# HOUSE OF ASSEMBLY

## Tuesday 13 November 2012

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

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

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

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02):** I move:

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

Motion carried.

### STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02):** 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. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02):** 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. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:03):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** About two years ago a despicable act of child sexual abuse was perpetrated at a western suburbs school. The perpetrator was arrested and removed from the school. However, the broader school community was not advised of his arrest, charge or subsequent conviction. An independent review by a former Supreme Court judge will determine why and how this happened.

There is no doubt that parents should have been informed; I am sorry they were not and I have apologised on behalf of the government. The fact it was not disclosed has led to much suffering. This pain has been felt by families and by staff at the school who feel that they have had their opportunity to support their children taken away from them. I worry about the enormous strain on families and staff involved with the school at this time and I want the school community to know that they will get all the support they need from me and this government to overcome these awful events.

Parents at the school where this occurred have now been informed and counselling has been made available for students, parents and staff. Social workers and counsellors are helping teachers to assist students, and parent information sessions are being arranged. A hotline is also available for any information parents need. Other school communities where this man has worked previously have also been advised. Police are helping to investigate any other schools and community organisations where this man had a role. The chief executive of the Department of the Premier and Cabinet has also convened a government task force which includes SAPOL, Education, Health and the Crown Solicitor. The task force will check that there are no other incidents where a school community has not been informed.

Yesterday I met with some parents and members of the governing council of the school where this horrific offence occurred. They are rightly distressed and angry. They told me how difficult it was, and still is, for the volunteering governing council members who had this information

and were advised that they could not tell others about it. They want to be part of designing measures to make sure this will never happen again.

I have asked the chief executive of the Department for Education and Child Development to work with the Commissioner for Police on protocols about how and when parents and governing councils are advised and supported. This work will be informed by the outcomes of former Supreme Court Justice Debelle's review. Parents at the school I have spoken to have also asked for clearer information to be given to parents on making complaints. I have asked the Minister for Education to prepare a communication to all parents that sets out the grievance processes, commencing with the teacher, then the relevant school leader, then the parent complaint unit and finally the Ombudsman.

On 1 November 2012 I was asked in this place whether I had checked the records and if I had been advised of this case of child sexual abuse when I was the responsible minister. I replied that I had checked and that I had not been advised. After that answer was given, an email to my office was discovered by my chief of staff and immediately disclosed to the public. The email advised that a person had been arrested for alleged sexual behaviour with children and a message was being prepared to go home to parents. What happened after this is a matter for the review being undertaken by former Supreme Court Justice Debelle. My recollection is that I was not advised of this incident personally and my staff at the time maintain that I was not advised. However, I accept my responsibility to help rectify the harm that has been caused.

The clear message I received last night when I met with parents, staff and governing council members of the school is that we need to work to ensure two critical things: first, that these events will not be repeated anywhere else and, critically, that this school regains its reputation and confidence as a very successful school.

## SPENT CONVICTIONS (MISCELLANEOUS) AMENDMENT BILL

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:07):** Obtained leave and introduced a bill for an act to amend the Spent Convictions Act 2009. Read a first time.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:08):** I move:

That this bill be now read a second time.

The Spent Convictions Act 2009 came into force on 13 February 2011 as a result of a private member's bill introduced by the member for Fisher and supported by the government. The act is based on the national model bill adopted by the Standing Committee of Attorneys-General in September 2009. South Australia is so far the only state to legislate this model. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without reading.

Leave granted.

The Act provides for certain criminal offences to automatically become spent after a qualification period of 10 years (for certain purposes) provided that the individual has not been convicted of any further offences other than a minor offence in which there was no penalty or the only penalty was a fine not exceeding $500.

A spent conviction does not appear on a police check and need not be disclosed if the person is asked about past convictions, for instance in a job interview, with some exceptions.

Under the Act there are some offences that can never be spent.

Serious offences (where the person was sentenced to more than 12 months gaol, or in the case of a youth, 24 months detention) and sex offences (no matter how minor) are never spent.

This means that a conviction will only become spent if, in the case of an adult, it was not a sex offence and the penalty given by the court in sentencing either did not include imprisonment or included no more than 12 months' imprisonment, and the person has not been found guilty of any further offences (other than minor offences) after 10 years.

In the case of a juvenile, a conviction will only become spent if it was not a sex offence and the person was not detained, or was detained for no more than 24 months, if the person has since completed 5 years without being found guilty of any further offences.

However, there is a further exception. Not only can a sex offence never become spent, but even an offence that would otherwise be spent must still be disclosed in some situations listed in the Act.

These include:

- where the person is applying to care for or work with children;

- where the person is applying to care for or work with vulnerable persons such as the elderly or disabled persons;
- where the person wants to join the police force or become a prosecutor, prison officer, protective services officer or fire-fighter;
- where the person applies for work with a Commonwealth agency that requires a security clearance;
- where the person wishes to enter an occupation that requires a character test, for example, becoming a lawyer, security guard or liquor licensee.

These exclusions are listed in Schedule 1 to the Act.

The Member for Fisher, who introduced this legislation as a private Member's Bill, approached the Government some time ago seeking amendments to the Act to permit minor sex offences, that do not become spent automatically under the Act, to become spent on application to a court. He has cited examples known to him where the current law treats too harshly individuals who have very old and minor convictions but who since attained a long period of good behaviour.

The Attorney-General's office has also received numerous letters from and on behalf of members of the public who have been prevented from volunteering or from employment because of very old and minor convictions that appear on their police check.

For these reasons, in late 2011 the Government released a Discussion Paper concerning possible amendments to the Act.

The Discussion Paper proposed a different approach to some aspects of this reform.

In the Discussion Paper, comment was sought on a proposal that very old and minor offences would automatically become spent for all purposes, including excluded purposes, after 20 years.

As a result of feedback in response to the Discussion Paper, rather than attempt to cherry pick to which minor offences this 'automatic spending' could apply, the Bill has been drafted such that after 10 years of good behaviour, an individual would be able to apply to a Qualified Magistrate for an eligible sex offence to be spent.

The individual would need to demonstrate to the Qualified Magistrate that their conviction was so minor that it should be spent. This provision would only apply to those sex offences (referred to as 'eligible sex offences') where the offender was not imprisoned (whether suspended or not). This limitation fits within the current scope of the Act which applies only to 'eligible adult offences' (an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 12 months or less) and 'eligible juvenile offences' (an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 24 months or less).

In addition, the Bill amends the Act such that individuals would be able to ask the Qualified Magistrate for an order that any spent convictions may be disregarded for 1 or more of the following 3 excluded purposes:

- care of, or working with, children;
- care of , or working with, vulnerable people;
- activities associated with a character test.

These amendments assist those members of the public who have a long history of good behaviour and who have written to us because they have been precluded from volunteering or from employment in areas such as volunteering or working with children and vulnerable persons because of very old minor offences.

Under the Bill, a Magistrate, with his or her consent, can be appointed as a Qualified Magistrate by the Chief Magistrate. While the Magistrate retains all of his or her status in exercising this function, the function is not a judicial function to be exercised by the Magistrate as a member of a court but rather more in the nature of an administrative function. This is not unusual, as judges have exercised administrative functions in their judicial capacity for a very long time (in issuing a listening device warrant, for example) and the same model was recently used for the appointment of Eligible Judges for the purposes of the serious and organised crime laws.

Under these amendments the individual applying must still have met the requirement of the qualification period under the Act, being good behaviour for a 10 year period. This reflects my intention that this new procedure should not be available to offenders whose offences were so serious so as to attract penalties that disqualify them from the benefit of the Act. That is, it is not a pathway whereby a person who was sentenced to, say, 2 years' imprisonment, could obtain an order that their conviction become spent. The Act does not currently intend that such serious convictions can become spent at all and this will not change.

In practice this new procedure will be used by persons with convictions for eligible sex offences who believe that they can persuade the Qualified Magistrate that the offence should become spent.

Under the Bill, the Qualified Magistrate may make an order that a conviction is spent, exercising their discretion having regard to whether it is in the public interest to retain the conviction or not, the nature and seriousness of the offence, all of the offender's circumstances including at the time of offending, any information contained in a victim impact statement, any harm done by the offence, the penalty imposed, related orders or requirements, the length of time since the conviction, whether the spending of the conviction and the non-disclosure of the offence to other persons might present a risk to the public (and, if so, the extent of that risk) and any other relevant factors.

Under the Bill, the Commissioner of Police and the Attorney-General are notified of any application and are both entitled to make submissions to the Qualified Magistrate in writing and/or require a hearing about the application.

In addition, when a conviction has become spent either automatically under the Act or by order of the Qualified Magistrate, amendments to the Act are made so that an individual may also apply to the Qualified Magistrate for an order that the conviction is spent for 1 or more of the 3 excluded purposes in clauses 6, 7 and 8 of Schedule 1 to the Act, that is, care of children, care of vulnerable adults or occupations involving a character test.

Some old and minor convictions may be of little or no present-day relevance to the question of whether a person is fit to hold an occupational licence or to work with children or vulnerable adults. In that case, there is no merit in their disclosure to anyone, because they are not indicative of any public danger or of bad character on the part of the convicted person.

Under the Bill, the Qualified Magistrate may make an order that a spent conviction be disregarded, exercising their discretion having regard to whether it is in the public interest to disregard the conviction or not, the nature and seriousness of the offence, all of the offender's circumstances including at the time of offending, any information contained in a victim impact statement, any harm done by the offence, the penalty imposed, related orders or requirements, the length of time since the conviction, whether non-disclosure might present a risk to children, vulnerable persons or the public more generally (and, if so, the extent of that risk) and any other relevant factors.

In addition, in the case of an application that relates to the purpose of caring for children, the Qualified Magistrate must consider whether the spent conviction was for an offence that involved a child or children. In the case of an application that relates to care of vulnerable persons, the Qualified Magistrate must consider whether the spent conviction was for an offence that involved a vulnerable person or persons.

Any such applications that relate to working with children or working with vulnerable adults must be provided to the relevant Minister, as well as to the Attorney-General and the Commissioner of Police, so that they each may make submissions to the Qualified Magistrate in writing and/or require a hearing about the application.

It will be possible to have both applications considered together, that is, where the conviction is one that does not become spent automatically after the 10 years of good behaviour then the individual may apply to both:

- have the conviction spent; and
- have the conviction disregarded for 1 or more of the 3 excluded purposes.

*No Conviction Recorded*

Under section 16 of the *Criminal Law (Sentencing) Act 1988* the court has the power to decline to record a conviction even where the person is found guilty of the offence, if the court believes that the person is unlikely to reoffend and that the offence was minor or that for some other reason a conviction should not be recorded.

The Act however, provides that the term 'conviction' includes such a finding of guilt where a conviction was not imposed. This means that unless such a 'non-conviction' has automatically become spent under the Act, it will appear on a police check as a conviction.

The desire of the court that a conviction not be recorded is therefore circumvented by the Act.

The Discussion Paper sought comment on a proposal that if a court declares that no conviction be recorded against an individual, then this will actually be the case. That is, when a criminal history check is undertaken, then this finding of guilt is not listed as a conviction.

As a result of the feedback from the Discussion Paper the Bill was drafted adopting this proposal.

The Bill makes a number of amendments to the Act with respect to the spending of a conviction in cases where a court has declined to record a conviction even where the person is found guilty of an offence. Under the amendments these 'non-convictions' are considered to be automatically spent.

*Pardons and Quashed Convictions*

The Act operates in a curious way with respect to offenders who have been granted a pardon and convictions that have been quashed.

A pardon is not the equivalent of an acquittal, but is designed to relieve the convicted person from the consequences of the conviction. A pardon should operate to remove all pains, penalties, punishments and disabilities arising from the conviction, but does not eliminate the conviction itself.

Pardons are not lightly granted and in South Australia convention dictates that a pardon would not be granted in the absence of consent from the Executive. Furthermore, a pardon will generally not be granted unless the petitioner demonstrates that they are both morally and technically innocent of the offence and there exists no avenue of appeal against their conviction.

When determining whether or not to grant a pardon, the question for the Governor is whether the ongoing effect of the offending is such that it far exceeds that intended, with the consequence that the Governor is justified in relieving the individual of that burden. A pardon should only be granted upon considerations which are supported by the evidence and which make an appeal not only to sympathy but also to well-balanced judgment.

The offender bears the burden of establishing the grounds for the granting of the pardon. It is an exceptional remedy to be granted in exceptional circumstances and the offender is required to provide any and all information touching upon the impact of the record of their offending on their lives such that the pardon is warranted. Further, the offender needs to provide evidence that they are of standing in the community and of good character and have been so for so long that, again, the ongoing effect of their offending is now disproportionate and significantly so. Generally, affidavits and supporting documentation are needed and the offender would make submissions, supported by this material, as to why the pardon should be granted.

Despite this, and despite the principle that a pardon should operate to remove all pains, penalties, punishments and disabilities arising from the conviction, under the current operation of the Act although a conviction is considered as spent if a person is granted a pardon and although it is disregarded for the purposes provided for in Schedule 1, there is an exception. The exclusion of working with children, which includes caring for children or volunteering with children, is still applied to a pardoned conviction. Meaning that if a criminal history check is sought in relation to care of children then the pardoned conviction is disclosed.

The Act operates in this same way for quashed convictions.

Under the Act a conviction is 'quashed' if the conviction, the finding of guilty or finding that a charge is proven is either quashed or set aside.

Whether a verdict of guilty should be quashed or set aside is often expressed in terms of the verdict being unsafe or unsatisfactory, or unjust or dangerous. Such questions are considered by criminal courts of appeal. This is a question of fact and in cases of a verdict of guilty returned by a jury, the question which the courts must ask itself is whether it thinks that upon the whole of the evidence it was open to the jury to be satisfied beyond reasonable doubt that the accused was guilty.

Courts will not lightly quash a conviction on appeal and if they do so, this quashing of the conviction will either result in the court directing that the verdict be one of acquittal or they may direct a re-trial. In either case, the accused is returned to the position of being innocent until proven guilty.

The Act should reflect this and currently it does not. Under the Act, an offence is considered as spent if the conviction is quashed. However, as is the case with a pardon, convictions that are quashed are disregarded for the purposes provided for in Schedule 1, but with an exception. The exclusion in clause 6, being working with children, is still applied, meaning that if a criminal history check is sought in relation to working with children then the quashed conviction is disclosed.

There does not appear to be any reason why an offence that is quashed or pardoned should continue to be disclosed for that one sole purpose. The Bill therefore amends the Act such that none of the exclusions set out in Schedule 1 apply in relation to quashed or pardoned offence, so that the individual is returned to the same position as if the conviction never happened. That is, the conviction is spent for all purposes.

This Bill is the result of extensive public consultation and addresses concerns raised by the community that the current law treats too harshly individuals who have very old and minor convictions, but who have since attained a long period of good behaviour. Such people may make a mistake in their early years before maturing and going on to lead exemplary lives. Decades later, the individual may be seeking certain work or may be wishing to volunteer, for example, with children or with the aged, or at their grandchild's school, and they are unfairly precluded from doing so because of a mistake made in their youth. This Bill is a balance between allowing such persons to seek to have their conviction spent and disregarded, whilst continuing the protection of children and the vulnerable in our community.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Spent Convictions Act 2009*

4—Amendment of section 3—Preliminary

The term *qualified magistrate* is to be used under the Act.

5—Amendment of section 4—Meaning of spent conviction

This amendment will provide that a formal finding of guilt or a finding that an offense has been proved in a case where no conviction is recorded will, as deemed to constitute a conviction under this Act, be taken to be immediately spent (so that the person may immediately obtain the benefit of the Act).

6—Amendment of section 5—Scope of Act

This is a consequential amendment on account of the proposal to allow a conviction for an eligible sex offence to be capable of being spent under the Act if so ordered by a qualified magistrate under the scheme set out in this Bill.

7—Insertion of section 6A

This clause sets out a scheme for the appointment of magistrates as *qualified magistrates* for the purposes of the Act.

8—Amendment of section 7—Determination of qualification period

This amendment is consequential on the enactment of proposed new section 4(1a).

9—Amendment of section 8—Spent conviction—general provision

These are consequential amendments.

10—Insertion of section 8A

An application will be able to be made for an order by a qualified magistrate that a conviction for an eligible sex offence becomes spent under the Act once the qualification period for the conviction has been completed. The magistrate will be required to take into account a number of criteria specified in new section 8A(5), and such other matters considered relevant by the magistrate.

11—Amendment of section 13—Exclusions

These amendments relate to 2 matters. Firstly, the exclusions under Schedule 1 of the Act will not apply in relation to a finding of guilt or a finding that an offence has been proved that is to be treated as being immediately spent as a conviction under section 4(1a). Secondly, an exclusion under clause 6, 7 or 8 of Schedule 1 will not apply if a qualified magistrate makes an order to that effect under new section 13A.

12—Insertion of section 13A

An application will be able to be made for an order by a qualified magistrate that 1 or more of clauses 6, 7 and 8 of Schedule 1 do not apply in relation to an offence committed by the applicant. The magistrate will be required to take into account a number of criteria specified within section 13A and such other matters considered relevant by the magistrate.

13—Insertion of Schedule 2

New Schedule 2 relates to the conduct of proceedings before a qualified magistrate for the purposes of the Act.

Debate adjourned on motion of Mr Pederick.

## DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October 2012.)

**The Hon. I.F. EVANS (Davenport) (11:09):** The house might recall that I sought leave to continue my remarks. We gave a commitment to the planning minister that we would be ready to deal with this bill this morning, and we are. We adjourned the bill so that the LGA could have an opportunity to put its case to the opposition and, indeed, other parties and Independents.

The LGA submitted a series of questions to the opposition yesterday I think, from memory. With the agreement of the shadow minister, I forwarded those to the minister's office yesterday so that the minister could prepare detailed answers, and not claim to have been ambushed by the matter, so that in between houses those people who have an interest in this matter and exactly how it is going to work can further consider the minister's responses so that we can see whether all the holes are covered or whether there still needs to be work done on the minister's proposed model.

*The Hon. J.R. Rau interjecting:*

**The Hon. I.F. EVANS:** Yes, we will go into committee and do all that. That is why we are here. The opposition supports the principle of the bill. It is really a matter of just looking at the answers to the questions between houses to make sure that all the issues that have been raised have been covered off so that the system works. It is not about stopping the proposal: it is about making sure that the system works and making sure that everyone is clear on the roles and responsibilities and what happens if—and when, as they surely will at some point—things go off the rails on one application or other.

The LGA put out a discussion paper. The one I have is a draft discussion paper dated 2 November 2012 which raises a whole range of issues in relation to this particular bill. One issue is the authorised functions, and the discussion paper sets out some issues as to what functions are

going to be authorised. Some LGA officers have contacted my office directly suggesting that an add-on to this particular bill could be a joint authorisation of council officers to do both building and planning approvals, so that that provides another suite of people to undertake the function.

That would provide councils with, if you like, a dual resource and therefore provide a quickening of the process, possibly, or a simplification of the process through council officers. It seems to me logical that, if you are going to essentially jointly authorise private certifiers, you could easily jointly authorise local government officers to undertake the same role. If there is some logistical issue that council officers cannot be jointly authorised, then it would be interesting to argue why private officers could be jointly authorised if council officers could not. Some people have written directly to us in relation to that.

The other issue the LGA raises is what qualification, if any, the private certifiers are required to have in relation to planning matters, and that will be something we will tease out during the committee stage. Other issues are what level of insurance they need to have and what happens if the private certifier goes bankrupt or ceases to exist and a planning decision is found to be in error some years down the track—and that has happened during the term of this government.

A constituent of mine who had been fighting for a decade about a rezoning matter for a block in the Hills Face Zone finally got then minister Paul Holloway to look at it. To his credit, having worked back over nearly 10 years of documents, I think, he discovered that a block of land had been wrongly placed into the Hills Face Zone and he took the appropriate measures to take that out. I know this does not go to that particular matter, as in zoning, but the reality is it illustrates errors can happen. The question comes here: what happens if a private certifier makes an error and down the track it is found to be an error and the private certifier does not exist? What recall is there against whom? Councils always exist if an error is made, and there is also always a local government authority; so that issue needs to be teased out.

Other issues were raised by the LGA. Local councils have to accept the decision under the bill, as I understand it, but are they required to check it and do they suffer any liability if they do not check it and an error is found down the track? If they do check it and find an error, are they obligated to send it back to the private certifier to have it corrected, or under the legislation are they obligated to accept the error? That is an issue that needs to be teased out during the committee stage.

As I say, the opposition supports the principle. We adjourned it purely so the LGA could make their submissions. Although they were late in making their submissions, we have managed to forward some questions on to the minister so that we can get them on the record between the houses. In fairness to the LGA, to my frustration, I must say, we got an email this morning from the LGA at 9.25 in regard to this bill in the House of Assembly today and seeking an amendment.

The opposition does not intend to move an amendment today based on an email this morning. We will consider between the houses the answers to the questions raised with the minister and then work out whether there is any requirement to do anything to the bill other than support it between the houses. I do not need to say anything or other than that. I look forward to raising the questions formally in the committee stage that I have already provided to the minister.

**Mr GRIFFITHS (Goyder) (11:17):** The minister looks somewhat frustrated that I stood up, but I do wish to put a few points on the record. I recognise the presence of the LGA and the EDIA in the chamber today as witnesses to the contributions to the debate. As a former local government chief executive officer and as the recently appointed shadow minister for local government, I have a rather keen interest in this bill.

Like the member for Davenport, I certainly support the intent and I clearly understand that there is an industry expectation that this bill be passed quite soon and that an opportunity for it to be implemented is put in place. My desire, though, is to ensure that there are checks and balances and that the system that is created is workable and one that, while it offers surety for the development industry to get an approval process that is at its optimum best timewise, also gives protection for local government and adjoining property owners to developments. That is the emphasis I want to make.

I do have a couple of issues that I wish to raise which are not explicitly contained within the bill, but I would like the minister to consider them. One is about inspection requirements. I note that local government has in place policies for a mandatory requirement of something in the range of 20 per cent of development applications that have to be inspected. I understand that has been somewhat confused for some time with the private certifiers. It is very rare for them to do

inspections, particularly in regional areas, with local government having previously held the planning responsibility attached to development approvals, but that is now being proposed to be transferred across to the private certifiers.

With certifiers performing both aspects of the development approval, are these developments to be considered amongst the applications that have to be determined for an inspection to take place? How will the fee structure be put in place for that? Will the certifier do those inspections or will it be a local government requirement to do those inspections and, if so, how will they be compensated for that? My understanding is that they still have to maintain files on development proposals that are approved under this process, but I would be interested to hear from the minister about how that is going to work. It is clear to me that some changes need to occur.

I can quote a personal example of a home that I have in Adelaide which I use when parliament sits. I am having a verandah put onto that. The company that is doing that has told me that it takes something like 12 weeks for development approval for what is a relatively basic structure. I would hope that the opportunity to have a private certifier, because it fits within the residential code, would ensure that process is quicker. Like everybody—big and small businesses, individuals and their homes—when they make a decision to invest in property, they want it to occur as quickly as possible.

Putting this process in place is a forward step, I recognise that, but I would want to make sure that the protections are there for local government which has had statutory obligations and been responsible for this for many years and for adjoining property owners. I raised the question in the Liberal Party discussion about that. For instance, a private certifier approves a development through a planning and development process but an adjoining property owner is aggrieved by the structure that is either intended to be constructed or has been constructed, what opportunity exists for them to an appeal and how will that work?

They are some general questions, minister, which I am sure you will be able to answer at the committee stage, but I also look forward to the swift passage of the bill.

**Mr PEGLER (Mount Gambier) (11:20):** I also support the intention of this bill, but I have some major reservations on what it will actually achieve. Probably only about 6 per cent of properties will comply with this, and I do not know if it is necessarily the councils that often hold up these developments but more so the applications themselves and the form in which they come to councils. I do have reservations about the grey areas on what private certifiers can assess and which ones they cannot. I think we have to be very careful in making sure that everybody understands what those private certifiers can and cannot do.

There is also the problem of who is going to be responsible when they do get it wrong and naturally it will normally fall back onto local government, so I have some major concerns there. I also have some concerns about the property owners that adjoin some of these properties and what say they have on what those private certifiers can and cannot do.

I think if we can make sure that all the questions that LGA has are answered—and there may be some minor amendments—that this bill should be able to go through. Until I have heard the answers to those questions, I am a bit apprehensive but we will wait and see.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:22):** I am very happy to deal with particular questions members might have at the committee stage of the bill. In a moment, I will move that we do go into committee and we can technically start off with clause 1, and then I am happy to take whatever questions come up.

I do want to place something on the record again. I am not going to repeat what is already in the *Hansard* from 31 October when this matter was supposed to have been debated in the house, but here is the time line: as I understand it, the member for Davenport received some communication from the LGA on 30 October or the Friday I think, perhaps, before that. Anyway, we did not find out about the adjournment application until the matter was literally in the chamber on that day and I do not think the member for Davenport had much warning either about being asked to do it, but never mind. So that is the first instance, which is a fact.

The second instance, which is a fact—and remember, the adjournment occurred on 31 October and the member for Davenport, as he quite rightly said a moment ago, undertook to the parliament that he would be ready to go with this today and clearly he is and that is fine from his

point of view—is that the LGA has had since 31 October to get its act together and what has the LGA done with that time? I can tell you that on 6 November they posted to me correspondence which was basically a three-page missive. Evidently, their time between 31 October and 6 November was consumed in writing a letter aimed at telling me what my defects were and then—

**Mr Griffiths:** It was only three pages.

**The Hon. J.R. RAU:** Only three pages, that's right—they obviously left something out. On 12 November, which as I recall was yesterday, late in the day my office received—I think courtesy of the member for Davenport, although I am not sure, but certainly very late in the day—a series of questions that the LGA wanted answered in relation to the bill. They had had a fortnight to get their act together on that and give everybody plenty of time to consider everything, but true to form they decided to land into that space at the very last minute and drop these questions in yesterday. Then, of course, just to underscore their whole attitude to the passage of legislation in this parliament, this morning at 9.30 they sent a fax or something to the member for Davenport urging him to move an amendment here.

Unfortunately, this behaviour is entirely typical. Whilst this parliament has been held up, entertaining their delicate sensibilities over the last couple of weeks, I think if they want to be engaged with what I am doing, what the government is doing, this business about leaving everything to the eleventh hour and dropping things in at the last minute is just not the way to proceed, nor is sending me correspondence which is in the tone of a missive. That is not helpful and not constructive. That is all I have to say about the bill. I think we should go into committee.

Bill read a second time.

In committee.

Clause 1.

