge the government to take action to call for Auslan, which is the sign language of the Australian deaf community, to become part of the school curriculum, be given equal status with English as an academic subject and become a second language for all students from preschool onward.

FORESTRYSA

Mr PEGLER (Mount Gambier): Presented a petition signed by 2,293 members of the Construction Forestry Mining and Energy Union and residents of the South-East of South Australia requesting the house to urge the government to take immediate action to protect regional job security by suspending the forward sale of harvesting rotations and direct ForestrySA to implement a log pricing policy that reflects market conditions and come to terms with Carter Holt Harvey.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—
Part A: Audit Overview Annual Report 2011-12
Part B: Agency Audit Reports—Volume 1 Annual Report 2011-12
Part B: Agency Audit Reports—Volume 2 Annual Report 2011-12
Part B: Agency Audit Reports—Volume 3 Annual Report 2011-12
Part B: Agency Audit Reports—Volume 4 Annual Report 2011-12
Part B: Agency Audit Reports—Volume 5 Annual Report 2011-12
Part B: Agency Audit Reports—Volume 6 Annual Report 2011-12
Part C: State Finances and Related Matters Annual Report 2011-12
[Ordered to be published]
Employee Ombudsman—Annual Report 2011-12
[Ordered to be published]

By the Premier (Hon. J.W. Weatherill)—

State Emergency Management Committee—Annual Report 2011-12
Response by the Premier—Environment, Resources and Development Committee—Population Strategy

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

SAPOL Passive Alert Drug Detector Dogs—Report for Period 2011-12
Regulations made under the following Acts—
Electoral—Registration of Political Parties—Prescribed Persons

By the Minister for Planning (Hon. J.R. Rau)—

Regulations made under the following Acts—
Development—Open Space Contribution Scheme—Rates

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

Regulations made under the following Acts—
Motor Vehicles—Use of photographs by Registrar

By the Minister for Mental Health and Substance Abuse (Hon. J.D. Hill)—

Regulations made under the following Acts—
Public Intoxication—Declaration of Substances as a Drug

By the Minister for The Arts (Hon. J.D. Hill)—

Adelaide Festival Corporation—Annual Report 2011-12
Adelaide Film Festival—Annual Report 2011-12
Carclew Youth Arts—Annual Report 2011-12
History Trust of South Australia—Annual Report 2011-12

State Theatre Company of South Australia—Annual Report 2011-12
Windmill Theatre—Annual Report 2011-12

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

South Australian Police—Annual Report 2011-12

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

Regulations made under the following Acts—
Fisheries Management—Prescribed Quantities
Primary Industry Funding Schemes—Citrus Growers Fund—Contributions and Refunds

By the Minister for Finance (Hon. M.F. O'Brien)—

Distribution Lessor Corporation—Annual Report 2011-12
Generation Lessor Corporation—Annual Report 2011-12
SA Lotteries—Annual Report 2011-12
State Procurement Board—Annual Report 2011-12
Super SA Board—Annual Report 2011-12
Transmission Lessor Corporation—Annual Report 2011-12

By the Minister for the Public Sector (Hon. M.F. O'Brien)—

State Records of South Australia—Annual Report 2011-12

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

Regulations made under the following Acts—
TAFE SA—Prescribed Employees—Employment and Classification

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

Boundary Adjustment Facilitation Panel—Annual Report 2011-12
Local Council By-Laws—
Town of Gawler—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs

ECONOMIC STATEMENT

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

Leave granted.

The Hon. J.W. WEATHERILL: Throughout the history of South Australia our economic development has been based on a shared vision of the future that has been supported by a strong consensus across the community. From the dream of a planned settlement in a 19th century English drawing room to the industrialisation of our state under Sir Thomas Playford, to the expansion of our mining, defence and education sectors over the last decade, little about our economic development has happened by chance.

Yesterday, I announced at a function held by the Committee for Economic Development for Australia that the government will produce a new economic statement for South Australia. This statement will build on the work done by the government and the Economic Development Board in 2009, and it will allow us to develop a shared perspective as a state and an economy and a shared vision for our future.

The first part of this process is laying out the government's vision for the state's future. There are good reasons to be confident in the strength of the South Australian economy. We firmly believe our future is centred on the seven strategic priorities that were laid out in His Excellency the Governor's speech earlier this year.

The government has an economic plan for South Australia which will grow our mining industry and share the benefits for all South Australians, transform our existing manufacturing sector into an advanced manufacturing sector, use our reputation for growing food in our clean soil, water and air to sell premium food to the world, and attract people to live, work and play in our vibrant city centre.

Our future success will depend on our success in attracting and retaining people, and the creativity and innovation and ideas that they bring to our state. This approach of encouraging creativity and innovation will need to be at the heart of everything we do if we are to achieve our vision for South Australia.

In the long term, economic growth is determined by productivity growth, and productivity growth is fundamentally influenced by the level of infrastructure investment in your economy. That is why we have embarked on a $10.8 billion program of infrastructure investment, in projects like road, rail and our city infrastructure. Our borrowing to fund this infrastructure will be prudent and manageable.

The path the Labor government has chosen of investing in state building infrastructure and services for our people is the right choice for our future. Now is not the time to turn our backs on infrastructure spending which is sustaining jobs in our economy, or shrinking from services we provide to our people.

This is the government's perspective and, over the coming months, we will work with the rest of the community, large and small business, community organisations, our universities and public institutions, unions and individual South Australians to develop this shared vision and deliver the economic statement early next year.

MURRAY-DARLING BASIN PLAN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:11): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: After the Murray-Darling Basin Authority released its draft plan proposing 2,750 gigalitres of water be returned to the Murray River, South Australia demanded that the authority model the return of 3,200 gigalitres. On 9 October, the Murray-Darling Basin Authority released the results of that modelling which showed definitively that recovering 3,200 gigalitres, an additional 450 gigalitres of water, from the draft plan would make a significant difference in securing the health of the River Murray system.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The modelling also revealed that by removing system constraints, such as the rules on dam releases that restrict higher flows, benefits to the river can be even further increased. The MDBA's modelling was analysed by the South Australian government scientists and peer reviewed by the Goyder Institute for Water Research. This analysis confirms the many benefits of extra water and that with an extra 450 gigalitres we can have a healthy river. The current draft plan proposes that 2,750 gigalitres of water—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —be returned to the system. However, the science is clear: this is not enough to guarantee a healthy river. Critical tipping points for key measures such as salinity in the Coorong, Lower Lakes and Murray Mouth cannot be avoided with 2,750 gigalitres. Without a clear commitment to this additional water, it would mean locking in the potential for lethal impacts during future droughts and ignoring the need to build resilience into the system so that it can better withstand climate variability in coming years. It would also mean sacrificing the future of basin communities that rely upon a healthy river.

The 3,200 gigalitre modelling with constraints relaxed shows improved environmental outcomes that include: exporting of an average two million tonnes of salt through the Murray Mouth each year; keeping salinity below dangerous thresholds; reducing risk of the Murray Mouth needing to be dredged to remain open; keeping water levels in the Lower Lakes at a level that avoids acidification and river bank collapse below Lock 1; and improved ability for flood plains to support

healthy red gum forests, water bird and fish breeding, and greater areas of habitat for native plants and animals.

Still, while increased water volume is critical to the basin's health, it does not by itself address the impacts of overallocation. Additional measures are needed both to optimise the additional water and to recognise South Australia's past responsible water use. This includes measures of safety nets, such as maximum salinity levels and minimum water levels to protect the Coorong and Lower Lakes, a commitment to remove constraints, and an interim watering plan to provide water to degraded environmental sites in South Australia. We also require that South Australia's irrigators do not carry the burden of adjustment in returning the river to health.

It is now imperative that all South Australians who care about this river and the communities who depend upon it get behind our push for this additional 450 gigalitres of water. The real question is whether the opposition can, for just one moment, put aside politics and get behind us in this campaign for 3,200 gigalitres.

Members interjecting:

The SPEAKER: Order!

FATCHEN, MR MAX

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:18): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I want to pay tribute to Max Fatchen, a beloved South Australian writer who, as members would know, died on Sunday at the Gawler Health Service. He was aged 92. Max Fatchen was born in Adelaide on 3 August 1920—I note three years to the day after my mother was born—and grew up on a farm at Angle Vale on the Adelaide Plains which, I am told, inspired his first recorded poem at the age of 12.

Far from following his father onto the land, young Max turned instead to words. His curiosity and genuine interest in everything around him led him to become the state's most cherished columnist, journalist, novelist and poet. He was also the columnist with the most staying power, producing columns in *The News* from 1948 and *The Advertiser* from 1955, right up until, at age 92, he retired his typewriter. His final column was published in *The Advertiser* on 6 October, just one week before he passed away.

Like everything we have read from Max Fatchen over the many years, his final column was clever, without pretension; self-effacing but on point. The size of the sandwiches at annual general meetings, he opined, are a great barometer for a company's fiscal state. I have found myself eyeing the sandwiches a lot more closely ever since.

Remembered well by all who knew him, Max was a witty and erudite wordsmith churning out clear, concise sentences that anyone could appreciate. He was always a true gentleman with a kind word, a gentle touch and an upbeat manner—happy to guide an anxious cadet journalist or novice writer. His mother taught him to 'always remember where you came from, remember the land'. And that he did. The sense of being a farm boy seems to have imbued in Max an everyman connection and a pathos with the everyday family.

He won a string of awards over the years, including an Order of Australia for literature in 1980, an Advance Australia Award for literature in 1991, and a Walkley Award for journalism in 1996. He was recognised, too, for his children's books and poems, including the SA Great Award for literature and a Centenary of Federation medal. There were three Children's Book Of The Year Award commendations and, for his mentorship and support of other writers, he was made an inaugural life member of SA Writers' Centre. Max Fatchen was a patron of the South Australian branch of the Children's Book Council of Australia and he dedicated a poem each year to the winning title. He was also patron of the Adelaide Male Voice Choir.

Max is survived by his three children, Winsome, Michael and Tim, as well as six grandchildren and 10 great-grandchildren. In recognising this great South Australian, and his contribution to the literary education of many of us over the years, I would like to suggest that it would be fitting to name an award at the next Adelaide Festival awards for literature in 2014 after Max Fatchen.

Honourable members: Hear, hear!

ECONOMIC AND FINANCE COMMITTEE

The Hon. M.J. WRIGHT (Lee) (14:23): I bring up the 78th report of the committee, entitled Annual Report 2011-12.

Report received and ordered to be published.

QUESTION TIME

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:23): My question is to the Premier. How can the Premier justify his calls for more water to be returned to the River Murray by upstream states when the government is mothballing the desalination plant, given that the federal government funding was provided on the basis that the plant would reduce our reliance on the River Murray?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:24): Very easily. It is because the long-term future water security of the state demanded that we have a 100 gigalitre desalination plant and not a smaller one. Perhaps I will take members through the chain of reasoning. I think it is common ground between us that we needed a desalination plant. It did take some time before we reached that conclusion, because we did not want to commit ourselves to such a substantial piece of public infrastructure until we were satisfied that there were no other choices. There was a very lively debate within our cabinet about the need for a desalination plant. As the drought deepened and as the evidence was presented to us we realised that we had no other choice but to make that step, so we did take that step.

At the same time, of course, the whole question of our water security became matter of some moment, given that we had the deepest drought in living memory and, of course, one that people had not contemplated really at any stage could have occurred in the state. So, what we chose to do was take the best possible advice, the advice from WorleyParsons and KPMG that, in fact, we needed a 100 gigalitres plant, and we accepted that advice. But to go to the proposition that somehow has been advanced here, that this is inconsistent with our stance on the River Murray, is nonsense.

The point about having a climate independent, a River Murray independent, and upstream states' independent source of water was to ensure that we did not place additional burdens on the River Murray. In fact, one of the things about the WorleyParsons and KPMG model was taking additional water, buying additional water entitlements from the River Murray, which would have been the cheapest option, but it was not an option we chose because it was inconsistent with our values about reducing our reliance on the River Murray. So we chose an approach that did require us to adopt a solution that involved investing in this desalination plant.

I have got to say that it was a proposition that was a whole lot more viable to be doing it with the assistance of the commonwealth who funded half of the additional increase. So we ended up paying about 10 per cent extra to go from 50 gigalitres to 100 gigalitres, a very prudent and sensible proposition, and at the same time we reached a commitment with the commonwealth that we would put back six gigalitres into the river and that we would commit to providing between 12 and 24 gigalitres as an environmental allocation during favourable years capped at 120 gigalitres over a ten-year rolling period.

So, not only were we not going to increase the burden or take on the river, and not only were we doing that, but we were reducing what we took. But I must say that South Australia takes 1 per cent of the waters of the River Murray, compared with those upstream that take extraordinary—

Members interjecting:

The Hon. J.W. WEATHERILL: Those upstream that have been depleted and degrading—

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, order!

Mr Gardner interjecting:

The SPEAKER: Order, member for Morialta!

The Hon. J.W. WEATHERILL: Adelaide and the environment takes 1 per cent of the waters of the River Murray. To be lectured by those upstream, that have depleted and degraded the waters of this river such that we are in the position we are in today, is to say, at the least, galling. Why don't they put aside politics for one moment to get behind our campaign for a healthy river?

Members interjecting:

The SPEAKER: Order!

FIREARM OFFENCES

Mr ODENWALDER (Little Para) (14:29): My question is to the Premier. Can the Premier inform the house about new laws targeting offenders who use firearms against our police?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:29): I thank the honourable member for his question. Of course, his former profession as a police officer was one that we acknowledged and celebrated today at the opening of the Police Association's annual delegates conference. Among the 60-odd delegates for the conference I had the pleasure of meeting Constable Tung Tran. Members may remember that Tung and his partner, the then constable Nathan Mulholland, were ambushed and shot in the course of their duties during 2010. The officers were lucky to survive the attacks on them, with fragments of a bullet causing injuries to the hand and head of constable Mulholland and to the eye and face of Constable Tran. They are, of course, not the only ones in recent years to have been exposed to gun-related violence. Last year at Hectorville, constables Brett Gibbons and Travis Emms were seriously wounded while trying to rescue a teenager from a crazed killer.

As a result of the shooting of Nathan Mulholland and Tung Tran, the Police Association put forward a compelling case for the introduction of a new offence of shooting a police officer. We listened and we acted, and as of today a new law comes into force. Anyone who causes serious harm to a police officer by shooting at that officer will commit a new offence. Generally speaking, it will carry a maximum sentence of 25 years' imprisonment, a strong and clear message that shooting a police officer is a very grave offence. Even if a police officer is not injured, the offender may be gaoled for up to 10 years.

While using a firearm on anyone is a terrible thing, shooting at a police officer is a disgraceful act which this government will not tolerate. The new penalties send a clear message to the community that these serious offences will have serious consequences. The new laws are an important step forward for protecting those who protect our community, those who put themselves in harm's way in the course of their duty, and we stand with them to support them in every way possible.

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:30): My question is again to the Premier. Does the Premier agree with ESCOSA, which today has said that mothballing the desalination plant will save only $5 million per year, or about $6 per household per year during the regulatory period, not the $100 million suggested by Miles Kemp in media reports?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:31): Yes, I do.

GUN AMNESTY

Mr BIGNELL (Mawson) (14:31): My question is to the Attorney-General. Can the Attorney-General provide the house with an update on the gun amnesty?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:31): I thank the honourable member for his question. As all members would be aware, the gun amnesty commenced on 1 August this year for a three-month period. There is less than two weeks now to run until the end of that amnesty, and I thought it was appropriate to provide the house with some update as to how the amnesty is progressing.

Members no doubt recall that there was an update provided midway through the amnesty when my ministerial colleague the Minister for Police and I actually visited the police headquarters and were shown a number of the firearms that had been handed in. As at 17 September 2012, 1,200 firearms had been surrendered to SAPOL. This figure included 60 handguns and seven proscribed—in other words, completely illegal—firearms.

The house will be pleased to note that since that last update over 600 more firearms have been added to the total. South Australia Police have now received 1,974 firearms during the amnesty. A further 138 imitation firearms have been handed in. From within that total there are over 100 handguns and 11 proscribed firearms, that is, totally illegal firearms. Thanks to the amnesty, there are now 2,112 firearms and imitation firearms that have no potential to fall into the wrong hands.

I urge anybody who has not already taken up the opportunity to safely dispose of an unwanted firearm to do so before 31 October. I also wish to thank SAPOL for their work in making South Australia a safer community. Particular thanks must go to the Firearms Branch and the metro and country local service areas for their work in implementing this very successful amnesty.

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:33): My question is again to the Premier. Will the Premier now release all documentation pertinent to the decision to double the size of the desalination plant? The government has released two reports, both of which were dated after the decision was made and therefore neither of which could have informed the decision.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:34): Just to explain to the honourable member the process, because she has not had the opportunity to be a minister so perhaps is not familiar with the way in which one would deliberate in these matters—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: What occurred around that time is that we had set up a Water Security Council. It met on a regular basis. In fact, during the height of the drought it met on a weekly basis, sometimes two or three times a week, depending on the extent of the crisis. I was a member of that Water Security Council and we received regular reports and updates from the various consultants and government agencies that supported us in the decision-making processes we had around the drought.

Just to remind people of the sorts of things that we were being told: we were seeing the modelling of salinity which was creeping back up the river towards our intake pipes to the extent that we were making provisions for bottled water in some country towns and we also considered plumbing into the groundwater resources in and around Adelaide to try to achieve a mere 10 gigalitres to stave off the loss of drinking water supplies to Adelaide. Those were the sorts of decisions that we were being confronted with.

We then reached the point where we made a decision to say yes to the desalination plant. At the same time, when we were making those decisions, it became apparent there was a question about the choice of the size of the plant. We now know that Western Australia made the decision to go with the smaller plant and then rebuilt another one at an extraordinary extra cost. We were determined to make the correct decision, so we took advice from those doing the modelling concerning our additional needs and also the engineers who will assist us to make these judgements.

So, the Water Security Council and cabinet received briefings from KPMG and WorleyParsons and the modelling and advice that informed their reports was given to us to inform the cabinet decision made to choose the 100 gigalitre plant.

DESALINATION PLANT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:36): I have a supplementary question. The question was: will the Premier release all of the documentation upon which their decision was based?

The Hon. P.F. CONLON: I rise on a point of order. Restating the question is not a supplementary.

The SPEAKER: No; it is not a supplementary.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:36): The question proceeds from the false premise that the chain of reasoning which is contained in the final report is materially different, or different in any respect, from the information that cabinet was briefed upon.

Members interjecting:

The SPEAKER: Order! I cannot hear the Premier.

The Hon. J.W. WEATHERILL: There are no documents which exist beyond that which have been supplied which are not cabinet documents. All the rest of the material are cabinet documents. I can tell you that cabinet received the same information which is contained in the documents which have been released to the broader community. That is something I chose to do (to release those documents) so that people could inform themselves. While members opposite agreed with the original decision to put in place a desalination plant (that in fact is common ground between us), the truth is that the easy decision was to go from 50 gigalitres to 100 gigalitres because it was nonsensical not to.

It is an extra 10 per cent in relation to the value of the plant to take you from 50 gigalitres to 100 gigalitres, when the additional cost of actually building the 100 gigalitre plant, if we had to build a separate new upgrade, would have been estimated in the order of an extra $200 million beyond that which would otherwise be required. Of course, there was no guarantee that we would have a commonwealth government that would be prepared to meet half of the cost of that upgrade.

