

HOUSE OF ASSEMBLY

Tuesday 5 February 2013

The house met at 11:00.

The CLERK: Honourable members, I have today received the following letter from the Speaker:

Dear Mr Clerk

It is with regret that I resign as Speaker of the House as of Tuesday, 5th February 2013.

I want to thank this Parliament for the honour of becoming the first female Speaker of the House of Assembly.

I have enjoyed my role and the opportunities it has given me to show young women that they can follow their dreams. As the first female Speaker, I believe I was able to bring to the role a different approach, and I worked hard for changes both in the chamber, and in the building.

I would like to thank all Parliament House staff for their efforts at all times to make this place function so well and I recognise the support they have given to me and to all members in this place. I especially would like to thank the Clerk, Malcolm Lehman for his wise counsel.

Whilst I'm sad to leave the role of Speaker, I will continue to serve this Parliament in whatever capacity I can, and will ensure that the people of Giles, and indeed, all rural areas have the best representation they deserve.

I wish this Parliament well and offer my congratulations to the new Speaker. It is a privilege and honour that I have appreciated, and have served with my full commitment.

Yours faithfully

Hon Lyn Breuer MP

Speaker of the House of Assembly

Member for Giles

Honourable members: Hear, hear!

SPEAKER, ELECTION

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (11:02): It is now necessary to proceed to the election of a Speaker. I move:

That the member for Croydon take the chair of the house as Speaker.

The CLERK: Does the member for Croydon accept the nomination?

The Hon. M.J. ATKINSON (Croydon) (11:02): I accept the nomination.

The CLERK: Is the nomination seconded?

Mr MARSHALL (Norwood—Leader of the Opposition) (11:02): Yes, Mr Clerk; I am happy to second that nomination.

The CLERK: Are there any further nominations? There being no further nominations, I declare the member for Croydon duly elected Speaker.

The Hon. M.J. Atkinson was escorted to the dais by the mover and the seconder of the motion.

The SPEAKER (11:02): In compliance with the standing orders and in accordance with the traditions of parliament I humbly submit myself to the will of the house. I offer my thanks to the mover and the seconder, and I come to this new vocation with the same reluctance as the seconder comes to his.

Confidence in the fairness of the Speaker contributes to the successful working of parliament and the timely dispatch of business. I shall protect members' rights, those of the house and of individuals. The majority may get the decision but the minority will have its rights. I hope we can increase the number of opposition and Independent MPs' questions without notice and reach a firm understanding about the privileges of the media in the precincts that takes account of changes in technology and members' need for reasonable privacy. I have a Red Army stopwatch with me, which I bought on the Charles Bridge in Prague as the Soviets were withdrawing from Czechoslovakia, which will help me—

An honourable member interjecting:

The SPEAKER: —no, not quite—limit ministers' answers to four minutes.

The Hon. J.D. Hill: Four minutes of Russian time?

The SPEAKER: No. I thank the house for the honour of being its Speaker. I hope not to finish my term in the manner of Speaker William Catesby, Speaker Peter Slipper and other martyred occupants of the office. Do honourable members wish to make any remarks?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (11:05): Thank you, Mr Speaker. Before offering my congratulations to you, Mr Speaker, I also offer my congratulations for the role which was performed by the previous Speaker, Ms Lyn Breuer, the member for Giles. I pay particular tribute not only to the way in which she used her role to exercise a leadership function for the women of South Australia but also to the important role she played in making this house a welcoming place for Aboriginal people, as she discharged her functions.

I congratulate the new Speaker of the house. He, of course, is the father of the house, so it is proper that he assumes the role of keeping good order amongst his family, which amounts to the balance of the chamber. We know, of course, that he has a deserved reputation for sartorial splendour, which, no doubt, will be reflected in the way in which he departs himself in this house; that will be an adornment to this chamber.

He also, of course, brings a particular flair for grammar. I assume that the way in which he conducts the business of the house will also be to remind all of us that we should be on our best behaviour in relation to the English language.

Mr Speaker, you, of course, will be fair. You will uphold the standards of this house, the dignity of this chamber. You have also indicated that you will seek to make this truly a house which is a people's house, where people can come to see the proceedings of the parliament and, in different ways, follow and contribute to the public debate which should be the stock in trade of this chamber. I congratulate you, and I wish you all the best on your high office.

Mr MARSHALL (Norwood—Leader of the Opposition) (11:07): I also echo the remarks of the Premier in thanking the former Speaker, the Hon. Lyn Breuer, for her contribution to the parliament and for her role as the Speaker of this house. We enjoyed our working relationship with her, and we thank her for her service and wish her the best in her future parliamentary career. Mr Speaker, we welcome your opening remarks today and your commitment to impartiality in the chair. We look forward to the colour and flair which I think will ensue, and we wish you all the very best. Congratulations. We look forward to working with you.

The SPEAKER: Thank you.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:08): I rise, first, to thank the member for Giles for her contribution as Speaker. I congratulate you, Mr Speaker, on your ascension to high office. There are, I think, three of us in this chamber who have had the honour of being Speaker in previous parliaments. It is a grave responsibility and a very high office, to which I think you are well suited.

I well remember, Mr Speaker, that, when I was first elected, you said that one of the first things a new member had to learn was how to conduct tours of Parliament House for his constituents and that I should accompany you when you did one. I learnt an enormous amount, of which I was not then aware, not only of the history of this place—the history of this building—which goes back 150-odd years but, more importantly, the traditions of this place, which go back 1,000 years. I recognise the enormous respect you have for the institution of the parliament, and I am sure that you will do a great deal to uphold the traditions and the dignity of this place.

Mr VENNING (Schubert) (11:09): I firstly congratulate you on your appointment and look forward to how your unique style will be reflected through the chair. It will be indeed interesting. I also congratulate and pay tribute to the Hon. Lyn Breuer. She is a friend of most of us in this house, and I, like most of us, was pretty sad to see what happened and how she was removed from the position, or asked to stand aside, which she did graciously. She brought a new personage to the position in relation to how she conveyed the business, and she certainly never lost the style that she was elected with. She was straightforward and a very good spokesperson.

The reason given, through the media, for the change of speakership was that the Premier said that he wanted to see the way this house operated changed. Can I remind the Premier and you too, sir, that there is a Standing Orders Committee. We did meet under the previous Speaker, Lyn Breuer, we did make recommendations, and we were told at the time that the government was not interested. Sir, I hope that you will realise that there is a Standing Orders Committee, that you will use it and that you will listen to it. I wish you all the best in your office.

The Hon. R.B. SUCH (Fisher) (11:11): I first of all congratulate you on being elevated to the high office of Speaker and also pay tribute to the fine work that was done in the chair by the member for Giles. I thought she brought a human touch to the parliament, and that was appreciated by us all. I would just reinforce the comment by the member for Schubert: I would like to see you, sir, as Speaker really drive some reforms in this parliament. I think we lag behind most other parliaments in Australia in terms of the way in which we operate, and I would like to see you be the catalyst for reform in regard to standing orders and the processes of this parliament. I think that would be a great legacy if you could help bring it about.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (11:11): I inform the house that his Excellency the Governor will be prepared to receive the house for the purpose of presenting the Speaker at 1pm today.