**The CHAIR:** Member for Davenport, I understand you are speaking on behalf of the opposition. Which areas would you like to look at?

**The Hon. I.F. EVANS:** With the chairman's blessing, the minister and the opposition have had a quiet discussion and agreed that all the questions will be at clause 1 and then, once we have finished those, we will put the whole lot through if the committee is happy with that; all members are aware.

**The CHAIR:** Minister, is that your understanding?

**The Hon. J.R. RAU:** Yes.

**The Hon. I.F. EVANS:** We have already provided the minister with a series of questions yesterday, which he has undertaken to read into *Hansard* with prepared answers. In fairness to the LGA, I should just clarify that since my comments to the house the LGA has advised me that the email this morning is consistent with amendments discussed with the shadow minister in another place and they simply put them on the record with other members so that they were aware of what is being proposed to the shadow minister for his consideration. So, in fairness to the LGA, I just put that on the record. My understanding is that the minister is now going to read the questions and the answers we sent him yesterday.

**The Hon. J.R. RAU:** As the member for Davenport has indicated, that is how I intend to proceed. I will just say a few general things that set the tone, if you like, and I will read the questions and the answers as I have them. Then, if the members have any other questions I am happy, obviously, to take those as well. This is in terms of an overview, and a number of questions have been put to me by the member for Davenport which, in effect, have been relayed, as he has said, quite transparently through him from the LGA and, at the end, I might say a little about what their particular interest in this matter appears to be.

Before answering those in detail, I would like to make some very brief global observations about the bill. Firstly, it needs to be said that this is fundamentally an enabling amendment. That is to say that the bulk of the rules relating to private certification will, as now, be provided in detail in the regulations—the code of conduct and the guidelines issued by the department. Of course, as members would be perfectly aware, regulations are capable of being disallowed should that become necessary. So this is an enabling provision; it is not intended to be the actual provision. For this reason I have asked parliamentary counsel to prepare a draft of proposed regulations likely to be made to inform the debate in the other place. I expect to have that draft available for members shortly.

Secondly, as I previously stated upon introducing the bill, the government's intention is to extend private certification to the residential code by what amounts to a very minimalist approach. That is, we are not proposing to create a new class of certifiers. Instead, we believe that we can simply extend the ability of existing certifiers to include assessment against the code similar to private certification in Victoria. This means that all of the existing code of conduct insurance auditing and related regulations will remain unchanged.

Also, based on the current system, it will be clear that the liability for assessment decisions rests with the private certifier, not with the council. Private certifiers will be subject to stringent oversight including auditing, codes of practice and obligation to have professional indemnity insurance. They will also be subject to all of the normal complaint and anti-corruption requirements relating to any persons exercising delegated statutory power. Finally, I must note that it has been put to the government that assessment decisions by private certifiers should not involve 'planning judgement'. This is relevant to a number of questions that have been raised by the opposition (and for the opposition, read the LGA).

It is not a position that the government accepts in relation to the residential code which is essentially a tick-a-box process. Moreover, I should point out that the so-called planning judgements are routinely made by persons who have no formal planning qualifications whatsoever under the current statutory framework—they simply work for a council. Development assessment, at the end of the day, is not really what planners are trained for. It is essentially a species of regulation approval based on what has already been planned for a neighbourhood as expressed in zoning. That is why we believe that the current private certifiers, who have authority to give approvals for structural integrity of buildings, have the expertise and skills suitable for a residential code certification.

After all, the consequences of error in relation to the building code certification could result in death. If we trust certifiers with life safety decisions, we can surely trust them with residential code decisions. In my view, good planning and the exercise of planning judgement should happen up-front in the choice of zoning and in the writing of zoning policies. Leaving 'planning judgement' to the end of the process rather than at the beginning is a recipe for ensuring that housing approvals take months rather than days. We believe that private certification will be a major enabler of more efficient decision-making. This is because, by enabling new housing approvals to be undertaken by a private certifier, it will reduce waiting times for council approval.

In some cases, this could be substantial—up to 20 or 30 days for full merit approval. Coupled with recent changes to the state's residential development code, the government believes this initiative could result in a one-off stimulus of up to $17 million in cost savings equating to about 150 jobs. In the long run there is the potential for this reform to have an ongoing benefit of up to $30 million a year equating to up to 270 jobs. This is because the change will make housing approvals simpler and easier, providing a real incentive for more landowners to use the residential code. Councils and applicants will save money as a result of this reform, which will help the industry and will also ensure downward pressure on house prices, maintaining our state's reputation for housing affordability.

I will now turn to the specific questions put by the LGA, through the opposition. Question 1: is it the minister's intention to limit the authorised development plan consent to functions of a private certifier to residential code development? If yes, is it necessary to delete section 89(3) (which is the disenabling provision in the current legislation), as proposed by the bill, or can it be amended with additional wording to give private certifiers limited planning authority to certify residential code development only? Are you starting to get the flavour of this? There is a lot more of this flavour, but we will keep going.

The answer is yes. As I have already stated in my second reading remarks, we intend to apply private certification to residential code only. In relation to limiting the availability of private certification, the government takes the view that it is best to enable the head power to be broad and leave matters of limitation to the regulations. I want to make that really clear: we want a broad power which will be a broad enabling power, not crippled by LGA concerns about only ResCode, but it is my intention, as will be demonstrated when you see the draft regulations, that we are only talking about the ResCode at this point in time.

Should there, at some future point in time, be an attempt to change that, that will be a matter to be dealt with in this place, and if there is an objection to it then this place is capable of disallowing the regulation. This is also, I should say, the best way to avoid unintended limitations that would necessitate further statutory amendment—for example, in relation to limited

assessment, we believe that there could be a case for enabling this to occur if a certifier was appropriately qualified. In any event, we do not want to rule this out at this stage.

I want to make it clear that we have no intention to expand private certification beyond the code. We believe the amendments represent the simplest and most effective way to do this. Finally, of course, I point out that the provision is subject to disallowance by parliament, as I have said, and that is an appropriate safeguard against an extension into an area the parliament does not want. That is the answer to that question.

Question 2: does the minister believe that a private certifier should be able to make decisions on matters relevant to residential code which required the exercise of—and here are those words again—'planning judgement'? If no, decisions made under section 35(1)(b) and (1)(c) need to be excluded from the functions of a certifier because these sections require the exercise of judgement about what constitutes a minor variation from a complying development or require an aspect of the development plan to be assessed against its merits against the relevant development plan. If yes, the LGA is seeking an amendment to the bill to put a limit on the extent to which a certifier can determine a variation to be minor. There it is, more of that same flavour—restrictive trade practices and so forth.

Can I point out again that people who make these decisions right now, today, all over Adelaide in councils, are not necessarily planners. They are simply employed by a council, so the mystique around the 'planning judgement' eludes me because there is no planning judgement in the sense of something which is particular to be exercised only by a person who has planning qualifications, because that is not happening now at all. In other words, it is a red herring.

Development assessment is not really what planners are trained to do. In fact, I am told by the Local Government Association that there is a shortage of planners, so anything we can do to ensure their skill set is directed towards higher level planning functions—in other words, getting the code right or the zoning right—would be a good thing. That said, I need to make it clear that the government's policy in relation to the residential code will be to allow private certifiers to approve minor variations in accordance with section 35(1)(b) of the act. We are not minded to include the powers of limited assessment under 35(1)(c) at this stage. However, we wish for that option to remain available should it prove necessary in the future. These matters, again, will be spelled out in the regulations. We will also issue appropriate guidelines to assist private certifiers and councils in the judgement of minor variations under 35(1)(b). I should point out that, in this respect, it would be problematic to define what a minor variation is in a regulation as this is, in fact, a fact and degree question that must be determined on a case-by-case basis.

Question 3: the bill says that the council must accept a certificate given by a private certifier. Is it the minister's intention that a council will have a responsibility to check the accuracy of these certificates? The answer is no. The same rules that currently apply to certification against the building code will apply to residential code certification; that is, councils are obliged to accept a certificate of the private certifier.

If members will think it through, the logic of that is very simple: if a decision is able to be second guessed by the council, we have achieved no real efficiency in the process and the commerciality of private certification will be diminished. Private certifiers, as I have already stated, are subject to strong oversight, including auditing, code of conduct obligations and professional indemnity insurance. They can also be taken to court and are subject to anti-corruption oversight.

**The Hon. I.F. EVANS:** If I can just ask a question on that answer. What is the position of the council if they find an error? Are they under any legal obligation to notify the certifier that they have discovered an error—I am assuming they are under no legal obligation to second-guess the decision—and where does it leave the public if a private certifier makes a decision that is in error and, down the track, that certifier's business no longer exists?

**The Hon. J.R. RAU:** Just to make it clear: the private certifier will stand in a position of a delegate and will be exercising authority in their own right. There is no council implication, one way or the other, from that; it is nothing to do with the council. So, the council is not involved, not liable, not responsible, in the same way as building certification now occurs in that fashion.

In respect of the possibility of an error, aside from the various disciplinary matters to which I referred, the insurance premiums, I am advised, for this would be by reference not to whether or not the person is currently trading at the time of a claim being made but as to whether they were, at the time of the decision being made, covered by a policy of insurance.

That, I think, is pretty well exactly what happens with the building certification process now. In other words, if you discover several years down the track that there has been an error and the person is no longer trading and does not have any current insurance, it does not matter because the error is referable back to a point in a time when they did have a policy of insurance, and the claim is made against that policy. Does that answer the question?

**The Hon. I.F. EVANS:** And the insurance company does not exist?

**The Hon. J.R. RAU:** And the world is hit by an asteroid? How far back up the chain do you want to follow that? I make the point, though, that we are already quite comfortable having private certifiers making building approval decisions in circumstances where an error in that certification can lead—and, in the past, has led—to the death of individuals.

In this particular instance, the worst thing that is going to happen by reason of the planning certification, if it is completely wrong, is that a noncompliant development might be built in a particular zone. That is the worst thing that can happen. The question is, if you are following your insurance question through: who would have standing and by what cause of action would they be able to complain about that? Presumably, the owner of the property, or the person who engaged the certifier, has engaged them to certify their proposal. If they mistakenly did certify that proposal and the building is built, that person is not presumably going to be unhappy about it because they wanted the building.

**The Hon. I.F. Evans:** The neighbours might.

**The Hon. J.R. RAU:** The neighbours might be, but I do not know of any cause of action by which a neighbour can—let us leave private certifiers out for the minute. Let us assume that we have a council that has a person working for it who, as we have already established, is probably not a planner and is making these so-called planning judgements, and that person makes a mistake and allows a completely inappropriate development to go through by reason of them not understanding the zoning or whatever. In that instance the council is liable because it is the body corporate that has made the decision, not the individual. I do not know of one single case where a neighbour has brought a cause of action against a council for making a planning decision in respect of an inappropriate zoning. I know of plenty of cases where—

**The Hon. I.F. Evans:** Zoning?

**The Hon. J.R. RAU:** Sorry, approval. I know of plenty of cases where people have argued about the approvals through the ERD Court. The question then is: what damage has the neighbour suffered? They might say, 'I don't like the look of that place,' or something like that, a visual amenity thing maybe. The point I am trying to make, member for Davenport, is: No. 1, I cannot imagine what the cause of action would be; No. 2, I am not aware of any such claims having occurred against councils that are presently making these decisions—and that cannot possibly be because they have never made a mistake; No. 3, these people are insured anyway; No. 4, the policy of insurance covers the period during which they make a decision; No. 5, there is a statute of limitations for these actions in any event; and, No. 6, the only thing the member for Davenport has raised that I cannot answer is: what if QBE goes belly up? That was the insurer at the time. I do not have an answer for that. We are not setting up some indemnity fund.

I do not believe there is any risk of any loss which is not covered by insurance and, quite frankly, I am struggling to think what claim against any insurance policy might be made under any cause of action known to the law.

*The Hon. I.F. Evans interjecting:*

**The Hon. J.R. RAU:** Pardon? Maybe you can ask whatever that was later. I have just had a point brought to my attention, which I perhaps should add. Major insurers are also covered by financial regulations by the federal government in terms of prudential arrangements and other things. We are getting down to the most infinitesimally small point of risk, where there is no cause of action I can think of, nobody has standing to bring the action, no damage, there is a statute of limitations, there is insurance anyway, and the insurers are covered by prudential regulation at a commonwealth level. You need a hell of a lot of dominoes to fall over before you are even going to be within cooee of an issue.

**Mr GRIFFITHS:** I am not a believer in conspiracy theories, so I hope it is going to be okay, too, minister. If I come back to the emphasis that I took from the member for Davenport's question: if an error is observed, what does the council do? Does the council make some form of submission

to the development assessment auditor, the person who actually checks off on the certifier's credibility and authority to actually make decisions?

**The Hon. J.R. RAU:** Yes; I thank the member for Goyder for that question. I do not think I can probably do more than actually quote from a letter sent by the planning department to the chief executive of, strangely enough, the LGA on 30 October. The relevant section is headed 'Errors, discrepancies and complaints'. Incidentally, this is an example of us not consulting, but anyway:

> Your paper states that section 35 subsection (6) of the act will mean that councils will not have oversight function for or responsibility over private certification process. In this context, you have requested clarification regarding the liability of councils in relation to residential code assessments that are privately certified. I point out that the statutory framework will be no different to that applying to private certification for building rules assessment, which includes recent provisions relating to auditing of private certifiers. Similar provisions will be inserted, enabling auditing to extend to residential code matters.
>
> Complaints relating to private certifiers can be acted on through the registration and auditing function. If a council believes a private certifier is acting in a manner, or making decisions, that may be in breach of the act, councils should be encouraged to make a complaint in writing to the minister or the department. In addition, complaints may also be made to the Ombudsman and private certification decisions will be subject to court oversight, pursuant to section 85(1) of the act.
>
> As is the case with private building certifiers, section 89(6) of the act makes it clear that a council acting on the issuing of a certificate by a private certifier incurs no liability for acting on the basis of the certificate. I also point out that private certifiers remain subject to professional indemnity insurance obligations under the regulations. It should also be noted that private certifiers will remain subject to the duties set out in the legislation and code of practice and are subject to the penalties set out in section 97 of the act for any breach.

I think I now go to question No. 3—I think I have done that; that was about being the same as a building code. We have covered that, haven't we?

**The Hon. I.F. Evans:** We've done No. 3.

**The Hon. J.R. RAU:** Okay; No. 4: notwithstanding that a council may not have a formal role to check the certificates—it actually has no role at all—issued by a private certifier, will a council or the community be able to challenge a decision made by a private certifier if it believes an error has been made, and what is the intended mechanism resolving these? I think I have just answered that.

The next question: if yes, will council be allowed to withhold the issuing of a development approval? They are completely missing the point. They just do not get it. They get the certificate; that's it. They do not have to second-guess anybody. They get the certificate, it is not their problem. If the certificate is wrong, it is the certifier's problem; it is not the council's problem, so they do not have to spend time second-guessing it. All they have to do is cite the certificate, make sure that it appears to be whatever the certificate looks like, and then move on.

**The Hon. I.F. EVANS:** Minister, with the local government decisions, there is judicial review if there is an error. Will the same process be in place for decisions of the private certifiers in relation to this bill?

**The Hon. J.R. RAU:** My advice is that yes, that will be the case, because the private certifiers are in fact exercising delegated authority under the act. This is why we are repealing section 89(3), which presently prevents them being people who can exercise delegated authority. In the context of this decision, they are a public officer exercising a statutory duty. The next question: given that councils must rely on the integrity and accuracy of a certificate provided by a private certifier, will councils incur any liability if it issues a development approval and an error has been made? I think I have already answered that.

Question 6: minister, currently you receive any complaints made about a private certifier and an alleged breach of the code of conduct. Will private certifiers be captured by the ICAC legislation, and will complaints against them be investigated by the Ombudsman or ICAC commissioner?

It is my understanding that private certifiers will be covered by the ICAC Bill—if we are able to pass it this week, which would be nice—as they are, under that bill, a public officer. In the context of their exercising this delegated authority, they are, at that time and in that context, a public officer, so they are exercising a public officer's function. Specifically, the bill defines a public officer in schedule 1 to include:

> a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act.

That is in the ICAC Bill. Section 89(5) of the Development Act provides:

A private certifier is subject to the same duties and requirements as the relevant authority that would otherwise be exercising the function under this Act.

I am also advised that certifiers would be similarly subject to an Ombudsman's complaint and to litigation before the ERD Court. Next question—

**The Hon. I.F. EVANS:** I just want to try to get this right in my own mind. A private certifier is a public officer because he or she has been delegated these powers by the act. Is it possible then for a building company to employ a private certifier to do the building and planning approvals for their company? For instance, Hickinbotham, could they go out now and say, 'I'm going to employ someone as a private certifier and their job is going to be to do the approval work for my company'?

**The Hon. J.R. RAU:** That is a very good question. I am advised that section 92—Circumstances in which a private certifier may not act, of the Development Act provides:

(1) A private certifier must not exercise any functions of a private certifier—

which in this context would include this—

in relation to a development—

(a) if he or she has been involved in any aspect of the planning or design of the development (other than through the provision of preliminary advice of a routine or general nature); or

(b) if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development; or

(c) if he or she is employed by any person or body associated with any aspect of the development; or

(d) if he or she is excluded from acting pursuant to the regulations.

Subsection (2) states that this does not apply to the Crown. It continues:

(3) A person must not act as a private certifier in relation to development in the area of a council if he or she is employed by the council of that area.

(4) A person who contravenes...is guilty of an offence.

Maximum penalty: Division 4 fine.

**The Hon. I.F. EVANS:** Just so I am clear: there have been various court decisions about the role of contractors versus employees and there is a general acceptance that you are an employee once 80 per cent of your income is from one source, even if you are under contract. Am I right in saying there is no offence committed? In other words, the private certifier could act and receive 75 per cent of their income from one source and, assuming they have not been involved in the design of the development and all those things, they are simply carrying out their function? Is there anything stopping a private certifier getting the vast majority of their work just from one source even though they are acting as a contractor; in other words, a service provider and not an employee?

It seems to me that what the government is doing is, essentially, privatising a regulatory function. There are some big project builders that do lots and lots of development, some of them would build thousands of homes a year, which would keep a private certifier busy. Just as they go to one bricklaying company and say, 'We'll give you 2,000 homes, what's your price? We'll give you 1,000 carpentry, what's your price?'—I am from the building industry—I suspect the builders will be saying, 'We've got 2,000 homes to be certified this year, what's your price?' At what point does that become a problem?

**The Hon. J.R. RAU:** First of all, again, that is an interesting question, but can I respond initially by saying that the same could be said of the current certification of building arrangements, and that is either functioning properly or not as the case might be. I have not had any particular complaint about that drawn to my attention.

At a certain point, the person becomes de facto a person caught by the provision that I have read out. The question is: at what point does it cross from one to the other? That is going to be a question of fact and degree. I can, however, say that the code of practice which applies means that each of these people, irrespective of what their relationship with a particular builder or developer might be, still has their own professional standards that they are expected to observe.

An example I am probably a bit familiar with is in the legal profession where there are a lot of lawyers who have the ANZ Bank, for example, as pretty well their only client, but that does not mean that they are lifted from having the responsibility of observing their professional standards in respect of work they do, and the same with accountants and so forth.

With respect to the actual guidelines, the code of practice, I will just read some of these things out because they might be helpful:

1. All registered Private Certifiers and council officers to whom this Code of Practice applies must:

   (a) recognise that the public interest is paramount in all considerations to the extent of the relevant authority's statutory responsibilities under the Development Act;

   (b) at all times have regard for the interests of their clients and employers provided always that such interests are not contrary to the public interest;

   (c) not knowingly or recklessly act contrary to the standards of propriety that ordinary decent members of the community would generally and reasonably expect to be observed by public officers of the relevant kind;

   (d) have regard to their general responsibility to contribute to the quality and sustainability of the natural and built environment and the health and safety of the general public;

   (e) not breach public trust or the specific trust of their clients and employers, acting at all times with honesty and integrity;

   (f) be objective, impartial and free of any actual conflict of interest in the performance of their duties.

I am reasonably confident that there are both code of conduct standards and the explicit prohibition in section 92 (to which I have taken the honourable member) that work against that problem. Obviously there is going to be a question of degree, but that is no more or less likely to be a problem in respect of certification for planning purposes than it is certification for building purposes, and the consequences potentially for people are significantly less because obviously a building certification that is defective could result in someone dying.

The other thing is that the honourable member characterised what we are doing as effectively privatising this process. I would take issue with that. We are not privatising this: we are simply giving individuals an option.

*The Hon. I.F. Evans interjecting:*

**The Hon. J.R. RAU:** We are giving individuals an option. We are not denying councils this role; and, in fact, if councils actually embrace the residential code they are going to be probably the easiest place to find someone who can do the job and they will continue to do the job. I can say to the honourable member that, without naming particular councils, there are some councils that do this very well right now, and I do not think that anything we introduce here is going to make much difference to them.

We dealt with the ICAC commissioner. Next one: will a council be able to request that a certifier be subject to a development plan assessment audit under 56C if there are consistent issues with their decisions? The answer to that is yes. A council would be able to request an audit to be undertaken of a specific private planning certifier—and I imagine that anyone else could, too—if a regular programmed audit is not required for sometime if the council had sufficient reason to request that one be undertaken. This will then be a matter for the auditors to consider.

I point out that the statutory framework would be no different to that applying to private certification for building rules assessment, which includes recent provisions relating to the audit of private certifiers. Similar provisions will be inserted enabling auditing to extend to residential code matters. Complaints relating to private certifiers can be acted on through the registration and auditing function. If council believes a private certifier is acting in a manner or making decisions that may be in breach of the act, council should be encouraged to make a complaint in writing to the minister or the department (I think I have covered this before). In addition, complaints may also be made to the Ombudsman, and private certification decisions will remain, as I said before, subject to court oversight.

The next question: will a private certifier be required to undertake training and receive accreditation of their planning competency before they are authorised to issue development plan consents? I could ask rhetorically whether the people who do that presently in the employ of councils have that requirement imposed on them. I will leave that one sit there for a minute, but the

answer, happily, is yes, they will. Training in residential code development will be required as part of the registration requirements for private certifiers undertaking residential code assessments.

Next question: when an application is assessed by a private certifier, councils must still create records, issue paperwork and provide data. Will there be a fee payable to the council for these administration responsibilities or will these costs need to be subsidised by all the ratepayers? The answer is yes, a private certifier will be required to pay the standard development application lodgement fee upon engagement to privately certify a residential code development. I point out that the current development assessment fees are not set on a cost recovery basis for residential development. In practice, therefore, private certification of residential code applications is likely to result in less administrative work for councils and lower cost burdens overall for assessment services. In other words, it will be good for the ratepayers.

**Mr GRIFFITHS:** As an extension to some of the answers provided, I am interested in how many certifiers are out there practising currently for building rules consent and how many do you expect to transmission over? Has there been any contact with industry to ascertain those figures?

**The Hon. J.R. RAU:** That is one I will have to take on notice because we do not have the number of building certifiers presently, but we can get it. I will undertake to get it for you and you will be provided with that between the houses. As for how many will transition, again I assume we would, to some extent, be guessing that one, and it will be a demand issue I expect. If I can get anything useful to say to you on that one I will also.

**Mr GRIFFITHS:** I ask the question in the context that the minister was able to provide, as part of his preliminary comments before the answers to the LGA questions, an estimate I think of $17 million in initial savings and $30 million per year in ongoing savings. I presume some numbers have been done on the number of applications that will be considered. You have made the estimates on job outcomes from this also. Do you have that information available about the number you think will go through certifiers?

**The Hon. J.R. RAU:** I thank the member for Goyder for that question. I will give the honourable member the advice I have received from the department that made the modelling to which I referred. Private certification of ResCode applications will deliver economic benefits in two parts: first, the existing ResCode applications will be processed more quickly. Typically, every ResCode application will be processed between two and nine calendar days faster than currently occurs. This time saving will result in a once-only positive economic impact arising from bringing forward of construction estimated to be in the order of 150 jobs and $17 million improvement to the gross state product arising from additional incomes. Secondly, more applications will be lodged as ResCode rather than as full merit assessments. This will deliver a typical saving in processing timing of between 12 and 34 calendar days.

The proportion of assessment being res code is expected to increase by at least half. This will result in a benefit in the order of 270 jobs per annum and $30 million gross state product each year. These are conservative estimates and the actual benefits are expected to be higher. No attempt has been made to quantify the economic value of other benefits. These estimates are net of the benefit already anticipated from improvements to ResCode that took effect on 1 August this year. In other words, they include an allowance for the positive impact of the new ResCode that will arise, irrespective of who certifies the application. Given the time and constraints, these estimates have been made at a high level and no detailed modelling has been undertaken.

**Mr GRIFFITHS:** I respect that the numbers the minister quoted are far more important than the questions I asked because he talks about job outcomes and economic activity, so I understand that. I believe the minister gave an indication to provide the basis of answers to that as some of the debate that might occur in the other chamber.

Minister, I do have a question in relation to clause 5, if we can still deal with it in clause 1 where the general question is, and it is just about the development assessment auditor. Are those positions that currently exist or is this some new role that is going to be established?

**The Hon. J.R. RAU:** I thank the honourable member for that question. I am advised that section 56B of the act presently already provides for auditors but in the context of building certification. What we are doing here is basically replicating that 56B but for the purpose of the certification that we are talking about here.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT AND REPEAL (BUDGET 2012) (NO. 2) BILL**

Adjourned debate on second reading.

(Continued from 1 November 2012.)

**The Hon. I.F. EVANS (Davenport) (12:13):** The Treasurer will be happy to know this will not take long. This is the reintroduction of the Statutes Amendment and Repeal (Budget 2012) Bill with a couple of very obvious amendments. One is that the biosecurity levy that was outlined in the previous bill is not in this bill, having previously been defeated in the upper house.

The budget matter in relation to the housing grants was subject to another bill and, therefore, does not appear in this bill. The remainder of the bill is the same as previously debated, so I am not going to hold the house redebating something we have already debated, which really leaves simply the one matter which the opposition has opposed on two previous occasions and will be opposing on this occasion, that is, the matter in relation to police court costs.

I thank the Treasurer for arranging briefings the other day, and I apologise to the officers for putting them through two briefings due to a misunderstanding by my office. I apologise to the officers for taking up twice the amount of time than they probably needed to in regard to briefing the opposition on this matter.

