HOUSE OF ASSEMBLY

Wednesday 31 October 2012

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (11:01): 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. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (11:01): I move:

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

Motion carried.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (11:01): I move:

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

Motion carried.

CHILD PROTECTION

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (11:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G. PORTOLESI: Yesterday in this place a very serious matter was raised concerning child abuse and the protection of children. The protection and wellbeing of children go to the very heart of my responsibilities as Minister for Education and Child Development. I take those responsibilities very seriously.

In regard to the serious matters raised yesterday, I advised the house on the basis of advice given to me. However, it is now apparent that there is a difference of opinion and that is cause for concern. That is why I have asked that an independent review investigates and reports to me in relation to this matter. These are very sensitive matters.

There are three elements that need to be balanced here. The first is that the children in question must be protected from further harm. The second is that actions taken by any element of government should not jeopardise a successful prosecution. Thirdly, we should acknowledge the importance of the community's right to know and for parents to be supported in the care and wellbeing of their children. We must strike this balance for the community to be assured that all allegations are properly investigated in a way that allows the best possible chance of successful prosecution and that we protect children.

Members interjecting:

The SPEAKER: Order!

PUBLIC WORKS COMMITTEE: SWAN REACH TO PASKEVILLE PIPELINE HIGH VOLTAGE SWITCHBOARD REPLACEMENTS

Mr ODENWALDER (Little Para) (11:04): I move:

That the 457th report of the committee, entitled Swan Reach to Paskeville Pipeline High Voltage Switchboard Replacements, be noted.

The committee has received a proposal to renew the existing ageing high voltage (HV) switchboards and electrical installations at each of the Swan Reach to Paskeville pipeline pumping stations. The project has a capital cost of $7.82 million. The project comprises the following elements:

- to replace the existing HV switchboards with new switchboards in newly created switch rooms;
- to replace the existing low voltage switchboards with new switchboards and replace associated ancillary electrical equipment; and
- to upgrade the electrical earthing system throughout.

The project will result in a dramatic reduction in the risk of catastrophic failure of the electrical installation at a pumping station and address recent safety concerns with the installation.

This pipeline supplies approximately 26,000 connections in the Sedan, Barossa and Yorke Peninsula regions. A significant portion of these connections are for primary production, industrial and commercial customers. Demand on the system has increased dramatically following the introduction of off-peak irrigation supplies and third-party access. It has limited storage and limited connectivity with other pipeline systems. A catastrophic switchboard failure at a pumping station would result in supply shortages and extended restrictions for the majority of connected customers.

This project is expected to be completed by September 2013, so given this, and pursuant to the act, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:06): I would like to make a small contribution on this public works project, and it will give me the opportunity to talk about South Australia's reliance on the river. There really is an expectation of most South Australians that they turn on a tap and water will come out. Again, it highlights the importance of the River Murray and the water security the River Murray gives to almost every South Australian.

In 2009, several hundred metres from the pumping station, I attended a rally at Grieger's Sandbar, just upstream from Swan Reach. We had many hundreds of people standing on the main river channel and no-one had their feet wet. It was really an unbelievable sight.

Mr Pederick: Helicopters landed on it.

Mr WHETSTONE: Yes, that's right. The member for Hammond reminded me that on that day helicopters landed on the main channel of the river, which was dry. It made international news at the time, and the level of the water was 0.8 of a metre below sea level. Today, anyone standing on that sandbar where we were at that rally at that time would be now underwater and would drown. It shows how quickly things can change on the landscape of the river.

Also, back in 2008, there was a $10 million project to upgrade the pumping station for the Mannum to Adelaide, Murray Bridge to Onkaparinga, Tailem Bend to Keith, and Swan Reach to Paskeville pipelines. The Swan Reach pipeline was one of the last to be completed in early 2009, and this was to secure the delivery of water across South Australia. Again, I highlight that everyone who relies on River Murray water has an expectation that there is water in the river and that every time they need that water, whether it be for domestic use, food production or industrial use, there will be a reliable source to be drawn from the River Murray.

I support the public works switchboard upgrade, but I wanted to highlight that it is about the reliance on the River Murray that every South Australian is becoming more and more accustomed to. We have an expectation that there will be water in the river and it is a testament to achieving a Murray-Darling Basin plan. It is not about achieving just a number: it is about achieving a balanced outcome for the river and achieving a social outcome and an economic outcome. As important as all of those, it is about having a sustainable, healthy environment surrounding the water supply.

I will not touch on exactly what the basin plan will mean to everyone in this place, but with tomorrow's presentation and the Premier's motion, I am very happy to be a part of that debate. Without further ado, I will support this public works program.

Mr GRIFFITHS (Goyder) (11:10): I will be very brief also, but only on the basis that I respect how important it is to continually invest in infrastructure. That is why I am pleased that funds are being expended on the electrical upgrade of the pumping stations. In early 2000, there

was a very serious problem with water storage facilities managed by SA Water on Yorke Peninsula, which actually took all of the Paskeville storage dam offline.

Other than Kadina, Wallaroo and Moonta, every community south of that connection point was unable to use SA Water mains because the water was contaminated. It took an enormous effort to overcome that, including the delivery of bottled water to people so that those who did not have rainwater tanks had something to drink. It came at a peak tourism time also, so it caused enormous disruption. That emphasised to me more anything that if we do not continue to invest in our infrastructure that SA Water provides the water distribution points via, we are going to be in serious trouble.

I was pleased when the member for Finniss contacted me about this report that was coming to the Public Works Committee. He asked me to review the notes in case there was anything that I wanted to highlight that he would question on my behalf. I looked at it and noted that the infrastructure is not physically within my electorate, but it benefits my electorate, so I am pleased to support the report.

Mr VENNING (Schubert) (11:11): I will speak very briefly and generally on this, and I acknowledge the 457th report of the Public Works Committee. I served on that committee for four years and I have to say it was probably the most productive four years that I spent in the place. The committees of this place are very valuable, and I believe this committee is probably the hardest working committee and really ought to be elevated to the position of senior committee. I cannot understand why it is not. That is an oversight.

I certainly acknowledge the 457th report of this committee and I support infrastructure upgrades such as this, especially when it is classed as essential, as this certainly is. We have a huge amount of ageing infrastructure in regional South Australia and we must periodically replace and upgrade it so that these essential services are sustainable into the future. It is easy to ignore them.

Madam Speaker, coming from Whyalla, you would be very much aware how reliant your city is on infrastructure, particularly the Morgan to Whyalla pipeline. To see it rusting like I have seen it in recent days, particularly in the area around Spalding and Bundaleer—badly rusting—is concerning to me. I cannot understand why that is allowed to happen, so I hope that the Public Works Committee will be looking at a project such as that, to have the pipeline renovated: the rendering repaired and to put a protective coat of paint on it. I am also told, which worries me greatly, that it is actually corroding from the inside as well. That is extremely concerning to me.

In relation to the ageing infrastructure in our state, I also highlight the ETSA poles and wires that the Playford government in the late fifties and sixties linked all the farms in our state with electricity through the single-wire system, which we commonly call the SWER system. It is now ageing to the point where many of the poles are deteriorating. I am very concerned about what it would cost to upgrade that. It would be a huge cost, 700,000 poles across South Australia. I believe the government should be putting some money aside ready for the day when that is replaced. If you had to replace it on a user-pays system, I am sorry, but you could not justify it. You cannot go telling all those farmers out there, 'I am sorry, when the poles wear out, we really can't afford to replace them and you will have to make alternative arrangements.' I hope we never ever have to see that.

Finally, I welcome this report. I think it is very good that we have actually upgraded this system, because Swan Reach was in my electorate. Of course, that is where also—

Mr Whetstone: It's in Chaffey now.

Mr VENNING: It is in Chaffey now. I hope the member for Chaffey looks after it as well as I did, because you know I got a filtration plant—

Mr Whetstone: Of course I will.

Mr VENNING: I got a filtration plant there at Swan Reach, and of course the Barossa now has filtered water. Those who have been here a long, long, long time will recall when I sent a bottle of genuine Barossa water to every MP, and some of you still have them; it was a fantastic campaign. All I know is that premier Olsen was not impressed—not impressed at all. I paid a bit of a price for that, but, anyway, the filtration plant is there at Swan Reach, and it was a great day at the opening. We now have clean water to the Barossa. I certainly support both the committee and this report.

Mr HAMILTON-SMITH (Waite) (11:15): I just rise to indicate that the opposition members of the committee support the recommendation. We do have concerns about the debt level of SA Water. We do continuously ask SA Water whether projects such as this are being funded by debt or by revenue. They consistently obfuscate in their responses and refuse to answer.

But, I will just flag to the parliament that an ongoing concern for this parliament should be the extent to which SA Water, on behalf of the taxpayer, is running up its debt levels, for which ultimately the Treasurer and the people of South Australia will be responsible, whilst bringing these project forward. Other than that, we support the matter.

Motion carried.

PUBLIC WORKS COMMITTEE: MINING AND ENGINEERING CENTRE TAFE SA

Mr ODENWALDER (Little Para) (11:16): I move:

That the 458th report of the Public Works Committee, entitled Mining and Engineering Centre TAFE SA, be noted.

The Department of Further Education, Employment, Science and Technology has proposed the creation of a mining and engineering centre at a total cost of $38.311 million. Located at the TAFE SA Regency campus, this centre will consolidate and integrate programs previously delivered across the metropolitan TAFE network. It is expected that the centre will complement the state's existing industry training centres for business, arts, creative industries and hospitality, as well as the Sustainable Industries Education Centre (SIEC) at Tonsley Park currently under construction.

The mining and engineering centre will address new and emerging industry training needs from certificate I through to the Advanced Diploma, and contain interactive, flexible learning spaces characterised by blended methodologies and responsive modes of delivery. The planned relocation of the electrical, plumbing and refrigeration trades from Regency campus to the SIEC at Tonsley in December 2013 paves the way for the creation of this facility. The vacated space at Recency will accommodate the following programs:

- Geoscience and mining (to be relocated from O'Halloran Hill campus);
- Surveying and spatial information services (to be relocated from O'Halloran Hill campus);
- Heavy vehicle transport and diesel mechanics (again, to be relocated from O'Halloran Hill campus);
- Mechanical and civil engineering (to be relocated from Panorama campus and merged with existing engineering and advanced manufacturing at Regency);
- Welding and fabrication (to be relocated from Panorama campus and merged with existing at Regency); and
- Light automotive (which will be relocated from the Croydon campus).

The significant industry common interests between these programs will allow the mining and engineering centre to provide a focus for the provision of mining, engineering, transport and defence-related skills.

The centre will incorporate the refit of approximately 17,000 square metres of floor space within the existing trade training areas at Regency campus, with the creation of a new, approximately 1,500 square-metre building suitable for the high-bay requirements of heavy transport, as well as a 1,500 square-metre covered open storage area to store vehicles and other teaching aids. The third and final stage of the project is expected to be complete by late 2014.

This is a great project and given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends this work.

Mr PENGILLY (Finniss) (11:18): Following on from the chair of the committee, the opposition members did support this project but I, for the house's benefit, urge a little bit of caution (as I did in committee, where I asked questions about this) from shifting everything from O'Halloran Hill down to Regency Park. It makes it more difficult for young people, particularly, who are going into the TAFE system, travelling from the south.

I am being perfectly parochial talking about young people who are doing skills training at TAFE from my own electorate. It puts another hour on the trip if they are coming up there for the day just to go one way, and then an hour back the other way to get through during peak hour times; that concerns me. It concerns me that the people in the southern suburbs also now have to go down South Road and out to the Regency Park centre. It is a great shame that, despite the fantastic facilities you can have out there—and I have no argument with that whatsoever—everything has been taken out of O'Halloran Hill, which puts a further impediment on young people who want to go to TAFE.

Likewise, it is a concern that the brand-new TAFE we have now in Victor Harbor is not actually catering for many of these skills training that is needed particularly for young men, who I think are being left out of it. It disappoints me as the original TAFE, which was put together down there by Peter Manuel, the former school principal, and the Hon. Dean Brown, my predecessor, called for a vast increase in the number of courses available, which I think is superior to what is there at the moment. It is too restricted and it needs funding to introduce these others.

This new Regency Park TAFE will be good, and we look forward to seeing it up and operational, and I look forward to seeing it when it is eventually opened. However, I do urge caution on shutting other places down to make it more difficult for people to attend TAFE at that location.

Mr HAMILTON-SMITH (Waite) (11:21): I concur with the remarks made by my friend the member for Finniss that this is a worthwhile project. I do note and draw to the parliament's attention, however, the need for the government to continually to look at ways to ensure that TAFE's activities are connected with the private sector. Increasingly, we need to rely on the business sector to conduct its own training, or to interface with TAFE to the point that we can be confident that graduates are job ready.

I fear that we are creating institutions for training which may not produce the sorts of graduates who are immediately employable by the business sector, and that is something that I think needs to be monitored as this project takes shape, but it is an excellent project and that is why it enjoys the fulsome support of the opposition.

I want to take the opportunity of speaking to this matter to raise another important issue to do not only with this project but also with the previous motion and the one that is to follow—that is, my concern that the activities of the Public Works Committee are not sufficiently open and accountable to the public. We have had a discussion about this in the committee this morning, fairly openly and freely, but I want to go over some of the issues now because they are very relevant to this project and the others that are following.

The Public Works Committee's meetings, in my view, are too secretive. Why do I say that? I do not think we give notice to the public, or to the media, or to the people of South Australia adequately prior to every Public Works Committee meeting of what we are doing, what hearings we are to hold, who is appearing to give evidence, and people are not given an opportunity to come and listen. It is too secretive. Every other committee of the parliament, as far as I am aware, advertises their meetings when they have a term of reference and lets people know that they are meeting, what their term of reference is about, and gives them an opportunity to attend. The Public Works Committee does not.

I have pushed this issue in the committee, and I must say that I am quite startled by the response from one government member in particular, resisting initiatives to put an ad in *The Advertiser* or the *Sunday Mail,* on Adelaidenow*,* each weekend prior to a Wednesday meeting, telling the people of South Australia that we are going to hold a meeting. The Public Works Committee has a budget, I understand, of around $30,000 a year. Characteristically, we never use it. I think anything as little as $5,000 is spent. That money goes back into the parliament's kitty. The money is there to make sure that the committee does its work properly.

The executive officer of the committee has done an excellent job researching this and deduced that, based on the 2012 hearing schedule, we could have advertised in the paper quite comfortably for around $14,700 and told people that we were having a meeting, for example, to discuss the Port Pirie hospital redevelopment, the Queensbury wastewater treatment plant or, for that matter, the matter we are discussing right now, the mining and engineering centre at TAFE, so that local government, local community members, or anyone who has an interest, at least knows that this hearing is coming up. It is not enough in my view to put it out on Twitter. Not everyone is on Twitter. It is not enough to just put it out in the airspace. That is fine for people who might be looking for the hearing; they might have had a head's up. My understanding is that if it goes in the

Sunday Mail or *The Advertiser*, then it is likely to go on their website or be electronically googleable, so to speak, in some form or another.

If the people of Mount Gambier are looking at a rebuild of the district health service redevelopment or if the people of Port Lincoln are going to have a Public Works Committee hearing about their new hospital or the people of Port Pirie have some important matter coming up or the people in the seat of Stuart have some major road development to be approved, I just think the public, as a matter of decency, have a right to know about it.

I was astounded when the member for Croydon came down and said—and he can speak for himself—that he thought advertising in *The Advertiser* was a complete and utter waste of time, that no-one reads it. He basically inferred that *The Advertiser* was a media source not worth advertising in or reading. I put to him: why is it full of advertising if it is ineffective? Because obviously commercial advertisers feel that it is worth advertising in *The Advertiser* and the *Sunday Mail.* He said that it is a complete and utter waste of time and he refers to the $14,000 as a complete and utter waste of money.

I just make the point that the government is employing and paying ministerial staffers 10 times that amount. Have a look at the list. Some of them are getting more than $140,000. This is one-tenth of what it costs this government to employ one chief of staff—one-tenth of what the government's spin doctors are being paid. I think it is a sensible investment to ensure that each hearing of the Public Works Committee is advertised so that the people of South Australia are aware of what the committee is doing.

I refer this to your attention in particular, Madam Speaker, because I think there is also an inconsistency here with how the parliament is doing business. My understanding is that the protocol adhered to by most committees, if not all committees, other than the Public Works Committee, is that they advertise their terms of reference in the paper. It seems that the Public Works Committee is the only one that is out of step. I find that very disappointing. There should be consistency.

I am delighted to see that the member for Croydon has awoken from his slumber and is now going to come down and argue and present the case that *The Advertiser* is a cheap rag that is not worth advertising in, that any advertisement in *The Advertiser* is a complete and utter waste of taxpayers' money. He is going to justify why it is more important to spend $140,000 on a spin doctor in a ministerial office than it is to spend $14,000 advertising each meeting of the Public Works Committee so that his and everybody else's constituents can know what is coming up before the committee. He is into secrecy and it seems that the government, to a degree, is into secrecy. The parliament should be into openness.

These are public hearings, but if people do not know that they are on, how can they possibly take an interest. To think that people just magically know, because they might be sitting at home over breakfast twittering, that there is going to be a Public Works Committee and that that is all we need to do I think is silly. It is such an important issue that I feel compelled to bring it into the parliament.

I am shocked that the member for Croydon would be so critical of *The Advertiser*. It is the public record. He disagrees with that. He thinks it is a rag. He says that it is not the public record at all. He says that it is a completely ineffective means of communication. I do not agree. I think *The Advertiser* and the *Sunday Mail* are important flag posts for the media. Advertising in them is important; every other committee thinks so and the parliament thinks so and regularly advertises what it is doing in the paper. I do not agree that it is a rag. I do not agree that it is ineffective advertising. I feel that the Public Works Committee has a right to keep people informed as to what it is doing. We need to do things more professionally, and, for that reason, I think the cost of an ad is an investment well made. Every other parliamentary committee seems to agree and does just that.

Once again, I will leave it to the member for Croydon to convince the press gallery that *The Advertiser* and the *Sunday Mail* are worthless rags that do not warrant any advertising space and no-one reads them. That is fairly consistent with the member for Croydon's general view of the world, but let it be known that members on this side do not agree and that members on this side feel that the Public Works Committee which, after all, is approving hundreds of millions of dollars of taxpayers' money each year, has a very important job to do and that should be a public process.

I note it is not beyond the wit of government ministers to belt the Public Works Committee when it suits them to cover their own backsides. Most recently, we had the minister for water

resources getting up and belting the Public Works Committee over a pipeline along the side of the Glenelg jetty and saying, 'Do not blame me, blame the Public Works Committee because they approved it.' Perhaps if the Holdfast Shores council and the members of the local community had known when that meeting was to be held, they might have come along, sat in the gallery at the public hearing, listened and said, 'We do not want that pipeline alongside the Glenelg jetty.'

I can tell you that members of the opposition will be campaigning strong and hard for openness, for accountability and for the Public Works Committee to advertise in the papers that it is having a meeting and what term of reference is going to be listened to at that meeting so that the people who elected us can have their say. It is not a waste of money at all and, if you want some examples of how this government loves to waste money, I will give them to you.

Spin doctors is one. For one-tenth of the cost of one spin doctor, we could advertise every Public Works Committee meeting to the people of South Australia. I would say that the people of South Australia would say that is a very good investment of the taxpayers' money compared to the absolute waffle and waste that we have had from this government over the last years of its sad and bitter reign.

The Hon. M.J. ATKINSON (Croydon) (11:31): We have just heard some of the most abject toadying to media moguls in the recent history of the parliament. I think I have six witnesses this morning that I did not say *The Advertiser* and Adelaidenow were rags. Clearly, you cannot use Adelaidenow as a rag because it is electronic.

Mr PENGILLY: Point of order: relevance. The issue is the report of the Regency Park TAFE.

The SPEAKER: I am sorry, you know there is a ruling on frivolous points of order. I will not accept that point of order. I suggest you go back to your office for a while. Member for Croydon.

The Hon. M.J. ATKINSON: I also have six witnesses that I did not say anything about hiring a $140,000 spin doctor. What I did say is that, in a world—

Mr HAMILTON-SMITH: Point of order: standing orders deal with personal explanations. If the member feels that he has been misrepresented, he can seek to make a personal explanation.

The SPEAKER: Thank you, I will let the member go for the time being. Did you have a point of order, member for Newland?

The Hon. T.R. KENYON: Just on that point of order, he is directly entering into debate about what was and what was not said at the meeting, which is perfectly in order.

The SPEAKER: Thank you, I will accept that. Member for Croydon, I will try to allow you to be free to speak now.

The Hon. M.J. ATKINSON: What I did say was that, in an age when information of public interest is increasingly supplied to the public through the internet, Twitter and email, at no cost to taxpayers, the default position of the Public Works Committee should be that it advertises its processes through those cost-free means. That does not stop the member for Waite from ingratiating himself with the proprietors of *The Advertiser* and Adelaidenow by moving to write them a cheque for advertising the meetings of the Public Works Committee. It is my view that very few people, if any, read the advertising in *The Advertiser* of the Public Works Committee's proceedings and I do not think it is a good use of public money to spend taxpayers' money on advertising that can be done cost free through the internet, Twitter and email.

The member for Waite just said of me, 'He is into secrecy.' I think putting the proceedings of the Public Works Committee on the world wide web is hardly being into secrecy. The member for Waite regaled the Public Works Committee with these two quotes and I confirmed them with him before I left the meeting: 'I don't think in the overall course of government $14,000 is much.' So the member for Waite was telling a proceeding of the parliament, 'Oh, $14,000, why not spend it on my mates at The 'Tiser propping up their enterprise.' I now quote the member for Waite again from less than an hour ago: 'We've got 30 grand. We never spend it.' So the member for Waite, like a drunken sailor, has $30,000 in the Public Works Committee kitty and he says—

An honourable member interjecting:

The Hon. M.J. ATKINSON: Well, he confirms it. 'We haven't spent it, let's do it. Let's go and spend it.' The member for Waite is single-handedly priming the South Australian economy,

boosting gross state product by spending $30,000 on ads that no-one will read. It is a bit like The Beatles' Eleanor Rigby: Father McKenzie writing a sermon that no-one will hear.

Mr Hamilton-Smith: I don't think you'll be getting a Christmas card from The 'Tiser, Michael.

The Hon. M.J. ATKINSON: No, because I took them to the Press Council and two of their senior officials were disgraced. They are now disgraced journalists owing to the findings of the Australian Press Council on that matter.

Mr Pengilly: It all went downhill when you left their employment, I suppose.

The Hon. M.J. ATKINSON: Well, it did. I must disclose that I did work for three years at *The Advertiser* as a reporter and subeditor. I worked in the finance section reporting the stock market when Stephen Kernahan was a chalkie when we still wrote the share prices up in chalk at the Stock Exchange. I was the industrial relations reporter at *The Advertiser* and I was subeditor there. Indeed, when we went on strike, as we did on one occasion—

Mr Hamilton-Smith: I don't think you'll be going back there, Michael.

The Hon. M.J. ATKINSON: Well, I don't think many people will be going back there, member for Waite. In fact, they are due for another round of retrenchments, alas! When we went on strike, the top right hand corner of *The Advertiser* where the day's projected maximum and minimum temperatures normally appeared on the front page were not published owning to my industrial action. Indeed, I can recall a shop steward crying out, 'Everybody out' and, as we walked out, Matthew Abraham continued typing away at his terminal and the shop steward said, 'Come on, Matt.' He said, 'Look, I am just finishing my story,' which is not really the spirit of industrial action. That said, I do not think—

Mr Hamilton-Smith: You'll have the *Hansard* within minutes.

The Hon. M.J. ATKINSON: Apparently the member for Waite is going to run over to *The Advertiser* management and say, 'Look what the member for Croydon is saying about you.'

The SPEAKER: Order, member for Croydon! Point of order for the member for Mount Gambier, and I certainly hope he is referring to standing order 98.

Mr PEGLER: I certainly am, madam. I do not see that this has anything to do with the mining and engineering sector.

The SPEAKER: Thank you. I will completely uphold that. Can I refer you back to the substance of the motion? It has been very entertaining, member for Croydon, but it is completely irrelevant.

The Hon. M.J. ATKINSON: I have made my point; I am grateful for your indulgence and that of the house.

The SPEAKER: Thank you. Any other speakers?

Mr ODENWALDER (Little Para) (11:40): I want to sincerely thank members opposite for their support of this great centre.

Motion carried.

The SPEAKER: That was one of the most entertaining motions we have had in a while from Public Works.

PUBLIC WORKS COMMITTEE: MOUNT GAMBIER AND DISTRICT HEALTH SERVICE REDEVELOPMENT

Mr ODENWALDER (Little Para) (11:40): I move:

That the 459th report of the committee, on the Mount Gambier and District Health Service Redevelopment, be noted.

The Mount Gambier and District Health Service Redevelopment will achieve a new 22-bed ward inclusive of a mental health unit, an upgraded emergency department, an additional eight consulting and treatment rooms, new staff office accommodation and medical records facilities, an addition of four new chairs to the dental service, and the relocation of the day centre to the city centre providing community access. The total budget for this project is $26.7 million.

This redevelopment is intended to provide community primary health care and inpatient/outpatient facilities resulting in higher quality facilities; primary health services delivered in a more efficient and effective manner; the capacity to provide appropriate mental health services and increased capability to attract and retain health professionals.

This project is expected to begin construction this December and be completed by December 2014. Given this, and pursuant to the act, the Public Works Committee reports to parliament that it recommends this work.

Mr PEGLER (Mount Gambier) (11:41): I came into this place on a platform of gaining improved health services, particularly mental health services, for Mount Gambier, and this $26.7 million spend on the Mount Gambier Hospital is certainly going to go a long way to achieving those goals, and the new ambulance station that was approved not long ago will also help a lot.

With the new mental health unit, I do not think people appreciate the problems we face in Mount Gambier sometimes when, if people are having an episode, and they are detained whether it is voluntarily or involuntarily, they can only hold them in Mount Gambier for 24 hours. They then have to be chemically restrained and flown through to Adelaide because of the distance we are from Adelaide, and then they are away from their family and friends at a time when they probably need them more than ever.

With this new build those people will be able to be held for seven days, and often within that time they will get better and they will be able to step down into other mental health care within the community rather than being sent through to here. The emergency ward is going to be more than doubled which will make a hell of a difference for the people of Mount Gambier. It is not necessarily going to take a lot more staff but it will run a lot more smoothly because, at the moment, often with only a handful of beds that we have there, you end up with bottlenecks because people cannot flow through in a proper manner until they are admitted.

The dental health service, going from six chairs to ten, will certainly reduce the waiting time for those people and, of course, there will also be improved oncology services, which will help a lot of our people to have those services in Mount Gambier rather than have to come up to Adelaide for them.

On behalf of the people of Mount Gambier, I would like to thank the state government for lobbying the federal government for this $26.7 million, and it is going to go a long way to help with the problems that we have. I would also particularly like to thank the Public Works Committee and both the member for Waite and the member for Little Para in consulting with me prior to this going to the committee. I indicated to them that I thought it was extremely important for Mount Gambier, and I would like to thank the Public Works Committee for dealing with the matter in a timely manner. Thanks to one and all.

Mr HAMILTON-SMITH (Waite) (11:44): I signal that the opposition fully supports this project and note the member for Mount Gambier's support and remarks in relation to it. As he knows better than anyone else in the chamber, this is a very important project for the people of the South-East, and I commend him for championing the cause. I have been down to this hospital on numerous occasions. I have had relatives pass away in this hospital. I have a branch of my family in Mount Gambier, having spent a lot of time there as a youth.

It is a very important investment. This hospital is one of the key regional hospitals in the state. I am extremely impressed with the way that it is being run by the nurses, doctors and management. If only they could get the bureaucracy out of their hair, they could probably get more done, but they are so burdened by Country Health SA, which frequently gets in their way, that it makes their job difficult.

I think there are some real issues in Mount Gambier that need help. The emergency department down there certainly will benefit from this upgrade. There have been real problems with waiting times at the ED. I still have concerns about the dialysis capability at the hospital, which sadly is not part of the rebuild. There are issues still with car parking. There are issues still with quite a number of needs at the hospital that require attention.

I also remind the house that nurses at the hospital are very concerned about staffing arrangements and the way that the department, the government and the minister are running nurse rostering. There have been protests down there about unsafe staffing levels and a whole host of other things, which just reminds us that it is the people who run the hospital, it is not just the bricks and mortar, welcome though this investment is.

I think we need to note that the commonwealth needs the pat on the back for this money, not the state government, though, of course, it will be opened in December 2014. How convenient for the government, with the election a few months later. Nevertheless, it is happening. It is one, as members will be well aware, of four general hospitals to be invested in around the state: Mount Gambier, Berri, Whyalla and Port Lincoln. Of course, the investment in those general hospitals is welcome.

The opposition is very frustrated that we have not yet seen the proposal to Public Works for the Port Lincoln general hospital upgrade, which should have come to us by now but which has not yet done so. I am very keen to see Whyalla as well, which is also off in the wings somewhere. Berri, as members will be aware, had its budget trimmed. We all must remember that with this investment we must be vigilant to ensure that other country hospitals across the state are not degraded in order to pay.

Hanging over all our country hospitals, like the sword of Damocles, is the hospital we never needed down in the rail yards, which is going to cost $13 billion over its lifetime, around $400 million a year, out of a health budget that is already $125 million in the red. The minister confirmed just yesterday in parliament that tracking for this year was similar to last year. One can only conclude from those comments that we are going to be $125 million overspent this year as well. I fear for that because it means that we will be not only overspent but also nowhere near the savings tasks Health needs to achieve in order to get the books back into balance.

Again, that presents risks to country hospitals because, as Labor has to feed, like a hungry animal, this hospital they are building that we never needed in the rail yards, where is the money going to come from? I have real concerns that it will come from the primary healthcare network, including our country health network. That cannot happen and will not happen as long as the Liberal Party stands on two feet. People need that support where they live and work.

Having said that, we support this project. It is a good project. The sooner we get the building underway, the better, and we would like to see more of it.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO FOOD SAFETY PROGRAMS

Ms BEDFORD (Florey) (11:50): I move:

That the 33rd report of the committee, entitled Inquiry into Food Safety Programs, be noted.

In conducting the inquiry, the committee focused on the aims and objectives of food safety rating schemes intended to provide the public with information about the results of food safety inspections and noncompliance with the Food Act. The committee was interested to understand whether these schemes improved compliance with food safety regulation and what the costs and benefits are. The committee was also concerned with understanding the impacts on consumers of the food industry as well as local and state government.

During the course of the inquiry, the committee heard evidence from health professionals in local and state government, the food industry sector, food industry peak bodies, local food businesses and consumers. The inquiry was concerned with medium and high risk food businesses such as cafes, restaurants, hotels, catering businesses and takeaway food outlets. It did not include food businesses that the Australian government is responsible for presiding over or food businesses who supply to vulnerable populations such as hospitals, aged-care facilities and childcare centres. The inquiry was focused on food standards as they are practised by food businesses in accordance with the relevant national and state food regulation.

Before going further, I would like to take this opportunity to thank the former presiding member of the committee (Hon. Ian Hunter) for his invaluable contribution. Also, from the other place, I would like to thank the immediate former presiding member and now President (Hon. John Gazzola), the Hons Kelly Vincent, Jing Lee and Dennis Hood; and, from this chamber, I would like to thank Mr Alan Sibbons, Mr David Pisoni and the Hon. Bob Such.

Inquiries such as this would not be possible without the cooperation and contribution of the many individuals and organisations who gave up their valuable time to come forward and give information to the committee. We thank all those who presented evidence before this inquiry, whether through the provision of written submissions or by appearing before the committee. Last, but not least, I would like to thank the staff of the Social Development Committee for their contributions.

The committee commenced hearing public evidence in May 2011 and finished hearing evidence in September 2011. In the course of its inquiry, the committee received 11 written submissions and heard testimony from seven separate groups of witnesses. Additional information was sourced from South Australian, national and overseas research to assist the committee in its deliberations and provide a context to the issue of food safety in South Australia.

Every day, people purchase takeaway food from bakeries, caterers and takeaway food outlets. In fact, one of my friends once said to me that the greatest act of faith is to put something in your mouth, and I think this is where the food inquiry concentrated. It is estimated that one in every three Australians over 18 years of age are eating out in cafes, restaurants and hotels at least once a week.

Each year, 5.4 million people are affected by food poisoning in Australia. The annual cost to the community is estimated to be $1.2 billion, and that is an amazing figure when you put all this into context. There are significant health care costs in terms of expenditure—on medications and lost productivity. Food poisoning accounts for more than a million visits to general practitioners, more than 300,000 prescriptions for antibiotics and two million days off work every year.

The committee considers that food consumers have a right to know that the food they purchase at restaurants, cafes and other food businesses is safe. Furthermore, they need to be assured they are not placed at risk of contracting food poisoning as a result of the quality of the food or poor food handling practices. Evidence presented to the committee suggests that the best way to control the risk of food poisoning is to ensure that a high standard of food preparation is established and maintained. State and local governments play an important role in ensuring there are high standards of food safety in place by administering and enforcing food regulations.

A crucial aspect of South Australia's overall health care system is ensuring that food safety standards prescribed by regulation are adhered to. The committee heard that the public health benefits that result from the food regulations currently in place are clearly evident. The introduction of a uniform food safety management scheme, supported by both industry training and community education, would significantly reduce the risk of food poisoning.

The inquiry was told that work is already underway at the national level, by the Food Regulation Standing Committee, on the development of a national approach for a food safety rating scheme. The Minister for Health (Hon. John Hill) and the Minister for Agriculture, Food and Fisheries (Hon. Gail Gago) represent the interests of South Australia on this committee.

The committee repeatedly heard overwhelming evidence that the operation of food safety rating schemes in Australia and overseas has improved the level of compliance with food regulation. These schemes have provided encouragement for food businesses to improve their food hygiene standards. Program evaluations have consistently shown a direct link between food safety disclosure schemes, improved food safety standards, and hence compliance.

Some witnesses to the inquiry were cautious of creating unnecessary red tape. They agreed that the community deserves to know if a business is putting public health at risk and as such would support the introduction of a food safety rating scheme, as long as it was voluntary and consistent. The committee recognises the introduction of a uniform food safety rating scheme which is consistently applied would increase public awareness of food safety and offer an effective approach to providing the public with information about the commitment of individual food businesses to provide safe and hygienic food-handling practices.

The committee is of the view that there still needs to be frequent inspections by local government environmental health officers to ensure that food safety standards are continuously being met, and not just at inspection times. A number of public disclosure food safety programs have been introduced in Australia and overseas to improve the standards of food preparation and the sale of safe food, to improve compliance with food safety regulations and to provide consumers with information about the cleanliness and safety of food businesses.

The committee heard that two councils have introduced schemes in South Australia in the past few years, namely the City of Salisbury and the City of Charles Sturt. The operation of all these schemes varies quite widely. A uniform and consistently-applied scheme is necessary to prevent the proliferation of multiple programs operating across the state, which would confuse consumers when dining out and purchasing takeaway food, depending on which council region they were in in different local government areas.