Members interjecting:

The Hon. J.W. WEATHERILL: So, Madam Speaker, can I just ask members opposite to pay attention. If they do not believe me, then pay attention to Nigel McBride, who said yesterday at the CEDA lunch that people need to grow up and realise that you cannot advance this state as a serious investment destination unless you can have the long-term water security of the state justified, and that involves a 100 gigalitre desalination plant.

VICTIM REPORTED CRIME

Dr CLOSE (Port Adelaide) (14:38): My question is for the Minister for Police. Can the minister inform the house about the continued decline in victim-reported crime in South Australia?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (14:38): I thank the member for Port Adelaide for her question. I know that in her short time as a member of parliament she is developing a very close relationship with her local police in the Port Adelaide LSA. When Labor was elected to government in February 2002, the most recent South Australia Police annual report showed that more than 209,000 victim-reported offences were committed in the previous financial year.

Today I want to congratulate our police and our other community safety agencies for delivering yet another drop in crime in 2011-12. Total victim reported crime is now less than 126,000 offences. This is 227 fewer offences every day—1,596 every week, compared to when we were elected; that is 227 South Australian households every day, 1,596 every week, that are not victims of robbery, property damage or violence. This achievement is even more remarkable when you consider that our state's population has increased by around 8 per cent over the same period.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Just so that people heard that: this achievement is even more remarkable when you consider that our state's population has increased by around 8 per cent over the same period.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Member for Croydon, order!

The Hon. J.M. RANKINE: Madam Speaker, crime reduction is no coincidence. We have invested in more police, better equipment, improved pay and conditions and enhanced powers. Thanks to the historic reduction in crime over the past decade, police have more opportunities to

get on the front foot and make our roads safer, tackle organised crime and engage the community through new programs like Neighbourhood Policing Teams.

Police are now central players in multi-agency responses to domestic violence, natural disasters, drugs and alcohol. They run education programs, divert people to support services, where appropriate, and provide security advice to households and businesses. Police have even gone digital and have around 50,000 followers on social media.

In the same way that mobile phones caused an increase in calls to police for a reduced number of incidents, new media platforms have increased our exposure to, and concern about, crime that is often very remote from us. The media's job is to report but we must put the reports in context. Our state, without the slightest shadow of a doubt, is safer and more secure than when we came to government, and to use the words of the Leader of the Opposition, Adelaide is probably one of the safest places in the world.

When the Liberals were last in power their community safety policy involved cutting police numbers over their first term. And nobody was surprised when crime rates exploded. They went from 157,000—

Members interjecting:

The SPEAKER: Order! Point of order, the deputy leader.

Mr WILLIAMS: The minister is now clearly debating the answer to the question.

The Hon. J.M. RANKINE: —victim-reported offences in 1994-95—

The SPEAKER: Minister, order! I refer you back to the substance of the question please.

The Hon. J.M. RANKINE: Thank you, Madam Speaker. I am talking about victim-reported crime rates and providing the house with a comparison. They went from 157,000 victim-reported offences in 1994-95 to 209,000 by 2001, an increase of a third, or an extra 1,000 offences every week.

Mr WILLIAMS: Point of order, Madam Speaker: you have already ruled that the minister is wandering into debate, and she's continuing reading a debate.

Members interjecting:

The SPEAKER: I would ask you to wind up, minister, and not refer to Liberal policy.

The Hon. J.M. RANKINE: From 1994-95 to 2001 victim-reported crime went up every year except one—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: And these weren't small increases: 11.2 per cent in 1998-99 and 12 per cent in 2000-01 were shameful highlights.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, that was clearly debate.

The SPEAKER: Order! Minister, your time has expired anyway. I would ask you to sit down. The Deputy Leader of the Opposition.

WATER PRICING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:44): My question is to the Premier. Does the government believe that the assumption used in the 2009 KPMG report, released only last week, that water prices would rise by 8 per cent per year post year 2008-09 was a reasonable assumption? Last week the Premier released a report by KPMG, which was dated 3 June 2009, almost a month after the announcement to double the size of the desalination plant. The report assumes that water prices would rise by 8 per cent per year from 2008-09, yet post the 2010 election water prices in South Australia rose each year, according to government budget papers, by 22 per cent, 40 per cent and 25 per cent respectively.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:44): There is no doubt that the desalination plant is an expensive way of delivering water. That is why we hesitated to make the decision. It is why we are not going to run the plant unnecessarily, and it is why also in the last budget we introduced a $45 and $75 rebate, depending on the amount of consumption you have, to reduce the burden on consumers of water. We do understand cost of living pressures and we understand that we need to respond to them, but I think most people realise they live in the driest state on the driest continent and that this is an insurance premium worth paying.

Mr WILLIAMS: Standing order 98: relevance. The question was: does the Premier believe that the assumption of 8 per cent water price increases was a reasonable assumption?

The SPEAKER: The Premier is talking about substance relevant to the question and he can continue if he chooses. There is no issue of debate. Have you finished Premier?

The Hon. J.W. WEATHERILL: Yes.

POLICE LINE-UPS

Mrs GERAGHTY (Torrens) (14:45): My question is to the Deputy Premier. Can the minister inform the house about the government's efforts to cut red tape for police in relation to police line-ups?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:46): I thank the honourable member for her question. I know she has an interest in this because she is very keen, like all of us are on this side of the house, to assist SAPOL in doing the very important work they do for our community.

A key 2010 election promise made by this government was to reform the process of identifying people suspected of having committed crimes. A bill was introduced into this parliament by the government—I recall actually doing this myself—on 9 March 2011. This bill was completed on 6 July 2011. There were no amendments whatsoever moved by the opposition. The bill was opposed in total. It was totally opposed.

There were numerous briefings given to members of the opposition, in particular the Hon. Stephen Wade, who absorbs a great amount in briefings, but it does not seem to make much difference to his position. In any event, he absorbed an enormous amount of information from SAPOL and, I think, probably from PASA as well, plus leading academics in the area, who were supportive of this bill. But, what happened? Nothing. They opposed the bill. It was all to no avail.

Therefore, it was with some interest (and slight amusement) that I was presented with two press releases today. One of them (which I did recognise, because it was mine) was dated 9 March 2011. I will quote one short passage from it. It says:

> Line-ups divert substantial police resources, often requiring up to 10 police officers and up to 60 police hours to arrange. The legislation, which honours a government election promise, will ensure that photo identification will be considered by the courts to be just as reliable as traditional line-ups.

The Hon. P. Caica: That's sensible.

The Hon. J.R. RAU: Sensible. Members will not believe this, but I have got another one today. It is headed with the name of the Leader of the Opposition and the Hon. Stephen Wade, and it is on a Liberal Party headline. See if you can find any similarity between what I just read and this. I quote:

> Traditional line-ups are time-consuming and costly.

Members interjecting:

The Hon. J.R. RAU: Familiar? There's more. It gets better. It says:

> Organising line-ups can take up to 10 police officers and up to 60 hours of police time, time that obviously could be better spent on other police activities. The bill seeks to amend the current legislation by removing—

This is great stuff. Anybody who wants to have a look at them, here they are, both of them. You blokes up there. I'll give you a copy later.

The SPEAKER: Order! The minister should not be discussing material.

The Hon. J.R. RAU: No, I had a moment. I am sorry. This government has consistently supported police through strengthening laws, upgrading police equipment and putting more officers on the beat. The opposition could have saved police, taxpayers, and all of us, a lot of time and resources over the last 18 months by simply supporting the government's bill instead of opposing it and then 18 months later introducing their own identical bill and press release. I hope that they will now see the light and support other measures in this space before the parliament instead of opposing them. In the end, building a temporary coalition with Independents in the other place is no substitute for good policy.

WATER PRICING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Water and the River Murray. How can the government claim that water prices will be kept to inflation when today, ESCOSA (the Essential Services Commission of South Australia) has stated, and I quote:

> The value of SA Water's regulated asset base will need to be set significantly below the current value in order to prevent future price rises above inflation.

This is before the valuation of the desalination plant is even added to the asset base of SA Water.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:50): ESCOSA, the government and I are in agreement on the issue of the regulated water base, the SA Water assets, needs to be reduced. I will make a determination of that in March 2013. Historically, it's been high, and with the move to independent—

Mr Williams interjecting:

The SPEAKER: You've asked your question, deputy leader, order!

The Hon. J.J. SNELLING: With the move to independent price—

The Hon. P.F. CONLON: Point of order, Madam Speaker. The Deputy Leader of the Opposition will not stop interjecting, even though he takes points of order regularly. It's simply not consistent with proper practice.

The SPEAKER: Thank you.

The Hon. P.F. CONLON: Interjecting—

The SPEAKER: Order! Thank you, Minister for Transport.

Members interjecting:

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

The Hon. J.J. SNELLING: I have.

HEALTH BUDGET

Mr SIBBONS (Mitchell) (14:51): My question is to the Minister for Health and Ageing. Can the minister please advise the house about changes to funding to non-government organisations by SA Health.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:51): I thank the member for Mitchell for his question, and I would like to acknowledge the mums and the babies in the chamber today and note that a number of interjections have come from the children on that side, and they don't make a lot more sense than the opposition usually makes. They are a lot more joyful, Madam Speaker, and there should be more of it.

As members would know, Health is currently looking at ways to reduce its budget. We have considerable pressures on our budget, and we have published a number of our reviews which we are working through to try to get our budget back in some sort of balance, and, of course, we are looking right across the board. One of the areas that we have looked at is the area of grants and operating funds, and they're an important part of what we do in our Health budget.

We currently, members would be interested to know, spend more than $100 million a year in giving grants to over 500 different organisations. These include grants to the university and research sector, as well as money to non-government organisations, such as St John's, and the

grants to non-government organisations are a mixture of block-funded style operating grants and service arrangements. Health will be undertaking a full review of these grants and will work as closely as possible with the non-government organisations to make sure that there is no duplication of effort and that criteria for funding are accountable and equally applied to all the organisations.

It's important that taxpayers' money—and I am sure that taxpayers would agree with this—is used in an accountable and transparent way to make sure that services provided are of benefit to South Australians and provided in the most cost-effective manner possible.

I have instructed the health department to make sure that, while this review is underway, all funding will continue at current levels. I can inform the house, and perhaps members of the room today, that the office manager for the SA and Northern Territory branch of the Australian Breastfeeding Association has been contacted by SA Health and informed that their funding will be maintained at current levels.

I can advise the house I have also met just last week with the head of St John's about the arrangements there and agreed that we will continue talking with St John's. I don't—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I don't want to undersell the difficulties or oversell the difficulties we have in trying to make sure that our budget comes in in a balanced way within Health. We have enormous pressures in the health—

Members interjecting:

The SPEAKER: Order! Minister for Health, can you sit down until we have some quiet from the left side of the house?

Members interjecting:

The SPEAKER: Order! It is very difficult to hear. Minister.

The Hon. J.D. HILL: Madam Speaker, I was only trying to make the point that health spends about 30 per cent of the state budget, and the growth in health expenditure is growing at a faster rate than this state's income. In order to ensure that we have a sustainable health system and that we do not reduce services we do have to work out ways of delivering services more efficiently, and nothing is excluded from the review process.

I just wanted to make sure that the organisations which are not part of government are properly involved and talked to and their views are considered as we go through this process. So we will not be making any peremptory decisions about funding to organisations, like the breast screening association or St John.

It is easy to say that it is only a small amount of money, but when you add up 500 of those small amounts of money it comes to millions and millions of dollars, so we do have to do things in a more efficient way. But I can assure the organisation that we will work with them. The office manager, I understand, of the breast screening association has indicated that her association is happy to enter into those discussions about future funding arrangements, so that is a good thing. We are also, as I say, working with St John through their issues. It is a difficult time for the state's budget, but we are trying work through all the issues and we will not do anything in a peremptory way to undermine the organisations continuing to deliver their services.

The SPEAKER: The minister's time has expired. The member for Unley.

AUSTRALIAN BREASTFEEDING ASSOCIATION

Mr PISONI (Unley) (14:56): My question is to the Minister for Health. Is the backflip on the cut for the Australian Breastfeeding Association funding an admission that the government failed in its pledge to consult, failed to consider the impact of its decision on South Australia and failed to be any different from the 'announce and defend' Labor style South Australians have suffered over a decade?

The Hon. P.F. CONLON: Point of order.

Mr Pisoni interjecting:

The Hon. P.F. CONLON: I have a point of order.

Mr Pisoni interjecting:

The SPEAKER: Order! Sit down, member for Unley.

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I'll wait for you to stop yelling then, shall I?

The SPEAKER: Order! Member for Unley continue then.

Mr PISONI: I seek leave to explain my question, Madam Speaker.

The Hon. P.F. CONLON: I rise on a point of order.

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: Point of order, Madam Speaker. The question was replete with argument, contrary to standing order 97. I simply point out that now it would be unfair for the minister to be constrained from debate given that the question was utterly replete with argument.

The SPEAKER: Thank you, Minister for Transport. I will uphold that.

Mr PISONI: The minister was the Chairman of the Australian Health Ministers' Conference and signed off on the production of the Australian National Breastfeeding Strategy 2010-15 which I have here and which relies heavily on the Australian Breastfeeding Association for that strategy to be successful.

The SPEAKER: The Minister for Health.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:57): Of course, the member for Unley's question was one question too late because I actually addressed the issues that he dealt with. Can I say that, as someone who benefited from breastfeeding as a very young person, I understand, acknowledge and support and encourage women to be able to breastfeed where ever they choose to do it, might I say, and there should not be any limits, controls or regulations or restrictions on the rights of women to be able to breastfeed. I can assure the house that I fully support the rights of women and—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —their right to be given information about and support for these natural processes. I have indicated to the house that I have requested my department to take a different approach to dealing with issues around funding for third parties, and that is exactly what we will do. I am not sure that I can add anything further, Madam Speaker.

The SPEAKER: I am advised that someone in the gallery has been taking photos of members of the gallery, and I would just warn them that it is against what happens in this place. If anyone in the gallery did object to having their photograph taken there could be serious consequences. I advise you to be very careful about that.

ADELAIDE RAILWAY STATION

The Hon. S.W. KEY (Ashford) (14:59): My question is directed to the Minister for Transport Services. Minister, can you outline to the house the communication campaign underway engaging commuters about the pending closure of the Adelaide Railway Station?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:00): I thank the member for this question. Planning of bus substitute services for the line closures is well underway with operators in relation to bus number requirements, proposed routes, associated infrastructure and communication plans.

As with all previous rail line closures, some key principles are applied to bus substitute services, namely services to match as closely as possible to existing train timetables. Bus substitute services will also collect passengers from or at locations nearest to existing train

stations. During the month-long Adelaide Railway Station closure, travelling on trains or substitute buses covering trains will be free.

The Hon. M.J. Atkinson: Hear, hear!

The Hon. C.C. FOX: Thank you. This is in recognition and appreciation of the way commuters have cooperated with upgrade disruptions. Consultation with affected councils is underway with respect to associated infrastructure and temporary bus stops. Since the announcement of the Adelaide Railway Station closure, the following communication activities have been undertaken: Adelaide Metro info teams distributed 20,000 project brochures to train commuters at the Adelaide Railway Station; more than 300 signs have been installed across the network; 8,000 brochures were distributed to all Adelaide Metro information bars across metropolitan Adelaide; and additional signage will be installed in the ARS and on trains in the coming weeks.

Adelaide Metro InfoCentres are also collecting feedback from customers. InfoCentres are also distributing project brochures to commuters, and this feedback is going to be used to assist the department with finalising planning of the substitute bus timetables. Train commuters will receive timetables and information about substitute bus services six weeks prior to the Adelaide Railway Station closure as is standard practice for all service changes.

Ms Chapman interjecting:

The Hon. M.J. Atkinson: Never see you on public transport.

The Hon. C.C. FOX: No, she went once with Isobel, there was a thing about the ladies. Engagement with residents adjacent to the affected rail corridors will continue as the project progresses. It is important to note that the timing of the closure was selected to take advantage of the quietest time of the year for public transport due to the school holiday period, and we did that so that we could minimise disruption to all our train commuters. Thank you.

ADELAIDE RAILWAY STATION

Ms CHAPMAN (Bragg) (15:02): My question is to the Minister for Transport Services. When the Adelaide train station closes early next year for approximately one month, is it the case that public transport commuters from Grange to the CBD must catch a bus from Grange to Woodville, a train from Woodville to Bowden, and then a bus or a tram from Bowden to the CBD, and how much longer will the journey be as a result?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:03): I will bring that information back to the house.

PRISON SAFETY

Ms THOMPSON (Reynell) (15:03): My question is to the Minister for Police and Minister for Correctional Services. Can the minister inform the house about collaboration between the Department for Correctional Services and the SAPOL Dog Operations Unit to improve safety in our prisons?

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) (15:03): I thank the member for Reynell for her question. South Australia Police and the Department for Correctional Services both operate specialist dog units for drug detection and other duties. Operation Dedicate 20 was conducted over two days at Yatala Labour Prison in September to prevent and detect offences being committed by visitors in and around the prison. SAPOL detection dogs searched 114 people and their vehicles outside the secure prison area resulting in 41 positive detections from drug dogs: seven ecstasy pills were discovered, 0.5 grams of heroin and four grams of methamphetamine were discovered, 38 people were refused entry to the prison and three people were served with visit bans of 12 months. Traffic infringement and vehicle defects were also issued.

This is another great example of SAPOL and the Department for Correctional Services working in partnership to make our prisons safer. The message from this operation is simple: bring drugs into our prisons and you may end up on the other side of the fence for much longer than you planned.

Labor has worked hard to make sure the right people are behind that fence, amending the Correctional Services Act to improve information sharing between the police and the Parole Board

and ensuring violent or sexual offenders, even those with short sentences, satisfy the Parole Board before release.

Today, the Leader of the Opposition recycled her 2010 policy to make all offenders sentenced to more than 12 months to go before the Parole Board without any consultation with the Parole Board, without any additional resources for the Parole Board, with no prison expansion policy, and while refusing to—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order: the minister is debating the answer to the question.

The SPEAKER: Yes; minister, I refer you back to the substance of the question.

The Hon. J.M. RANKINE: Thank you, Madam Speaker. Will the money for this initiative come from the 35,000 fewer public servants she has planned? Today, the Attorney-General tabled the annual report from the Commissioner of Police, summarising the work of SAPOL's drug detection dogs in 2011-12. The dogs were deployed in the CBD, regional centres, major public events and festivals, prison car parks, public transport hubs, and Schoolies. Over the course of the year, there were 293 detections leading to 224 arrests or reports, and 69 drug diversions.

I want to take this opportunity to wish a happy retirement to some of our dogs—Molly, Hooch and Jay, three valued members of SAPOL's drug protection dog team who have been on the job since our current legislation was enacted. I am assured that Tilly and Kalia, the senior members staying on in the team, will welcome the new recruits as they complete their training.

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:07): My question is again to the Premier. Does the Premier agree with his government's former commissioner for water security, Robyn McLeod, that the $853 million between the cost of a 50 gigalitre desalination plant and a 100 gigalitre desalination plant is miniscule? Robyn McLeod said last week:

> ...when we put the 50 gigalitre plant out to tender, we asked the tenderers to also put up the price on a 100 gigalitre plant....when the prices came in, the difference between building a 50 and 100 gigalitre plant was miniscule.