In relation to the change to court costs in this bill, you might recall, Mr Deputy Speaker, that over the last couple of years there has been a number of attempts to bring in recovery of court costs. In the 2011 bill, there were amendments to establish a presumption that costs would not be awarded against police in a summary prosecution, and that was defeated. This year, in the 2012 bill, there was provision that would have provided that costs would not be awarded against any party to the proceedings for an indictable offence except in special circumstances, and that was defeated. This is the third iteration of this matter. I am not going to hold the house long because, ultimately, this will be sorted out in the other place and all the rest of the bill has been debated significantly.

We understand that as of today the Legal Services Commission advice to the shadow attorney is that, in the last 18 months, there has been no consultation with the Legal Services Commission by Treasury regarding the impact of this on the Legal Services Commission. That is why the shadow attorney has suggested that the net saving to the budget may be smaller than the Treasury predicts because, the Legal Services Commission being publicly funded, if there is an impact on the Legal Services Commission's funding, they are going to have to get extra money from the public purse and therefore the saving is less, unless of course the Treasurer is intending to impose whatever that cost is onto the Legal Services Commission as a savings measure.

There are a number of interesting points regarding this particular proposal. Citizens are presumed to be innocent until proven guilty, and the court costs allowed under this bill are capped at $2,000. The preparation of some defence cases may be complex, and the shadow attorney advises me that they may well exceed the $2,000 cap. A trial in the Magistrates Court can cost between $3,500 to $5,000.

The Legal Services Commission suggests that the meaning of the word 'dismissed' in the context of the amendments is not clear and may include where the trial proceeds to acquittal and the charges are therefore dismissed. In that case, the allowable amount of $2,000 would be insufficient to meet the cost of the full trial (which is the Legal Services Commission's comments to the shadow attorney, as I understand it).

The bill lays down criteria which are required to be considered before a court order is made. It would be 'virtually impossible for either the defence or the court to ascertain whether or not the prosecution had breached any of the criteria' (that is what the Legal Services Commission suggests) and they would, 'appear to make it difficult for a defendant to get any costs order in their favour' (which is what the Law Society of South Australia suggests in relation to that point).

There is concern raised by some that it will encourage prosecutions without merit. There is an issue in relation to whether there are actually greater prospects of cost savings through efficiencies with police prosecutions. The Legal Services Commission says that cost reductions should be achieved through stricter adjudication of matters brought to trial by the police, thus avoiding court orders rather than transferring the cost of the inefficiency to other parties. Interestingly enough, the Law Society endorses those comments.

In the briefing by police to the shadow attorney on the bill, they indicated that over the last six years the proportion of briefs attracting costs orders had increased from about 0.7 per cent to about 1.8 per cent of briefs. The costs ordered increased from around $747,000 to about $3.137 million, a real terms increase of some 351 per cent.

Other than that, I have been briefed by the officers and the only questions I really have to the Treasurer (and I do not need to go into committee for this: the Treasurer can just answer it) are these. Why has the Legal Services Commission not been consulted on these matters, and what is the financial impact on the Legal Services Commission? If there is a negative impact on the Legal Services Commission, is it the intention of the government to provide extra budget to the Legal Services Commission so it is not financially worse off, or is it the intention that it be made to find that savings out of its normal budget allocation?

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:20):** I thank the opposition for expediting the passage of the bill. With regard to consultation, my understanding is that there has been consultation undertaken at an officer level between the police and the Legal Services Commission over the various manifestations of this savings attempt that has been brought. It is something that has been consulted on at an officer level, I am advised.

Secondly, the annual report of the Legal Services Commission indicates that the revenue to the Legal Services Commission from these awards of costs is in the vicinity of $150,000. I do not have at hand the total budget figure that is provided to the Legal Services Commission every year, but it is certainly in the many millions of dollars, so we are talking about a tiny fraction of the total revenue received by the Legal Services Commission.

In any case, I am advised that the overwhelming majority of the award of costs that are received by the Legal Services Commission are well within the vicinity of the $2,000 cap that I am proposing. I would expect that this will absolutely have no impact whatsoever on the Legal Services Commission budget. The very maximum would be a $150,000 impact, presuming that they would never ever receive anything in costs ever again, but that is not what I am proposing. What I am proposing is setting a $2,000 cap, so my expectation would be that the impact on the Legal Services Commission budget would be zero.

The savings that this measure will provide to the police budget will be relatively small, but what it will do is take pressure off a part of the police budget that there has been greater call upon. As the shadow treasurer pointed out, the police have advised the opposition and the government that this is an area that has been expanding in recent years. If there is an analysis of the success or otherwise of prosecutions undertaken by the police, it does not indicate an increase in the frequency of acquittals from police prosecutions. The success rate has been relatively constant and yet we have seen a substantial increase in costs being awarded against police over recent years.

Those costs are basically paid by taxpayers and they result in a diversion of resources from front-line policing to these payments of costs. I think what has been proposed is an elegant compromise and I certainly trust that we will see passage of this budget bill unamended through the other place.

Bill read a second time.

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:24):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## PAYROLL TAX (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October 2012.)

**The Hon. I.F. EVANS (Davenport) (12:26):** This bill contains two amendments to the Payroll Tax Act 2009 and really is about harmonising the definition of payroll between states. Essentially, the first amendment removes outdated references to the commonwealth legislation in the employee share scheme provisions. The commonwealth announced changes to the method of taxing employee share schemes in the 2009 budget. Retrospective commonwealth legislation was assented to on 14 December 2009 and included the transfer of relevant provisions from the Income Tax Assessment Act to the Income Tax Assessment Act 1997. The retrospective effect of the commonwealth legislation and changes in the way the new commonwealth legislation taxes shares and options has made it necessary to amend the provisions of this act.

Traditional provisions will allow employers to pay payroll tax on the grant of shares and options from 1 July 2009 before 1 July 2013 under the current provisions or under the current proposed new provisions. There is considered to be little material difference in the impact of the two sets of provisions but we are seeking industry feedback. We have only had one minor comment which I will read in for the Treasurer to consider between houses.

The second amendment clarifies the application of the maternity and adoption leave payroll tax exemption. At present the 14-week exemption period can be pro rata to the equivalent of 14 weeks leave for full-time employees who take their leave at less than full pay. The act does not provide the same treatment for part-time employees. The proposed amendment seeks to ensure consistent and fair treatment of the wages paid to full-time and part-time employees and will clearly state that the 14-week period can be pro rata for part-time employees also.

We sought feedback from a range of industry associations. The one that got back to us was the Law Society and, so the Treasurer can consider this matter, I will read it into *Hansard* and he can consider it between houses, and we will ask the minister in the other place for an answer in relation to the Law Society's point. We sent the bill to the Law Society. The Law Society advised us that the matter was considered by their Commercial Law Committee and they provided the following comments:

Clause 6.1—When a share or option is granted

This clause proposes to amend section 19(2) of the Payroll Tax Act 2009. We refer to the recent Full Federal Court decision in Federal Commissioner of Taxation v McWilliams [2012] FCAFC 105 in relation to the acquisition date of share options. We query whether this case was taken into account during the drafting of the proposed section 19(2) since, as we understand it, the policy is to reflect the Commonwealth provisions in relation to the employee share schemes. Further, the current section 19(2) refers to the repeal provisions of the Income Tax Assessment Act 1936 and we query whether a replacement of those references to the Income Tax Assessment Act 1997 is more appropriate or whether this is a specific intent to clarify when an option or share is granted.

Clause 6(2)—Vesting date.

This clause proposes to amend section 19 subsections (3) and (4) of the *Payroll Tax Act*...to reflect changes in the Commonwealth employee share scheme provisions by providing that the vesting date of a share or option is the date at the end of 7 years after the grant of the share or option. However, the Commonwealth *Income Tax Assessment Act 1997* includes another taxing point which is not referred to in these amendments. This is the cessation of employment in respect of which an employee acquires their interest (section 83A-115(5) and section 83A-120(5)). We query whether this specific taxing point in the Commonwealth provisions has been intentionally omitted in these amendments.

Clause 7—Value of shares and options

The proposed new section 23(6) refers to 'any other necessary modifications'. We query whether this provides sufficient certainty or whether other guidance will be provided to taxpayers in relation to what this term means.

The opposition supports the principle of the bill. I do not expect the Treasurer to clarify those matters now because they are very technical and relate to matters in the Federal Court but, if he could have a look at them between the houses and provide clarification in the upper house, that would be sufficient. On that basis, the opposition supports the bill.

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:31):** I thank the opposition for their support and I am more than happy to get back to the member for Davenport between the houses with a response to the Law Society's query.

Bill read a second time.

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:32):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## ADVANCE CARE DIRECTIVES BILL

Adjourned debate on second reading.

(Continued from 17 October 2012.)

**Ms CHAPMAN (Bragg) (12:33):** I rise to speak on the Advance Care Directives Bill 2012. I indicate that the Liberal Party has not formed a party position on this matter. Of course we do, on a number of bills, form a party position. In this matter, it was considered appropriate for that not to be the case. For us on this side of the house, every bill is a conscience vote but we do of course determine a party position, and this is one of them.

**The DEPUTY SPEAKER:** I was just waiting for you to say that and you did not disappoint me.

**Ms CHAPMAN:** I indicate, however, that I will be supporting the bill. There have been a number of concerns conveyed about the application of the bill, about which I will advise the house. I think a number of our other members, probably on both sides of the house, have received correspondence from several parties on these matters. I will come to them shortly. They may well be matters that the minister can give some response to today. If not, I think a number of members of the parliament will be looking for some comfort on a number of these matters.

The Advanced Care Directives Bill 2012 was tabled by the minister in this house on 17 October 2012. It certainly has a long gestation period. Members will be aware that this parliament was a pioneer in the area of medical treatment and palliative care with the passing of the Consent to Medical Treatment (Palliative Care) Act 1995. The development of that bill and its final passage can be accorded to the hard work of the Hon. Jennifer Cashmore, who was a great champion of it, and, I am sure, other members who were in the parliament at that time, including, I remember, the Hon. Dean Brown, who was very passionate about developing what was a pioneering area of palliative care in Australia.

This legislation, however, comes as a result of a review initiated and undertaken by this government. In April 2007 the Advance Directives Review Committee was established, and it was chaired by the Hon. Martyn Evans, a former minister for health in this place under the Bannon government. That committee completed two very substantial reports, providing for some 36 recommendations, in September 2008.

The circumstances surrounding the establishment of the inquiry were on the basis that the government acknowledged that a number of legal tracks were developed by which a person could appoint an agent or another party to undertake important decisions on their behalf, whether they be financial across to lifestyle and medical decisions, and that resulted in the general need for a review. Certainly at the time it was the government's view that completing advance directive forms could be a confusing and complicated process and that two or three different forms needed to be constructed or developed to deal with health, lifestyle and financial matters. They saw the significance of being able to have a standard model form simplified, in easy language that was understandable, removing all the legal speak, and to make it a cheaper, more accessible, more effective, more usable, user-friendly format for this whole process of giving individual citizens the power to appoint someone else to make decisions for them.

All that sounded good. The comprehensive review reports (the two that I have indicated) published in September 2008 then seem to fall in a hole. The principal recommendations of that inquiry I commend to members of the house who have not read them. I think they are quite instructive in the development, history and applicability of the regimes we have to date and they are also a very comprehensive assessment by the committee as to areas of reform. However, the principal recommendation was that the four forms that were needed to cover these types of directives were to be brought together under a single act and that an advanced directives act be introduced with supporting forms and guidelines in simple, non-legislative language.

The report also emphasised the fact that there was a lack of awareness in the community of the present regime and that the advance directives are little used because they are not properly understood. I think that is a fair assessment, certainly from my experience and, I am sure, other members' experience. Whether it is something that is utilised in their own family and extended social network or whether it is, in my case, in the legal aspects, it was common in my 20 years of

practice to prepare wills and powers of attorney sometimes for short periods if someone was going overseas, and in those days it was pre-mobile phones, etc. The significance of having an authorised attorney in Australia while a party was overseas was frequently used and, of course, enduring powers of attorney were designed to be able to continue to operate even if the donor in that sense (the party signing the power of attorney) were to develop a level of mental incompetence.

They were common, and I think that there was a general understanding that—as has developed over a long period of time—people no longer die immediately. Occasionally, sadly, they do in assaults or accidents and interventions such as that, but very often people die as they age over a period of time, and it is reasonable to expect in this day and age that there is a period near the end of life when there would be a diminishing capacity in all sorts of areas—frailty, mental competence etc.—that are sometimes, sadly, severely intruded into by conditions such as Alzheimer's and the like.

As a legal practitioner—and other practitioners are colleagues of mine—there was an expectation that, instead of just preparing someone's will or making provision for widows and the like, there would also be an understanding of the importance of having mostly an enduring power of attorney so that one or other persons could be appointed (often family members, but sometimes lawyers, accountants and other professional advisers) to undertake that role.

As the science developed, the medical technology developed, and there came a new era for not just the ageing process and the end-of-life time but the opportunity for surgical and other medical interventions which could prolong life and which have developed a whole new panacea of opportunity as we age. Those interventions are not entirely at the end of life; they can be during our lives that will extend the life span.

I will not be dwelling today on the early part of life but, sadly, there are children in that neonate stage, which I think still today is probably one of the last realms of action by medical practitioners (often the specialists), who are born, sadly, with significant disability or deformity—and there would be others in this house who have members of their family and who are more experienced than I am. It often means that the interventions that would ordinarily be available to other persons are not even available to these tiny babies because the frailty of their condition means they would probably not even survive anaesthetic to enable them to have that drug treatment or the like, as I understand it.

These are children for whom, as I understand it, the medical profession takes on the enormous responsibility to make the infant comfortable for as long as they can and as appropriately as they can, with water but no nutrition being provided and with no overt intervention to prolong their life, and so they slip away and are lost to their families.

I am not talking here, under this bill, about the decisions that we make as adults—either as a professional or as a parent—towards infants, but for adult to adult, because this bill, I think importantly, as does the current legislation which it is replacing, relates to adults appointing adults. There is no provision in here for infants and, of course, neither is there the capacity for an infant to be appointed as an agent or to provide as an agent.

The development of this review is one that I think probably most people in the house would accept is important, even on the basis that in 20 years of operation of legislation it is important to look at how contemporaneous the application is, particularly where there is medical advancement, and at the importance and the effectiveness of what we have developed.

In this instance there are a number of prongs. There was a case to at least look at the narrowing of that field and to provide an advanced directive model precedent able to be used for all types of decisions. I was concerned, and I think it was also of concern to other members of the public, who would come to us as local members to say, 'What has happened to the advanced directives bill? What has happened to the development of the bills out of the recommendations that were presented?'

It went on for a couple of years. By late 2009, just before the 2010 election, I recall there was some concern expressed in *The Advertiser*, which reported that a senior government source had said that the government was too petrified to open Pandora's box of end of life issues before the next general election. The then attorney-general was quoted in *The Advertiser* as saying that he had read the reports and he found their reasoning impeccable. He continued:

They will make life easier for thousands of families. The Rann government has a keen interest in making it easier for people to plan where and how they want to live, how they want their finances managed and what treatment they want to be offered.

However, notwithstanding that missive from the now member for Croydon, nothing happened. Disappointingly for me, and I think probably for a number in the house, this bill has now come to fruition without any provision for financial powers of attorney. I think there is probably a good case for the financial powers of attorney to be left in a category independent of what I would call the human and health side, lifestyle aspects, of the advanced directives.

One of the things that was important in the review in distinguishing between these two fields of appointment was that on the financial side of it, it might be that a person is quite comfortable in speaking to their financial adviser, their accountant, their lawyer, or other professional people (that is, non-medical people) about how they want certain assets to be managed or maintained during any period of incapacity.

It was seen as more in the impersonal area and that people could comfortably talk about that, whereas lifestyle issues and health matters, quite properly, are often very personal matters. If someone has a particular condition or disease that they would not want to be publicly known, they would only feel comfortable in speaking to a medical practitioner or health professional who had an understanding of the delicacy of certain conditions or disfigurement.

It might even be something as simple as a lifestyle choice and information that one might have. It might be simply embarrassing for someone to have to acknowledge that they have an incontinence problem and that they need certain accommodation and lifestyle services to provide for that, to support them in that. That is something that they would be comfortable in speaking about to their medical adviser or nursing staff, but certainly not to someone who would ordinarily be preparing their tax return. There is a case to separate them.

Personally, though, I am disappointed that the government has not come and tabled some proposed reform, if there is going to be any under this government, via the Attorney-General, on the powers of attorney. I think that that is well overdue and I would hope that the government has not abandoned that, and that there will be some advance from the Attorney-General in dealing with financial matters.

The aspects on which I wish to make some comment and which are independent of the general consolidation approach are, firstly, the lack of signing up to the current forms of advanced directive; and, secondly, the new dispute resolution process, some aspects on the form to be prepared and mutual recognition conditions, and the responsible person aspects of the Consent to Medical Treatment and Palliative Care Act.

Let me start by saying that the consolidation for medical powers of attorney, anticipatory directions and enduring powers of guardianship have been detailed as to the legislative base on which they operate, and their different applications were well covered, I think, in the minister's second reading explanation. The failure to take up these opportunities, I think, is significant, but not for the reasons that the government has outlined. I have never had a client come into my office as a legal practitioner and say, 'I don't want to do an advanced directive' or 'I don't want to do a power of attorney because the form's too complicated or because I might have to fill out two forms instead of one.'

Usually people come in with an issue and they say, 'I want to make provision for my will if I die' or 'I know that I have a terminal illness and I want to make provision for my funeral costs, my will, my accommodation, my medical treatment' and so they want the documents prepared to do that. They do not ask you whether it is going to be two forms or one form, or that that is going to be a basis upon which they make a decision to do it at all. I have never had that experience. In fact, they usually rely on the advisor to say, 'Well, you need a will, you'll need to have some authorities here, you may want to identify what treatment you wish to decline, and that can be done under the palliative care act, etc.' You then prepare the documents after they have made the decision—presumably subject to the cost advice you have given them—as to what they are going to have.

So the form itself is not the issue, in my view. There is, though, and I think this was touched on in the reviews but not presented really by the government, that death is not a happy subject. Even deteriorating ill health is not a happy subject: it is something that people are usually putting aside as a subject that they do not really want to deal with, and family members are frequently worse at coming to terms with the fact that there is an end of life process that is underway or there is a deterioration of health. There is a sort of head in the sand approach to some of this.

Even as legal practitioners we would say, 'Look, a will is great but you need to think about whether you are going to have an enduring power of attorney because there is every likelihood that you're going to have a period of diminished capacity prior to your death, and if you have someone reliable in your family, amongst your children or siblings, for example, who you might want to take this up or use a statutory group such as the Public Trustee.' I will not even start with them today, because that will be another whole day's worth if I start on the Public Trustee.

In any event, I make the point that, if prompted, people will look at these issues, but generally most of us or our children do not wake up in the morning thinking about whether they are going to avail themselves of the advanced directive procedure and think about acting responsibly for their future. That is just not on their agenda. They are in the business of living; that is, they are in the business of understanding about whether they have a job, taking their children to school and who is going to win the football. The idea of spending time, money or attention when they are young, fit and healthy is quite a foreign concept.

If it is the government's objective (and I think the briefing that we had from representatives of the team that is undertaking the work on this by the government and, incidentally, I thank them for providing that) I think it is very much focused in saying, 'This is an important issue.' I do not disagree with them—it is an important issue. We need to educate the public about the importance of doing advanced directives because lots of things can happen in people's lives way before they might be of a mature age and it would be an advantage to have documented and recorded what is important to them, what their goals and aspirations are in relation to future medical treatment or lack of intervention, or intervention, and the opportunity for them to define, detail and lay out their wishes in life, not just in death. It is an admirable aspiration.

I think the Hon. Jennifer Cashmore (a former member of his house), who I spoke to about this matter, who had set up the opportunity for advanced directives was disappointed, too, in the lack of uptake of this. However, I think we all need to understand that the people in this state are out there doing other things and they are out there living. This concept of preparing for end of life, even if it is going to be in a determined and foreseen way—that is, you have some advance knowledge of it—is not something that people generally want to direct their attention to.

I think it is fair to say that more and more people are encouraged—and there is an educative role that I think has been successful in this regard—to prepare for their funeral expenses. Again, it is just a little bit on the clinical side of things where they have to make lots of decisions about dying. They know one day it is going to happen and they think, 'We will make sure that we buy a package.' Indeed, funeral directors and so on have products now where you can buy a package to pay for everything to relieve your children of the burden of the cost of burying you, etc. So slowly but surely these things are advancing but it is not something that has a high uptake.

I think that the questions that are going to be raised are going to be quite significant. A similar type of situation is the directive or the consent to donate an organ. Probably members of this house have registered to donate an organ in the event of the termination of their life and to be able to donate corneas or kidneys and so on that would be life-giving to other people in South Australia, and they have signed up to do that. In fact, from time to time, there is consideration about whether we should have an opt-in or an opt-out system. At the moment we have an opt-in system where you consent to do it and you are entitled to have advice about that.

It is also designed to relieve that ghastly period, post usually a car accident, where a young person's parents are approached by an often senior medical practitioner to say, 'There is nothing we can do to for son or daughter but they do have healthy organs and are you willing to consent to them being provided?' That is a really confronting experience for any parent, of course, and a very sad one. However, people are all the more traumatised by having to make decisions like that in the midst of the distress that they are experiencing.

There have been educative contributions made to encourage people to think proactively about this and make those decisions. I have even had other young people of my own children's generation who say, 'Actually, mum I think that's a good idea and I think we'll sign up for this to make sure that we protect against the loss of my good healthy organs (the good bits) that could be used to save someone else's life.' I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

## CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

His Excellency the Governor assented to the bill.

## CHARACTER PRESERVATION (MCLAREN VALE) BILL

His Excellency the Governor assented to the bill.

## VISITORS

**The SPEAKER:** I draw honourable members' attention to the presence in the gallery of a group of students from Port Adelaide TAFE, who are guests of the member for Adelaide. Welcome. We also have a group of students from Loreto College. Welcome. We also have a group from DFEEST of 10 graduates from a course, who are the guests of the Minister for Employment, Higher Education and Skills. Welcome; it is lovely to see you here. I believe you have done very well in your course.

We also have present in the gallery Professor Dr Mohamed Ahmed Saleh. He is the Egyptian delegate to the World Surf Lifesaving Competition, and he is also a member of the Egyptian Parliament. Welcome; it is nice to see you here. I hope our parliament is better behaved today than yours. I am sure they will behave very well for you while you are here.

## EATING DISORDER SERVICES

**The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts):** Presented a petition signed by 37 residents of South Australia requesting the house to urge the government to provide a dedicated medical team and facility to provide eating disorder services, maintain funding and facilities for the Weight Disorder Unit at the Flinders Medical Centre and to keep the Weight Disorder Unit completely separate from general psychiatric facilities.

## PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government Annual Reports—
Berri Barmera Council Annual Report 2011-12
Murray Bridge Annual Report 2011-12

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

South Australian Motor Sport Board—Annual Report 2011-12
State of the Sector—Annual Report 2011-12

By the Minister for State Development (Hon. J.W. Weatherill)—

Capital City Committee Adelaide—Annual Report 2011-12

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

Classification (Publications, Films and Computer Games) Act 1995—Guidelines pursuant to
Road Block Establishment Authorisations—Statistical Return 1 July-30 September

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

Regulations made under the following Acts—
Liquor Licensing—
Dry Areas—Long Term—
Lobethal Area 1
Mount Gambier
Strathalbyn
Two Wells Area 1
Lottery and Gaming—Revocation of Regulation 48

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

Rail Safety Regulator's Report—2011-12
South Australian Rail Regulations—2011-12
Tarcoola-Darwin Rail Regulation—2011-12
Regulations made under the following Acts—
South Australian Ports (Disposal of Maritime Assets)—Port Adelaide Container Terminal Monitoring Panel

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

Mining and Quarrying Occupational Health and Safety Committee—Annual Report 2011-12
SafeWork SA Advisory Committee—Annual Report 2011-12

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

Country Health SA—Local Health Network Inc Annual Report 2011-12
Health Advisory Council—
Barossa & Districts Annual Report 2011-12
Bordertown & District Annual Report 2011-12
Eastern Eyre Annual Report 2011-12
Eudunda Kapunda Annual Report 2011-12
Far North Annual Report 2011-12
Gawler District Annual Report 2011-12
Hills Area Annual Report 2011-12
Kangaroo Island Annual Report 2011-12
Leigh Creek Annual Report 2011-12
Lower Eyre Annual Report 2011-12
Lower North Annual Report 2011-12
Loxton and Districts Annual Report 2011-12
Mallee Health Services Annual Report 2011-12
Mid-West Annual Report 2011-12
Mount Gambier and Districts Annual Report 2011-12
Port Augusta Roxby Downs Woomera Annual Report 2011-12
Port Lincoln Annual Report 2011-12
SAAS Volunteer Annual Report 2011-12
South Coast Annual Report 2011-12
Southern Flinders Annual Report 2011-12
Waikerie and Districts Annual Report 2011-12
Whyalla Hospital and Health Services Annual Report 2011-12
SA Ambulance Service—Annual Report 2011-12

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

Adelaide Convention Centre—Annual Report 2011-12
Adelaide Entertainment Centre—Annual Report 2011-12
Animal Welfare Advisory Committee—Annual Report 2011-12
Environment Protection Authority—Annual Report 2011-12
Environment, Water and Natural Resources, Department of—Annual Report 2011-12
Forestry SA—Annual Report 2011-12
Marine Parks Council of South Australia—Annual Report 2011-12
Pastoral Board—Annual Report 2011-12
SA Rock Lobster Industry—Annual Report 2011-12
Radiation Protection and Control Act 1982—Administration of Annual Report 2011-12
South Australian Heritage Council—Annual Report 2011-12
South Australian National Parks and Wildlife Council—Annual Report 2011-12
Wilderness Advisory Committee and Wilderness Protection Act 1992—
Annual Report 2011-12
Zero Waste SA—Annual Report 2011-12

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

Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Act 2011—
Instrument for the Purposes of Clause 5.2 of the Variation Clause

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

Police Superannuation Board—Annual Report 2011-12
SA Metropolitan Fire Service Superannuation Scheme—Annual Report 2011-12
South Australian Parliamentary Superannuation Scheme—Annual Report 2011-12

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

Freedom of Information Act 1991—Annual Report 2011-12

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

Construction Industry Training Board—Annual Report 2011-12

## OLYMPIC DAM EXPANSION

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

Leave granted.

**The Hon. J.W. WEATHERILL:** A little earlier today, the government announced that it had granted an extension to the variation deed to the indenture governing BHP Billiton operations at Olympic Dam. The period in which BHP is required to approve the expansion has been extended to October 2016. This is the period sought by BHP in its request to government dated 26 September 2012. The ore body at Olympic Dam is substantial. It is the world's fourth largest copper deposit and largest uranium deposit. This world-class resource will be developed, but it will be developed on a longer time line than South Australians had anticipated earlier this year.