Finally, the committee considers that all South Australian consumers of food would benefit from the introduction of a food safety rating scheme. A consistent statewide scheme would have obvious public health benefits. It would give the community valuable information to assist them to make informed choices. No matter where they are, consumers could make an informed decision about where to eat or where they could purchase safe and hygienically-prepared food. An additional spin-off is that food businesses that receive a good rating are likely to receive an economic advantage as a consequence of increased patronage.

The committee has put forward a total of 20 recommendations for the introduction of a voluntary scheme that would: be easily understood by consumers, food businesses and food inspection agencies; provide encouragement and incentives for food businesses to comply with regulations; and take into account differences between metropolitan and rural councils, and remote regions of South Australia. I hope members will have time to read our report in detail.

Mr PEDERICK (Hammond) (11:58): I rise to make some comments regarding this 33rd report of the Social Development Committee entitled Inquiry into Food Safety Programs, and I do so as the shadow minister for food. I am certainly one who enjoys food, as I am sure everyone in this chamber does. I will go over some of the recommendations. I note that recommendation No. 1 is to the Minister for Health to:

> ...work in partnership with representatives from local government, food industry representatives and other key stakeholders, including consumers, to develop a centralised, state-wide food safety rating scheme.

I think that is quite an appropriate recommendation, that we get everyone on board so that this is not just driven from the top down but that it comes from the bottom up as well, to make sure that the appropriate measures are put in place to bring all levels of government and industry along the way. I seek leave to continue my remarks.

Leave granted; debate adjourned.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:00): Obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995; and to make related amendments to the Fair Trading Act 1987 and the Residential Parks Act 2007. Read a first time.

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

> That this bill be now read a second time.

This bill amends the Residential Tenancies Act of 1995. The Residential Tenancies Act regulates the relationship between landlords and tenants. As such, it has a direct effect on the lives on the lives and wellbeing of families and individuals across the state.

The current rental market is significantly different from the rental market of the 1990s, when the Residential Tenancies Act was introduced. This bill updates the Residential Tenancies Act to reflect the changes that have occurred in the tenancy sector over the past 15 years.

The purpose of the bill is to improve protections available for parties to tenancy agreements, as well as rooming house arrangements and lifestyle village agreements. The bill has been the result of a lengthy review process that has already seen the enactment of the Residential Parks Act 2007.

This bill contains a comprehensive range of reforms to the Residential Tenancies Act that are designed to benefit tenants and landlords by increasing protection and clarity for both. Some reforms are designed to improve the administration of the Residential Tenancies Tribunal, which plays the pivotal role in resolving disputes and providing remedies. Additionally, the scope of the Residential Tenancies Act will be expanded to protect residents in lifestyle villages, which provide rental accommodation and services to older South Australians.

The substance of the bill has been informed by a six-week public consultation process that was conducted in May and June of this year. Proposed reforms to the act were outlined in a discussion paper that was released for public comment. Fifty-eight respondents made submissions, including various representative groups for landlords, tenants and residents, as well as professional property managers and private landlords and tenants. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill is a result of the feedback received from respondents during the consultation process. Approximately 80 reforms will be made to the Act.

Additionally, the Government is proposing to adopt the national model provisions for the regulation of Residential Tenancy Databases, which are often referred to as 'tenant blacklists' and which can affect the ability of people to secure rental accommodation.

The reforms that are of particular benefit to landlords include improved abandoned goods provisions, which will reduce the time that landlords are required to store goods left behind by a tenant and will simplify notice and disposal requirements. The way water charges are able to be recouped from a tenant will be simplified, so that, in the absence of an agreement about water payments, and where the property is separately metered, tenants will be required to pay for all water usage. A pet bond will be introduced, so that, if a tenant seeks to keep a pet on the property, landlords will be able to charge an additional week's rent in bond. Landlords will be able to claim compensation from tenants for any loss (including loss of rent) caused by the abandonment of the property by the tenant. Additionally, it will be easier for landlords to evict tenants who repeatedly fail to pay their rent on time, as landlords will be able to apply directly to the Tribunal for vacant possession of the property for rent arrears, without serving the tenant with a breach notice, if they have served the tenant with two valid breach notices for rent arrears in the preceding 12 months.

The reforms that are of particular benefit to tenants include improved entry provisions, so that, unless otherwise agreed between the parties, landlords and agents will only be permitted to enter the property between 8am and 8pm and not at all on a Sunday or public holiday. Landlords will be required to make reasonable attempts to negotiate a suitable time for entry if the tenant wishes to be present, having regard to the tenant's work and other commitments. Additionally, landlords and agents will be required to give tenants a 2 hour window within which entry for inspection will occur, which will make it easier for tenants to make arrangements to be present. Landlords will be required to permit a tenant to pay rent by at least one method that does not involve payment by cash, which is often collected by landlords at the property and used as an unofficial inspection, or payment using a third party rent collection agency, where the tenant is required to pay a fee for the service. Landlords will be responsible for the reasonable losses of the tenant flowing from a failure to repair, or to take reasonable steps to repair, after notification by the tenant. Additionally, rent under a fixed-term tenancy will not be able to be varied unless 12 months, instead of the current 6 months, have elapsed since the rent was fixed or last increased.

Additionally, tenants will benefit from the adoption of the national model provisions for the regulation of Residential Tenancy Databases. These are privately owned electronic databases which contain information about an individual's tenancy histories. Most agents subscribe to one or more and use them to screen prospective tenants for the purpose of renting private properties. Because these databases can affect a person's ability to secure rental accommodation, it is essential that they contain accurate and complete information. In reality, however, many contain inaccurate or incomplete information. A national project was created to examine these databases and their current regulation, and to develop a nationally consistent framework. The model provisions seek to promote the accuracy and quality of a listing, ensure tenants can access and correct listings, and clearly define events that constitute a breach that justifies a listing. In 2010 Ministers on the then Ministerial Council on Consumer Affairs agreed to adopt the model provisions in their jurisdictions. I understand that most jurisdictions have introduced legislation to adopt the model provisions and have either commenced implementation or had proposed to commence implementation in 2012.

The main reforms that will benefit rooming house residents, who are often vulnerable and disadvantaged, include the requirement that proprietors lodge residents' bonds with the Commissioner for Consumer Affairs. Proprietors will be prohibited from taking or disposing of a resident's goods as security for, or in payment of, an amount payable by the resident under the agreement. Proprietors will be required to provide residents with itemised accounts for additional services, for example food or laundry, showing the resident's proportional use of the services each time the resident is charged for those services. Proprietors will be required to provide lockable drawers to residents in dual occupancy rooms to ensure the security of their possessions. Additionally, residents will be able to apply to the Tribunal for an order declaring a house rule to be unreasonable and void.

The main reforms of particular benefit to rooming house proprietors include the ability of proprietors to be able to deduct from the bond, the cost of repairs to any part of the rooming house damaged by the resident. Additionally, proprietors will be able to claim compensation for loss caused by a resident who breaks a fixed term agreement of at least 6 months.

The Bill expands the scope of the *Residential Tenancies Act* to extend its application to operators, owners and residents of lifestyle villages. Lifestyle villages (sometimes called 'rental villages') are residential villages where residents live in self-contained rental units in a retirement environment. The provision of lifestyle village accommodation is presently unregulated because it falls between the *Residential Tenancies Act* and the *Retirement Villages Act 1987*. Residents are vulnerable because they are elderly and generally on low incomes, usually just the pension. Therefore there is a strong case for regulating both the provision of accommodation and the additional services that are provided to residents. This will involve treating lifestyle village agreements like residential tenancy agreements.

The main reform which will improve the operation of the *Residential Tenancies Act* is the introduction of a standard form agreement for residential tenancies. The proposal aims to rectify the issue surrounding application-to-rent forms which currently fall outside the scope of the Act, and which may be used to unintentionally lock in a tenant at the application stage. A standard form agreement will be of benefit to all parties to a tenancy agreement as it will create consistency and uniformity across the rental market and will assist parties to better understand their rights and obligations.

The efficiency of the Tribunal will be improved by enabling it to determine disputes without conducting a hearing, based on the application and the documentation provided by the parties. Additionally, the powers of the Registrar, the Tribunal's principal administrative officer, will be increased to include the making of an order, that will operate as an order of the Tribunal, where both parties agree with the application made.

The enforcement of the *Residential Tenancies Act* will be improved by an increase in maximum penalties and expiation fees. Most significantly, the expiation fee for late lodgement of a tenant's bond with the Commissioner for Consumer Affairs is being increased from $150 to $315.

It is anticipated that the Bill will have widespread benefits across the community.

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 *Residential Tenancies Act 1995*

4—Amendment of section 3—Interpretation

The terms *security* and *security bond* are replaced with the term *bond*. As defined by the inserted definition, *bond* has the same meaning as 'security' in the current Act.

A definition of *no premium retirement village* is added. A no premium retirement village is a complex of residential premises or a number of separate complexes of residential premises that are not a retirement village within the meaning of the *Retirement Villages Act 1987* only because no resident or prospective resident of the village pays a premium in consideration for, or in contemplation of, admission as a resident of the village. In connection with this term, *collateral agreement* is defined to make it clear that, in relation to a residential tenancy agreement for residential premises in a no premium retirement village, a collateral agreement includes a domestic services agreement that a tenant of the premises is required to enter into as a condition of the residential tenancy agreement or otherwise as a condition of admission as a resident of the village. A *domestic services agreement* is an agreement with a tenant of residential premises in a no premium retirement village for the provision of domestic services (such as meals, cleaning, gardening and laundry of linen). Also in connection with the insertion of the definition of *no premium retirement village*, a new definition of *rent* is substituted. The new definition incorporates the current definition but expands the definition so that, if the residential tenancy agreement is for residential premises in a no premium retirement village and there is a domestic services agreement collateral to the residential tenancy agreement, rent includes the amount payable under the domestic services agreement for the period of the tenancy.

Domestic facility requiring instructions is defined under a new definition as an appliance or device provided by a landlord for the use of a tenant for which it would be reasonable to expect the tenant to require instructions. *Personal documents* are official documents, photographs, correspondence or other documents that it would be reasonable to expect a person might wish to keep.

The definition of *statutory rates, taxes and charges* is replaced by a new definition of *statutory charges*. Statutory charges are—

- rates or charges imposed under the *Local Government Act 1999*;
- rates or charges imposed under the *Waterworks Act 1932* or the *Sewerage Act 1929*;
- land tax under the *Land Tax Act 1936*;
- levies under the Emergency Services Funding Act 1998;
- levies under the Natural Resources Management Act 2004;
- any charges of a kind imposed under an Act and declared by regulation to be statutory charges.

The definition of *tenancy dispute* is amended so that the term includes any matter that may be the subject of an application under the Act to the Residential Tenancies Tribunal.

5—Amendment of section 5—Application of Act

Section 5 lists types of agreements to which the Act does not apply. The list includes agreements under which persons board or lodge with other persons. The section is amended to make it clear that a residential tenancy agreement for residential premises in a no premium retirement village is to be taken not to be an agreement under which a person boards or lodges with another.

The list of types of agreements to which the Act does not apply also includes agreements for the sale of land that also confer a right to occupy premises on a party to the agreement. The relevant provision is amended so that the Act does not apply to the agreement only if the right conferred is to occupy premises for a period of 28 days or less.

6—Substitution of section 15

Currently, under section 15, the registrar and deputy registrars of the Residential Tenancies Tribunal are appointed by the Governor. This clause substitutes a new section that provides that the registrar and deputy registrars are to be Public Service employees and also makes it clear that the registrar is the Tribunal's principal administrative officer and reports to the Commissioner for Consumer Affairs. In directing the registrar in relation to the administration of the Tribunal, the Commissioner must consult with the Presiding Member of the Tribunal.

7—Amendment of section 16—Registrar may exercise jurisdiction in certain cases

Under section 16 as proposed to be amended by this clause, the registrar of the Tribunal will be able to make an order in relation to a tenancy dispute with the written consent of the parties to the dispute. The order will operate as an order of the Tribunal.

8—Amendment of section 21—Duty to act expeditiously

This consequential amendment is to be made because under section 32 as amended by clause 13 the Tribunal will be able to determine an application without proceeding to a hearing.

9—Amendment of section 24—Jurisdiction of Tribunal

The first amendment made by this clause to section 24 is consequential on the expansion of the definition of 'tenancy dispute' to include any matter that may be the subject of an application under the Act to the Tribunal.

The other amendments made by this clause increase the jurisdictional limits of the Tribunal from $10,000 to $40,000.

10—Amendment of section 25—Application to Tribunal

Under section 25, the Tribunal is required to give any party to an application notice in writing of the application and notice of the nature of the application. Under the section as amended by this clause, a notice directed to an occupier or subtenant of premises need not address the occupier or subtenant by name.

11—Repeal of Part 3 Division 4

Division 4 of Part 3, which authorises the Tribunal to refer contested proceedings to conferences and deals with certain associated procedural matters, is repealed by this clause because the provisions of the Act relating to conciliation and conferences are to be consolidated into a new Division. (See clause 70.)

12—Amendment of section 31—Tribunal's power to gather evidence

This clause substitutes a new maximum penalty. The clause also inserts a new subsection providing that evidence before the Tribunal cannot be used in criminal proceedings other than proceedings for an offence against the Act or perjury.

13—Amendment of section 32—Procedural powers of Tribunal

Section 32 sets out the procedural powers of the Tribunal. Under the section as proposed to be amended by this clause, the Tribunal will be able to determine an application without proceeding to a hearing if the Tribunal is satisfied that the issues for determination can be adequately determined in the absence of the parties by consideration of the application and other documents or materials.

The Tribunal will also be able to decline to entertain an application if it considers that the application is vexatious or frivolous or involves a trivial matter or amount.

The section as amended will also provide that—

- the Tribunal's proceedings are to be conducted with the minimum of formality;
- the Tribunal is not bound by evidentiary rules but may inform itself as it thinks appropriate;
- the Tribunal must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

14—Repeal of Part 3 Division 6

Division 6 of Part 3, which authorises a person constituting the Tribunal to appoint a mediator or personally endeavour to bring about a settlement of proceedings, is repealed by this clause because the provisions of the Act relating to conciliation and conferences are to be consolidated into a new Division. (See clause 70.)

15—Amendment of section 37—Application to vary or set aside order

Under section 37, a party to proceedings before the Tribunal may apply to the Tribunal for an order varying or setting aside an order made by the Tribunal. The section currently requires the application to be made within 3 months of the making of the order, though the Tribunal may allow an extension of time.

Under the section as amended, the application must be made within 1 month of the making of the order. However, if the reasons of the Tribunal are not given in writing at the time the order is made, and a party to the proceedings requests written reasons, the application must be made within 1 month of the day on which the written reasons are received by the person.

16—Amendment of section 41—Appeals

This amendment to section 41 makes it clear that an appeal from a decision or order of the Tribunal lies to the Administrative and Disciplinary Division of the District Court. Subsection (2) is to be deleted because it deals with matters that are the subject of Division 2 of Part 6 of the *District Court Act 1991*.

17—Repeal of section 42

Section 42 provides that the District Court or the Tribunal may suspend the operation of an order if an appeal against the order has been commenced. This section is to be repealed because section 42D of the *District Court Act 1991* provides that the Court or the original decision-maker may make on order staying or varying the operation or implementation of a decision appealed against pending determination of the appeal.

18—Amendment of section 45—Punishment of contempts

Section 45 provides that the Tribunal may punish a contempt by imposing a fine not exceeding $2,000 or by committing a person to imprisonment until the contempt is purged for a period not exceeding 6 months. This clause amends the section by increasing the maximum fine to $5,000 and the maximum period of imprisonment to 1 year. The Tribunal will also be able to punish a contempt of the Tribunal by suspending the right of a person to represent parties to tenancy disputes. The section as amended will also provide that an order for commitment made by the Tribunal may be executed as if it were an order for commitment made by the Magistrates Court.

19—Amendment of section 46—Fees

Section 46 authorises the prescription by regulation of fees in relation to proceedings in the Tribunal. It is proposed to amend the section to make it clear that a fee paid by a party is not recoverable, including in connection with an award of costs or an order to pay compensation.

20—Amendment of section 47—Procedural rules

Section 47 provides that the Presiding Member of the Tribunal may make Rules of the Tribunal. The proposed amendment to this section makes it clear that the *Subordinate Legislation Act 1978* does not apply to Rules of the Tribunal.

21—Insertion of Part 4 Division A1

Proposed section 47A, within Division A1 of Part 4, requires a landlord to ensure that a prospective tenant is advised, before entering into a residential tenancy agreement, if the landlord has advertised, or intends to advertise, the residential premises for sale and of any existing sales agency agreement for the sale of the premises.

22—Substitution of section 48

Section 48 currently requires a landlord to notify a tenant of the full name and address of the landlord and, if the landlord is a company, the address of the registered office of the company. This section is to be repealed and replaced with a new section that requires a landlord to provide the following information in writing to a tenant before or at the time the landlord and tenant enter into a residential tenancy agreement:

- if an agent is acting for the landlord—the agent's name, telephone number and address for service of documents; and
- the landlord's full name and address for service of documents (which must not be the agent's address for service); and
- if no agent is acting for the landlord—the landlord's telephone number; and
- the full name and address of any person with superior title to the landlord; and
- if the landlord is a company—the address of the registered office of the company; and
- any other information required by the Commissioner.

Under the proposed new section, the landlord is also required to take reasonable steps to ensure that a tenant is given manufacturers' manuals, or written or oral instructions, about the operation of any domestic facilities requiring instructions, that is, any appliance or device provided by the landlord for the use of the tenant for which it would be reasonable to expect the tenant to require instructions.

If a person succeeds another as the landlord, the new landlord must, within 14 days, ensure that the tenant is given written notice of—

- if an agent is acting for the new landlord—the agent's name, telephone number and address for service of documents; and
- the new landlord's full name and address for service of documents (which must not be the agent's address for service); and
- if no agent is acting for the new landlord—the new landlord's telephone number; and
- if the new landlord is a company—the address of the registered office of the company; and
- any other information required by the Commissioner.

23—Substitution of section 49

Under proposed new section 49, a written residential tenancy agreement must be in the form approved by the Commissioner. It is an offence for a landlord or tenant to prepare or authorise the preparation of a written residential tenancy agreement that is not in the approved form. A failure to comply with the section does not make the residential tenancy agreement illegal, invalid or unenforceable.

24—Amendment of section 50—Cost of preparing agreement

This amendment to section 50 is consequential on the proposal to require a written residential tenancy agreement to be in an approved form.

25—Amendment of section 51—False information from tenant

This clause substitutes a new maximum penalty for the offence committed if a tenant gives a landlord false information about his or her identity or place of occupation.

26—Amendment of section 52—Discrimination against tenants with children

This clause increases the maximum penalties for offences related to discriminating against tenants with children.

27—Amendment of section 53—Permissible consideration for residential tenancy

The term *bond* is substituted for *security*. This clause also substitutes a higher maximum penalty for the offence of requiring or receiving from a tenant or prospective tenant a payment for a residential tenancy or the renewal or extension of a residential tenancy other than rent or a bond.

28—Amendment of section 54—Rent in advance

This clause substitutes new maximum penalties for offences related to requiring a tenant to pay rent in advance or requiring a tenant to give a post-dated cheque or other post-dated instrument in payment of rent. The clause also adds new expiation fees.

29—Amendment of section 55—Variation of rent

Section 55 permits a landlord to increase the rent payable under a residential tenancy agreement but places restrictions on that right. Currently, the section provides that the date fixed for an increase of rent must be at least 6 months after the date of the agreement or the last such increase. This clause amends the section by increasing the relevant period to 12 months.

This clause also deletes a reference to a *registered housing co-operative* and substitutes *registered community housing organisation*, which means a registered housing association or a registered housing co-operative.

30—Amendment of section 56—Excessive rent

As a consequence of the amendment made by this clause, the Tribunal will, when determining whether rent payable under a residential tenancy agreement for residential premises in a no premium retirement village is excessive, be able to have regard to the estimated costs of goods and services provided under any domestic services agreement collateral to the agreement.

31—Insertion of section 56A

Proposed new section 56A requires a landlord under a residential tenancy agreement to permit a tenant to pay rent under the agreement by at least one means that does not involve the payment of cash by the tenant or the collection of rent from the tenant by a third party who charges a fee payable by the tenant for the collection.

32—Amendment of section 57—Landlord's duty to keep proper records of rent and other payments

A landlord is required under section 57 to keep a proper record of rent received under a residential tenancy agreement. Under the section as amended, a landlord will be required to ensure that the following information is recorded in respect of payments received under a residential tenancy agreement:

- the date on which the payment was received;
- the name of the person making the payment;
- the amount paid;
- the address of the premises to which the payment relates;
- if the payment is for rent—the period of the tenancy to which the payment relates;
- if the payment is a bond—a statement of that fact;
- if the payment is not for rent or a bond—a description of the purpose of the payment, including, if applicable, the period of time to which the payment relates.

This clause also increases the maximum penalty and adds a new expiation fee.

33—Substitution of section 58

Section 58 currently requires a landlord to give a receipt to a person paying rent under a residential tenancy agreement within 48 hours of the payment. This clause repeals section 58 and substitutes 2 new sections.

58—Duty to provide statement or give receipt for rent

Proposed new section 58 provides that a landlord must, at the written request of a tenant, give the tenant a statement of the information recorded by the landlord under section 57 in respect of rent received during the period specified in the request. The statement is to be given to the tenant within 7 days of the request. Additionally, if a tenant pays rent other than into an ADI account, the person who receives the rent is required to give the tenant a receipt setting out the information required to be recorded by the landlord under section 57(1) in respect of the rent received.

58A—Payment of rent by electronic transaction

If a tenant pays rent into an ADI account, the payment will be taken to have been made when it is credited to the account.

34—Amendment of heading to Part 4 Division 4

This amendment is consequential on the change in terminology from *security* to *bond*.

35—Amendment of section 61—Bond

Most of the amendments made by this clause are consequential on the change in terminology from *security* to *bond*.

A change is also made to the definition of *relevant limit*, which restricts the amount a landlord can require a tenant to pay for a bond under a residential tenancy agreement. The revised definition will allow a landlord to require a tenant to pay an extra amount if the tenant keeps a pet at the residential premises. Under the revised definition, the relevant limit is determined as follows:

- if the rent payable under the agreement does not exceed the prescribed amount (which must be at least $250 per week), the relevant limit is—
    - in the case of an agreement under which the tenant is permitted, at the request of the tenant, to keep an animal at the residential premises—5 weeks rent under the agreement; and
    - in any other case—4 weeks rent under the agreement;
- if the rent payable under the agreement exceeds the prescribed amount, the relevant limit is—
    - in the case of an agreement under which the tenant is permitted, at the request of the tenant, to keep an animal at the residential premises—7 weeks rent under the agreement; and
    - in any other case—6 weeks rent under the agreement.

36—Amendment of section 62—Receipt of bond and transmission to Commissioner

The amendments made to section 62 by this clause are consequential on the change of terminology from 'security' to 'bond'. Changes are also made to the penalty provisions so as to increase the maximum penalties and expiation fees.

37—Amendment of section 63—Repayment of bond

This clause, in addition to making consequential amendments related to changes in terminology, amends section 63 so that if a landlord applies to the Commissioner for payment of the whole amount of a bond to him or herself more than 12 months after the termination of the residential tenancy agreement, and the application is liable to be disputed, the Commissioner must refer the application to the Tribunal for determination. The Tribunal may authorise payment of the amount of the bond as proposed by the landlord if the Tribunal is satisfied, on the basis of information provided by the landlord, that the landlord is entitled to the payment.

A further amendment is proposed to make it clear that references in section 63(7) and (9) to payment of a bond by a third party refer to payment of the bond by the third party on behalf of the tenant.

38—Amendment of section 65—Quiet enjoyment

This clause substitutes a new penalty provision.

An additional amendment is proposed to delete the words under subsection (2) stating that liability for prosecution for an offence is in addition to civil liability for breach of the residential tenancy agreement. These words will become redundant when the amendment proposed by clause 76 to insert new section 117A is made.

39—Amendment of section 66—Security of premises

Section 66 as amended by this clause will make it a term of a residential tenancy agreement that neither the landlord nor the tenant will unreasonably withhold his or her consent to the alteration, removal or addition of a lock or security device by the other party at the expense of the other party.

This clause also substitutes increased maximum penalties for offences under the section.

40—Amendment of section 68—Landlord's obligation to repair

Section 68(3) currently allows a tenant to recover reasonable costs incurred by the tenant in having a state of disrepair remedied if the state of disrepair is likely to result in personal injury, damage to property or undue

inconvenience and the tenant has notified the landlord of the state of disrepair or made a reasonable attempt to do so.

Under the subsection as recast by this clause, the tenant will also be entitled to reasonable compensation for damage to property resulting from the state of disrepair after the tenant has notified, or made a reasonable attempt to notify, the landlord of the state of disrepair. The tenant is required to take reasonable steps to mitigate any loss and is not entitled to compensation for damage that could have been avoided by those steps.

41—Amendment of section 69—Tenant's responsibility for cleanliness, damage and loss

Under section 69 as amended by this clause, it is a term of a residential tenancy agreement that the tenant must replace, or compensate the landlord for the reasonable cost of replacing, any ancillary property lost or destroyed while in the care of the tenant.

The section as amended also provides that if a tenant unintentionally causes damage to the premises or ancillary property as a result of the use of a domestic facility requiring instruction, the landlord is not entitled to compensation for the damage unless—

- the domestic facility is listed in the residential tenancy agreement as a domestic facility requiring instruction; and
- the landlord complied with section 48(2) in relation to the domestic facility.

(Under section 48(2), the landlord is required to take reasonable steps to ensure that a tenant is given manufacturers' manuals, or written or oral instructions, about the operation of any appliance or device provided by the landlord for the use of the tenant for which it would be reasonable to expect the tenant to require instructions.)

42—Amendment of section 70—Alteration of premises

Under section 70, it is a term of a residential tenancy agreement that a tenant must not make an alteration or addition to the premises without the landlord's written consent. As amended by this clause, the landlord's consent must not be unreasonably withheld.

43—Insertion of Part 4 Division 9A

Proposed section 71A, which is within Division 9A of Part 4, introduces a requirement for the landlord under a residential tenancy agreement to give the tenant written notice of the landlord's intention to sell the residential premises. The notice must be given not later than 14 days after the landlord enters into a sales agency agreement for the sale of the premises or determines to make the premises available for inspection by prospective purchasers. The proposed section also makes it a term of a residential tenancy agreement that the residential premises will not be advertised for sale or made available for inspection by prospective purchasers before the day falling 14 days after the tenant is given notice of the landlord's intention to sell the premises.

44—Substitution of section 72

This clause recasts the provision of the Act setting out the landlord's right of entry to residential premises under a residential tenancy agreement. One important feature of the proposed new section is that the landlord will not ordinarily be permitted to enter the premises outside of normal hours, that is, between 8am and 8pm on any day other than a Sunday or public holiday. Under proposed new section 72, it is a term of a residential agreement that the landlord (or an agent of the landlord) may enter the premises in the following circumstances:

- in an emergency;
- to collect rent (if a reasonable alternative method of payment of rent not involving attendance at the premises has been offered to, but not accepted by, the tenant)—
    - not more than once each week; and
    - only at a time previously arranged with the tenant (which may only be outside normal hours if the arrangement has been made no more than 7 days before the day of entry);
- to inspect the premises, but not more than once each 4 weeks and only in accordance with a written notice given to the tenant no less than 7 and no more than 14 days before the day of entry stating the purpose of the proposed entry and the date of the proposed entry and specifying a period of up to 2 hours (which must be within normal hours) within which the proposed entry will occur (but the requirement to specify a 2 hour period does not apply if the premises are in a remote location or the landlord or agent is to be accompanied by a person);
- to carry out garden maintenance, but only—
    - at a time previously arranged with the tenant no more than 7 days before the day of entry; or
    - in accordance with a written notice given to the tenant no less than 7 and no more than 14 days before the day of entry stating the purpose of the proposed entry and the date and time (which must be within normal hours) of the proposed entry;
- to carry out necessary maintenance (other than garden maintenance) or repairs (other than in an emergency), but only at a time within normal hours of which the tenant has been given at least 48 hours notice; or

- to show the premises to prospective tenants during the period of 28 days preceding the termination of the tenancy agreement, but only on a reasonable number of occasions and only at a time within normal hours of which the tenant has been given reasonable notice; or
- to show the premises to prospective purchasers, on not more than 2 occasions in any 7 day period (unless the tenant has agreed otherwise), but only—
    - at a time previously arranged with the agreement of the tenant (who must not unreasonably refuse to agree to times when the premises are to be available for inspection by prospective purchasers); or
    - if agreement cannot be reached with the tenant—at a time within normal hours of which the tenant has been given reasonable notice;
- if the landlord has given the tenant notice of a breach of the residential tenancy agreement under section 80—to determine whether the breach has been remedied, but only in accordance with a written notice in the prescribed form given to the tenant no less than 7 and no more than 14 days before the day of entry stating the purpose of the proposed entry and the date and time (which must be within normal hours) of the proposed entry;
- for some other genuine purpose, but only—
    - in accordance with a written notice given to the tenant no less than 7 and no more than 14 days before the day of entry and stating the purpose of the proposed entry and the date and time (which must be within normal hours) of the proposed entry; or
    - with the consent of the tenant;
- if the landlord believes on reasonable grounds that the tenant has abandoned the premises.

It will also be a term of a residential tenancy agreement that if the tenant has indicated to the landlord that he or she wishes to be present during the period when the landlord or landlord's agent is at the premises, the landlord (or an agent of the landlord) may not enter the premises unless a reasonable effort has been made to arrange for the visit to occur at a time when it is convenient for the tenant to be present (having regard to the work and other commitments of both the tenant and the persons entering the premises).

45—Substitution of heading to Part 4 Division 11

This amendment is consequential on the proposed change in terminology from 'statutory rates, taxes and charges' to 'statutory charges'.

46—Amendment of section 73—Statutory charges

Currently, under section 73, rates and charges for water supply are to be borne as agreed between the landlord and the tenant. In the absence of an agreement, the landlord is to bear the rates and charges for water supply up to a limit fixed or determined under the regulations, and any amount in excess of the limit is to be borne by the tenant.

Under the section as amended, it will still be the case that rates and charges for water supply are to be borne as agreed between the landlord and tenant. However, if there is no agreement, and the supply of water to the premises is separately metered, the rates and charges are to be borne by the tenant. If the supply of water to the premises is not separately metered, the rates and charges are to be borne by the landlord.

Despite that general rule, a tenant will not be required to pay rates and charges for water supply if the landlord does not request payment of the rates and charges within 3 months of the issue of the bill for the rates and charges. Further, the tenant is not required to pay the rates and charges if he or she has requested a copy of the account for the rates and charges and the landlord has failed to provide the copy to the tenant within 14 days of the request and at no cost.

47—Amendment of section 74—Assignment of tenant's rights under residential tenancy agreement

The primary purpose of this clause is to substitute *registered community housing organisation* for *registered housing co-operative*. The opportunity has also been taken to improve the readability of subsection (2a), which is currently very long, by dividing it into separate subsections.

48—Amendment of section 77—Accelerated rent and liquidated damages

This clause inserts an increased maximum penalty and adds an expiation fee.

49—Insertion of section 78A

Proposed section 78A provides that a landlord is entitled to compensation for costs or expenses reasonably incurred in connection with a residential tenancy agreement as a direct consequence of a tenant being at fault.

50—Amendment of section 79—Termination of residential tenancy

Section 79 currently provides that a residential tenancy for a fixed term terminates when the fixed term comes to an end. This is inconsistent with proposed section 79A, to be inserted by clause 51, under which an agreement for a fixed term is to continue as a periodic tenancy unless if it has otherwise terminated. This clause therefore varies section 79 so that there is no inconsistency.

51—Insertion of section 79A

Under proposed section 79A, a residential tenancy agreement for a fixed term that has not terminated before the end of the fixed term continues as a residential tenancy agreement for a periodic tenancy. The section does not apply in relation to a residential tenancy agreement that, under section 4, is for a short fixed term, that is, a term of 90 days or less.

52—Amendment of section 81—Termination because possession is required by landlord for certain purposes

This clause substitutes increased maximum penalties for the offences under section 81.

53—Amendment of section 83—Termination by landlord without specifying a ground of termination

Section 83(2) is recast by this clause, though no substantive change is made to the provision.

54—Insertion of sections 83A and 83B

This clause inserts two new sections.

83A—Notice to be given at end of fixed term

Under proposed section 83A, a landlord may terminate a residential tenancy agreement for a fixed term at the end of the fixed term. This may be done by giving the tenant a notice of termination. The landlord is not required to specify a ground of termination.

83B—Termination where agreement frustrated

Proposed section 83B gives a landlord the ability to terminate a residential tenancy agreement on the ground that the premises have been destroyed or rendered uninhabitable or have ceased to be lawfully usable for residential purposes. A notice terminating a residential tenancy agreement on either of those grounds may terminate the agreement immediately. An agreement may also be terminated by a landlord on the ground that the premises have been acquired by compulsory process. Notice of termination on that ground must provide for a period of notice of at least 60 days.

55—Amendment of section 84—Limitation of right to terminate

Section 84 places a limitation on the right of a landlord to terminate a residential tenancy agreement if the premises are subject to a housing improvement notice or if an order is in force under section 56 (or proceedings for such an order have been commenced). The section as amended will provide that, in those circumstances, the tenancy may only be terminated by the landlord by notice of termination if the notice is given on a prescribed ground and the Tribunal authorises the notice.

56—Insertion of section 85A

Under proposed section 85A, a tenant may terminate the tenancy if, within 2 months of the start of the residential tenancy agreement, the premises are sold. The tenant may terminate the agreement on this ground only if he or she was not given notice as required under section 47A before the agreement was entered into.

57—Insertion of sections 86A and 86B

This clause inserts 2 new sections.

86A—Notice to be given at end of fixed term

Proposed section 86A provides that the tenant under a residential tenancy agreement for a fixed term may terminate the agreement at the end of the fixed term. The tenant is not required to specify a reason for the termination in the notice of termination.

86B—Termination where agreement frustrated

Under proposed section 86B, a tenant is able to terminate a residential tenancy agreement on the ground that the premises have been destroyed or rendered uninhabitable, have ceased to be lawfully usable for residential purposes or have been acquired by compulsory process. A notice terminating a residential tenancy agreement on any of those grounds may terminate the agreement immediately.

58—Amendment of section 87—Termination on application by landlord

Section 87 deals with the circumstances in which the Tribunal may terminate a residential tenancy on the application of a landlord. Under the section as amended by this clause, a residential tenancy may be terminated and an order for repossession made if the tenant has failed to pay rent and, on at least 2 occasions in the preceding 12 months, the tenant was given a notice under section 80 of a breach on the ground of a failure to pay rent and the notice was not ineffectual within the meaning of section 80(2).