STANDING ORDERS SUSPENSION

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:12): I move:

That standing orders be and remain so far suspended as to allow the sitting of the house to continue until the time for presenting the Speaker to his Excellency the Governor.

Motion carried.

The Speaker read prayers.

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

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:14): 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.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:14): I move:

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

Motion carried.

LIQUOR LICENSING (SMALL VENUE LICENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:16): I rise to speak on the Liquor Licensing (Small Venue Licence) Amendment Bill 2012. Before specifically addressing the bill, may I indicate my congratulations on your unopposed election this morning to the position of Speaker. You have heard from members of our house that they welcome you warmly to this position and look forward to your impartiality. I for one will be cautious not to err and call you 'your honour' or anything else but to act and behave as you would expect. I will be keen to be on my best behaviour and ensure that I am not removed from the house.

I will say though that I will be looking forward to hearing you if you at any time rely on a previous Speaker's pronouncements, particularly the Hon. Peter Lewis who has previously issued his edicts as to what should occur in relation to the conduct of the house. I will be looking forward to seeing on how many occasions you exercise his judgements as precedent for your determinations.

With those few words, I will now address the business before us. It may not have escaped your attention, Mr Speaker, that we will be seeing a lot of each other this week. I think all of the bills this week that the government has determined that we will deal with are matters on which I will be representing the opposition in one way or other.

The SPEAKER: Member for Bragg, may I ask if you are the lead speaker on this bill?

Ms CHAPMAN: Indeed.

The SPEAKER: Thank you.

Ms CHAPMAN: As I have just indicated, on all of the bills this week, I will be the opposition spokesperson and lead speaker, so we will have a very cosy relationship by the end of the week, I am sure. Getting back to the liquor licensing legislation, this is legislation which is proposed, of course, to amend our liquor licensing law in the state by providing for a new licence class of establishments where alcohol can be served. Members would be aware that we have legal and regulatory processes that surround important products that, for whatever reason, have been determined historically as needing to have good people in charge of them with very clear rules and it is usually because there is some level of risk with that product.

Sometimes it is guns, so we have very strict gun laws; sometimes it is dynamite and other explosives. Sometimes, of course, it is management of drugs and those who might, under prescription, administer those, whether they are in the medical or pharmaceutical worlds. Of course, alcohol is another product that is provided to the public with strict rules. Ever increasingly, tobacco is another product that comes with strict rules as to who can produce it, sell it, administer it, provide it, etc.

So this is in an exclusive club, and the reason that alcohol is in an exclusive club is that when abused, whether by young or old, it can be dangerous to the person imbibing it, or to those around them. And so the government has taken a continued stance in its lifetime to ensure that we do maintain and, indeed, have extended strict rules in relation to the sale, distribution and retailing of liquor and alcohol generally and, in particular, the licensing around the premises of which people may meet to consume it.

With that, it is surprising to me, and I think to the opposition, that the government would take the view that they need to introduce a new licence class to accommodate what is a proposal to have small boutique bars and laneway restaurants following this movement in Melbourne and Sydney where their state governments have amended laws to introduce a class of licence for small venues. Not that we are following suit in providing this service, but it is surprising to the opposition that it is necessary for the Attorney-General to require that there be a new class, when in South Australia we have a special circumstances licence opportunity, pursuant to section 80 of the act, which allows for the sale of alcohol on or off a licensed premises under a range of specified conditions.

This is a class which exists already and could accommodate a range of venues that this bill claims to encourage. It comes with some extra requirements that the new proposed class of licence would not apply, and it is very interesting to note that the government's determination about why they are proposing to have a new class is because, and I quote:

The costs associated with this process have been identified by small venue owners as a major barrier and disincentive to entry into the market.

What a stunning admission by the government, that they have introduced such a level of regulatory red tape that it now becomes too expensive and too complicated to be able to come in and deal with the types of enterprise that are proposed by the small venue licence in particular.

What is to be noted is that the special circumstances licence which currently exists does require that the licence would only be granted if no other licence category would be adequate and, in that, it requires that of the other 10 classes of liquor licence that you can already apply for, that they are not appropriate, and that they are not designed for the particular activity and the size of the venue and numbers attending, or any of the other classes, and, secondly, that the proposed

business would be substantially prejudiced if the applicant's trading rights were limited to those possible under another licence class.

So all you have to do at this stage is to go along to the commissioner and identify that the other 10 categories do not make provision for you, and that you would be prejudiced if you were limited to those—in other words, that you could not get access to that, and you can then be granted a special circumstances licence. Again, the threshold questions are required and those obligations would still be imposed.

So the government's position is that, instead of using that catch-all application provision, they would rather have this new, what they have identified as a streamline process, namely, that the applications would be to the commissioner rather than the court, in some instances; secondly, that the applications for small venue start-ups would have to be advertised; and, thirdly, that the commissioner will not be required to attempt conciliation.

Also, there will be a general right of objection to a licence application that would not have to apply—merely the opportunity for concerned members of the public to make submissions—and the police commissioner will retain the right to intervene and the right to seek a review on the basis of a fit and proper person and public interest.

In essence, they are saying that you can apply to the commissioner; other people could have a say but it does not have to be taken into account. In terms of the threshold obligations that apply to other licences, such as establishing that there is a need within a certain geographical area and a number of other threshold steps, the only person who can actually have any real effect in objecting is the police commissioner.

There is no reason why we would not have the police commissioner in a category of those who could raise objection, but we would say that this is a very unnecessary step and a removal of two important threshold obligations which we think need to be maintained. Firstly, the existing rights of objection to a liquor licence even in this format should be retained. That is a prerequisite to the opposition's support of this bill.

The current grounds of appeal and the right of councils to intervene with representation is another threshold condition that needs to be maintained that we say is a prerequisite to the opposition's support. Finally, the opposition considers that the small venue licence maximum capacity that is currently to be set at 120 in this bill should be restricted to events with a maximum of 80. These are matters on which we have received advice from a number of parties, which we consider have merit and which we consider to be a prerequisite for the support of the opposition in the passage of this bill.

The other matter that I just wish to identify is the extent of the application of this bill. It is proposed that it apply to the Adelaide city centre, and that is noted. This in itself raises some question of preference, but I am assuming here that the government would legitimately argue that the Adelaide city centre has access to a level of immediate attention for security—for example, from the police, if required—and that it is closely accessible for public hospitals and the like. There is some legitimate argument that there is some other infrastructure in respect of emergency service that would support this being confined to the city area.

If on the other hand the government takes the view that it is proposing that this be limited to the city square area as such, as it is consistent with their 'revitalise Adelaide' push, then I think they do need to explain to the public why other regions should not be enjoying that. I think that to identify that by limiting it is actually a circumstance that they know could cause significant problems. They know that it is effectively dropping the standard that they have expected other providers of liquor licensing distribution to uphold, and their way of defending that argument is to say, 'Well, we're only going to introduce it in this very restricted geographical area.'