Granting the extension will enable BHP to complete the investigations it needs in order to develop a revised mine plan. Critical to the revised plan will be the successful deployment of new technologies relating to the extraction of material from the mine pit and processing of the ores. It is the investigation of these new technologies which primarily accounts for the delay in the development of the mine.

BHP has committed to undertaking a number of activities in South Australia during this extension period. It has committed to spending more than $540 million over the next four years on the rescoping project itself, including the new technology studies and on-site works. This will include a substantial research collaboration to develop a new method for producing copper metal and uranium oxide via the application of heap leach technology to Olympic Dam ore.

This groundbreaking research has the potential to unlock mixed ore bodies right across South Australia by providing for lower cost recovery of all our minerals. This is just one of a number of research collaborations BHP Billiton will support in relation to its mining activity. It will also contribute to research by providing materials such as representative drill cores, geological data, and research reports relating to Olympic Dam to the state core library. This will provide researchers with a rich resource of material to help understand how Olympic Dam formed and how others can be found.

BHP will also make substantial provisions for expanding Aboriginal opportunity. This includes awarding the major on-site excavation contract to an Aboriginal enterprise or joint venture. It will invest in mining services industry development, including by developing an industry clustering program which will embed technical expertise in local companies and provide seed funding to companies to allow them to find solutions to Olympic Dam related issues and by helping develop the Mining Industry Participation Office.

It will contribute to environmental initiatives, including provisions of 2.1 million hectares of land to help establish a north-south biodiversity corridor and a research collaboration about the environmental impacts on Spencer Gulf and its marine life, including the giant cuttlefish, and it will invest in the establishment of a major national Indigenous visual arts festival. There is no such festival in Australia or the world, so this will be a significant celebration of Indigenous culture right here in Adelaide.

All up, BHP is committing more than $650 million to be spent in South Australia over the next four years on these activities. Through this package of activities, BHP has recommitted itself to South Australia. These activities represent substantial commitments by BHP to its workers, to South Australia, and to the future of Olympic Dam. But, perhaps more importantly for South

Australians, today's commitments will ensure that South Australia will be better placed to take advantage of the opportunities offered by the Olympic Dam expansion when it does occur.

We will have more workers with the right skills, more businesses with the capacity to take up the contracts on offer and the innovative capacity to solve BHP's problems, and a mining research capacity that will draw the best minds from around the country and the world to Adelaide. This means more jobs for South Australians, not just at the mine itself but in all the industries that flow from it. Our vision is to create for South Australia a mining services hub for Australia and our region. Today's commitments represent substantial steps towards that vision.

## BUSHFIRE UPDATE

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:10):** I seek leave to make a further ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** I rise to update the house on the current fire situation and recovery efforts as a result of the multiple fires that have occurred across the state since last Saturday night. Since midnight on Saturday, emergency service crews have battled 65 fires across the state, nine of which were considered serious.

The fire near Tulka, about 12 kilometres south of Port Lincoln, has caused the most concern as it swept through over 1,800 hectares of pastoral land and scrub and damaged two homes, 14 cabins, a campervan, a caravan and burnt several sheds and four cars. The loss of property is distressing and we feel for the people suffering today, but I am pleased to be able to say that there have been no reports of serious injury or of lives lost.

Over 150 firefighters, assisted by three fixed-winged aircraft and a surveillance aircraft, worked to contain the fire. Conditions have remained mild overnight, allowing crews to continue to work in consolidating the control lines and mopping up. The CFS have established a multiagency investigation team which includes the MFS, SAPOL and CFS to establish the cause of this fire and survey the damage to properties.

The Minister for Emergency Services (Hon. Jennifer Rankine) and the Minister for Communities (Hon. Ian Hunter) have been on the ground in Lower Eyre Peninsula since yesterday afternoon to assist with the recovery efforts, inspect bushfire affected areas, meet with community members and thank the hardworking volunteers and emergency service workers. They were joined by the shadow minister for emergency services and local member, Peter Treloar.

I would like to express our profound gratitude and admiration to our dedicated firefighters and support staff from the CFS, MFS, SES and SAPOL who have worked tirelessly over the past several days. I am in no doubt that the damage and pain the community is now dealing with would have been much worse but for the efforts of those firefighters.

Unfortunately, I have been advised that, while fighting the 65 fires across the state, three firefighters sustained injuries while putting the needs of the community ahead of their own. I am pleased to report they are all on the mend and, on behalf of all South Australians, I wish them all the best and a speedy recovery.

We are approaching the 30th anniversary of the devastating Ash Wednesday fires that killed so many and destroyed so much in 1983. The Mount Lofty Ranges remains the area of highest risk, principally because of the thousands of residents who live in the area. The weekend events are an unfortunate reminder that we live in a climate and a country that is bushfire prone and that we must do all we can to be bushfire ready.

The majority of people who die or become seriously injured during bushfires in South Australia are caught fleeing their homes or property at the last minute. Preparing a plan offers triggers to help people to either leave early or prepare to actively defend their property. I would urge all South Australians who live, work or travel in an area where bushfires can occur, if they have not already done so, to act now and prepare a bushfire survival plan. It is vitally important that we all play our part this bushfire season to ensure that we are bushfire ready.

## MEMBER FOR FROME

**The SPEAKER (14:15):** Members may have noticed that the member for Frome is not here today. I understand that he is unwell, and he has been—if he is not still—in hospital. I am sure that we all wish him a speedy recovery.

# QUESTION TIME

## CHILD PROTECTION

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:18):** My question is to the Premier. Can the Premier confirm that it is his position that, when he was education minister, his chief of staff did not advise him in any way of the rape of an eight year old that occurred at a state school's after hours care service?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:19):** I made a ministerial statement to the house at the beginning of the session today which addresses that very issue.

**Mrs Redmond:** That's not the answer.

**The SPEAKER:** Order!

*Mrs Redmond interjecting:*

**The SPEAKER:** Order!

*Mrs Redmond interjecting:*

**The SPEAKER:** The Leader of the Opposition, order, or you will leave the chamber! Order! The member for Ramsay.

## FUTURE SUBMARINE PROJECT

**Ms BETTISON (Ramsay) (14:19):** My question is to the Premier. Can the Premier inform the house about the importance of the Future Submarine Project to South Australia's economic future?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:19):** This government is proud that Techport at Port Adelaide is the hub of Australia's naval manufacturing industry and has been selected as the site for the assembly of the 12 new submarines. Over the course of this year, the federal government has made a number of announcements which have reinforced the importance of South Australia's maritime defence manufacturing capability, most recently its decision to locate the Future Submarine centre here in Adelaide. In addition, the federal government invested $214 million in the last budget to commence planning for the project to select which of the four broad designs it would choose.

Some of the options are, of course, more favourable for South Australia than others but all of them are very good options for South Australia. All of them require the assembly of submarines in South Australia. The word 'assembly' I do not think does justice to the sophistication of pulling together a submarine in the fashion that is necessary for a modern device of that sophistication.

Over the last few days, there has been quite a bit of media speculation about purchase or lease of nuclear submarines from the United States. This would lead to the end of South Australia's submarine building and maintenance industry. As the federal Minister for Defence made clear in the *Financial Review* today, acquiring nuclear-powered submarines would involve outsourcing the construction, maintenance and sustainment of the submarines to another country. This would be a devastating result for South Australia's advanced manufacturing industry, as well as the capability of defence industry sectors as a whole.

I would not quarantine from that the whole opportunity that many companies see of coming here to be part of both the defence sector and the mining sector, so this does strike at the heart of the opportunities that exist here in South Australia. The Gillard government has clearly ruled out the nuclear option but senior Coalition frontbenchers are briefing the media that the Liberals are considering nuclear subs. No party—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** No party who cares about the South Australian economy would contemplate such a devastating decision. We know from the federal Liberal Party's proposition about GST and the River Murray—

**Mr GARDNER:** Point of order, Madam Speaker: 98. We are straying from the substance of the question.

**The SPEAKER:** I am listening carefully to the debate and I do not uphold that at this stage. Premier.

**The Hon. J.W. WEATHERILL:** This is absolutely central, Madam Speaker. If those opposite do not think the Coalition's policy concerning nuclear submarines has any relevance to South Australia—

**Mr GARDNER:** Point of order, Madam Speaker: 98 again. The Premier is now clearly debating the issue.

**The SPEAKER:** He is referring back to your point of order. Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. It is now very clear that it is time for Tony Abbott and the federal Liberals to make clear their position on ruling out this nuclear subs plan once and for all.

**Mr GARDNER:** Point of order.

**The SPEAKER:** Order! Point of order. Member for Morialta, if you have not—

**Mr GARDNER:** The Premier has been directed back to the question and he is going on with the debate.

**The SPEAKER:** Member for Morialta, he is referring back to the question. He is answering it in his own way. I cannot direct the Premier to answer it in any other way. He considers this relevant to his answer.

**The Hon. J.W. WEATHERILL:** Madam Speaker, what could be more centrally—

**Ms CHAPMAN:** Point of order.

**The SPEAKER:** Point of order, the member for Bragg.

*Members interjecting:*

**Ms CHAPMAN:** Thank you, Madam Speaker. I am the one who knows you are in charge. Thank you. The question was—and this is a question of relevance—the benefit of the submarine contract to South Australia. It has nothing to do with the federal opposition's policy, nor is the Premier responsible for federal opposition policy. Not at all.

**The SPEAKER:** Thank you, member for Bragg, but the question is very broad ranging and, if the Premier considers this part of his answer, he can continue.

**The Hon. J.W. WEATHERILL:** Madam Speaker, this represents a clear and present danger to South Australia's Future Submarine ambitions. Madam Speaker, there is just one question for those opposite: are they prepared to stand up for South Australia and get their federal Liberal colleagues to rule out this crazy idea? It is a simple proposition. All they have to do is stand up for South Australia and—

**Mr VAN HOLST PELLEKAAN:** Point of order, Madam Speaker. Without any doubt the Premier is contravening standing order 98 when he says, 'All they have to do.' It is nothing to do with answering the question at all.

**The SPEAKER:** Thank you, you have made your point of order and you can sit down but, as I said before and have previously ruled, the Premier can answer it as he chooses.

**The Hon. J.W. WEATHERILL:** This is a time for all South Australians to join together to advocate for the Future Submarine capability here in South Australia, and I ask those opposite to join with us in placing pressure on their federal colleagues to make sure that the crazy decision to go for nuclear subs is—

*Members interjecting:*

**The SPEAKER:** Order! Can we have some order from the left please. Have you finished your answer, Premier? I'm sorry, I could not hear you for the interjections from the other side. We will have some order. The Leader of the Opposition.

## CHILD PROTECTION

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:25):** My question is again to the Premier. Is the Premier saying that when he was education minister no-one told him of the rape of an eight year old that occurred at a state school—not his chief of staff, not his press secretary,

not his ministerial education advisers, nor the head of his department? I have read the Premier's ministerial statement from this morning and it does not in any way go to an answer to that question.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:25):** I am going to have to respectfully disagree with the honourable member because it, in fact, does, but can I say that I had the opportunity just yesterday evening to meet with parents and the governing council—

*Members interjecting:*

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

**The Hon. J.W. WEATHERILL:** Madam Speaker, I did have the opportunity yesterday evening to meet with parents and members of the governing council of this western suburbs—

**Mrs REDMOND:** Point of order, Madam Speaker.

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

**Mrs REDMOND:** The relevance under standing order 98. The question was: is he saying to this place that he was not aware, not told by anybody, that there was a rape of an eight year old in a school whilst he was the education minister?

**The SPEAKER:** Thank you, you have made your point; however, the Premier is answering it in his own way.

*An honourable member interjecting:*

**The SPEAKER:** He has not referred to you in any way.

**The Hon. J.W. WEATHERILL:** Madam Speaker, as I was beginning to say, I had the opportunity to meet with representatives of the parents and the governing council yesterday, and they were pleased that I did meet with them, and their very clear concern is to make sure that we look, in this place, all of us, at ways to make sure these sorts of things do not happen in the future. Now, rather than playing some petty politics with what is an absolute tragedy—

**Mr GARDNER:** Point of order, Madam Speaker. It is clearly not 'petty politics' to just answer the question of whether or not he was told.

*Members interjecting:*

**The SPEAKER:** Order! Thank you, Member for Morialta, there is no point of order. Premier, are you still answering?

**The Hon. J.W. WEATHERILL:** Madam Speaker, of course, the advice that came to my chief of staff did not disclose details of the incident. He was advised that an arrest had occurred and that parents were being informed, and he was entitled to rely upon that.

## CHILD PROTECTION

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:27):** Supplementary question, Madam Speaker: is the Premier saying that when he was education minister no-one told him of the rape or that he was told about the rape and he subsequently forgot having been told about such an event?

**The SPEAKER:** I do not think that is a supplementary; I think the last bit is another question.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:27):** Whether it is a supplementary or a new question, it has been addressed in the ministerial statement.

## RED TAPE REDUCTION

**Mr ODENWALDER (Little Para) (14:28):** My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister update the house on the red tape reduction program which is aimed at reducing the burden of regulation to business and the community?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:28):** I am pleased to inform the house the government has achieved its second $150 million per annum red tape reduction target. Ernst & Young, appointed to provide an independent valuation provided

by a state government agency, has confirmed that the government agencies have succeeded in achieving—

**The SPEAKER:** Minister, can you just turn your microphone towards you; it is very hard to hear.

**The Hon. A. KOUTSANTONIS:** I will start again. Madam Speaker, I am pleased to inform the house that the government has achieved its second $150 million per annum red tape reduction target. Ernst & Young, appointed to provide an independent assessment of the valuations provided by state government agencies, has confirmed that the government has succeeded in achieving savings to business and the broader community of $151 million.

The original challenge was set in 2006 with a two year program to reduce the costs of red tape by $150 million. This was surpassed, with an outcome independently verified at $168 million. This means that the total savings of the two-phase program is now around $320 million. This is an excellent outcome and the result of a strong direction from the Competitiveness Council which drew on expertise across government and industry to ensure that business priorities were addressed. The Competitiveness Council was wound up on 30 June 2012, having completed its red tape reduction task, but this does not mean a lessening of our focus on red tape reduction.

As a result of these efforts, processes are now in place to consolidate the gains and to continue building a culture that avoids a build-up of red tape in the future. Under guidelines introduced last year, state government agencies must now consider the regulatory impact of changes to business and the community. Any agency responsible for regulatory proposals that add unnecessary new costs must offset them through other red-tape savings of an equivalent value.

However, this is not the end of the process. This government is committed to doing more to reduce the burden of regulation to business and to our community. We will not sit back and applaud our achievements to date but instead will make contact with all industry groups asking where else we can improve. This government is committed to making South Australia a business friendly and highly competitive environment for overseas investors.

## CHILD PROTECTION

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:30):** My question is to the Premier. When the Premier first visited the western suburbs primary school following the arrest of the rapist, did the education department provide him with briefing notes?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:30):** I thank the honourable member for her question. The briefing notes that were provided to me for the purpose of the amalgamation meeting, I am advised, did not provide any material about the incident.

## FIREFIGHTERS, WORKERS COMPENSATION

**Mr BIGNELL (Mawson) (14:31):** My question is to the Minister for Workers Rehabilitation. Can the minister explain the recent announcement by the Premier about workers compensation arrangements for career firefighters who develop certain types of cancer and whether this will also cover CFS volunteer firefighters?

**The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:31):** I acknowledge the member for Mawson's keen interest in and strong representations on behalf of the many volunteer firefighters in his electorate. I should also acknowledge the member for Frome, who has raised these issues with me. The government acknowledges the dedication and sacrifice of all our firefighters, both volunteer and paid. Their hard work and dedication is essential in protecting South Australia from the ravages of fire. Just this week the media has covered the Metropolitan Fire Service and the Country Fire Service working together to battle the fires around Port Lincoln.

On Monday of last week, the Premier announced that career firefighters who contracted certain types of cancer would not have to prove causation from their employment. Instead, the onus of proof would be on their employer to prove that the cancer was not caused by their jobs as firefighters. Overseas studies have shown that full-time firefighters are at greater risk than other occupations of developing certain types of cancer through direct exposure to carcinogens released by combusting materials. This is why the government plans to regulate to include these cancers on the list of diseases deemed to be employment related.

The government also highly values the important role that our volunteer firefighters play in keeping communities safe and we have committed to examining whether volunteers might also be included. The government will consider the scientific evidence available regarding types and length of exposure when considering whether volunteer firefighters' exposure to active firefighting and the related carcinogens is likely to be at a level that would also make it appropriate to reverse the onus of proof.

*Dr McFetridge interjecting:*

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

**The Hon. J.J. SNELLING:** The scientific evidence will need to be clear if volunteers are to be included. It is worth noting that even Adam Bandt, the Greens MP who introduced the bill on this matter in the federal parliament, did not support the inclusion of volunteers at this time. He stated—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.J. SNELLING:** I think this is a serious matter. It is unfortunate that members opposite are not prepared to give it the seriousness it deserves. He stated—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.J. SNELLING:** —on 31 October last year—and I am quoting him:

...if it is the case, at some later stage, volunteer firefighters consider they can mount a similar, science based case to be included in this, then they are in a position to do that.

Monash University is—

**The SPEAKER:** Order! Members on my left, order! Members on my right on the front bench, don't antagonise them.

**The Hon. J.J. SNELLING:** Monash University is conducting a study of cancer, mortality and other possible health outcomes in Australian and New Zealand firefighters, including how to best consider career and volunteer firefighters with respect to their exposures. The government will consider this, along with other science-based evidence. The new regulation to address firefighter cancer is expected to be in place by 1 July next year, which allows time to investigate the options. It is important to note that under current arrangements all firefighters receive workers compensation coverage, whether they are full time or volunteer.

*Dr McFetridge interjecting:*

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

**The Hon. J.J. SNELLING:** Any workers compensation claim is considered under the usual requirements of establishing that an injury arose from duties as a firefighter. The changes that are proposed for full-time firefighters in no way detract from the high regard in which our volunteer firefighters are held. I am sure I speak for all members of the house when I acknowledge and thank all our firefighters for their courage and their dedication to the protection of our state.

## CHILD PROTECTION

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:35):** My question is again to the Premier. Was the Premier advised of any so-called critical incidents during his time as education minister and, if so, which ones?

*Members interjecting:*

**The SPEAKER:** Order! It's a very wide-ranging question, leader.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:36):** The question I think displays a lack of experience about government and the circumstances—

*Members interjecting:*

**The SPEAKER:** Order!

**Mrs REDMOND:** Point of order: the question was not about any commentary about this side of the chamber. It was about whether—

**The SPEAKER:** Thank you.

**Mrs REDMOND:** —he has been advised of critical incidents on the basis that if he hasn't heard about the rape—

**The SPEAKER:** Thank you.

**Mrs REDMOND:** —of an eight year old at a school then what has he heard about?

**The SPEAKER:** Leader, this is not an opportunity to make a speech yourself. The Premier is very aware of the question.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. The tone with which the Leader of the Opposition is prosecuting this matter is precisely the opposite of the way in which the parents and the school community want this matter dealt with.

**Mr GARDNER:** Point of order, Madam Speaker. The tone in which the Leader of the Opposition is taking it according to the Premier has nothing to do with the answer to the question.

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

**The Hon. J.W. WEATHERILL:** I have a few moments to address the question. Of course, there are many hundreds and hundreds of incidents—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** —in fact thousands, my colleague reminds me—which come within the category of critical incidents in relation to school. Just for the benefit of those opposite who are seeking to characterise this in a particular way, the email that was received did not disclose the details of the incident and advised that an arrest had occurred and that parents were being informed.

So, the two critical things that you would expect to happen in a case of this sort—that is, that somebody is arrested and taken away from further contact with children—had already occurred before the advice had come into my office. The second thing that is at the heart of—

**Mr GARDNER:** A second point of order, Madam Speaker: the question is about what the Premier was told himself.

**The SPEAKER:** Thank you. Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Madam Speaker. The second thing that is at the heart of the issue that's being investigated by former Supreme Court Justice Debelle is, in fact, why parents weren't told and we were advised that they were being told. That is the essence of the communication that came into the office, and the chief of staff was entitled to rely upon the fact that that was being handled appropriately.

*Mr Marshall interjecting:*

**The SPEAKER:** Order! Yes, I will see you later if you are not careful, member for Norwood. You have been very well behaved up until now—keep your record.

## HOSPITAL DEMAND

**Mr SIBBONS (Mitchell) (14:39):** My question is to the Minister for Health and Ageing. Can the minister update the house about South Australia's success in reducing hospital demand?

*Ms Chapman interjecting:*

**The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:40):** I hope you didn't mean that, Vickie. I thank the member for Mitchell for his important question. I am delighted to advise the house that South Australia has been recognised nationally for its work in increasing out-of-hospital services to reduce growth in demand for in-hospital services. The Australian Health Ministers'

Advisory Council, the body of all the state and territory health chief executive officers, asked me to address the National Health Ministers Conference in Perth last week on how our state had reduced demand on hospital services and how other states might learn from what we are doing.

Our plan to do this was first outlined in 2007 as part of our Health Care Plan, which was our response to the Menadue Generational Health Review. That plan turned the focus to prevention and primary health care to prevent primary acute-care admissions in our hospitals. With the Australian government, we have built a network of GP Plus healthcare centres and super clinics where people can access GP services and a whole range of other primary healthcare services to keep people healthy and out of hospital. We have invested in the obesity prevention program, OPAL, in 20 South Australian communities and introduced a raft of GP Plus strategies to improve the health of our citizens. These have included falls prevention programs, hospital at home, and chronic disease management programs.

The impact of these efforts has been most significant. The growth in the number of overnight patients in our metropolitan hospitals has been tracking at an average of 4.1 per cent between 2002-03 and 2006-07. Since that time, this has declined to an average of 2.4 per cent growth. I am advised that this equates to 297,000 occupied bed days that had been avoided between 2007-08 and 2011-12 as a result of strategies to give people access to support out of hospitals. Nationally, the growth rate is one of the lowest in Australia, especially given our state's ageing population and also the increase in elective surgery that we have performed in that time.

In relation to presentations at our metropolitan emergency departments, growth has been tracking at 4.6 per cent per year between 2003-04 and 2006-07; so just under 5 per cent over those years. Since that time it has decreased to just 1.5 per cent growth, and in 2011-12 there was a 0.3 per cent growth in metropolitan emergency department presentations, so an average of 4.6 down to less than 0.5 per cent. That equates to more than 163,000 avoided presentations in our emergency departments, compared to where we would have been if the growth had continued at the predicted rate.

There has also been a reduction in the average length of stay of patients in metropolitan hospitals from 4.45 days between 2002-03 and 2006-07 to 4.27 days between 2007-08 and 2011-12. That has avoided 264,000 occupied bed days—huge achievements. When you look at these reductions together, I am advised this equates to about 170 beds (assuming a 95 per cent occupancy rate) that have not been required in our hospital system. These represent a significant avoided capital and infrastructure cost to our state. It also means more patients have been able to be looked after in a way which has reduced the burden on them as well.

We have, of course, more work to do, and there are further efficiency gains that have been identified, ways that we can work smarter to further reduce the demand for hospital beds, and we are now implementing these measures. I take this opportunity to commend the excellent staff who work in our health service on their achievements thus far.

## CHILD PROTECTION

**Mr PISONI (Unley) (14:43):** My question is to the Minister for Education and Child Development. Can the minister detail to the house just what support services have been provided to families in the western suburbs school where Mark Harvey raped an eight year old?

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:44):** I thank the member for this important question. In fact, I had the opportunity yesterday to visit the school in question and meet with the staff. I thank the staff of this particular school. They have done an outstanding job, as all of our teachers do, and they are struggling, as so many are, given the present circumstances. We have offered, as the Premier mentioned in his statement earlier, a range of support services to parents, to children, to staff. There is a hotline available also.

I gave a personal commitment that we will work with the school and the staff and parents. I gave that commitment to parents and other representatives when I met with them last week. So, the government certainly acknowledges that there are elements of this incident that we are very keen to get to the bottom of, and we will. We are determined to do that, and we will certainly not abandon our obligations to support this school community.

## VACSWIM

**Mrs VLAHOS (Taylor) (14:44):** My question is to the Minister for Recreation and Sport. Can the minister inform the house about how the government is enabling local parents and children to learn water safety measures this summer?

**The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:45):** I thank the member for Taylor for her question. As summer approaches, I am sure all members would agree that swimming skills are vital and every parent should take steps to ensure their children are taught how to swim. With this in mind, I am happy to advise that enrolments for next year's VACSWIM program are now open. This iconic water safety program, which celebrates its 60th anniversary in 2013, provides our children with fundamental water safety, survival and rescue skills that they will carry with them for the rest of their lives.

To ensure that these skills are able to be accessed by all South Australian children, the state government provides more than $530,000 a year to make sure the VACSWIM program is affordable for every family. The VACSWIM program is conducted across the state each January for children aged five to 18, and costs (this year) $25 per child in total for seven lessons over seven days. This year, VACSWIM was conducted at nearly 140 locations across regional and metropolitan areas, with about 13,400 children taking part. VACSWIM provides children with the opportunity to develop a range of skills in water safety, confidence and competence in the water, personal survival activities, emergency procedures and basic swimming stroke improvement.

While continued water safety awareness and campaigns are aimed at helping us all avoid dangerous situations, unfortunately some accidents will still inevitably occur so we also need to ensure that as many people as possible are equipped to deal with them. That is why I am also very happy to be able to advise members that free CPR training is being offered to the first 1,000 parents, caregivers or family members who register children for the 2013 VACSWIM program starting on 3 January. This initiative is about saving lives by promoting public awareness and skills in water rescue and first aid treatment.

I would encourage all members to assist in promoting these programs to their electorates, and urge anyone wanting to take advantage of the CPR training offer to sign their kids up now. I would also like to take this opportunity to acknowledge the great work of the VACSWIM program managers, YMCA South Australia, who, along with the Royal Life Saving Society of South Australia and Surf Life Saving South Australia, play such a vital and important role in teaching our kids how to be safe around water. For further information on the 2013 VACSWIM program visit www.vacswimsa.com.au.