The WorleyParsons report dated June 2009, released by the government last week, lists on page 10 of appendix 1 the additional costs of the expansion of the desal plant at a total of $853 million.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:08): Unsurprisingly, we disagree with the analysis of the Deputy Leader of the Opposition, and the option—

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: The option to—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Sorry, I have accused him of analysis—that's something we could never accuse the Deputy Leader of the Opposition of. The option—

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: If you could just be quiet for a moment and allow me to develop my answer. The option to double the capacity of the plant to 100 gigalitres increased the capital it costs—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —by $450 million, so that is the actual increase: $450 million. And, in relation to that extra amount, $228 million of it was picked up by the commonwealth, leaving us with a balance—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —leaving us with a balance of $222 million. So—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: This was not a difficult equation. About an extra 10 per cent on the total cost of that desalination plant will take you from 50 to 100 gigalitres in circumstances where we are getting the best advice to say that we are not going to be able to project ourselves as a secure investment location because we cannot guarantee the water security of this state over the long term.

That is what allows people like Nigel McBride, who is not known as some left-leaning socialist, to say to the opposition, 'Grow up.' It leads him to say that he supports the 100 gigalitre plant and he believes that this is important in the long-term economic security of the state. Perhaps you could advance your arguments to Business SA because they are not on board. They do not understand what you are talking about. They do not understand why you are coming in here advancing economic propositions which are to say the least lightweight, which demonstrate a lack of experience and competence of those who are seeking to advance themselves as an alternative government.

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:10): As a supplementary, given the Premier's analysis concerning the $228 million of commonwealth funding—and therefore it is not taxpayers' money—when did the Premier and the government first become aware that $216 million of that was going to be offset against our GST payments?

The SPEAKER: That is a completely new question but, Premier, do you wish to answer that?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:11): The analysis that we engaged in deciding to go from a 50 to a 100 gigalitre plant is completely and utterly incontrovertible.

Mr Williams: Not based on this report. Not based on this.

The Hon. J.W. WEATHERILL: It is, and we would have made that decision in any of these circumstances. We did have the advantage of the commonwealth contribution which does assist us in the short term to raise the capital costs associated with meeting the cost of the plant. There is no doubt about that. It does have a GST effect over time but this assisted the government to make the capital spending decision that it did and this of course has had the effect of reducing the burden on consumers. By not having that contained—

Mr WILLIAMS: Point of order. The question was: when did the government become aware—

The SPEAKER: Thank you, there is no point of order.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: It's 98, it's relevance. The question was—

The SPEAKER: Order! There is no point of order. The Premier can answer this as he chooses. We will wait and see what he says.

The Hon. J.W. WEATHERILL: Madam Speaker, we are always aware of the way in which the rules of horizontal fiscal equalisation work. We actually understand how those rules work. We are also very familiar with how Tony Abbott wants to change them to actually rip a billion dollars out of the South Australian budget because he wants to go a per capita funding model, so we understand how HFE works. It works in South Australia's interest and we are defending it.

ST JOHN AMBULANCE

Dr McFETRIDGE (Morphett) (15:12): My question is to the Minister for Health. Why did the minister not first consult with St John Ambulance before he announced cuts to their funding, and will he now immediately meet with the St John chief executive, Sharyn Mitten? The government has cut funding by $100,000 to St John Ambulance. At the St John Ambulance awards day ceremony at Government House last Saturday, the public benefit from St John was revealed to be $7 million per year.

The SPEAKER: I think the minister has already answered this. However, it is up to the minister.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:13): I thought it was curious that the member for Unley and now the member for Morphett both asked me questions about health and the shadow minister for health did not, but now I understand why. He is not stupid.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I thought I made it plain in an answer from my own side that we had reflected on the arrangements with a number of the organisations and that I had met with the chair of the board of St John's, Commissioner Greig, last week and spent an hour talking through the issues. I got a better understanding of the issues from his point of view and I think he got a better understanding of the issues from the Health point of view. Health had been talking with St John's over a period of months about the funding arrangements for the next year, and the contracts had not been—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The contracts had not been finalised. They asked to speak to me. I agreed to meet with them and I did.

HOUSING CONSTRUCTION GRANT

Mrs VLAHOS (Taylor) (15:15): My question is to the Treasurer. What has the industry reaction been to yesterday's announcement of the new housing construction grant?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:15): I would like to thank the member for Taylor. She would have many new homebuyers in her electorate, people who would be beneficiaries of this new grant. I am pleased to tell the house that the real estate industry, the housing construction industry and business groups have overwhelmingly backed the government's decision to stimulate the property sector. Nathan Paine, the executive director of the Property Council, last night said, and I quote:

> This is a very tough time for everybody out there, including the government and I've got to congratulate the government because this goes above and beyond what was even talked about at the construction industry roundtable which was convened by the Premier several weeks back. You know, this is a big step forward.

Business SA chief executive officer Nigel McBride said this was good for the city, it's good for a more vibrant Adelaide, and it is obviously good for the industry at a critical time. These are views echoed by the Housing Industry Association's Robert Harding, who said that this will add confidence to the market, while Greg Troughton from the Real Estate Institute of South Australia was another to welcome the government's moves.

In correspondence to my office, Mark Devine from Devine Homes called it a very timely and appropriate initiative to stimulate the state housing industry, and yesterday had already received a number of clients inquiring about it. Terry Walsh from the Urban Development Institute of Australia said in a press release yesterday that this will change the attitude of house buyers and create much-needed activity in the housing market.

So, who did not overwhelmingly support the move? It will come as no surprise to anyone that it was none other than the great member for Davenport. Bereft of any ideas, the contribution we got from the member for Davenport was on radio this morning criticising the government for supporting jobs and industry and claiming that it was not sustainable. While this government is

doing what it can do to protect the 66,000 jobs in the state's construction industry, those opposite are only worried about one job—one job—and that job is the Leader of the Opposition's.

Members interjecting:

The SPEAKER: Order! The ministers on my right will behave. The member for Stuart.

TOUR DOWN UNDER

Mr VAN HOLST PELLEKAAN (Stuart) (15:18): My question is to the Minister for Recreation and Sport. Given that the Victorian government released the amount of taxpayer funds paid to Tiger Woods for his appearance, will the government now reveal to the people of South Australia how much taxpayers' money was paid to Lance Armstrong for his appearance—flights, entertainment, food, beverage and accommodation—during his stay in Adelaide?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:18): Those arrangements in relation to Mr Lance Armstrong were the subject of a confidentiality clause in the contract which prevents the government from disclosing the financial details of the contract. I have been advised that to breach that clause would expose the government to action. However, I think the stronger point beyond that is that there is a highly competitive environment for the Tour Down Under. We know that there are a number of jurisdictions which would love to take it off us. They would love to know what our financial arrangements are in relation to attracting celebrities to support the race, and we are not going to give them a leg up by disclosing that information.

The SPEAKER: The member for Torrens.

Members interjecting:

The SPEAKER: Order!

WATER SECURITY

Mrs GERAGHTY (Torrens) (15:19): My question is to the Minister for Water and the River Murray. What benefits arise from the government's approach to delivering water security for Adelaide over the coming decades?

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:19): I thank the honourable member for her very important question. As we all know and as the Premier highlighted, only three years ago that we were in the grip of the worst drought on record, a drought that seemed endless, and a strategy of waiting for rain was too risky an approach.

In this context, as the Premier also said, the government sought expert advice before taking the decision to build a desalination plant and then the decision to increase its size. The desalination plant was welcomed by the City of Onkaparinga Mayor, Lorraine Rosenberg, as being capable of providing a significant boost to economic development in the region. Of course, we still expect it is going to underpin our economic development, as the Premier said.

Given the complexities of the matters that needed to be considered at the time, and given that the decision involved large investments, we were transparent about the increase in the water prices. It was complex and politically difficult, but the right thing to do for and by South Australia in the long term was to build the desalination plant that would underpin our economic development. In building this plant, the government is securing Adelaide's water needs through a rainfall independent source that can be relied upon when our traditional sources, our local catchments and our River Murray entitlement cannot provide us with certainty during cycles of drought.

These decisions mean that our children and grandchildren will have a reliable source of clean drinking water, even when the inevitable dry spells return. It is also helping to underpin, as I mentioned, and the Premier did, our economic future and the expansion of our population by providing certainty for investment and job creation—certainty that Adelaide's future demand for water can be met regardless of climatic conditions over the next decades. It is curious to note the shrill criticism of the opposition in relation to building the desalination plant. It is very much at odds with their previous enthusiasm for desalination.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: In 2007, in this house the member for Waite—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —one of apparently many challengers for the Liberal leadership, said, 'We must have a desalination plant.' But he had been beaten to the call by the member for Finniss, who had earlier insisted that 'an enormous desalination plant for Adelaide was an imperative'. The deputy leader paraded his unabashed support for a desalination plant in 2007, describing Ross Young, then chief executive of the Water Services Association, as a man who was at the cutting edge of water supply around the nation, and going on to quote Mr Young as saying, 'Rainfall independent sources such as desalination are going to be absolutely imperative for all coastal cities in the long run.'

What have we seen from the opposition? The opposition's desert of water policy, that familiar short-term, ad hoc policymaking, some of the short-term thinking that gave us the one-way expressway, which is now being finished properly. The proposed 50 gigalitre plant which—

Members interjecting:

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

Mr WILLIAMS: Surely this is debate.

The SPEAKER: Yes, I uphold that point of order. Minister, the question was not about the opposition policy. Have you finished your question?

The Hon. P. CAICA: No, it wasn't. Indeed, it is about the security that has been provided by—

The SPEAKER: Can you go back to the substance of the question.

The Hon. P. CAICA: Of course, Madam Speaker, I will. The proposed 50 gigalitre desalination plant was still going to add and run Adelaide short of water. Of course, in hindsight, and apparently on a mere whim, in October last year—

An honourable member interjecting:

The Hon. P. CAICA: This is important—the Leader of the Opposition told listeners on radio that the Liberals in government would have waited to see if we needed more than 50 gigalitres and maybe perhaps plonk—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: The minister is again debating.

The SPEAKER: Yes, thank you. I will again refer you back to the question, minister. You have 21 seconds remaining.

The Hon. P. CAICA: This is fact: that—

Members interjecting:

The SPEAKER: Order! Minister, you have 18 seconds remaining.

The Hon. P. CAICA: —thank you very much—in fact, would have waited to see if we needed another 50 gigalitres by plonking another 50 gigalitre plant up further on the north side. There is a host of other quotes, of course. The member for Chaffey said:

The desal plant has been increased from a 50GL desal plant. I applauded that because I thought it was a great diversification, with Adelaide's water requirements and also a drought measure.

The SPEAKER: Minister, your time has expired, as has question time.

Members interjecting:

The SPEAKER: Order! I'm sorry, your time has expired.

Members interjecting:

The SPEAKER: I'm not sorry. If you had stuck to the subject we could have—

Members interjecting:

The SPEAKER: Order! Members please leave their seats or sit down and be quiet.

ANSWERS TO QUESTIONS

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

ABUSE ALLEGATIONS RECORD

74 The Hon. I.F. EVANS (Davenport) (8 May 2012). In asking this question, I refer the minister to my grievance speech on the 2 May 2012. Will the minister explain why a constituent of mine had a confirmed abuse notification against her name in a departmental file when the department had given a written undertaking in 2004 and the then minister (Weatherill) had agreed at a meeting in 2005 that all departmental records would be changed to record abuse not confirmed for matters relating to her and her husband?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development): I can confirm that the constituents referred to in the member for Davenport's question had records updated in 2005 to reflect that the original confirmation of abuse was overturned upon review of the case.

GOVERNMENT SPENDING

96 Mr HAMILTON-SMITH (Waite) (17 July 2012). Does the government monitor spending based on portfolio and sub-portfolio and if so, what is the total estimated spending in 2012-13 for Health, Mental Health, Ageing and Substance Abuse, respectively?

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 monitors spending on a monthly basis internally at both the portfolio level and at the entity level. The portfolio level data is reported to the Department of Treasury and Finance on a monthly basis through the monthly monitoring process.

Based on the 2012-13 original operating expenditure budget, the following allocation is provided:

Total Health Portfolio	$4.895 billion
Ageing Policy and Strategy	$4.842 million
Mental Health & Substance Abuse	$64.541 million

It should be noted that the total health portfolio number includes Ageing and Mental Health and Substance Abuse.

Mental Health and Substance Abuse relates to policy and coordination only, which is reflected in the Department for Health and Ageing's budget numbers. The mental health and substance abuse service delivery component of expenditure is embedded in functions provided by the Local Health Networks and is not reflected in this amount.

HEALTH DEPARTMENT BUDGET

97 Mr HAMILTON-SMITH (Waite) (17 July 2012). What has been the average annual increase in spending on Health in the past four financial years and what is the anticipated average annual increase in total Health outlays in the next four years in dollar and percentage terms?

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 average annual increase in expenditure across the health portfolio over the past four financial years, from 2008-09 to 2011-12 (Estimated Result), was approximately $284 million, or 7 per cent.

The budgeted annual average growth in expenditure, net of savings requirements, across the next four years from 2012-13 to 2015-16 is approximately $93 million, or 2 per cent.

GRANTS AND SUBSIDIES

101 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 6, vol. 3, p. 67—

1. Why did grants and subsidies for 2011-12 budgeted at $177.8 million blow out to $229.8 million?

2. How will a reduction from $229 million in 2011-12 to $180 million in 2012-13 be achieved?

3. Do these figures include payments to NGOs, and are the effectiveness of grants and subsidies assessed to determine which ones will be renewed or discontinued?

4. What action has been taken to correct weaknesses in financial management identified on page 14 of the Auditor-General's Supplementary Report to ensure grants and subsidies to NGOs are properly managed, including properly executed funding agreements, a register of contracts, contracts to support performance monitoring and proper processes to evaluate service providers?

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 2011-12 original budget for grants and subsidies (including grants to non-government entities) was $177.9 million for the health portfolio (Department for Health and Ageing and Local Health Networks).

During 2011-12, this budget was revised to $229.9 million primarily to reflect the distribution of the proceeds from the one-off sale of intellectual property for certain technologies relating to the drug being marketed as Naglazyme ($58.3 million) which was budgeted as grant payments in 2011-12.

2. The total health portfolio (Department for Health and Ageing and Local Health Networks) grants and subsidies budget (including grants to non-government entities) for 2012-13 is $184.8 million.

This reflects a decrease of $45.1 million from the 2011-12 Estimated Result and primarily relates to the sale of intellectual property referred to in my response to the first question. In essence, removing this one-off event reflects grant payments increasing from $177.9 million in 2011-12.

3. These figures do include payments to non-government organisations (NGOs). Each program management unit responsible for managing agreements with NGOs evaluates the effectiveness of grants and subsidies to determine which service agreements will be renewed or discontinued. SA Health is currently reviewing existing policies and procedures that support the management of ongoing NGO activity.

4. SA Health is taking steps to ensure the issues identified in the Auditor-General's Supplementary Report regarding NGOs are addressed. A number of enhancements have been made to SA Health's Procurement and Contract Management System to improve usability and workflow processes and to ensure greater controls are in place for NGO funding.

A Liaison Group has been established with representatives from across SA Health to support the improvements required for the effective management of NGO contracts, including the development of a performance management framework and the required policies and procedures that support the management of NGO activity.

QUEEN ELIZABETH HOSPITAL

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

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

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

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

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

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 total budget for the Queen Elizabeth Hospital in 2012-13 is $268.8 million, excluding corporate overhead budgets relating to the Central Adelaide Local Health Network.

The annual maintenance costs for 2012-13 (excluding utilities such as electricity, gas and other fuels) are $5.675 million.

2. The Queen Elizabeth Hospital has a total of 304 beds (average available beds in 2011-12—preliminary), spread across the functions of medical, mental health and surgery.

3. As at June 2012, The Queen Elizabeth Hospital had 2,383 employees (1971.6 FTE).

4. There were a total of 41,943 emergency department presentations at The Queen Elizabeth Hospital in 2011-12. The forecast for 2012-13 is 43,600 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 is impacted by many variables, including the unpredictability of seasonal illnesses such as influenza.

HEALTH DEPARTMENT

106 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 65—

How many complaints were made in 2010-11 and 2011-12 in the health portfolio regarding—

(a) bullying;

(b) sexual harassment;

(c) unfair dismissal and removal from any appointment or position; and

(d) how many employees have been granted special leave on the basis of any of these or related issues?

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 that in SA Health:

(a) Bullying

In 2010-11, 51 Workers Compensation Claims (bullying) were lodged.

In 2011-12, 59 Workers Compensation Claims (bullying) were lodged.

In 2010-11, 39 OHSW Incident Forms were lodged.

In 2011-12, 49 OHSW Incident Forms were lodged.

(b) Sexual Harassment

In 2010-11, three Workers Compensation Claims were lodged.

In 2011-12, one Workers Compensation Claim was lodged.

In 2010-11, four OHSW Incident Forms were lodged.

In 2011-12, four OHSW Incident Forms were lodged.

(c) Unfair Dismissal

In 2010-11, 10 Unfair Dismissal Claims were lodged with the Industrial Relations Commission of South Australia.

In 2011-12, 12 Unfair Dismissal Claims were lodged with the Industrial Relations Commission of South Australia.

(d) Special Leave

From 2010 to 2012, there were 22 Unfair Dismissal Claims lodged with the Industrial Relations Commission of South Australia. Of these employees, 10 were suspended with pay prior to the dismissal.

HEALTH DEPARTMENT

107 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 18—

How much has the health portfolio spent in total on litigation and what range of issues have resulted in court action?

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. In 2011-12, the Department for Health and Ageing spent $8.019 million on legal costs and payment of settlements for professional indemnity (principally medical malpractice) and public liability claims. The expenditure related to claims that had been made in the 2011-12 financial year and previous financial years. All matters were settled out of court (that is no matters went to trial).

In 2010-11, the Department for Health and Ageing spent $6.592 million on legal costs and payment of settlements for professional indemnity (principally medical malpractice) and public liability claims. The expenditure related to claims that had been made in the 2010-11 financial year and previous financial years. All matters were settled out of court.

The claims were for a range of incidents including post operative implications following a procedure, failure of a procedure, obstetric complications and failure or delay in treatment.

ROYAL ADELAIDE HOSPITAL

112 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 71—

1. What functions will be included in the operating lease of the new Royal Adelaide Hospital with the consortia and will it be all functions other than clinical functions?

2. What will be the estimated annual cost to the health budget of the new hospital paying all operating costs (including salaries) not included in the contract with the consortia?

3. What will be the total government cost for the fit-out and equipping of the new hospital not included in the contract with the consortia?

4. Are there contingencies or unexpected costs added into the contract with the consortia that may be triggered during its 30 year lifetime, thus increasing the $397 million payment per annum and if so, what are the triggers?

5. What interest rate or discount rates have been locked into the contract with the consortia throughout the life of the contract, and how do they compare with current interest rates for government borrowing?

6. Are the Public Sector Comparator assumptions still current given the Global Financial Crisis and corresponding reductions in interest rates?

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 facilities management services that are to be provided under the new Royal Adelaide Hospital (RAH) contract with SA Health Partnership (the consortia) include:

- building maintenance
- maintenance of grounds and gardens
- general services, including facilities management helpdesk
- provision of utilities and medical gas management
- cleaning and domestic services

- orderly services
- patient support
- waste management
- pest control
- security
- on-site catering
- bulk stores and linen distribution

2. The expected clinical operating costs are based upon the implementation of the service changes and bed numbers set out in the SA Health Care Plan. These take into account the anticipated population-driven growth in demand for services by that date. As stated in the information provided publically at Financial Close, the new RAH will provide a 30 per cent increase in clinical activity, with a 15 per cent increase in physical capacity and 10 per cent increase in staff numbers.