Under section 80, a landlord may give a tenant a notice specifying a breach of a residential tenancy agreement by the tenant and requiring the tenant to remedy the breach within a specified period. A notice given on the ground of a failure to pay rent is ineffectual unless the rent has remained unpaid in breach of the agreement for at least 14 days before the notice was given.

59—Amendment of section 90—Tribunal may terminate tenancy if tenant's conduct unacceptable

Section 90 specifies the circumstances in which the Tribunal may terminate a residential tenancy in connection with unacceptable conduct of the tenant. An application for termination may be made to the Tribunal by

an interested person. This clause expands the definition of 'interested person' by adding strata and community corporations, police officers and authorised officers under the *Fair Trading Act 1987*.

If an application relating to a tenant is, or is to be, made under the section by an authorised officer within the meaning of the *Fair Trading Act 1987*, the authorised officer may refer the application to the Commissioner of Police who must make relevant information available to the officer (unless the Commissioner of Police considers there is good reason for withholding the information).

60—Insertion of section 92A

Under proposed section 92A, a notice of termination given to a tenant is ineffectual if, within 1 month of the day on which a tenant is to give up vacant possession of premises in accordance with the notice, the tenant has not done so and the landlord has not applied to the Tribunal for an order for possession of the premises.

61—Amendment of section 93—Order for possession

This clause recasts section 93(1) as a consequence of proposed changes in relation to the termination of residential tenancies for fixed terms.

62—Amendment of section 94—Abandoned premises

Under section 94, the Tribunal may, on application, declare that a tenant abandoned premises on a stated day and make an order for immediate possession of the premises. This clause amends the section by adding a list of matters to which the Tribunal may have regard in determining whether a tenant has abandoned premises.

63—Amendment of section 95—Repossession of premises

This clause substitutes a new maximum penalty.

64—Substitution of Part 5 Division 7

This clause replaces section 97, which deals with abandoned goods, with a new set of provisions dealing with abandoned property.

Division 7—Abandoned property

97—Abandoned property

The new Division applies to property left in residential premises by a tenant following the termination of a residential tenancy agreement.

97A—Offence to deal with abandoned property in unauthorised way

If a landlord deals with abandoned property otherwise than in accordance with the Division, he or she is guilty of an offence with a maximum penalty of $2,500.

97B—Action to deal with abandoned property other than personal documents

A landlord may remove perishable goods from the premises, and destroy the perishable goods, at any time after he or she recovers possession of the premises.

When at least 2 days have passed after the landlord recovers possession of the premises, he or she may remove and destroy or dispose of abandoned property if the value of the property is less then a fair estimate of the cost of removal, storage and sale of the property.

Abandoned property that can't be dealt with because it does not fall within either of the above categories is valuable abandoned property. Section 97B sets out a number of special requirements in relation to valuable abandoned property. The landlord must endeavour to notify the tenant that the property has been found. The landlord must also take reasonable steps to keep the property safe for 28 days after recovering possession of the premises. A person who is entitled to possession of the property may reclaim the property (but he or she must pay to the landlord the reasonable costs incurred by the landlord in dealing with the property as required under the Division).

If the valuable abandoned property is not reclaimed within 28 days, the landlord may sell or otherwise lawfully dispose of the property as if the landlord owned the property.

If the property is sold in accordance with the section, the landlord may retain out of the proceeds the reasonable costs incurred by the landlord in dealing with the property and any other reasonable costs incurred by the landlord as a result of the property being left on the premises and any amounts owed to the landlord under the residential tenancy agreement. The balance (if any) must be paid to the owner of the property, or if the identity and address of the owner are not known to, or reasonably ascertainable by, the landlord, to the Commissioner for the credit of the Fund.

97C—Action to deal with abandoned personal documents

Different rules apply in relation to abandoned property consisting of personal documents. The landlord must make reasonable efforts to notify the tenant that the documents have been found on the premises and take reasonable steps to keep the documents safe for at least 28 days. If the documents are not reclaimed within that 28 day period, the landlord may destroy or dispose of the documents.

65—Amendment of section 99—Enforcement of orders for possession

Under section 99 as amended by this clause, the Tribunal will be required to enforce an order for possession of premises only if the landlord advises the Tribunal within 14 days of the making of the order (or such longer period as the Tribunal may allow) that the order has not been complied with.

66—Insertion of Part 5A

This clause inserts a new Part. Part 5A provides requirements for residential tenancy database operators, and landlords and agents who use those databases for the purpose of determining whether a residential tenancy agreement will be entered into. The Part contains a range of offences applicable to landlords, their agents and residential tenancy database operators for failure to comply with the requirements of the Part. The proposed penalties for offences under Part 5A are capped at a maximum penalty of $5,000 or an expiation fee of $315.

Part 5A—Residential tenancy databases

99A—Definitions

This section provides definitions for Part 5A. Notably the section defines *database*, *personal information* and *residential tenancy database*. The section also defines, in relation to personal information, the terms *inaccurate* and *out of date*.

99B—Application

The proposed section excludes from the application of Part 5A databases kept by entities (including government departments) for use only by those entities.

99C—Notice of usual use of database

Landlords or their agents are required to give applicants for tenancies written notice containing details of residential databases that the landlord or agent usually uses or may use for deciding whether a residential tenancy agreement will be entered into. Specifically, the landlord or agent is required to provide a written notice stating—

- the name of each residential database that he or she uses or may use;
- that the reason that he or she uses the database is for checking the applicant's tenancy history; and
- contact details for the database operator so that the applicant may obtain information from the operator.

The landlord or agent must provide the applicant with those details for each residential tenancy database that he or she uses or usually uses, regardless of whether or not the database is used for the individual's application for tenancy. The landlord or agent can dispense with the requirement to provide notice of residential tenancy database use at the time of application if he or she has provided the applicant with written notice of those details in the 7 days prior to the application for tenancy being made. A landlord or agent who fails to give notice as required by the proposed section is guilty of an offence and liable to a maximum penalty of $5,000 or an expiation fee of $315.

99D—Notice of listing if database used

Where a residential tenancy database has been used, and contains information about an applicant, the landlord or agent must give written notice to the applicant. The landlord or agent must include in the written notice—

- the name of the residential tenancy database that was used;
- that personal information is stored in the database;
- who entered the personal information stored in the database;
- how and in what circumstances the applicant can have the personal information removed or amended.

Landlords or agents who fail to give notice as required and within 7 days of database use are guilty of an offence.

99E—Listing can be made only for particular breaches by particular persons

This proposed section provides the requirements for a landlord or agent to list personal information in a residential tenancy database. A landlord, landlord's agent or database operator must not list information about a person in a residential tenancy database unless—

- the person was a tenant in a residential tenancy agreement that has ended;•the person breached the agreement;
- because of the breach, the person either—
  - owes the landlord an amount that is more than the bond for the agreement; or
  - the Tribunal has made an order terminating the residential tenancy agreement; and
- the personal information relates only to the breach and is accurate, complete and unambiguous.

The proposed section provides that despite those requirements, the personal information listed must indicate the nature of the breach. The section contains examples of how personal information can indicate the nature of a breach using examples of where a person has rent in arrears or has damaged the premises.

99F—Further restriction on listing

The proposed section provides further requirements for landlords or agents listing personal information on residential databases. Landlords, their agents or database operators must not list personal information on a residential tenancy database unless they have—

- without charging the person a fee, given the person a copy of the personal information or taken reasonable steps to disclose the information to the person;
- given the person 14 days to review the personal information;
- allowed the person to make submissions objecting to its entry on the database or about its accuracy, completeness or clarity; and
- considered any submissions made by the person.

The proposed section provides that despite those requirements, the personal information may be listed if the landlord, agent or database operator cannot locate the person. The further requirements do not apply to information that is either at the time of listing contained in publicly available court or Tribunal records or to listings involving amendments to personal information under proposed section 99G.

99G—Ensuring quality of listing—landlord's or agent's obligation

Proposed section 99G places an onus on landlords and agents to notify a database operator when they become aware that information listed by the landlord or agent on the tenancy database is inaccurate, incomplete, ambiguous or out of date. The landlord or agent must notify the database operator that the information is inaccurate, incomplete or ambiguous and how the information can be amended so that it is no longer inaccurate, incomplete or ambiguous. Where information is out of date, the written notice provided by the landlord or agent must specify that the information is out of date and must be removed. The landlord or agent must keep a copy of the written notice provided to the database operator for 1 year after the notice given. Failure to comply with this section is an offence.

99H—Ensuring quality of listing—database operator's obligation

This offence provision places a requirement on database operators to correct information within 14 days of being notified in writing by a landlord or agent that personal information listed on the database (by the landlord or agent) is inaccurate, incomplete or ambiguous. Failure by the database operator to amend the information in the way stated by the landlord or agent is an offence under the proposed section.

99I—Providing copy of personal information listed

Proposed section 99I requires that where a landlord or agent has listed personal information in a residential tenancy database, and is requested in writing by the person to provide a copy of the personal information, the person must do so within 14 days of the request.

99J—Keeping personal information listed

Under this proposed section, it is an offence to keep personal information in the database for longer than 3 years, or a shorter period where that information is required to be removed under the national privacy principles before 3 years. The provision does not limit the operation of the rest of the Part or any law relating to removal of personal information. The proposed section also contains a definition for *national privacy principles*, which refers to the principles stated in Schedule 3 of the *Privacy Act 1988* of the Commonwealth.

99K—Powers of Tribunal

This proposed section enables the Tribunal to make orders against landlords and their agents, as well as database operators, to ensure compliance with the Part.

99L—Notifying relevant non-parties of Tribunal order about listing

Where the Tribunal makes an order that a person must amend or remove personal information about a person from a residential tenancies database, the Tribunal must notify the party of the order if the person is not a party to proceedings.

67—Amendment of section 100—Residential Tenancies Fund

References to *security* are changed to *bond* by this clause.

68—Amendment of section 101—Application of income

Amendments to section 101 make it clear that income derived from investment of the Residential Tenancies Fund may be applied towards the costs of administering and enforcing the *Residential Parks Act 2007* as well as the *Residential Tenancies Act 1995*. Further, under the section as amended, income derived from investment of the Fund may be applied towards:

- the education of landlords, tenants, rooming house proprietors, rooming house residents and park owners and residents of residential parks about their statutory and contractual rights and obligations, and for other educational purposes approved by the Commissioner for Consumer Affairs; and
- towards the costs of projects directed at providing accommodation, or assistance related to accommodation, for the homeless or other disadvantaged sections of the community; and
- on research, approved by the Commissioner, into—
    - the availability of rental accommodation within the community; and
    - areas of social need related to the availability (or non-availability) of rental accommodation or particular kinds of rental accommodation; and
    - other matters connected with, or arising under, the *Residential Tenancies Act 1995* or the *Residential Parks Act 2007*; and
- for the benefit of landlords, tenants, rooming house proprietors, rooming house residents and park owners and residents of residential parks in other ways approved by the Commissioner; and
- for any other purposes connected with, or arising under, the *Residential Tenancies Act 1995* or the *Residential Parks Act 2007* approved by the Commissioner.

69—Substitution of Part 7

Rooming house agreements are currently regulated under the *Residential Tenancies (Rooming Houses) Regulations 1999*. As a consequence of the insertion of proposed new Part 7 by this clause, those Regulations will be redundant. The proposed Part contains detailed provisions regulating rooming house agreements and provides consistency, where appropriate, with provisions in the Act relating to residential tenancy agreements.

70—Substitution of Part 8 Division 1

This clause inserts a new Division. Division 1 of Part 8 deals with conciliation and conciliation conferences for the purposes of attempting to resolve tenancy disputes.

Division 1—Conciliation

Subdivision 1—Definitions for this Division

106—Definitions

This section includes definitions necessary for the purposes of the new Division.

Subdivision 2—Conciliation of dispute by Commissioner

107—Conciliation by Commissioner

The Commissioner may conciliate a tenancy dispute if a party to the dispute applies to the Commissioner for conciliation or the registrar or a deputy registrar refers an application made to the Tribunal to the Commissioner for conciliation. The Commissioner may call a conference of the parties to the dispute for the purpose of attempting to resolve the dispute by agreement.

Subdivision 3—Conciliation of dispute by Tribunal

108—Referral of dispute to conciliation conference

Before making an order to determine a tenancy dispute, it is the duty of the Tribunal under this section to use its best endeavours to bring the parties to the dispute to a settlement that is acceptable to the parties. The Tribunal may refer a tenancy dispute to a conference of the parties to the dispute to explore the possibilities of resolving the matters at issue by agreement. Each party to the dispute (or a representative) may be required by the Tribunal to attend the conference. A member of the Tribunal, the registrar or another officer of the Tribunal authorised by the Presiding Member will preside at the conference. If a party to a tenancy dispute fails to attend a properly convened conciliation conference, the Tribunal may determine the proceeding adversely to the absent party and make any appropriate orders.

Subdivision 4—Duties and procedure

108A—Duties of conciliators

Conciliators have the following functions in the conciliation of a tenancy dispute:

- to seek to identify the issues in dispute and to narrow the range of the dispute;
- to encourage the settlement of the dispute by facilitating, and helping to conduct, negotiations between the parties to the dispute;
- to promote the open exchange of information relevant to the dispute by the parties;
- to provide to the parties information about the operation of the Residential Tenancies Act 1995 relevant to a settlement of the dispute;
- to help in the settlement of the dispute in any other appropriate way.

Subdivision 5—Procedure

108B—Procedure

This section specifies a number of procedural matters in relation to conciliation conferences. For example, a conference will be held in private unless the conciliator determines otherwise. The conciliator may exclude from the conference any person apart from the parties and their representatives. If the conciliator is not legally qualified, he or she may refer a question of law arising at the conference to a member of the Tribunal who is legally qualified for determination. A settlement to which a party or representative of a party agrees at a conference is binding on the party provided that it is not inconsistent with the Residential Tenancies Act 1995. The settlement must be put into writing and signed by or for the parties. The Tribunal may make a determination or order to give effect to the settlement.

108C—Restriction on evidence

Evidence of anything said or done in the course of conciliation under this Division is inadmissible in proceedings before the Tribunal unless all parties to the proceedings consent otherwise.

71—Amendment of section 110—Powers of Tribunal

The amendment made by this clause is consequential on the change in terminology from *security* to *bond*. Additional amendments make it clear that the Tribunal may terminate a rooming house agreement or reinstate rights under a rooming house agreement that have been forfeited or have otherwise terminated.

72—Amendment of section 113—Representation in proceedings before Tribunal

Section 113 deals with the right of a party to a tenancy dispute to be represented in Tribunal proceedings. The amendment made by this clause establishes that a rooming house proprietor may be represented at proceedings by an agent appointed to manage the premises on behalf of the proprietor. This puts rooming proprietors in the same position as landlords. Other amendments to this clause are consequential on proposed changes to conciliation conference provisions.

73—Amendment of section 114—Remuneration of representative

The amendment made by this clause is necessary because of the introduction of the option of conciliation conferences in relation to tenancy disputes.

74—Amendment of section 115—Contract to avoid Act

The maximum penalty for the offence of entering into an agreement to defeat, evade or prevent the operation of the Act is increased by this clause.

75—Repeal of section 116

This clause repeals section 116, which restricts a person's right to recover an overpayment of rent.

76—Insertion of section 117A

Proposed new section 117A provides that the liability to be prosecuted for an offence is in addition to any civil liability for breach of a residential tenancy agreement or rooming house agreement or any other civil liability the person may incur. This was previously stated at various places in the Act.

77—Amendment of section 119—Tribunal may exempt agreement or premises from provision of Act

This clause substitutes a new maximum penalty for the offence of contravening a condition to an order of the Tribunal under section 119.

78—Amendment of section 120—Service

Under section 120 as amended by this clause, a notice or document to be given to a person for the purposes of the Act may be transmitted by fax or email to a fax number or email address provided by the person for the purposes of service. The notice or document will be taken to have been given or served at the time of transmission. Section 120 is also amended so as to allow service to occur in a manner permitted by the Tribunal.

79—Amendment of section 121—Regulations

Under section 121 as amended by this clause, the maximum penalty that may be imposed by a regulation for breach of the regulation will be $5,000. The maximum expiation fee will be $315.

80—Substitution of Schedule

A new Schedule of transitional provisions is inserted.

Schedule 1—Related amendments

Part 1—Amendment of *Fair Trading Act 1987*

1—Amendment of section 30—Application of Part

A related amendment is made to Part 4 of *Fair Trading Act 1987* (Fair reporting) so that the Part does not apply to a prescribed report that is provided through the use of a residential tenancy database to which Part 5A of the *Residential Tenancies Act 1995* applies.

Part 2—Amendment of *Residential Parks Act 2007*

2—Amendment of section 29—Repayment of bond

Section 29 of the *Residential Parks Act 2007* is amended so that bonds may be paid by, and refunded to, a third party.

Debate adjourned on motion of Mr Griffiths.

WILLS (INTERNATIONAL WILLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October 2012.)

Ms CHAPMAN (Bragg) (12:06): The Attorney introduced the Wills (International Wills) Amendment Bill 2012 on 17 October this year. The opening statement of his second reading explanation was as follows:

This bill amends the Wills Act 1936 to adopt into the act the uniform law contained in the UNIDROIT Convention providing a Uniform Law on the Form of an International Will 1973 (the Wills Convention). UNIDROIT, the International Institute for the Unification of Private Law, is an intergovernmental organisation that formulates uniform law instruments aimed at harmonising and coordinating private laws between countries. The Wills Convention is one such instrument.

I have to say on behalf of the opposition that dealing with this bill is a bit like dealing with Rome burning with a wet knapsack. When I read this bill, I could hardly believe that it was being introduced to deal with this uniform application in relation to how we might validate and deal with International Wills while just about every other field, issue, policy or current law in respect of wills and succession law is in turmoil.

In the 11 years I have been here I cannot tell you how many times I have received submissions from the Law Society or from members of the legal profession particularly, some who work in the probate office. I cannot tell you how many times I had met with the previous attorney on a number of issues, where I would inquire as to the advancement of the reform in relation to wills and succession law in this state.

Two years into the attorney-generalship of this current incumbent, what do we get? We get this little bit of piffle. I will talk in a minute about how useless I suspect this will be. The Liberal Party will not be opposing this bill, but I highlight that Rome is still burning in this area. It is very concerning to me that, 11½ years or so into this government, we get this little bit dished up while the complete smorgasbord of problems is not even being addressed.

The Hon. J.R. Rau: This is an appetiser—just an appetiser.

Ms CHAPMAN: 'An appetiser,' the Attorney interjects. An appetiser? This is not even putting a fork on the table, this is so pathetic.

The South Australian Law Reform Institute, which is the body which now actually starts to look at things effectively, hopefully will get some response from the government when they have considered their current undertaking because they have identified a number of concerns in their workload. One of them, of course, in their view, is to conduct this comprehensive look at South Australia's laws on succession. Complaints that we get as members of parliament are often in relation to relatives' disputed intestacy and/or claims by those who have usually missed out under a bequest or whatever in relation to wills. Members, I am sure, would be familiar with this.

We have these big areas in relation to surety guarantees in relation to family provision—which is probably the biggest area of complaint that I would have in my office—sometimes in relation to the rules of intestacy, questions about whether we need to have a register of wills and whether we need to look at that at a national level or even here in South Australia, whether there should be a small claims jurisdiction for deceased estates and whether the role of the Public Trustee in the administration of deceased estates is effective and/or could be complemented by some other process.

These are all issues which members, I am sure, in this house, would have files on back at their electorate officers where people have complained—some with good reason; some, of course, because they are aggrieved at the decision which, at first flush, is quite a reasonable decision. Nevertheless, this is a big area of concern in the community and here we get a bill, 11½ years into government, about international wills. I just want to place on record the opposition's appreciation of the institute looking and researching into this important area. I can only hope that this Attorney or

any successor of his will look at these issues and come back to the parliament with something useful.

It is very interesting to note that, as I said yesterday, when it suits the government to have excuses for not dealing with urgent issues, namely, as they did yesterday, in the courts efficiency legislation—I highlighted it yesterday, but it had been on previous days—their attitude is one where they cannot possibly deal with some little cherrypicked issue because they are looking at a comprehensive reform and review on one day and will not accept good members' contributions, for example, like the member for Adelaide who spoke on increasing the retirement age for magistrates from 65 to 70. This is a very sensible recommendation, but what does the government say? 'We did not think of this, but we are thinking about it though in the context of a whole tranche of reform and, therefore, we are not going to agree to yours: we have to have ours.' That is how pathetic and petty they are on these sorts of issues.

But when it suits them, like with this bill, they come in to us and say, 'We need to deal with this really important little tiny piece of reform in relation to wills in respect of the enforcement and validation of international wills.' I would ask: how many of the 47 members of parliament here have had somebody come in to them, email their office or write to them, pleading with them to have some kind of law reform in respect of recognition of international wills? I would be surprised if any of them have ever in the time that they have been in the parliament.

It is just incredible that they need to push this through the parliament, that they need to rush this in as their great area of reform for the week to tell us what we need to do in relation to international wills. Whilst at first blush it suggests that it is to adopt this uniform law, blah blah blah, they have been off to all these committees to discuss the uniformity. Uniformity is the great golden word of this government. Everything the same means that—

The Hon. J.R. Rau: Hey, hey, hey! You're talking to the wrong person.

Ms CHAPMAN: Well, you sign up to them. You go along to these SCAGs, or whatever they are called these days, and you sign up to uniformity, harmonisation. I mean, really! This is what we are getting under this one—this very important issue for people in South Australia—the signing up by us to an international convention, the UNIDROIT convention. I think it was in July 2010 (this is how important it is, as we are now at end of October 2012) they had agreed that they would adopt this uniform law to accede to the convention, and here we are.

It sets out all the formalities for international wills which are to be similar to the state requirements, for example, and most of them are. That is, it needs to be in writing and it has to be signed by the person who is the will maker. There have to be two witnesses and it has to be in the presence of each other and so on. They are all pretty basic. They are all in our Wills Act already. For recognition of international wills, these are to comply. The Attorney tells us that the main difference is that the uniform law contains an additional requirement that the will must be declared in the presence of an authorised person, then there are a whole lot of requirements of the authorised person, in particular, to provide a certification that all of these things have occurred.

I should say that the authorised person, as agreed at the SCAG meeting, should be a legal practitioner or a notary public. For members of the house who are not familiar with notaries public, we do have a number in South Australia. We have a number in most commonwealth jurisdictions, I think, but in any event the notaries public are persons who on application to the Supreme Court can be appointed. I am not sure whether they pay an annual licence fee but in any event, once you are appointed, I think you are appointed for life or until you might be removed by a Supreme Court order presumably.

There are a number of documents, including international documents, which require a notarial seal on them by someone who has to be approved by a Supreme Court judge who actually has the capacity to identify or certify certain documents. We are not very glamorous in the notarial seals that we apply in South Australia but over the years I am sure some of the members in the parliament have worked in the legal profession and would have seen some rather impressive ones from other jurisdictions around the world. Just like in wills these days, we do not even have a red sticker on them anymore and we certainly do not have any waxed seals.

I get back to the point about the notaries public, and we have a few in South Australia. I think the very first appearance I had in a superior court, apart from being admitted, was to apply for a notary public appointment for my boss. It was a rather nervous application really because it was not going to be very career enhancing if I had lost the application, but fortunately my boss was duly appointed as a notary public on my application.

They have certain entitlements, including the right to be able to charge for the consultation and so on. In any event, what is proposed is that if we sign up to this we will need to recognise these international wills if they have gone through this process. The only problem with this, as I see it—and I will refer to the annexure which is to become schedule 1 under the bill. This is to annexe to Convention providing a Uniform Law on the Form of an International Will 1973. It sets out a number of articles as one does with these and I think it is fair to say that articles 1 to 6 are all very similar to what we have in our state laws and the Attorney-General is quite right in that regard—signed by the testator, two witnesses, in the presence of each other, etc. Then we get to article 7 and it says:

> The date of the will shall be the date of its signature by the authorized person.

Article 8:

> In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will.

There is further provision in relation to what is to happen then. Article 9 requires that:

> The authorized person shall attach to the will a certificate in the form prescribed in Article 10.

Article 10, of course, tells us what it is and that is quite long. Article 11:

> The authorized person shall keep a copy of the certificate and deliver another to the testator.

And the validity of the certificate or recognition of it under article 12 that:

> In the absence of evidence to the contrary, the certificate of the authorised person shall be conclusive of the formal validity of the instrument.

Then we get to article 13 and it says:

> The absence or irregularity of a certificate shall not affect the formal validity of a will under this law.

All this obligation, all this certifying, and yet when we get to article 13, it says its 'absence'. It is not just an irregularity; it is not just that they could not put the dot on it, or did not actually put the certificate in three copies or anything, but it is complete absence. Still will not invalidate it. What are we doing here? We have this teeny-weeny little piece of reform on something that, frankly, is pretty useless, especially when you get to article 13. Then you get to article 14 which says:

> The international will shall be subject to the ordinary rules of revocation of wills.

Again, where are we on all this? Article 15:

> In interpreting and applying the provisions of this law, regard shall be had to its international origin and to the need for uniformity in its interpretation.

I have to say that, whilst the opposition is not going to stand in the way of the two-year-old SCAG agreement to comply with this convention and to sign up, we in South Australia already have a Wills Act which has very clear obligations in respect of the validity of our wills. To have it in writing alone is important. We have gone past all those days of just being able to scribble on something and it is meant to be recognised. The old examples of putting your will on the side of your cow and getting two people to put a tick or a cross next to it are gone. We have proper systems in South Australia to deal with wills, and signing up to this piece of material, frankly, does not even stack up to what obligations we have and just adds an extra layer of obligation—all these requirements that the authorised person, that is, the extra legal practitioner or notary public has to do—evaporates into nothing by the time you get down to articles 9, 10, 11 and 12.

It just seems to me that this government are so desperate to fill up our debating hours in government business with things that are, frankly, irrelevant and add nothing to what is a very effective provision in relation to the validity of wills in South Australia, while we have so many other things that we need to deal with in relation to succession law in this state. It is just mind-blowingly unbelievable that under this Attorney-General, where there was going to be such a great wave of reform relative to the last one, this is what we get. Surely, Attorney, you can do better than this.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:24): Again, excoriated by the member for Bragg. I have a dream—

Members interjecting:

The Hon. J.R. RAU: No, not that kind of dream, but I have a dream that one day I will come into this place and be treated with gentle kindness by the member for Bragg. I have a dream that one day people from the Labor Party and the Liberal Party will be nice to each other. I have a dream. That is not entirely original but I thought I would throw that in as a starting point.

I was told that this is complete rubbish and why are we wasting our time on it. According to what I can work out, by my reckoning, the honourable member for Bragg has just spent 25 minutes on complete rubbish that we should not be bothering with. I guess that that is indicative of the fact that either it is not complete rubbish or the member for Bragg can talk about anything including complete rubbish. I am not sure about that.

The next thing is, a point that was made yesterday—one teeny bit of something, namely retiring ages for magistrates—was popped into a courts efficiency omnibus bill by a member of the opposition, and our response was, 'Look, we're actually doing that as part of a global thing, why do it here?' Incidentally, we let it go through because we made no secret of the fact that we were intending to do it.

I was being criticised for that but today we have the opposite: we are doing the little bit and we are being criticised because we are not doing the big bit. It is very hard to please the member for Bragg. I have been trying very hard. Ever since I have been Attorney, I have been trying to please the member for Bragg, and whatever I do always falls short. I am not sure if she is ratcheting the bar up, or if I just cannot clear it, but I thought surely she would love this one.

I thought she would love this one because it has this sort of international flavour about it—the Peter Stuyvesant sort of look, jets up, jets down, all over the place. If the member for Bragg is not happy about this, there is a gentleman whose name is Mr Ki-moon. You should probably write to him about it because he is in charge of the outfit that has had this sitting there since 1973. I think it was U Thant or Trygve Le or somebody back then, I cannot remember—it is a long time ago—it might even be Kurt Waldheim, but this has been an international instrument since 1973. I did not write the instrument and I gather that everyone signed up for this. The practicalities are, though—

Ms Chapman: You signed up for it.

The Hon. J.R. RAU: No, other countries have signed.

Ms Chapman interjecting:

The Hon. J.R. RAU: I will get to that in a minute. The point is this: when a person goes to have a will made, normally most people, sensible people, go to a lawyer, because making a will can be a tricky thing and you can inadvertently do all sorts of things that you do not mean to do by not using a lawyer to get a will. If you do use a lawyer to get a will, with the degree of difficulty in having a will that complies with this instrument and one that does not, the additional degree of difficulty for the lawyer is virtually zero because they are already an official functionary and all they would have to do is fill out another form which is a certificate and give you a copy of it.

The practical difficulty in achieving this outcome is negligible. Why are we doing this? Early on in this particular role I went to a meeting where there was an advanced discussion about national agreement on uniform wills, and it seemed to be something that had national agreement on. I must say it is not something that kept me awake at night thinking about it but here it is, we have it. With the bigger picture, and I say this in all seriousness, and the honourable member for Bragg is quite right about this, there are issues about succession laws in South Australia which do need to be looked at.

There are a couple of areas there, and I could raise them now but I will not because next thing I know there will be a private member's bill in from the honourable member for Bragg telling me off because I have not agreed to something, so I will keep some mystery about it, but she knows what the area is. That is why the first reference we gave to the Law Reform Institute was to look at exactly this issue of succession law in South Australia, and they have been working on that for some time, and I have been seeking some advice during the debate as to when we think we will get that report.

I can promise you this, Mr Deputy Speaker, and promise the honourable member for Bragg, that as soon as we get that report from the Law Reform Institute, I will make it public. It will be my intention that we have a conversation involving the member for Bragg, who obviously has an interest in this area, about settling some legislation which will reflect whatever recommendations come out of that and which we are comfortable with. It would be my intention that next year we

would deal with that matter, which I do agree is an important matter and needs to be the subject of attention.

I am grateful that the opposition will be supporting this measure. I accept that in and of itself it is not an earth-shattering change to things, but it is small progress and, as I think I said before, a bit of an appetiser, because the main course will come next year, when we get the report of the Law Reform Institute and we look at a more broad ranging reform in an important area. The Law Society has been engaged in that project with the Law Reform Institute, and I have every expectation the product they come up with will be first class.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TRUSTEE COMPANIES (TRANSFERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October 2012.)

Ms CHAPMAN (Bragg) (12:31): The Trustee Companies (Transfers) Amendment Bill 2012 and the second reading of it provided by the Attorney kept me awake last week when I was sitting in on a trust professional development session from the Law Society, which, as some members might know, is not exactly the juiciest of subject matter to keep one awake/active. It was one when I thought, 'I think we are actually dealing with something to do with trusts. I had better have a look at that bill.' Then I discovered that it really is a bill to tidy up some consequential effects of the Trustee Companies (Commonwealth Regulation) Amendment Act back in 2010.

Essentially, having read through that material provided, the Liberal Party confirmed that it will support the amendment. It requires progress through the parliament if it is to have its protective effect from the end of December, I think, this year. We will be supporting it. I only have one question in respect of its effect and that is whether the Public Trustee is subject to the same obligations. My recollection, which is hazy, of the original debate on this national approach that we had is that the obligations, for example, in respect of having its financial services licence, etc., did cover public entities and that that would cover the Public Trustee.

I did not have the opportunity to attend a briefing that was provided on this to ask that question, and so I am not sure what the answer is, but I would appreciate if the Attorney would advise whether in fact the original act does cover the Public Trustee, and in fact this amendment as well, as part of the trustee companies over which this bill is remedying a transitional issue. With that, I indicate we are supporting the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:34): In answer to the honourable member's question, I am advised that the PT in South Australia would only be brought under ASIC's regulation if the state, in effect, conceded that position or willed that position. But that is not necessarily a complete answer to the question because the state, independently of doing that, is also capable of making rules about the way the PT conducts itself. I guess, to put it another way, and I stand to be corrected by my advisers, the state could decide not to have ASIC regulating the PT but, nevertheless, itself regulate the PT in a similar way in respect of these matters.

I am advised they are not the same and that there are differences, and I can arrange a briefing for the honourable member if she wishes to get those details. I do not wish to be misleading to the house or, obviously, the honourable member about the exact nature of those differences, but they are different and the ASIC regulation does not apply to the PT.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October 2012.)

Ms CHAPMAN (Bragg) (12:37): I indicate that I am not the lead speaker on this bill on behalf of the opposition but I wish to make a contribution in respect of the Development (Private Certification) Amendment Bill 2012. This is a bill which was introduced into the parliament to amend the Development Act 1993 to provide for private certification of development plan consents. Essentially, the bill proposes the deletion of a provision in the act which currently restricts private certifiers granting development plan consent and to introduce a new provision that a relevant authority must accept that a proposed development 'complies with the provisions of the appropriate development plan' to the extent of such compliance when it is certified by the private certifier, and also the introduction of an audit system for councils and private certifiers undertaking development plan assessments.

My understanding is that the opposition (and the lead speaker will, no doubt, outline this) will not be opposing this bill and allowing it to proceed on the basis that the government has stated that this will provide for some streamlining. The government has also stated its intention that private certifiers will be able to certify residential code development only. In other words, their role in the planning area would be limited to the assessment of whether a development meets the residential code criteria and, therefore, whether it must be granted planning consent as a complying kind of development. The government does not intend to create a new class of private certifiers: current certifiers will be able to exercise these powers.

I think it is fair to say that information that has been received (and I have some information from a legal firm) relates to whether this might open the door for private certifiers to deal with other applications for development plan consent. This is the old foot-in-the-door sort of argument, that it is on the slippery slope to something sinister and worse. I do not know what the government's intention is in relation to that but, if it is their long-term intention to give private certifiers the capacity to access applications which involve other variations to residential code criteria or to meet all but one of the criteria, for example, then the opposition may have another view. But at this point, the lead speaker, I am sure, will confirm that we will be supporting the bill.

Hot from the press, I am advised that, because of a number of issues that have been raised, we will be seeking to adjourn the matter to be able to have some clear answers, and this debate should not be proceeding while there are so many extant issues. When the government brings in bills and wants to push them through before we have had a chance to speak to everyone, what happens is that we get little bits of concern and complaint—

Members interjecting:

The DEPUTY SPEAKER: Can you keep your voices down so that I can actually hear the speaker.

Ms CHAPMAN: —and a number of questions are asked, and then from those questions we have even more questions. I have some questions that have been raised by some legal colleagues seeking clarification: first, whether private certifiers will be given power to issue development approval under section 35(4) or whether the relevant authority will retain this function; secondly, whether private certifiers will be given power to extend or vary a development plan consent previously granted; and, thirdly, whether the relevant authority will have any ability to question a private certifier's assessment that a proposed development is a residential code development.