## CHILD PROTECTION

**Mr PISONI (Unley) (14:47):** My question is to the Minister for Education and Child Development. Why were parents at the western suburbs school advised that a call centre, or hotline (as you have described), has been set up specifically for supporting them, when the opposition is advised that no such service exists? A parent has advised the opposition that upon contacting the call centre last Thursday the phone was answered by the Parent Complaint Unit and the person who took the call knew nothing of the rape at the western suburbs school and was not aware that the Parent Complaint Unit had been assigned to deal with it.

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:48):** If the member for Unley was serious about supporting parents then the moment he had this information he would bring it to my attention.

**Mr PISONI:** I rise on a point of order. The minister cannot use the opportunity to berate members on this side. She has a question to answer.

**The SPEAKER:** There is no point of order. She is answering your question.

**Mr PISONI:** And parents at the western suburbs school want an answer.

**The SPEAKER:** Thank you. You will sit down. Minister?

**The Hon. G. PORTOLESI:** As to the mechanics the department has established to ensure that the hotline is answered, that is a matter for them to ensure. I am very happy—

*Members interjecting:*

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

**The Hon. G. PORTOLESI:** I have been very clear about this. I have certainly been advised and the Premier made the statement in the parliament today that there is a hotline. As to how it is staffed at an operational level, that is something that I expect—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** —the department is capable of arranging. If the member for Unley has information to the contrary I am very happy to look at that.

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

## VOLUNTEER AWARDS

**Dr CLOSE (Port Adelaide) (14:50):** My question is to the Minister for—

*Members interjecting:*

**The SPEAKER:** Order! Member for Port Adelaide, can you sit down a moment, please? Order!

*An honourable member interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! Member for Unley, order! Minister for Transport, order! Member for Port Adelaide, can you sit down.

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The member for Unley and the Minister for Transport will remove themselves from the chamber for five minutes—and I suggest that one goes in one direction and one goes in the other.

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

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! We will have some order in this chamber; these are serious issues. The member for Port Adelaide.

**Dr CLOSE:** Thank you, Madam Speaker. My question is to the Minister for Sustainability, Environment and Conservation. What were the key features of the 28th Friends of Parks Forum, which was held recently in Naracoorte?

**The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51):** I thank the honourable member for her question, and I acknowledge her lifelong commitment to the environment that we all depend upon. Environmental volunteers were recognised at the 2012 DEWNR Volunteer Awards in October for their outstanding contribution to conservation.

The awards acknowledge individuals and groups working directly with DEWNR on projects which provide long-term environmental benefits and the sustainable use of natural resources. The awards were presented as part of the annual Friends of Parks Forum, held at Naracoorte from 5 to 7 October. First presented in the 1980s, the awards have promoted a consistently high standard of achievement.

This year's Outstanding Individual Volunteer Achievement Award was presented to Arthur Simpson for his involvement in the Friends of Burra Parks, the Friends of the Heysen Trail, and the Burra Rangeland Action Group. Arthur has been an active member of these groups since their inauguration. Mr Simpson also participated in the restoration of the Tooralie Gorge Shepherds Hut and the heritage listed Coach House at Bimbowrie Conservation Park, where he has undertaken the role of volunteer caretaker.

Outstanding Group Volunteer Project Achievement awards were presented to three groups: the Biodiversity and Endangered Species Team, the Friends of Black Hill and Morialta

Parks, and the Cultana Jenkins Shack Owners Association. The Biodiversity Blitz is an innovative project developed by the Biodiversity and Endangered Species Team in collaboration with DEWNR. For a week in the spring of 2011, 45 volunteers from the BEST and other volunteer groups undertook eight high-priority projects on Southern Yorke Peninsula.

The Friends of Black Hill and Morialta, in partnership with Para Broadcasters Association and the Adelaide and Mount Lofty Ranges NRM Board, contributed to the development of 12 radio broadcasts, engaging with a wide audience to communicate the value of conserving South Australia's parks and reserves. The project embraces new technologies to link radio, website, photographs, CDs and podcasts in connecting people with environmental volunteering initiatives.

The Cultana Jenkins Shack Owners Association worked in partnership with the Whyalla City council, Eyre Peninsula NRM Board, Conservation Volunteers SA and local Aboriginal representatives to rationalise vehicle tracks over and around South Australia's only stranded shingle beach ridges and to promote natural regeneration of the surrounding remnant coastal vegetation.

The Friends of Parks organisation also presented its annual awards at the forum to the following recipients in recognition of their outstanding efforts: Best Biodiversity Project, the Biodiversity and Endangered Species Team; Most Supportive Staff Member, the Northern Lofty District Senior Ranger Erik Dahl; and Friends Group Achievement of the Year (incorporating the McLaren Shield), the Friends of Mount Gambier Area Parks.

Groups such as the Friends of Parks play a vital role in planning and implementing many conservation projects, and the government is committed to supporting the important work they undertake—and that support the opposition will have trouble in committing to, given their proposed demolition of the public sector.

## CHILD PROTECTION

**Mr PISONI (Unley) (14:54):** My question is to the Minister for Education and Child Development. Why did the education department social worker, sent by the minister's office to provide support, advise parents her priority was supporting the staff at the out of school hours care, rather than parents and students?

**The SPEAKER:** I am sorry, member for Unley, can you repeat that question? I could not hear it, I was talking; could you repeat it?

**Mr PISONI:** Certainly, Madam Speaker. My question is to the Minister for Education and Child Development. Why did the education department social worker, sent by the minister's office to provide support, advise parents her priority was supporting the staff at the out of school hours care, rather than parents and students?

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:55):** The member asserts that my office sent a social worker down to the school, and then makes a number—

**Mr Pisoni:** So, the Department for Education is not your office.

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** You said, 'the minister's office'. We are a discrete—

**Mr Pisoni:** I said your office.

**The Hon. G. PORTOLESI:** We are a discrete operation. Now, I ask the member for Unley to give me whatever information he has. We are very keen on supporting all elements here: the students—

*Mr Pisoni interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** —the students first and foremost, parents and staff, and we—

**Mrs Redmond:** The other way around.

**The Hon. G. PORTOLESI:** No, we have to support all of those three elements all at the same time. I have met with teachers; I did that yesterday. The Premier met with representatives of

the governing council. I have also met with some parents and representatives of the governing council. We will keep talking about this. I think it is really important, Madam Speaker—

**Mr GARDNER:** Point of order, Madam Speaker: 98. The minister was asked why the social worker is helping staff but not parents and students, and she is yet to explain why.

**The SPEAKER:** Thank you. No, there is no point of order; the minister can answer the question as she chooses.

**The Hon. G. PORTOLESI:** I don't accept the premise of the question. I do not accept the premise of the question, but I am very happy to look into it. I am very happy to look into it if the member for Unley is happy to give me information.

## CHILD ABUSE ROYAL COMMISSION

**Mrs GERAGHTY (Torrens) (14:57):** Can the Premier outline the state government's response to the Prime Minister's announcement regarding the royal commission into abused children?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:57):** The state government's position is very clear: we welcome the royal commission into the abuse of children in this country. It is a very important inquiry to get at the heart of, obviously, this evil, that we know is all too prevalent within our community. We are aware that the federal government has not yet settled precisely the terms and mechanism by which this royal commission will operate.

We have certainly offered our advice and support and cooperation, but also our insights as a consequence of the Mullighan commission of inquiry into state care, which I think was regarded almost universally as being not only a very successful inquiry but the processes which it employed to deal with this very difficult and sensitive issue were ones that were regarded as best practice.

The choices that we made about that on that occasion, and the choices that I believe should inform the steps that the federal government takes, is that we thought that it was important that the inquiry be a healing process. It was critical that people who had their voices essentially not able to be heard were able to have, for many of them, the first occasion where their voices would be fully heard. We know that the difficulties associated with the criminal law, the difficulties associated with civil proceedings and, indeed, the very processes in the institutions that should have been there to support them were not available. We imagine that these will be the similar revelations that occur in relation to this particular inquiry.

The critical element to success that actually allowed the Mullighan inquiry to achieve what it sought to achieve, and achieve the things that it did achieve, is the respectful listening to the voices of those who had been affected, in an environment where they felt safe, and where their stories were respected, often for the first time.

So, that is of course the process that we hope will be undertaken in relation to this royal commission. It is a massive enterprise, and we understand that, but it is a very brave thing that I think all of our federal politicians have decided to stand up and support, from all parties, and we offer our cooperation and support.

## CHILD PROTECTION

**Mr PISONI (Unley) (14:59):** My question is to the Minister for Education and Child Development. Is it appropriate that the western suburbs school dealing with the rape of an eight year old was sent an education department social worker who is also a parent at the school and whose children were in the care of the convicted rapist?

**The SPEAKER:** I think that question is seeking an opinion, which is not normally asked for, but, minister, you may choose to answer it.

**The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:00):** I am happy to answer the question once I've established the facts, so that is what I will do.

## PUBLIC SECTOR DEFENCE RESERVES

**The Hon. S.W. KEY (Ashford) (15:00):** My question is directed to the minister responsible for the public sector. Minister, can you inform the house about what the government is doing with regard to public sector employees who also serve with the Defence Reserves?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (15:00):** I thank the member for Ashford for the question and I acknowledge her strong support for the Defence Reserves. I am pleased to inform the house that, on Thursday, the South Australian government signed a memorandum of understanding with the commonwealth to codify support for public sector workers in the Defence Reserves who are called upon at short notice to serve the national interest.

I signed the MOU at Government House with Mr Jim Hallion, chief executive of the Department of the Premier and Cabinet. The commonwealth and the Australian Defence Force was represented by Major General Paul Brereton, head of the Reserves Employer Support Division, who is also a justice of the New South Wales Supreme Court.

The member for Bragg, who, with the member for Ashford, is a member of the Defence Reserves Support Council in South Australia, was also present. Both members have been strong advocates for the Defence Reserves in this place and in the community. I would also like to acknowledge the interest and support of His Excellency the Governor, who is Patron of the Defence Reserves and who hosted the function.

The chair of the Defence Reserves Support Council, Dr Pamela Schulz, raised some issues of concern with me earlier this year. In essence, some reserve personnel were experiencing difficulty in securing release from their public sector employment to undertake active duty. In one instance, there was a matter in relation to Afghanistan.

On making inquiries, it was revealed that the public sector guidelines in relation to this matter were potentially in conflict with the commonwealth's Defence Reserve Service (Protection) Act 2001. I asked the Commissioner for Public Sector Employment, Mr Warren McCann, to revise the guidelines to make it clear and unambiguous that public sector members of the Defence Reserves must be released from work as required by the Australian Defence Force.

Members will be interested to know that South Australia punches above our weight on a per capita basis in terms of health and medical staff who are active reservists. It is clearly in the national interest that we support these men and women. It is also important for our reputation as the defence state to be strong and visible supporters of the Army, Navy and Royal Australian Air Force.

The guidelines I referred to were updated and the MOU confirmed. Mr Hallion wrote to all agency chief executives on Thursday to inform them of the MOU and to remind them of their obligations. Members will be pleased to know that South Australia was the first state to enter an MOU with the commonwealth for the whole of the public sector.

Major General Brereton acknowledged this on Thursday when he spoke to ABC radio. The General indicated the Australian Defence Force will use the South Australian example to leverage similar support from other states. He said, and I quote:

...this is the way of the future and we will see more and more of this not just in the public sector but also in the private sector...in the not too distant future...that's a tremendous attitude for the Government to take.

## HANDSHIN, MS M.

**Ms CHAPMAN (Bragg) (15:04):** My question is to the Minister for Sustainability, Environment and Conservation. Can the minister advise the house whether Mia Handshin's appointment as a member of the Environment Protection Authority board was pursuant to paragraph (a), (b), (c), (d), (e), (f) or (g) of section 14B(5) of the Environment Protection Act 1993?

Section 14B of the Environment Protection Act requires that the board consist of persons who have particular attributes, qualifications, experience or knowledge in particular areas, namely: (a) environmental protection and management; (b) industry, commerce and economic development; (c) environmental conservation and advocacy; (d) waste management; (e) legal qualifications and experience in environmental law; (f) management, particularly public sector management; or (g) local government.

My question seeks to find out under which of these qualifications the former Labor candidate was appointed to the board.

**Mr Pengilly:** The eighth Labor stooge!

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

**Reconciliation) (15:05):** I wonder from the member for Finniss's perspective whether that is just his reflection on a woman more than anything else, but I certainly thank—

**Mr Pengilly:** What a pathetic attempt!

**The SPEAKER:** Order!

**The Hon. P. CAICA:** Well, you've got a track record; you've got history. Madam Speaker, I certainly thank the honourable member for the question because it is nice actually to get a question.

*The Hon. A. Koutsantonis interjecting:*

**The Hon. P. CAICA:** That's it. I'll say this: the outstanding appointment was made to put Mia Handshin in as the chair of the EPA in accordance with the provisions of the act.

*Members interjecting:*

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

**Mrs Redmond:** No qualifications in law.

**The SPEAKER:** Order!

*Mrs Redmond interjecting:*

**The SPEAKER:** The Leader of the Opposition, order!

## TRAVELLING CONMEN

**Mrs GERAGHTY (Torrens) (15:06):** My question is to the Deputy Premier.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for the Environment and the Leader of the Opposition, order, or you will leave the chamber! The member for Torrens.

**Mrs GERAGHTY:** Thank you. My question is to the Deputy Premier. As the Minister for Business Services and Consumers—

*Mrs Redmond interjecting:*

**Mrs GERAGHTY:** —do you mind; please—can he inform the house about what the government is doing to crack down on travelling conmen?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:07):** Thank you, Madam Speaker, and I thank the honourable member, who has often raised the issue of travelling conmen with me. It is a very important question. As we come into the summer months, the government would like to remind all South Australians to be especially vigilant of travelling conmen—

*Members interjecting:*

**The Hon. J.R. RAU:** —and the member for Kavel, that's okay, we're not talking about you; it's all good. Anyway, we know that many travelling conmen have used state and territory borders to escape detection—

*Members interjecting:*

**The Hon. J.R. RAU:** This is serious, isn't it? State and territory consumer protection agencies are joining forces to stop the scams spreading and bring the offenders to justice. The national Stop Travelling Conmen Campaign was launched in October 2011.

**Mr Marshall:** Have you got an acronym?

**The Hon. J.R. RAU:** Can I get back to you on that? The government is concerned by the growth in travelling conmen scams. Bitumen laying, roof painting and back of truck deals for electrical goods are just some of the main services these cool conmen offer.

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** Householders—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** —should—

*Members interjecting:*

**The Hon. J.R. RAU:** Look, this is important; you need to tell your constituents about this. Householders should watch out for doorknockers pressuring you to hand over cash for goods—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** —I'm getting to that; it's coming—or doorknockers claiming to represent local council or government but with no proof of ID from their employer, or requests to enter your home to check or install something. Remember, particularly now, if it looks too good to be true it probably is.

Also, the Office for Consumer and Business Services website has a video on how to identify travelling conmen—www.ocba.sa.gov.au/scams/travellingconment.html. The government would like to remind members of the public to try to note the person's name, appearance, vehicle make, colour and registration number. As a part of the national campaign, a hotline has been set up urging people to come forward with information and report suspicious people. The national hotline number is 1300 133 408, but I would also urge people who have information about suspicious people to alert local police. Social media is also playing a key role, with the creation of a Facebook page, 'Stop travelling conmen', which includes an interactive map to see where the scams are being reported and the types of scams. I encourage all members to inform their constituents of the risks posed by travelling con men.

## HEALTH BUDGET

**Mr MARSHALL (Norwood—Deputy Leader of the Opposition) (15:10):** My question is to the Minister for Health and Ageing. Can the minister explain to the house when he first became aware of federal plans to recall $31 million of federal health funding and what representations he has made to federal health minister Plibersek to ensure this does not happen? Last week, the federal government announced that it would be taking back $31 million of health funding that was previously given to the state over two years. On Friday, the minister met with his other state counterparts and minister Plibersek to discuss the issue.

**The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:10):** I thank the member for his question. I congratulate him on his initial question as shadow minister for health. I cannot recall exactly when I found out about it: it was in the last couple of weeks. I was with all state and federal ministers last week in Perth. We had a long discussion about the impacts of the federal government's changes and made it plain to the minister that we found them unacceptable. In fact, we passed a motion of all state ministers, Labor and Liberal, who agreed on a form of words. If I can remember them, roughly they were along these lines.

We acknowledged that the decision was not made by the federal minister but, rather, it was made by Treasury; we objected to the retrospective nature of the decision (for South Australia, I think it means about $11 million will be taken out of last year's budget, but a certain amount will come out of this year's budget); and we raised the question about the formula that was used because we believed it was a different interpretation of the information. Also, we objected to the lack of consultation with us over the measures and, finally, we asked our Treasury officials and the commonwealth Treasury officials to reconsider. That was agreed by all of the state ministers and we made it very clear that we wanted it to be reviewed.

The federal minister made the observation that all the states had signed up to the arrangements which had been put in place; that is, the states had all agreed with the federal government that they had the right to retrospectively alter figures based on latest information. So that is where we are at, and it is really up to the Treasury people to work out whether anything can be done. I did ask whether or not this had occurred in the past and there was a view that perhaps it occurred once previously, but there was a lack of information around that.

## HEALTH BUDGET

**Mr MARSHALL (Norwood—Deputy Leader of the Opposition) (15:13):** My question is again to the Minister for Health and Ageing. In light of his previous answer, can the minister outline

what cuts to the health services he will have to make to accommodate the $31 million clawback that is imminent and, also, whether or not the $11 million from the previous financial year will just increase that loss?

**The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:13):** I will have a brief word with the Treasurer. It is really an effect on the South Australian budget. How that affects the health budget is something that will have to be determined by the MYBR (Mid-Year Budget Review) process, but there is definitely a reduction of the amount of money coming into the state.

As I understand it, putting the federal government's position in relation to this so that we understand what the argument is about, they gave us funds on the basis of anticipated growth, the growth was not as great as had been anticipated and, therefore, under the arrangements in place, they had a right to claw back funding which was for that bit that did not occur. The states dispute, I think, whether or not that calculation is correct, and that is what we have really asked to be reviewed.

## MURRAY-DARLING BASIN PLAN

**Ms CHAPMAN (Bragg) (15:14):** My question is to the Minister for Water and the River Murray. Does the government's submission concerning the latest Murray-Darling Basin plan, provided to the Senate inquiry into legislation to appropriate $1.7 billion for returning additional water to the river basin, contain a demand that at least 450 gigalitres be returned? Information provided yesterday to the Senate inquiry into the proposed legislation established that, despite the Prime Minister and Premier declaring 450 gigalitres would be returned, no such provision is in the legislation.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:15):** I take this question because it goes directly to a central issue which we have been negotiating nationally with the commonwealth government, and that is the future of this river and the return of 3,200 billion litres of water to the river. The combination of both the legislation, which provides the money, and the plan, which provides the objective of the extra 450 billion litres of water for the river, gives us a healthy river.

I noted that a senator for South Australia, Senator Birmingham, has been using every conceivable measure possible to avoid answering the simple question: do they support 3,200 gigalitres of water? Those opposite also refuse to answer—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —the simple question—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —do they support the 3,200 gigalitres of water? Yes or no? Are you with us or are you against us? Because if you are against us we will be reminding the South Australian community of the fact that—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —they are not prepared to stand up for a healthy river. We are on the verge of achieving an incredibly important breakthrough—

**Mr GARDNER:** Point of order: 98. The question was about what was in the submission.

**The SPEAKER:** I think the Premier is referring to it. Premier.

**The Hon. J.W. WEATHERILL:** Our submission is that those opposite should lend their weight to passing the legislation and supporting the plan that will deliver us 3,200 gigalitres of water. I must say, it is passing strange that the people that wanted us to settle for 2,750 are now asking questions about how secure 3,200 is, but won't even commit to it. It is just so shallow and just so unbelievable that they won't even commit themselves to what is needed for a healthy river. Could they once—just once—stand up for South Australia and stop their petty party politicking?

*Members interjecting:*

**The SPEAKER:** Order! I cannot hear the member for Bragg and that is very unusual.

**MURRAY-DARLING BASIN PLAN**

**Ms CHAPMAN (Bragg) (15:17):** My supplementary question to the Premier is: have you read the submission?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:17):** Can I just ask the member for Bragg—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** I just said yes. Can I ask the member for Bragg—I know she is a very good friend of the member for Sturt. Can she have a little whisper in his ear and say, 'Please, can you, on behalf of South Australia, persuade your other federal colleagues?' He is a very influential man in Canberra.

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** That's right. He is a very influential man in Canberra and—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —could he just ask his colleagues to do the decent thing and stand up for South Australia.

*Members interjecting:*

**The SPEAKER:** Order!

**MURRAY-DARLING BASIN PLAN**

**Mr WHETSTONE (Chaffey) (15:18):** My question is to the Minister for Water and the River Murray. On what date did the state government agree to 83 gigalitres being South Australia's portion of the 971 gigalitres shared reduction target for the southern connected basin under the basin plan? In *The Australian* on 2 November, federal minister Tony Burke confirmed the three southern states, including South Australia, had all agreed on the specific water volumes each must give back to the basin as part of the 971 gigalitres shared southern reduction target. On what date did the government agree to South Australia's specific volume?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:18):** I will bring back an answer on the precise date, but can I say that the critical factor in us acknowledging South Australia's shared commitment to this 3,200 gigalitres was the fact that we secured money that would pay for it.

*Members interjecting:*

**The SPEAKER:** Order! You will listen to the Premier's answer.

**The Hon. J.W. WEATHERILL:** One of the preconditions to us reaching agreement on 3,200 was that no further burden be placed on South Australian irrigators. The reason we were able to give the commitment to 3,200 and secure that was because we knew that we had secured for South Australian irrigators a level of funding which would ensure that the additional water would not come at any additional burden to South Australian irrigators. The $1.77 billion which is in this legislation—which we would be grateful if you would ask your federal colleagues to pass—secures that additional amount. We knew that the first tranche—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —of water, the water that was necessary to get us up to 2,750 gigalitres, was secured through the sums that we announced the other day, the $265 million, I think, of funding, part and parcel of that. The money was locked in so that South Australian irrigators would not bear the burden. That is how we get to 3,200 gigalitres, which gives us a healthy river and which does not impose the burden on South Australian irrigators.

*Members interjecting:*

**The SPEAKER:** Order!

## GRIEVANCE DEBATE

### CHILD PROTECTION

**The Hon. I.F. EVANS (Davenport) (15:20):** Let me get this right, Madam Speaker. This is what the government wants us to believe in relation to this sex abuse case at the school: they want us to believe that, when education minister (now Premier Jay Weatherill, who in a previous ministry had set up the Mullighan inquiry into child abuse), a rape at a school occurs of an eight year old and no-one but no-one tells the minister—absolutely no-one tells the minister.

The reality is that every education minister will tell you there is a thing called a critical incident notification that goes to the minister's office, and it goes to the minister's office for a particular reason: so that the minister is told. The same staff—chief of staff, Simon Blewett, adviser Jadynne Harvey, and media adviser Bronwyn Hurrell—are the same staff the Premier has now. These were the opportunities that those people had to tell the now Premier, then education minister, about this incident.

I have been a minister, and I know how a minister's office works. There are early morning meetings about what issues are floating around in your department and in your portfolio. Every minister is briefed on a regular basis. So, at the 8 o'clock, 9 o'clock, or the morning briefing, whenever it was, they want us to believe that the chief of staff knew and just did not tell the minister. At the end of the day, when you are summing up the day's activities, 'What incidents are floating around in my portfolio?' they want us to believe that no-one told the Premier, no-one told the then minister.

They want us to believe that when the minister was going out to do press conferences on a whole range of issues not one person in the office leant across to the minister and said, 'By the way, minister, you may actually get a question on the arrest for a rape of an eight year old at a school.' Madam Speaker, can you believe it? This is the story the government wants us to believe. Do they really expect us to believe that Simon Blewett did not tell Bronwyn Hurrell, the media adviser, 'There's been a rape at a school. Let's not tell the media adviser'? I doubt that—I doubt that most sincerely.

And what is Jadynne Harvey's position on this matter? Is he saying that he never told the media adviser? This is the story this government wants us to believe. And then, when the minister was coming it parliament, do you think that the chief of staff, or the media adviser, or the education adviser might have whispered in his shell-like ear, 'Minister, you might just get a question about the arrest of someone who raped an eight year old at one of your schools.' You would think someone might just tell the minister that, or you may think that when he was preparing for the estimates committees there might have been someone saying, 'This issue has been floating around, minister. You might just want to be aware of it, ready for an answer.' This is the story they want us to believe.

They want us to believe that, when there were numerous visits to school, not one of those staff members leant across to the minister and said, 'Minister, be aware, the parents are going to be sensitive, the principal has been sensitive, there has been a rape at the school. Be aware of this.' They want us to believe that not the chief of staff told him, not the media adviser told him, not the education adviser told him, and not the head of the department—absolutely no-one told him in preparation for visits to the school.

No-one told him when he was about to be with head of the department. No-one told him, 'You might get this brief from the head of the department.' This is the story that the government wants us to believe. Can you believe it, Madam Speaker? No-one told the minister when two of his staff got the email. No-one told the minister when the critical incident report came up. No-one told the minister when he was walking into parliament. No-one told the minister when he was walking into a press conference. No-one told the minister when he was walking into an estimates committee. No-one told the minister when he was going to the school, not once, not twice, but a number of times. No-one told the minister when he was meeting with the head of the department. This is the story they want us to believe. Can you believe it? Who in South Australia believes that story?

## MANUFACTURING SECTOR

**Mr SIBBONS (Mitchell) (15:25):** I rise today to speak about a topic that is very close to my heart, that is, the future of the vehicle manufacturing sector in Australia. The announcement last week that Holden is shedding 170 jobs, combined with components manufacturer Autodom going into receivership, was a depressing deja vu moment for me. In my mind, there is no doubt that without the co-investment by the state and federal Labor governments the Holden plant at Elizabeth would have closed. There is no doubt that had we not invested in this sector we would now be looking at the loss of thousands of jobs. Perhaps less well known is that had we not provided this investment we would now be experiencing flow-on effects in other sectors, such as science and defence.

The good news is that we have, for the moment, provided the support which is critical to Holden's survival. However, there is much more that needs to be done. Our vehicle industry is at serious risk of failing without further intervention, stimulus and support. Australia has one of the lowest per capita government co-investment models of any vehicle-producing country. Our vehicle market is one of the most competitive and open in the world. Of the one million cars sold in Australia last year, 86 per cent were imported, with 20 per cent of these attracting no tariff at all and the remaining imports attracting a 5 per cent tariff—again, one of the lowest in the world.