During the course of consultation on this bill and the provision of briefings, members of the Attorney-General's office provided some advice on the matter. The expectation was that, at least for the next 12 months, there would not be any expansion of the geographical areas to which this bill is to apply but that, if expansion is considered, it would be to the Glenelg area, which is another important precinct in metropolitan Adelaide for tourism, restaurant life and other activities.

The government's argument as to the containment and application of this bill more than likely is to support its preference for the inner metropolitan area. It wants to jump on the bandwagon with what is a popular and publicly-applauded opportunity, namely to have laneway bars to heighten the vibe and activity of the inner city area, following the lead of Melbourne and

Victoria, and to try to play catch-up in that regard. They are doing this without even going back and looking at what we already have.

In an attempt to dress this up as some extra important initiative of the government—to jump on the bandwagon with this—they have had to try to create a new expectation and a new accolade to themselves, on the basis that we are going to march into the parliament and create this special new category, rather than rely on the legislation that we already have, which would more than adequately accommodate the activity that is proposed. If the government relied on the existing legislation to deal with it, it would not give them this great fanfare opportunity.

Mr Speaker, you were a former attorney-general and you no doubt know the liquor licensing law backwards. I am sure that even you would agree about the importance of this legislation, which was very carefully managed under your watch—and clearly you did not see the need to rush out and amend it, with the view to moving down this path—but now the new Attorney wants to cover himself in glory and rush to the youth vote, to try to make it look as though they are doing something for them.

I also add that the government has claimed that there has been 'widespread support', to quote the Attorney, for the bill. I do not doubt that, amongst the groups that have been consulted, there has been widespread support, because the groups that were consulted, according to the briefings that we had, were local groups within metropolitan Adelaide who want to get started with the laneway bars and the like. This is an initiative that came from a government entity that is promoting it. They are patting each other on the back in relation to coming up with this idea, although it is quite clear now that in fact this is an initiative that came from interstate and that the government wants to try to cover itself in glory.

When the government states that the Rundle Mall Management Authority, for example, says that this is a good idea, it also identifies that the Rundle Mall Masterplan is to provide the basement and upper level activation, and this is said to be central to the aspirations of such a plan. However, the Rundle Mall Management Authority has argued that small venues should be no more than 80 square metres and have a capacity of one person per square metre—that is 80 people. The authority also suggested that a closing time of 12am, as per the conditions proposed in the bill, is appropriate but that an extension of the trading hours to 2am, which is proposed under clause 40A(1)(b), is not.

The Rundle Mall Management Authority is a significant body and, not surprisingly, is promoting the Adelaide city centre as a place of enjoyment, both in retail therapy and in refreshment; therefore, one would expect that. That is certainly no criticism of them, but let us at least consider what I think are two other major areas of interest.

One area is the people who live in the city. Why should the residents be excluded from having what is currently a right of objection and from being able to proceed through the grounds of appeal process? They also share the city. The last I read was that the government was active in promoting a very big population increase within the City of Adelaide

The opposition has supported and, in fact, advocated for the development of revitalisation and populating Adelaide city, so we are on the same page there. But why should residents be excluded from the opportunity to take part in the process of objection of appeal like any applicant under the Liquor Licensing Act? We think they should not be excluded and, as I say, that is a threshold question that has to be achieved in order to gain our support.

The other area is the groups of people who are already in the business of providing alcohol. The Australian Hotels Association obviously represents a significant number of hoteliers in South Australia. South Australia's metropolitan area, over which this licence is to be applicable as available for application, is one which has an enormous number of hotels.

Hotels have changed over the years; they have always been a public place, they have been a place for accommodation and meals for weary travellers, and they have been a place for the distribution of alcohol. I think, probably more in our lifetime, they have become very important places for the provision of entertainment and restaurant-standard food, etc. Rather than being an accommodation facility or a place for weary workers or travellers, they have actually become very fashionable places with high standards of entertainment and restaurant-standard food.

Hotels have developed in their engagement of the provision of services to the community and, on top of that, have developed in our time, of course, with the advent of poker machines, which the Arnold-Blevins government introduced almost to the exclusive provision within hotels and

football clubs. They championed that as an opportunity for them, and so what we see is a level of provision of poker machines in this state which is very much in the venue of hotels, which are of course significant players in relation to this legislation.

I do not think there are any hotels with SP bookmakers in them; certainly, they are an outlet for TABs. I did actually attend a hotel—I think it was the Federation Hotel—at Port Pirie last week, and I can remember attending there at midnight one night to witness the exchange of the licence of the hotel from one owner to another. They specifically sought that the lawyers attend to exchange the documentation at midnight; the relevant practitioners obliged, and I was invited along as an observer. It was interesting, and I only mention it because on that occasion it was pointed out to me that apparently that hotel was the last of the hotels that accommodated the late greats of the SP bookmakers and, in fact, in honour of it, they kept a blackboard in the front bar which identified all of the last bets that were issued for that purpose.

Hotels have changed and are a very important multifunction service provider, not just in accommodation but as a venue for a lot of activities. Not surprisingly, they are leaders in the provision of a number of these services which attract large crowds, which serve alcohol and which have high levels of entertainment. People attend these venues not just to have a quiet or quick drink or to stay overnight night but they also spend many prolonged hours in these venues, and therefore, not surprisingly, these venues have come under scrutiny as places where it is important to provide protection for their users, particularly youth.

Over the last 10 or 15 years, we have seen the development of more and more pieces of legislation to ensure that people do not carry weapons not just in hotels but that there are very strict rules in relation to what anyone can have in their possession within the perimeter of a licensed premises, etc. A huge level of legislation, an even higher level of regulation, mountains of codes of practice and very strict standards have been imposed—and I am not here to argue against the merits of that—and it has all been done with the intention of making these places safe for the people who go into the hotels and for the people who are in their precinct. That is meritorious.

So why is it that the government came to us last year with a view to asking our consent today to lower that standard in a precinct where alcohol is served and larger numbers might aggregate, other than to say, 'We are going to give you a cheap, streamlined option, to have these facilities for large numbers of people. You might have to have some codes of practice obligation, but we are going to let you do that, straight in, without having to go through the expensive and time-consuming process in having to deal with the riffraff of the public and competitors around you.' That is the standard the government is imposing and this bill will not give the protections, which it has in every other bill relating to liquor licensing where it has pursued the mantra of the importance of protecting the patrons and the public, yet in this bill it is not doing so.

Even the Law Society has also accepted that this is a completely unnecessary bill. In relation to these back laneway bars and places of temporary provision of service during major events or carnivals, festivals or anything else, the Law Society has identified that there is appropriate capacity in our current legislation to deal with it. So far from having widespread support, indeed, the significant stakeholders have said it is unnecessary.

I make one other comment in relation to the question of need. As I said, one of the obligations that usually applies to an application for a licence is to be able to satisfy the commissioner or the court that there is need for this particular activity to take place. There is a vacuum in the available services in the community and that there is not enough of a certain thing to be able to provide this activity and, therefore, that they should be granted the licence. It is noted that, according to a study of The National Centre for Education and Training on Addiction from the Flinders University of South Australia, South Australia already has the highest number of liquor licences, per adult, in Australia. It has one licence for every 224 adults. This compares with one per 506 in Queensland and a national average of one per 317.