SA Health is currently in the process of further refining an operating cost model that will take into account a number of factors including the overall implementation of the SA Health Care Plan, current and future industrial negotiations with SA Health clinicians and the level of acute presentations anticipated at the new RAH. It would be premature to advise an estimated annual cost of providing these clinical services until such time as these variable factors are better known.

3. Under its contract with the State, SA Health Partnership is responsible for the full fit-out of the new Royal Adelaide Hospital, including coordination with SA Health's specialist clinical equipping contractors. The approved budget for the project includes a range of activities required to be undertaken by the State and its contractors to deliver the project. This budget is $244.7 million, which includes the provision of clinical equipment.

4. The annual service fee payable to SA Health Partnership accounts for:

- the facilities management services provided
- the cost of replacing elements of the hospital over the 30 year operating term
- the cost to service and fully repay the private debt and equity raised to fund the design and construction of the hospital.

It has been acknowledged that there are a number of factors that may influence the actual amount paid by SA Health, reflecting the overall risk transfer inherent in the project, for example these include the Consumer Price Index, volume of actual patient meals provided and abatements. The triggers for these adjustments are set out the in the contract, which is publically available on the SA Tenders and Contracts website.

5. Interest rates applicable under the contract with SA Health Partnership are the subject of confidentiality terms. However, the cost of finance was competitively tendered as part of SA Health Partnership's proposal and the benefit of that competition is reflected in those rates.

6. The Public Sector Comparator is an estimate of the hypothetical whole of life cost of a public sector project if the State procured the infrastructure and services for the new RAH under a conventional design, construct and maintain arrangement. It is primarily an evaluation tool to ascertain the value for money inherent in a Public Private Partnership proposal, in other words, a pre-tender estimate. It is not a tool by which delivery of a project is measured.

Furthermore, the project was competitively tendered at the height of the Global Financial Crisis and the new Royal Adelaide Hospital contract affords the State to benefit for refinancing gains should and when they occur.

HOSPITAL FUNDING

113 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 48—

1. What is the total cost to the Health Budget in 2012-13 for the maintenance and operation of current Repatriation General Hospital, including staffing, administrative and maintenance costs?

2. How many beds are in operation at Repatriation General Hospital and across what functions?

3. What is the total number of employees at the hospital, including FTEs and actual persons?

4. What is the total number of emergency department presentations at the hospital at present and what is the forecast?

5. What is the government's overall plan for the hospital going forward?

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 budget for maintenance cost centre (containing much of the facility's maintenance costs) in 2011-12 was $3,098,474, while the actual expenditure was $3,151,581.

Based on the data contained in the 2012-13 Health Performance Agreement, the total cost, net of revenue, to the Health Budget for Repatriation General Hospital (RGH) is $129,599,000.

It should be noted this includes RGH Mental Health, but excludes the Capital Works program, which is unknown at this stage.

2. There are 279 beds in operation at Repatriation General Hospital and across the following functions: Acute Referral Unit, Adelaide Institute for Sleep Health, Cardiology, Critical Care, Dermatology, Diabetes & Endocrinology, Gastroenterology, General Surgery, Mental Health, Neurology, Nutrition & Dietetics, Occupational Therapy, Oncology & Haematology, Ophthalmology, Orthotics and Prosthetics Department of SA, Orthopaedics, Pain Management, Physiotherapy, Plastic Surgery, Podiatry, Rehabilitation & Aged Care, Rheumatology, Social Work, Speech Pathology, Stomal Wound Care and Urology.

3. The total number of employees at the hospital are 1,082.74 FTE and 1,465 actual persons. These figures exclude the co-located services of Medical Imaging, Pharmacy and Mental Health. Mental Health at RGH have 141.46 FTE.

4. RGH does not have a recognised emergency department.

5. RGH will focus on its role as a general hospital, providing rehabilitation, palliative care and mental health services in the southern suburbs.

WOMEN'S AND CHILDREN'S HOSPITAL

115 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 53—

1. What is the total cost to the Health Budget in 2012-13 for the maintenance and operation of current Women's and Children's Hospital, including staffing, administrative and maintenance costs?

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

3. What is the total number of employees at the hospital, including FTEs and actual persons?

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

5. Has there been any consideration given to substantially rebuild the hospital in situ or to relocate and if so, what are the details and has an area of land down near the railyards been identified as a relocation site?

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 total cost to the Health Budget in 2012-13 for the Women's and Children's Hospital (WCH) is:

Employee costs, inclusive of Medical Imaging and Pharmacy staff	$162,974,483
Maintenance costs are budgeted across the Women's and Children's Health Network	$3,812,622

Administrative costs are held in various budget lines and are included in total WCH employee costs above.

2. The number of beds in operation at the WCH and associated functions are:

Paediatric Beds	124
Adult Beds	87
Neonatal Cots	49
Boylan Ward	6
Helen Mayo House	6
Total	266

3. The total number of employees at the Women's and Children's Health Network as at June 2012, including staff at the WCH, is:

Full Time Equivalent Staff	2,749
Actual Staff	3,824

4. The total number of Emergency Department presentations at the WCH at present, and the forecast, is:

Emergency Department	Year to Date June 2012	Forecast to June 2013
Paediatric Medicine	61,410	61,526
Women's and Babies	26,014	26,232

5. The State Government made a significant commitment in the 2010-11 Capital Investment Statement to redevelop and upgrade the WCH. This was the largest capital investment commitment to the hospital since the Queen Victoria Hospital services were moved from the Rose Park site in 1995.

An expenditure of $64.44 million was announced in the 2010-11 State Budget to provide additional ward space and redevelop the 'hot floor' and Level 4 medical wards. The 'hot floor' is a dedicated floor space to support the co-location of critical and intensive care services, including the Neonatal Intensive Care Unit and the Special Care Baby Unit. In March 2012, the 20-bed long stay 'Cassia Medical Ward' was completed as the first stage of this project.

This was in addition to the $24.066 million investment in constructing three new floors on the Gilbert Building. This was officially opened on 12 April 2012 and was completed with funding from the Commonwealth and State Governments, the Women's and Children's Hospital Foundation and the Little Heroes Foundation. It provides for a Children's Cancer Centre, the redevelopment of the Michael Rice Centre for Haematology and Oncology, The Breathing Space, and Allan Scott Laboratory.

With this level of investment currently occurring at the WCH there is no intent to relocate the hospital to a new site in the foreseeable future.

SA HEALTH

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

1. Who are the major suppliers to SA Health and its Agencies referred to under the $1.6 billion expenditure on general supplies and services in 2012-13 and what are the general gross payments for each?

2. What is the total value and scope of the government's business with Spotless in respect of SA Health and its Agencies?

3. Are there problems with the government's laundry services and in particular, who are the major contractors for laundry services and have any recent contracts failed and had to be renegotiated without tender?

4. What outsourcing initiatives has the government undertaken in 2011-12 and what outsourcing initiatives are planned?

5. What is the scope and dollar value of outsourcing of maintenance work at metropolitan based hospital and how many jobs are affected at each hospital within the Adelaide Health 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. Based on the results of the Procurement Spend Diagnostic Project by Deloittes in December 2011, the major suppliers for goods and services for SA Health for the 2012-13 financial year will be:

Supplier	Amount spent in 2010-11
Symbion	$46m
Spotless Services	$43m
National Blood Authority	$27m
ISS Facility Service	$26m
Roche Diagnostics	$21m
Clifford Hallam Healthcare	$16m
Baxter Healthcare	$15m
Nursing Agency Australia	$15m
Hewlett Packard	$14m
CSL Biotherapies	$13m

2. SA Health has engaged Spotless Services for the following services:

Contracts:	Scope of Services:	Approx. $m per annum (GST Inclusive)
Hotel Services:	'Hotel Services' incorporate a range of ancillary services provided through integrated contracts. These contracts include non-clinical services such as cleaning, catering, distribution, waste management, stores management, security and grounds and gardens maintenance	
Royal Adelaide Hospital	- Cleaning - Distribution	13.2
Women's and Children's Hospital	- Cleaning - Distribution	7.3
Flinders Medical Centre	- Cleaning - Distribution - Catering - Warehousing	13.1
Modbury Hospital	- Food Services - Cleaning - Stores Purchasing - Orderlies - Linen - Central Sterilisation Supply Dept - Theatre Sterilisation Supply Unit	6.2
Linen and Associated Services	- Supply & Delivery of Clean Linen; - Soiled & Reject Linen Collection Service; - Trolley Provision; and - Managed Linen Services.	15.3

3. There are no problems with the laundry services for SA Health. Historically, the supply of 90 per cent of the laundry service has been provided by one major contractor, Spotless Facilities Services. No recent contracts have failed and had to be renegotiated without tender.

Following a rigorous open market procurement process, a contract across SA Health for the provision of Linen and Associated Services has recently been awarded to Spotless Facility Services. The term of the contract is for an initial five year period, with a further five year extension term available subject to satisfactory performance

4. There were no new outsourcing initiatives contracted by SA Health during the 2011-12 financial year. The contract for Linen Services was established during the 2011-12 financial year, however this was replacing a previous contract with an external service provider, which was established 11 years ago via the sale of the Government owned Central Linen Service facility.

Procurement processes to re-tender previously outsourced contracts are planned for SA Health. These contracts include Hotel Services, Courier Services, and Security Services.

5. Maintenance and repairs of SA Health buildings, plant and infrastructure, including building improvements less than $150,000, are currently being transitioned to a non-SA Health facilities management provider.

The facilities management services for the Northern Adelaide Local Health Network and Noarlunga Health Service will be Building Management Facilities Services, a unit of Department of Planning, Transport and Infrastructure and is not being outsourced to the private sector.

The remaining units of the Southern Adelaide Local Health Network and the Central Adelaide Local Health Network will have Spotless Pty Ltd as their facilities management provider.

The dollar value and number of jobs affected (position in place prior to the September 2011 Cabinet approval) at each hospital are as follows:

Hospital	Dollar Value	No. of Jobs Affected
Royal Adelaide Hospital	$8.5 m	48
The Queen Elizabeth Hospital	$5.7 m	26
Hampstead Rehabilitation Centre	$1.2 m	1
Glenside Hospital	$0.8 m	3
Lyell McEwin Hospital	$3.2 m	18
Flinders Medical Centre	$7.0 m	28
Noarlunga Hospital	$1.3 m	7
SA Dental Hospital	$1.3 m	5
SA Pathology	$2.3 m	4

It should be noted that prior to the Cabinet approval, United Group Limited (UGL) were the facilities management provider for Modbury Hospital and Spotless Pty Ltd for the Repatriation General Hospital.

GP PLUS SERVICES

117 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 45—

1. What are the annual operating costs of each of the GP Plus service?

2. How effective have GP Plus Services been in reducing hospital admissions and how is that effectiveness measured?

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. As part of the *GP Plus Health Care Strategy August 2007* (the Strategy), over 100 individual programs were funded in the 2011-12 financial year from the GP Plus Services Fund with the aim of reducing the demands on the acute hospital sector.

Funding of almost $70 million was invested in programs that provided hospital substitution and early discharge support ($16.8 million); health promotion ($15.8 million); chronic and complex disease management ($10.9 million); capacity for non-acute services such as geriatric care, rehabilitation and palliative care ($10.2 million); emergency department (ED) avoidance and the

fast-tracking of patients through EDs ($4.2 million); specialist outreach and nurse-led services ($3.3 million); and the streamlining of hospital treatment for patients from rural and remote areas ($4.5 million).

Another important element of the Strategy is the network of GP Plus Health Care Centres (Centres) and two GP Plus Super Clinics (Clinics) that have been established across the State. Since 2006, six Centres (Aldinga, Morphett Vale, Marion, Woodville, Elizabeth and Ceduna) have been opened and plans are well advanced for another at Port Pirie. In partnership with the Commonwealth Government, two GP Plus Super Clinics have been opened at Modbury and Noarlunga.

The current combined core budget for these centres and clinics is just above $8 million, and several of these centres and clinics have also secured additional funds from the GP Plus Services Fund to offer specific programs.

2. The effectiveness of GP Plus Services in reducing the growth in hospital admissions is monitored through tracking the monthly volume of hospital separations and ED attendances for those conditions targeted by the Strategy. Program managers also report on the effect of the GP Plus Services on their clients. This includes an assessment of the hospitalisations and ED attendances that were avoided, and stays in hospital that were shortened for these clients.

Following the initial investment in GP Plus Services in 2007-08, the growth in targeted admissions has been well below the pre-strategy level, which was around 5 per cent.

The average annual growth rate for metropolitan hospitals has remained under 2 per cent over the last 4 years. Likewise, ED activity growth has reduced from a rate of above 5 per cent per annum, to an average growth rate of lower than 2 per cent over the same period.

These reductions have occurred despite Government investments to increase elective procedures, an increase in births, population growth and increasing trends in age, complexity and chronic disease.

Also, by freeing up inpatient beds through earlier discharge and through providing safe, appropriate alternatives to inpatient care, GP Plus Services have increased the capacity to provide additional elective surgery and have contributed to reduced waiting times for patients being admitted through ED.

COUNTRY HOSPITALS

121 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 57—

1. What is the status of the enterprise agreement with the rural doctors, when did the last agreement expire and when is the new agreement likely to be struck?

2. What is the likely outcome in regard to emergency department charges upon country patients?

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. Country Health SA Local Health Network and the Rural Doctors Association of South Australia have reached agreement on a new three-year contract for rural general practitioners (GPs).

The new agreement will continue to strengthen the working relationship between rural GPs and country health services.

Under the new agreement, there are a number of provisions that recognise the various demands and pressures placed on rural GPs.

South Australia will be the first State in Australia to offer a safe working payment. This provides some reimbursement for GPs if they are required to cancel private patients on a given day due to a busy workload the previous night providing after-hours emergency work.

The agreement provides increased financial compensation for GPs being called out of their practice at short notice, along with the traditional on-call payments for providing after-hours emergency services.

There is additional reimbursement for attending various quality and safety, and service planning meetings.

The agreement contains a commitment from Country Health SA Local Health Network to train rural GPs in the new Enterprise Patient Administration System. A payment has been offered to assist with the transition to electronic patient health records.

The new agreement between Country Health SA Local Health Network and the Rural Doctors Association of South Australia recognises the commitment and hard work of country GPs to provide safe, quality health care services for rural South Australians.

The Rural Doctors Association of South Australia is encouraging rural GPs to sign up to the new agreement, which expires on 30 November 2014.

2. Following confirmation with the Commonwealth Government, current longstanding arrangements for emergency services across South Australian rural and remote public hospitals are consistent with the National Health Reform Agreement and these will continue under the new agreement.

Patients presenting with an emergency condition who are in need of urgent medical attention and admission to hospital will continue not to be charged for these services.

Other services that are provided after hours by local GPs will remain a private arrangement that is financially supported through the Medicare system.

MEDICAL EMERGENCIES DISASTER RECOVERY

123 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 42—

1. How many presentations of staphylococcus (golden staph) or related illnesses have occurred across the Health system in the past 12 months?

2. Is there an increasing danger of community presentations of golden staph?

3. What budgeted provision has there been made for an epidemic, such as bird flu or some sort of catastrophe like Ebola?

4. What contingency plans have been made to ensure local hospitals can cope in the case of an earthquake?

5. What is the capacity of our hospital system to cope with the surging winter illnesses and what are the trends so far this winter?

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. It is not possible to give an accurate answer to this question as 'golden staph' (*Staphylococcus aureus*) infections are not notifiable diseases, and can cause a range of conditions from minor skin infections, such as boils, through to serious bloodstream and other invasive infections. It is not uncommon for minor staphylococcal infections, which are extremely common, to be treated empirically with antibiotics and patients not admitted to hospital.

SA Health records *Staphylococcus aureus* blood-stream infections that are healthcare-associated, acquired during hospitalisation or as a consequence of some medical treatment. Total *Staphylococcus aureus* bloodstream infections in South Australian hospitals have been stable over the past few years, with about 150 episodes per year, of which about 30 have been due to methicillin-resistant *Staphylococcus aureus* (MRSA).

2. 'Golden staph', *Staphylococcus aureus*, is a common pathogen in every community worldwide. There are increasing reports of community infections with types that show resistance to antibiotics, of which MRSA is an example. It is not possible to eliminate *Staphylococcus aureus* from the community, as up to 50 per cent of the population carry it transiently or permanently at any time. It is part of what is described as the 'normal flora' of our skin and upper airways.

Efforts are being made nationally and internationally to reduce the risk of infections caused by antibiotic-resistant strains through the introduction of antibiotic stewardship programs, which aim to lower the inappropriate use of antibiotics in both hospitals and general practice.

3. No specific budget provision has been allocated for epidemics, such as bird flu or some sort of catastrophe like Ebola. It would be difficult to determine a quarantined budget for events, such as a pandemic. In the last 300 years, on average, three pandemics have occurred each century, and each has varied enormously in severity.

However, SA Health, as part of its core provision of service, has a responsibility to ensure arrangements are in place to manage such events when they do occur. Prevention, preparation, response and recovery arrangements for these and other critical health events have been well developed over recent years, and comply with both national and State planning.

4. Work on this risk area has been in progress for almost two years following Exercise Team Spirit 2010. The State Earthquake Hazard Plan is based on a 1:1,000 year event—Richter Scale 5.5 earthquake and it is recognised that, should this occur, it can be expected to cause considerable damage with the potential for serious human consequences.

A working group of key stakeholders was established in late 2010, which includes representatives with expert knowledge from the Department of Planning Transport and Infrastructure, SA Health and SA Engineering Functional Service. The State Earthquake Hazard Plan has clearly identified the areas that SA Health needs to be able to respond to in an earthquake event, and the scope of the working group is to ensure this can be achieved.

Emergency management arrangements are in place within SA Health based on an all-hazard approach and have been part of the core education and exercise program for nearly two years.

All Local Health Networks have Emergency Management Coordinators who are working in conjunction with the Department for Health and Ageing Emergency Management Unit to embed consistent practices and plans across the system. This means that staff moving across hospitals in South Australia will find that the overarching arrangements will be similar and less likely to cause confusion in an emergency situation.

5. SA Health manages a demand cycle throughout the year. Winter brings influenza and bacterial infections and summer brings allergies and heat related illnesses. The capacity of public hospitals is maintained during the winter period by ensuring effective patient flow by monitoring and managing demand through the Local Health Networks.

Managing local trends and patterns through a 'real time' state-wide emergency department capacity tracking web tool, and by implementing strategies in line with the SA Health Hospital Escalation Policy, supports demand management.

HOSPITAL PARKING

126 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 40—

1. How much revenue does the government intend to raise per annum from hospital car parks in 2012-13?

2. What is the status of the government's plans to sell or lease the car parks, given the industrial relation's issue concerning hospital car parking has been resolved?

3. Is the $90 million still the anticipated amount from the sale or lease of hospital car parking?

4. Across all hospitals, how much budgeted revenue has been forgone due to implementation delays with car park charging and the introduction of a 2 hour free car parking provision and what is the breakup of that foregone revenue accordingly?

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. Across metropolitan hospitals the expected total revenue from hospital car parks in 2012-13 is estimated at $11.8 million.

2. The divestment of hospital car parks was announced as part of the 2010-11 Budget. Department of Treasury and Finance, in consultation with the Department for Health and Ageing, are in the process of conducting a detailed due diligence in relation to the car park sites.

3. The expected return from the sale process will be determined following completion of the due diligence process.

4. Due to delays in the implementation of the car parking arrangements, the 2011-12 revenue budget was reduced by $6.186 million.

Due to the implementation of the two-hour free parking initiative, the 2011-12 revenue target was further reduced by $4.242 million.