Japan, Korea and Germany all have a tariff. Countries like Germany and China offer consumers VAT rebates when a locally produced vehicle is purchased. The Thai government has introduced a tax rebate scheme worth 30 billion baht, approximately $A1 billion, to support first-time car buyers. These are just some examples. In a report released in February of this year, the Department of Foreign Affairs and Trade noted that Australian manufacturing exporters face a range of non-tariff barriers in Asia, as well as foreign tariff barriers and quantitative restrictions on Australian exports of manufactured goods.

While working to reduce these, the report notes that negotiating on these restrictions is complex and it will inevitably involved encouraging countries to change their domestic regulations. So, protection of domestic vehicle manufacturing is well and truly established among our competitors in this sector. You do not have to be an economist to see that in our rigorous and righteous pursuit of free trade we are gradually and inevitably steering a course that will see our vehicle industry die a slow death, because our auto sector is not, in any way, shape or form, trading on a level playing field.

There is a reason every country which makes cars from scratch has a range of government supports for its vehicle industry. The auto sector is one of the largest investors in research and development in the world. Vehicle manufacturing is increasingly high-tech and requires a high investment in training and skills. Where you have a vibrant auto industry other manufacturers tend to cluster, including defence and green technologies. The Burgen report estimated that Holden accounts for some 16,000 jobs in South Australia, contributes up to $1.5 billion in economic activity and up to $83 million in state taxation revenue.

So, we need, once and for all, to challenge the economic policy purists who shout protectionism as soon as the topic of industry assistance is raised. They are the economic dinosaurs. We need an equitable approach to the openness of our market and equalisation of our tariff and non-tariff protections. We need to use the revenue this would generate to provide co-investment and consumer incentives to purchase locally manufactured vehicles. As governments, we need to put our money where our mouth is and protect local jobs by turning around our government fleet purchases, which have fallen from 66 per cent locally made vehicles in 2004 to just 33 per cent in 2011. The warning signs for me are crystal clear; I have literally been there. The economic and social cost when plants the size of Holdens shut down are wide reaching and permanent. It is time that we got back in the game before we lose this vital sector forever.

## BECKWITH, MR R.

**Mr VENNING (Schubert) (15:30):** It gives me great sadness to inform the house of the passing of a great South Australian, Mr Ray Beckwith OAM, and I pay tribute to Mr Beckwith, one of the founding fathers of the Australian wine industry, who passed away at the age of 100 (almost 101) in the Barossa Valley on 7 November 2012.

Mr Beckwith will be remembered as Australia's greatest wine scientist, following his discovery in 1936 of how pH in wine could control bacterial growth and save wines from being ruined, therefore allowing our iconic wines to age. He first saw a pH meter at Adelaide University and persuaded Penfolds to buy one, the cost of which equalled 20 weeks of his salary. It was the

first one to be used in any winery in Australia. Mr Beckwith's scientific work with wine, some 37 years of research and development at Penfolds, revolutionised the wine industry. Many of his discoveries have now become standard practice not just in Australia but internationally.

In 1931, Ray graduated from Roseworthy College with an honours diploma of agriculture. Then, in 1933, he undertook a cadetship at the university to study cultured yeasts. He commenced his employment with Penfolds as a winemaker in 1935—that is 10 years before I was born. Ray has been credited with enabling Max Schubert, a chief winemaker at Penfolds, to create the now famous Grange Hermitage. The difference between the 1953 and the 1954 Grange is proof positive of the Beckwith influence: the 1953 is undrinkable, the 1954, which I and many of my colleagues in this house tried in this house four years ago, is absolutely superb.

Ray was awarded an honorary doctorate from Adelaide University in 2004 in recognition of his contribution to the wine industry. He was awarded the Maurice O'Shea Award in 2006 and the Medal of the Order of Australia in 2008; he was also made a Baron of the Barossa. He was a highly respected quiet achiever who devoted his whole working life to the wine industry. He was extremely humble about his achievements. In 2008, he said the following about the recognition and the awards that were bestowed on him:

> All these things have come only after the last few years. It's a good thing I didn't conk out earlier, otherwise I wouldn't have known.

That was Ray. Ray will go down in history as a true Barossa legend. He was a proud member of the Barons of the Barossa, and I am pleased that there will be a gathering of barons this Friday to pay tribute to his life and the great things he achieved. He will be greatly missed. His presence was always noted and appreciated. The wine industry is where it is today because of Mr Ray Beckwith OAM.

I stand here as the member for Schubert, the name honouring another iconic Barossa winemaker—yes, Max Schubert. Max Schubert and Ray Beckwith were friends and men before their time. They have left a wonderful legacy. No doubt, Ray and Max are together now, pondering what comes next for the wine industry. I acknowledge Ray's late wife, Carol, and pass on my sincere condolences to his family, son, Jim, grandchildren Samantha, Glen, Ian, Ross and Portia and great grandchildren, McKinnon and Ainsley. Ray has gone but his legendary work and his spirit will live long in the cellars of the Barossa. *Ein Prosit*; glory to Barossa.

## ROSEWORTHY AGRICULTURAL COLLEGE

**Ms BETTISON (Ramsay) (15:34):** I rise today to share with the house my recent visit to Roseworthy college. Roseworthy campus, which is part of the University of Adelaide and which is situated 50 kilometres from Adelaide, was Australia's first agricultural college. I have an interest in higher education, and when Mr Martyn Evans, Government and Community Relations Manager for Adelaide University, invited me for a tour, I was quite delighted to take up his offer.

The School of Animal and Veterinary Sciences is based at Roseworthy, although some of the courses are still held here in North Terrace. Four veterinary health centres are also based at Roseworthy campus. These are: the Companion Animal Health Centre, the Production Animal Health Clinic, Veterinary Diagnostic Laboratories, and the Equine Health and Performance Centre, which is in the process of being built.

As we know, in the house we have our resident vet, the member for Morphett, and they mentioned to me that he has been a great supporter of their development at Roseworthy. There is a new 5,500 metre square building which will be for teaching and clinical purposes, and what this provides is world-class training for students, enabling them to use the latest technology, and it also supports research.

In the School of Animal and Veterinary Sciences, there are 650 students (130 of whom are resident on campus), and 100 staff. Students at Roseworthy are studying a Bachelor of Science (Animal Studies) or a Bachelor of Science (Veterinary Bioscience). To actually become a vet, you then need to study three years of Bachelor of Science (Veterinary Bioscience), followed by another three years of postgraduate study, Doctor of Veterinary Medicine.

One thing I found particularly interesting was that 70 per cent of students studying to be vets are female, and I thought this was a very interesting turnaround. I grew up watching James Herriot's *All Creatures Great and Small*. It was a very male dominated profession, but that has changed now, and one of the things I asked the professors was why this has happened. Veterinary science has a very high entrance score, and they felt that, with an increased level of veterinary

practices in urban areas, it seems to be a very interesting and independent way that women were very attracted to the profession.

One of the other things that Roseworthy campus provides is continuing education for veterinary professionals, which is a much-needed aspect of the industry. I toured the Companion Animal Health Centre, which provides emergency care 24 hours a day, seven days a week, and is open to the public. The centre uses the latest technology and diagnostic services and has a fully equipped pathology laboratory. It also has specialist surgeons and two fully equipped operating theatres.

The campus also has a mobile equine veterinary service, servicing the Barossa Valley, North Adelaide Plains and surrounds, and, as I said, they are in the process of building an equine hospital. The service provides equine dentistry, ultrasound, radiography, endoscopy and reproduction services, and emergency care.

One of the most interesting parts of my tour was the Production Animal Health Centre, which actually includes a mobile production animal veterinary service and also short-stay accommodation. They have a very holistic service, looking at the health, welfare, productivity, food, safety, sustainability, profit and education in relation to production animals—that is, beef cattle, sheep, goats, alpacas, llamas, pigs, poultry and fish. This centre supports people, whether they have large farming groups of animals or are hobby farmers, about the best way to care for their animals.

The University of Adelaide is seeking to market this course to interstate and overseas students, and they have developed a master plan to reinvigorate the campus at Roseworthy and encourage greater numbers of students. They aim to be the major animal and veterinary research and clinical centre for the state and for the nation. They have some challenges, and one of the issues I mentioned was the very high entrance score to get into veterinary science. This means that, at the moment, there is a lack of diversity of entrants, so the university is looking at alternative pathways for entrants, particularly to encourage those who have grown up on the land and who have an interest in staying on the land to enter.

## RENMARK AIRPORT

**Mr WHETSTONE (Chaffey) (15:39):** Today I would like to talk a little about the opportunity that the Renmark Airport poses for the region up in the Riverland. Sadly, it is a very, very underutilised facility as it sits today. It is a good facility. It was upgraded in the mid 90s and has been used very little since. It has a runway in good condition and all the facilities, such as the night lighting. It does not have the sonar, but it is an airport begging for ownership and for use.

It was a regular stop for the regional commercial air services in the mid-nineties. It was part of a link between Adelaide to Mildura, so it had two services a day and it gave that vital link to the bigger centres, particularly Adelaide and, if it was a connecting flight, back up to Mildura and then down to Melbourne.

As I said, those commercial services ended in the nineties. It was sad to see that the commercial decision had such a huge impact on the region but, as I speak today, the Renmark Paringa council are now exploring opportunities to increase the use of the airport. They have put out surveys—and I welcome their work in that—to get an understanding of just how much that airport would be used if there was a commercial operator put back in there.

One of the big runway tests is what they call the California Bearing Ratio test, which is a test that will check the condition of the runway but also the subsurface rock that is vital in taking the heavy loads of the larger commercial airlines.

What the current airport facility offers to the region is not only tourism—the day trip market and the wine and food tourism flights that come in and out of the region—it is all about the convention tourism industry that is right on our doorstep. Many, many corporate companies—in this state, nationally and overseas—are always looking for different venues and a unique experience, which the Riverland does offer, particularly with the river, the Chowilla forest, the floodplain and the diversity. The patchwork look from the air is quite amazing with the different horticultural properties and crops that give a unique view.

With the health services, we have a soon-to-be upgraded regional hospital begging for specialist staff. It is begging for more doctors and trained specialists and yet the doctors are not prepared to sit in a vehicle for six hours to come up to the region when they can be sitting in their suites here in Adelaide, having people drive to Adelaide. It is a burden that is something that you

would have to experience to understand the hardship that people have to go through to visit a specialist. Again, it has to be endorsed so that we can actually access those better specialist skills and get better health professionals to visit the region and underpin the government's investment of the Berri Regional Hospital that is so vital to the continuing fabric of the region.

Again, it is about reducing travelling time. Many of us here who are travelling know that time is precious. Spending many, many hours on the road—the 2½ to three hours from the Riverland town to Adelaide to have an appointment and then come home—really does take a large chunk out of the day. With business people, their time is valuable, and to be sitting in a car for six hours to get to a half-hour or one-hour appointment is time not well utilised.

Again, I commend the Renmark Paringa council for exploring the opportunities that the airport could bring to the region—not only for tourism, not only for health, but for supporting a business sector and many of the opportunities that the airport once presented that, today, are sadly not being supported. With the Renmark council exploring these opportunities, I hope that people will fill out their survey and just look at how it can better prepare them to do business.

## JUNIOR SOCCER

**Mr ODENWALDER (Little Para) (15:44):** I just want to talk a little today about something that is close to my heart and that is junior soccer and junior soccer development. On the weekend I was really pleased to attend the inaugural National Training Centre of South Australia gala presentation fundraising dinner and auction at the Hungarian Club in Norwood on behalf of the Minister for Sport. I did not wear a culturally-appropriate Hungarian top—

**Ms Chapman:** Why not?

**Mr ODENWALDER:** Why not?

*The Hon. M.J. Atkinson interjecting:*

**Mr ODENWALDER:** I know. It would have been in the back of the member for Croydon's car. I want to thank minister Kenyon, though, for the opportunity because it was a great night and, as I said, it is a cause close to the my own heart. Just by way of background, the National Training Centre (NTC) program is a national elite development program of the Football Federation of Australia. The program operates in all states and targets the best young soccer players in each state with the potential to represent Australia in the Joeys (under 17s), the Olyroos or ultimately the Socceroos.

The South Australian National Training Centre program was a joint South Australian Sports Institute program from its inception in April 1995 until July 2011. The NTC program in South Australia is now run completely by the FFSA (Football Federation of South Australia), but it does receive grant funding from the Office of Rec and Sport through the Sport and Recreation and Sustainability Program.

This event was basically to raise funds to enable a group of young South Australian soccer players to participate in the upcoming Institute Challenge in Canberra in December. This challenge is the final chance that most of these boys have to be selected in the Australian Under 17 World Cup Squad and also to gain a contract, perhaps, to attend the Australian Institute of Sport. I should mention that the South Australian team won this challenge in 2010 and 2011, so they are expecting big things this year.

In the area that I represent—Elizabeth, parts of Salisbury and parts of the north-eastern suburbs—soccer, and particularly junior soccer, is taken pretty seriously, and most of the clubs are friendly, family affairs, and I have seen this myself. The kids make friends from across the state and learn a lot of valuable life skills as well through their involvement with these clubs along the way.

I was also really pleased to bring my son, Jimmy, along, and he was starstruck to be seated at the same table with such South Australian soccer stars as Ian Fife, Daniel Mullen (who, like Jimmy, played for the mighty Para Hills Knights), Jason Spagnuolo and Lucas Pantelis. These players spoke to the NTC boys and gave them tips on what to expect from a career in soccer and, of course, Jimmy was transfixed by the whole thing.

The dinner was also attended by Mr Dave Hewitson from the FFSA, Mr Carl Veart who is the head coach at the NTC and Mr John Kosmina who is, of course, the head coach of Adelaide United. John Kosmina also addressed the crowd ahead of Sunday's Adelaide v Perth game at Hindmarsh. As always with these events, and with kids' sports generally, the whole thing was

supported by the many parents, family members, coaches and supporters who make up the soccer community in South Australia. I am not entirely sure how much money was raised but I did see a lot of money changing hands and a lot promised in the auction process, including $1,100 for a signed soccer shirt from Sydney FC's recent star signing, Del Piero.

In South Australia soccer ranks as the second most popular organised sport behind aerobics and fitness activities, with 4.4 per cent of the community participating in either indoor or outdoor soccer compared with 4.2 per cent who play netball, 3.8 per cent who play Aussie Rules, 3.3 per cent who play basketball and 2.6 per cent for indoor and outdoor cricket combined. From 2001 to 2009 the sport experienced a 52 per cent increase in participation rates. Soccer also continues to grow in popularity at the national level in terms of club-based activities, with 7.7 per cent growth over a six-year period from 2001 to 2007. This is the highest growth in all structured competitive sports in Australia.

I want to take this opportunity, again, to wish the boys from the National Training Centre program the best of luck in Canberra. It is kids like these and programs like this which mean that South Australia will continue to punch above its weight in the very, very competitive world of soccer.

## NULLARBOR NATIONAL PARK

Adjourned debate on motion of Hon. P. Caica.

That this house requests His Excellency the Governor to make a proclamation under section 28(2) of the National Parks and Wildlife Act 1972 excluding section 496, Out of Hundreds (Nullabor) from the Nullarbor National Park.

(Continued from 1 November 2012.)

**Mr MARSHALL (Norwood—Deputy Leader of the Opposition) (15:49):** I indicate that the Liberal Party will be supporting this motion. We thank the minister and his staff for giving us time to consider this carefully. He gave an excellent briefing and also allowed us time to speak with the proprietor of the roadhouse, Mrs Margaret Cotton. All are in agreement with this, and we look forward to supporting it.

**The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:50):** I thank the opposition for their indication of support for this motion.

Motion carried.

## ADVANCE CARE DIRECTIVES BILL

Adjourned debate on second reading (resumed on motion).

**Ms CHAPMAN (Bragg) (15:51):** Before the luncheon adjournment, I was canvassing a similar aspect of the disappointment in the uptake of directives, namely, the education input that had been given to the organ donation procedure so that we try to encourage people through education to think about these things and attend to them, including the documentation, if in that instance it is able to save the lives of others so that we do not place parents in the appalling situation of not being able to deal with the death of a child, for example, as the result of a car accident and be worrying about the donation of organs. The educative role, therefore, is an important one and I think the review committee also made it very clear that it was important.

Another disappointing aspect, though, of not bringing forward the financial powers of attorney, that is, have an integrated directive that encompasses powers of attorney, is that the national framework that had been endorsed by the 2011 Australian health ministers council had suggested a provision for this integrated directive. This is the one recommendation, it appears, that our minister has declined to take up.

As I say, it is not a problem, in my view, if the Attorney had also come into the house with a separate bill identifying his commitment to making submissions to amend this legislation in due course. All we have is the possibility of the Attorney-General doing an update of the powers of attorney law. Disappointing as that is, the comprehensive process for new directives is one which I think ought to be supported by the house.

In addition to what can be put in the new directive regime and the scope of it, I think it is fair to say that the objective of the bill is to ensure that a broad range of information can be in

directives. That is not contained at the moment, or restricted at the moment, but the information people will be able to include in the new advance care directives is to be significantly expanded.

The examples given are: values and goals in life and of care, what is important to them when decisions are being made for them by others, instructions relating to various periods of life (that is, not just the end of life), what levels of functioning would be intolerable, where and how they wish to be cared for when they are unable to care for themselves, and even, indeed, who is going to be looking after them in those circumstances.

The other aspect I wanted to briefly refer to was the form itself. I think I said earlier that the object here is to provide a sort of simple standard precedent form that will need to be complied with for the purposes of having a valid advance care directive. Now, that is not uncommon for forms to be provided. Sometimes they are very skeletal and there is a significant amount of information that needs to be included by the person granting the advance care directive. This model, though, is going to make it a requirement that, for the advance care directive to be valid, it be completed using a form approved by the minister and that it must be witnessed.

So, that is fairly simple, but, nevertheless, what was disappointing at the briefing, I thought, was that, in relation to this do-it-yourself advance care directive kit that is going to be developed, with accompanying guidelines outlining in lay terms the rights and responsibilities of all the parties involved in the completion of the application of the advance care directive, at the time of the briefing no draft, after all these years, had been prepared. I inquired myself about other forms from interstate, because we are not the first state to advance this, pardon the pun—but they were not entirely consistent with what was had in mind here in the do-it-yourself kit in the model we were going to produce.

But it seems to be that this whole issue has been under consideration for years, that for years we have had people working on this, and to have not even turned up with a draft of what this very prescriptive process is going to be in this, sort of do-it-yourself kit, I think was a bit poor to be honest. I think we need that to be remedied. I think that if there is going to be a law that future directives have to be in this form then we should at least have had that material available.

It is not the same as a regulation which will set out the rules that are to apply to a document, say like the regulations that go under the Wills Act. In this instance we are going to have this kit arrangement, and that is what is going to be used, and that is what is proposed to be advanced and approved by the Minister for Health and Ageing. We therefore, in my view, should have at least had a draft of what was to be provided.

Now, I suppose there is some legal background in me that makes me express a word of caution when we look at these do-it-yourself kits. We are talking about very significant decisions that are made in respect of interventions, or lack of interventions, or medical procedures that could be life extending or life threatening. We are talking about estates that could be very significant and the management of them that could also have very significant financial consequences.

So I am not keen on these do-it-yourself jobs. I think there is a place for them where people have minimal assets or if they are simply wishing to give a very simple instruction in respect of health. Some, for example, for religious reasons might want to say that under no circumstances do they want to be given a blood transfusion. It is a very clear, simple instruction and there will certainly be people in the community who would want to ensure that that did not happen in the event that they were admitted to a hospital, or in any emergency circumstance, or where they might be unable to give instructions and be vulnerable to some other well-intentioned, probably, relative authorising that to happen, when it is clearly not their wish that it occur.

So, we need to appreciate that these are very significant documents and sending people off with a kit with a few guidelines that we have not even seen a draft of at this stage, I think, has got some significant drawbacks which will provide some considerable difficulty with enforcement in the future, possibly even interpretation, if people are not given advice in the drafting of the contents that they add into them.

So, I am a little anxious about that. I would only encourage those people who are making any decision in respect of medical interventions, or placement in care, or financial management of any consequence, that they have advice about what the content of this document is. It is one thing to buy a kit with a heading and a signature clause, and an envelope to store it in, or anything else, like do-it-yourself will kits, but what goes in that document is going to be a very precious record of very important decisions that people want to have respected.

The second aspect I will comment on is the mutual recognition provision. Currently, South Australia is one of the only Australian jurisdictions in which advanced care directives completed in other jurisdictions are not recognised. I do not know of any others. That was the wording that was identified in the second reading explanation. I have no reason to suggest that that is incorrect, but I am not aware of any other state. I again seek leave to continue my remarks.

Leave granted; debate adjourned.

**AUDITOR-GENERAL'S REPORT**

In committee.

(Continued from 1 November 2012.)

**The ACTING CHAIR (Hon. M.J. Wright):** I open the examination of the Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, and Minister for Aboriginal Affairs and Reconciliation for 30 minutes.

**Ms CHAPMAN:** The jurisdictions for which the minister is responsible include the South Australian Water Corporation. That is reported in the section commencing on page 1837 of Volume 6. Page 1852 commences a four-page summary of the current operations surrounding the Adelaide desalination project. At page 1855, under the subheading at about point 4 is 'Operator contract', which I think is commonly referred to as the O&M contract—the operations and maintenance contract—which I am sure the minister is familiar with, as distinct from the design and construction contract.

The report states, 'Under the contract, the volume of water to be produced by the operator is specified by SA Water.' While the government specifies the volume of water to be produced, what is the agreed base payment per annum to the operator once the plant is fully commissioned, regardless of how much water is produced?

**The Hon. P. CAICA:** As I have reported to the house previously, it is $30 million.

**Ms CHAPMAN:** Per year?

**The Hon. P. CAICA:** Yes.

**Ms CHAPMAN:** Further down the page there is reference to SA Water's 2011-12 financial statements, including expenditure of $6.5 million for operating the plant. Total expenses paid to the operator since the inception of the project to 30 June 2012 was $11 million. Will the minister confirm how much water has been produced by the plant to that date?

**The Hon. P. CAICA:** I am advised that to date just a few gigalitres have been produced, but I will get the exact figure out as of today and take that one on notice.

**Ms CHAPMAN:** I think the project, as I understand it, as of August 2012 was the completion of the 50 gigalitre capacity, that by September the 50 gigalitre had reached full capacity and that by October this year both 50 gigalitre plants had commenced performance tests; is that right?

**The Hon. P. CAICA:** The honourable member is correct.

**Ms CHAPMAN:** At page 1853, at about point 6, under the design and construct contract, it states:

The Public Works Committee approval for the ADP expansion works indicated practical completion by August 2012—

which from your previous answers has occurred—

with handover occurring by the end of December 2012.

Is there a date yet for the proposed handover?

**The Hon. P. CAICA:** What we are saying is that it will be completed by the end of December. We believe that it will be on or around 22 December, but of course in doing that I do not want to be held to account if it is not that particular date, but that is the date we are working to and everything is on track for that date.

**Ms CHAPMAN:** The balance of funds for payment under the DC contract is something like $700,000. That is the last payment due under the design and construct. Is there any indication at this stage that those funds will not be paid in full?

**The Hon. P. CAICA:** I am not quite familiar with the figure the honourable member is referring to, and it would be useful if she could find where it is so that we could then analyse it a little better. I would make this point: on all the evidence that has been provided to date, our expectation is to come in on the time frames I have stated and also on budget.

**Ms CHAPMAN:** I suppose I was not asking whether there was any extension of the budget. I accept that you are on budget. Has there been any circumstance in respect to the desal plant in completing the DC contract that would mean that you would hold back any of the balance of those moneys?

**The Hon. P. CAICA:** I am advised that there will be a small amount that will be factored in for payment during or beyond the warranty period.

**Ms CHAPMAN:** So, it is your expectation that, whatever balance is held pursuant to the $1.8 billion project, they will be paid?

**The Hon. P. CAICA:** The answer is yes.

**Ms CHAPMAN:** In relation to the $11 million that has been paid under the operator contract, what was the basis upon which the $6.5 million had been paid for the operation of the plant, which is obviously clearly well prior to the completion of even the first 50 gigalitre plant on August 2012?

**The Hon. P. CAICA:** As she quite rightly points out, SA Water's 2011-12 financial statements include expenditure of $6.5 million for the operating of the plant. This was specifically to cover ongoing maintenance of the equipment, training of operators, development (amongst other things) of an operation manual, and factors dealing with the commission of the 50 gigalitre plant.

**Ms CHAPMAN:** I will come back to the operator contract in a moment. In respect of the DC contractor at this point, which is, as best we understand it, about to be concluded, are you in any current dispute with the DC contractor and/or their suppliers concerning the end caps for the membrane chambers?

**The Hon. P. CAICA:** I am advised no we are not.

**Ms CHAPMAN:** I refer to page 1854, the third point. The deed of settlement was executed in May 2012, which was basically to settle up certain claims. If I can summarise it, I think I am right in saying that subsequent to that tragic death in the preceding year there had been a number of renegotiations of the contract, delays and settlement, in respect of payments. It states:

> Importantly the deed of settlement related to both the construction of the operational and maintenance contracts, and was consequently signed by SA Water, DC contractor and operator.

Then there is further commentary down the page. Did that settlement include any provision for claims in respect of the safety aspect of the membrane chambers?

**The Hon. P. CAICA:** I am advised there was nothing whatsoever to do with the safety or otherwise of the membrane section.

**Ms CHAPMAN:** That was in May 2012. Subsequent to that date of settlement had there been any reports of malfunction involving equipment of the membrane chambers?

**The Hon. P. CAICA:** I am advised no. There were normal commissioning issues, but the membrane chambers were not one of those issues.

**Ms CHAPMAN:** Again, this relates to the whole settlement arrangement. Paragraph 7 states:

> The negotiation process and the deed of settlement...Prior to the approval of the SA Water Board considered legal counsel from Crown Law and other external legal advisors, and a risk assessment on the project.

How much was spent on outside legal advice on this?

**The Hon. P. CAICA:** I have not got that specific figure in front of me, but knowing how sharp the member for Bragg's pencil is, there was cost involved with one representative legal counsel, but I will get back to you on that exact figure.

**Ms CHAPMAN:** I will cover the cost of some legal matters. On page 2123, the water department's legal fees jumped from $473 to $720 last year. What was the total value of legal work completed in respect to the former premier's and current Premier's pledge to challenge the Murray-Darling Basin plan in the High Court?

**The Hon. P. CAICA:** I do not have those exact figures with me as to what component, if indeed there is any, within that increase of fees and its relationship or otherwise with respect to the question about whether or not that encompassed any fees for any preparatory work on any legal challenge, should that eventuate, but I will get back to you with an answer to that.