Not surprisingly, the Hotels Association brings to our attention that the number of liquor licenses under our current regime has already increased, from 1999 to 2011, from 4,081 licences to 5,419 licences and, indeed, that 458 of those are located in the CBD, 113 of which are special circumstance licences.

I do not doubt that they want to bring to the attention of the opposition and to the parliament that, firstly, these are statistics which evidence the fact that we have got a venue on every corner just about in the inner metropolitan area to cater for services. Secondly, that, far from being an oppressive or difficult regime of application, indeed it appears to have been accessible

and, in fact, successful by a number of applications to actually increase the number of people who have been granted licences.

So, it cannot be too bad. The system, Mr Speaker, that was there under your watch must be working. It actually applies and has increased the number. So, far from being too hard to get through the threshold, too expensive or anything else, people have and, indeed, we have 458 venues of licensed premises in the city of Adelaide.

So, I do not know how much more accessible it needs to be—that is, the process to apply—but it seems as though we have a law that covers it. It is available, it is working, it is accessible. It may be relatively expensive, but that is a matter which the government could remedy with the stroke of a pen in relation to the costs that they impose to apply. So, with that contribution, I know other members of the opposition wish to speak and they will no doubt raise other issues. The opposition will be preparing amendments to delete clauses 4 to 6 and 9 to 12 and to amend the licence capacity from 120 to 80.

Ms SANDERSON (Adelaide) (11:47): Firstly, I commend the government for its intention to create a vibrant city through this small venue licence bill. It certainly is terrific to see so much attention and energy put into the city, because I do agree that we need to keep our young people here and we do need to invigorate the city.

It does remove some of the prohibitive conditions that apply under the current Liquor Licensing Act regarding trading hours, food service and the high cost of the licensing. I also note, as the member for Bragg mentioned, it is a shame that this could not be done through the existing legislation, as it could also be a big advantage for other licence holders at the moment.

I do note that the Attorney-General in his second reading speech said that:

...the costs associated with the process have been identified by small venue owners as a major barrier and a disincentive to entry into the market.

So, whilst this helps new entrants into the market, it would be good to actually have a look at the whole Liquor Licensing Act and see if that could be improved and made less complex, because it is a very complicated act. There are lots of different clauses and situations and it is quite a time consuming thing to go through. So, although I am generally supportive of this initiative, I have two major concerns as stated by our deputy leader just a few minutes ago. The first one is the removal of the general right to objection of section 77 and I quote:

Section 77 of the Liquor Licensing Act provides for the general right of objection by members of the public to be made against an application for a liquor licence on one of the following grounds...

Section 77(5) states that the granting of the licence would be contrary to the act or inconsistent with the objects of the act or that the granting of the licence is unnecessary for the needs of the public in that area or the applicant is of bad reputation or character or is not a fit and proper person or that the position, nature or quality of the premises renders it unsuitable to be licensed or licensed under the category to which the application relates or it would likely result in undue offence, annoyance, disturbance or inconvenience to people who work, worship or reside in the vicinity of the proposed premises or it would likely prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or the amenity of the local locality would be adversely affected in some other way.

Now as the member for Adelaide, an area where most of these small bar licences, I imagine, would be held—although I do note that it not only mentions the CBD, but it also says any other area declared by the regulations to be a prescribed area—I see that by regulation, the government actually can add in different areas at different times, so currently this relates mostly to the entire area within my electorate of the CBD.

I know already from liquor licensing issues that we are having with Adelaide Oval wanting a 24 hour liquor licence, and there are also lots of bars that are trying to extend their liquor licensing at the moment because of the Adelaide Oval redevelopment, I can see the angst that it has throughout the community, particularly the residents, who moved into an area with the belief of one type of lifestyle and amenity and then to find bars and venues opening up around them, that certainly changes the whole feel of where they live. So, I think it is extremely important that the right of general objection is still available and, as stated, that is a deal-breaker for us, it must be available.

It is also a concern that there is the removal for, in clause 77A(2) the standing right of councils to intervene in proceedings before a licensing authority for matters in their area.

Section 76 would be removed entirely for small venue licence applications. I believe that the council is the place that most residents would go to because they are known to look after liquor licensing predominantly, and I think it would be a terrible shame to remove the right of residents to go to their elected members and the elected members to then speak on their behalf and actually put forward objections that will affect the residents' way of life and potentially other businesses that might be effected as well.

The second issue that I have is also regarding the size of the small bars. The current legislation states that it would be for up to 120 patrons. Just to give you some idea of sizes, Udaberri on Leigh Street has a licence for an entertainment venue capacity of 121 people and that covers three different areas; the Cuckoo Bar has a 112 people capacity; the Elysium Lounge bar has an 80 people capacity; Supermild Lounge Bar has a capacity of 115.

The recommendation from the Rundle Mall Management Authority is that this should be restricted to 80 people on the basis of one person per square metre and they believe that 80 square metres is about the right size for a small bar and lounge area in keeping with their vision for Rundle Mall and the city, so that is consistent with other states, and I believe that the Australian Hotels Association also would be happy with 80, which is the Liberal Party's recommendation. I note that in Queensland and New South Wales, the licensing applies to sizes of only up to 60 and in WA it is 120, so we think that for South Australia 80 would be the appropriate number.

I note that it does state within the proposed bill that concerned public can make a submission; however, they have lost their general right of objection. We know that, from the past, the hundreds and hundreds of submissions opposing the Mount Barker DPA and the St Clair land swap had absolutely no influence whatsoever, so I do not think it is a strong enough way of having the community's thoughts heard. On the basis of the two amendments, one being to bring the licensed venue size to 80 people and also to reinstate the general right to object by residents, community members and the council, I would commend it.

The Hon. R.B. SUCH (Fisher) (11:55): I will make a brief contribution. I support this measure in general terms. I am aware of some amendments being flagged by the opposition, and I would be quite comfortable with what the opposition is suggesting in terms of the number of patrons reduced from 120 to 80 and with more local input and consultation. I will put this bill in a broader context. I think anyone who is honest would admit that in Australia we have a problem in terms of the consumption of alcohol. I am not a wowser, I enjoy a drink, but our society, our culture, has not been able to come to terms with drinking alcohol in a way that is usually and necessarily mature. So some people have this obsession with binge drinking, and I wonder whether it is a carryover from the days when people had to gulp down their beer before 6 o'clock closing.

However, for whatever reason, we still have within our society this urge, this desire, to drink oneself silly. I see this measure here not totally dealing with that issue, but I think it brings an extra level of sophistication into the practice of consuming alcohol. It is probably a bit more akin to what you see sometimes in Europe, where some of the smaller venues offer liquor, often with music, and I see that as a desirable provision under this bill. Live music has suffered badly in recent years, and I think anything which helps to bring that back would be desirable. Whilst my reading of it is that it is not mandatory to have a meal, nevertheless it does provide a clear link between the consumption of alcohol and the consumption of food, and that is a useful connection.