SA AMBULANCE SERVICE

127 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 62—

1. The SA Ambulance Service budget line details an increase in expenses from $178 million in 2011-12 to $187 million in 2012-13, are there enough ambulance crews to service public need and if so, why are trainers and managers being called out to respond to emergencies?

2. What is the Motorbike Response Unit trial, how much does it costs and what are its objectives?

3. What is the 'out of hospital service delivery model', how much is being spent and what are its objectives?

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 Ambulance Service has some of the best response times nationally.

The practice of managers and trainers filling a shortfall is business-as-usual procedure. These staff members are highly skilled clinical experts, usually to an intensive care paramedic level, who are fully equipped with a medical kit and marked car. It is part of their job description to be available to respond to emergency cases in periods of high workload.

2. The Motorbike Response Unit trial will test the advantage of adding motorbikes to SA Ambulance Service's increasingly diverse fleet of ambulance vehicles to determine whether motorbike paramedics can get life-saving treatment to patients more quickly in congested traffic areas.

Highly trained intensive care paramedics, who have undergone specialised riding training, utilise two marked, purpose-fit motorbikes to deliver emergency response.

Funding for the Motorbike Response Unit trial totalled $94,000 for purchase of equipment, motorcycles and training. This research initiative was funded by the SA Ambulance Service Development Fund trust account, which is from bequeathed and donated funds to the service. This account is specifically for the betterment of ambulance service delivery initiatives that are outside of existing core service modelling.

3. SA Ambulance Service's Extended Care Paramedic program supports the government's strategy to manage increasing demands on hospital emergency departments by providing specialist paramedics who can administer patient treatment at a patient's place of residence.

Extended Care Paramedics are highly qualified to assess, treat and arrange ongoing care through referral for patients who can be safely managed outside of a traditional hospital assessment and treatment environment.

The program, established in 2008, has been particularly effective for South Australia's elderly and those living in residential care facilities, who can now be treated by an Extended Care Paramedic at home. In 2011-12, 805 of the 1,102 patients in residential care managed by an Extended Care Paramedic did not require transport to hospital (73.6 per cent).

Program funding of just over $2 million, under SA Health's response to the Federal Government's *Every Patient Every Service* policy, was provided in 2011-12, with further funding committed in 2013 and 2014. This funding was approved to continue and extend the Extended Care Paramedic program.

HEALTH BUDGET

131 Mr HAMILTON-SMITH (Waite) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 3, p. 31—

1. Why was there a $12.2 million increase in expenses from 2011-12 to 2012-13 and in particular, what has been achieved through the National Partnership agreement to improve the public hospital services program?

2. Why was the $3.4 million Supported Accommodation Program delayed?

3. Why did the Home and Community Care Programme in 2011-12 accrue $1.3 million dollars of additional income matched by an equivalent amount of expenditure?

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 $12.2 million increase in expenditure from 2011-12 to 2012-13 relates to the variance in operating expenditure budget across mental health programs funded by both the Commonwealth and State Governments. The variance primarily relates to the timing of projected expenditure ($15.4 million) between 2011-12 and 2012-13 under the Council of Australian Governments' *The National Health Reform Agreement—National Partnership Agreement on Improving Public Hospital Services* (the Partnership Agreement), which is partially offset by deferred expenditure related to the State-funded Supported Accommodation program ($3.4 million). This deferred expenditure relates to delays in the construction of housing.

The $15.4 million referred to in the 2012-13 Budget Papers relates to the variance in operating expenditure budget from 2011-12 to 2012-13 for three of the six sub-acute mental health projects funded under the Partnership Agreement. These include: supported accommodation services across metropolitan and country areas, three early intervention mental health crisis respite facilities and two Community Rehabilitation Centres in the country.

Greater expenditure is planned for 2012-13 compared with 2011-12, consistent with the progress of implementing these projects.

Service models for all six projects have been developed in conjunction with key stakeholders. Ahead of the implementation of these projects, the Partnership Agreement has funded a state-wide mental health de-stigmatisation media campaign to raise awareness of mental health illness in the community. This campaign commenced in February 2012 and is being rolled out over two financial years. It includes radio and television advertising across metropolitan and country areas.

2. The primary reason for the delays with the Supported Accommodation Housing construction program was the delayed development approval by local government authorities.

3. SA Health took over administration of the Home and Community Care Program Mental Health Project on 1 July 2011. The budget allocation for 2011-12 was $1.3 million. The service agreement with a non-government organisation service provider was to the value of $1.3 million, which was fully expended within the 2011-12 financial year.

MENTAL HEALTH FACILITIES

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

1. Why was the $2.6 million budgeted for Mental Health Early Intervention Care Facilities in 2011-12 under spent with only $1 million for the estimated result?

2. How was this money spent and what results have been achieved so far?

3. How will health and wellbeing checks for three year olds under the Federal Government's National Mental Health Reform program be administered in South Australia, how many children will be tested and what will be the consequences of tests to children and their families?

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 $2.6 million was budgeted in 2011-12 for the construction of three Crisis Respite Centres in the Adelaide metropolitan area. The estimated result was revised downwards to

$1 million due to the delay in locating suitable sites for the three Crisis Respite Centres in that financial year. Any unexpended funding is carried forward into the following financial year.

2. A Service Model of Care has been developed in conjunction with a risk management plan for the project. Stakeholders have been consulted in respect to building design concepts and a project risk manager from the Department of Planning, Transport and Infrastructure has been appointed. To date, two sites have been identified for Crisis Respite Centres. One is located at Salisbury North and the other at Morphett Vale. The risk manager has been appointed to manage the project and the process for engaging an architect has commenced.

3. As part of their 2011-12 budget, the Commonwealth Government announced a measure to expand the existing Medicare Healthy Kids Check to include consideration of emotional wellbeing and development, and to bring forward the check from four year olds to three year olds.

On 30 September 2011, the Commonwealth Minister for Mental Health and Ageing announced the establishment of a national expert group to advise the Commonwealth Government on the content of the Medicare Healthy Kids Check.

The Medicare Healthy Kids Check is a voluntary Commonwealth Government initiative, administered by general practitioners and does not involve SA Health. More information on the initiative may be found on the Commonwealth Department for Health and Ageing website at www.health.gov.au.

DISABLED STUDENTS, NATIONAL PARTNERSHIP PROGRAM

141 Mr GARDNER (Morialta) (17 July 2012). With respect to 2012-13 Budget Paper 6, vol. 2, p. 39—

1. How much of the Commonwealth payments for 'More Support for Students with Disabilities National Partnership: non-Government Schools' made to the State are passed on directly to Catholic Education and the Association of Independent Schools (SA)?

2. Why is the State Government receiving $11.978 million from the Commonwealth over three years and only spending $11.863 million this program?

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

1. All of the $2.522 million to be provided by the Commonwealth over 3 years for the 'More Support for Students with Disabilities National Partnership—non-government schools' will be passed on directly to the non-government sector.

2. The State Government is to receive $11.978 million over 3 years from the Commonwealth for the 'More Support for Students with Disabilities National Partnership—government schools'. $11.978 million will be expended on this program.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT BUDGET

145 Mr GARDNER (Morialta) (17 July 2012). With respect to 2012-13 Budget Paper 4, vol. 1, p. 222—

1. What are the nature and details of the budget line 'Sales of goods and services' and why has there been a significant reduction in this between 2010-11 and 2011-12?

2. What are the nature and details of the budget line 'Other income' and why was there a shortfall in the budgeted amount ($662,000) in 2011-12?

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

The budget line 'Sales of goods and services' includes various revenue items such as salary recoveries for out-posted staff and recovery of unspent non-government organisation grant funds.

The variation of $2.144 million between the 2010-11 Actual Outcome and the 2011-12 Budget mainly reflects higher than budgeted non-government organisation grant recoveries of $1.925 million and higher salary recoveries for out-posted staff of $0.219 million.

The budget line 'Other income' includes Adoption Fees and other sundry revenue items.

The variation between the 2011-12 Budget and the 2011-12 Estimated Result largely reflects lower than expected Adoption Fees resulting from a minor decline in overseas adoptions.

BUDGET PAPERS

249 Dr McFETRIDGE (Morphett) (17 July 2012). With respect to 2012-13 Budget Paper 4, Volume 1, Program 3: Community Based Services; p. 152—

What are the costs associated with the 2011-12 estimated results and 2012-13 budget results associated with the allocation of ministerial office costs?

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:

In line with the Carbon Neutral Cabinet announcement in January 2008, Greenhouse Friendly™ compliant carbon offsets have been purchased from:

- Fieldforce Services in 2007-08 sourced from the 'EnviroSaver' energy efficiency program ($30,690 (GST inc) for 3,100 tonnes of carbon dioxide equivalent);
- Greenfleet in 2008-09 (though allocated to 2009-10) to be sourced from tree plantings in South Australia ($34,375 (GST inc) for 2,500 tonnes of carbon dioxide equivalent); and
- Low Energy Supplies and Services in 2009-10 sourced from an energy efficiency program ($5,390 (GST inc) for 2,000 tonnes of carbon dioxide equivalent).

The Greenhouse Friendly™ program was replaced on 1 July 2010 by the National Carbon Offset Standard. In 2010-11, there was only one National Carbon Offset Standard accredited project which traded late in that year.

In June of this year, National Carbon Offset Standard recognised carbon offsets were purchased through Pangolin Associates to meet this commitment for 2010-11 and 2011-12. The purchase cost was $7,623 (GST inc) for 4,200 tonnes of carbon dioxide equivalent.

PUBLIC SECTOR EMPLOYEES

In reply to **Mr HAMILTON-SMITH (Waite)** (13 October 2010) (Estimates Committee B).

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

My predecessor, the Jack Snelling MP, provided advice at the Estimates Committee hearing on 13 October 2010, that one employee was paid a salary in excess of $100,000 in the former Directorate of Science and Information Economy. This advice was correct at the time.

YOUTH EMPLOYMENT PROGRAMS

In reply to **Mr PISONI (Unley)** (13 October 2010) (Estimates Committee B).

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): My Department advises me that the Youth Conservation Corps Program has transitioned into the Skills for Sustainability initiative within the *South Australia Works* Program. Skills for Sustainability aligns with new Commonwealth and State directions, provides accredited and non-accredited training, as well as additional support for young people facing barriers to participation in learning and work.

State Government Regions have identified the participation needs of young people facing labour market barriers through comprehensive and extensive strategic planning and prioritising processes. Skills for Sustainability is a contemporary version of the Youth Conservation Corps. Skills for Sustainability projects have been developed in response to these evidence based priorities to increase participation of young people in learning, training and/or employment, and at the same time, address skills required in existing and new clean industries and occupations.

South Australia's ability to transition to a low carbon, more environmentally sustainable economy will depend on people having the skills to support the development and deployment of new and emerging clean technologies and services.

A range of industries are covered under the Skills for Sustainability initiative which has an emphasis on the environment, renewable and alternative energies, water and wastewater reuse and treatment technologies, and low emission transport technologies.

My department also advises that the report on employment programs, referred to by the Member for Unley, was an internal evaluation completed in February 2008. This report has been well and truly superseded by extensive reviews of the *South Australia Works* initiative and the Adult Community Education Program. Following these reviews, *South Australia Works* was strengthened to increase workforce participation outcomes for people who face disadvantage in the labour market, including young people, through projects which provide skills in conservation and new and emerging clean technologies and services.

The Adult Community Education program was allocated an additional $6.4 million over six years to increase foundation skills training, and to develop stronger pathways between ACE and the Vocational Education Training System.

A copy of these reports can be provided to the Member for Unley.

PUBLIC SECTOR EMPLOYEES, DISABLED

In reply to **Mr PISONI (Unley)** (29 June 2011) (Estimates Committee B).

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport): In 2009, the Department of Further Education, Employment, Science and Technology (DFEEST) reported that 57 employees had a disability. Detailed departmental data shows 47 of these employees as having an ongoing disability.

In 2010, the number of DFEEST employees with an ongoing disability was 34, 7 of whom required workplace adaptation to assist them in their employment.

The 2010, DFEEST Annual Report inadvertently reported the 7 staff requiring workplace adaptation as the total number of DFEEST employees with a disability.

The reduction of 13 employees with an ongoing disability between 2009 and 2010 was as a result of those employees either transferring to another agency, completing their term of employment or leaving the public service.

PUBLIC SECTOR EMPLOYEES

In reply to **Ms CHAPMAN (Bragg)** (29 June 2011) (Estimates Committee B).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers): I have been advised of the following information:

Surplus Employees as at 30 June 2011

Department/Agency	Classification	TEC Cost
Attorney-General's Department	AS03	$58,982
Attorney-General's Department	AS05	$78,648
Attorney-General's Department	AS05	$78,648
Attorney-General's Department	AS06	$86,325
Attorney-General's Department	AS06	$86,325
Attorney-General's Department	AS06	$86,325
Attorney-General's Department	AS07	$97,461
Attorney-General's Department	AS08	$105,191
Attorney-General's Department	MAS3	$107,103
TOTAL		$785,008

DISABLED STUDENTS, TRANSPORT ARRANGEMENTS

In reply to **Mr PISONI (Unley)** (11 July 2012).

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

Ms Richards was contacted by the Parent Complaint Unit to notify her that I had requested the department to review their policies in this area.

Ms Richards thanked the officer for the follow-up and the information.

GRIEVANCE DEBATE

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:24): Today, we have asked the government a number of questions about the decision to double the size of the desalination plant. In answer to a question, the Premier stated that in Western Australia they built one desalination plant and then they decided to build another one and he stated that it was much more expensive. Can I tell the house that the second Western Australian desalination plant, which is the same size as the 100 gigalitre desalination plant built in South Australia, was built at a total cost of $1.4 billion, the price that South Australia was going to build a 50 gigalitre desal plant for and some $400 million lower than the price that South Australia is paying for a 100 gigalitre desal plant.

In total, the two desalination plants built in Western Australia (producing up to 145 gigalitres of desalinated water) cost less than $1.8 billion, which is less than the price of the desalination plant built in South Australia. Last week, we saw the Premier, in desperation, drop out two reports saying, 'This is why we took the decision,' that really dumb decision that was taken on 13 March 2009 to double the size of the desalination plant.

There are two reports: the WorleyParsons report, dated 23 June 2009, a month and a half later, and the KPMG report, dated 3 June, almost a month after the government made its decision. In fact, the KPMG report talks about the decision having been made. It has nothing to do with the decision to double the desalination plant, it is all about what you might do over the next 20 to 30 years if you continued to have problems with water supply in South Australia. The KPMG report, and I would invite members to get a hold of it and read it, is based on the data and assumptions given to KPMG by the government, principally by one Ms Robyn McLeod.

Mrs Redmond interjecting:

Mr WILLIAMS: Yes; failed Victorian Labor candidate, a good friend of the current Prime Minister, and employed here at $300,000 a year in a job for the girls. That is what it was: a job for the girls. She had very limited expertise in water but she came here advising the government and it was on her advice that the government spent another cool $800 million on that dumb decision. It is a nonsense. The people of South Australia deserve a lot better. They deserve the government to come clean and release all of the documents pertaining to that decision because I can assure the house that I have read these two reports and they do not support the decision.

The WorleyParsons report, as I alluded to in a question today, is based on an assumption that water prices would increase by 8 per cent per year following 2008-09. We know that straight after the 2010 election water prices went up by 22 per cent. That is a fair bit more than 8 per cent. The following year it went up by 40 per cent. That is five times. The next year it went up by 25 per cent.

The WorleyParsons report does nothing to justify the decision. As I say, both reports are based on very flawed assumptions. The KPMG report is based upon the worst case climate change information that is available anywhere in the world, and that is what this government based its decision on, not to build the first 50 gigalitres but to double the size. We fully support the original decision, in fact the government was far too late in coming to it and that cost South Australians dearly.

The other point I would like to make is this. I asked the question, which the Treasurer answered, about the valuation of SA Water's assets. The Auditor-General's Report that was tabled today notes under 'other comprehensive income' for SA Water that $108 million is attributed mainly to the revaluation of assets. This government has been ripping off South Australian householders year in, year out, simply by revaluing upwards the assets of SA Water. That is a great pity, sir.

Time expired.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:30): Many times in this house I have discussed issues associated with voluntary euthanasia and I have also discussed what I consider is the tragic death of Mark Leigep. As a result of that, I wrote to his mother, Joanne Dunn, of Venus Bay. I would like to thank the member for Flinders' office for assisting us in doing that. Yesterday, I received a letter

from Ms Joanne Dunn and I would like to read it to the house. Joanne is very happy for me to do this, I might add. It says:

Dear Stephanie,

Thank you for taking the time to write to me, it was much appreciated. On the 3rd of September I moved into Mark's room at Highgate Park where at 10am that morning his feeding and hydration tube were removed. I never left his side in 26 days and he passed away in my arms on the 28th Sept. It was the worst experience of my life to say the least and I'm still having nightmares from this. He was in the end euthanased in the most terrible way. In the 26 days, he fitted regularly and ended drowning in his own blood. I kept a daily diary of the harrowing time the nurses, staff and myself had to endure. In this time not only was my son's dignity taken from him but mine as well. He deteriorated that quickly that even his family had to be kept away as it was that shocking so I was left alone with my son to cope with his loss on my own. The nurses and staff were the only ones that kept me together and many a time in that 26 days did we all break down together but still I would do it all again tomorrow to save Mark from enduring another 10 years or more in a body with no life. No-one should have to go through what I did in the last 6½ yrs. I feel the government owes me, for what they put me through. No medical staff should have to watch a patient die the way Mark did after caring for him that long. They loved him too. I met other families who want their children to die also, but are too scared to take the measures I did. Mark is free now. He died 6½ yrs ago but it has taken that long to bury him. My ordeal will live on. I will keep up my fight for euthanasia as I don't want anyone to go through what I did. It's not for everyone, but we should have that choice. Thanking you again for your time and if there is anything I can do to help in this fight I will break doors to be a part of it.

Yours sincerely, Joanne C. Dunn.

As you can imagine, that is a very difficult letter to receive. I had the opportunity to speak to Joanne yesterday and she talked to me about the ordeal that she and her family went through.

I see South Australia as a civilised place. There are lots of discussions that we have in here, and outside, about ethics, and we talk about values, but I would say this: in 2012, we have a young man who has been unresponsive to any stimulation for 6½ years and with no prospect of a change in his circumstance, and either he must remain in this condition forever or starve to death in a medical situation. To me, that seems like a ridiculous way of dealing with a very difficult situation.

DESALINATION PLANT

Mr WHETSTONE (Chaffey) (15:34): Today I, too, rise to talk about the desal debacle that this state is now presented with. The announcement that the Premier will mothball South Australia's desal plant at Port Stanvac is an absolute blow to all South Australians and, most of all, to food producers and their communities who believed that it would reduce Adelaide's reliance on the Murray River; and, to most South Australians, reducing reliance means reducing the take.

Initially the plant was a 50 gigalitre plant with a capacity that would diversify Adelaide's water resources. We were deceived and led to believe that it would take less in times of a shortfall of supply. The government's decision to expand the Liberal's policy 50 gigalitre plant to a 100 gigalitre plant came at a huge burden to every South Australian water customer, remembering that every food producer and river community member gave up a large capacity of their income, their property value and their savings to accommodate the critical human needs water needed for the majority of this state.

The decision smacks of policy on the run, with a lure of extra funding for the doubling of the plant. The extra $228 million of federal funding was the sweetener. Now, every South Australian has had to give up the $212 million in GST revenue, and then there was a further six gigalitres back to the commonwealth government, and that was at an estimated cost of $10 million. That is a net gain of $6 million. It is outrageous; and today we hear the Premier saying that there was no net loss to South Australia.