**Ms CHAPMAN:** Aside from the total value, if in fact that cost is not encompassed in the legal fee increase would the minister provide to the committee the explanation for the expenditure of the $720,000?

**The Hon. P. CAICA:** So, you are asking for what is encompassed within that 750? I cannot see a problem with the provision of that information. If there is, I will get back to you.

**Ms CHAPMAN:** For the purposes of information you are getting, minister, at page 1854:

The deed of settlement provides for the project handover for all works by the DC contractor by 22 December 2012. A large payment is still linked to achieving the full project handover.

So, my question is: how much is the balance of payment then to be paid by SA Water?

**The Hon. P. CAICA:** Again, I do not have that particular figure with me, but we can provide that to you.

**Ms CHAPMAN:** I would appreciate that for the exact amount, minister, but you have the head of the department sitting next to you, does he have any idea: more than a million, less than a million?

**The Hon. P. CAICA:** I reinforced this point earlier and I know that you acknowledged and appreciated the fact that the project is going to come in (we expect) on budget and on time. I am advised that it could be in the vicinity of between $30 million and $50 million with respect to that, but again I do not have the exact figure. If you want ballpark figures I can give them to you but if you want exact figures you will have to wait for them.

**Ms CHAPMAN:** At page 1856, there is reference to commonwealth funding. As I think all members of the committee appreciate, the commonwealth government has committed a total of $328 million toward the cost of the ADP (the desalination plant): $100 million for the first 50 gigalitre plant and then another $228 million for the expansion. The Auditor identifies though that there is funding of $46 million still to come from the commonwealth and that requires three things: one is that there be an agreement with respect to the high reliability entitlement; the second is that there be agreement to annual reporting in a format that, basically, they have set out; and the third is to achieve practical completion and tests to demonstrate the operation of the 100 gigalitre annual expansion works and the submission of a final report. When is it expected that there will be a practical completion, those tests identified and the report provided? Is that at the end of 2013 or 2014, or, for that matter, whenever?

**The Hon. P. CAICA:** The practical completion will be completed before the handover, so that will be the point.

**Ms CHAPMAN:** 22 December?

**The Hon. P. CAICA:** The 22nd, or thereabouts, of December, before it is handed over to operations.

**Ms CHAPMAN:** The question is: when do you get the next $46 million? It is suggested in this report that there are three things you have to do before you get the final $46 million from the commonwealth. My question is: because that last one requires certain testing to be done and a report to be provided, is that expected to be all done at the time of handover or is that to be at the end of the two year period of testing? Perhaps I am at cross-purposes here, perhaps the testing does not mean the operational testing for two years. If it is working as at 22 December of this year we get the money. Is that the position?

**The Hon. P. CAICA:** That is providing we have met those other two dot points above that. So, you are correct.

**Ms CHAPMAN:** Is it your expectation, minister, that your department, for example, will have provided the information and signed up to the agreements and terms for all these three (that is, the other two in particular) by that time and that the money will be paid before the end of December? A nice Christmas present if it is, but is that the expectation?

**The Hon. P. CAICA:** That is certainly my expectation.

**Ms CHAPMAN:** Page 1858 refers to the charging dispute between SA Water and United Water. This was an issue that came to a head under the minister's watch but, of course, its origin was many years preceding that time. The report gives a summary of what had happened. At about point 5 on page 1858, the report states:

> During September 2012, SA Water and United Water reached a commercial settlement on all disputes between them concerning the 1995 Adelaide Metropolitan Outsourcing contract.

The report then identifies that as a condition of that settlement the amount to be paid to United Water under the September 2012 settlement was $6.3 million, with no admission of liability. On 1 September 2009, the former treasurer, the Hon. Kevin Foley, said, 'We have been overcharged by the French to the order of some tens and tens of millions of dollars.'

Will the minister confirm that the $6.3 million is the total payment to SA Water from United Water for the alleged overcharging? Or is it in addition to the $14 million that was referred to as the first settlement in February 2011?

**The Hon. P. CAICA:** I am not sure whether I understand the question, but I will try to answer it as best I can. In regard to there being no liability, that is the case and that is how it was settled. Also, all that money has been received—

**Ms CHAPMAN:** The $6.3 million?

**The Hon. P. CAICA:** —under my watch. So, it is $14 million plus $6.3 million, which is roughly $20 million or thereabouts.

**Ms CHAPMAN:** You will recall, minister—and I am sure that you have read the pleadings in this case avidly—that United Water had lodged a counterclaim against SA Water in the Supreme Court proceedings. They referred to comments made by the former treasurer and, indeed, made that counterclaim based on the diminution, they claimed, of their reputation as a result of what it saw—and I will summarise this, but you will get the gist of the pleadings—as the outrageous statements the treasurer had made about the bona fides of United Water and sought, of course, to reduce the payment to SA Water. Was there any settlement in respect of the comments made by the treasurer in respect of his allegations?

**The Hon. P. CAICA:** As I have said previously, we cannot be held responsible for what the then treasurer said at that stage. Quite simply, it was determined in two parts that SA Water was, for want of a better term, using my language, owed that money. This justifies, to a very great extent, the decision to pursue that particular determination. In a way, it could be argued that it justifies the comments of the former treasurer, but you would have to speak to him about that. As I said, I take no responsibility for what he said at that time.

What I will say is that this matter was resolved successfully under my watch, which I am very pleased about. As the Auditor-General mentioned in this report and that of the previous year, in particular, those matters can further improve—well, he talks about contractual arrangements but, in fact, we have considered all the matters from this dispute the impact on our future contractual arrangements. That is the very nature of an audit, of course: to get the audit to see where you can do things better; we make a commitment to do that. We are very pleased that not only were we able to settle this particular matter but it certainly, through that process, justified SA Water to take that course of action.

**Ms CHAPMAN:** Minister, what were the total legal costs incurred by SA Water in respect of that action?

**The Hon. P. CAICA:** Again, I do not have those exact figures, but in regard to the legal costs incurred by SA Water with respect to both of these matters (that is, the $20 million), I am advised that it could be at or around $2 million. But, I will get back with the exact figure because, as I said, I do not have that.

**Ms CHAPMAN:** In respect to SA Water, they obviously have expenses, which are set out there in the financial accounts, including the rent paid for premises headquartered at Victoria Square. Minister, what premises are occupied by the SA Water Corporation other than the headquarters at Victoria Square?

**The Hon. P. CAICA:** I thank the honourable member for her question. As she would be aware, we actually house personnel across the length and breadth of the state. I will not go into detail about all those places, otherwise it will take us to the end of this report.

*Ms Chapman interjecting:*

**The Hon. P. CAICA:** What I will say, with respect to metropolitan Adelaide, is that we have two premises located on Pirie Street that are occupying staff at this point in time. One of those premises on Pirie Street relates to those personnel that are part and parcel of the North-South Interconnector Project (NSIP), and their time there is limited, given that the project will be concluding.

There is another premises in Pirie Street that contains our information technology section, and there is also a small warehouse in Netley that houses some staff. It is a facility that actually deals with the metering, and we do have a small number of staff operating at that premises. So, we have three others in metropolitan Adelaide, and a multitude of places across the length and breath of the state. If the honourable member wants a list of all those places, I am happy to take her along and show them to her.

**Ms CHAPMAN:** Thank you; I look forward to my list and a long and happy inspection tour with the minister. It raises the question though, minister, of the whole transfer of the SA Water enterprise to Victoria Square. It was before your time, but you might recall that treasurer Foley explained the importance of not buying SA Water House, as it was known, which was in Grenfell Street, I think, at the time, and the need to move to Victoria Square so that all the operations at headquarter level could be in one place. So, rather than buying out the tail of a lease which, I think, was something like $20 million, they could have owned a whole building; now, we are renting one and paying a lot of money. In any event, the EPA, I think, is still in the premises at SA Water. I am not sure how much rent they pay or what share of the rent they pay, but is any consideration being given to taking the EPA out of that building?

The EPA is, of course, a regulator whose work includes, sometimes, fining SA Water. They are all in the same building. It is a little curious to me but, especially if the other operations are burgeoning out to other premises, is the APA going to be moved or what is the situation there?

**The Hon. P. CAICA:** I do not know what the APA is—

**Ms Chapman:** EPA.

**The Hon. P. CAICA:** —but I am presuming you mean the EPA; that is right. That is alright; we all make mistakes, Vickie.

*Members interjecting:*

**The Hon. P. CAICA:** Yes, that's right. We have seen that over the years—you are quite right—and I am looking at it right now.

**The ACTING CHAIR (Hon. M.J. Wright):** The minister has been well behaved—

**The Hon. P. CAICA:** I have been.

**The ACTING CHAIR (Hon. M.J. Wright):** —as has the shadow minister.

**The Hon. P. CAICA:** That is right, we have been very well behaved. It is starting a new standard. At the moment, the EPA occupies almost two floors there. I make no comment on the previous comments that you made about whether we would buy that building or not. It is owned by the church, I think, and I am not sure they were ever going to sell it anyway. Our building is currently occupied by the department for transport.

**Ms Chapman:** Now, it is.

**The Hon. P. CAICA:** Yes, that's right.

*Ms Chapman interjecting:*

**The Hon. P. CAICA:** The EPA occupies almost two floors there. At this point in time, there have not been any formal discussions with me whatsoever about whether or not they will be vacating that premises for new premises but you never say never. Currently, there is no formal proposal to do so.

**Ms CHAPMAN:** I will ask one question in relation to the north-south interconnector—my favourite project. That has been completed. It is $403 million worth and that, of course, includes new pumping stations and so on and an extra pipeline across my electorate, not to mention others. My question is: has the project expenditure exceeded the $403 million and, if so, on what?

**The Hon. P. CAICA:** Just to correct the honourable member, I know she is new to this portfolio but it has not actually been completed yet: it soon will be. In answer to the specific question, I know she had several community forums in which this matter was raised and I attended, I think, many of those—in fact, all of those—across the various electorates.

I was very pleased at the opening of the pump station at Waite to see and listen to one of the residents who had told not just me but the TV cameras that were there that the way in which SA Water conducted that consultation with the community, notwithstanding the initial difficulties that occurred at the start, was a credit to what was essentially a government controlled project with respect to that consultation. The answer to that is no, it will be on or slightly under budget.

**The ACTING CHAIR (Hon. M.J. Wright):** Thank you, minister; thank you, shadow minister. We now move to the Auditor-General's Report in relation to the Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business. I remind members that they are to be on their feet and all questions must be directly referenced to the Auditor-General's Report.

**Mr MARSHALL:** I am referencing the Auditor-General's Report, Part B, Volume 3, and his report begins on page 1009 regarding this department. My first question is just regarding the 'Financial assistance grants' heading on page 1011. Can the minister please advise how many of the grants he was responsible for were transferred to the other agency, which is referred to in the Auditor-General's Report, and what was that other agency?

**The Hon. A. KOUTSANTONIS:** I will take most of that question on notice, but I will say that I understand that the other department is PIRSA and that the grants that were transferred, I am advised, were the regional development grants, but I will get more information for the member.

**Mr MARSHALL:** Can the minister advise which company the Auditor-General is referring to at the bottom of page 1011 when he said that the obligations of one company were unmet for a period exceeding 60 days?

**The Hon. A. KOUTSANTONIS:** I am advised that we do not have the details of the one that is over 60 days late, but I do note, however, the Auditor-General's comments at the same period last year when there were 44, with 13 being over 60 days late—he makes positive comment. I will get some details for the member about the one which is over 60 days and get back to the house.

**Mr MARSHALL:** Can the minister update the house on how many remain outstanding at this point in time?

**The Hon. A. KOUTSANTONIS:** I only have advice up to 30 June.

**Mr MARSHALL:** Can the minister just confirm that the other agency the Auditor-General was referring to was, indeed, PIRSA and not SAFA, because previously the minister has suggested that the responsibility for following up outstanding grants had moved in some instances to SAFA.

**The Hon. A. KOUTSANTONIS:** Just so that I am clear, your initial question was: which was the other agency that was being referenced? The advice I was given was PIRSA. I am advised that the financial assistance grants in the Auditor-General's Report make reference to PIRSA rather than SAFA.

**Mr MARSHALL:** Just for clarity, have you actually transferred the responsibility of following up financial assistance grants to SAFA?

**The Hon. A. KOUTSANTONIS:** I am advised that that was done in previous years but not in this financial year.

**Mr MARSHALL:** There was no transfer during the financial year that was covered by this Auditor-General's Report? That was the question. That is the financial year we are talking about.

**The Hon. A. KOUTSANTONIS:** I think your questions are getting muddled and confused. You have asked a number of questions, initially about which agency we were talking about and I was advised that was PIRSA; then you asked for clarification that it was not SAFA and I said to you I was advised it was PIRSA; and now you are asking a different question and I think you are trying to muddle the two. The advice I have received is that the agency in question that the transfers were made to is PIRSA. If SAFA has had any involvement, I will get back to the house.

**Mr MARSHALL:** Can you advise whether it is your department's responsibility to continue to follow up the financial assistance grant provided to Autodom or aiAutomotive?

**The Hon. A. KOUTSANTONIS:** I am advised that responsibility resides within the Department of Treasury and Finance.

**Mr MARSHALL:** Can you also advise the house whether there is any other financial assistance that your department has provided to the auto sector and the auto supply chain, and whether there are any grant moneys that your department is currently administering?

**The Hon. A. KOUTSANTONIS:** What I will do, rather than read it into *Hansard* and try and find the ones that are not related to the automotive industry, is give the member a breakdown of all the grants.

**Mr MARSHALL:** Will you be able to provide the committee with all grant money administered by the department last financial year?

**The Hon. A. KOUTSANTONIS:** Yes.

**Mr MARSHALL:** My next question is on page 1029, headed 'Remuneration of Employees'. Can you indicate to the committee who the person is in your department paid last financial year between the band $584,000 and $593,999?

**The Hon. A. KOUTSANTONIS:** I do not have the details of the name of the person but I will get that to you. I understand that is not his entire package. That package includes a termination payment. I will get back to you.

**Mr MARSHALL:** Can the minister outline, on page 1029, which is the remuneration for the deputy chief executive Mr Lance Worrall?

**The Hon. A. KOUTSANTONIS:** I do not have those details with me but we will get them to you.

**Mr MARSHALL:** I turn to page 1042, looking at the remuneration of board and committee members. Can you indicate what the payments are to the individual members of the Advanced Manufacturing Council, the amount paid last financial year, but also the amount that was negotiated last financial year to be paid on an ongoing basis?

**The Hon. A. KOUTSANTONIS:** I am advised: Mr Nixon Apple was paid $3,500; Mr Donald McGurk, I have no payment for; Mr Stephen Myatt, I have no payment for; Mr Göran Roos, who is the chair, I have a payment of $7,000, I am advised; and Mr Jonathan Law, $5,250, which comes to a total of $15,750. If there are any outstanding amounts that have not been mentioned, I will obviously get them to you.

**Mr MARSHALL:** The amount for Göran Roos, that was the payment last financial year, or was that the ongoing payment per annum?

**The Hon. A. KOUTSANTONIS:** I am advised that Professor Roos was paid a total of $7,000 up to the 30 June, but I will take the rest of your question on notice and get back to you.

**Mr WILLIAMS:** I will not re-reference—it is the same set of pages of the Auditor-General's Report—but I will refer to page 1013, under 'Administered items', particularly in regard to the collection of royalties. The Auditor-General's Report states that $176 million in royalties was collected in the 2011-12 year, compared with the $156 million in the previous year. Can you give us a breakdown of that between the minerals sector and the petroleum and gas sector?

**The Hon. A. KOUTSANTONIS:** I am glad that you are showing an interest in your old portfolio areas. I will get a detailed answer back for the member as quickly as I possibly can, but I do not have that breakdown here with me now.

**Mr WILLIAMS:** I note that in the 2011-12 budget, the predicted figure for royalties for that particular year was originally budgeted at $202 million. In the most recent 2012-13 budget, it was taken down to an estimated result of $182.9 million, which is coming in even lower than that at $176 million. Do you have an explanation for that reduced figure?

**The Hon. A. KOUTSANTONIS:** The Auditor-General has made no comments whatsoever on that, and I am not quite sure why the member is asking me about questions relating to budget matters.

**The ACTING CHAIR (Hon. M.J. Wright):** All questions should be referenced to the Auditor-General's Report.

**Mr WILLIAMS:** The Auditor-General's Report states that overall the total of $176 million in royalties was collected in 2011-12, but back in May the budget estimated that it was going to be $182 million.

**The Hon. A. KOUTSANTONIS:** Mr Acting Chair, the Auditor-General has reflected accurately our royalty intake.

**The ACTING CHAIR (Hon. M.J. Wright):** Yes, I think the member should be careful what he asks. It needs to be specifically referenced to the Auditor-General's Report and not to the last budget.

**Mr WILLIAMS:** The Auditor-General's Report is saying there is a large discrepancy. Can the minister explain why there is a discrepancy between the estimated result in the budget and what the Auditor-General has reported? That is my question.

**The Hon. A. KOUTSANTONIS:** Can I ask the member to reference the part where the Auditor-General makes adverse findings on the—

**The ACTING CHAIR (Hon. M.J. Wright):** Which page number was it from?

**Mr WILLIAMS:** I read that out a moment ago: it is page 1013.

**The Hon. A. KOUTSANTONIS:** Mr Acting Chairman, the member for MacKillop said that there were 'adverse findings'. This is what the—

**Mr Williams:** No, I never used the word 'adverse'.

**The Hon. A. KOUTSANTONIS:** You said he made comments. This is what he said:

> The responsibility for the minister in the collection of royalties levied on mineral and petroleum production on behalf of the State Government was transferred to the Department on 1 January 2012. For the six months to 30 June 2012 the Department administered the collection of $93 million in royalties which were paid into the Consolidated Account.

Hear, hear!

> A further $83 million in royalties was collected and paid into the Consolidated Account by the transferor agency from 1 July to 31 December 2011. Overall a total of $176 million in royalties was collected in 2011-12 compared to $156 million in 2010-11.

He makes no reference to the budget papers.

**Mr WILLIAMS:** Notwithstanding that—

**The ACTING CHAIR (Hon. M.J. Wright):** I see the member for MacKillop is agreeing with his body language.

**Mr WILLIAMS:** Notwithstanding that, Mr Acting Chairman, it is a substantially lower figure than what was in the most recent budget. I thought the minister might have had his finger on the pulse. He might have—

**The ACTING CHAIR (Hon. M.J. Wright):** I'm sure he does—

**Mr WILLIAMS:** I'm sure he doesn't.

**The ACTING CHAIR (Hon. M.J. Wright):** —but he is pointing out that you are not referencing it to the Auditor-General's Report.

**Mr WILLIAMS:** The minister, I do not believe, even knows what is going on in his agency, but we will leave it at that. I refer to page 1028, TVSPs. It is noted that employees who received a TVSP or early termination payment during 2011-12 were five, compared with 51 the previous year. Were any of those TVSPs in the minerals part of the agency and/or were any of them in the energy part of the agency?

**The Hon. A. KOUTSANTONIS:** For the interests of the shadow minister for energy and the shadow minister for mineral resources, I will get a breakdown for both members of what TVSPs have been accepted in which departments.

**Mr WILLIAMS:** Is it expected that there will be more TVSPs in the next year, or is that the end of the reductions in your agency?

**The Hon. A. KOUTSANTONIS:** As I said, as measures are rolled out the department will liaise with the Department of Treasury and Finance about the most appropriate methods to meet those savings.

**Mr WILLIAMS:** The Auditor-General noted on page 1030 that there has been considerable growth in the number of consultancies and contractors. Contractors' total payments increased from a bit over $2.5 million in the previous year to virtually $7 million, and consultancies have increased from just over $1 million to $2½ million. I note that the number of consultancies between $10,000 and $50,000 in the previous year was 14, and in the most recent year there were 25, and for over $50,000 the number of consultancies went from eight in the previous year to 19. Can the minister explain why there are so many consultancies within his agency?

**The Hon. A. KOUTSANTONIS:** I am advised that they reflect machinery of government changes. The department has grown, there is a greater focus on manufacturing, innovation, trade and small business. We brought the energy department into DMITRE. It means an increased workload. It means increased expenditure.

**Mr WILLIAMS:** Can the minister provide the committee with a breakdown of those consultancies?

**The Hon. A. KOUTSANTONIS:** I am advised that they will be tabled in the annual report.

**Mr WILLIAMS:** Page 1031, under 'Grants and subsidies', there is a list of some $5.487 million in grants and subsidies made to entities within the South Australian government. Just over $1 million of these are in the energy sector. Can the minister provide a breakdown of what those are? There is $1.3 million in the minerals and petroleum sector, can the minister provide a breakdown of what they are?

**The Hon. A. KOUTSANTONIS:** I am advised the energy grants in 2011-12 were $1.056 million, which reflects six months of operations of the energy division transferred from DPTI and RenewablesSA transferred from DPC as part of machinery of government changes that were effected from 1 January 2012. Grants relating to the first six months of 2011-12 and for 2010-11 are included in DPTI, I understand, and DPC Remote Areas Energy Supplies Aboriginal communities, the University of South Australia Renewable Energy Fund and the University of Adelaide Renewable Energy Fund. I will get you some advice on the minerals and petroleum section as well.

**Mr WILLIAMS:** Similarly, just below that on the same page, there are grants and subsidies payable to entities external to the South Australian government, the energy class at some $3.692 million (almost $3.7 million) and then minerals and petroleum at $921,000. Can the minister provide a breakdown of those? While you are doing that, within the minerals and petroleum figure does that include the payments under the PACE scheme?

**The Hon. A. KOUTSANTONIS:** Energy grants to non-South Australian government entities. I am advised that energy grants in 2011-12 were $3.692 million. The increase relates to the transfer of energy and RenewablesSA programs as part of the machinery of government changes. The 2011-12 year reflects only six months of operations. Grants relating to the first six months of 2011-12 and for 2010-11 are included in the Department of Planning, Transport and Infrastructure and the Department of the Premier and Cabinet. I understand the recipients were: Clean Carbon Capture, Sundrop Farms, WorleyParsons Services Pty Ltd, West Beach Trust—that is from, I am advised, the Renewable Energy Fund. The others are: District Council of Coober Pedy, Jeril Enterprises Pty Ltd, trading as Andamooka Power House, and Dalfoam Pty Ltd, they are a part of the Remote Areas Energy Supplies state/independents. The Yalata Community Incorporated is a Remote Areas Energy Supplies Aboriginal communities, Oak Valley (Maralinga) Incorporated Remote Areas Energy Supplies Aboriginal communities, Opal Inn Proprietary Limited remote renewable generation program, Stuart Ran remote renewable generation program, District Council of Coober Pedy remote renewable generation program, other various programs, the Australian Energy Market Commission (AEMC), Department of Resources, Energy and Tourism.

Then there were the various grants under the solar hot water subsidy scheme to the value of about $500 each. In terms of the minerals and petroleum area for non-South Australian government entities, I am advised that minerals and petroleum grants in 2011-12 were $.921 million. The increase relates to the transfer of minerals and petroleum functions as part of the machinery of government changes. The 2011-12 year reflects only six months of operations. Grants relating to the first six months of 2011-12 and for 2010-11 are included in the Department of Primary Industries and Regions South Australia.

I am advised that Cameco, Core Exploration, CSIRO, Lincoln Minerals Limited, Phoenix Cooper Ltd, Pepinnini Minerals Ltd, Regional Development Australia Far North, Teck Australia Pty Ltd, Trafford Resources Ltd, Uranium Equities Ltd, University of Adelaide, University of Western Australia and the University of Adelaide were PACE recipients. Other various programs under the Department of Resources, Energy and Tourism, were the Multiple Land Use Framework and the National Mine Safety Framework. There was a minerals grant to the Roxby Downs council, and there were, I understand, $8,000 in minor grants.

**Mr WILLIAMS:** So, all those PACE grants are within that $921,000 figure?

**The Hon. A. KOUTSANTONIS:** I am advised that it is within the $921,000 but, if there are more, I will get back to the house with a more detailed response.

**Mr WILLIAMS:** On page 1033, under 'Receivables', there is an allowance for doubtful debts. In the previous year, it was $3,000; the allowance has now grown to $161,000. Can the minister give the committee an explanation of what that is?

**The Hon. A. KOUTSANTONIS:** I am advised that it is a result of machinery government changes. Other departments coming in to form the new department have brought with them, of course, accounts receivable and therefore the figure has increased. Is the shadow minister for mineral resources going to ask me a question?

**The ACTING CHAIR (Hon. M.J. Wright):** The member for Davenport, I think, has the call. No, the member for MacKillop; he has given ground.

**Mr WILLIAMS:** Thank you, Mr Acting Chairman. Minister, can you provide for the committee the total cost of the machinery of government changes within your agency in the year in question?

**The Hon. A. KOUTSANTONIS:** I am advised—you taught me that, Iain—that on 21 October 2011 the Premier announced a number of changes to the ministerial responsibilities in government departments, including the establishment of the Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE).

DMITRE brings together the former departments of trade and economic development, minerals and resource division, the Olympic Dam task force and a component of the investment and policy units of PIRSA, the energy division from the former department for transport, energy and infrastructure (DTEI), and RenewablesSA from DPC. Transferred out of DMITRE, the Regional Development Unit to PIRSA, and the Strategic Policy and Population Policy and Migration units of DPC. DMITRE will provide a stronger focus on integrated approaches and policies for resource, energy, manufacturing, inward investment and trade.

All transfers were gazetted effective on 1 January 2012. There is ongoing work to fully integrate all functions of the new department. I am advised that, as of the end of June 2012, the cost of establishing the new department is $130,000, comprising the following components: $75,000, I am advised, for additional staffing; $5,000 for the relocation of staff; $16,000 for signage changes; $13,000 for business cards and letterhead reprinting; and $21,000 in additional software licences.

**Mr WILLIAMS:** I refer to page 1046, the Extractive Areas Rehabilitation Fund. Back in 2005, the parliament amended the royalty rate for extractives from 20¢ per tonne to 35¢ a tonne, with the amount going into the EAR Fund, increasing from 10¢ a tonne to 25¢ per tonne. This is because it was believed that the fund was not going to keep up with the payments for the work that was being done to rehabilitate worked-out mine sites or quarries and sandpits.

I note that in the six years since then the fund has accumulated a significant balance. It was reported on that page that there are some $17 million in the balance as at 30 June, with commitments of about $3 million, suggesting that $14 million has been accumulated in the fund in the 6½ years since we changed it. Why is this money being accumulated, and was the parliament given incorrect information when it changed the royalty rate back in 2005?