There has been a lot of press in recent times about bad behaviour associated with some areas, some liquor outlets. It is only a minority, but I think it is a serious issue, and it tends to be in certain strips, or development areas, but this focus on small venues will, as I said earlier, lead to a higher level of sophistication in terms of people being able to enjoy a drink, having something to eat, following what is a fairly common practice in places like Paris and elsewhere.

I support this measure. I do not have a problem with the Liberal amendments. I think 80 people is probably quite sufficient; businesses would be viable with that number as a maximum. Having some local input would be good as long as vested interests, who do not want competition, are not given too much weight in any submission. I support this proposal on a slightly qualified basis, but I think it is a step in the right direction in terms of lifting the standards of behaviour in the way we consume alcohol and generally deal with what should be a pleasurable activity but which sometimes leads to antisocial and other problems.

The SPEAKER: The member for Stuart.

Mr VAN HOLST PELLEKAAN (Stuart) (12:00): Thank you, Mr Speaker, and congratulations on your new role in this house. I will be fairly brief. Certainly, our deputy leader and

the member for Adelaide (who is particularly affected by this bill) have already spoken, and spoken very well, and I also appreciate the member for Fisher's comments. In my previous working life I have been a director and a licensee of five different establishments—a long way from Adelaide—with liquor licences, and one of them was a 24 hours a day, seven days a week service. So it is the exact opposite and extreme of what we are talking about here, but it did give me the opportunity to consider all of these issues very seriously.

I guess what I would like to start by saying is that, as the member for Bragg (the Deputy Leader of the Opposition) did say, there are already 10 other categories. There is already ample scope within the existing regulations for these sorts of licences to be granted if and when they are appropriate, so it does seem a bit strange to us that the government is trying to come up with a specific licence category for a specific geography in the state, and it may well be for political purposes that they are pursuing that. However, let us look at the specifics of what they are trying to offer.

I have no objection to nice, small drinking places in the city. I think that would be wonderful. Obviously, due consideration for existing businesses is important, but I think far more important than that is the fact that local residents who were there before these venues were given the opportunity to start up must be heard. I think anyone with an open, sensible mind would consider it fairly draconian to tell a local resident near prospective premises that their voice was not important and that the voice of their council was not important, and that they could not object to one of these new venues opening when there are already 458 licensed premises in Adelaide.

It is not as if we are short of a place to go and drink in the city, if that is what somebody wants to do. There are 458 of them already. It is vital to consider local residents whose homes are affected. Business is one thing and it is very important—impact on business always needs to be considered—but impact on somebody's home I think is even more important. That is the logic upon which the opposition says we would not support this without that consideration and that adjustment. The change from a 120-person venue down to 80 I think is quite sensible, too. If you really do want to differentiate it from other opportunities that exist, that is quite sensible.

It also strikes me as a bit strange in this day and age when other responsible activities associated with the consumption of alcohol are considered fairly important for new licences and fairly important for the opportunity for people to consume alcohol in public outside of their homes—things like entertainment and things like the consumption of food and the enjoyment of a meal. However, for this new licence category they do not exist. They may exist, but they do not have to: it is not a necessity.

The Hon. J.R. Rau interjecting:

Mr VAN HOLST PELLEKAAN: The Deputy Premier is telling me there must be food?

The Hon. J.R. Rau: There must be food.

Mr VAN HOLST PELLEKAAN: Well—

The Hon. J.R. Rau: I'm sorry, I beg your pardon. Another licence, sorry.

Mr VAN HOLST PELLEKAAN: The Deputy Premier has said that there must be food but has corrected himself.

The Hon. J.R. Rau: No, that's late night.

Mr VAN HOLST PELLEKAAN: So I will get back on track. There is no need for food in this licence, which is actually one of the stock standard things that is encouraged everywhere you go with liquor licences. There is the opportunity that licensees could provide food but there is no necessity, so this is really going in a different direction from the mainstream expectation that goes along with responsible service of alcohol in our state. That seems quite strange to me as well.

Another thing I would like to focus on is that this does also create, very much, a city-country divide. Not only is this for a very specific part of Adelaide and our capital city, but these opportunities do not exist outside of that zone: they do not exist outside the metropolitan area. The legislation makes it clear that they may be extended to some other areas, like Glenelg, and I am sure it will not go too much further than the inner areas of the metropolitan City of Adelaide.

I would like to draw attention to the fact that on the one hand the government is creating a new licence category for the city only, where you can consume alcohol without entertainment or food and without the other sorts of things that are generally considered to be valuable and sensible.

I accept the fact that the core codes of conduct and the core responsible service of alcohol activities are included in this licence category, but the mainstream direction towards other associated activities are not included. Yet, in rural South Australia there are an enormous number of community events that really struggle to get special circumstances licences for activities, such as rodeos.

Already since Christmas there have been three rodeos just in the electorate of Stuart in Carrieton, Wilmington and Peterborough. They have all been run responsibly and they have all been fantastic community events. Concerts, birthdays, weddings, anniversaries, fairs, if a family wants to have a 21st birthday party in the local town hall or the footy clubrooms: they need to apply for a special circumstances licence, even if they want to give the alcohol to their family and friends. I think that is quite sensible and it is okay because this is all about the supply of alcohol, not the sale of alcohol. However, it is very difficult for these people to do. They might put an application in six months in advance of the event but they will almost always get their application approval back just a few days before the event.

It is mandatory to put your application in in excess of three weeks before the event that you want a licence for. That proves that regardless of what the application is being made for, the Liquor and Gambling Commission and the people who need to be consulted can get through that work in three weeks because that is the date that they have set. However, if you apply for a licence many months out you will still get your approval only a few days beforehand. So, while there is merit in this proposal for Adelaide, I think it is very unfortunate that yet again the people of Adelaide are receiving preferential consideration. People who do not live in Adelaide are not at the forefront of the government's mind when it comes to trying to responsibly invent and create new opportunities so that people can responsibly consume alcohol. It gets tougher and tougher every year for people in rural and regional remote South Australia to get these licences and yet it appears to be getting easier and easier, under this proposed legislation, for the people of Adelaide to access alcohol whenever they want to.

I would also like to touch on the issue of fees. I have been told that very shortly, if not already, when somebody applies for a special circumstances licence from the hours of 1am to 2am (or after 1am) the application fee will be in the order of \$700. The application fee is essentially for administration. We all understand that fees need to be paid to cover the costs that the application incurs, but I cannot accept that it is going to cost the government, or any government department, \$700 to process an application for one hour (from 1am to 2am), when an application for the hours before 1am costs significantly less. That is an issue that needs to be considered when the government is considering the sorts of things it might like to do to improve people's access to alcohol.

With those few comments I urge the government to consider the entire state, not just Adelaide, when it considers making adjustments to make life easier for the providers, the suppliers or the consumers of alcohol in a responsible way throughout our state. Of course, as do my colleagues, I could not support this legislation if local people in their homes who are affected would not have the right to object.