Today we have a $2.2 billion lemon on our shores, and the message it sends to the commonwealth government, the Murray-Darling Basin Authority and the Eastern States is that we want more water for our river but that we are not prepared to be part of the solution. The Premier came to the Riverland beating his chest when he was first elected and said that 4,000 gigalitres is what we need for the river, no water from the food producers and the threat of a High Court challenge.

Then we hear that the Premier based his argument on the Goyder report, suggesting that we needed 3,500 to 4,000 gigalitres backed by science. That report came at a cost to South Australian taxpayers of $500,000, but today we hear that the Premier now wants to back a 3,200 gigalitre model based on modelling with reduced constraints.

The Premier cannot make up his mind—one minute he wants 4,000, then he is backing science at 3,500 to 4,000, now he is calling for modelling on 3,200. The Premier has spent

$2 million on a campaign that will not put one drop of water back into the river. Again, the Premier has sold the Riverland communities a donkey and, again, they will be pressured to make up the shortfall for South Australia's SDL contribution to the basin plan, which has every chance of not even getting up due to the Premier's demands without being part of a balanced solution.

The balanced solutions are here in South Australia, yet this government continues to deny that there are solutions. The Premier's solution is, 'Let's add water. Let's put more water into the river at the expense of food producers, at the expense of river communities, at the expense of every South Australian.' Again, the Premier is basing his argument on a self-promotion $2 million campaign. One minute he is believing a science-modelled report and he is now relying on modelling from the Murray-Darling Basin Authority on 3,200. What is it Premier? Is it going to be plan or is it going to be political spin?

FORESTRYSA

Mr PEGLER (Mount Gambier) (15:38): Earlier today I tabled a petition organised by the CFMEU. This petition calls on the government to stop the forestry forward sale of pine logs. The petition also calls on the government, through ForestrySA, to negotiate a fairer log price for Carter Holt Harvey. I fully support the fact that the forward sale should never have gone ahead, and I am sure that generations to come will rue the day that our government made this decision for a short-term gain.

Our present generation does not have the right to sell the assets that previous generations have built up so that future generations could benefit from the profits of these assets. We are basically selling the farm to spend on everyday expenditure. Regarding the call for a fairer log price for Carter Holt Harvey, I do support the fact that the log price in the short term should be more reflective of what the mill owners can get for their finished products.

The importation of framing timber into Australia has increased from a very minimal amount to now being about 24 per cent of the market share. Much of this imported timber is coming in from European mills which receive very large subsidies for producing cogeneration power and carbon credits. The timber that these mills produce is now often regarded as a by-product, and it is hard to sell in Europe due to the global financial crisis and the dramatic downturn in new houses being built. These imports must be stopped.

I would also say that we cannot have a situation where the log price is reduced for one mill owner and not for all the other competing mills. When the people of the South-East protested against the forward sale, they were strongly supported by, and still are, myself, the opposition political parties, the unions, the general populous and the mill owners, with the exception of the owner of Carter Holt Harvey.

I have found it quite disappointing that at the eleventh hour the owner of Carter Holt Harvey has tried to blackmail the government to get a better log buy-in price for himself, and damn the rest. There is also no doubt that if the rumours are true, that he wishes to close the mill in Mount Gambier known as Lakeside and downscale his workforce by 15 per cent, he will lay the blame on the government for not giving in to him.

During the dispute between Carter Holt Harvey and the government, I found the call by the opposition leader for the government to change the legislation around ForestrySA quite ironic because it was a Liberal government that corporatised ForestrySA in the first place to get it ready for sale. I also found the statement by Mayor Steve Perryman quite naive, and I quote:

> All ForestrySA needs to do is return a set of balanced books. It doesn't have to return a large profit, it simply has to create the framework for the manufacturing sector.

Whilst the 75,000-hectare pine estate in the Green Triangle owned by ForestrySA is quite significant, it must be remembered that there is a further 100,000 hectares grown by private growers. The forest industry is heavily reliant on private forest growers, and if these private growers have to compete with state-owned timber suppliers who do not have to make a profit they will soon go out of business and the whole industry will collapse.

For the forest industry to survive into the future, the tree growers, the harvesting and haulage contractors, the mill owners and those who work in the industry must get a fair share of the profits in the good times and losses in the bad times. I call on the government and the opposition parties to stop the political pointscoring and work in a collaborative manner with all who are involved in the forest industry—that is, the tree growers, the harvesting and haulage contractors,

the mill owners and the workers through their unions—to come together to develop a pathway which will determine the long-term viability of the whole forest industry into the future for us all.

BLINMAN MINE

Mr VAN HOLST PELLEKAAN (Stuart) (15:43): I rise today to advise the house of an absolutely fantastic event I went to this past weekend at Blinman in the Northern Flinders Ranges. It is a very small but very important and historic town, and I think probably the most beautiful small town in South Australia, an absolutely remarkable place. The event had a dual purpose: it recognised the 150th anniversary of mining at the Blinman mine and also the official opening of the Blinman Underground Mine Tour.

Members will understand how much work and effort goes into organising an underground mine tour in a closed mine, which is by definition, a potentially dangerous place. The people of Blinman and the many other organisations that have supported them have done an wonderful job in creating something that is educational, that is interesting, that is very safe, and that is attractive and fun. I heartily congratulate them and recommend any members or staff of this place to go and have a look at it when they have the opportunity.

The history of the mine was not overly successful. It operated in one of the many important mining ventures in this state, many of which are in the electorate of Stuart, such as Kapunda and Burra. It was a mine that certainly did get a lot of very rich and very highly concentrated copper out of it, but its distance from markets certainly proved to be very, very difficult to overcome, and that is a difficulty that remote South Australians still face, of course. But it was a working mine that did produce for this state, did produce for the people of Blinman and, in fact, is what established the town of Blinman.

It coincided with another very important 150th anniversary, and that is of the successful crossing from south to north, and return again, of this continent by John McDouall Stuart, after whom the electorate of Stuart is named. And in fact he had a lot of connection with the town of Blinman. The very first of his six expeditions set out from Oratunga Station, which is immediately north-west of Blinman, and his 2IC for his four last journeys is buried in the cemetery at Blinman—Mr Kekwick—so a very nice coincidence.

But the real purpose of my speech today, apart from advising the house of this very important event, is to congratulate the town and the community of Blinman. Now, they certainly had support from other organisations: the Mine Heritage Group, sound and light technicians, historians, and certainly SATC supported. But they supported a thriving, important and self-starting community, a community remote from the capital city.

They did an absolutely fantastic job, and this is a community which has a strong track record of helping itself. They have a wonderful annual art exhibition. They have the very, very well-known annual camp oven cook-off, where the whole main street of town is closed and they get people from all over the state coming to do that. They still hold their races and gymkhana once a year, and they are in their own right a very successful tourism destination in the Flinders Ranges.

I congratulate them on every day, every month, every year, continuing to work on behalf of their town so that they get the results that they need, so that they get help from outside their town. It is the towns and the communities that help themselves that get help from outside their town. And I would like to recognise Mr Peter Carlin from the South Australian Tourism Commission, who has been an extraordinary supporter of the Flinders Ranges and outback for many, many years and has contributed significantly to the success of tourism in the Flinders Ranges and outback South Australia.

I would also like to recognise the recent chairs of the Blinman Progress Association, Mr Bill Mackintosh and Ms Maureen Kutri, and the current chair of the Blinman Progress Association, Ms Carmel Reynolds, all of whom have done a fantastic job getting this underground mine to an up-and-running level. They have worked at it for many, many years. It has been operating for approximately a year now and it is now officially open and will be so for a very, very long time. I would also like to congratulate Cherie, who runs the mine tours.

REYNELL EDUCATION FORUM

Ms THOMPSON (Reynell) (15:49): I also want to thank my local community, particularly those who were involved in a recent education forum that I conducted. This is the third of these forums, where the members of school governing councils are invited to come together to consider how they might as school leaders improve the education outcomes in our schools.

The reason this is necessary is that, according to the latest census figures, across greater Adelaide only 15 per cent of the population has less than year 10 or equivalent in education. Unfortunately, in Reynell this is 22 per cent, so that means that there are a lot of people who are not eligible for the jobs that exist today. Other figures show that, in terms of the numbers of our young people participating in TAFE or university study, it is less than half what is happening across Greater Adelaide in general, and, unfortunately, seems to have changed little since I first started analysing these figures in 2001. My school communities are realising that something has to change if our young people are going to be able to participate in the prosperous society that we know South Australia will be in the future.

In looking around at how I might be able to help them, I encountered the region of Inverclyde in Scotland. Inverclyde has the second-lowest life expectancy in the UK, and we know that that is generally associated with low levels of education. But, this community has decided, after the ravages of the Thatcher years, to pick itself up and find new directions through education.

They have been so successful that last year, less than 1 per cent of their year 12 students left without qualifications; that is, five or more subjects at level 3 in their system. I cannot keep track of their A levels or O levels, but less than 1 per cent left without a qualification. In terms of the future destinies of those young people, 36.4 per cent went to university and 27.4 per cent went to TAFE equivalent. I am waiting for the day and working towards the day we will have those figures in Reynell.

I would very much like to thank those school leaders who came together to contribute their understanding of how we can make our children's education more relevant to them, and to improve their educational aspirations. I particularly want to thank my staff and the volunteers who worked incredibly hard to put this together, and particularly our guest speakers: Garry Costello, the head of schools from DECD; David Giles, the dean of the School of Education from Flinders University; and Raymond Garrand, chief executive of DFEEST. Considerable assistance in facilitation of the evening was provided by our local resident, and winner of the Women Hold Up Half The Sky Australia Day Award this year, Katrine Hildyard.

In looking at the themes that came through after receiving a report back from me on some of the developments in Inverclyde, we broke into groups (one focusing on schools, one focusing on university and one focusing on TAFE) on what we need to know about how the system works, what we think is working well, what we think is causing problems at the moment in terms of preventing participation, and what might assist the people present and parents to be more confident about schools, TAFE and university as being relevant and important to their children's lives.

A theme that came through consistently was the need for better career guidance, and that whether it is at school, university or TAFE, people have not been exposed to the wide range of occupations that are now available. They do not know how to get there, they do not know what university or TAFE courses are involved, they do not know how much they cost, and they do not know how you can go about funding the various courses that lead to higher education.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDER ASSETS) AMENDMENT BILL

Third reading.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (15:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

Consideration in committee of the Legislative Council's amendments (resumed on motion).

Amendment No. 1:

Mr BIGNELL: It is great to rise this week to discuss this bill as we inch closer to locking in forever the agricultural regions of McLaren Vale and the Barossa Valley. It is timely to stand here today and give thanks to many people who have made this possible. In both McLaren Vale and the Barossa Valley, we grow things very well, and this legislation is something that grew out of the ideas of many people in both those areas over many years.

We can look back to the great Greg Trott, who was always out there advocating the preservation of McLaren Vale as a region. He lamented the loss of so many vineyards and agricultural land up in the northern part of the McLaren Vale GI when he was running Wirra Wirra when he was alive. He was very much the conscience of the area and even in death people in the area still ask, 'What would Trotty do? What would Trotty think?'

We actually owe it to those who have gone before us and implored people over the years to look after what we have in these two very special regions. However, there are many people around today who have fought for a large part of their lives to preserve what it is that we have in these special places.

If you go back to the early sixties, when people started moving out of the centre of Adelaide and moving to the newly-created suburbs to the north and the south of Adelaide, it really has not stopped in those almost 50 years of urban sprawl. We have lost so much valuable agricultural land in and around the western, eastern and north-eastern suburbs—places like Campbelltown, Fulham Gardens, around Marion. We have lost all those places where we used to grow so much produce, and people at the fringes over the last few years have been saying, 'Enough is enough.'

We have had some victories along the way, and Bowering Hill was one of those. Bowering Hill is a very special part of the southern part of Adelaide that sits to the west of the township of McLaren Vale in between Port Willunga and Maslin Beach. It is the last piece of open space where the vines meet the sea. There was a proposal from what was then called the Land Management Corporation (LMC), which is a government entity now called the Urban Renewal Authority.

They own that land on behalf of the government and there was a proposal a few years ago to build 8,000 houses on that property which got everyone pretty upset down in McLaren Vale because our motto in McLaren Vale is, 'McLaren Vale: where the vines meet the sea.' If we had built 8,000 houses at Bowering Hill, the vines would no longer meet the sea and all you would see would be the glint off the rooftops of the Bowering Hill subdivision, had it been allowed to go ahead.

I commend everyone who fought hard on that. I also commend the ministers who were involved at that time: Patrick Conlon as infrastructure minister and the minister responsible for the Land Management Corporation and also Paul Holloway, who was the minister for planning. We have had many battles, and that was one of them. I think the turning point might have been when I took Patrick on a bike ride and we stopped on the top of Bowering Hill. I wanted to rest and Patrick was keen to keep going, but I had another motive. Apart from having a rest I pointed out what a beautiful vista it was as you look back from Bowering Hill across the valley into those lovely rolling hills above Willunga.

When we announced that Bowering Hill would not go ahead I expected that a lot of people in the area would say it was fantastic, but they were not convinced that that would be the end of it. They wanted some security that some future government, a future planning minister, or a future infrastructure minister would not just come in and change the lines on a map. Even with the 30-year plan people were still worried. We fought really hard to get the boundaries around those townships locked in and to agree that certain parcels of land could be developed in the next 30 years but others would be kept aside for agriculture and tourism purposes. Still, people were not convinced, because governments change, local members change, councils change, and so lines can be easily changed on maps. People wanted something more than that, and it was legislation that they were after.

I remember Dudley Brown, who was then head of the McLaren Vale Grape, Wine and Tourism Association and an American, telling us to have a look at the Napa Valley to see how successful it has been since 1968 when the agricultural preserve legislation came in in Napa when that part of the world was under threat from development; it has worked very well. I want to congratulate Dudley, who planted the seed, and everyone else who came onboard. It was not just the McLaren Vale Grape, Wine and Tourism Association, it was also the Friends of Willunga Basin, the Southern Community Coalition and many other community groups and individuals in McLaren Vale.

In 2009 I was in the Barossa Valley and bumped into Margaret Lehmann, when we were at Peter Lehmann's winery for a function, and she said she really liked what was happening down in McLaren Vale and that they were also worried in the Barossa that the Barossa was under threat from urban sprawl. She said, 'I wish we had that same sort of motivation that you've have got down in McLaren Vale.' I said, 'Well, why don't we join forces?' When I suggested this at a community meeting back in 2009, that McLaren Vale and Barossa get together, Mayor Lorraine Rosenberg

said that she could not see any added value in teaming up with the Barossa. She said, 'Why would we want to link ourselves up with that area that is flagged for huge growth and pressure over the next 30 years?'

Well, that's exactly why you do it. We have already had the growth in our part of the world through Woodcroft and Reynella where there were once vineyards and now they are under housing and shopping centres. The Barossa could see they faced that threat as well, but because they are further away from the CBD that was going to be a little bit prolonged for them, but they wanted to join forces; and why wouldn't we? Why wouldn't Australia's two premium wine regions, that often see each other as opposition when it comes to winning wine trophies and wine show awards, get together? There was no way that anyone could argue with the united front of the McLaren Vale and Barossa regions coming together.

We had our first meeting in late 2009 here in Parliament House. Paul Holloway attended that and was fantastic in the advice that he put forward for us. Through 2010 we had a lot of meetings, but we found that the Public Service was not always as keen on the ideas. They wanted to have what we would call talkfests and discussions. We pretty much knew what we wanted as a group of locals from both regions, but they were keen on having these discussions.

I must admit, and the current minister for planning mentioned this before, that I put a bit of pressure on them. I apologise for sometimes being a little bit grouchy to all the ministers and public servants that I have had to deal with, but it was almost a life-and-death situation for these two regions. I apologise that I might have been a bit grouchy, but I do not apologise for the passion that I have and the passion that other people have for these two regions.

Present at that first meeting that we had in Parliament House were Jim Hullick, the chair of the Southern Community Coalition; Jude McBain, the chair of Willunga Farmers' Market; David Gill, secretary of the Friends of Willunga Basin; Dudley Brown, who I have mentioned before was the chair of McLaren Vale Grape Wine and Tourism Association; Sam Holmes, the chief executive officer of Barossa Grape and Wine Association; Robert Edwards, a director at Peter Lehmann Wines; Anne Moroney, the chief executive officer of Barossa and Light Regional Development Board; and Phil Lehmann, a winemaker at Peter Lehmann Wines.

We started working through the process. Some of the personnel changed. Margaret Lehmann came in and was a very powerful voice on our group, and I really want to pay tribute to Margaret. She was in there and she is a great campaigner. She was often ringing me up to see where we were at and everything else. We had the meetings and it was at one of those stages where I was a little frustrated, so I went and saw then premier Mike Rann, who suggested I do a private member's bill to try to lock this legislation in. He knew that I had been banging on to him about it since 2007. He thought things in the 30-year plan might resolve the issues for members of the community, but he understood that they did want greater security and certainty around the future use of the land down there.

I worked up the private member's bill and then it was decided that we would take it on as a government bill, which I must say was probably the best way to go. It is hard as a backbencher, without the resources of a ministerial office and the Public Service, to get it exactly right. While we have come to this stage where the bill is just moments away from going through, everyone is pretty happy with what we have.

There is one area that I would like to see added, which is something that I have been going on about since the very beginning. I would like to see Glenthorne Farm and the old Hardys Reynella site, which is now owned by Accolade, placed within the preserved area, and that is something that I will keep working away at. If you look at what happened across the road from the Hardys site a couple of years ago when Constellation, another multinational company, bought the site, they went around through the back door and had the land rezoned so that they could sell that off for housing. That is exactly what we do not want to see happen on the Hardys site.

That site is now owned by a finance company which I do not think really has a great love of the wine industry. They see it as a business. They just sacked 175 staff up there a couple of months ago. Those people all finished up last week and the week before. I understand that Accolade is out there to make money and everything else, but that is why we need to move those areas into the agricultural reserve and lock it in forever. I know that the company has already mentioned the fact that they would not mind seeing a Bunnings on that site.

That is the site where John Reynell planted the very first grapes in our part of the world back in 1838. Those vines were planted very soon after white settlement in South Australia. The

Stony Hill Vineyard where he planted those vines is now under houses. The old chateau and the vineyards around that chateau, which provide the grapes for the Eileen Hardy and many other signature wines that are renowned around the world could be the next cab off the rank in the eyes of a company based on just making money, and I think we have seen that.

Tomorrow we will be having a lunch in Parliament House to celebrate the fact that this bill is almost through and that we have managed to protect the Barossa Valley and McLaren Vale. It is not just the people in this chamber and in the upper house who have made those changes, it is all those people in both the regions who I have mentioned before, those who are with us now and those who have gone before us, that we are going to pay tribute to and have a few toasts tomorrow.

Unfortunately, Sam Holmes and Jan Angus from the Barossa will not be able to make it, but Margaret Lehmann and Anne Moroney will be there, as will Jim Hullick, David Gill and Dudley Brown from McLaren Vale. We will be having three toasts from three bottles tomorrow. One glass will be from a special bottle that Margaret Lehmann is going to bring down to represent the Barossa, and we will be toasting the Barossa's past and its future. We will be toasting McLaren Vale's past and future with a very special wine made from the grapes that were being brought in to be crushed at the time the bells rang out at Wirra Wirra to signal the fact that Greg Trott had lost his battle and had died.