This raises some very basic questions about the applicability of the bill, which we understand is the current intention of the government. What do we have? We have a bill introduced and a notice to the parliament that it clearly is to be dealt with expeditiously—here we are in such a short time. Even in the little window of opportunity we have had to consult with people, some uninvited and unsolicited submissions have been coming forward, so even in this little window of opportunity we have had questions raised.

The opposition accepts the government's presentation of this bill as something that is an important efficiency initiative which will help the industry—we have all that. There is no reason for us, on the face of it, not to accept that. The problem is that there have been too many occasions when a presentation has just evaporated when the people who are going to be affected adversely

by the bill come forward and say, 'Well, even if the government has this intention, this is a consequence which we need to have either clarified or remedied.'

I hope our position is clear: we clearly need some time to consider this matter so that those who are concerned have the opportunity to consult on it and so that we can be properly briefed on where the deficiencies are. When a good idea comes forward, and the government has a good idea, even without amendment we can have a look at it, but we need to know the full impact of this, and we will only get that if we have sufficient time to consult on it.

Probably the most significant organisations to be directly affected in each of the regions of South Australia, of course, are the local councils, who actually deal with the residential code and its application on a day-to-day basis. I certainly have not had an opportunity to consult with the councils in my area or the LGA, but I am sure our lead speaker and shadow minister covering this area will enlighten the house.

The Hon. I.F. EVANS (Davenport) (12:45): I indicate that I am the lead speaker on this particular bill. Before I move a motion that this matter be adjourned, I just want to explain why I am about to move the motion. The reality is that this bill seeks to transfer some of the planning functions from local council officers to private certifiers.

The Hon. J.R. Rau: Allegedly.

The Hon. I.F. EVANS: 'Allegedly.' I will now read from the LGA draft submission that was given to the opposition on Monday of this week. The LGA submission to us is:

This particular bill was introduced to the House of Assembly by the Minister for Planning on 18 October. The LGA did not have an opportunity to comment on the bill prior to its introduction...

Ms Chapman: What?

The Hon. I.F. EVANS: That's right.

Ms Chapman: Incredible!

The Hon. I.F. EVANS: Well, it is incredible for this reason—

The Hon. J.R. Rau interjecting:

The Hon. I.F. EVANS: No. This was a government which, under this Premier, came out and said, 'We weren't going to announce and defend, we were going to consult and decide'. This is a function transfer from a local government authority to private certifiers in relation to ResCode matters. Now—

The Hon. J.R. Rau: Allegedly.

The Hon. I.F. EVANS: 'Allegedly,' says the Deputy Premier. But, that is essentially the argument; that is the principle that is espoused in the bill as I understand it. Whether you support or oppose that measure at this point in time is irrelevant to me. What is relevant to me is that there is no rush for this matter; we can delay the debate on this matter—

The Hon. J.R. Rau: Speak to the building industry; if you don't think there's a rush on this matter, speak to the building industry.

The Hon. I.F. EVANS: The Deputy Premier's understandably a bit sensitive on this matter. He interjects from across the chamber, 'If you think there's no rush for this matter, speak to the building industry.' The building industry has been complaining for a lot longer than one week, Deputy Premier. I am from the building industry, and your government has been very slow to react to a whole range of issues. However, my point is this: there is a whole range of legislation that this government has rushed through the parliament, only to see it get rolled in the High Court.

I will not list the whole range of matters, but there will be no harm done for the house to adjourn this for one week. The opposition will undertake to deal with it on the first day of the next week of sitting of this house so that we can properly be informed by the Local Government Association about their views. How can the opposition form a view when we receive a submission from the Local Government Association this week—Monday of this week? The government knows—

The Hon. J.R. Rau: Typical.

The Hon. I.F. EVANS: The Deputy Premier interjects with 'Typical.' That is not my experience of the LGA, I must say. The reality is that the government knows that the opposition's

party procedure is that we need all of our papers submitted to the party room by Thursday night the week before a sitting. So, we get the LGA's submission on the Monday of a sitting week, it is in draft form because the LGA has not had enough time to even complete its own position paper on the matter, and all we are saying is this: we will guarantee to the government that we will deal with this matter first bill up, if that is the government's choosing, on the next Tuesday of sitting.

This will delay it all of about six or seven days—and there is hardly going to be a crisis in the building industry within that time—and you will still easily get it dealt with by both houses of parliament well within the next month. I see no reason why this house should be forced into debating this issue when the main constituency group whose power is being transferred, allegedly, from them to private certifiers has not even been able to reach a conclusive view and provide it to the opposition and independents so that they can inform the debate.

That is why, Mr Deputy Speaker, I will take the opportunity to move that the debate be adjourned, and I seek leave to continue my remarks on the adjournment if it is adjourned, of course.

The DEPUTY SPEAKER: You need to seek leave to continue your remarks first.

The Hon. I.F. EVANS: I seek leave to continue my remarks.

Leave granted.

The Hon. I.F. EVANS: I move:

That the debate be adjourned.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:50): I want to be heard on the adjournment and I want to put a couple of things about it on the record. First of all, let us deal with the really clear things. Since the 18th of this month this bill has been in the possession of this house. It has been a public document. It is a document that everybody knew was going to be debated today.

Mr Griffiths: No.

The Hon. J.R. RAU: Or at least this week.

The Hon. I.F. Evans: Not since the 18th. We got told on Thursday last week.

The Hon. J.R. RAU: Okay. Secondly, they knew from Thursday last week, I have just been told, that the bill was going to be debated today, and the first I have heard about an adjournment is right now, at a point in time where we are already into the debate. They knew since Thursday. It was certainly on the *Notice Paper* yesterday. The first glimmer that this matter is going to be adjourned occurs in the course of the debate—no warning, nothing.

The suggestion that the House of Assembly, or indeed the South Australian parliament, should await the indulgence of the Local Government Association to get its act together and provide information or opinion to people, with respect, is unreasonable. This is not the first time the LGA has behaved in this fashion and the opposition has fallen for it—fallen for the three-card trick. The same thing happened when the ICAC legislation came in here. The Leader of the Opposition was standing up arguing about the ICAC and, all of a sudden, at the very last minute, she got this piece of paper. She was forthright enough to tell us all that the piece of paper came from the Local Government Association which, at one second to midnight, had decided that it was going to get into the debate.

The DEPUTY SPEAKER: Deputy Premier, I would ask you to keep your comments to the adjournment of this item only.

The Hon. J.R. RAU: Okay. I do not know whether the LGA was asleep when the Hon. Dennis Hood and I had a meeting with all the industry people. What we were doing was very public, and a whole range of issues came out of it. I do not know if the LGA was asleep when the industry roundtable occurred, but my suspicion is that a certain Ms Campagna was in the room. I stand to be corrected on this. I could be wrong, and, if I am wrong, I apologise, but I recall seeing her in there somewhere.

There was no question about what was going to go on because it was announced at that meeting four, five, six weeks ago that private certifiers were going to go ahead for residential code applications, not to replace councils. That is not to say that councils are excluded from the field but

that an individual who was not getting satisfaction from a council would have the opportunity of not having their development blocked; they could go to a private certifier and, if it was a code-compliant development, they could get approval in that fashion. I can tell you that the building industry thoroughly supports this.

There are people out there who employ tradespeople, there are people out there who have businesses, and they want to have a streamlined process for application processes. Some councils do a fantastic job, and they will be affected not a jot by private certification being introduced. They are doing such a good job that nobody will change; they will be quite happy with the council.

The Hon. I.F. EVANS: Point of order, Mr Deputy Speaker. The Deputy Premier is debating the bill and not the adjournment.

The DEPUTY SPEAKER: Yes. You need to limit your comments to the actual adjournment discussion, Deputy Premier.

The Hon. J.R. RAU: The adjournment is being sought for no good reason, well past the beginning of the time of the debate when the appropriate notice was given to the opposition about our intention to bring this matter on. This is either a ruse—in other words, there is some other reason for this—or some peculiar thing is going on in the opposition's mind whereby the incapacity of the LGA to wrap their head around something that has been publicly out there for a long time is—

The Hon. I.F. Evans: Yes, but they didn't get the detail of the bill until the 18th. They got the detail of the bill on the 18th.

The Hon. J.R. RAU: Anyway—

The DEPUTY SPEAKER: Can you make your point?

The Hon. J.R. RAU: Okay, my position is this: we have been proceeding on the basis that this bill was going ahead and this is part of the timetable for this week. It is not being stopped by the government. In order to do fairness to the member for Davenport, not in order in any way to indulge the people who are responsible for that letter, and only for that reason, I am prepared to agree to an adjournment of the matter, on the member for Davenport's undertaking—and I think he has just given it—that we will be debating it next Tuesday we are back.

The Hon. I.F. Evans: Yes, whether the LGA is ready or not, we will debate it.

The Hon. J.R. RAU: Whether they are ready or not.

The Hon. I.F. Evans: Whether they are ready or not, the first Tuesday back.

The Hon. J.R. RAU: It is on the *Hansard*: first Tuesday back, ready or not, we are debating it. I make the point that I do this only out of respect for the member for Davenport and out of respect for the opposition, but, about this behaviour on the part of the LGA and, indeed, the opposition's behaviour in having had notice since Thursday last week, today is Wednesday and, if they changed their mind on Monday, what has happened to the last two days? They could have let us know. We get it right at the last minute. That is not reasonable. You can have your adjournment. We will deal with it next Tuesday, whether they like it or not.

The DEPUTY SPEAKER: Next sitting Tuesday.

The Hon. J.R. RAU: Next sitting Tuesday, indeed, whether they like it or not. The next time the opposition wishes to adjourn a matter which they have notice of, can we please be told when you work out you want the adjournment, not when you decide to waltz into the chamber during the course of the debate and call for an adjournment?

Motion carried; debate adjourned.

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

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from the English Language Centre, who are guests of the member for Adelaide. Welcome. It is very nice to see you here today. We hope you enjoy your time here. We also have a group of students from

the Hyde Street School, who are also guests of the member for Adelaide. It is nice to see you here as well.

BROWN, MR M.J.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:01): I move:

That the House of Assembly expresses its deep regret at the death of Mr Maxwell John Brown, former member of this house, and places on record its appreciation of his long and meritorious service and, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

I was saddened to hear last week of the passing of Maxwell John Brown. He passed away peacefully at home on Thursday 25 October. Max Brown was a Labor Party stalwart, a very competent parliamentarian and trade unionist who served in various roles during his 15 years in this place.

He was born in 1932 in the Flinders Ranges town of Orroroo. He moved to Whyalla in 1944 and, like many young men in Whyalla during that time, worked as an apprentice at BHP. In 1951 he took on the role of assistant secretary of the Boilermakers Society before his appointment as secretary in 1952. In that same year he was appointed secretary of the Whyalla Trades Hall. In 1962 Max was appointed secretary of the Whyalla Combined Unions Council. He was also a city commissioner with the old Whyalla Commission, a councillor with the Whyalla City Council and chairman of the North Whyalla Football Club.

Max was first elected to the House of Assembly on 30 May 1970 as the member for Whyalla and was re-elected in 1973, 1975, 1977, 1979 and 1982. A glimpse of Max's maiden speech in July 1970 showed him to be thoughtful and conscientious, demonstrating a great concern for the people of Whyalla. He spoke about the problems of decentralisation of industry, particularly in relation to BHP. He also spoke about his thoughts of the Playford government's social laws, describing them as 'the worst of any in the Commonwealth'.

In particular, he bemoaned that during the growth of Whyalla many of the workers recruited to go to work there came from Europe or Britain and were not used to the idea of 6 o'clock closing. To quote Max, 'To come to such an unholy situation where 6 o'clock drinking prevailed was beyond their understanding.' In his speech he also advocated for improved workers compensation laws and the standardisation of railway gauges across the state.

In February 1984 Max announced his intention to retire at the end of the parliamentary term. He stated that one of the factors which helped him make up his mind was attending the funeral of his close personal friend Laurie Wallis who was the federal member for Grey between 1969 and 1983. He also stated that he wanted to devote more time to his wife who for too long had been 'a political and industrial widow'. At his testimonial dinner former premiers Don Dunstan and John Bannon described Max as being a credit to the party, a good representative to the 'good people of Whyalla' and a 'bloody good battler for the working people of this state'.

John Bannon went on to describe how, during late night sittings when the opposition was filibustering, you could hear echoing throughout the house, not the sound of Don Hopgood's trumpet, which he described as a terrible banshee-like tuneless thing, but the sound of a distant piano playing. The pianist was Max Brown, in a darkened dining room expressing his frustrations and, as the hours went on, more and more members gathered around the piano singing along with Max.

I was not fortunate enough to know Max Brown but, judging from the tributes since his passing, he was a much loved husband, father and grandfather. I pay tribute to the enormous contribution made by Max to the parliament, the trade union movement, and the people of South Australia, especially the working class people.

Certainly, members of Max Brown's family can feel very proud of the outstanding leadership he provided to South Australian workers, particularly to the people of Whyalla. With other members on this side of the house, and I am sure all members of this house, I commend Max Brown's contribution to the state of South Australia. May he rest in peace.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:05): I rise to second this motion on behalf of the South Australian Liberal Party. Maxwell Brown, as the Premier said, was a longstanding Labor member for what was then the state seat of Whyalla, as you are no doubt aware, Madam Speaker, a district which was absorbed into your seat of Giles during a redistribution of boundaries in 1993. Like so many rural parliamentary representatives, Maxwell's

heart was always in the country and, over his 15 years in the House of Assembly from 1970 to 1984, he advocated robustly and tirelessly for a better deal for the people of Whyalla and its surrounds.

Married with six children, and a union man through and through, Maxwell came to Whyalla in 1944 as an apprentice for what was then a quite small steel company concern, going by the name of BHP. He was young and keen and quickly assumed the mantle of union delegate before moving on to a senior role as secretary of the local branch of the Boilermakers and Blacksmiths Society, a role he held for several years prior to entry into politics.

Despite his parliamentary commitments in Adelaide, Maxwell never lost touch with what was going on at home. Whyalla was always at the forefront of his mind and he was active across all aspects of its community life. If something was happening there, Maxwell Brown was the first to know. If there was a problem that needed addressing and solving, Maxwell Brown was the go-to man, the town's trouble shooter, in an era when Whyalla was undergoing serious economic and social adjustment and change.

It was during this period that Maxwell really made his mark. Instead of turning away from the issues threatening to overwhelm his community—and the issues were all big ones—he got involved. He was involved in housing, education, appropriate health care, unemployment and youth crime and he threw himself into finding real and sustainable solutions, fighting for the battlers rather than choosing to paper over the cracks with shallow policy announcements.

He campaigned strongly for standard gauge rail lines to create a uniform national rail network which would benefit industry in Whyalla. He campaigned for changes to the youth justice system when he saw it struggling to cope with the upsurge in young offenders coming before the courts, and this was an especially big problem in Whyalla where work was hard to find, kids were bored, and vandalism and other forms of violence often ensued.

He campaigned for positive community outcomes in the steel city. When $1.5 million of steel assistance money was allocated to dress up the town, Maxwell was a pivotal player and negotiator in ensuring the money was spent wisely, in this instance, on redeveloping the Whyalla foreshore. It is very clear that Maxwell was a hard worker, a no-nonsense man who refused to grandstand or big note himself; he just wanted to get on with the job.

On a lighter note, it would be remiss of me not to remark upon Maxwell's penchant for the piano, particularly the one installed in the parliamentary dining room. I have to say here that in the 10 years that I have been in this place I have never heard a note played on it, so it says something about our failure as politicians that no-one plays it these days.

Max's keyboard skills even made the newspapers when it was ascertained that Maxwell's ear for music was far superior to that of Don Hopgood, whose trumpet playing in the halls of parliament apparently left a little to be desired. I do not know about minister Kenyon's playing of musical instruments in the halls of parliament. It has also been observed that Maxwell was known to belt out the odd tune when parliament was sitting well into the night, encouraging members from both sides of the house to gather around from time to time to conduct an impromptu singalong, and wouldn't that be a lovely thing for us all to do these days. Thankfully, no-one ever thought to record these evening sessions as I am led to believe that, as singers, the Liberal and Labor members of the day made far better politicians.

Maxwell Brown retired at the age of 57, declaring after a long and public life, heavily involved in politics and unionism, that it was time to get to know his wife. My understanding is that he enjoyed his days in retirement, surrounded by his big family and many friends, passing away peacefully last week on 25 October. On behalf of the Liberal Party, I endorse the motion and pass on the opposition's condolences to Maxwell's family at this sad time.

The SPEAKER (14:10): I would also like to make some comments, being the local member. Of course, Max was one of my predecessors, serving between 1970 and 1985. Much has been said about his history in this place, his political history and his lead into the parliament, but being a local from Whyalla, I knew him as a very colourful, larger than life figure, known for his passion for his greyhounds and his greyhound racing. He could often be seen out walking his greyhounds daily.

He had strong connections with the North Whyalla Football Club, of course, served many years there as chairman of that football club, and was well known in football circles. I also knew

him from his time on the Whyalla Town Commission, which was the predecessor to the Whyalla council. He served on that for some years.

I was sad that I was unable to be at his funeral yesterday, but because of obligations here, of course, I could not. I understand that Gavin Keneally, who is also a former member of this place, described him as, 'rough as diamonds on the outside, but a softie inside' and that describes him perfectly. He was a Whyalla legend. When you heard people talk about Max Brown, he was spoken of with admiration, but also a lot of humour.

He was a true steel town worker, a very tough local character, and he served our community very well. He lost his dear wife, Nell, recently, and maybe he just did not want to keep up the fight to get that last greyhound win. I pass on my deepest sympathy to all his family, too, because they are very well known to me and have been for many years.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:12 to 14:17]

WIND FARMS

Dr McFETRIDGE (Morphett): Presented a petition signed by 877 residents of South Australia requesting the house to urge the government to take immediate action to call a moratorium on the installation of any further industrial wind turbines until full independent Australian research has been conducted and assessed with resulting national regulations and guidelines established.

INDIA ENGAGEMENT STRATEGY

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:24): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Over the coming decades, our region of the world will go through a transformation unprecedented in history. Through the development of Asia, hundreds of millions of people will be lifted out of poverty and into the middle class. Nowhere will this change be more dramatic than in the world's first and second most populous nations, China and India.

As the white paper released by the commonwealth government on the weekend highlights, India is now the world's third largest economy, having overtaken Japan and its average annual growth is forecast at 6¾ per cent in the years to 2025.

We enter this future with a number of advantages over many of our competitors for Indian markets. South Australia currently enjoys a warm relationship with India based on our shared cultural bonds, enriched by our vibrant Indian community. But, in the future, our relationship will need to go beyond our mutual love of cricket and Indian cuisine. Already, many South Australian businesses have close connections to India, including companies like SMR, Codan and Santos.

Today, the Minister for Manufacturing, Innovation and Trade released a new strategy to develop our state's engagement with India. As a small state seeking to engage with a massive nation, it is important that we ensure that our engagement is focused on key opportunities where our capabilities align with opportunities in the Indian market. The strategy follows on from a directions paper that the government released on India earlier this year and the submissions we received from businesses and universities.

The first phase of the 10-year India engagement strategy will focus on opportunities in aerospace, defence, energy and natural resources, clean energy, as well as education and training—an existing strength of our relationship with India. Later phases will focus on other opportunities. These choices reflect our state's existing strengths as well as our government's strategic priorities around spreading the benefits of the mining boom for all South Australians and growing advanced manufacturing.

To implement the new strategy, the government will establish a South Australia-India council which will comprise experts from business, government and the community. This council will be chaired by Brian Hayes QC, a former national chair of the Australia India Business Council and the founder of its South Australian chapter. In that role, Mr Hayes chaired a number of annual joint meetings between Australian and Indian trade ministers and business leaders.

I will be travelling to India next month to continue the government's engagement with India. My visit will include meetings with key business leaders interested in doing business and investing in South Australia to further the strategy announced today.

In the coming months, the government will also announce our strategy for China to address the challenges and opportunities offered by the growth in the world's largest nation, as well as outlining our response to the Hartley review into our overseas representative offices. The government believes that the opportunities offered by the development of Asia will help secure the economic future and jobs of South Australians for many years to come.

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Minister for mines, order!

PAPERS

The following papers were laid on the table:

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

Legal Practitioners Disciplinary Tribunal—Annual Report 2011-12
Legal Services Commission of South Australia—Annual Report 2011-12
Public Prosecutions, Director of—Annual Report 2011-12
Public Trustee—Annual Report 2011-12

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

West Beach Trust—Annual Report 2011-12

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

Public Transport Strategies for Adelaide Oval Events—Report October 2012

By the Minister for Health and Ageing (Hon. J.D. Hill)—

Health Advisory Council—South Australian Institute of Medical Education and Training Annual Report 2011-12

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Declaration of a Special Declared Area over the Woomera Prohibited Area—Red Zone—Report

STATUTES AMENDMENT (PENALTY ENFORCEMENT) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: The amount of money owing by fine defaulters (being unpaid court fines and expiation fees) in South Australia is unacceptable. It is unacceptable for fine defaulters to refuse to pay when law-abiding citizens are feeling the pinch. Based on the amount of fines outstanding and the age of some of these fines, it is clear that the current system is not working. In acknowledging the need to address this issue, it is important that the extent of the problem is put into context.

As a starting point, we must differentiate between unpaid but not overdue debt and fine default, that is, those that are due. At present, South Australia has some $254 million under management with the Fines Payment Unit in courts. Of this amount, approximately:

- $113 million is subject to active time payment arrangements;
- $23 million is not yet due;

- $75 million is overdue as it has not been paid within the time set by law and the debtor has not entered into time payment or deferral arrangement; and
- $43 million is currently subject to an outsourced arrangement with a specialised debt recovery organisation.

The government has already instituted a process whereby recovery of serious long-term fine default has been outsourced to a specialist private fine collection agency. We will continue to pursue this approach where appropriate, which is at no cost to the taxpayers. In saying this, I share the concerns of those who believe more needs to be done, and today the government has taken an important step. Today I will table the draft Statutes Amendment (Penalty Enforcement) Bill 2012. This will make substantial amendments to the Criminal Law (Sentencing) Act 1988 and the Expiation of Offences Act 1996. The purpose of tabling this draft bill is to present it for consultation before it is settled and introduced into parliament.

The purpose of the new law is to abolish the present court-based system of fines collection and to locate responsibility for fines recovery to a new separate body, the sole business of which is to collect fines—a penalty enforcement officer. In addition, the new law will remove current statutory obstacles to the recovery of fines and will increase flexibility for fine payers by adding new payment and collection options. This should assist in the level of recovery but also improve the ability of those who genuinely wish to repay their fine or expiation fees but have difficulty, for any reason, to do so.

The proposed penalty enforcement officer will have broad discretionary and coercive powers to use. These will include: the selling of a debtor's home or place of residence, garnishing of personal income, publishing of debtor names on a website as a means to locate them, suspending a debtor's occupational licence, suspending a debtor's driver's licence or preventing further registration, and clamping and impounding of vehicles. It would include the capacity to outsource and initiate fine amnesties. We are also proposing that interest be applied to some outstanding fines, as opposed to current arrangements for further one-off financial penalties.

In short, the bill will make it easier for those who want to pay their fines and comes down harder on those who are trying to avoid them.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: Can you just be quiet for a minute, please. In finalising this model, we will be working closely with agencies within government who currently perform these duties and, of course, we are keen to hear feedback from the community. The bill will lie on the table for the next six weeks to enable interested parties to offer comment. I now table the bill.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:33): I bring up the 16th report of the committee, entitled Subordinate Legislation.

Report received.

QUESTION TIME

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:33): My question is to the Minister for Education and Child Development. Will the minister table the advice which she referred to yesterday to the effect that SAPOL advised her department not to tell parents of the fact that a child was sexually abused at a western suburbs primary school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:33): I thank the Leader of the Opposition for this important question. It is a good question, because the advice provided to me, which was of course the basis upon which I came into this place—advice provided to me in good faith and advice that I provided to this place in good faith—was very clear. I have asked the same question. I will get some advice in relation to the briefing that I was given so as to not divulge any information that may prejudice an ongoing investigation or reveal facts in relation to children in particular. I am very happy to provide that advice once I am satisfied that it is not going to adversely impact other investigations that I understand are ongoing or reveal details about children.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:34): Supplementary, Madam Speaker: when the minister refers to advice provided to her, can she tell us whether the advice was provided to her by the department or by a political staffer?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:34): The advice was written advice that was prepared by the department in relation to this matter. It was conveyed to me via my adviser. So, there were two forms of advice: advice that was in writing and was very clear, and we also sought confirmation from the same officer, I believe, in relation to this fact. At all times—and I would hope that the house would appreciate this—I gave advice to this place on the basis of advice that was very clear that was given to me.

CHILD PROTECTION

Ms CHAPMAN (Bragg) (14:35): Point of order, Madam Speaker: given that the minister has been invited to table the docket which she had referred to yesterday and has now indicated that she will consider it subject to certain qualifications, I would request that you direct her to table it—

Members interjecting:

Ms CHAPMAN: —to table that docket. She referred to it yesterday; I ask that she be directed to table it.

The Hon. P.F. CONLON: Point of order, Madam Speaker, on a point of clarification: could the member for Bragg indicate what possible standing order she relies upon to ask you to do that?

The SPEAKER: Yes, I uphold that; I could not see any point of order there that you are making. Perhaps we could consider it a question?

Ms CHAPMAN: I'm happy to do that.

The SPEAKER: We will count it as a question, but the minister need not respond.

LAND WARFARE CONFERENCE

Dr CLOSE (Port Adelaide) (14:36): Can the Premier inform the house about the government's presence at the Land Warfare Conference in Melbourne?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:36): I thank the honourable member for her question. Of course, there is a very substantial defence presence in her electorate, both at Techport in Port Adelaide and also in Mawson Lakes. Indeed, it represents a very substantial part of our manufacturing effort here in South Australia.

Last night, the Minister for Defence Industries and I hosted a Defence SA dinner as part of the Land Warfare Conference being held in Melbourne as we speak. We were joined by senior officers from the Defence Force and the Defence Materiel Organisation, as well as representatives from South Australian, national and international defence industries, and from our Defence Advisory Board.

The particular evening was chaired by General Cosgrove, who did a fantastic job at that event, and it was very exciting to see the number of international organisations represented at that conference. I had the pleasure of speaking to one of the representatives from a German company who said that, when he considered where to set up his operations here in Australia, it became obvious that South Australia was the defence state, and he was pleased to join the other companies that had extended their vote of confidence in South Australia by setting up here in South Australia.

This Land Warfare Conference, organised by the Defence Science and Technology Organisation, in conjunction with the Australian Army, brings together around 3,000 delegates from across Australia and the world, so it is a very substantial conference. South Australia focused on leveraging our significant military and civil vehicle manufacturing base to attract vehicle and systems projects—that has been our objective.

Our experience in delivering the Australian Army's two major fleets of armoured fighting vehicles has resulted in a depth of specialist knowledge, with over 120 local SMEs which supplied General Dynamics Land Systems Australia and BAE Systems Australia to deliver the ASLAV and APCs respectively. The feedback we had from General Dynamics is when they actually sought to identify local business capability, they found that really within a few kilometres of their factory, they

were able to locate all of the skills and capabilities they need. So, this South Australian tradition of manufacturing was there, and they could tap into it.

We want to win the Land 400—the Army's major fleet replacement project for Australia. This is the second most lucrative defence project on the horizon, of course, behind the Future Submarine Project, and I have no doubt that South Australia's industry expertise is highly capable of partnering with Defence to play a major role in this modernisation drive. We are also supporting our local firms to capture the supply opportunities on projects like the medium and heavy protected and unprotected trucks and modules and the Battlespace Communications System.

This defence state expo stand at the conference is hosting eight South Australian small and medium-sized companies, showcasing the state's land defence capabilities and helping them to promote business to both Defence but also local players. The procurement officers for Defence bring their people here to find out what is available. They are very interested in finding out what South Australia's capabilities are. Of course, the Minister for Defence Industries, who is not here today, is representing the state at that conference.

We passionately believe that South Australia's position as the defence state, where we have about 25 per cent of the nation's in-country spend, is something we can build on. When these companies look around and ask, 'Where are BAE, where are Raytheon, where are all of these big companies located' the answer is South Australia and they say, 'We want to be there as well.' So, it is building momentum and we are very excited to get in behind this and attract even further business for South Australia.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:40): My question is again to the Minister for Education and Child Development. Now that the minister has had 24 hours to check, can the minister now advise whether her department has a policy on advising school communities about child sex offences that occur at schools and, if so, whether this policy was followed in the case of the western suburbs primary school which has been the subject of concern because of the sexual abuse of a child there by an employee?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:41): Let's be clear about, firstly, the situation in relation to the incident that has caused this discussion—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —and, that is, the details around this particular site in the western suburbs will be the subject of an independent investigation that I have now commissioned.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Clearly, we have a number of policies and a number of practices that seek to protect the children that are in our care. For instance, there is a memorandum—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: There is, importantly, a memorandum of administrative arrangement between SAPOL and my own agency in relation to these matters. We also have a critical incident reporting practice, procedure, policy, that is clearly articulated.

Ms Chapman: Where does it say, 'Don't tell the parents'?

The Hon. G. PORTOLESI: I have to say, my preference is for full disclosure, then we go forward on the basis of the advice from the experts—that is very, very important. We act on the basis of the advice from experts. Who are the experts in this case? Our child protection people, SAPOL, people—

Members interjecting:

The SPEAKER: Order! Members on my left will listen to the minister's answer. Order! Minister.

The Hon. G. PORTOLESI: There are the cases surrounding this particular incident and then there are the questions more generally. So, the experts are the people at the front line, for instance, at the site—the OSHC service or the school site—people in my head office, people in SAPOL. There are judgement calls that are made on a case-by-case basis on the basis of having to balance three very, very important things. The first thing is—

Ms Chapman: Which policy says, 'Don't tell the parents'?

The SPEAKER: Member for Bragg, order!

The Hon. G. PORTOLESI: The first thing is that we need to ensure that the child in question is taken out of harm's way and actions won't jeopardise or subject him or her to any further harm. The second point is that our actions must not jeopardise a successful prosecution. The third question is this issue in relation to other parents or a community's right to know. These three elements will be the subject of this independent inquiry that I have commissioned—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: There are a number of ways that we demonstrate our commitment to keeping our children safe. Keeping them safe is a government policy that in fact was articulated when the now Premier was minister for families and communities—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: We have a number of policies in place, but I think what is most important—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —and what I am advised is that the experts make a call on the basis of specific incidents.

HOUSING CONSTRUCTION GRANT

Ms BETTISON (Ramsay) (14:45): My question is to the Minister for Housing and Urban Development. Can the minister inform the house of any information provided to the private sector on the effect of the government's first home owner and construction grant announcements?

Members interjecting:

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:45): The immediate response from the Leader of the Opposition is to scoff, to laugh and scoff. I will remember that as we—

Ms Chapman interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The member for Norwood is off already. I haven't said anything yet.

The SPEAKER: Minister, sit down for a moment. Can we have some order, please? I also ask ministers to speak directly into their microphones as we are getting a lot of complaints from people that they are not able to hear what is happening. We can hear the interjections but not the ministers.

The Hon. P.F. CONLON: I will be very happy to answer this important question. I can tell the member for Norwood that he can speak over his leader in television interviews but he will not speak over me.

Mr MARSHALL: Point of order, Madam Speaker: 98, debate.

The SPEAKER: Thank you.

The Hon. P.F. CONLON: I am sick of responding to interjections.

The SPEAKER: That is right, you are responding to interjections. I would ask you to return to the question.

The Hon. P.F. CONLON: I am not sure whether the man interjects or has a tic.

Mr MARSHALL: Madam Speaker, the minister is completely ignoring your ruling, which is that he is entering into debate in his answer.

The SPEAKER: Thank you. The minister will get back to the question.

Members interjecting:

The Hon. P.F. CONLON: But he does get noticed.

An honourable member interjecting:

The Hon. P.F. CONLON: I would like to start answering the questions. That is the point I would make, Madam Speaker, because I have been interrupted from the moment I stood up—

Members interjecting:

The SPEAKER: Order! Absolutely. There are too many interjections. Minister.

The Hon. P.F. CONLON: If he was a 10 year old I would swear that he was attention seeking. Since we announced the two grants in question—and I remind the house that we did this because of the state of the residential construction industry in South Australia, an industry which we treat as very important, an industry which puts roofs over heads and puts people in jobs, and which is absolutely vital to the economic wellbeing of this—

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg! You will leave the chamber if you continue.

The Hon. P.F. CONLON: We announced that as a result of the Construction Industry Round Table organised by the Premier. It flowed directly from that, from us talking directly to industry.

The SPEAKER: I did not ask the member for Bragg to leave. I told her that she may have to leave if she continues.

Ms Chapman: I am speaking to your Clerk.

The Hon. P.F. CONLON: A little flutter in the breast there.

Members interjecting:

The Hon. P.F. CONLON: Madam Speaker, can I have some protection from this mob?

The SPEAKER: Order!

Mr Marshall interjecting:

The Hon. P.F. CONLON: Like I said, if he talks over his leader, he will talk over me, but I will wait. Since we announced this grant, which flowed from that round table—I might say that one of the other things that flowed from the round table was a move to private certifiers, again in the interests of the—

The Hon. I.F. EVANS: Point of order, Madam Speaker. Yesterday the Treasurer was asked this question, about the response to the government's home construction grants, and the Treasurer gave the house details about the number of phone calls and responses received. I wonder whether this question is therefore in order.

The SPEAKER: The question yesterday, member for Davenport, was last week's response to the government's new Housing Construction Grant. The question here looks as though it is provided by the private sector on the effect of the government's First Home Owner Grant. Do you see it as a different question, minister?

The Hon. I.F. EVANS: Madam Speaker, yesterday the Treasurer in his answer referred to the private sector grants that were matching the government grants. He actually raised that issue in his answer. This question and answer was dealt with yesterday, Madam Speaker.

The Hon. P.F. CONLON: I will explain.

Members interjecting:

The SPEAKER: Order! Minister for Transport, if you have something further to add to this question, then I would suggest you do so.

The Hon. P.F. CONLON: It is not surprising—

An honourable member interjecting:

The Hon. P.F. CONLON: —and here he goes again, his Tourette's-like tic.

Members interjecting:

The SPEAKER: Order! Minister for Transport, back to the—

The Hon. P.F. CONLON: The information I wish to provide to the member for Davenport which he doesn't want to hear is what the private sector has said as a result of our grants. I will provide the house because it is important, even if he doesn't care. The only person I know to have criticised this grant, and that is why he doesn't want to hear it.

The Hon. I.F. EVANS: Point of order, Madam Speaker. The minister is saying that I don't care about the grant and that I criticise the grant. We voted for it yesterday.

The Hon. P.F. CONLON: You criticised it. I heard you on the radio.

The SPEAKER: I think that was more of a personal explanation. Minister.

The Hon. P.F. CONLON: Since we introduced—

Mr Marshall interjecting:

The Hon. P.F. CONLON: Again, I point out that the member for Norwood has one distinction from the former deputy leader: he yells louder.