**The Hon. A. KOUTSANTONIS:** As the member knows, the funds collected are used to limit damage to any aspect of the environment by such mining operations, in addition to the promotion of research into methods of mining engineering and practice for which environmental damage might be reduced.

As the balance was $17.184 million of the Extractive Areas Rehabilitation Fund, I think it is a good thing that the government is keeping a watching brief to make sure that we can deliver the

very best environmental outcomes for South Australians. It is a budget decision. If the new shadow minister has a problem with that, I am sure he can move the appropriate amendments.

**The ACTING CHAIR (Hon. M.J. Wright):** I thank the minister and also the shadow minister. We now move to the Minister for Finance and Minister for the Public Sector. I remind members that they are to be on their feet and that all questions must be directly referenced to the Auditor-General's Report.

**The Hon. I.F. EVANS:** Thank you, Mr Acting Chair. Page 64 of Part C sets out the summary of adjustments to 2010-11 budget, new operating savings. The minister is, of course, in charge of monitoring the savings for the government. I note that there is a saving for the 'Procurement efficiencies' totalling about $4 million to $5 million over the forward estimates. Can the minister advise, in relation to that, whether that saving includes the recent announcements of the stationery/school purchase tender that was announced in recent weeks? Is that including that savings measure?

**The Hon. M.F. O'BRIEN:** The decision to work up an across government stationery contract was really a result of the issue we were having with the printer cartridges. I had a referral from the Western Australian Corruption and Crime Commission—an ICAC equivalent—and commenced an investigation. The investigation was then bolstered by another inquiry undertaken by the Victorian Ombudsman. With Victoria not having an ICAC, the Victorian Ombudsman did that work.

Our findings very much reflected the findings of the Western Australians and Victorians in terms of the necessity of putting in place a series of controls to deal with what was basically a criminal infiltration of our procurement processes in relation to stationery but specifically cartridges. The across government stationery contract is a direct response to that particular issue, so it is not included in those savings.

**The Hon. I.F. EVANS:** So, the savings then that you have announced of, I think, $5.36 million are on top of the $4.2 million, are they? That is on page 64. So, is there another $5.36 million on top of that $4.2 million or does the $5.36 million include the $4.2 million?

**The Hon. M.F. O'BRIEN:** The member for Davenport is probably aware of the delay with the implementation of the Health eProcurement proposition. You availed yourself of the opportunity to take the tour of Shared Services. I am glad you took up that offer and I am hoping that the briefing was more than adequate, so you are aware that we have some issues there in terms of a delay in the rollout of the eProcurement proposition.

The savings in relation to the across government stationery contract and other savings that we have achieved in terms of travel and the like will ultimately be reflected at a future date. There are a number of savings initiatives. With travel, I think we are securing a $0.5 million a quarter reduction in the cost of travel, so that is another $2 million. There are other areas in which we are undertaking reform.

**The Hon. I.F. EVANS:** Just in relation to the procurement of the stationery/school contract that the minister has raised, does the saving that is made go to the schools or does it go to the central budget?

**The Hon. M.F. O'BRIEN:** It would go to the schools and all other agencies because we are locking in all of government. So, there would be savings for Country Health and Health proper and every agency of government because every agency uses stationery in some form.

**The Hon. I.F. EVANS:** Given that schools have their own budgets, is it the intention of the government to try to recoup the savings by then cutting the school's budget to reflect the savings or is it the intention of the government to allow the schools to keep the savings and use the money at their discretion?

**The Hon. M.F. O'BRIEN:** The intention is to allow the schools to retain the savings. I would not say that the savings are incidental, but if we had a fully-fledged ICAC and the ICAC had undertaken this particular investigation, I think that it would have arrived at the same set of proposals that we have taken on board, firstly, that there should be an across government stationery contract.

Western Australia was targeted by this criminal group as well, and it has now adopted the across government stationery contract, and all other states in Australia already had it in place. When we made inquiries as to how other governments—both the commonwealth government and

other state governments—were dealing with this particular criminal activity, we were informed that they had no issues because they actually had across government stationery contracts in place.

I see that as an effective firewall to keep out this type of corrupting activity. The other thing that we did was inserting in all contracts that if gifts were offered by a supplier then the contract would be automatically terminated. The third thing that we did was to insert in all our purchase orders several lines that made the offering or the providing of gifts with that particular order not acceptable. So, there were three things that we did, but the savings actually came out of that process.

It may well be that at some time we would have struck an across government stationery contract because that is the financially prudent thing to do, but the major driver was trying to crack down on corrupt and corrupting activity.

**The Hon. I.F. EVANS:** Just explain to me how it cuts down on corrupt activity, because you still have private providers providing the product so there is still the opportunity for corruption. Other than putting it in contract so that it becomes a breach of contract issue, how is anyone any better protected by having two suppliers rather than having 10? Can the same clauses not be written into the existing contracts and offer the same protection? If it is just a contract issue, how are you better protected by having only two suppliers rather than going to the existing suppliers and rewriting the contracts to insert those clauses?

**The Hon. M.F. O'BRIEN:** Member for Davenport, the issue that we faced with this broad approach to procurement was that any school or country hospital in particular could deal with whomever they liked. What this particular Victorian criminal operation was doing—and it is reflected in the report prepared by the Victorian Ombudsman—was that it would assiduously determine some of the most junior personnel in a particular operation, telephone them, alert them to the fact that the telephone conversation was being recorded and then make an offer to them and, if they dealt with this particular company or number of companies for the purchase of printer cartridges, they would be offered a gift.

If they accepted they were then offered the option of having the gifts delivered to their home address or to the office address. It was also pointed out to them that they would receive two invoices. The first of the invoices would detail the cartridges and the second would detail the gift, and they were then asked whether they wanted the second invoice, which detailed the gift, sent home. The inference being that a public servant could receive a gift and there would be no evidence that the gift had been received. All of the paper documentation would be sent to the home address along with the gift.

That worked extremely well. I think that, with respect to the case of schools, we are currently investigating 38 separate sites. There has been one individual who has been sacked and who will face criminal prosecution, two have been suspended and the fourth has resigned. We believe that it may well be as many as eight individuals employed within DECD who will face criminal prosecution. So we had a real issue there. Fortunately, the Victorian Ombudsman gave us a full explanation of the modus operandi of this particular group and made the point that those organisations in Victoria (which were Arts Victoria, one prison and a number of schools) were accessed because they had made a decision to step outside the Victorian across-government stationery contract.

It became apparent to us, from what the Victorian Ombudsman had written, from comment from New South Wales and Queensland and from the response in WA with their ICAC, that the only way we were going to close this down and effectively erect a firewall was to adopt the practice of having an across-government stationery contract.

**The Hon. I.F. EVANS:** How do the government's new arrangements impact on things like public officers who are seeking to negotiate debt arrangements with outside providers, or associations? What is to stop a public official saying, 'If you give me tickets to an event or give me a gift, I will negotiate certain debt repayments for you'? What is to stop the public officer doing that? It is one thing to get an actual gift based on a purchase, but a public officer can ask for gifts or benefits through a whole range of transactions. Is there an issue with a public officer saying, as part of a debt negotiation, 'I want five tickets to this or a gift here,' and, if so, how has the government dealt with that in a review of this matter?

**The Hon. M.F. O'BRIEN:** Member for Davenport, I take it you are going above and beyond stationery, given the fact that we believe we have dealt with that particular issue. This has fleshed out the necessity to inform all public servants that they are not to accept gifts.

**The Hon. I.F. Evans:** Or ask for gifts?

**The Hon. M.F. O'BRIEN:** Or ask for gifts, and on the purchase order the purchase order will state that gifts are not to be provided and, if a gift is provided with the item, then the contract will be suspended. The Commissioner for Public Sector Employment has been assiduously conveying that proposition to CEs and human resource managers, and we hope the message has got through.

**The Hon. I.F. EVANS:** No doubt there would be a written minute from the commissioner to the various CEs setting out the new arrangements. Is it possible for the minister to undertake to provide the opposition with a copy of the minute and the new arrangements?

**The Hon. M.F. O'BRIEN:** We can provide that, yes.

**The Hon. I.F. EVANS:** Can we move to Part C at page 54, which is the public sector and wage agreements? The PSA website claims that they have won extra job security and protection of existing conditions as two conditions in the IRC certified agreement. I am wondering how this reconciles with the issue of the government's abolishing tenure immediately after the 2014 election, if it wins.

**The Hon. M.F. O'BRIEN:** On the issue of tenure, the Premier at a media conference probably three or four weeks ago that I attended in the state administration building reaffirmed our commitment to the ending of tenure in the sense of no forced redundancies. I know there is now bipartisan support for the notion that, for those in the private sector, if a function has become redundant in the true sense of being redundant then the act of making people redundant can occur.

**The Hon. I.F. EVANS:** I am a little bit confused by what you have just told me. I am a simpleton in these matters, minister; you are going to have to walk me through this. Are you saying that the no forced redundancies provision that the government has promised only refers to positions that are made redundant, or are you saying that the no forced redundancy promise of the government allows the government after the election to say that you wish to reduce the Public Service even though the positions may not be redundant? What is the government's position?

**The Hon. M.F. O'BRIEN:** Having a private sector background, I think the notion of redundancy is clearly understood. If a position is redundant and if the function is no longer required—and I have been in private sector organisations where a decision is made that, for argument's sake, they want to close down a particular area of a sales operation because they no longer want to offer that particular set of products—then it is clear that those positions are redundant. This is not open slather because there is and will continue to be clear protection for public sector employees. This is not a tool for basically moving on large numbers of individuals without any recognition of due process. I think I have made myself understood in respect of redundancy.

**The Hon. I.F. EVANS:** Given that the PSA are claiming a victory over the government, in that they are saying that they have won 'job security provisions' and 'protection of existing conditions provisions' in the EBs negotiated over the last 12 months, can the minister provide to the house a list of all the job security provisions and all the protection of existing conditions provisions that have been inserted into the EBs negotiated over the last 12 months? Can you provide those to the house in due course?

**The Hon. M.F. O'BRIEN:** I can, and I have been advised that the references made by the PSA apply to the current term of this government. They are applicable only in the period up until the next election. That is the information I have been given.

**The Hon. I.F. EVANS:** So that I am crystal clear, the way I understand the answer is that the minister is advising that, when the PSA referred to 'job security' and 'protection of existing conditions', those matters only go up to the March 2014 election in the EBs that have been negotiated over the last 12 months?

**The Hon. M.F. O'BRIEN:** I have been advised that we will check on the claims that they have made on their website and return to you with a cogent answer. The information that I have supplied and the advice that I have been given stands, but we will see how that marries with the statements that the PSA have been making on their website.

**The Hon. I.F. EVANS:** Minister, you are in charge of Super SA, are you not?

**The Hon. M.F. O'BRIEN:** Yes.

**The Hon. I.F. EVANS:** One of the great joys. I suspect I know the answer to this question but I want to get it on the record. Is there an impact on the unfunded liability of the superannuation schemes under the federal government's proposal to lift the superannuation contribution from 9 per cent to 12 per cent? Does that have any impact on the unfunded liability going forward and, if so, what is it?

**The Hon. M.F. O'BRIEN:** I have been informed that it will not, in that the unfunded liability refers to a funding situation in the past and that all present contributions are adequate to cover expenses incurred, if I could describe it that way. The move from 9 per cent to 12 per cent will be fully funded by the agencies.

**The Hon. I.F. EVANS:** That is what we thought, but it is good to have it on the record. Part B, Volume 5, page 1766. The last paragraph towards the bottom of the page refers to future benefit payments being based on the salary increase of 1.5 per cent over CPI. Why has that figure peaked? We cannot find it in the legislation anywhere, that the future benefit payments are based on salary increases of 1.5 per cent over CPI. How has the government arrived at that figure and where does it come from?

**The Hon. M.F. O'BRIEN:** It is a historic, long-term average of wage growth, which is CPI plus 1.5 per cent. It is based on historic experience. We can return with that information. It has been put together on the basis of actuarial advice.

**The Hon. I.F. EVANS:** On Fleet SA, Part B, Volume 5, page 1575 refers to fleet management arrangements. On the government's tenders and contracts website there is a contract for the provisions of fleet management services worth $10.2 million over three years and the provision of vehicle disposal services worth $5.6 million over three years. In the 2010-11 budget, there was a $3.5 million saving over the three years for the outsourcing of fleet arrangements. I understand those contracts have now been signed. How does the value of the new fleet contracts compare with the in-house arrangements and have these savings been achieved?

**The Hon. M.F. O'BRIEN:** Apparently, the short answer is yes, but I have a longer response, and I can table that if you would like.

**The Hon. I.F. EVANS:** Yes. We appreciate the opportunity to walk through and have a look at Shared Services. Shared Services is raised a number of times in Part A of the report. Are the staff in Shared Services allocated to one agency and, if so, which one, or are the staff in Shared Services allocated back to various agencies depending on where they come from? When we are doing the headcount are the staff in the Department of the Premier and Cabinet all counted?

**The Hon. M.F. O'BRIEN:** According to the DPC.

**The Hon. I.F. EVANS:** Part A, page 21 shows a table of savings. In regard to the table, the total for savings allocated to initiative prior to reform, I am trying to reconcile the difference between this table in the Auditor-General's 2010-11 report and this year's report. While there is no difference in the totals for 2010-11 and 2011-12 for future ICT savings, SA Supply warehouses and ICT mobile carriage services, the 2011-12 totals are higher than the 2010-11 totals by the following amounts: 2011-12, $580,000; 2012-13, $1.198 million; 2013-14, $2.728 million; and 2014-15, $2.798 million. What is the reason for the difference in the two reports?

**The Hon. M.F. O'BRIEN:** We do not have the budget papers with us and we will check, but my understanding is that the way Shared Services operates is that it has a scale of fees it actually charges for the functions it performs on behalf of agencies and that is a full cost recovery model. Where there is a gap, that could be attributed to reform costs that cannot be borne by the agency and that would be funded out of general revenue, but I will check on that for you.

**The Hon. I.F. EVANS:** I am assuming there is some appeal mechanism for the fees being set. Shared Services says, 'Here's your fee for the year,' and if the agency is not happy there must be some appeal mechanism to some independent arbiter. So, who is the independent arbiter and have there been any disputes in the past 12 months?

**The Hon. M.F. O'BRIEN:** The process of determining the fee structure or the service level agreement is negotiated between Shared Services and the agency. To date, there have been no disputes, but in the event of a dispute it is envisaged there would be some negotiation and a common point of agreement reached through negotiation.

**The Hon. I.F. EVANS:** So, there has been no dispute in three years of Shared Services between an agency and Shared Services as to how much they charge. Okay.

**The CHAIR:** The time for the examination has ended, unless you have a quick question?

**The Hon. I.F. EVANS:** Tranche 4 of the ICT Services—last question—went from a compulsory arrangement to an optional arrangement, and according to the Auditor-General has now been abandoned. What was the reason for the abandonment? How much was spent on tranche 4 implementation, as last year's Auditor-General Report listed it as $10.5 million? Is that the total cost?

**The Hon. M.F. O'BRIEN:** Basically, member for Davenport, the decision to abandon Tranche 4 was, in part, due to budget pressures, but I also had a view that we ought to slow down the process of adding additional services to Shared Services until it well and truly got on top of issues, particularly in relation to accounts payable and payroll. I was of the view that we were making progress but that there was still a significant amount of work to be done, and to take on board the reform of the ICT across government proposition, I thought, was asking a little too much. We also had this issue of budget constraints. The figures that you have sought, I will supply to the member.

Progress reported; committee to sit again.

## MURRAY-DARLING BASIN

Adjourned debate on motion of Hon. J.W. Weatherill:

That this house—

(a) acknowledges the commonwealth government commitment to return 3,200 gigalitres of water to the Murray-Darling Basin;

(b) welcomes the commonwealth government's decision to invest $265 million in water recovery and industry regeneration projects in South Australian river communities to ensure our irrigators do not bear the burden of adjustment in returning the Murray to health;

(c) notes that with 3,200 gigalitres returned to the Murray-Darling Basin, the following outcomes can be achieved—

  i. an average of two million tonnes of salt exported through the Murray Mouth each year;

  ii. salinity kept below dangerous thresholds for the survival of native plants and animals in the Lower Lakes and Coorong;

  iii. a reduced risk of the Murray Mouth needing to be dredged to remain open;

  iv. water levels in the Lower Lakes kept at a level to avoid acidification and riverbank collapse below Lock 1;

  v. an improved ability for flood plains to support healthy red gum forests, waterbird and fish breeding and greater areas of habitat for native plants and animals;

(d) calls on all South Australian federal members of parliament to support a Murray-Darling Basin plan that—

  i. returns 3,200 billion litres to the Murray-Darling Basin;

  ii. provides for the healthy river outcomes set out above;

  iii. ensures that the burden of adjustment does not fall upon our irrigators.

(e) that the time for the debate be limited to 20 minutes each for the mover and the Leader of the Opposition or one more member deputed by her and 10 minutes for any other member and the mover in reply.

(Continued from 1 November 2012.)

**Mr SIBBONS (Mitchell) (17:42):** It gives me great pleasure to speak on the River Murray. For the past 100 years, management of the River Murray has effectively required agreement by the states. For more than 100 years, the River Murray has continued to suffer at the hands of parochial state self-interest through overallocation and the inefficient use of water; the result has been a steady decline in the health of the Murray-Darling Basin. As the state at the bottom of the system, South Australia has continued to pay the price.

Not three years ago, we were faced with the worst drought in living memory. Flow from over the border into South Australia virtually ceased and emergency water plans, such as supplying bottled water to households in the Adelaide metropolitan area, were under serious

consideration. The Lower Lakes dried up and exposed up to 20,000 hectares of acid sulphate soils. Turtles in the lakes became sick, suffering from a range of health problems, including tubeworm, shell rot, eye and skin infections, and respiratory problems—and many died. Parts of the Coorong were five times saltier than the sea, riverbanks collapsed, and the Murray River was on the brink of an environmental catastrophe.

The environmental damage caused to the Murray in South Australia has been extreme, and it will take many, many years to recover. Another sustained period of drought, with continued over-allocation, would very likely cause irreversible damage to the Murray-Darling River system as a whole. Rivers die from the mouth up, and the damage to the Lower Lakes and the Coorong are clear warnings of what the future will hold for our eastern neighbours and river communities if we do not act.

For the first time in 100 years, we now have an opportunity for change. We have a chance to ensure that the health of the Murray-Darling Basin as a whole is our first priority. In 2007, the federal parliament passed the Water Act, requiring a plan to be made to restore the basin to health. It set up the Murray-Darling Basin Authority, an independent body charged with the task of coming up with a proposed plan in consultation with the states and the commonwealth. The MDBA presented its proposed basin plan to the federal Minister for Sustainability, Environment and Water, minister Burke. The plan proposed that 2,750 gigalitres be returned to the river. The South Australian government did not believe that the proposed amount of water was adequate to ensure a healthy river system now and into the future. Even the MDBA admitted that the return of 2,750 gigalitres would only meet 11 out of the 17 key environmental outcomes it needed to achieve.

At South Australia's insistence, the MDBA modelled a higher water recovery figure of 3,200 gigalitres, with key constraints removed or relaxed. The new modelling, which has been analysed by our scientists and independently reviewed by scientists from the Goyder Institute shows that if 3,200 gigalitres are returned with key constraints removed or relaxed, then we can meet 17 out of the 18 environmental targets, rather than 11.

The MDBA's own modelling showed that 3,200 gigalitres with relaxed constraints would create a much healthier river system both in South Australia and the Eastern States. However, the Liberal opposition remain unconvinced. They continued to urge us to accept the MDBA's inadequate plan for fear of upsetting their colleagues in the Eastern States. However, the state Labor government stood firm on behalf of river communities and the people of our state.

We know how important the Murray is to all South Australians. We know that future generations will not forgive us if we do not fight for every necessary drop of water to ensure the health of our river for them. So, the Premier launched a campaign asking all South Australians to support us in getting a better deal for the environment and our irrigators, and 'Fight for the Murray'; a campaign that in May of this year the Liberal opposition shadow minister said aimed to 'whip up some hysteria in South Australia' and a campaign that in July in this place the Liberal opposition shadow minister called a 'simple, tawdry political campaign'.

The Liberal opposition said we should cooperate with the MDBA and accept the proposed plan, however flawed it may be in delivering environmental health for our river. But South Australians did not agree with the Liberal opposition; they supported us in droves. More than 18,000 campaign members did not think the fight was tawdry politics. More than 20,000 who followed it on Facebook did not think they were being whipped into hysteria, and the 5,800 people who sent messages to the federal government demanding a fair go for our river's health did not think the fight was unwinnable.

They understood that South Australians only take 7 per cent of the surface water extracted from the basin—the majority of this is for irrigation—while other states account for 93 per cent. They understood that, 40 years ago, South Australia capped its take from the river, aware that not limiting our take would be unsustainable. They understood that our irrigators had already done the hard yards, investing to improve water efficiency and minimise waste. They see that upstream states have continued to increase their take from the basin, without consideration for the environmental impact of doing so.

South Australians are fully aware that eastern irrigators use open channels and flood irrigation to distribute water, with losses in excess of 50 per cent. They know the large areas of land are being used for rice and cotton growing, which are by far the biggest users of water per hectare

grown. They knew that it was time for South Australians to get a fair deal for our River Murray, and that this was worth fighting for.

On Friday 26 October Prime Minister Gillard announced that the federal government was committed to returning 3,200 gigalitres of water to the River Murray. On Sunday 29 October the federal Minister for Water, Tony Burke, announced a $265 million commitment by the federal government for water recovery and industry regeneration projects in South Australia's River Murray communities. This will help us to ensure that the burden of restoring the river to health does not fall on our river communities.

We have done the right thing for decades. It also represents a major win for all South Australians and shows what can be done when we stand up, united behind what is right for both our state and the river as a whole. There is still more work to be done. The legislation, including the Prime Minister's comment, for the return of 3,200 gigalitres needs to be passed by the federal parliament—no easy task. Naturally, all South Australian federal Liberal politicians will need to support their constituents who elected them by supporting this legislation.

We know that the upstream states and their Liberal governments have made it clear that they will try to sabotage any plan that returns 3,200 gigalitres to the environment. This is why the Premier is calling on all South Australian representatives in the federal parliament to do now what is right—to stand up for South Australia in a way that their state colleagues have refused to do on this issue and not meekly defer to upstream states.

Let us take advantage of a once in 100 years opportunity to do the right thing for the Murray-Darling Basin, the right thing for irrigators, the right thing for the river communities, and get a plan that returns 3,200 gigalitres to the river.

**Mr VAN HOLST PELLEKAAN (Stuart) (17:50):** I certainly agree with what the member for Mitchell said in his opening remarks. I think his recounting of the history and how we all got into this situation was quite accurate, but then he started to put his own personal spin on things. He is a very decent chap, but I do not agree with the things he said towards the middle and the end of what he was saying, so what I will do is stick to the facts.

Fact No. 1: the electorate of Stuart contains the very important communities of Cadell, Morgan, Blanchetown, and Murbko in that area, so this is a very important issue for me and the people I represent. Fact No. 2: I would like to refer the house to the Natural Resources Committee standing committee of parliament and its 64$^{th}$ report, into the Murray-Darling Basin. I think that anybody with a fair mind would consider it to be a very good report and a very good direction in which to head.

I am sure that the Premier, the government and the Minister for Water have had a look at that report and taken that direction heading on board, but the problem is that they have come here trying to sell us an agreement that actually has no teeth. I agree with what they are trying to achieve, and I think any fair-minded person would say that increased flows without damage to river communities would be a very positive thing, and there is no doubt about that.

I think we also all know that, after years and years of water buybacks, we have used that tool as much as we actually can without damaging communities and particularly South Australian communities. It is also true to say that there needs to be work done on easing of constraints. I have no trouble at all with the direction in which the government is trying to go, but the problem is the government is trying to sell us an agreement as though there is a guaranteed outcome, and it is a fact that that is not true.

The additional 450 gigalitres of water the government is trying to secure for us would be terrific—there is no doubt about that—but to say that they have secured it is just grandstanding. It is not true to say that that has been secured. To get a total of an additional 3,200 gigalitres of water coming down the river every year would be fantastic, but this agreement gives absolutely no security that that will happen—no security whatsoever. In fact, I suspect it is very unlikely to happen because the agreement has the extra 450 gigalitres as a ceiling, as the most possible, but it is an upper level target that probably will not be achieved. So, it is just not true to try to tell us, regardless of where we stand on this issue, that this is an agreement that has secured that water.

There is actually no penalty in this agreement for not achieving the target, so we will find out in 10 years' time whether this has happened. There is no penalty for anybody involved if it does not happen, there is no possibility of exceeding the target, and I suspect that what will happen is that we will not achieve it. I agree with the member for Chaffey when he says that infrastructure

upgrades that reduce waste of water in other states are probably the single most important area for us to focus on.

While I have a very strong interest in the Murray in the electorate of Stuart, as does the member for Hammond and the member for Schubert, there is nobody in this chamber from either side of government who knows nearly as much about the River Murray as the member for Chaffey. I think that the things that he says the whole house should take great heed of.

I believe that, while the aims of this agreement are admirable, the reality is that for the government to say that by signing up to the agreement they will be achieved is untrue. It is not a fact. The reality is that there is talk about targets only. There is no substance, there are no guarantees, no penalties and no secure outcomes of this agreement. So, great target, great thing to aim for, but essentially what we have got here—and this is an opinion—is the emperor's clothes.

We have got the government trying to sell us something which looks fantastic but which actually has no substance—which actually is not there. The government is trying to tell us that, if we sign up to this, these outcomes will be achieved. The reality is that the government cannot actually say that. Unfortunately, that is not the case.

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

**The DEPUTY SPEAKER:** Members on my right will have a chance to speak if they wish to.

**Mr VAN HOLST PELLEKAAN:** The Minister for Transport, who is clearly completely up-to-date with fairy tales, reminds me that it is the *Emperor's New Clothes,* not the emperor's clothes. Thank you for that, minister, I really appreciate that. We have the *Emperor's New Clothes* here trying to be sold to us. Great aim, great target, great thing for us to be all working towards, but what the government says is a guaranteed deal is not that at all.

Debate adjourned on motion of Mrs Geraghty.

## STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

The Legislative Council agreed not to insist on its amendment No. 5 to which the House of Assembly had disagreed; and agreed to the alternative amendment made by the House of Assembly in lieu thereof.

## MOTOR VEHICLES (DISQUALIFICATION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 17:57 the house adjourned until Wednesday 14 November 2012 at 11:00.