There will be a third bottle, which is from the Napa Valley. It is a 2006 cab sav by Michael Mondavi, which was given to me in 2010 by a gentleman called Mark Willey, who is the chief executive officer of Bridgeford Flying Services at the Napa Valley Airport. Mark arranged for me to be taken up in a small Cessna to fly over the Napa Valley. It was remarkable just how much it reminded me of McLaren Vale with its valley and the grapes along the valley floor.

You could see that what they had fought about in 1968 in Napa, which caused so many problems then, was probably a lot more divisive than what we have seen in McLaren Vale and the Barossa. There are families who, all these years later, still do not talk to other members of their family such was the bitterness and division in the community. No-one is lamenting the fact now that it was not the right decision.

In my travels I met Jack Cakebread from Cakebread Cellars. Jack was 80 at the time and has fought very hard for the preservation of the Napa Valley. When he and his wife Dolores moved there in 1978 they had 22 acres and now they have 450 acres. He said, 'When the agricultural preserve bill was discussed and introduced we weren't sure just what was going to happen but we didn't want strip malls and housing. We needed to keep Napa Valley the top destination in California so when people go home and see wine on the shelves they pick the Napa Valley over everywhere else.'

That is what we want to see too. When tourists come to McLaren Vale or the Barossa Valley, not only do they spend money when they are in that region, when they go home to Sydney, Melbourne, other parts of South Australia or, indeed, other parts of the world and they see the McLaren Vale or Barossa branding on a bottle then that is the region they will go for because it will reconnect them with the wonderful time they had when they were in South Australia in our premier wine regions.

There have been people who have suggested that this legislation could de-value the price of land in McLaren Vale and the Barossa. I point to Mr Cakebread's example: he said, 'Thirty-seven years ago I bought my land at $800 an acre, and 10 years ago my neighbour sold his vineyard for $350,000 an acre and pulled out all the vines and re-planted.' That is not a misprint in *Hansard:* 37 years ago he bought his land at $800 an acre and 10 years ago his neighbour sold his vineyard for $350,000 an acre. That is what can happen when you put a value on land.

I was talking to a *Financial Review* journalist a couple of weeks ago, who rang up about the bill, and I said: this isn't an anti-development bill. We would love someone to come and build a five-star hotel in the McLaren Vale region. What this will do is give some security to those investors who will need to put a lot of money in to build that sort of accommodation. It will give them some certainty that by building a top rate hotel in the middle of McLaren Vale, surrounded by all the wonderful things that it is surrounded by now, it will still be surrounded by those wonderful things in 10 years, 20 years and 50 years time. If we did not have the security of this legislation, with the approval of both houses of parliament to change it, then someone could invest in a wonderful hotel and in 10 years time find it surrounded by suburbs, and we all know that people do not travel to the suburbs for their holidays.

When we toast the Napa Valley tomorrow it will be in thanks for all of the advice and the way they went about it. They were, I guess, the guinea pigs in land preservation. I want to pay particular tribute to Bill Dodd, who is the supervisor of the Fourth District in the Napa Valley. He has been out to the Barossa Valley and has spent time in McLaren Vale. I met him a few years ago when he was in Adelaide. When I contacted him, back in 2010, and said that I was coming over to Napa for three or four days he arranged the most outstanding itinerary. He had people pick me up from the hotel and take me to a winery, then someone else would pick me up from that winery and take me to something else, and I was busy for the whole day each and every day that I was there. At the end of it, Bill and his wife opened up their house and had me and everyone who had helped me over for dinner in their home. It was unbelievable hospitality that I want to thank Bill for but, also, because he put me in touch with many people.

It was Bill who organised my meeting with Jack Cakebread and who organised my visit to Tom Gamble's house at the Gamble Family Vineyards to talk about local farmers and wine growers. He organised for me to meet with Dave Whitmer, the Agricultural Commissioner, and Dave gave me a great insight into the sorts of protections they have, not just against urban encroachment but also things like the European moth and other threats to the wine industry in Napa Valley.

Bill also arranged for the Mayor of the City of Napa, Jill Techel, to pick me up and take me on a tour of downtown Napa to explain to me what they have done there on flood control, tourism and expansion to the urban area within the City of Napa. That was a wonderful insight. The mayor took me to the local Napa Chamber of Commerce, and I sat through their meetings as they discussed what their reactions were going to be to a number of referenda that were coming up in the state of California.

That is one thing that was interesting about their legislation and why we could not copy exactly the Napa Valley act. They can have referenda at various times throughout the year when they will bundle all these different motions together and people get to go along and vote on whether they want to see things continue. We could not do this here in South Australia, so what the people of McLaren Vale and the Barossa thought was the best idea was to hand that responsibility to the elected members of this place so that people would have plenty of time to come and lobby them if anyone ever put up a proposal that these rules be changed in the future.

I notice that the opposition was very keen to see a lot of control retained with council. They kept arguing for more and more control by council but it misses the point of where this legislation grew from. People were happy with decisions that were made but were worried about decisions that could be made further down the track, so they really wanted those protections locked in place.

We had the member for Bragg get up earlier and say that we did not care, and she was being quite insulting to the government over this legislation. That is actually a slap in the face of the very people who worked so hard to get this legislation to this point. I am not talking about the minister, public servants or any other members of parliament: I am actually talking about the people who come from the Barossa Valley and McLaren Vale who really wanted this legislation. For the member for Bragg to come in here and say that shows a lack of knowledge of where this has all come from.

I also want to put on the record my thanks to other people I met in Napa Valley because they all helped in some way to frame what we are about to celebrate here with the passing of this bill. Rex Stults, the Industry Relations Director at Napa Valley Vintners, was tremendous in showing me around and letting me know how they have done things in Napa. Also, Emilie Wyrick from Napa Valley Vintners was extremely helpful. From the Napa County, I met Patrick Lowe, the Deputy Director of the Conservation, Development and Planning Department; and Keith Caldwell, who was also great with the knowledge he passed on. He is from the Board of Supervisors and Supervisor of District 5.

I had a wonderful afternoon with Michael Baldini from Napa Valley College, and I thank him, on behalf of everyone in both of our wine regions, for the help he gave us. Joel Tranmer is the Chief Executive Officer of the Land Trust of Napa County, and John Tuteur is the Recorder-County Clerk of Napa County. I met up with Bernard Krevet, who is the President of Friends of the Napa River. It is interesting to see that the Friends of the Napa River have a lot in common with the people at Friends of Willunga Basin. It was also great to talk to Clay Gregory, who is the President and CEO of the Napa Valley Destination Council. We think that we have got some good ideas here, but we do not know everything. It is great to travel. I remember that the former member for Stuart agreed as well that you travel so that you can be reassured that what you are doing here is

good and then to pick up other ideas as well. Getting around the Napa Valley and to have so many great contacts organised for me by Bill Dodd was unbelievable. As I said, tomorrow we will be having a lunch in here—

Mr Williams interjecting:

Mr BIGNELL: No; sorry. The member for MacKillop asked whether I have pulled a cork out of a certain bottle of Napa Valley cab sav. We will be opening it tomorrow at the celebration for those people who have been the grassroots of this legislation, and I will invite the member for MacKillop to come in and have a try, and also the minister.

Talking about the minister, I would really like to thank the minister for his patience. I know that I have been a bit fiery at times, but sometimes that is what happens when you get passionate about an issue. Also, I thank Daniel Romeo, the minister's chief of staff, and, in particular, Liam Golding who I have been able to ring any time of the day or night; and, in his very calm and collected way, he has always taken all my thoughts on board and we have got most of them up.

As mentioned before, with respect to Glenthorne Farm and that Hardy's Reynella site we can still continue to work at that. When a review is done in a few years time that will still be an issue, and we all need to be vigilant that the Accolade-owned site of the old Hardy's winery at Reynella is not rezoned in any way because it is too important to lose.

To everyone who has been involved in this bill, not only in terms of the political side of it but also at the grassroots level, I offer my thanks. I am sure that there will be people in 175 years time looking back at the people who have done all this and they will have the same appreciation for the people who have done this as people have now for Colonel Light and how he locked our Parklands into place when Adelaide was laid out 175 years ago.

The ACTING CHAIR (Hon. M.J. Wright): Minister, it is my understanding that, at this stage, we are dealing with amendment No. 1?

The Hon. J.R. RAU: Yes, that is right, Mr Acting Chairman. Can I thank all the members who have made contributions. I think that I acknowledged before that the member for Mawson really has been involved in this for a very long time and he has done great work. I have not yet mentioned the people from the Barossa Valley in relation to the work there; but, when we get to that bill, there are a number of people I would also like to acknowledge, and many of them were referred to by the member for Mawson in his remarks.

I think that now we are at a point where we can go through the committee stage. The idea was that we would have a bit of general discussion first so that we could get into this fairly briefly.

Motion carried.

Amendments Nos 2 to 10:

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

That the Legislative Council's amendments Nos 2 to 10 be agreed to.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be disagreed to.

I just want to say a few words about amendment No. 11 just so I can place on the record the position about this. During the debate on this bill in the other place, the government had concerns with amendments moved by the Hon. David Ridgway and the Hon. Mr Mark Parnell. Both amendments in the government's view would be problematic and are therefore unacceptable to the government.

By removing the ability for the minister of the day to initiate a rezoning, they would have the effect of setting up special enclaves within two districts where the ordinary rules of the planning system do not apply. This would be unprecedented within our state planning system and nationally and run counter to the leading practices recommended by the Productivity Commission.

The government likened the amendments moved by the Hon. Mr Ridgway to setting up South Australia's version of Hutt River Province. I guess that it might be fair to say that the Hon. Mr Parnell's amendments could be said to be more like setting up a Vatican City state—

smaller in scale at the end of the day but still effectively free of the rules that apply everywhere else.

The government's view is that, even though the Hon. Mr Parnell's amendment is more limited in its effect than the altogether much more mischievous amendments moved by the Hon. Mr Ridgway, they would still set an unfortunate precedent that should be avoided; because of this, we will be opposing them.

However, the government acknowledges that, in putting forward his amendment, Mr Parnell was attempting to be an honest broker and to put forward issues that he, as a member with considerable experience in planning law, has observed in the planning system for some time, particularly the processes around DPAs and the appropriate balance between state government, council, and community interests and responsibilities in the planning system.

As Minister for Planning, I take these matters seriously and would like to discuss them further with the honourable member and, indeed, any members who have an interest in how our planning system can be further reformed and enhanced, and I note that Mr Parnell, in his remarks, offered to sit down and work with all members to develop appropriate reforms to the system that would apply across the whole state. That is certainly our preferred option rather than these, I think the words used these days is 'bespoke', amendments, which will create an administrative burden on the department to manage.

Land use planning is a core policy concern of this government, as members would know. For several years we have driven an agenda of reform and change to our planning system that has earned this state respect and acknowledgement across the country, and we are absolutely open to continuing that process in consultation and partnership with members in this place and, indeed, the other place.

Indeed, as members will know, the government yesterday announced we will be bringing forward planning reform legislation to address issues in relation to housing approvals, enabling a more streamlined assessment process for low risk, low impact residential development, a very important reform, and one that has been welcomed by the housing industry at an industry round table hosted by the Premier.

As I have already said, I am prepared to sit down with Mr Parnell and other members to talk about potential system-wide reforms to the planning system that could be pursued and, should discussions with members bear fruit with proposals acceptable to the government with broad, cross-party support, I am prepared to bring forward further legislation in due course.

However, the government cannot support an amendment at this stage which would effectively put in place an administratively burdensome, unique amendment, and it will be opposed by the government. This amendment, as the Hon. Mr Parnell himself observed in debate the other day, is not the ideal way to address the system-wide issues that he has raised.

Indeed, Mr Parnell acknowledged that the amendment would not resolve the fundamental problem raised, which is that it would result in a Mexican stand-off. While it limits the potential for that, relative to the amendments moved by Mr Ridgway, it would still represent a suboptimal outcome for planning in this state. Accordingly, amendment No.11 is opposed.

Motion carried.

Amendments Nos 12 to 19:

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

That the Legislative Council's amendments Nos 12 to 19 be agreed to.

Motion carried.

Amendment No.20:

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

That the Legislative Council's amendment No. 20 be disagreed to.

This should not perturb, hopefully, my friends, but we are simply trying to bring both bills into conformity. This is now an anomaly between both bills and we will be seeking to withdraw this amendment. As indicated on this bill and in the other place, the amendment was included in response to concerns raised by the Barossa Council about potential of township growth within the boundaries established by the bill. As I indicated in debate, we believe these boundaries, which

reflect those in the 30 year plan, are more than adequate to cater for likely growth over the next 30 years and, indeed, some townships have enough land to grow for over 70 years, based on historic growth trends.

However, it became apparent in debate that there was some concern that this provision would invite the boundaries to be reviewed routinely and implied that there would be a more fluid movement of those boundaries than the government intends. In reality, this five-yearly review would mirror the five-yearly review of the act set out in clause 11 and the five-yearly review of the planning strategy required under the Development Act. In that sense, the new clause was intended to clarify the township boundaries, and it could be reviewed as part of those processes.

I reflected on these concerns and decided, notwithstanding that this was a matter requested by Barossa Council, it is not needed to achieve the objectives of the bill and that the matter of township boundaries is sufficiently addressed through this other processes. Accordingly, the government will seek to disagree with the amendment and will be withdrawing the cognate amendment to the Barossa bill in the other place, and I believe that that may have already occurred.

I want to emphasise, however, that there is no ambiguity. The issue of reviewing is not the same as the issue of approving a change. This bill makes it clear: no change to these boundaries can occur without parliamentary consent through legislative amendment. The new clause 10A, which would have been inserted by the amendment, I now seek this committee to disagree with, but it would not have altered in any way this fundamental proposition.

Motion carried.

Amendments Nos 21 to 34:

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

That the Legislative Council's amendments Nos 21 to 34 be agreed to.

Motion carried.

STATUTES AMENDMENT AND REPEAL (SUPERANNUATION) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. New clause, page 6, after line 4—After clause 13 insert:

13A—Amendment of section 21—Payments by employers

(1) Section 21—after subsection (3) insert:

(3a) Subsections (1) and (2) do not apply in relation to a person who is a member of a prescribed scheme (irrespective of whether the person is also a member of the Triple S scheme).

(3b) If an employer is not required to pay an amount in relation to a person under this section because the person is a member of a prescribed scheme, any payment the employer is required to make on behalf of the person under the Commonwealth Act must be made to the prescribed scheme.

(2) Section 21(5)—after the definition of *employer* insert:

prescribed scheme means a superannuation fund or scheme prescribed by regulation for the purposes of this definition.

No. 2. Clause 18, page 7, lines 11 to 13 [clause 18(1)]—Delete subclause (1)

No. 3. Clause 18, page 7, lines 16 to 21 [clause 18(3) to (5)]—Delete subclauses (3) to (5) (inclusive)

No. 4. Clause 21, page 9, lines 24 to 26—Delete the clause

No. 5. Clause 22, page 9, lines 27 to 29—Delete the clause

No. 6. Clause 25, page 10, lines 23 to 29—Delete the clause

No. 7. Clause 27, page 10, lines 35 and 36—Delete the clause

No. 8. Clause 28, page 11, line 1 to page 17, line 9—Delete the clause

No. 9. Clause 30, page 19, lines 21 to 26 [clause 30(3)]—Delete subclause (3)

No. 10. Clause 32, page 19, lines 31 to 35 [clause 32(1) and (2)]—Delete subclauses (1) and (2) and substitute:

Section 20B(1)—delete 'established' and substitute 'managed'

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 3, page 2, lines 7 to 9 [clause 3(1), definition of designated area]—Delete the definition of *designated area*

No. 2. Clause 3, page 2, lines 13 and 14 [clause 3(1), definition of district]—Delete 'the prescribed day) but does not include the areas marked as townships on the deposited plan' and substitute '26 June 2012)'

No. 3. Clause 3, page 2, lines 16 and 17 [clause 3(1), definition of prescribed day]—Delete the definition of *prescribed day*

No. 4. Clause 3, page 2, line 19 [clause 3(1), definition of relevant authority]—Delete 'or a provision of this Act'

No. 5. Clause 3, page 2, after line 21 [clause 3(1)]—After the definition of *relevant authority* insert:

relevant council means a council whose area includes part of the district;

No. 6. Clause 3, page 3, lines 1 to 4 [clause 3(1), definition of residential development]—Delete the definition and substitute:

residential development means development primarily for residential purposes but does not include—

(a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or

(b) a dwelling for residential purposes on land used primarily for primary production purposes;

rural area means the area of the district not including townships;

rural living area means an area marked as a rural living area in the plan deposited in the General Registry Office at Adelaide and numbered GP 4 of 2012 (being the plan as it exists on 26 June 2012);

No. 7. Clause 3, page 3, line 7 [clause 3(1), definition of township]—Delete 'the prescribed day' and substitute '26 June 2012'

No. 8. Clause 3, page 3, line 9 [clause 3(2)]—After 'characteristics of the district' insert:

and locations within the district

No. 9. New clause, page 3, after line 15—After clause 4 insert:

4A—Administration of Act

This Act is to be administered by the Minister responsible for the administration of the *Development Act 1993*.

No. 10. Clause 6, page 3, line 31 [clause 6(1)(a)]—After 'rural' insert 'and natural'

No. 11. Clause 6, page 4, line 3 [clause 6(2)(b)]—Delete 'or a township under this Act'

No. 12. New Clause, page 4, after line 3—Insert:

6A—Development Plans relating to townships to be prepared or amended by councils

Despite Part 3 Division 2 of the *Development Act 1993* (including section 24(1)(fbb) of that Act), a Development Plan, or an amendment to a Development Plan, that—

(a) applies to any part of a township; and

(b) does not apply outside the area of the council where the township is located,

may only be prepared under that Division by—

(c) the council for the area where the township is located; or

(d) the Minister (within the meaning of that Division) acting with the consent of the council for the area where the township is located.

No. 13. Clause 7, page 4, lines 4 to 6—Delete clause 7

No. 14. Clause 8, page 4, lines 8 to 12 [clause 8(1) and (2)]—Delete subclauses (1) and (2) and substitute:

(1) This section applies to a proposed development in the rural area that involves a division of land under the *Development Act 1993* that would create 1 or more additional allotments.

(2) A relevant authority (other than the Development Assessment Commission) must not grant development authorisation to a development to which this section applies unless the Development Assessment Commission concurs in the granting of the authorisation.

(2a) If the Development Assessment Commission is the relevant authority, the Development Assessment Commission must not grant development authorisation to a development to which this section applies unless the council for the area where the proposed development is situated concurs in the granting of the authorisation.

(2b) No appeal under the *Development Act 1993* lies against a refusal by a relevant authority to grant development authorisation to a development to which this section applies or a refusal by the Development Assessment Commission or a council to concur in the granting of such an authorisation.

No. 15. Clause 8, page 4, lines 14 to 16 [clause 8(3)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

(a) is located in a part of the rural area other than a rural living area; and

(b) will create additional allotments to be used, for residential development,

No. 16. Clause 8, page 4, lines 23 to 34 [clause 8(5)]—Delete subclause (5) and substitute:

(5) If—

(a) after the commencement of this section, an application for development authorisation is made in relation to a proposed development to which this section applies; and

(b) the proposed development is located within a rural living area and will create 1 or more additional allotments to be used for residential development; and

(c) the provisions of the relevant Development Plan relating to the minimum size of allotments that are in force on the prescribed day (after the commencement of the operation of any amendments to that Development Plan that are made on that day) (the *prescribed allotment provisions*) provide for a larger minimum allotment size than the provisions that would otherwise apply in relation to the proposed development,

the prescribed allotment provisions will apply in relation to the proposed development despite the provisions of the Development Plan (to the extent of the inconsistency) and despite section 53(2) of the *Development Act 1993*.