Mr Marshall interjecting:

The Hon. P.F. CONLON: Well, stop interjecting.

Mr MARSHALL: Point of order, Madam Speaker. The minister must answer the substance of the question.

The SPEAKER: Thank you. You will both sit down.

Mr MARSHALL: He is straying as per usual because he has nothing to say.

The SPEAKER: Member for Norwood, sit down.

Members interjecting:

The SPEAKER: Order! This is ridiculous. I know it is Halloween but this is ridiculous. They don't come out until midnight, not 2 o'clock. Minister.

The Hon. P.F. CONLON: I promise I will say nothing more about the member for Norwood if he can exercise a little courtesy and allow me to speak. Since we announced this grant, the very next day at the Bowden development, the inquiries for that day reached 23 which was more than double the same day of the week before.

Members interjecting:

The Hon. P.F. CONLON: And they are not interested. The total inquiries for the week—

Members interjecting:

The Hon. P.F. CONLON: Madam Speaker, I ask for some protection. If he doesn't want me to respond to his inane interjections.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, Minister for Mining!

The Hon. P.F. CONLON: —were up a 145 per cent increase on the previous week. Woodville West saw an 80 per cent increase during the week. Elizabeth Park, which I don't remember being talked about, increased by 40 per cent. Hawksbury Park increased by 30 and 40 per cent. The Playford development in the north saw a 150 per cent increase on inquiries from the previous week—a tripling of the amount of traffic through the sales centre. UNO has seen a four to fivefold increase in the city. Can I say, the information provided by the Property Council is that the $8,500 grant has seen the inking of contracts in the city which we will see as a result several apartment developments start to come out of the ground shortly. Isn't that what we wanted to see out of it?

Even though apparently it is old information to these people, I haven't heard it before. If I can keep the little fellow quiet for a moment, if I can go to Andrew Hudson of Forme Projex. Forme Projex, for those who don't know, is only a small developer and highly boutique. What Andrew Hudson says is that they have already converted a couple of general inquiries into firm sales. What that means is that firm sales came about as a result of an initiative of this government. It came about from us talking to the industry, as a result of talking to the industry. We went to a press conference with the Housing Industry Association, the UDIA, the Master Builders, the Real Estate Institute, all of them. All of those great fellow travellers of Labor—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —to announce a joint marketing program. My inane friend is holding something up. It might be that manifesto he helped to pen where he has promised to meet someone one day.

Mr MARSHALL: Point of order, Madam Speaker. The minister has now gone for over eight minutes on a topic that we actually addressed yesterday.

The SPEAKER: Thank you, deputy leader.

Mr Marshall interjecting:

The SPEAKER: You have made your point of order. Sit down.

The Hon. P.F. CONLON: Well, I'll finish, Madam Speaker. I was interrupted. I will finish on this point. What they don't want to hear is us talking about jobs, and what were they doing in that fortnight?—arguing about one job only.

Members interjecting:

The SPEAKER: Order!

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:54): My question is again to the Minister for Education and Child Development. If, as she stated yesterday, the minister's primary concern was the interests of the children, why did the minister not think it appropriate that parents of the school community be advised about the potential for their child to have been sexually abused?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:54): As the parent of a child attending this particular service, I would want to be satisfied that all steps necessary were taken to remove this person from association with children. I am advised, and I understand that the person did not return to the school, and did not undertake any further duties at the school—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —from that time. We took active steps and it is our policy to take active steps to remove a person when they are subject to this arrest, or charge or allegation from their association with children. That is the most important thing. That is the most important thing and it was done. It was done. I clearly have come into this place with advice given to me in

good faith and I have given it to you. That precipitated a different view of events on the part of SAPOL, and I have to say that I think SAPOL and Education and Child Development do a first class job working together in relation to this matter. I am not satisfied, and I want this independent inquiry to get to the bottom—

Mrs REDMOND: Point of order, Madam Speaker.

The SPEAKER: Point of order.

Mrs REDMOND: Standing order 98: the relevance of the minister's answer. The question was about the fact that parents of other children at that facility may well find that their children have been abused. Why didn't the minister think it was appropriate to let them know that that was potentially the case?

The SPEAKER: I cannot direct the minister to answer the question in the way that you want. The minister can answer the question as she chooses and we will listen to what she has to say.

The Hon. G. PORTOLESI: What ministers, of all persuasions, need to do in this case is to act on the basis of advice of experts because (a) you do not want to further harm—

Members interjecting:

The SPEAKER: Order! You will listen to the minister's answer or leave the chamber. Order!

The Hon. G. PORTOLESI: The three things that need to be balanced: you do not want to further harm the child in question—

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg will leave the chamber for 15 minutes.

The honourable member for Bragg having withdrawn from the chamber:

The Hon. G. PORTOLESI: You do not want to jeopardise the prosecution, and I am advised that, in relation to this particular site, there are ongoing investigations, so that is very important for us to know. Of course, those two facts need to be balanced with the needs of the community. I understand that parents are upset about this. I do understand that, and that is what we will seek to balance. I am commissioning an independent inquiry to get to the bottom of the differing views. These are complex matters, but what I need to satisfy myself with, the most important thing, is that this man was taken away from our children, and he was.

UNCONVENTIONAL GAS PROJECTS

Mr SIBBONS (Mitchell) (14:58): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house of recent developments in the state's unconventional gas sector?

An honourable member interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:58): I did go up. I watched the Premier start an energy revolution; it was fantastic. I want to say to the member for Mitchell and all members of the house that we are in the grips of what I think will be a game changing event for South Australia and, indeed, maybe even Australia. It was an honour to accompany the Premier and representatives from South Australia's own Santos to attend the official opening of Moomba-191, Australia's first commercial shale gas well.

It was a momentous day for the state and a sign of the continuing strength in the state's burgeoning resources sector. The turning of the tap on the Moomba-191 gas well is an historic event in the history of our resources sector. For the first time in this nation's history and, indeed, in the Southern Hemisphere, we have commercially developed shale gas. I do not want to overestimate this, but I will say conservatively that I think this is the beginning of an energy revolution in this state and it is happening right here, in South Australia, right now, a revolution that all stakeholders, government, industry and business are poised to capitalise on.

Mr Williams: Are you trying to take the credit?

The Hon. A. KOUTSANTONIS: No, I am not.

The SPEAKER: Order! Member for MacKillop, order!

The Hon. A. KOUTSANTONIS: Mitch, I have a bit of sympathy for you this week, so I am holding back a bit.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: It is a revolution that all stakeholders, government, industry and businesses are poised to capitalise on, but this is Santos's and Beach's success. That is what I said in my opening remarks. Later this year the government will finalise our part in the process, which is a roadmap for unconventional gas projects, a milestone that will pave the way for investment and innovation. It is a game changer for the Cooper Basin and pioneering companies such as Santos and Beach.

In the opening of 191, we herald in an era of energy security and long-term self-sufficiency, and acknowledge the unconventional gas revolution as the future catalyst to underpin economic and industrial growth. Early indications suggest unconventional gas has the potential to attract billions of dollars of investment into South Australia, with the expansion of the Cooper Basin to provide opportunities across the oil and gas supply chain.

Hundreds of jobs are being created to the north of this state from a myriad of world-class projects. Santos alone has committed to spending $500 to $600 million each year for the next 10 years across their Moomba operations, with 600 new jobs in the Cooper project alone. Just yesterday, another great South Australian company, Beach Energy, announced it had commenced a hydraulic fracture stimulation of the Moonta-1 unconventional shale gas well, yet another project showing the immense potential of the state's rich Cooper Basin.

These projects will underpin a renaissance of the Cooper Basin that has already seen over $11 billion of investment—more than the Snowy Mountains scheme—a renaissance that will see South Australian energy projects provide long-term employment opportunities for generations to come.

Finally, Friday 19 October will go down in history. Future generations of this state will look back to 19.10.2012 as a day when this state welcomed a new dawn. No, I am not talking about the member for Norwood's rise through his treachery to the deputy leadership, but I am sure Brutus will have plenty more to say about that as the days go on.

Mr MARSHALL: Point of order, Madam Speaker. The minister is straying well away from the question now.

The Hon. A. KOUTSANTONIS: I did not mean to offend Brutus, Madam Speaker, but I am sure he can take it.

The SPEAKER: I will uphold that point of order. Minister, you only have about 30 seconds left, so I suggest you wind up your answer.

The Hon. A. KOUTSANTONIS: The rest of us who were getting on with the business of governing this state and looking to the future prosperity of the people of this state will remember the shale gas revolution, while they fight amongst themselves and continue this farce.

Mr MARSHALL: Point of order. The minister is specifically ignoring your repeated instructions.

The SPEAKER: Yes, I am very aware of that. The minister has finished his answer. Sit down. The Leader of the Opposition.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:02): My question is again to the Minister for Education and Child Development. Did the government, via its department or otherwise, threaten to remove the school council members' indemnity if they told parents about the child sex offences that had occurred at the western suburbs primary school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:03): To the best of my knowledge, I am not aware of that, but I will check that. That is the very reason why I have asked for an independent inquiry to take place. There are lots of things that may or may not have happened, 'He said', 'She said', etc. I do not think that is particularly helpful at this

point in time. What I think is most important is that we get to the bottom of the differing of opinions. Was the gentleman in question taken away from the children? Yes, he was.

I have a policy of disclosure. We have a policy of disclosure, but we have to make a call on the basis of advice from the experts. In fact, there has been a number of cases where a decision was made to disclose particular incidents to parents. That demonstrates the fact that sensitive situations need a response that reflects those particular circumstances. I am committed to getting to the bottom of what has transpired—that is why I am having an independent review—and that includes the allegations made by the leader in her question. I am very happy to come back to her with an answer in relation to that.

MECHEXPO

Mr ODENWALDER (Little Para) (15:04): My question is to the Minister for Science and Information Economy. Can the minister inform the house about opportunities for young engineering students to showcase their talent?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:04): I was pleased to attend the recent launch of MechExpo on Wednesday 24 October that was held at the Wayville showgrounds. For members who may not be aware, MechExpo is an annual showcase for the diversity and breadth of talent of engineering students from the University of Adelaide.

MechExpo provides a great opportunity for more than 60 engineering honours students from the University of Adelaide School of Mechanical Engineering to exhibit the results of their honours project. The honours projects undertaken include those in the disciplines of mechanical, aerospace and automotive engineering, as well as emerging fields, including mechatronic, sustainable energy and sports engineering.

Importantly, these projects provide a valuable link between students and industry. Students have worked with industry partners on the development of these projects. As a result, the skills developed by these students will place them in good stead for the future and will provide future innovation to industry when they move into the workforce.

As members should be aware, there is a significant shortage of engineers across a number of specific engineering disciplines in our state, and also nationwide. Having highly skilled work-ready engineers is critical for the future of our state. Engineers have skills across a range of key industry sectors of the economy, including mining, defence and advanced manufacturing. These and many other industries are dependent on engineering innovation in our state. In turn, this innovation helps creates investment, jobs and economic development. I congratulate the University of Adelaide for another successful MechExpo. I am sure that next year's MechExpo will be bigger and better than ever.

The state's economic prosperity relies on the development of a range of innovative professions in science technology, engineering and mathematics. The state government recognises the importance of skills in science, technology, engineering and mathematics (otherwise known as STEM skills) to our growing economy. Our state's future prosperity will rely on nurturing a culture of innovation, and this means investing in skills which lead to jobs in the STEM fields.

That is why the state government's Skills for All reform of vocational education and training is providing a range of STEM courses without any course fees. These courses, from certificate I to advanced diploma levels, will develop skills that are related to the mining, defence and manufacturing sectors. These courses, without any course fees to be paid by students, include the certificate II in drilling operations, certificate III in telecommunications and a diploma of electrical engineering.

The state government's vision is one where our next generation is highly skilled and embraces technology, and where our businesses prosper and grow in a globally competitive environment through innovation and an increase in productivity. The MechExpo is a great example of industry and training institutions working together to foster the talent of South Australia's young engineers, and I commend them on their efforts.

CHILD PROTECTION

Mr PISONI (Unley) (15:07): My question is for the Minister for Education and Child Development. Can the minister guarantee to the house that there are no other instances where parents and school communities have not been advised of child sex offences occurring in public schools?

The SPEAKER: Minister, that is a very difficult question for you to answer off the cuff. Minister.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:08): Thank you, Madam Speaker. The very issues identified by the member are issues that I am discussing with my department, and they are preparing advice for me in relation to this matter. I would ask that the member also acknowledge that there have been a number of instances when we have engaged in public disclosure, so he has to be fair about that. I am very happy to bring back a response, if that is appropriate.

DAVENPORT COMMUNITY TRANSPORT SERVICE

Mrs VLAHOS (Taylor) (15:08): My question is to the Minister for Transport Services. Can the minister outline to the house the announcement last week relating to the establishment of a transport service for the Davenport community in our north?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:08): I thank the member for Taylor for her interest in this matter. Last week, I announced a new transport service for an outlying regional community, and that is something that is very important for the people in Port Augusta. The future of the regions is very important for all South Australians. While the people over there were savaging each other on the merry-go-round of leadership destruction, we were actually doing something about building our regions and investing in our people.

Public transport services for the Davenport community commenced on 22 October and, following negotiations with the current contractor, Buses R Us, the Augusta Park loop service, which starts from the city centre, has been extended out to the Davenport community. The Augusta Park loop service will run three times each weekday. We are very pleased to be able to deliver this service for the Davenport community. It will provide a crucial link for the community to Port Augusta, with much wider benefits than simple convenience. I am sure that the member for Stuart is well aware of the needs of his particular constituents in that area.

Having this connection alleviates issues such as social isolation and it provides access to wider services. Buses R Us, the company offering the extended service, will be monitoring the route over the next three months to ensure a smooth introduction and ongoing operation. Buses R Us have been in constant communication with my department to bring about these new services, making it a strong collaborative effort. Overall, this new service is a significant win for people living in the Davenport community.

CHILD PROTECTION

Mr PISONI (Unley) (15:10): My question is to the Premier. Does the Premier believe that he has an obligation to explain to parents why, when he was education minister, the education department ignored police advice to tell parents that a serious sexual assault had occurred in their school and that a staff member who had duty of care over their children had been charged with the assault?

The Hon. P.F. CONLON: Point of order: the question contains argument, in that it alleges a state of facts that to my understanding have not been established. It is a bit hard to take a question—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni: Are the police lying, Patrick? Is that what you're saying?

The SPEAKER: The member for Unley, order!

The Hon. P.F. CONLON: How do I know you didn't get it from Criminon, the Scientologists? Madam Speaker, it contains argument—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —that cannot be taken back, but I would ask that the Premier be given leeway in his answer.

The SPEAKER: Yes, it was a question that I will have a look at afterwards but, Premier, you may choose to answer this.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:11): It is a pleasure to be back answering questions from the member for Unley again after all this time.

Mr Pisoni: It's always a pleasure to hand them out.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Can I say that the first proposition that guides all of our activities in this area is about the safety of children. So, the first and immediate steps that were taken, as I am advised and as the minister has advised in this case, is that when the perpetrator was known they were removed from their contact with children. That is what we were advised. The second proposition that I do accept from what the member for Unley raises is that we do need to account to parents. We do need to account to parents about why certain decisions were taken. That is why the minister has chosen to conduct the independent inquiry, and she rightly points out that there are things to balance.

One of the things we need to balance is to make sure that we lock up these people when they perpetrate these evil crimes. One of the factors that bears on your capacity to lock someone up is not to taint the chain of evidence, and we take the best advice that we can get about how we should conduct ourselves to protect the integrity of the prosecution.

Mr Pisoni: You ignored the police advice.

The SPEAKER: Order! The member for Unley, order, or you will leave the chamber!

The Hon. J.W. WEATHERILL: They are important factors, and I will not have the self-righteous remarks being made by those opposite about children in this place when he knows full well that everybody on both sides of this chamber—everybody in all of our agencies—have only one thing at heart, and that is the interests of the safety of children. So, don't come into here with your self-righteous indignation about these children. The only—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. J.W. WEATHERILL: That's right, cue the self-righteous indignation. When you don't have a purpose, shifting around for some sort of moral anxiety to attach yourself is what they do opposite. That is what they do. That is their consistent modus operandi. There is no doubt, if I was a parent in these circumstances and there was—

Mr Pisoni: You would be outraged.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —somebody who had been a perpetrator in the midst of my children, I would want to know about it. I would also want to know, if that did not happen, whether there was a good reason for that, and that is the purpose of the independent inquiry. That will be the material that will be supplied, but the starting point—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: The starting point for all of these matters, until we are able to demonstrate otherwise, is that people were acting bona fide in the best interests of trying to protect children.

POLICE, UNSWORN STAFF

Mr PICCOLO (Light) (15:14): Can the Minister for Police inform the house about the government's support for non-sworn staff in SAPOL and say if a reduction of these vital workers would affect community safety or affect the productivity of front-line police?

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) (15:15): I thank the member for Light for his question, and I know he is interested in every aspect of community safety. When Labor was elected in 2002, the 2000-01 SAPOL annual report showed that 3,750 full-time sworn and 806 unsworn staff were employed. The annual report tabled this month shows 4,606 sworn staff (an increase of 22.8 per cent) and 1,032 unsworn staff (an increase of 28 per cent). Both of these increases are many times the 8 per cent increase in our state's population over the same period. This government offers no apology for investing in more police in South Australia and more people to support our officers. This has been an investment in safe communities and is paying real dividends.

SAPOL's unsworn employees perform vital work. They answer hundreds of thousands of calls for police assistance every year, they are involved in fingerprint and forensic work, collect and analyse crime data, provide protective security work at critical government buildings, monitor CCTVs, provide critical administration that keeps more police in the field more of the time, and manage SAPOL's budget—a budget that has doubled in a decade.

It would have been almost impossible for South Australia to have the highest rate of operational police of any state for the last five years if we did not have the right staff supporting them. I was very concerned when the Leader of the Opposition announced her plan to slash a quarter of the Public Service in this state—

The Hon. I.F. EVANS: Point of order, Madam Speaker.

The SPEAKER: Order! Point of order.

The Hon. I.F. EVANS: The minister is entering debate, standing order 98, and also—

Members interjecting:

The SPEAKER: Thank you.

The Hon. I.F. EVANS: —it is hypothetical, Madam Speaker, as the Leader of the Opposition made it crystal clear that is not the opposition's policy. The minister is bordering on—

The SPEAKER: Thank you.

The Hon. I.F. EVANS: —misleading the house if she continues down that line.

Members interjecting:

The SPEAKER: Order! I refer you back to the question, minister.

The Hon. J.M. RANKINE: Madam Speaker, I understand that the claim was that they would come from back office positions, and that provided no comfort whatsoever. Unsworn staff are less than 20 per cent of SAPOL's workforce, so even if you sacked every back office person, you would still have to find more from somewhere to reach this target. And then what?

The 450,000 calls to the 131 444 line in 2011-12—more than 88 per cent of which got answered in less than 10 seconds—would simply have rung out. If a call is not answered, the police don't know you need help. We would have switched off the CCTV cameras in the city and leave public servants in sensitive departments unprotected. There would be no accountants and finance staff to keep track of a budget, as I said, that has more than doubled to $767 million in the last decade—

Mr MARSHALL: Madam Speaker, the minister is not addressing the substance of the question at all, she is making a whole speech about—

The SPEAKER: Order! Thank you—

Mr MARSHALL: —a hypothetical situation which is misleading the house.

The SPEAKER: The question said, 'Would a reduction in vital workers,' so I am sorry, I do not uphold that; she is answering that. Minister, have you finished?

The Hon. J.M. RANKINE: No, Madam Speaker, I haven't finished.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: If they are so embarrassed by the crime statistics—I know they are up 50,000 under them, and down by about 80,000 under Labor—

Members interjecting:

The SPEAKER: Thank you.

Mr MARSHALL: Could we have a ruling on this please, Madam Speaker? There has been more than four minutes. They are—

The SPEAKER: Order!

Mr MARSHALL: —using up vital time when we want to pursue important questions—

The SPEAKER: Thank you—

Mr MARSHALL: —that are important to the people of South Australia.

The SPEAKER: When you have a point of order, deputy leader, you do not make a speech with it; you come up with your point of order and that is it. You tend to—

Members interjecting:

The SPEAKER: I think you are going to need some counselling on this. But, minister, I would refer you back to the question, and you only have 55 seconds.

The Hon. J.M. RANKINE: These people provide really vital services. My advice to whoever ends up being the police spokesperson: don't shoot the messenger and don't sack the political, sorry, the critical public servants who support—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —who support our police every day.

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis: Ask a question. Earn your pay. Ask a question.

The SPEAKER: Order! Minister for mines, order!

Members interjecting:

The SPEAKER: Order! You just questioned the minister wasting time and yet you are sitting there wasting time yourself. Member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (15:20): My question is to the Minister for Education and Child Development. Has she sought a briefing or advice from the former education minister (the Premier) as to why the school and the department didn't advise parents of child sex abuse in the western suburbs primary school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:20): I haven't hidden the fact that, of course, the Premier and I have had discussion in relation to this matter; it would be irresponsible not to. I have established an independent inquiry—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —an independent inquiry—

Mr Pisoni: Told the media he didn't even remember it.

The SPEAKER: Order!

The Hon. G. PORTOLESI: —an independent inquiry—

Mr Pisoni: Doesn't recall.

The SPEAKER: Member for Unley, order!

The Hon. G. PORTOLESI: —and the statements made by the Premier are completely consistent with the statements I am making in this place. I don't understand why they are getting so excited.

Of course, I am going to undertake various lines of inquiry—that is my job—but, more importantly, I am arranging for a person independent of me, independent of my department, independent of SAPOL, to provide me with important advice on what actually did transpire in relation to this matter. The most important thing is, as I am advised, the man in question was removed from the care of children—that is the most important thing.

WEST BEACH TRUST

Mrs GERAGHTY (Torrens) (15:21): My question is to the Deputy Premier. In his capacity as Minister for Planning, can he inform the house about the key achievements of the West Beach Trust over the past year?

The Hon. I.F. Evans: You tabled it in your annual report.

The SPEAKER: Order!

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:22): I thank the honourable member for her question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The member for Davenport has not read it yet, I presume. I am going to help him with some highlights. The member for Norwood is too busy tweeting to have read it so, anyway, it was tabled today.

Members interjecting:

The SPEAKER: Order! Minister, can you sit down? Order! Will members stop shouting across the chamber to each other. The minister for mines, you are very close to getting thrown out.

Members interjecting:

The SPEAKER: Order! The deputy leader will also stop shouting across at him. Order! Deputy Premier.

The Hon. J.R. RAU: Some people on this side at least are interested in this.

Members interjecting:

The Hon. J.R. RAU: No, we are interested in this.

Members interjecting:

The Hon. J.R. RAU: We will organise a special one for you with pictures, alright? Adelaide Shores is a multi-award winning business and it is an arm of the West Beach Trust which, I know, is very dear to certain members here, and I am sure most of you have visited it. The past year has seen continued growth in the occupancy at Adelaide Shores in spite of a difficult domestic tourism climate.

The complex has also long focused on delivering sporting facilities for the state and the western suburbs. In July, funding from the state and federal governments was committed to the $2.6 million project to deliver new soccer facilities on the site. I note the Minister for Recreation and Sport has recognised the good work at Adelaide Shores and is working with them to support the project. The development will further enhance Adelaide Shores' status as an iconic sport and recreation facility in our state.

Also recognised nationally, on 18 October, Adelaide Shores won the category of Organisational Learning Effectiveness at the AITD National Training Excellence Awards.

An honourable member interjecting:

The Hon. J.R. RAU: I'll tell you afterwards. You guess; start guessing.

Members interjecting:

The Hon. J.R. RAU: There's more; it gets better. I'm just getting to the good bit.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The Adelaide Shores submission was based on the Take the Lead leadership program. Training encouraged collaboration between senior and front-line leaders and delivered amazing results for the business as assignments and projects were implemented throughout Adelaide Shores. Adelaide Shores is an outstanding example of what government business units can achieve. I would like to express the thanks of the government—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I would like to express the thanks of the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I am happy to wait until they have finished. I would like to express the thanks of the government to all the staff, particularly CEO Kate Williams, and to the West Beach Trust Board led by chairman Bernie Lange.

Members interjecting:

The SPEAKER: Order!

WATER LEAD LEVELS

Mr VAN HOLST PELLEKAAN (Stuart) (15:25): My question is to the Minister for Water and the River Murray. Is the minister aware that in routine water quality testing in the towns of Manna Hill, Olary, Oodla Wirra and Yunta lead levels exceeded the recommended Australian Drinking Water Guideline values over a two-year period between 19 January 2010 and 2 February 2012? The Australian Drinking Water Guidelines state:

> For health-related characteristics, performance could not be regarded as satisfactory if the guideline values were exceeded more than rarely. This is consistent with using a high percentile such as a 95th percentile...exceeding the guideline may, in some cases, have significant health effects.

According to FOI received by the opposition, lead levels in these four towns exceeded the safety guidelines against the 95th percentile for over two years.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:26): I thank the honourable member for his question. I will just put it in a bit of context. SA Water maintains the existing supply to the premises in the railway towns (outlined by the honourable member) that were reticulated and previously supplied by Australian National Railways. The water supplies to these towns were non-drinking at the time of the handover and continued to be non-drinking supplies of water.

SA Water is currently carting water to Terowie and Oodla Wirra and supplying bottled water to Cockburn because it is a non-potable supply. Some improvements to water quality have been made in recent years due to the increased maintenance as well as the introduction of filters and pumps at Yunta to take cleaner water from the local reservoirs. Pump and solar power has been upgraded and commissioned at Manna Hill, Cockburn and Olary during the 2010-11 financial year.

SA Water tests these townships on a monthly basis for a range of bacterial and chemical analysis. So we are aware, of course, that these supplies, given their very nature, are non-potable supplies of water, and that is why people do not drink them.

In testing these townships, we followed the recommended Australian Drinking Water Guideline response, where the detection of these characteristics has concentrations above the relevant health-related guideline value by reporting to the Department for Health and Ageing following established protocols. They may one day see, if they get into government, the number of files that you get from SA Water that relate to exceedences from time to time in various areas, not just in these non-potable water supplies.

The detections at the townships have been intermittent in nature, and every exceedence, I am told, has been discussed individually with the Department for Health and Ageing. In all

instances, corrective actions were taken, including flushing and re-sampling. So, yes, I am aware of such exceedences.

What we have to do is seriously look at the way by which we supply water to these railway townships given, if you like, the costs that might be involved in the delivery of a potable water supply and some of the difficulties with that when you transpose the costs against it. As a result, SA Water will continue to ensure that those towns have access to water through those carting water processes. I reiterate the point that these supplies are non-potable drinking supplies of water for the very reason that you have described.

WATER LEAD LEVELS

Mr VAN HOLST PELLEKAAN (Stuart) (15:29): Supplementary question: given that in his answer the minister has highlighted three times that it is non-potable water, why are the people who receive this water told, and I quote, 'Your water must be boiled before being used for human consumption,' yet the boiling will not remove the lead?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:30): That's right and, of course, if you are to use it, we can't be responsible for—we have the same provisos with respect to groundwater contamination here in Adelaide. If you are going to use it, get it tested.

Mr van Holst Pellekaan interjecting:

The Hon. P. CAICA: No, we have not said that at all. What we are saying is that, should you consume this water, you boil it beforehand.

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. P. CAICA: Yes, but it is a non-potable water supply.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Yes, he is just not asking any questions at all.

Mr Marshall interjecting:

The Hon. P. CAICA: I beg your pardon.

The SPEAKER: Order!

Mr Marshall interjecting:

The Hon. P. CAICA: Well, I think that your ascent to the position and the glorious position you've got is not going to solve the problems for your leader, mate. You can't go into an election on a ticket, trying to knock off your leader and then sit alongside her saying that all is forgiven.

Members interjecting:

The SPEAKER: Order!

Mr MARSHALL: Point of order, Madam Speaker. This was a very serious question for some important constituents of South Australia.

The SPEAKER: Thank you. I am not sure what your point of order is, but minister I refer you back to the question. Have you answered the question?

The Hon. P. CAICA: Yes, I think I have, Madam Speaker.

The SPEAKER: Yes, I think you have.

WATER LEAD LEVELS

Mr VAN HOLST PELLEKAAN (Stuart) (15:31): My question is to the Minister for Water and the River Murray. What action has the minister taken to notify residents of the towns of Manna Hill, Olary, Oodla Wirra and Yunta whose water lead levels have exceeded the safety guidelines for

over two years? I remind the house that the minister did say he told the Department for Health but he did not say he told the residents who receive the water.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:31): I did talk about the cost of providing a higher level of water supply and they are quite simply at this point in time deemed to be financially unjustifiable. Notwithstanding that, SA Water has recently considered a number of issues for the management of—

Mr van Holst Pellekaan interjecting:

The Hon. P. CAICA: Well, it is non-potable supply. The idea is 'don't drink it'.

An honourable member interjecting:

The Hon. P. CAICA: That's right. Don't drink it.

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: That's right; exactly. That's my point.

An honourable member interjecting:

The Hon. P. CAICA: Thank you, thank you. So, there have been lots of options considered in relation to maintaining the systems that exist today to improve drinking water standards, the carting of water, of course, the disposal of the systems, and a whole lot of issues to look at the future of those towns with respect to their water supplies.

An honourable member interjecting:

The Hon. P. CAICA: Well, you can't do—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: You can't do much more than advise people that these are non-potable supplies of water. 'Non-potable' means that they shouldn't be drunk, if that is the right word. They should not be consumed.

HOSPITALS, NORTHERN SUBURBS

Ms BEDFORD (Florey) (15:33): My question is to the Minister for Health and Ageing. This is a real question. What were the outcomes of a recent pilot designed to improve timely access to hospital based care in the northern suburbs of Adelaide?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:33): I thank the member for Florey for her question and I acknowledge her interest in health matters. Recently the Lyell McEwin Hospital trialled a different approach to how they manage their hospital to ensure greater throughput of patients through the hospital. Senior clinicians were invited to participate in this process and they suggested ways the hospital could operate more effectively and those suggestions were implemented as part of the trial. The trial also included recommendations of a recent report into the hospital's operations by the Chief Public Health Officer, Dr Stephen Christley.

While both hospitals are undergoing expansion works—the Lyell McEwin to provide an extra 96 beds and Modbury to nearly double the size of the emergency department—both hospitals are striving to meet the growing healthcare needs of the people living in the north. The initiatives covered all areas of the hospitals including pre-admission, the emergency departments, wards, support services and discharge. Initiatives included introducing an emergency department navigator role; extending the ED liaison nurses' hours until 9.30pm; extending the hours of support services such as pharmacy, imaging and radiology; increased use of Hospital at Home at weekends; event-led discharge; and prioritising bed cleans.

During this trial there were more available beds at both hospitals which reduced the wait for a bed for patients in the EDs and, before the pilot, the Lyell McEwin Hospital consistently reported a shortage of up to 27 beds in the morning. During the pilot, this trend was reversed and the beds were available at that time.

There was an increase in the percentage of patients seen, treated and admitted or discharged within four hours in the EDs and a decrease in the number of patients waiting extended

periods for treatment. There were decreases in the use of agency nurses at the Lyell McEwin in medical imaging, reporting times, in the number of mental health patients with a length of stay greater than 24 hours in the EDs, in the average wait for bed cleans and in the average turnaround time for discharge prescriptions.

The CEO of the Northern Adelaide Local Health Network received many positive comments from staff across the two hospitals, so this was an extraordinarily useful trial. It cost about $108,000 to fund the initiatives, but they demonstrated that limited and carefully targeted investments and refocusing existing resources will improve patient care and reduce long-term costs of health care.

Further analysis of this trial is being undertaken with the intention of introducing successful initiatives as a permanent measure. The lessons for this trial will also be shared with other metropolitan hospitals. Another example where, with existing resources, we can get better outcomes and also reduce the cost of our services.

GRIEVANCE DEBATE

CHILD PROTECTION

Mr PISONI (Unley) (15:36): Today we spent quite some time in question time trying to find out just how it can be in 2012 that a department has a policy of dealing with child abuse as secrecy. The sort of thing which we hear about time and time again and which happened in the 1950s and 1960s in Australia and other parts of the world where this type of thing was pushed under the counter, people were not allowed to talk about it and perpetrators were let off the hook. We are still seeing court cases today of people that were abused as children 20 and 30 years ago because of such a policy.

Let us look at the situation at the western suburbs primary school. November 2010, Mark Harvey, director of the western suburbs primary out of school hours care and a part-time SSO dealing with special needs students, arrested and charged with child abuse. This situation was not made known to the school community, and the Premier, the education minister at the time of the assault, has today denied any knowledge of the case, I read in the media.

Under this current minister, minister Portolesi, on 12 February this year, after the trial of Mr Harvey, he was found guilty and sentenced to six years for the rape of a student. At no time were the school community and potentially affected students and families made aware that they had potentially been exposed to child abuse.

We know this man had been at that school for at least three years. We heard yesterday from one of the mothers whose children, she has discovered, have since become victims of this man. He made himself the most popular man, the most popular person at the school, and we now know why. Many others have only been made aware of the situation through media reports at the time of Mr Harvey's conviction, and my recollection was it was only a very, very brief report.

It is alleged that the school governing council were threatened by the department at losing their indemnity if they made the issue more widely known. In other words, the department warned the governing council, the governing council chair and others, that if they spoke outside of the governing council about this issue, they may be sued. A departmental email to a concerned parent that I have viewed would back the view that the department was very comfortable with the decision to provide no official notification to the school community.

Since this time, through their own investigations with their own children, parents have discovered that the abuse is more widespread. Many parents were justifiably outraged that they were never made aware that their children had been potentially exposed to the sexual abuse from a paedophile working in a position of trust at their school and in the education system for a very long time.

Some of these alleged assaults by Mr Harvey at the school on the school students have since become the subject of further SAPOL investigations, I have been advised. Yesterday in this parliament, the minister stated categorically that her advice was that SAPOL had provided the school with the advice not to send information to the community about this incident. SAPOL responded extremely quickly when they heard that news and released a statement yesterday, and I quote from that statement:

The principal was present at the time of the arrest [this is of Harvey] and was advised by police that she should consult with DECS [the department] to formulate a method of advising the school community of what had

occurred. The principal was also advised that it was not the role of the police to inform the school community. Once the school principal had been advised and SAPOL lodged a notification with the Child Abuse Reporting Line...its mandatory notification processes were complete.

The minister must table the advice she relied on in the house yesterday that is in total contradiction to the information since provided by the police on this issue. It is extraordinary that even after the release of that advice by the police yesterday, the minister is still in denial that the wrong decision was made not to tell the parents of that school that their children were in the care of a paedophile.