Mr VENNING (Schubert) (12:09): I rise to support the Liquor Licensing (Small Venue Licence) Amendment Bill 2012, with the one amendment outlined by my deputy leader, the member for Bragg. First, I would like to put on the record my congratulations to the member on attaining this position. I look forward to a fine stewardship with our new leader, Mr Steven Marshall, and I congratulate him on his escalation to the position of opposition leader. I look forward to him guiding us for the next 14 months until he changes roles into the top job, and I am sure he will get that. Also, as I said earlier, I look forward to accompanying you, sir, to Government House shortly. I was wondering whether you would be wearing the wig, but you probably do not need to because you already have a natural one.

As the member for Schubert (which includes the Barossa Valley and parts of the Adelaide Hills) issues such as this always interest me. The sale and consumption of alcohol has changed greatly over the time I have been here, which is, give or take a few years, about 20 years. It is a much accepted practice nowadays and it is linked to food and entertainment. There still are alcohol-related problems, as have been highlighted by the member for Bragg, the member for Stuart and the member for Fisher, especially with our youth and binge drinking. We do not seem to be able to address that.

We do support this bill but realise that we already have ways and means of getting people to get these special circumstances licences, so I just wonder why we are doing this. Costs are

identified as being a major barrier to these small venue operators who want to be licensed—costs and, indeed, red tape, waste, and time. This bill is obviously supposed to streamline the process, but I question whether it will. Paperwork and bureaucracy seem to follow and stifle new acts such as this. I hope we are able to keep that out of it and keep the intention of this bill.

Fast-tracking could be a bit of a risk. You cannot just slam these things through, particularly in relation to this issue. Proper scrutiny is paramount, but without undue delays. Eleven in the morning until midnight is okay, but I still question why Christmas Day is excluded. I know it is a big change for me to say this because, as a Christian, it has always been against my ethics, but, nowadays, a lot of people are eating out on Christmas Day. People do go out and they like to have a drink. Some restaurants and venues can get exemptions, but will it just be blanketed with that? More and more people, particularly in my age group, choose to have Christmas out at a restaurant, and they do like to have a drink. It is usually at midday so there should not be a problem with that. I just ask that controversial question. It probably has not been raised, but I raise it here.

The opposition will be moving amendments which I hope the government will agree to. I think it is commonsense that the maximum be reduced from 120 to 80 so that it really is then a small venue. We have many venues that would lend themselves to a small-venue licence. I hope the cost will not be prohibitive, as the member for Stuart just said.

On a committee visit to Melbourne a couple of years ago, we saw the transformation of the laneways and backstreets to boutique-style restaurants, wine bars, bistros and all sorts, where they took a dead end of town and brought it to life. There is no reason at all why Adelaide could not do exactly the same thing; in fact, more so.

The Hon. J.R. Rau: If we pass this, yes.

Mr VENNING: If we pass this. I think we will. I cannot see that we will stand in its way, so I look forward to bringing Adelaide to life. While the member for Adelaide is in the position, I am sure she will guide that, particularly in government. I am sure she would be very pleased to do that. Again, you do not have to travel far to see how this actually works.

Also, as the member for Stuart just said, I hope this does not just remain city centric, just in the CBD, because we have some fantastic, unique and often unknown venues in our tourism regions, particularly in the beautiful Barossa. Many of our cellar doors will be encouraged to have an extra small venue outlet away from the commercial wine outlets selling not just their own product. It states here, 'only applicable in a prescribed area', and it will be the CBD in the first 12 months. I just wonder why that is the case. Why does it need to be there at all? We can just leave it open to the commissioner to decide where and when.

I hope the government will allow regional South Australia to be involved with this. As my deputy has just said a few moments ago, hotels have also changed and so have the very strict standards to maintain public safety and so does this lower the standard—a cheap streamlined option. It really will be a 'try it and see' option.

My region is well served with outlets at the moment but it could be much better. The unique character of our wine regions—and in my case the beautiful Barossa Valley—can be further highlighted by the smaller boutique venues. Also in the Flinders Ranges—the member for Stuart is still in here—I have visited many small venues up there and there are some unique positions. I visited the Blesing's in Bangor which is a little shack on the side of a hill. It is the most unique and beautiful part of South Australia. In that shack, not only are you able to try to the Blesing wines but he also has a grand piano in there, and David Blesing is a magnificent pianist—and that is a secret that people do not know about. It is a fantastic experience. I am sure that he, too, could avail himself of this to be able to sell a wide range of products that he cannot at the moment. That is a bit of a plug. The member for Stuart would know about that. It is wonderful.

I was curious to hear just a few moments ago that it is not necessary to supply food. That is a new and, as some would say, a strange move. A lot of these venues, as I noticed in Melbourne, were licensed coffee bars and licensed snack bars or just a little roadside bar. That is why it is obviously written like it is, but it is unusual. It really is a 'wait and see' option with all this. I will wait to see what happens. I just hope that all South Australians can benefit from this. I hope the government will hear that one amendment and I support the bill.

Dr McFETRIDGE (Morphett) (12:17): Thank you and congratulations on your elevation to the office. I congratulate the new Leader of the Opposition, Mr Steven Marshall, and his deputy,

Ms Vickie Chapman, on their new roles. I look forward, onwards and upwards on this side of the house.

The Liquor Licensing (Small Venue Licence) Amendment Bill 2012 is very important for me as the member for Morphett. At last count I had 106 restaurants and cafes within walking distance of my office at Glenelg. While somebody said I had put on a bit of weight, I think I am just getting a thicker skin being in this place. If those 106 restaurants and cafes choose to operate as a licensed venue, we want to have that happen in an efficient way at minimum cost for those people but also in a very responsible way.

This bill is supported by the opposition. The one amendment is a sensible amendment. The need to have these smaller venues is supported all around Australia. Down at Glenelg, the nearly three million visitors a year who come to Glenelg would love to have the opportunity to visit more eateries and licensed premises, but at the same time, as it is put in the government's paper in this bill, there will be restricted trading hours on these. We do not want to encourage people who might want to act in an antisocial way to congregate in small bars and clubs around the place.

At Glenelg, with the Glenelg Precinct Liquor Licensing Accord with the police, the traders, the council and the Jetty Road Mainstreet Board—and I have been included in many of their meetings—we have very responsible bars, clubs and pubs down there. They are trying to do the right thing. Some people are attracted to the area who want to misbehave and do not have any regard for people's rights or their own responsibilities, so what we need to do is make sure that the licensed venues are aware of the regulations and restrictions. They are not going to be onerous but, if there are issues, they can be very quickly put back in their place by the Liquor Licensing Commissioner doing what we want him to do, what he wants to do and what the people of South Australia want and certainly what I think the police want him to be able to do, and that is control these licensed venues to make sure that everybody benefits.

This piece of legislation is something I support. As the only designated tourist area in South Australia with its millions of visitors and its many licensed venues already, there is room for more. There is more room at the Bay for a more vibrant city and more entertainment. It is fantastic at the moment but this bill perhaps will help that with the amendment to restrict the numbers of patrons going into those venues so that they are not overcrowded. With that, I support the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:19): Mr Speaker, as I mentioned briefly before, may I congratulate you on your elevation to this high office. I am sure you will discharge it with great dignity, and I am also sure that all of us who appreciate the sartorial will be greatly impressed with what lies ahead. So my very best wishes to you in your role.