No. 17. Clause 8, page 4, line 36 [clause 8(6)]—Delete 'designated' and substitute 'rural living'

No. 18. Clause 8, page 4, after line 39—After subsection (6) insert:

(7) In this section—

prescribed day means the day on which this Act was introduced into the House of Assembly.

No. 19. Clause 9, page 5, line 2 [clause 9(1)]—Delete 'involved in the administration of' and substitute:

responsible for issuing statutory authorisations under

No. 20. Clause 9, page 5, line 4 [clause 9(1)(a)]—Delete 'a statutory authorisation under the relevant Act' and substitute: 'such a statutory authorisation'

No. 21. Clause 9, page 5, lines 8 and 9 [clause 9(1)]—Delete 'obligations imposed on the person or body under this Act ' and substitute: 'objects of this Act in relation to the statutory authorisation'

No. 22. Clause 10, page 5, after line 17—After subclause (1) insert:

(1a) In conducting the review, the Minister must (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils.

No. 23. Clause 10, page 5, lines 18 to 21 [clause 10(2)]—Delete subclause (2) and substitute:

(2) The review must include an assessment of—

(a) the state of the district, especially taking into account the objects of this Act and any relevant provisions of the Planning Strategy; and

(b) the family, social, economic and environmental impacts of this Act; and

(c) the impact of this Act on local government in the district; and

(d) any steps that have been taken or strategies that have been implemented to address any negative impacts of this Act,

and may include such other matters as the Minister thinks fit.

No. 24. Clause 11, page 5, after line 27 [clause 11(1)]—Before paragraph (a) insert:

(aaa) make provision in relation to the referral of any application for development authorisation to the Development Assessment Commission for the purposes of section 8(2); and

(aa) prescribe fees in respect of any matter under this Act and provide for their payment, recovery or waiver; and

No. 25. Clause 11, page 6, after line 3—After subclause (3) insert:

(4) Before a regulation is made under this Act, the Minister must (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils.

No. 26. Schedule 1, page 6, line 6 [Schedule 1, clause 1]—Delete 'responsible for the administration of the *Development Act 1993*'

No. 27. Schedule 1, page 6, line 7 [Schedule 1, clause 1(a)]—Delete 'that Act' and substitute: 'the *Development Act 1993'*

No. 28. Schedule 1, page 6, lines 10 and 11 [Schedule 1, clause 1(b)]—Delete 'or a township, or part of the district or a township' and substitute: ', or part of the district'

No. 29. Schedule 1, page 6, after line 16 [Schedule 1, clause 1]—After paragraph (b) insert:

and

(c) (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils in relation to the matters specified in paragraphs (a) and (b).

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Long title—After 'the *Child Sex Offenders Registration Act 2006*,' insert:

the *City of Adelaide Act 1998*,

No. 2. Long title—Delete 'the *State Records Act 1997*,'

No. 3. New clause, page 11, after line 37—After clause 5 insert:

5A—Parliamentary privilege unaffected

Nothing in this Act affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members.

No. 4. Clause 6, page 13, after line 2 [clause 6(4)]—After paragraph (b) insert:

and

(c) as far as is practicable, deals with any allegation against a Member of Parliament or member of a council established under the *Local Government Act 1999* before the expiry of his or her current term of office.

No. 5. Clause 6, page 13, after line 2—After subclause (4) insert:

(5) For the purposes of exercising his or her functions under subsection (1)(d) or (e), or for reviewing a legislative scheme under subsection (3), the Commissioner—

(a) may conduct a public inquiry; and

(b) may regulate the conduct of the inquiry as the Commissioner thinks fit,

(and, for the avoidance of doubt, the inquiry will not be a proceeding for the purposes of section 53).

No. 6. Clause 7, page 13, line 4 [clause 7(1)]—After 'Governor' insert:

, on a recommendation made by resolution of both Houses of Parliament,

No. 7. Clause 7, page 13, lines 7 and 8 [clause 7(2)]—Delete 'consecutive terms (including any term as Deputy Commissioner)' and substitute:

terms (including any term as Deputy Commissioner or Acting Commissioner)

No. 8. Clause 7, page 13, after line 15—After subclause (3) insert:

(3a) If a person is a judicial officer immediately before being appointed to be the Commissioner—

(a) the conditions of the appointment should not be less favourable to the person than the conditions of his or her judicial office (when viewed from an overall perspective); and

(b) for the purposes of determining the person's entitlement to recreation leave, sick leave, long service leave or any other kind of leave under this or another Act, the appointment may, at the option of the person, be taken to be a continuation of his or her service as a judicial officer.

No. 9. Clause 8, page 14, lines 24 and 25 [clause 8(3)]—Delete 'consecutive terms (including any term as Commissioner)' and substitute:

terms (including any term as Commissioner or Acting Commissioner)

No. 10. Clause 9, page 15, line 30 [clause 9(1)]—After 'in writing' insert:

made at the time a person is appointed to be the Commissioner or Deputy Commissioner

No. 11. New clause, page 16, after line 10—After clause 9 insert:

9A—Acting Commissioner

(1) The Governor may appoint a person (who may be a Public Service employee) to act as the Commissioner during any period for which—

(a) no person is for the time being appointed as the Commissioner or the Commissioner is absent from, or unable to discharge, official duties; and

(b) no person is for the time being appointed as the Deputy or the Deputy is absent from, or unable to discharge, official duties.

(2) The terms and conditions of appointment are to be determined by the Governor, except that the person may not act as the Commissioner for more than 6 months in aggregate in any period of 12 months.

(3) A person appointed to act as the Commissioner is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

No. 12. Clause 16, page 18, after line 4—After subclause (3) insert:

(4) While a Public Service employee is assigned to the Office, directions given to the employee by the Commissioner prevail over directions given to the employee by the chief executive of the administrative unit of the Public Service in which the employee is employed to the extent of any inconsistency.

No. 13. Clause 23, page 20, after line 37—After paragraph (c) insert:

(ca) if an allegation against a person has been made public and, in the opinion of the Commissioner following an investigation or consideration of a matter under this Act, the person is not implicated in corruption, misconduct or maladministration in public administration—whether the statement would redress prejudice caused to the reputation of the person as a result of the allegation having been made public;

No. 14. Clause 33, page 26, lines 41 and 42 [clause 33(3)]—Delete subclause (3)

No. 15. Clause 35, page 27, lines 11 to 13 [clause 35(1)]—Delete subclause (1) and substitute:

(1) The Commissioner must, before referring a matter to an inquiry agency, take reasonable steps to obtain the views of the agency as to the referral.

No. 16. Clause 36, page 28, lines 21 to 23 [clause 36(1)]—Delete subclause (1) and substitute:

(1) The Commissioner must, before referring a matter to a public authority, take reasonable steps to obtain the views of the authority as to the referral.

No. 17. Clause 36, page 28, after line 33—After subclause (3) insert:

(3a) The Commissioner may not give directions to a House of Parliament or the Joint Parliamentary Service Committee in relation to a matter concerning a public officer.

No. 18. Clause 38, page 29, after line 31—After subclause (4) insert:

(5) The Commissioner may not evaluate the practices, policies and procedures of a House of Parliament or a judicial body.

No. 19. Clause 44, page 32, lines 32 and 33 [clause 44(1)]—Delete 'to determine whether powers under this Act were exercised in an appropriate manner' and substitute:

of the operations of the Commissioner and the Office

No. 20. Clause 44, page 32, after line 34—After subclause (1) insert:

(1a) Without limiting the matters that may be the subject of a review, the person conducting a review—

(a) must consider—

(i) whether the powers under this Act were exercised in an appropriate manner and, in particular, whether undue prejudice to the reputation of any person was caused; and

(ii) whether the practices and procedures of the Commissioner and the Office were effective and efficient; and

(iii) whether the operations made an appreciable difference to the prevention or minimisation of corruption, misconduct and maladministration in public administration; and

(b) may make recommendations as to changes that should be made to the Act or to the practices and procedures of the Commissioner or the Office.

No. 21. Clause 44, page 32, after line 39—After subclause (3) insert:

(3a) The report must not include information if publication of the information would constitute an offence against section 54.

No. 22. Clause 45, page 33, line 4—Delete 'Crime and Corruption Policy Review Committee' and substitute:

Crime and Public Integrity Policy Committee

No. 23. Clause 54, page 36, line 7 [Clause 54, penalty provision]—Delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a body corporate—$150,000;

(b) in the case of a natural person—$30,000.

No. 24. Clause 55, page 36, after line 29—After subclause (4) insert:

(4a) In proceedings against a person seeking a remedy in tort for an act of victimisation committed by an employee or agent of the person, it is a defence to prove that the person exercised all reasonable diligence to ensure that the employee or agent would not commit an act of victimisation.

(4b) A person who personally commits an act of victimisation under this Act is guilty of an offence.

Maximum penalty: $10,000.

(4c) Proceedings for an offence against subsection (4b) may only be commenced by a police officer or a person approved by either the Commissioner of Police or the Director of Public Prosecutions.

No. 25. Clause 58, page 37, line 31 [Clause 58(2)(a)]—Delete '(other than public officers)'

No. 26. Schedule 1, page 38, lines 17 to 40 [Schedule 1, table, rows 3 to 6 (ignoring header row) relating to the Legislative Council and the House of Assembly]—Delete all words on these lines and substitute:

a Member of the Legislative Council an officer of the Legislative Council a person under the separate control of the President of the Legislative Council	Legislative Council	
a Member of the House of Assembly an officer of the House of Assembly a person under the separate control of the Speaker of the House of Assembly	House of Assembly	
a member of the joint parliamentary service	Joint Parliamentary Service Committee	

No. 27. Schedule 1, page 39, after line 34—After the entry relating to the Local Government Association of South Australia insert:

a person who is a member of the governing body of the Local Government Association of South Australia an officer or employee of the Local Government Association of South Australia	the Local Government Association of South Australia	the Minister responsible for the administration of the *Local Government Act 1999*

No. 28. New Part, Schedule 3, page 53, after line 11—After Schedule 3 Part 3 insert:

Part 3A—Amendment of *City of Adelaide Act 1998*

3A—Repeal of Part 3 Division 3

Part 3 Division 3—delete the Division

3B—Repeal of Part 3 Division 7

Part 3 Division 7—delete the Division

3C—Repeal of Schedule 2

Schedule 2—delete the Schedule

3D—Transitional provision

Following the repeal of Part 3 Division 7 of the *City of Adelaide Act 1998* by clause 3B—

(a) the Register of Interests maintained by the chief executive officer of Adelaide City Council under that Division will be taken to be the Register of Interests the chief executive officer is required to maintain under section 68 of the *Local Government Act 1999*; and

(b) the information entered into that Register before the repeal will be taken to have been furnished in a return submitted pursuant to Chapter 5 Part 4 Division 2 and Schedule 3 of the *Local Government Act 1999*.

No. 29. New clause, Schedule 3, page 55, after line 13—After clause 8 insert:

8A—Amendment of section 248—Threats or reprisals relating to persons involved in criminal investigations or judicial proceedings

Section 248(4)(a)—delete 'police with their' and substitute:

a law enforcement body with its

No. 30. Schedule 3, clause 14, page 56, lines 14 to 16 [Schedule 3, clause 14(1), inserted paragraph (fa)]—Delete paragraph (fa)

No. 31. Schedule 3, clause 40, page 65, after line 9 [Schedule 3, clause 40, inserted section 272]—After subsection (3) insert:

(4) The Ombudsman must, at the request of the Minister, provide to the Minister an interim report relating to the investigation, or to any aspect of the investigation specified by the Minister.

(5) The Minister must supply the council with a copy of an interim report and give the council a reasonable opportunity to make submissions to the Minister in relation to the matter unless the Minister considers that providing the report or such an opportunity would be likely to undermine the investigation.

No. 32. Schedule 3, clause 43, page 65, after line 28—Before subclause (1) insert:

(a1) Section 3(1), definition of *administrative act*, (d)—after 'Crown' insert:

or an agency to which this Act applies

No. 33. New clause, Schedule 3, page 66, after line 8—After Schedule 3 clause 43 insert:

43A—Amendment of section 12—Officers of Ombudsman

Section 12—after subsection (2) insert:

(2a) While a Public Service employee is assigned to work in the office of the Ombudsman, directions given to the employee by the Ombudsman prevail over directions given to the employee by the chief executive of the administrative unit of the Public Service in which the employee is employed to the extent of any inconsistency.

No. 34. New clause, Schedule 3, page 67, after line 35—After Schedule 3 clause 48 insert:

48A—Repeal of section 31

Section 31—delete the section

No. 35. New clause, Schedule 3, page 67, after line 39—After Schedule 3 clause 49 insert:

49A—Amendment of section 15I—Functions of Committee

Section 15I(1)(a)(ii)—after 'that office' insert:

(unless another Committee has the function of inquiring into, considering and reporting on the performance of those functions)

No. 36. Schedule 3, clause 50, page 68, line 3 to page 69 line 6 [Schedule 3, clause 50, inserted Part 5E]—Delete Part 5E

No. 37. Schedule 3, clause 50, page 69, lines 7 and 8 [Schedule 3, clause 50, inserted Part 5F heading]—Delete 'Crime and Corruption Policy Review Committee' and substitute: 'Crime and Public Integrity Policy Committee'

No. 38. Schedule 3, clause 50, page 69, line 11 [Schedule 3, clause 50, inserted section 15P]—Delete '*Crime and Corruption Policy Review Committee*' and substitute: '*Crime and Public Integrity Policy Committee'*

No. 39. Schedule 3, clause 50, page 69, line 14 [Schedule 3, clause 50, inserted section 15Q(1)]—Delete '7' and substitute: '6'

No. 40. Schedule 3, clause 50, page 69, line 15 [Schedule 3, clause 50, inserted section 15Q(1)(a)]—Delete '4' and substitute: '3'

No. 41. Schedule 3, clause 50, page 69, after line 24 [Schedule 3, clause 50, inserted section 15Q]—After subsection (1) insert:

(1a) A Minister of the Crown is not eligible for appointment to the Committee.

No. 42. Schedule 3, clause 50, page 69, lines 27 and 28 [Schedule 3, clause 50, inserted section 15Q(3)]—Delete 'House of Assembly' and substitute: 'Legislative Council'

No. 43. Schedule 3, clause 50, page 69, lines 32 and 33 [Schedule 3, clause 50, inserted section 15Q(3)]—Delete 'House of Assembly' and substitute: 'Legislative Council'

No. 44. Schedule 3, clause 50, page 69, line 34 to page 70 line 29 [Schedule 3, clause 50, inserted Part 5F Division 2]—Delete Division 2 and substitute:

Division 2—Functions of Crime and Public Integrity Policy Committee

15R—Functions of Committee

(1) The functions of the Crime and Public Integrity Policy Committee are—

(a) to examine—

(i) each annual and other report laid before both Houses prepared by the Independent Commissioner Against Corruption, the Commissioner of Police, the Ombudsman or the Police Ombudsman; and

(ii) each report on a review under section 44 of the *Independent Commissioner Against Corruption Act 2012*; and

(iii) each report laid before both Houses under the *Police Act 1998*, the *Serious and Organised Crime (Control) Act 2008* or the *Serious and Organised Crime (Unexplained Wealth) Act 2009*; and

(b) to inquire into and consider the operation of—

(i) the *Serious and Organised Crime (Control) Act 2008*; and

(ii) the *Serious and Organised Crime (Unexplained Wealth) Act 2009*; and

(iii) insofar as they are concerned with serious crime, criminal organisations or proceedings under an Act referred to in a preceding subparagraph, the *Bail Act 1985*, the *Controlled Substances Act 1984*, the *Criminal Law (Sentencing) Act 1988*, the *Criminal Law Consolidation Act 1935*, the *Evidence Act 1929*, the *Juries Act 1927*, the *Summary Offences Act 1953* and the *Summary Procedure Act 1921*,

and, in particular—

(iv) how effective those Acts have been in disrupting and restricting the activities of organisations involved in serious crime and protecting members of the public from violence associated with such organisations; and

(v) whether the operation of those Acts has adversely affected persons not involved in serious crime to an unreasonable extent; and

(vi) whether the operation of those Acts has made an appreciable difference to the prevention or minimisation of the activities of organisations involved in serious crime; and

(vii) the effect of the amendments made by the *Statutes Amendment (Serious and Organised Crime) Act 2012*; and

(c) to inquire into and consider the operation of the *Independent Commissioner Against Corruption Act 2012* and, in particular—

(i) the performance of functions and exercise of powers by the Independent Commissioner Against Corruption and the Office for Public Integrity; and

(ii) whether the operation of the Act has made an appreciable difference to the prevention or minimisation of corruption, misconduct or maladministration in public administration; and

(iii) whether the operation of the Act has adversely affected persons not involved in corruption, misconduct or maladministration in public administration to an unreasonable extent; and

(d) to inquire into and consider the performance of functions and exercise of powers by the Ombudsman under the *Ombudsman Act 1972* or any other Act; and

(e) to report to both Houses on any matter of public policy arising out of an examination of a report or an inquiry (including any recommendation for change) as the Committee considers appropriate; and

(f) to perform other functions assigned to the Committee under this or any other Act or by resolution of both Houses.

(2) The Independent Commissioner Against Corruption must not disclose to the Crime and Public Integrity Policy Committee information that identifies, or could tend to identify, a person or body (whether incorporated or unincorporated) who is, or has been, the subject of a complaint, report, assessment, investigation or referral under the *Independent Commissioner Against Corruption Act 2012* or has provided information or other evidence under that Act, unless the information disclosed to the Committee is already a matter of public knowledge.

(3) Nothing in this section authorises the Crime and Public Integrity Policy Committee—

(a) to investigate a matter relating to particular conduct; or

(b) to obtain—

(i) information classified as criminal intelligence under an Act; or

(ii) information the release of which—

(A) may, in the opinion of the Commissioner of Police, prejudice a South Australia Police investigation; or

(B) may, in the opinion of a person in charge of an investigation being carried out by another body established for law enforcement purposes, prejudice the investigation; or

(c) to reconsider a decision of the Independent Commissioner Against Corruption or any other person or body in relation to a particular matter.

No. 45. Schedule 3, clause 56, page 71, lines 15 to 17—Delete the clause

No. 46. Schedule 3, Part 21, page 73, lines 25 to 37—Delete the Part

No. 47. New clause, Schedule 3, after line 19—After clause 68 insert:

68A—Insertion of section 13

After section 12 insert:

13—Review of operation of Act

(1) The Attorney-General must, as soon as practicable after the first appointment of an Independent Commissioner Against Corruption under the *Independent Commissioner Against Corruption Act 2012*, conduct a review of the operation and effectiveness of this Act.

(2) The Attorney-General, or a person conducting the review on behalf of the Attorney-General, must consult the Independent Commissioner Against Corruption in relation to the review and have regard to any recommendations of the Commissioner for the amendment or repeal of this Act (unless the Commissioner is the person conducting the review).

(3) The Attorney-General must, within 12 months of the first appointment of an Independent Commissioner Against Corruption, prepare a report based on the review and must, within 12 sitting days after the report is prepared, cause copies of the report to be laid before each House of Parliament.

At 16:36 the house adjourned until Wednesday 17 October 2012 at 11:00.