COMMUNITY GROUPS

Dr CLOSE (Port Adelaide) (15:40): Last week I held a forum on community safety bringing together the local police crime prevention leader with residents from around the Le Fevre Peninsula. I did this at the Taperoo Community Centre, and it is about this centre, and about community centres more generally, that I wish to speak today. There is great need in our community. For all the progress, for all the government services, for all the great achievements in health and education that have improved people's lives, there remains great need. I see that in my electorate every day when I go doorknocking, when I spend time with community groups and when I go to the schools.

The answers to that need are manyfold and much of it is squarely the responsibility of government through its various services, but it is also the responsibility of each of us to care for each other, whether that be through a community group or just keeping an eye on how our neighbours are going. Community centres—and Taperoo is an outstanding example—are places where some government money and a whole lot of community-based organisation and basic neighbourliness come together.

The Taperoo Community Centre is run by an extraordinary woman who brings together training and caring to make a place where people feel welcome, can develop the tools they need to be self sufficient, and feel that they can make a difference to others. Whether it is the over 50s getting together for a chat, some activities and a cup of tea, or a single mother looking to return to work and developing her computer skills, or a recovering drug addict learning how to have self-confidence and to empower themselves, all these people and many more are welcomed and cared for.

Holding the forum on community safety last week in the centre was a natural fit because the Taperoo centre, like so many others around the state, is a central point for the local community to connect, to care, and to take responsibility for how their community is developing.

FREEDOM OF INFORMATION

Ms CHAPMAN (Bragg) (15:42): If transparency and accountability were a legitimate and valiant aspiration of this government, then surely the events of the last few weeks would confirm that that has evaporated. I wish to bring to the attention of the house today the judgement of Her Honour Judge Cole of the District Court who, on 27 September this year, dismissed the appeal of the Department of Planning and Local Government against me in their attempt to seek a determination of the Ombudsman be overturned. In her judgement, Her Honour dismissed the department's appeal and, hence, the Ombudsman's determination remains intact in full.

Essentially this related to an application that I made, now over two years ago, on 12 May 2010 to the department of planning and local government, as it was then known, under the Freedom of Information Act, in which I sought, and I quote:

> The submissions listed as 'unavailable for public inspection at the request of the submitter' on the list of submissions received by the State Government in regard to the Draft 30-Year Plan for Greater Adelaide.

On 9 June that year, that is, a month later, Ms Amanda Nicholls, the accredited freedom of information officer, determined to grant partial access, releasing 32 documents, but determined that 89 documents in full and 10 documents in part were to be denied.

I sought an internal review on 10 June and Mr Ian Nightingale, the then chief executive officer, made a further determination supporting the rejection. There was then an application for external review of Mr Nightingale's determination on 11 July 2010, in which I asserted that the 30-Year Plan for Greater Adelaide is a document prepared to guide development and public policy for the next 30 years. A public call for submissions was made and therefore it could be assumed all documentation surrounding the formulation of the plan is in the public interest and, secondly, that it would appear extremely unlikely that a person making a submission of this nature would want their details withheld for fear of being identified by a former spouse in relation to domestic abuse. If a

person was in that situation, it would be far more likely they would be making an anonymous submission.

That, incidentally, was one of the pathetic excuses, I have to say, that the department used, talking of not disclosing documents, that is that it might cause some domestic abuse. Then we had the extraordinary claim by Mr Nightingale that because 500 documents had already been released and that was the overwhelming majority of documents, we should think ourselves lucky that we got that and that should be considered reasonable.

For obviously valid reasons, the Ombudsman rejected the refusal of the disclosure of these documents. He provided a comprehensive determination, identifying and separating where there had been personal submissions or where there had been business submissions. Essentially all the arguments that had been presented had been dismissed, as I say, but the Ombudsman clearly identified that the disclosure of the documents on balance would be in the public interest.

That is, of course, the reason we have the Freedom of Information Act. What is concerning, and I bring it to the attention of the house, is that that determination is there and of course has been a determination since 2 March 2011. That was 18 months ago. The appeal has been in; it has been dismissed and yet over a month later, that is even something like three weeks since the date of the appeal period from which the government could appeal if they wanted to has expired, they still have not produced one single document.

My office has made inquiries in relation to when that will be available. They are still thinking about how they are going collate it. That is the last that we have. They are going to get back to us, possibly by the end of the week, to give us some update. This is a scandalous situation. It is a totally unacceptable situation. This department had a direction back in March 2011. It has exercised its right of appeal. It lost; it has not gone any further and yet still it denies the public of South Australia that legitimate documentation. It is a disgrace.

MALALA YOUSAFZAI

Ms BEDFORD (Florey) (15:47): At the beginning of this month, I was shocked to learn of the shooting of a 14-year-old Pakistani girl, Malala Yousafzai, singled out while on the bus taking her home from school. Malala was only 11 when she stood up to those who feel girls should not have access to education. I quote from an article in *The Advertiser* on 13 October:

> Amid public outrage, the Pakistani Taliban—

who had claimed responsibility—

> issued a statement seeking to justify the cold-blooded murder attempt on a child, saying Malala had preached secularism 'and so-called enlightened moderation'.

In a democracy such as ours in Australia, we struggle to understand such extreme fundamentalism. Malala came to the world's attention when her diary, written under a pseudonym, was the basis for a series of reports by the local Urdu language service of the BBC about three years ago. In her blog she described what was happening in Swat which was then under Taliban control, when Islamist militants burned girls' schools and terrorised the valley.

Malala received the first national peace award from the Pakistani government last year and was nominated for the International Children's Peace Prize by advocacy group KidRights Foundation in 2011. In early 2009, Malala spoke out on television, always sticking carefully to her demand only for schooling. In a Pakistani television appearance in Swat with Taliban sympathisers in the audience, the then pre-teen Malala said:

> I don't mind if I have to sit on the floor at school. All I want is an education and I am afraid of no-one.

Malala said then that her ambition was to become a politician. Politicians can be agents for change. The shooting, of course, sparked international outrage and highlighted the need to work for rights of women and girls who, in the words of Hillary Clinton:

> ...struggle against tradition and culture and even outright hostility and, sometimes, violence to pursue their hopes and potential to have a life of meaning and purpose and make contributions to their families, their communities, their countries and the world.

Malala is making a remarkable recovery in the Queen Elizabeth Hospital in Birmingham, England, and I know we all wish her a speedy and full recovery, and a safe future as she continues her struggle for access and equity—things often taken for granted—and ideals that inspire us to represent our communities.

This event has brought more sharply into focus for many the importance of the participatory democracy system by which we are governed and the fragility of democracy in a country where the rule of law is not held as dear. That each of us could become activists on any issue about which we held passionate convictions without fear of violent reprisal illustrates how important Malala's stand is and how important dissent is to the democratic process. When we accept without murmur decisions we know will impact on vulnerable people and disadvantage those already disadvantaged, it is time to remember people like Malala.

All over the world, people struggle for a better existence and draw a line in the sand, often at terrible personal cost. Even to vote in an election that may not be fair comes at great personal risk and, in some cases, will leave a person marked for later reprisal. All over the world we see activism beginning in response to austerity measures or decisions that will have longstanding consequences apart from denial of services. Activism, along with dissent, is another important part of the democratic process.

History teaches us many lessons—that bad things happen when good people are silent. There are many examples of that and history shows us what is possible when people work together. Solidarity is strength, the suffrage struggle where our own Muriel Matters worked so hard being one example. Raised in this great state in its early days and in her formative years, it is no mistake that Muriel was galvanised by her experience of what was actually possible.

Democracy does not happen only one day every four years, on election day: it happens every day. It is up to us to make sure that that is always the case. Be prepared to take a stand, and back a person who proposes something that makes sense, particularly in the face of opposition. Like Malala, never be afraid to ask a question, to make those in authority justify their position. Ask for just outcomes. Be involved, and even formalise that involvement by joining a group or even just joining in on a struggle on a single issue. Many hands really do make light work.

You cannot change things unless you are involved, and I do not mean change for change's sake. Rather, we can always strive to do better. Let us be the change we want to see, wherever we can be, within our own workplaces or the wider community. That is true participatory democracy.

WATER LEAD LEVELS

Mr VAN HOLST PELLEKAAN (Stuart) (15:52): I rise today to speak about a very alarming issue to do with water quality affecting people I represent on the Barrier Highway in the electorate of Stuart and to advise the house that between 19 January 2010 and 2 February 2012 there were 573 routine quality tests for lead content in Cockburn, Manna Hill, Olary, Oodla Wirra, Terowie and Yunta.

Thirty-two of these tests showed results that lead had exceeded the Australian Drinking Water Guidelines. Four hundred and fifty-seven of the tests occurred in the towns where they are advised that they can drink the water as long as they boil it first. Twenty-three of these samples showed the Australian drinking water guidelines recommended had been exceeded. Let me state very clearly that the people in those four towns are advised that 'your water must be boiled before being used for human consumption'. So the inference is very clear: if you do boil it, it can be used for human consumption.

The Australian Drinking Water Guidelines health guideline for lead is 0.01 milligrams per litre. Let me explain, reading directly from the Australian Drinking Water Guidelines, the 95th percentile test. It states:

> For health-related characteristics, performance could not be regarded as satisfactory if the guideline values were exceeded more than rarely. This is consistent with using a high percentile such as a 95th percentile.

Very importantly, water quality testing for Manna Hill, Olary, Oodla Wirra and Yunta (the same four towns) all failed the 95th percentile test as well.

Madam Speaker, I am sure that you will remember that back in February this year I raised exactly this issue in this house with the minister, and his answer was along the lines of, 'Well, lead every now and again isn't such a big issue. As long as it is just rarely consumed, it is not a problem.' Now we know it is a problem. It is failing the 95th percentile test. I also know that the minister has been aware of this, because I raised it with him in February. He has known about it since then. He would know of the freedom of information requests that I have put in since then. He would know of that information and yet he has done absolutely nothing yet to correct the situation.

On another very important issue, the residents of this town pay $13 per kilolitre for this water—$13 per kilolitre for water that you cannot even drink. That is an issue that I raised with the minister back in February as well. It is a disgrace that they are paying approximately four times the price of metropolitan Adelaide customers, who can drink their water, for water that these people cannot even drink. This FOI has uncovered some more information. Let me read to you from an internal SA Water email. It says:

> ...it troubles the Board that we charge customers in these towns more for non-potable water than we charge customers in other towns for potable or non-potable supplies.

This is a very important issue. These towns may be out of sight, out of mind to the minister, but they are not to me and they are not to members of parliament on this side of the chamber. People living in small towns deserve to be looked after properly.

I understand the economics and the difficulties, but let me say that, in my opinion, the big problem the minister has here is the poor quality of water that he has supplied to the people living in these towns. The bigger problem that he has is that the water that he is supplying does not meet the quality guidelines that he has set for himself and his department. However, the biggest problem that the minister and the government have, which is completely inexcusable, is that they have known about this and they have not advised the residents. SA Water told the health department, but they did not tell the people who consume this water.

Let me tell you again very carefully: 'residents are advised that your water must be boiled before being used for human consumption'. Very clearly, they can expect, if they do boil it, that it is okay for human consumption, and we all know that boiling water will not remove the lead. The minister knows this, SA Water knows this and the government has been very well aware of this. I have only just become aware of the freedom of information material. It is inexcusable that the minister and the government did not tell the residents that this water was not safe to drink and consume—used for washing their vegetables, for bathing their children, even if they did drink it.

MCLAREN VALE BUSHING FESTIVAL

Mr BIGNELL (Mawson) (15:57): It gives me great pleasure to rise today to congratulate all those involved in last week's McLaren Vale Grape Wine and Tourism Association Bushing Festival lunch, where the very best wines of the region are celebrated. Once again, it was a magnificent lunch attended by 600 people at Penny's Hill in a large marquee. It gets bigger and bigger each year and there was another sellout crowd this year.

I pay tribute to those who won awards and will quickly go through the list. The Best McLaren Vale Chardonnay and Blend was the 2011 RockBare Chardonnay. The best McLaren Vale White Wine Other was the 2012 Oliver's Taranga Vineyards Small Batch Fiano. I have to say, it is a magnificent wine. Corrina Wright, the winemaker down there, is a fifth generation member of the family, who have been part of McLaren Vale since the late 1800s. Congratulations to Corrina and all the team at Oliver's Taranga Vineyards.

The Best McLaren Vale Rose or Sparkling Wine: there was a commendation for Fox Creek Vixen. The Best McLaren Vale Shiraz under $25 went to the 2010 Doc Adams Shiraz. Congratulations to Adam Jacobs who is doing a great job. He was very excited last Friday. He was having a great time at the lunch. The Best McLaren Vale Shiraz $25 to $50 was the 2010 Wolf Blass Grey Label Shiraz. The Best McLaren Vale Shiraz over $50 went to the 2009 Serafino Sharktooth Shiraz. Congratulations to Steve Maglieri and all the team at Serafino. The Best McLaren Vale Cabernet Sauvignon went to the 2010 Rosemount Limited Release McLaren Vale Cabernet Sauvignon. The Best McLaren Vale Grenache was won by SC Pannell Grenache from 2010. Steve Pannell is producing great grenache year after year.

The Best Single Red Varietal Other was won by the 2011 Rosemount Nursery Mataro. The Best McLaren Vale Shiraz Predominant Blend was won by 2010 Willunga 100 McLaren Vale Shiras Voignier. The Best McLaren Vale Cabernet Predominant Blend was the 2011 Rosemount Traditional Red. The Best McLaren Vale Grenache Predominant Blend was the 2011 Rosemount Estate GSM. The Best McLaren Vale Red Blend Other the 2011 Rosemount Nursery Project GMG. For the Best Fortified Wine, there was a commendation to Wirra Wirra's Empire Series Muscat.

The Best McLaren Vale Museum Wine was the 2004 Hardys Eileen Hardy Shiraz. The Best McLaren Vale Icon Red Wine was won by Wolf Blass Grey Label Shiraz 2010/2004. The Best McLaren Vale Pre-release Wine was the 2011 Rosemount McLaren Vale Dry Red. The Best

Fleurieu Peninsula White, Rose or Sparkling Wine was won by the 2012 Lake Breeze Vermentino, who are our friends down there at Langhorne Creek.

The Best Fleurieu Peninsula Red Wine was won by the 2010 Clarence Hill Grenache Shiraz. The Best Small Batch Wine went to Steve Pannell again with his 2010 SC Pannell Grenache Shiraz. The Best Single Vineyard Wine Any Style was again won by Steve, with is 2010 SC Pannell Grenache; it is a great wine, too. Steve followed it up with The Best Single Vineyard Viticulturalist Any Style Award as well.

The Best Small Producer went to Oliver's Taranga Vineyards for their Small Batch Fiano of 2012. The Most Successful Exhibitor Award of course, having listened to that list, was Rosemount Estate. The International Judges Best Wine was the 2011 Rosemount Nursery Project GMG, and the Chairman's Trophy went to 2011 Yangarra Estate Vineyard Grenache.

It is no surprise, after hearing the amount of times that Rosemount were named there, that the great honour of becoming the bushing king was shared between the very good winemakers out at Rosemount Estate, Matt Koch and Andrew Locke. Congratulations to both of those gentlemen who were crowned the bushing kings for this year, and they looked very good in their robes and crowns. I am sure they will do a great job as leaders in our community, just as others who have gone before them have done.

It is a great tradition, the McLaren Vale Wine Show and the wine lunch, and I think it is in its 48th year of crowning a bushing king or bushing queen. Long may the tradition continue.

SELECT COMMITTEE ON THE PORT AUGUSTA POWER STATIONS

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (16:02): I move:

That Mr Whetstone be discharged from the Select Committee on Port Augusta Power Stations, and Mr Treloar be added.

Motion carried.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 30 October 2012.)

The CHAIR: We now proceed to the examination of the Auditor-General's Report in relation to the Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, and Minister for the Arts, for a total of 30 minutes. I remind members that the committee is in its normal sessions, so any questions have to be asked by members on their feet, and all questions must be directly referenced to the Auditor-General's Report. The member for Morphett.

Dr McFETRIDGE: My first question to the minister refers to 'Audit overview', page 4, and also 'Agency audit', Volume 3, page 683. I am referring to the 'Hospital budget performance and remediation review', and also the savings that the department has been asked to achieve. I understand that the department has spent over $800,000 on consultants to tell them that some of the key drivers, such as length of stay, same-day activity and utilisation rates are high, and some of them can be increased. What does the department actually look at monthly? I understand that the department—

The Hon. J.D. HILL: Could you say that again, sorry?

Dr McFETRIDGE: What does the department actually look at in their monthly reports so that we need to spend the $800,000, or whatever it was, on the KPMG and Deloitte report?

The Hon. J.D. HILL: I thank the member for his question and I, in passing, welcome him back to the health portfolio, if it is pro tempore or a bit longer. I am also advised by Jamin Woolcock, the chief finance officer from the department.

In relation to that question, which is more of a policy related question than a finance related question, the department and I are faced with some fairly difficult funding decisions and we wanted to make sure that we had a good objective look at the way our system works. I think that, if you do get outsiders who have got expertise and who have had experience and worked in other jurisdictions, you get a more independent and a sharper focus on the issues, and I think they have more credibility, I guess, than if we did it internally.

That is not to say that we do not do things internally as well. There is a whole range of things that we are looking at. This was really benchmarking our system against other jurisdictions. Overall, our system is slightly more expensive than the national average. I think we are probably about third or so in terms of the most efficient systems, so we are not that far off. There are things that we can do.

For example, the monthly reporting that would be done by the department would not cover the fact that certain surgical procedures are done more frequently in our state than in other states. So, if we do more of a particular type of surgery here than is done elsewhere, it does raise the question of why we are doing it more. It may well be that it is an appropriate level or it may be that we are overservicing just because we have a lot of staff employed in that area. There is a bit of a push/pull sort of relationship between the number of staff and the number of procedures. So, that is an example of what outside expertise can provide you with.

Dr McFETRIDGE: Same reference, minister: I understand that the department and network executive receive detailed performance data on a monthly basis led by the health information unit under Mr Steven Archer. What work does he not do that you need to pay the $800,000 to these consultants for?

The Hon. J.D. HILL: My answer to this question will be the same as it is to the first question. Mr Archer's role and the government business unit's role is to make sure that we implement the savings measures which have been agreed on and that we have a rigorous approach to the operations of our department from a financial management point of view.

Those reviews were looking at the operations of our hospitals and benchmarking them against national systems. So, do we have more or less numbers of nurses to do particular jobs in South Australia than the national average? Do we have more beds for particular procedures than is done nationally? If we have more, then it raises the question: are we doing more than we ought to? It may not necessarily be so, but it does raise the question. That is not something you can easily do internally. You need somebody who has got that external expertise and that is what we paid for.

Dr McFETRIDGE: The same budget reference, minister: I remember reading a few years ago now—and you can remind me how many years ago—the Paxton review. From memory, it identified many of the same things that we are seeing in the KPMG and Deloitte reviews, such as activity performance, the AAU at the Repat, medical overtime and detailed extensive savings to the system. I do not see any of the report's recommendations being implemented and we are seeing this again. I understand David Swan, the current chief executive, was in charge of operations at the time of the Paxton review, so I am a bit concerned that we are just going to have groundhog day here.

The Hon. J.D. HILL: That is a fair point, I guess, that the member makes. We have had a number of reviews and we are continually focusing on improving. For example, one of the important issues for us, which I mentioned in question time yesterday and I mentioned in media reports, is the average length of stay, and that has been coming down in South Australia.

Mrs Redmond interjecting:

The Hon. J.D. HILL: The puerile pointscoring that the Leader of the Opposition is now beginning to make will take away dramatically from what I think was a friendly tone that the member for Morphett and I had established. If she continues like that, I will give back in good measure what she is providing.

I was making the point that there have been a number of reviews to look at how our system operates, and elements of those reviews have been implemented. The average length of stay has reduced. In fact, if you turn to page 740 of the report, you will see that in metropolitan hospitals the average length of stay in 2010 was seven days. It has now gone to 6.8 days in the metropolitan area. It has gone in reverse in the country, but that does not particularly perturb me because we are doing more procedural work in the country. In fact, patients who have greater needs are being looked after in the hospitals. That shows that we have made some improvements, and we need to make further improvements. That is looking at only overnight patients.

If we look at all the patients, including the ones who go in for day only, they are spending about three quarters of a day on average longer in a hospital system that the national average. So, there is considerable room for improvement. Trying to identify how you make those improvements and working out the ways of extracting the resource from the system is very complex and very difficult. We obviously want to do it in a way which does not diminish the care of patients. We

cannot just take little bits out here and there because we do not make the savings. Trying to work out a way of capturing all those little bits and seeing a substantial benefit for it is what we pay for advice for, and I think we got advice on how to do that.

Dr McFETRIDGE: I refer to the same budget reference, minister, particularly page 683 of Volume 3, dot points 1 and 4: the identification of key drivers and the preparation of recommendations and potential financial improvements. It was disturbing to hear Christine Dennis announce her resignation from Flinders, and she is not the first, unfortunately. We have seen the recent revised financial government arrangements in the bulletin sent out by the chief executive, and we will talk about Oracle in a moment.

What information has been given to the chief executives, because you have centralised finance? Are they able to ensure that their budgets are going to be met? We can look at some of these things: the revisions to delegation levels and approvals that were outlined in this bulletin, such things as the engagement of agency staff, locums, including nursing and medical and allied health staff. There will be no over-contracted over-budget hours for medical staff, including VMS, without the general manager's approval. There will be no minor works or minor equipment purchases without the general manager's approval. The allocation of mobile phones, iPads and other such devices will be reviewed. All overseas and interstate travel, training and development programs, non-core, non-critical equipment expenditure and repairs and maintenance need to be approved by the general manager. Does the general manager—people such as Christine Dennis—actually have the information at their fingertips so they can meet Treasury's demands?

The Hon. J.D. HILL: I am not sure what point you were making about Christine Dennis's resignation. It was a cheap political shot. I can make as many cheap political shots as you like about resignations, changes in leadership and deputy leadership and the number of deputy leaders you have had. If you want to take shots at people who move in and out of our department, I will return fire with fire. Christine Dennis is a fine public servant. I spoke to her on Friday and wished her the very best. She got a promotion in the Northern Territory and she is entitled to pursue her career interests as she sees fit. It has absolutely nothing to do with the Auditor-General's inquiry. Highly skilled public servants in health are valued right across Australia, and there is a lot of movement. We recruit—

Mrs Redmond interjecting:

The Hon. J.D. HILL: There she goes again, Mr Chairman.

The CHAIR: Minister, can I suggest we both keep to the point, and I do not need a running commentary from the Leader of the Opposition. If you wish to ask the questions, I suggest you take the podium here and ask the questions or else just please sit there and listen.

The Hon. J.D. HILL: She is not in her seat either, Mr Chairman.

The CHAIR: Well, she might be.

The Hon. J.D. HILL: Yes, she might be; that's true. Christine Dennis has left the system and I wish her the very best. She has been a very good public servant in South Australia.

The CHAIR: The question?

The Hon. J.D. HILL: Yes, well, they were the opening remarks he made and he was leading into the question. The LHNs have now been established. They have budgets and they have authority to manage those budgets, and we expect the executives of those hospital networks to manage their budgets appropriately, and the kinds of measures that they are putting in place are the kinds of measures we would expect them to put in place.

The financial environment for the state and for the health system as well is much tighter and tougher than it was in the past, so you would expect people to be taking stronger measures to make sure that budgets come in online. It is a most complex set of businesses that we run in the health service and it requires a lot of effort.

Dr McFETRIDGE: Just on that, minister, can you assure the committee that the CEOs, the general managers, are actually getting all the information they need, that they know exactly what their budgets are? Are there timely updates so that they know exactly where they are going?

The Hon. J.D. HILL: The advice I have is yes. They get a monthly report which has a whole sequence of information from an LHN level right down to some divisions within it. The advice I am getting is that the head office works with them on a monthly basis and, if they require further

information, that can be provided to them. We will improve this, too, as we roll out Oracle and as we roll out the Enterprise Patient Administration System (EPAS) so that the tools that they have to do their work are not as good as we would like them to be but over the next couple of years those tools will be considerably strengthened.

Dr McFETRIDGE: Just mentioning EPAS there—and the reference here is page 682—I think the EPAS cost half a billion dollars and you are still having to maintain Legacy systems with the introduction of EPAS, so why are you not including EPAS in the country hospitals and others as an add on to this? How long are you going to have to operate the Legacy systems and separate systems and how much is that going to cost as well as the EPAS?

The Hon. J.D. HILL: Obviously EPAS is not a matter covered by the audit in this level of detail, although the Auditor does mention that he is going to have a closer look at it later on in this financial year. The rollout of EPAS will be completed, as it says here in the Auditor's report, by June 2014, and the first sites will be rolled out early next year, as I understand it.

I have to say that I meet on a monthly basis with the people responsible for EPAS and they are doing an extraordinarily good job. I believe they have a huge commitment from staff, massive amounts of motivation and a highly professional approach to this. This is a dramatic game-changing system which will revolutionise the way we run our health systems. The potential for cost savings is enormous but the potential for improved patient outcomes is also enormous. I think it is $400 million over 10 years that is the cost of running the system, so it is not a $400 million installation cost, it is a $400 million service over that 10-year time with the support that is required. I am very excited about it and I know the clinicians who were involved in it are very excited about it, too, and it will transform the way we run the health system.

Dr McFETRIDGE: That $400 million, that is the ongoing cost. What was the initial licensing cost or purchasing cost of the software?

The Hon. J.D. HILL: I do not have the individual breakdowns. I am happy to provide that, provided it is not commercial in confidence and I do not imagine it would be.

Dr McFETRIDGE: On the same budget reference as previously, the Audit Overview page 4 and Agency Audit, Volume 3, page 683: talking about the hospital budget performance review, as to the centralisation of many of the areas within health both in the central office and within hospitals such as finance procurement, human resources, medical imaging, pathology and now pharmacy, are they demonstrating the savings that you had expected? Where are the savings going to come from now that you have undertaken this degree of centralisation?

The Hon. J.D. HILL: It is a mixture of both savings and improved services. I guess the approach that we are taking is to have an integrated service delivery model clinically, so we have a series of clinical networks which are involved in planning services for the whole state, so there is a cancer network. In the past, services were developed on an ad hoc basis depending on the interests and needs of local hospitals and communities so some communities missed out. The north, particularly, had very little in the way of cancer services or heart services but we now have a planned approach to delivering that.

We also have an integrated approach to delivering financial services and the evidence really is in the fact that this year this audit contains all of the financial reports for SA Health including the Department of Health, the LHNs and the ambulance service, so that is seven sets of reports. In the past, and this is why the audit was not completed until April this year, the Department of Health has had its report presented, head office has had its report presented and then the agencies have not been completed for some months. That has always been standard practice under both sides of politics but, because of the centralisation, the integration, we now have the capacity to do that work.

That is a huge benefit for accountability and management of funds and will produce savings because if you have one system which you have to maintain and not a dozen or 18 systems that we currently have, we will make huge savings. We anticipate, and I am not sure how many, we will need 100-plus fewer finance people once Oracle is completed. There is obviously a transition cost and a transition process, but the end result will be a much leaner system. We are seeing the same thing in pathology; we are seeing the same thing in pharmaceuticals and in imagery. It is about better services but it is also about delivering things in a more efficient way.

Dr McFETRIDGE: Thank you, minister. In that same reference regarding the restructure of finance and corporate services to this ideal centralised structure that you talk about, why then does the department need so many contractors and consultants? I have heard that Ernst & Young and ZED consultants are almost full-time in the department. Is it not cheaper to hire people on a short term basis if you are really serious about the savings? Could you advise the committee of all consultancies in the department over the last two years, the projects and costs—and I understand the Auditor-General is looking for this information as well—as well as all the contractors currently working in the department, especially those who do not appear in your FTEs? You keep talking about losing positions in central office but everybody who talks to me says that you have been backfilling these with more consultants and contractors.

The Hon. J.D. HILL: There are a range of arrangements put in place. ZED, as the member mentioned, has the expertise to implement the EPAS system. We do not have that expertise; I do not know if it is readily available on a short-term contract basis of individuals who we could bring together to form our own company but there would be considerable risks in doing that. We are getting the established expertise by that group. It is a bit like when you are building a house. You can play the part of builder and bring in all the trades yourself but you are taking considerable risks if you do that. I have had some renovations done in the past where I did that, but I had some strong guidance, but you do take a big risk.

Alternatively, you can get a builder who does all the work for you and you have a contract with them and they are responsible for the outcomes. I guess that is the kind of nature of the contracts like ZED that we have. We also go to outside organisations like KPMG, Ernst & Young and all of the other big accountancy firms for expertise, where they have expertise in financial management. We bring them in for particular projects but the more ongoing projects are really about the rollout of particular programs in our system. I cannot really see a more sensible way of doing it. I just do not think what you are suggesting is practical.

If it was a simple project which involved a person doing a task, then I guess you could go to the market and employ somebody to do that task, but what we are talking about is a rollout of an information system right across our health service, involving all our employees—30,000 employees. We do not have that expertise in the health system. I doubt if we have it in government, and even if we did have it in government, we could not utilise all of it for the purposes that we want for the period of time that we want it. I think what they are doing is reasonable.

Dr McFETRIDGE: Just on that, I understand the Auditor-General has asked for a list of all consultants.

The Hon. J.D. HILL: I do beg your pardon. The annual reports provide all of the consultants. If you look at the last of our annual reports, it will say last year's, and the next one will say this year's.

Dr McFETRIDGE: On the same reference, as you said, hospitals are complex places, so implementing changes to clinical practices such as length of stay, utilisation rates, increased same-day stay rates, will take, I would imagine from my understanding, about 12 months to lead in. How long do you believe that these changes are going to take to implement? How will the beds that are to be shut be managed with these changes in clinical practice? I understand that clinical staff are seriously concerned about how this is going to work.

The Hon. J.D. HILL: That is true. I think the member makes a reasonable point. Change in the health service is very difficult. I think that is absolutely true. Culture change is particularly difficult, and one of the reasons why the Auditor-General in the last report criticised the agency in particular over the introduction of Oracle was that we had not implemented it. The Oracle system is terrific; we just had not implemented it in the way which got all the staff using it in the way that it is meant to be used. That is not a criticism of the staff; it is just a critique of how we went about culture change in our organisation. I think we have learnt from that now and we are implementing things in a steadier and a more systematic way.

It is true, too, that in relation to reducing length of stay, the recommendations in relation to nurse-led protocols are very significant and we will have to carefully manage that. One has to be a bit careful about overestimating how quickly and easily it can be done, but there is a strong commitment, I think, from the nurses in particular, but also from doctors, that this is the right way to go, so we will trial it at Flinders Medical Centre.

The trial essentially will be about developing the protocols. What is the protocol for a patient who has a particular set of conditions to be able to be released? When do you know,

objectively, whether or not they are okay to leave the hospital? That has been done in other jurisdictions, so I guess we can learn from those. We will trial it at Flinders. I imagine the trial will not be across the whole hospital at once. We will not have every particular condition being trialled at once.

We might work, for example, on people who have come in because they have a gastric problem. What are the factors which will tell you they no longer have a gastric problem? You do not have to think about it too long to work out what might be on that list: temperature, whether they can eat, all those kinds of things. Then the nurse says, 'Yes, you can do this, you can do this.' They are on their medication, they can walk, they can eat, they can do whatever they can; yes, they are ready to go home. We will roll that out and expand it over time and over place. I cannot tell you precisely how long it will take to implement, but I think with goodwill we can do it relatively quickly, at least get the first parts of it happening relatively quickly.

Dr McFETRIDGE: I will make this my last question. The leader has some questions. I refer to Overview, page 5, Net lending. What is the net finance lease liability for the new Royal Adelaide Hospital in 2012-13? Is there an expected revenue or positive capital asset realisation expected from the old Royal Adelaide Hospital?

The Hon. J.D. HILL: I am sorry, what was the first part of the question?

Dr McFETRIDGE: What is the net finance lease liability for the new Royal Adelaide Hospital for 2012-13?

The Hon. J.D. HILL: I will get some further information but I do not believe there is any liability until we, in fact, take over the site, which will be in 2016. I do not know if the Auditor-General has a particular issue in mind. I am not sure precisely what he means. I do not believe there is any liability, but I will have that checked.

In relation to the existing site, this matter has really now been referred to the Minister for Planning's department. We are thinking through what might happen on that site. There will be a whole range of costs in terms of clearing and removing contamination and there may well be some income-generating streams, too, from somebody else wanting to use the properties, but that has yet to be fully thought through.

Mrs REDMOND: Referring to Part B: Agency Audit Reports, Volume 4 at page 1085, about halfway down the page are two dot points that I want some clarification on. The first relates to the Museum board, which comes under your jurisdiction, of course, as Minister for the Arts. One of the requirements at the first dot point is that the Statutes Amendment (Arts Agencies Governance and Other Matters) Act, which was introduced in May last year, required the board to:

- seek the approval of the Treasurer to hold and trade in shares

The explanation goes on to say that they did not actually comply during the last year with the requirement of having the approval: they had not sought the approval of the Treasurer as required by the amended act. Could the minister explain what shares the Museum board holds, what they trade in, what is the value of those shares and what generally has been the position in relation to their trading in shares in the 12 months that they have conducted that without any approval?

The Hon. J.D. HILL: The advice I have is that, obviously, this is a matter for the Museum board, which is an entity in its own right. Arts SA is assisting them to get the appropriate approvals in place. In terms of the details of whatever share portfolio they have, I am not aware of the details and I am happy to get a response for the member.

Mrs REDMOND: It is a matter for the minister, I would have thought, since there is a legislative requirement that they get the approval of the Treasurer to do it, and the Museum board comes under your jurisdiction. But, if we can move to the second dot point, the requirement of the act is also that they:

- either have a budget approved by the Minister for the Arts or have approval to expend funds in the absence of an approved budget

Last year, they put in a budget which you approved, minister, four days before the expiry of the financial year. They have now put in the next budget. Can the minister give any assurance that their budget for the current year will be approved before we get to the last week of the financial year?

The Hon. J.D. HILL: I am happy to inform the member that the 2012-13 budget was approved on 17 October, two weeks ago.

Mrs REDMOND: I go to Part B, Volume 1 at page 47. The main highlight, I guess, of the arts portfolio in terms of the audit report was that there was essentially $500,000 in operating funding received which was incorrectly entered in the books. That is what I understand the report says. It effectively says that $500,000 was received and for some reason it was put into the books as a liability. That was wrong so, this year, they have had to get that corrected, reverse it, and then put it in correctly as income. Can the minister explain where this $500,000 came from? Was it a grant from government, and how did it come to be classified as a liability in the first place?

The Hon. J.D. HILL: First, I point out that my advice is there is no suggestion of any financial irregularity. It is just how it is accounted for.