I also congratulate the Deputy Leader of the Opposition. I have the great privilege of being able to exchange views across the crowded room—or sometimes not so crowded room—quite frequently. I congratulate her on having been recognised by her colleagues for the skills she has. I hope that in her returned role she is a little more statesperson-like with me and does not hop into me quite as much as she used to when she was a little bit more junior in the scheme of things. We will wait and see whether that is how it turns out.

In relation to this particular matter before the house, the opposition is trying to have its cake and eat it too. It is saying to the government, 'We like this, it's good. It's all about a vibrant city.' We have had the member for Morphett who is a passionate supporter of his electorate (and I do not want that in one of your cards this time, please); he does love Glenelg and is a great booster for Glenelg. The member for Stuart talked about how he would like to have the opportunity to have these things extended to regional areas, and the member for Schubert was telling us how he would not only like it extended to regional areas so that his friend could tickle the ivories while people were enjoying a drink and food or whatever in the venue, but he would also like it extended to Christmas Day.

All of that sounds very positive, but then they say, 'But there are conditions to us supporting this.' What are the conditions? The conditions are these: first, that they have rights of intervention which would be available to, as they talk about, the local residents (and we will come back to who those local residents might be in a moment); and they talk about a couple of major ideas, including why not use other licences. However, the main point was local residents having an opportunity to have an objection, and the size of the venue, the number of people who might be in the venue.

When you listen carefully to what they are saying—not the fuzzy vibe about 'Yes, we love this idea', but about the conditions they want to put on the idea—they render the idea utterly empty. It becomes just a bit of puffery, because what they are doing to this class of licence is something akin to what that great nation, France, did to the notion of free trade many years ago. It said, 'Yes, we embrace free trade, we love free trade. Anyone they like can trade with the French.'

In fact, they were concerned about the Japanese wanting to trade with the French. They said, 'No, it's no problem. You can bring your cassette players and everything in, no problem, but each cassette player must go through a very small warehouse in Marseilles, and only that warehouse.' Sitting inside that warehouse were two very old Frenchmen who took each cassette player out of each box, put on an Acker Bilk tape, and sat there until the end of the tape to make sure that the cassette player was working properly. Then they took the Acker Bilk tape out, carefully packed the cassette player back in the box, put it away in the warehouse and then got out the next one.

Mr Speaker, you will be shocked to know that not many cassette players got from the bond house in Marseilles into the French marketplace. But they embraced free trade. They went to all the meetings of the World Trade Organisation and said, 'We French, we love the free trade, you know.' They kept saying 'Oui, oui, free trade. Oui, oui.'

The SPEAKER: The language of the house is English.

The Hon. J.R. RAU: I beg your pardon; we are not in Montreal or somewhere, are we? So the French had pioneered this sort of overt piety but undercut it with complete malevolence, and that is exactly what the opposition is doing here. Let me explain why. First, why is it, I wonder, that the licence which presently exists, which apparently everybody should be using because they just do not understand what is going on—a special circumstances licence—that the special circumstances licence is not being used properly? The answer is that the biggest problem at the moment is that, for the special circumstances licence, certain conditions are attached to that licence. The member for Bragg says that, with the stroke of a pen, I, as minister for Business and Consumer Services, or the Liquor Licensing Commissioner could remove this awful burden.

Ms Chapman: No, make it cheaper, I said.

The Hon. J.R. RAU: From the applicant—make it cheaper! Do you know how much cheaper? It would be \$700 if they do not want to trade after midnight. That is how much cheaper we could make it because that is all we charge them. Guess from where the rest of the costs come? The deputy leader and I, both being lawyers, would hate to see members of our esteemed profession missing out on the important opportunity of representing their clients in court, but that is where the money comes in. What happens is that somebody wants to open a small venue. I will give you a real life example. In Peel Street, a few months ago a couple of young men, who have not much except their labour and their enthusiasm, secured the lease of a small ground floor premises.

Ms Chapman: Sounds like a Peter Duncan story.

The Hon. J.R. RAU: Nothing to do with him, no, a different story. These young men—and all they have is enthusiasm, passion and hard work—have gone in there and, using their own elbow grease, have sanded down this place, they are painting the place and doing literally everything themselves. They want to open a small venue in there, and they were trying to negotiate the existing liquor licensing arrangement.

As soon as they put in the application for the liquor licence the Union Hotel, which apparently, according to the owners of the Union Hotel, is immediately adjacent to their small premises in Peel Street, at least in terms of market, put in an objection. Their objection meant that these people, who wanted to open this venue, were forced to go through a conciliation process, at the end of which they are presented with Buckley's choice, which is to accept this enormous list of conditions we put on you—

The SPEAKER: Hobson's choice.

The Hon. J.R. RAU: Hobson's—exactly; I stand corrected: Hobson's choice, Buckley's chance. They are presented with Hobson's choice: you accept all these conditions, which include that you cannot sell Australian beer because that attracts yobbos. This is true—I am not kidding. This is actually real. In fact, with Udaberri, which was referred to earlier, one of the conditions of their licence is that they are not allowed to sell Australian beer because when they got to this point

in the process, if I recall correctly, somebody said, 'Oh, Australian beer attracts yobbos.' Parliamentary counsel reminds me that another example is The Establishment.

You cannot sell Australian beer because yobbos drink Australian beer, but if you sell Stella Artois you will attract a higher class of beer drinker. This is how absurd it gets. They could get to the point, seriously, where they could say that gentlemen who have grey hair cannot be admitted, and that would be a class of licence, which I think would be discriminatory. The absurdity of these things!

You get a great long list of these objections, and the person confronted with them basically has the choice of copping all these objections from somebody who is your competitor and trying to ruin your business before you get even started. These objectors are after the stillbirth of businesses; that is what these objectors are after. Let us get that really clear: they want to frighten these people out of having a go or make them a stillborn exercise. These people either accept that or they are off to the Licensing Court.

Once they get to the Licensing Court who do you think has more money, Mr Speaker: a couple of young blokes who are sanding the floor themselves because they cannot afford to pay somebody to come in and do it, or the publican down the street who has esteemed members of our profession acting on their behalf—in some instances silks and other very esteemed people? That is where the cost comes from; the cost does not come from the liquor licensing people.

So there is very real cost barrier here, and it comes from people who are anticompetitive. I do not blame them for that because they are protecting their businesses as they see it, but let's not make a virtue out of what is simply a very self-interested—and maybe understandable from the perspective of that publican—exercise. It has nothing to do with community interest at all.