Mrs Redmond interjecting:

The Hon. J.D. HILL: No, I understood that. Just for the record, though. The accounting question represents funds originally provided to the Festival Centre Trust for the purpose of mounting the 2009 Adelaide International Guitar Festival. Following a decision taken by the trust to postpone that festival until 2010, I advised the Treasurer on 13 March 2009 that the trust intended to apply the $500,000 that had been allocated in the forward estimates for 2009-10 to the delivery of the Guitar Festival in 2010. The Auditor-General and the Adelaide Festival Centre trustees adopted different views regarding the accounting treatment of this revenue amount of $500,000.

The Auditor-General faithfully applied accounting standard AASB1004 contributions and Department of Treasury and Finance Accounting Policy Framework 5—or 'V', depending on whether you are the Deputy Premier or not—income framework in arriving at his position. Adelaide Festival Centre trustees applied a conservative perspective in arriving at their position. They sought to have their accounts reflect the nature of their business operations, matching of revenues and expenses in the year in which the guitar festival is held, namely 2010-11.

There was a qualification in the financial statements in 2009-10 when the amount in question was not brought into account and a corresponding qualification to the 2010-11 financial statements when the amount was brought to account. The issue and reasons for the qualification again in 2011-12 remain the same. The qualification has been made to the amounts reported to the end of 2010-11 and I am told will not be an issue in the future.

The CHAIR: The time for the examination of the Minister for Health and Ageing, the Minister for Mental Health and Substance Abuse and the Minister for the Arts has expired. We will now move to the examination of the Auditor-General's Report for the Minister for Police, the Minister for Correctional Services, the Minister for Emergency Services, the Minister for Road Safety and the Minister for Multicultural Affairs for 30 minutes.

Dr McFETRIDGE: Without wishing to take up the time of the committee, I congratulate the CFS on their new CFS app with its push notifications, which my wife subscribes to and who was notified of a fire not far from her farm about two hours ago. So, well done to the CFS.

The reference is Volume 4, pages 1405 and 1406. There is an issue with SAPOL where, according to the Auditor-General's Report, there have been some errors made with calculating income maintenance payments for workers compensation, and procedures have been put in place to resolve this. Can the minister tell the committee what the issue was and what procedures have been put in place to resolve these concerns?

The Hon. J.M. RANKINE: Certainly. I will do my best to explain this as simply as I can. As I understand it, there was an incorrect calculation of income maintenance payments in the income maintenance calculator. These were the issues raised by the Auditor: a long-term plan to calculate income maintenance payments, unresolved issues identified during external reviews of Injury Management Branch, and matters raised in a prior year audit which are still to be dealt with.

In relation to the incorrect calculator, the sample testing of income maintenance payments identified instances where the weekly income maintenance payments were incorrectly calculated as a result of incorrect inputs in the calculator, so the Auditor-General recommended SAPOL implement procedures to ensure inputs are correct in future. They have done some work in relation to that, had an independent private auditor check the robustness of the calculator and I understand they are confident that it will no longer be a problem.

Dr McFETRIDGE: My next reference is to the same volume, page 1408, 'Wireless communications and security', and there is an issue raised there where rogue and unapproved wireless access points created security problems for SAPOL and they are being addressed. Can the minister tell the committee what was the extent of the concern; how many unapproved interventions or accessing of information on the SAPOL site was undertaken and what is being done to make sure that the system is not being put at risk now?

The Hon. J.M. RANKINE: I am advised that there have not been any breaches to the system and my understanding is that the policy is to not operate wireless systems, not allow wireless access into the SAPOL data, and that is a very strict policy. What they will do now is periodically scan the system for any wireless access but, as I understand it, there have not been any intrusions into the system identified.

Dr McFETRIDGE: What was the Auditor-General then talking about minister when he said:

> Audit conducted a high level assessment of wireless security within SAPOL, with a specific focus on wireless access points.

The Auditor-General said:

> They can potentially allow both users and systems to access the SAPOL network.

So this was a potential then, it was not a real issue?

The Hon. J.M. RANKINE: The assessment noted that SAPOL had developed a policy document which outlined approval process for the implementation of wireless access connectivity within SAPOL. However, the document did not have any specified requirement to do regular scans for rogue and unapproved wireless access. There are, as I understand, rare occasions where approval is given so that has now been put in place.

Dr McFETRIDGE: I refer to the same volume, pages 1412 and 1446. The Victims of Crime Levy receipts increased by $470,000 to $13 million due to an increase in the levy rate from 1 January 2011. We saw a decrease in returns from expiation notices which is good, because fewer people are doing bad things. If, as we all hope, that expiation receipts continue to drop, how will the Victims of Crime Levy be managed? Will there be further increases in the levy rate?

The Hon. J.M. RANKINE: That would obviously be a budgetary decision that would be made that is not under the control of SAPOL.

Dr McFETRIDGE: Was SAPOL in any way aware of the reported fraud that was going on in the Victims of Crime Levy?

The Hon. J.M. RANKINE: This is an examination of the Auditor-General's Report. SAPOL does not administer the Victims of Crime Fund; my office does not administer the Victims of Crime Fund. We have no administrative responsibility for victim of crime payments.

Dr McFETRIDGE: I am conscious of the time and the other agencies we have to look at. The reference is page 1429. The revenue from wide loads and other escorts was $2.6 million. Is that expected to increase or decrease, minister? How many of the wide load escorts are sworn police officers, and how many are civilians nowadays?

The Hon. J.M. RANKINE: I cannot give you a specific answer in relation to that, because it depends on the needs of a range of industries about the number of wide load escorts we will have, and what that income might generate.

Dr McFETRIDGE: The effect of Roxby not going ahead, was that a significant part of the income for wide loads?

The Hon. J.M. RANKINE: The expansion to Roxby Downs had not started.

Dr McFETRIDGE: I understand that there were something like 160 houses that were going to go up to Roxby; whether that is still going ahead, I don't know, but I would imagine that they may not be needed now.

The Hon. J.M. RANKINE: Our accounts only show what we receive.

Dr McFETRIDGE: Moving on then. On the same page (1429), there was $2.7 million in revenue received from the hoon legislation recovery. I remember in the budget examination there was an issue of a $3.6 million—I think it was $3.6 million; I may stand to be corrected there—deficit

in the budget due to the legislation needing to be changed. I believe it had something to do with the impounding and clamping of cars. Has that legislation been sorted? Is the $3.6 million able to be accessed, or will we not be seeing that in the future, so that the revenue will increase?

The Hon. J.M. RANKINE: Sorry, I am not clear on what you are asking.

Dr McFETRIDGE: On page 1429, there is income from hoon legislation recoveries of $2.765 million; it has more than doubled from last year. I remember in the budget examination there was the issue of $3.6 million that had been forgone because the courts were unable to order these hoons to pay fees to collect their vehicles, or something like that, anyway. It was an issue that had been raised, and it was a significant amount of money that had been forgone, so I was just wondering where the government is at.

The Hon. J.M. RANKINE: I am told the $2.7 million is based on court-awarded costs. Does that answer your question?

Dr McFETRIDGE: I thought the figure was about $3.6 million.

The Hon. J.M. RANKINE: According to the Auditor-General, $2.765 million was collected from court-awarded costs.

Dr McFETRIDGE: That was the problem where the legislation was deficient, in that the court could not actually order the full cost to be recovered, which I understood was about $3.6 million.

The Hon. J.M. RANKINE: I am advised that there is a gap between what the court awards SAPOL and what it actually costs us to operate this particular system.

Dr McFETRIDGE: Thank you, minister. On that same budget reference, under 'Revenue from fees and charges', there is $1.175 million from other fees. Can the minister tell the committee what some of those fees would be?

The Hon. J.M. RANKINE: I am told it includes things like vehicle salvage, but I do not have the specific detail of all of the things that that might include, so I am happy to take that on notice if you want the detail of that.

Dr McFETRIDGE: Just one last one, minister, going back to the hoon legislation recovery, my understanding—and I will have to read the *Hansard* or perhaps you can clarify now—is that the cost of actually recovering that money from the hoon legislation is more than will be received from the legislation. Is that correct? The cost of actually recovering the cost of hoon legislation is greater than the fees?

The Hon. J.M. RANKINE: Yes, that is what I said to you. It costs more to operate this than we recover from the sale of vehicles or fines; that is correct, but we actually think it is an important issue. It is an important road safety issue and it is an important community safety issue. Delivering a whole range of services costs money.

The CHAIR: We are moving on to correctional services. Minister, would you like to change your advisers? Member for Morphett.

Dr McFETRIDGE: The Auditor-General reference on the first question here is Volume 1, pages 303 to 304. The Mount Gambier Prison contract has been awarded for five years, effective from 1 December 2011. Minister, can you give details on that contract? I understand there were tenders put out there. How many people tendered for the contract? That will do for a start.

The CHAIR: I just remind members that this is actually questions on the issues raised by the Auditor-General; it is not a question time as such. I just remind members because I am going to have to start ruling some questions out of order. I have tried to be lenient, but they are going too far astray now.

The Hon. J.M. RANKINE: Sorry, were you asking me how many people tendered for the Mount Gambier Prison contract?

Dr McFETRIDGE: Yes.

The Hon. J.M. RANKINE: I am sorry, I do not have that information. I was not the minister at the time. I do not understand that the letting of the contract was actually an audit issue.

Dr McFETRIDGE: It was just mentioned in the Auditor-General's Report that there were a number of tenders for the contract but, anyway, it does not matter. We will move on, minister. Under accounts payable, on page 305:

> Audit identified a number of non-purchase related invoices that were processed for payments without any evidence that the goods/services have been received and that the invoices agreed to the goods/services ordered/received.
>
> The Department has amended its expenditure policy to reflect that prior to invoices being processed for payment there must be a check that goods/services [actually] have been received...

Can the minister tell the committee if there was a deficit between what was paid for and what was actually received? Are we sure we know that what taxpayers have paid for has actually been received?

The Hon. J.M. RANKINE: The Auditor never found any evidence that goods or services had not been received. The department has amended its expenditure policy to ensure that prior to authorising an invoice for payment in BAS, staff must now check that goods and/or services have been received and the invoice has been certified as correct. In addition, monthly compliant testing will incorporate expenditure payments and the team leader (finance) will follow up with staff on instances of any non-compliance.

Dr McFETRIDGE: Further to that issue and related to it, on page 304 under 'Risk management', it states:

> Audit identified that the department's risk management controls have not been operating effectively. In particular, the review found:
>
> - no evidence that all material risks were being continually reviewed and monitored
> - no evidence that all risks had been reviewed in the last 12 months. Audit noted that some risks documented in the risk registers dated back to 2005-06

It is 2012 now. The review found:

> - extreme and high risks were not always reported to the Audit and Risk Management Committee as required by the Committee's Charter
> - senior management were signing off the financial management compliance program...as being compliant without sufficient evidence that the risk management controls were operating effectively.

Can the minister tell the committee what has been done to make sure that particularly things that have been sitting around since 2005-06 are now being addressed?

The Hon. J.M. RANKINE: The department has recently established the Internal Audit and Risk Management Branch, which has undertaken to review and monitor all risk registers and report to the Audit and Risk Management Committee. The Audit and Risk Management Branch will also include identification of extreme and high risks as an integral part of the annual internal audit plan. DCS has recently amended the financial management compliance program to better reflect the monitoring and reporting of risk to ensure that each directorate complies with reports being provided to the Audit and Risk Management Committee.

Dr McFETRIDGE: It still begs the question: why has nothing been done since 2005-06 when this was raised by the Auditor?

The Hon. J.M. RANKINE: I understand that these were not issues that were necessarily raised in 2005-06. It is just that some issues have been identified backdating that far. It is pretty well updating registers.

Dr McFETRIDGE: That is what it says. It is documented in this register, and I would ask myself: who has it been documented by? We will now move on to emergency services for the last 11 minutes. Apparently the minister is not willing to answer questions on road safety. The email I got implied that it was in DPTI yesterday.

The Hon. J.M. RANKINE: I will just clarify that. My understanding is that there was a conversation with your office about whether we were doing road safety in this or whether it would stay with minister Conlon, seeing that he has an overall responsibility for administration of the department. I understand your office was very happy with that suggestion. I am happy to take road safety questions that are related to the Auditor-General's Report, if you want.

Dr McFETRIDGE: That was not my understanding. I will check with my office and check the email that was sent to my office from the minister's office. Welcome, Mr Place. We will go

straight to SAFECOM. I refer to Volume 5, pages 1493 to 1499. We are talking about the Building Project Control Committee. There were some significant issues that the committee was not operating effectively, capital project budgets were overrun and no formal reports prepared and submitted to the SAFECOM Board. Committee membership was not consistent, did not review or monitor the projects adequately and could not find the minutes of all the meetings and audits. Can the minister tell the committee what is being done to make sure that the Auditor-General's concerns are being addressed?

The Hon. J.M. RANKINE: We accept the concerns of the Auditor-General in relation to all of this. The Building Project Control Committee was established by SAFECOM to oversee CFS and SES building projects to ensure things like value for money was achieved, that tendering and selecting processes provided for ethical and fair treatment, probity, accountability and transparency. The committee's membership and terms of reference are now under review to ensure that the focus and outcomes of the committee are appropriate and the Auditor-General's observations and criticisms will be included as part of this review.

During this process, the Deputy Director-General of Community Safety will now chair this meeting and ensure appropriate processes and documentation occurs. I guess this reinforces why we have established the directorate of community safety.

Dr McFETRIDGE: Now that the minister has raised the community safety directorate, will that directorate be going through the same audit as any of the other departments, as in CFS, SES, MFS, SAFECOM?

The Hon. J.M. RANKINE: It is part of a large department. I would assume that if the Auditor-General wants to audit it, he will do so.

Dr McFETRIDGE: My understanding was that because it was not a specific department within itself it was not subject to the same audit, but I am assured—

The Hon. J.M. RANKINE: It is part of the Department for Communities and Social Inclusion.

Dr McFETRIDGE: And does the budget come out of Department for Communities and Social Inclusion or out of the emergency services budget?

The Hon. J.M. RANKINE: At the moment it is cost neutral. The people who are working there have been seconded from agencies.

Dr McFETRIDGE: I refer to pages 1494 and 1495. It is the old chestnut that keeps turning up: Port Lincoln emergency services complex. The recordkeeping, according to the Auditor-General, was seriously deficient during the construction process and questions have been raised by the Auditor-General regarding the payment authorisation process for this project. Can the minister let the committee know where we are with this project? Are people who are still owed money by subcontractors being paid? Are they going to get paid?

The Hon. J.M. RANKINE: I understand there is just one outstanding account that is in negotiation at the moment, but that has just recently been received. I understand all other payments have been made.

Dr McFETRIDGE: So the young fellow, who I think is a tiler, who is owed $50,000 according to my information has been taken care of, I hope. I am happy to forward correspondence that I have received and Mr Foley, former treasurer, had sent to this chap.

The Hon. J.M. RANKINE: That was a contract, I am advised, between Unique and the tiler. He was a subcontractor. It had nothing to do with SAFECOM.

Dr McFETRIDGE: That was the issue. Unique had been paid but this fellow had not been paid, and he has still not.

The Hon. J.M. RANKINE: That would be a dispute between him and Unique, not between him and the state government.

Dr McFETRIDGE: But doesn't the government oblige their contractors to pay the subcontractors on time?

The Hon. J.M. RANKINE: You would recall that Unique was involved in a few contracts that have caused some grief and we are currently working with the Crown to try and recover some monies that have been paid to Unique.

Dr McFETRIDGE: That will be good news to that young fellow. On page 1669, Burra and Port Lincoln surplus sites have not been sold yet. When are they expected to be sold and is there any idea of what we are expecting to get for them?

The Hon. J.M. RANKINE: I understand it has been on the market for some considerable time and has not sold so we are going through the process of revaluation before putting it back on the market.

Dr McFETRIDGE: I will make this the last question because the leader has a question. On page 1724, under the SES section, there was $170,720 paid for capital works projects in 2009-10 for works that did not materialise. Recovery of costs still has not been finalised. How much is left outstanding of that $170,000?

The Hon. J.M. RANKINE: Sorry, what page was that?

Dr McFETRIDGE: Page 1724, under 'Contingent assets', No. 27.

The Hon. J.M. RANKINE: Off the top of my head I think this may be a boat and trailer that has significant problems. We will check that issue for you but I suspect it is in relation to an unseaworthy vessel.

Mrs REDMOND: I have one question on multicultural affairs. Minister, in volume 1, page 285, at the very top of the page is a reference to various committees and so on, and I particularly want to ask about the multicultural and ethnic affairs committee on the next page. It says there that all members of boards and committees, including those who may have resigned or their term has expired during the year, are listed. I see that the number listed, although it is not obvious from there, is an increase from 10 to 15 on the previous year.

My question is: is the number of people listed there the current membership? I know at the front of the page before it says that it could include people who have resigned or their term has expired. Can the minister clarify whether the listing there is now the membership of that board as it stands at the moment or whether that includes people who have now resigned or retired from the board? I am curious as to whether there has been an increase in the size of the multicultural and ethnic affairs commission and, if so, why, and what the new people are doing. If it is not, can the minister identify which of the people there are no longer on the board?

The Hon. J.M. RANKINE: I cannot see any names there of people who are not currently on the board but, if I am incorrect, I will get back to you with that. I do not believe that we have increased the number of people on the board; I think we still have the same number as when I started.

The CHAIR: I think the minister is saying that she will get back to you on that and take it on notice.

The Hon. J.M. RANKINE: I do not want to give you the wrong answer but, just as a quick summary, I think it is the same as it has always been.

The CHAIR: The time for the examination of the Auditor-General's Report for the Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety and Minister for Multicultural Affairs has expired.

Mrs REDMOND: I think the agreement was that it did not include the Minister for Road Safety and that is why the member for Morphett did not ask questions on that.

The CHAIR: Let me finish. We went through this yesterday when the Minister for Transport and Infrastructure was here, and I made it very clear that questions would be allowed to the Minister for Road Safety. If you cannot follow the *Hansard*, that is not my responsibility. Moving on.

Mrs REDMOND: Mr Chairman, my understanding of the previous conversation, though, was that there was—

The CHAIR: I understand what you are saying. That was clarified yesterday, when the issue was raised. The Minister for Transport and Infrastructure made it very clear it was not his responsibility. He was happy to entertain, but he said you need to ask those questions of the Minister for Road Safety, and it is listed on the agenda for today for road safety.

Mrs REDMOND: Exactly, but then the conversation that took place, I thought, earlier, indicated that it was actually being dealt with by the other minister.

The CHAIR: Not at all. What the minister said was that she was more than happy to entertain questions about road safety today. If it were things which pertained to the Minister for Transport and Infrastructure, you should be aware that they would have to be taken on notice. That was my understanding of what was said today. Member for Morphett.

Dr McFETRIDGE: Just as a point of clarification, I will go and check the email that was sent to my office from the minister's office, because it was my clear understanding that the minister was not taking road safety questions. If I am wrong there, I will have to accept that, but that was my understanding.

The Hon. J.M. RANKINE: I will be interested to see if he has an email, because none was sent; it was a telephone conversation, I am advised.

The CHAIR: Emails do appear in the opposition sometimes.

Members interjecting:

The CHAIR: Sorry. Before I get myself into further trouble, we are moving now to the examination of the Auditor-General's Report for the Premier and Minister for State Development for a period of 30 minutes. Premier, do you have your people ready? Leader of the Opposition.

Mrs REDMOND: I refer the Premier to Part B, Volume 4, page 1300. There is a reference to employees paid above $400,000 and it includes a reference to those who received termination payments. A note with the double asterisk in the bottom three lines of that table of people and their various remunerations indicates that the list of people who were paid in excess of $514,000 last year includes employees who have received termination payments. My question to the Premier is, what were the total termination payments received in each case, and what positions and how many people in those bands actually were people who received termination payments rather than people who received that actual amount by way of salary?

The Hon. J.W. WEATHERILL: The answer to the member's question is that there are three positions in that table on page 1300 that were very senior positions: deputy chief executive, an executive director of the department, and a commissioner. Those sums comprised their salary for the year plus their termination payments. Their termination payments comprise the sums that were due to them on the termination of their contract of employment and also, obviously, leave and other entitlements. They are the nature of those. I am happy to quantify the portions of those things which are relevant to leave. I will take that on notice and bring back an answer.

Mrs REDMOND: Thank you, Premier, because that is what I am after. What were their salaries and what component was the termination payment? I go to page 1301: in supplies and services about six or seven lines down you will see contractors and consultants. Can the Premier explain why there is such a massive increase in the moneys paid for contractors and consultants last year, from $5,319,000 to, this year, nearly $14 million?

The Hon. J.W. WEATHERILL: It is principally due to machinery of government changes: $9.4 million is from incoming machinery of government changes. Because different agencies are now brought within the scope of the Department of the Premier and Cabinet, what comes within them is the details of the expenditures associated with consultants for those agencies.

Mrs REDMOND: I ask the Premier further on that point what exactly he means by 'machinery of government charges'? What particular things have come into the department and where in the bookkeeping do you show the equivalent savings in the other departments from which those increased amounts have come?

The Hon. J.W. WEATHERILL: It is machinery of government changes, not machinery of government charges. The incoming agencies and divisions are: economic policy, transferred in from DMITRE; population and migration, in from DMITRE; and Office of Local Government, transferred from Department of Planning, Transport and Infrastructure. Those are the functions that have been transferred into the agency. Also, in terms of government services, Shared Services, Service SA and the Office of the Chief Information Officer. They are the functions, if you like, that have come in to DPC as a consequence of machinery of government transitions; and what comes with them is their contractors' and consultants' budget lines.

Mrs REDMOND: Can the Premier explain why we need so much—it is $8 million—in contractors and consultants when what you are telling me is that various parts of other departments are being transferred into Premier and Cabinet? Why does that necessitate all these millions of dollars being spent on consultants and contractors?

The Hon. J.W. WEATHERILL: Because all agencies have a paid workforce and they have a proportion of their work that is carried out through consultants and contractors. So, when you bring in a function, you bring in their full-time equivalents, their workforce and also their contractors' budget. That is the explanation for the bringing within the agency of those additional sums. It is not an increase: it is just the transfer of a function in that relevant sense.

Mrs REDMOND: If I understand the Premier correctly, what he is saying is that there will be, in other parts of the government's audit processes, equivalent decreases in the other departments. I expect the Premier will have to take this on notice but can he provide a breakdown of the amount of that $7.5 million, I guess, that has come from each of those individual components that he has referred to—economic policy, population and migration, local government and Shared Services? Can the Premier provide—and I expect not tonight but on notice—a breakdown of the amounts of each of those that have come in from the other places?

The Hon. J.W. WEATHERILL: The short answer is yes. A substantial proportion of them come from Shared Services, and that should be replicated in a corresponding adjustment in the DTF budget.

Mrs REDMOND: Just a couple of lines further down there is also a massive increase in the temporary and casual staff payments. That has gone from $1.789 million to $6.260 million in the last year. Can the Premier provide an explanation as to why there has been a more than trebling of temporary and casual staff?

The Hon. J.W. WEATHERILL: For the same sort of reasoning. Out of the total $2.3 million the main DPC divisions were: Integrated Design Commission, $231,000; state development, $250,000; SafeWork, $676,000; and support services, $828,000. Shared Services was transferred to the department as part of the machinery of government, which is the $3.8 million which is the largest share of that. That essentially explains the increase.

Mrs REDMOND: Is that an explanation for why the total amount spent on IT and computing charges, which is just above the contractors and consultants, has also increased massively (more than double) from $4.3 million to $9.7 million?

The Hon. J.W. WEATHERILL: I think, because of the increase in the size of the full-time equivalents due to the machinery of government changes, there is an ICT charge that essentially goes with each employee. That increases the amount charged. As the FTEs increase, obviously you have more workers with more demands for ICT services, then that increases the ICT budget of your agency.

Mrs REDMOND: Further down the same page, under the heading at the bottom of 'Payments to consultants', given that the total number of payments to consultants decreased from 106 the year before last to 70 in the year just gone, why has the total amount spent on consultants then gone up from $1.9 million to $2.6 million? It seems contraindicated: if you are using fewer consultants, why has the amount increased so significantly?

The Hon. J.W. WEATHERILL: We will have to take that question on notice.

Mrs REDMOND: I will try to do this in some sort of reasonable order. On page 1303, just over a third of the way down the page, item 12, 'Resources provided free of charge', there is 'donated assets' totalling $1.5 million essentially. Can the Premier explain who on earth donates what asset to the Department of the Premier and Cabinet valued at $1.5 million?

The Hon. J.W. WEATHERILL: They are assets that have been brought back into DPC from the arts portfolio, so it is essentially one government agency transferring assets to another government agency. Arts was already in DPC, so I think it gets down to who controls the asset so there is no sense of one government agency purchasing that asset, so it is transferred for no consideration.

Mrs REDMOND: Perhaps one of your advisers can explain whether you would normally record that as an asset or a resource provided free of charge, rather than simply an internal transfer of assets?

The Hon. J.W. WEATHERILL: Apparently, that is the accounting standard for the description of these types of transfers.

Mrs REDMOND: Sorry, minister, I should have asked another question on 'Payments to consultants' at the bottom of page 1300. There are 12 payments listed there which were for consultants who were paid more than $50,000. Now, I fully expect that you may not be able to

provide the details of that right now, but even if you have to take it on notice, can you itemise and expand on what those 12 payments were for, how much they were, and who they were paid to?

The Hon. J.W. WEATHERILL: I am advised that they are published in the annual report, so they are publicly available.

Mrs REDMOND: Premier, I have a series of questions about the table of grants and subsidies that appears on page 1302. There are quite a number of figures there which are significantly changed, and I just want to go through some of them. For instance, can the Premier explain why the Adelaide Festival Corporation operating grant has increased from less than $2 million to over $5 million for this year?

The Hon. J.W. WEATHERILL: I think that is simply because we have now gone to the annual festival. So, 2011 reflects the off year, and 2012 reflects the festival year.

Mrs REDMOND: If we just doubled the $1.9 million, that would get us to $3.8 million; why up to $5.6 million?

The Hon. J.W. WEATHERILL: No, the way it works is that, in the off year, there are still some basic costs associated with running a festival on a biennial basis, but obviously they increase when you go to an annual festival. That is the nature of the equation.

Mrs REDMOND: A little further down that same listing of grants and subsidies, what is the Timor Leste Basic Skills Training Project, and why has that grant increased for this year from $0.4 million (or $400,000) to $1.1 million?

The Hon. J.W. WEATHERILL: There is a continuing program of funding for the Timor Leste Basic Skills Training program, and it does fluctuate from year to year, so this is the particular sum that has been provided for this year. But, the fundamental commitment to the program remains the same.

Mrs REDMOND: Can the Premier explain that a little more? I do not understand why one year you would get three times as much as you got the previous year.

The Hon. J.W. WEATHERILL: Because the obligations in respect of the payments may fall in one particular year. The basic commitment of participating in this, which is an aid program in relation to Timor-Leste, is something which is made and then the particular financial obligations in respect of it increase in whatever particular year you happen to be in. So, for instance, if you have made a commitment but you have not been able to expend some of the money in the previous year, there can be a carryover of resources to the next year and that reflects the fluctuation in the funding from year to year.

Mrs REDMOND: Still on that same table of grants and subsidies, I notice that the grants to the Anangu Pitjantjatjara operating grant, the Country Arts SA debt servicing grant and the Building Family Opportunities program are zero when they were, in fact, receiving money last year. Can the Premier explain why funding to these groups has been cut altogether in 2012?

The Hon. J.W. WEATHERILL: In respect of the Australian Centre for Social Innovation, that just reflects the end of the funding commitment that was made to the centre. In a sense, it came to an end, if you like, so that is the explanation for that. There was never any intention to extend it beyond that period.

The responsibility for the Anangu Pitjantjatjara operating grant has been transferred to the Department for Communities and Social Inclusion from the beginning of the year. In respect of the Country Arts SA debt servicing grant, the funding is now complete, so that brought that particular arrangement to an end.

I think you have then got a question about the Building Family Opportunities program. Once again, the responsibility for that has been transferred to the Department for Communities and Social Inclusion. The responsibility for Macquarie Capital Advisers Ltd has been transferred to DMITRE.

Mrs REDMOND: In fact, that was going to be my next question because I had not mentioned them yet, but can the Premier explain who they are and why they were getting $333,000 last year?

The Hon. J.W. WEATHERILL: The body that was receiving this funding was investigating the feasibility of the Green Grid program, so that is why it has been transferred to the renewable energy section of government, which is now found within DMITRE.

Mrs REDMOND: So, do I take it from the Premier's answer that, in fact, it is a private company that is yet another consultancy, effectively, to government?

The Hon. J.W. WEATHERILL: Yes, it is a feasibility study for the Green Grid. This is a body that has expertise in advising us concerning that.

Mrs REDMOND: Yes, but I am just seeking confirmation that it is a private organisation and the government is engaging its services and, effectively, paying them as consultants on that matter.

The Hon. J.W. WEATHERILL: That is your characterisation. I can only tell you who got the payment and why they received it.

Mrs REDMOND: Perhaps the Premier could tell me how he would characterise it, if not as a consultancy. It is not a department, it is not employed by the government as a direct employee; surely, it is a consultancy.

The Hon. J.W. Weatherill: I am not here to debate: I am here to answer questions.

Mrs REDMOND: Can the Premier provide further detail on why the characterisation of 'other' at the very bottom of that listing of grants and subsidies has increased by more than one-third from last year, from $9.1 million to $12.6 million?

The Hon. J.W. WEATHERILL: We will bring back an answer on that question.

Mrs REDMOND: Can the minister explain why the grant for the University of Adelaide has at the same time fallen from $1.2 million to $360,000? This is still in the same column, about a third of the way up from the bottom of 'Grants and subsidies'. The University of South Australia went up and the Adelaide University went down.

The Hon. J.W. WEATHERILL: I think that is largely associated with a one-off research grant of $800,000 for South Australian geothermal energy research at the University of Adelaide and a number of new initiatives for the University of South Australia, the most significant being the development of photonic crystal biosensors for cardiac biomarker detection.

Mrs REDMOND: Still on the same table, a bit higher again, there is a grant to the University College London which has gone up very marginally. Can the Premier advise what this funding that we are providing to the University College London is for, why it is under Premier and Cabinet, whether that is the total government funding, and how long it goes on for? It is under the Carrick Hill Trust operating grant—University College London. It is still under that same table of 'Grants and subsidies'. University College London is shown as having $769,000 last year and $771,000 this year. I am not asking about any increase; it is roughly the same amount of money. What I want to know is how long we are going to continue to fund University College London and what it is doing in Premier and Cabinet?

The Hon. J.W. WEATHERILL: Maybe it is the way you draw the line across the page but, for me, University College London goes from $769,000 to $771,000. There is no increase.

Mrs REDMOND: Premier, I am not suggesting there has been any significant increase. I am asking a separate question, and that is: why is that in Premier and Cabinet and for how long are we going to continue to pay University College London nearly three-quarters of a million dollars a year?

The Hon. J.W. WEATHERILL: It is in the Department of the Premier and Cabinet because of the international university precinct project. Essentially, the substantial funding for University College London has ended. It ends in this financial year, 2012-13. Beyond that there are relatively small sums of money in the future for University College London in the order of $50,000 or so from 2013-14.

Mrs REDMOND: So do I understand the Premier to say that the $771,000 listed is the last substantial payment for University College London and that it will then drop down to about $50,000?

The Hon. J.W. WEATHERILL: The essence of it is that 2012-13 (the current financial year) will be the last year that University College London receives substantial sums in the order that has been described in the Auditor-General's Report.

Mrs REDMOND: I should perhaps move on to some other topics, but just on that issue of the Premier and Cabinet control of universities, in terms of those overseas universities, can the

Premier indicate how many full-time equivalents are in the Department of the Premier and Cabinet devoting their time to the universities?

The Hon. J.W. WEATHERILL: Apparently a very small number of people. This program, in terms of the government funding, is winding down.

Mrs REDMOND: There is an item that begins on page 1316 and goes for several pages, which is the remuneration of board and committee members, and the total number of persons serving on boards and committees who receive or are entitled to receive remuneration appears to have increased from 349 in 2010-11 to 499, so an increase of 150 by the year 2011-12. Can the Premier provide any explanation as to why there is such a massive, almost a 50 per cent increase, in the number of people serving on those boards and committees and whether or not such an increase is consistent with the State Strategic Plan.

The Hon. J.W. WEATHERILL: Once again, this is a machinery of government issue. The increase is substantially due to the fact that new agencies or new committees have been brought into the agency, because of those machinery of government changes, and one of the issues, though, is that there is a Treasury requirement which stipulates that both the receiving and the losing machinery of government agencies are both required to report any boards or committees that relate to any machinery of government changes. So there will be duplication of across agencies for these purposes.

Mrs REDMOND: If we can go back to page 1313, at the very bottom of the page there is a heading of 'Cash flow reconciliation'. Just above that are a couple of paragraphs on the impact of the High Court of Australia decision regarding the appeal by the Public Service Association. There is a reference beneath those paragraphs, just above that heading I just referred to, of: 'The estimated contingent liability is $150,000.' Can the Premier explain why it is contingent liability and whether that is, in fact, for the costs, whether it covers the whole of the costs or whether that is the liability expected to be paid out?

The Hon. J.W. WEATHERILL: It is described as contingent because it is not conceded and it refers to legal costs.

Mrs REDMOND: Is it the whole of the legal costs for the government?

The Hon. J.W. WEATHERILL: I understand it is the estimate of costs that may be awarded and paid by the government to the other party.

The CHAIR: The time available for the examination of the Auditor-General's Report in relation to the Premier and Minister for State Development has expired.

Progress reported; committee to sit again.

WILDERNESS PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:45): Obtained leave and introduced a bill for an act to amend the Wilderness Protection Act 1992; and to make related amendments to the National Parks and Wildlife Act. Read a first time.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:45): 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 *Wilderness Protection (Miscellaneous) Amendment Bill 2012* provides for important amendments to the *Wilderness Protection Act 1992* to ensure the ongoing effective protection of wilderness in South Australia.

The area of land forming wilderness protection areas has increased significantly in recent years to what will be 1.8 million hectares following the proclamation of the Nullarbor Wilderness Protection Area in late 2012. This achievement has highlighted some practical matters that are not adequately addressed by the Act. Changes to the Act to address these issues will facilitate the improved administration of existing, and future, wilderness protection areas.

Principal amongst these is the lack of provision for co-operative management of wilderness protection areas between traditional owners and the Minister.

Provisions enabling the co-management of National Parks and Conservation Parks were introduced into the *National Parks and Wildlife Act 1972* in 2004. Since then the State has entered into 10 Co-Management Agreements providing for co-management arrangements over 18 parks and reserves. These agreements recognise the important connection to Country of traditional owners and the depth of knowledge and understanding of the land that traditional owners can contribute to protected area management. In addition to the environmental benefits, these agreements provide important recognition of traditional ownership. The potential for co-management over parks and reserves is also recognised as an important contributing factor in the negotiation and resolution of native title claims.

The extension of co-management to the *Wilderness Protection Act 1992* is important as a number of conservation parks and national parks have recently become, or are intended to become, wilderness protection areas. An unintended consequence of this is that these reserves can no longer be considered for co-management by virtue of the *Wilderness Protection Act 1992*.

To facilitate co-management of wilderness protection areas, and ensure consistency of process, the Bill proposes to incorporate the co-management provisions of the *National Parks and Wildlife Act 1972* into the *Wilderness Protection Act 1992*, with consequential amendments to tailor the provisions to the *Wilderness Protection Act 1992*.

These amendments demonstrate a continuing commitment to the resolution of native title claims. They aim to meet the aspirations of traditional owners for greater access to and connection with Country and strengthen the State's commitment to greater flexibility in the involvement and recognition of traditional owners in cooperative management of protected areas. In particular, the amendments will assist with whole-of-government native title claim resolution processes by providing for co-management of wilderness protection areas. Notably, they will directly facilitate the resolution of the Far West Coast Native Title claim and contribute to whole-of-government native title resolution.

The increased number of wilderness protection areas in South Australia has also highlighted two other practical issues which this Bill seeks to address.

The first is an amendment that recognises that there may be some circumstances where it is appropriate and necessary to preserve existing leases or licences over land on proclamation of a wilderness protection area.

Under subsection 28(2) of the *Wilderness Protection Act 1992*, all leases and licences are voided upon constitution of a wilderness protection area or zone. While this has not created any issues to date, the proposed Nullarbor Wilderness Protection Area includes infrastructure for the Government Radio Network and other purposes that will need to be retained and licensed into the future.

The Bill allows for leases or licences existing prior to constitution of a wilderness protection area to be preserved by the proclamation constituting the wilderness protection area. Only those leases or licences specifically referenced in the proclamation will be preserved, all others are voided upon constitution of the wilderness protection area in line with the existing provisions of the Act. This will ensure that existing critical infrastructure is not adversely affected by the constitution of a wilderness protection area whilst ensuring that wilderness protection areas are not 'opened up' for development of commercial infrastructure, which is inconsistent with the objects of the Act.

Finally, it is proposed that the *Wilderness Protection Act 1992* provide that entrance and camping fees for wilderness protection areas and zones are administered in the same manner as for *National Parks and Wildlife Act 1972* reserves, that is set by the Director of National Parks and Wildlife and payable into the General Reserves Trust Fund under that Act.

At present, the *Wilderness Protection Act 1992* only allows these fees to be set by regulation and separately accounted for, which imposes an unnecessary level of administration. This amendment will bring administration of the *Wilderness Protection Act 1992* into line with the National Parks and Wildlife Act enabling streamlined processes and efficiency of administration.

I commend this 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 *Wilderness Protection Act 1992*

4—Amendment of section 26—Prohibition of other activities

This clause inserts new section 26(5) into the principal Act, setting out a list of activities that cannot be undertaken in a wilderness protection area or zone without a licence granted by the Director. Contravention of the subsection carries a maximum penalty of $5,000. The clause also inserts new subsection (6), which makes procedural provision in respect of a licence.

5—Amendment of section 28—Control and administration of wilderness protection areas and zones

This clause substitutes or inserts new subsections (4) to (9) into section 28 of the principal Act.

The new subsections allow leases and licences in force before the commencement of this clause to be continued by proclamation, and set out procedural provisions in respect of the making of the proclamation, as well as the leases and licences.

6—Insertion of Part 3 Division 4

This clause inserts new Division 4 into Part 3 of the principal Act.

New section 33A enables certain wilderness protection areas or zones to be co-managed by a co-management board in the same way certain reserves are co-managed under the *National Parks and Wildlife Act 1972*.

The section applies Part 3 Division 6A of that Act (which provides for the co-management of reserves such as conservation or national parks), subject to the modifications set out in new subsection (3), which reflect the slightly differing nature of a wilderness protection area or zone.

The section also sets out who has control and management of a co-managed wilderness protection area or zone.

New subsection (6) modifies the principal Act as it relates to co-managed wilderness protection areas and zones, reflecting the different underlying status of the relevant land.

7—Insertion of section 38A

This clause inserts new section 38A into the principal Act, providing for the setting of fees in respect of wilderness areas or zones by the Director with the approval of the Minister.

Schedule 1—Further amendments of *Wilderness Protection Act 1992*

This Schedule modifies the principal Act to increase penalties throughout the Act, and to make the penalty provision consistent with current drafting practice.

Schedule 2—Related amendments of *National Parks and Wildlife Act 1972*

This Schedule makes amendments to the *National Parks and Wildlife Act 1972* that are consequential to this measure.

Debate adjourned on motion of Mr Griffiths.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (POSTPONEMENT OF EXPIRY) AMENDMENT BILL

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:46): Obtained leave and introduced a bill for an act to amend the Upper South East Dryland Salinity and Flood Management Act 2002. Read a first time.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:47): 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 Upper South East Program was developed in the early 1990s to address community concerns about dryland salinity, waterlogging and the degradation of ecosystems. On 19 December 2002, the Program was provided with specific legislation, being the *Upper South East Dryland Salinity and Flood Management Act 2002*. This Act has not only provided for the initiation and implementation of works to protect and improve the environment and agricultural production but it also provides for the ongoing management of the drainage system.

This Act has an expiry date of 19 December 2012. In June 2011, the Upper South East Program was completed and the upper South East drainage system moved from construction to operational phase. In order to enable this management to continue, the expiration date of the *Upper South East Dryland Salinity and Flood Management Act 2002* needs to be extended. This Bill proposes to amend the expiry date to enable the Act to continue until 19 December 2016. The Act has previously been extended in 2006 and in 2009.

The Government intends to introduce a new Bill into Parliament in the future which will provide for the integrated management of both the lower and upper South East drainage systems, which are currently governed by both the *Upper South East Dryland Salinity and Flood Management Act 2002* and the *South Eastern Water Conservation and Drainage Act 1992*. However, until this progresses, it is imperative that the expiration date of the *Upper South East Dryland Salinity and Flood Management Act 2002* is extended in order to enable the ongoing management of the drainage system.

In addition to this, the extension of the *Upper South East Dryland Salinity and Flood Management Act 2002* could serve as a vehicle for potential future infrastructure works, such as the proposed South East Flows Restoration Project. This project is being investigated at the moment to further reinstate the natural movement of water from the mid and lower South East towards the upper South East, and deliver surplus water to the Coorong South Lagoon. It would likely involve the integration and upgrade of existing drainage system infrastructure and the construction of new drainage infrastructure.

If this project is determined to go ahead as a result of consultation, the *Upper South East Dryland Salinity and Flood Management Act 2002* could be used to acquire the interests in land through statutory easement and undertake works on private land. In light of this, further amendments may need to be made to this Act at a later date, but this is not the subject of the amendment now. Now we are concerned with ensuring that we have a management regime in place for the drainage system.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no commencement clause included, this measure will come into operation on the day on which it is assented to by the Governor.

Part 2—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

3—Amendment of section 45

Current section 45 provides for the current Act to expire on 19 December 2012. The proposed amendment will mean that the Act will not expire until 19 December 2016.

Debate adjourned on motion of Mr Griffiths.

SOUTH EAST DRAINAGE SYSTEM OPERATION AND MANAGEMENT BILL

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:47): Obtained leave and introduced a bill for an act to provide for the operation and management of the drainage system and related infrastructure in the South East of the state; to provide for the management of water flows and wetlands in the South East of the state; to establish the South Eastern Drainage Management Board; to repeal the South Eastern Water Conservation and Drainage Act 1992; to make related amendments to the Natural Resources Management Act 2004; and for other purposes. Read a first time.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:48): 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 South East region in South Australia is rich in natural resources, having nationally and internationally recognised wetland and marine environments. The region is also a key primary production, energy resources and tourism district, contributing over $3 billion annually to State Gross Domestic Product.

The drainage system in the lower and upper South East, comprised of over 2,500 kilometres of drains and floodways, forms a critical part of this economic and social infrastructure. It supports the region's capacity to undertake economic activity, maintain transport networks and protect highly valued natural environments.

Development of the lower South East drainage system commenced in 1863 to remove waterlogging with the goal of maintaining the region's productivity. The majority of the drains were constructed from 1949 to 1972. More recently, this system is also being managed to improve environmental assets, including endangered species listed in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth by directing and managing available water.

The upper South East drainage system was initiated in the 1990s to address community concerns about dryland salinity, waterlogging, degradation, and fragmentation of ecosystems. These drains and floodways were completed in June 2011. This included the *Restoring Flows to the Wetlands of the Upper South East of South Australia* project to reinstate natural watercourse flows between the upper and lower South East, including wetlands, watercourses and, ultimately, the Coorong.

The construction, maintenance and management of these drainage networks are managed through the *South Eastern Water Conservation and Drainage Act 1992* and the *Upper South East Dryland Salinity and Flood Management Act 2002*.

The *South East Drainage System Operation and Management Bill* is part of a journey towards greater integration, through managing the total drainage system under a single umbrella. This Bill establishes arrangements for managing both the lower and upper South East drainage systems and ensures that water in the drainage systems, wetlands and environmental assets in the South East will be managed to:

- protect infrastructure, land, soils and ecosystems from flooding;
- provide water for environmental purposes to enhance the natural environment, including wetlands;
- protect and enhance agricultural lands for production purposes; and
- assist in the proper conservation and management of water.

Under this Bill, the South East Natural Resources Management Board will be responsible for policy and strategic planning for the management of water in the drainage system and wetlands. The South East Natural Resources Management Board will develop a South East Drainage and Wetland Management Strategy to cater for this. The Strategy will establish flow regimes that strike a balance between providing water for environmental, primary production, social and cultural purposes. The Strategy will form part of the regional Natural Resources Management Plan and provide clear direction for the new South Eastern Drainage Management Board.

A new South Eastern Drainage Management Board will be responsible for managing, maintaining and operating the drainage system in accordance with the Strategy. Membership will be skills based, comprise of not more than seven members, and be appointed by the Governor. In carrying out its functions, the Board must act consistently with any relevant regional Natural Resources Management Plan and any relevant water allocation plan.

The Bill provides for the raising of a levy to help support an effective drainage system for the benefit of regional landholders into the future. Funds may be raised from landholders, beneficiaries of the drainage system and persons whose activities contribute to the need for the drainage system. It is recognised that economic and environmental benefits from both the upper and lower South East systems occur at local, regional, state and national levels. Any future decision to progress a levy would be the subject of consultation with the new South Eastern Drainage Management Board and a comprehensive social impact assessment, including an assessment of the relative public and private benefits of the drainage system.

In the Bill, penalties are aligned with the *Upper South East Dryland Salinity and Flood Management Act 2002*. This recognises the need to maintain the integrity of the drainage system in order to meet the objectives of the Bill. Additionally, evidentiary provisions are necessary to ensure that the integrity of the drainage system and economic, social and environmental values of the region are not severely compromised. Such evidentiary provisions are essential when in a few instances it is necessary to undertake proceedings against a landowner.

This Bill will repeal the *South Eastern Water Conservation and Drainage Act 1992*.

This Bill is a pivotal means of ensuring the continued success of the both the upper and lower South East drainage systems through the integrated management of the total drainage system, including drains, wetlands and environmental assets of the upper and lower South East.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause provides for definitions of words and phrases used in the measure. In particular, the *drainage system* is defined as—

- the water management works within the meaning of the *South Eastern Water Conservation and Drainage Act 1992* (to be repealed under Schedule 1 of this measure); and
- any works operated, constructed or maintained by the South Eastern Drainage Management Board (*SEDMB*) (established under Part 3 of the measure); and

works are defined as—

- any channel, drain, artificial drainage hole, dam, bank or other device or works constructed or used for the purposes of conserving, draining or altering the flow of surface water from or onto land or utilising any such water, including any ancillary access road, bridge or culvert or other ancillary works; and
- any works constructed for the purpose of lowering water table levels; and
- any other infrastructure or works related or ancillary to a system referred to above.

The area of the State affected by this measure is the South East, defined as that part of the State shown as the South East Natural Resources Management Region in General Registry Office Plan No GP27/2008, as varied from time to time by proclamation under the *Natural Resources Management Act 2004*. The clause also provides that

another area may, from time to time, be designated as the South East by the Governor by proclamation. This mechanism provides for some flexibility should it be felt necessary, at some future time, to amend the definition of the area.

4—Interaction with other Acts

This measure is in addition to and does not limit or derogate from the provisions of any other Act and SEDMB must, in exercising powers under this measure, comply with the provisions of relevant Acts, although the measure is subject to—

- the Pulp and Paper Mills Agreement Act 1958; and
- the Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act 1964.

The Minister to whom the administration of the *Upper South East Dryland Salinity and Flood Management Act 2002* is committed may—

- enter into agreements or other arrangements with SEDMB to undertake, coordinate or advance activities, works or other initiatives that are relevant to the operation of that Act; and
- delegate any power or function of the Minister under that Act to SEDMB.

Part 2—Objects

5—Objects

The objects of this measure include the management of water in the drainage system and wetlands in the South East, and the operation of the drainage system—

- to protect infrastructure, land, soils and ecosystems in the South East from flooding and dryland salinity; and
- to provide water for environmental purposes for the enhancement of the natural environment of the South East; and
- to protect and enhance agricultural land in the South East for the purposes of primary production; and
- to assist in the proper conservation and management of water in the South East.

6—Administration of Act to achieve objects and to be consistent with objects of certain other Acts

The Minister and all other persons or bodies involved in the administration of this measure, or performing, exercising or discharging a function, power or duty under this measure, must have regard to, and seek to further, the objects.

The Minister and all other persons or bodies involved in the administration of this measure, or performing, exercising or discharging a function, power or duty under this measure, must seek to act consistently with—

- the objects of the *Natural Resources Management Act 2004* (insofar as they relate to the South East); and
- the objects of the *Environment Protection Act 1993* (insofar as they relate to the South East); and
- the South East Drainage and Wetland Management Strategy.

The Minister and all other persons or bodies involved in the administration of this measure, or performing, exercising or discharging a function, power or duty under this measure, must, if or when taking any action within, or in relation to, any part of the Murray-Darling Basin, seek to act consistently with—

- the objects of the *River Murray Act 2003*; and
- the Objectives for a Healthy River Murray under that Act,

(insofar as they may be relevant).

Part 3—South East Drainage and Wetland Management Strategy

7—Preparation of Strategy and consultation

The *South East Drainage and Wetland Management Strategy* (the *Strategy*) for the management of water in the drainage system and wetlands in the South East is to be prepared and maintained by the South East Natural Resources Management Board (the *SE NRM Board*). The matters that the Strategy is to address, and the consultation and review processes relating to the Strategy, are set out in the clause.

The Strategy—

- must set out the proposals of the SE NRM Board in relation to surface waters; and
- must identify key environmental features and significant agricultural issues in the South East and set out the proposals of the SE NRM Board in relation to the management of those features and issues; and

- should give consideration to Aboriginal heritage, and to the interests of the traditional owners of any land or water resources; and
- must identify the aspects of the Strategy for which SEDMB is responsible; and
- must identify the aspects of the Strategy for which any other person or body is responsible.

In setting out the SE NRM Board's proposals, the Strategy must—

- include an assessment of the quantity and quality of water needed by the ecosystems that depend on the surface water and underground water resources and the times at which, or the periods during which, those ecosystems will need that water; and
- provide guidance and direction to SEDMB on the management of the water in the drainage system, including flow management objectives and performance standards within an adaptive flow management framework; and
- provide guidance and direction to the person or body to whom responsibility for the management of wetlands and watercourses is assigned; and
- address each of the following matters:
  - (1) the protection of infrastructure, land, soils and ecosystems from flooding;
  - (2) the interaction between surface water and underground water;
  - (3) the provision of water for human consumption and for environmental, primary production, social and cultural purposes;
  - (4) the removal and disposal of underground water through the operation and management of the drainage system.

The Strategy must be consistent with the State NRM Plan and take into account various other matters listed in the provision and must be reviewed at least once in every 5 year period following its adoption.

8—Adoption of Strategy by Minister

On receipt of the draft of a proposal to create or amend the Strategy and a report on the draft, the Minister may—

- adopt the draft with or without amendment; or
- refer the draft back to the SE NRM Board for further consideration.

The Minister must consult with the SE NRM Board before making an amendment to the draft and the Strategy, and any amendment to the Strategy (other than a minor amendment) has no force or effect until adopted by the Minister.

9—Availability of Strategy

The SE NRM Board must—

- make reasonable provision for the publication of the Strategy; and
- ensure that copies of the Strategy are reasonably available for inspection (without charge) and purchase by the public at a place or places determined by the Minister; and
- ensure that public notice is given of any amendment to the Strategy within a reasonable time after the amendment is made.

The Strategy is an expression of policy and does not in itself affect rights or liabilities (whether of a substantive, procedural or other nature).

Part 4—Administration

Division 1—South Eastern Drainage Management Board

Subdivision 1—Establishment of South Eastern Drainage Management Board

10—Establishment of South Eastern Drainage Management Board

The *South Eastern Drainage Management Board* (*SEDMB*) is established as a body corporate (see also the transitional arrangements to come into effect on the repeal of the *South Eastern Water Conservation and Drainage Act 1992* which provides that it is the same body corporate as the South Eastern Water Conservation and Drainage Board continued under that Act).

Subdivision 2—Membership and proceedings

11—Membership

SEDMB will consist of not more than 7 members appointed by the Governor on the nomination of the Minister. Those persons will collectively have the knowledge, skills and experience necessary to enable the Board to carry out its functions effectively. 1 member will be appointed as the presiding member and provision is made for deputies.

12—Conditions of membership

The term of membership will not exceed 4 years and the terms and conditions of membership will be as determined by the Governor and specified in the instrument of appointment. While a member may be reappointed for a further term, a member may not serve for more than 8 consecutive years. This clause makes provision for the removal and vacancy in the office of a member in the usual terms.

13—Proceedings

This clause makes provision for the manner in which the proceedings of SEDMB are to be conducted, including provisions relating to the presiding member, voting on decisions, quorum and minutes.

14—Committees

This clause makes provision for SEDMB to establish committees to advise SEDMB or to carry out functions on behalf of SEDMB.

15—Validity of acts

This clause provides that an act or proceeding of SEDMB or a committee of SEDMB is not invalid by reason only of a vacancy in its membership.

16—Remuneration

This clause makes provision for remuneration, expenses etc to be paid to members of SEDMB as determined by the Governor.

Subdivision 3—Functions

17—Functions

This clause provides that the functions of SEDMB are—

- to carry out each of the following in accordance with the Strategy:
    (1) to construct, manage, repair, clean and otherwise maintain the drainage system and related works;
    (2) to operate the drainage system;
    (3) to manage water flow in the South East;
    (4) to manage wetlands and watercourses in the South East; and
- to carry out any other function assigned to SEDMB—
    (1) at the request of the Minister or by negotiation with another person or body—that may assist the Minister or the other person or body in connection with the protection, management or enhancement of any aspect of the environment in the South East; or
    (2) under the Strategy; or
    (3) under this or any other Act; or
    (4) by the Minister.

In carrying out its functions, SEDMB must—

- ensure that its activities are consistent with the Strategy; and
- encourage and promote active community involvement in water conservation and management matters; and
- seek, in the first instance, to undertake its activities on the basis of negotiation with landholders and all other relevant persons or authorities.

Subdivision 4—Powers

18—General powers

SEDMB has the powers of a natural person and may do anything necessary, expedient or incidental to performing the functions conferred on SEDMB under this or any other Act.

SEDMB may, for example—

- enter into a contract, agreement or arrangement of any kind (whether with landholders or any other person or authority);
- acquire, hold, deal with or dispose of real or personal property or any interest in real or personal property, including for the purposes of a statutory easement;
- seek expert or technical advice on any matter from any person on such terms and conditions as SEDMB thinks fit.

SEDMB may, with the consent of the Minister, compulsorily acquire land under the *Land Acquisition Act 1969*.

19—Power to enter, inspect, etc land

This clause makes provision for the powers that SEDMB may exercise within SEDMB's area.

20—Power to carry out works

This clause makes provision for the powers that SEDMB may exercise in relation to the construction, alteration, removal, etc of works relating to the drainage system.

21—Power to fence works

SEDMB—

- may cause any of its works relating to the drainage system or a drainage reserve under its care, control and management to be fenced to such extent and in such manner as is reasonably adequate—
  - (1) for the purpose of protecting the works or reserve from damage; or
  - (2) for any other purpose reasonably connected with the operation of the drainage system or drainage reserve; and
- may cause any such fence to be repaired, maintained or replaced as is reasonably necessary.

Subdivision 5—Business plan

22—Business plan

SEDMB will be required, before 31 March in each year, to submit to the Minister for approval a business plan developed in consultation with the SE NRM Board.

Subdivision 6—Staff

23—Staff

SEDMB's staff will consist of Public Service employees assigned to assist SEDMB and SEDMB may, under an arrangement, make use of the services or staff of an administrative unit of the Public Service.

Subdivision 7—Miscellaneous

24—Delegation

This clause makes provision for SEDMB to delegate its functions by instrument in writing.

25—Accounts and audit

SEDMB must cause proper accounts to be kept of its financial affairs and financial statements to be prepared in respect of each financial year. The Auditor-General may at any time, and must in respect of each financial year, audit the accounts and financial statements.

26—Annual report

SEDMB must, on or before 30 November in each year, provide to the Minister a report on its activities for the financial year ending on the preceding 30 June (and need not provide a report under the *Public Sector Act 2009*). The report must include an assessment of the extent to which SEDMB has succeeded in implementing during the relevant financial year the aspects of the Strategy for which SEDMB is responsible. The Minister must cause a copy of a report provided to the Minister under this provision to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

Division 2—Authorised officers

27—Appointment of authorised officers

Under this clause, provision is made for the Minister to appoint persons who are authorised officers under the *Natural Resources Management Act 2004* to be authorised officers for the purposes of this measure. Further provision is made for conditions of appointment, variation or revocation of appointment and identification of such officers.

28—Powers of authorised officers

This clause provides that an authorised officer may, subject to conditions and limitations of the appointment, exercise his or her powers under Chapter 3 Part 6 of the *Natural Resources Management Act 2004* for the purposes of the administration and enforcement of this measure.

Part 5—Operation, maintenance, etc of drainage system

Division 1—Vesting of works related to drainage system

29—Vesting of works related to drainage system

This clause makes provision for the Minister, by notice in the Gazette, to vest—

- specified private works related to the drainage system in SEDMB; or
- specified SEDMB works related to the drainage system in another specified person or body;
- specified works of the Minister related to the drainage system in SEDMB.

Division 2—Water in drainage system is property of Crown

30—Water in drainage system is property of Crown

This clause provides that water in the drainage system is the exclusive property of the Crown and a person must not take or use water from the drainage system except in accordance with an authorisation of the Minister. Such authorisation (which may be subject to conditions) may not be given unless the Minister is satisfied that it would be consistent with the Strategy.

It is an offence for a person to take or use water from the drainage system otherwise than in accordance with this clause, the penalty for which is a fine of $200,000 for a body corporate, and, for a natural person, a fine of $100,000 or imprisonment for 2 years (or both).

It is also an offence if a person contravenes or fails to comply with an authorisation of the Minister under this clause, or a condition to which such an authorisation is subject. A body corporate guilty of this offence will be subject to a fine of $70,000 while, for a natural person, the penalty is a fine of $35,000. The offence may, however, be expiated on payment of a fee of $750.

This clause does not apply if the water is taken or used—

- from a part of the drainage system that is a prescribed water resource under the *Natural Resources Management Act 2004* (because, in that case, the taking or use is regulated by that Act); or
- for firefighting in urgent circumstances.

Division 3—Management agreements

31—Management agreements

This clause authorises the Minister to enter into a management agreement with the owner of land within the South East relating to—

- the conservation or management of water, or the management of any water table; or
- the preservation, conservation, management or re-establishment of any key environmental feature; or
- any other matter associated with the drainage system.

A management agreement may include terms that, for example—

- require specified work or work of a specified kind be carried out on the land, or authorise the performance of work on the land;
- restrict the nature of any work that may be carried out on the land;
- prohibit or restrict specified activities or activities of a specified kind on the land;
- provide for the management of any matter in accordance with a particular management plan;
- provide for the adoption or implementation of measures to protect the environment or programs to improve the environment;
- provide for the testing or monitoring of any key environmental feature, or of any matter that may affect a key environmental feature;
- provide for a reduction in, or exemption from, a levy under Part 6;
- provide for remission of rates or taxes in respect of the land;
- provide for the Minister to pay to the owner of the land an amount as an incentive to enter into the agreement.

The Registrar-General must, on application by a party to a management agreement, note the agreement against the relevant instrument of title. Once that has been done, the management agreement is binding on each owner of the land from time to time.

Division 4—Licence to carry out work or activities relating to drainage system

32—Application of Division

This Division does not apply to a person undertaking a water affecting activity under the *Natural Resources Management Act 2004* authorised (whether before or after the commencement of this clause) under Chapter 7 of that Act.

33—Certain work and activities not to be carried out without licence

This clause makes provision for a licensing scheme in relation to works relating to the drainage system. It is an offence for a person to—

- construct works relating to the drainage system on land in the South East; or
- remove or alter any works relating to the drainage system (whether constructed before or after the commencement of this measure on land in the South East; or
- close off or obstruct in any way any drainage hole,

that might stop, increase, decrease or otherwise affect the flow of water from or onto the land, or the flow of water into a watercourse, wetland or the drainage system, except under a licence granted under this Division. The penalty for such an offence by a body corporate is a fine of $200,000 and, for a natural person, a fine of $100,000 or 2 years imprisonment (or both).

Subclause (2) makes it an offence for a person, except under a licence granted under this Division, to erect a bridge or construct a culvert or ford over, through or along any works relating to the drainage system or a drainage reserve. The penalty for such an offence is the same as for an offence against subclause (1).

Subclause (3) provides that the 2 previous subclauses do not apply—

- to a person carrying out certain works or undertaking a prescribed activity of environmental significance carried out or undertaken in accordance with Part 6 of the *Environment Protection Act 1993*; or
- to a council that, following consultation with SEDMB, carries out works for—
  - (i) the construction or alteration of a building or structure for stormwater or flood management activities in a township; or
  - (ii) the installation or alteration of any plant or equipment for stormwater or flood management activities in a township.

Subclause (4) makes it an offence for a person to discharge a substance into the drainage system other than under a licence granted under this Division. This subclause does not, however, apply to a council discharging stormwater into the drainage system in accordance with an approved stormwater management plan following consultation with SEDMB.

Provision is also made for regulations to be made prescribing exemptions from the operation of this clause.

34—Grant of licences

This clause makes provision for the application for licences to, and the grant of licences by, SEDMB.

Division 5—Discharge by council of stormwater into drainage system

35—Discharge by council of stormwater into drainage system

A council must not discharge stormwater into the drainage system except—

- in accordance with an approved stormwater management plan following consultation with SEDMB; or
- under a licence granted under Division 4.

Division 6—Drainage system not to be interfered with

36—Drainage system not to be interfered with

A person must not, without the permission of SEDMB, act in a manner that the person knows will interfere with, or is likely to interfere with—

- the drainage system; or
- works related to the drainage system, or the operation of any such works; or
- a drainage reserve; or
- a road adjoining a drainage reserve; or
- any other aspect of the drainage system.

The penalty for such an offence is a fine of $200,000 for a body corporate and $100,000 or imprisonment for 2 years (or both) for a natural person.

A person must not, without the permission of SEDMB, act in a manner that the person ought reasonably to know is likely to interfere with—

- the drainage system; or
- works related to the drainage system, or the operation of any such works; or
- a drainage reserve; or
- a road adjoining a drainage reserve; or
- any other aspect of the drainage system.

The penalty for this lesser offence is a fine of $50,000 for a body corporate and $25,000 for a natural person.

Permission under this clause may be granted as part of a licence or in such other manner as SEDMB thinks fit, and may be conditional. A breach of a condition of SEDMB will be subject to a penalty of $50,000.

Division 7—Orders

37—Protection orders

SEDMB may issue a protection order for the purpose of addressing an activity that, in the opinion of SEDMB, is having an adverse effect on—

- the operation or management of any part of the drainage system; or
- a wetland or watercourse; or
- a key environmental feature

Or for the purpose of securing compliance with a management agreement, a condition of licence or permission, or any other requirement imposed under this measure.

A protection order—

- must be in the form of a written notice served on the person to whom the notice is issued; and
- must specify the person to whom it is issued (whether by name or description sufficient to identify the person); and
- must specify the purpose for which the order is issued; and
- may impose any requirement reasonably required for the purpose for which the order is issued.

In urgent situations, a protection order may be issued orally so long as it is confirmed in writing within 72 hours of being issued.

It is an offence for a person to whom a protection order has been issued not to comply with the order. The penalty for such an offence is a fine of $200,000 for a body corporate and $100,000 for a natural person.

38—Reparation orders

Under this clause, SEDMB may issue a reparation order requiring a person to take specified action within a specified period to remedy any contravention or non-compliance with this measure, or to ensure the proper management or conservation of surface or underground water.

A reparation order—

- must be in the form of a written notice served on the person to whom it is issued; and
- must specify the person to whom it is issued (whether by name or description sufficient to identify the person); and
- must state the grounds on which it is made with reasonable particularity; and
- may include requirements for action to be taken;
- may include or address any other prescribed matter.

The penalty for failure to comply with a reparation order is $200,000 for a body corporate and $100,000 for a natural person.

39—Registration of orders

This clause provides that, on application by SEDMB and lodgment of a copy of an order under this Division of the measure, the Registrar-General must note the order against the instrument of title of the land to which the order relates. On such noting, the order is binding on each owner and occupier from time to time of the land. The revocation of any such order must likewise be noted on the title.

40—Action on non-compliance with order

Under this clause, SEDMB is given power to take any action as may be required by an order under this Division of the measure if the requirements of the order are not complied with and, in doing so, may recover any reasonable costs and expenses incurred by SEDMB in taking the action.

Division 8—Civil remedies

41—Orders of ERD Court

This clause provides that applications may be made to the Environment, Resources and Development Court (*ERD Court*) for 1 or more of the following orders:

- if a person has engaged, is engaging or is proposing to engage in conduct in contravention of this measure—an order restraining the person from engaging in the conduct and, if the Court considers it appropriate to do so, requiring the person to take any specified action, including specified action to make good or address any impact or harm that has occurred as a result of that conduct;
- if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this measure (including by failing to comply with an order under Division 7)—an order requiring the person to take that action (including to comply with an order under that Division);
- if the Court considers it appropriate to do so—an order against a person who has contravened this measure for payment (for the credit of the Consolidated Account) of an amount in the nature of exemplary damages determined by the Court.

42—Interim restraining orders to prevent harm to key environmental features

Under this clause, if it appears—

- that an activity may cause, or may be causing, harm to a key environmental feature; but
- that there is insufficient information available to SEDMB to enable it to assess the likelihood of harm, or the extent or impact of harm, to the key environmental feature; and
- that an order under this section is necessary to ensure the protection of the key environmental feature pending the acquisition and assessment of information by SEDMB,

the ERD Court may, on the application of SEDMB, issue an interim restraining order under this section requiring a person to discontinue, or not commence, a specified activity. A person who fails to comply with an order under this clause is subject to a penalty of $50,000.

Division 9—Appeals

43—Rights of appeal

This clause provides for a right of appeal to the ERD Court in the following cases:

- an applicant for a licence under Division 4 may appeal against a decision to refuse a licence;
- the holder of a licence may appeal against a decision to vary or add to the conditions to which the licence is subject;
- a person who has been required by a notice under Division 7 to take specified steps may appeal against a requirement of the notice.

44—Decision or requirement may be suspended pending appeal

Where a decision or requirement has been made by SEDMB, and SEDMB or the ERD Court is satisfied that an appeal against the decision or requirement has been instituted, or is intended, this clause provides that SEDMB or the Court may suspend the operation of the decision or requirement until the determination of the appeal. Such a suspension may be terminated at any time.

Part 6—Contribution to funding of drainage system

45—Contribution to funding of drainage system

This clause provides for the Minister to levy contributions from landholders, persons whose activities (in the opinion of the Minister) contribute to the need for the drainage system and any other person who (in the opinion of the Minister) benefits from the drainage system. The clause then sets out the procedure that must be followed by the Minister in relation to the setting and collection of levies.

The clause also provides that a contribution will not be levied in respect of land to the extent that a management agreement relating to the land provides for a reduction in, or exemption from, the levy.

Part 7—Miscellaneous

46—Native title

This clause provides that nothing done under this measure will be taken to affect native title in any land or water (although that will not apply if the effect is valid under a law of the State or the *Native Title Act 1993* of the Commonwealth).

47—Immunity provision

This clause provides that no act or omission undertaken or made by the Minister or any other person engaged in the administration of this measure, or by another person or body acting under the authority of the Minister, with a view to exercising or performing a power or function under this measure (including by causing the level of any water resource to rise or fall, inundating any place, causing or allowing any water to escape or to be redirected, taking action that may damage any land or property, or adversely affecting the use or enjoyment of any land or property), gives rise to any liability (whether based on a statutory or common law duty to take care or otherwise) against the Minister, person or body, or the Crown.

48—Delegation

This clause provides the Minister with the power to delegate any of the Minister's powers or functions under this measure or any other Act that is relevant to the operation or administration of this measure. It is in the usual terms. The only power that the Minister may not delegate is this power and the power to vest works under Part 5Division 1.

49—Power to waive or defer payments

This clause enables the Minister or SEDMB to waive or defer payment (on such conditions as the Minister or SEDMB thinks fit) of any amount due and payable under this measure.

50—Proceedings for offences

This clause provides that proceedings for an offence against this measure may be commenced within 5 years after the date on which the offence is alleged to have been committed.

51—Offences by body corporate

Under this clause, if a body corporate is guilty of an offence against this measure, the manager and each member of the governing body of the body corporate is guilty of an offence against this measure and liable to the same penalty as may be imposed for the principal offence when committed by a natural person unless the manager or member (as the case may be) proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.

52—Vicarious liability

This clause provides that, for the purposes of this measure, an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal unless it is proved that the act or omission did not occur in the course of the employment or agency.

53—Continuing offence

This clause provides for a continuing penalty to apply in relation to a person convicted of an offence against a provision of this measure in respect of a continuing act or omission and is in the usual terms.

54—General defence

This clause provides that it is a defence to a charge of an offence against this measure for the defendant to prove that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

This clause, however, does not apply in relation to a person who is charged with an offence under clause 51.

55—Evidentiary

This clause provides for matters of an evidentiary nature in any proceedings for an offence against this measure.

56—Regulations

This clause makes provision for the making of regulations for the purposes of this measure.

Schedule 1—Related amendments, repeal and transitional provisions

The Schedule contains provisions that make related amendments to the *Natural Resources Management Act 2004*; repeal the *South Eastern Water Conservation and Drainage Act 1992*; and make provision for transitional arrangements.

Debate adjourned on motion of Mr Griffiths.

At 17:49 the house adjourned until Thursday 1 November 2012 at 10:30.