The member for Adelaide, interestingly enough, raised an issue—and I will just try to find out exactly what she said here—and asked, 'Why don't we have a good look at the whole act? Why don't we do something about freeing it up everywhere?' Well, I accept the invitation. If the Liberal Party is offering to remove the needs test and the other restrictive trade practices embedded deeply in the Liquor Licensing Act—if that is what they are offering, because that is what I understood the member for Adelaide was saying—in line with Productivity Commission recommendations which you free traders should find attractive—

Ms Chapman interjecting:

The Hon. J.R. RAU: If they want to remove the needs test, let's have a conversation about that. I am very happy to have a conversation about that. That brings me to another relevant point in this debate. The member for Bragg quoted statistics about how many licensed venues there are per head of population in Adelaide, Melbourne, and Sydney and so forth. There is an old saying: lies, damned lies and statistics, and here is another example of it. It is all very well to pick on the number of venues but that tells you nothing about the characteristic of those licences.

The licensing regimes in South Australia and Victoria are like chalk and cheese. In Victoria, the licensing regime was completely changed during the Cain or Brumby governments—in 1998. As a result of that, all of these restrictions in Victoria disappeared, including the needs test which does not exist in Victoria anymore. What you have in Victoria is basically—and I think this is pretty well the case—one class of licensing; you can basically do what you like.

In South Australia, we have many different classes of licence and each one of them is quite particular. You have the hotel licence, you have the restaurant licence, you have the special circumstances licence—all different licences—and each one of them has its own restrictions and barriers. To compare those multiple restrictive licences with a bunch of unrestricted licences is not comparing apples with apples, so that statistical argument, I think, does not go anywhere.

However, if the opposition is issuing an invitation to the government to get down and talk seriously about removing the needs test, my door is open—if that is what they are asking for. By the way, when you do ask me for that you should send Mr Horne a short note together with some tranquillisers because he will be in need of both.

Ms Chapman: You're just making this up!

The Hon. J.R. RAU: It is all true, I am afraid. Coming back to the issue, here is the straw man in the argument. We have dealt with this business about cost. I have established, I hope, that cost has got nothing to do with the government and everything to do with the anticompetitive nature of the liquor retail industry—which is entirely understandable from the perspective of the person

who currently holds a licence. They are protecting their business and I understand that, but let's not pretend that they are out there Joan of Arc-like trying to save the world from the evils of alcohol. That is not what they are on about. What they are on about is allowing them to sell the alcohol and not someone else. Let's call a spade a spade—that is what it is.

As for the business about local people being consulted, our proposal says they must be consulted but they do not have a right to intervene. I will not repeat what I have just said about interventions on the part of pubs. Every bit of what I have said about that stands just as much in terms of interventions by individuals.

Now we get to the really bogus bit of the argument. What individuals? Who are these individuals? Who are the residents the member for Bragg, the member for Stuart and the member for Adelaide are wringing their hands about? I can tell the parliament who they are: they are the rare creature who is a resident who lives within a commercial or mixed-use district within the planning regime of the City of Adelaide.

It is true that, if somebody lived on the second floor of a building in Leigh Street, and that was their abode, they may have around them licensed premises. But if what they are suggesting is that the good burghers of Hutt Street, East Terrace or any of the other residential precincts of the City of Adelaide are going to be having, without any consultation, a licensed bar or restaurant dropped next to them, that is just rubbish because none of the provisions in this legislation do anything to change the zoning requirements and, if you do not meet the zoning requirements, you do not get to square one.

So, before these people make the application for one of these licences, they have to satisfy the planning authority that what they are doing is a permitted land use in that space. If the City of Adelaide's development plan says that you cannot run a bar in that place, they do not even get to square one. So, this argument about residents is totally bogus. If it had any merit at all, the solution is simple, and that is to go to the Adelaide City Council and say, 'City Council, your zoning of this precinct as being mixed use or something is unfairly impacting residents. Can you please considering a rezone?', which they could do. They could ask the minister to do something about it, and the minister might well do something about it. So, it is a totally bogus argument about impacting on residents. So, the argument about the government cutting the costs is bogus. The argument about ordinary residents being impacted by this is totally bogus.

Whilst we are on this, can I say that the Australian Hotels Association, to which we have spoken extensively about this (and God knows what the opposition's consultation has been, although I know where some of it has come from), has told us (that is, my departmental officers and me) that our proposal, with the exception of the 80 to 120-person limit, it can live with, which is actually, I give credit to the Australian Hotels Association, a concession on its part.

It represents the fact that we were in lengthy discussion, and we came to a compromise position, which was not my preferred position. My preferred position, I will tell you, Mr Speaker, was that we had 150 people as the maximum; they started off with 50 or thereabouts. We talked about all the other provisions that are in this bill and, in the end, the basic position was that we—the AHA and I, as the representative of the government—can agree on everything except that we both parted on the basis that they cannot agree on 120, we cannot agree on 80. That is where we got to. That is where the real argument, if any, lies.

What I say about that argument is essentially this: number one, it is a maximum number. That does not mean that a person applying for this licence has to ask for 120; it means that they can ask for up to 120. That is point one. Point two: if that person making the application wants to apply for anything over 100, I think the magic number is, they have to start providing for extra toilets and so on. We do not lift that responsibility from them in this legislation; they are still caught by it. So, they need to make a business decision: is it worth asking for more than 99, in which case only one wet area, which is a cheaper option in terms of the cost of fitting out the premises? Or do we want to say: we are going to go for that extra 21 people but we will have to build an extra toilet and do all of these other things?

We do not liberate them from any of these requirements at all—none. There is this simple argument: do we want to restrict it to 80 or 120? My argument is this. Number one: if they want to go over 99, they will have extra costs anyway; that is a business call for them. Number two: on any given day they do not necessarily have that number in there; that is the maximum number they can have. Number three: after consultation with the small venue owners, I have found the consensus to

be that if you cut their maximum number of people below a certain number, the probability is the business will not be viable.

We have pitched it at a level where we believe most of those businesses will be able to survive if they wish to go to that level. That is why that number is there. It is not much good this parliament passing the whole thing and then, for example, saying it is a maximum of 50 people in there, because there would not be one person who would say you could make a profit out of a venue with only 50 people in there. We are saying we want to give them every opportunity to run a profitable business and 120 is a fair number. That is where the debate is, between 80 and 120.

The rest of these arguments are totally bogus and if the Opposition persists with these arguments I will be able to say to all the people in South Australia who are interested in a vibrant city, all the young people to whom we have spoken about this, 'If you want to know why this licence is not going ahead, if you want to know who is stopping this, it is the Opposition.' They have so bedevilled this licence category with impossible impediments that it is actually a joke, a charade. It is not a licence at all: it is a mirage that you might apply for and never get—a complete waste of time.

Other points were raised by some of the members—the member for Schubert, the member for Stuart and the member for Morphett—about regional South Australia, Glenelg and so forth. Why is it that we limit it to the city of Adelaide? My recollection is that after discussion with various people it was thought the best thing to do was start there and see how it goes. I do not think the AHA was comfortable with us opening it up to everybody. I may be corrected, but my recollection of it is that one of the reasons we initially confined it to the city of Adelaide was this is part and parcel of the general negotiation with the AHA to try to find a consensus.

The AHA urged us not to allow this thing just to be an open go across the whole state, because it said it might impact badly on regional hotels and blah blah blah. We said, 'Okay, as part of a negotiated proposition, why don't we just try it in the city for a start and see how we go?' That is where we have come to, but if the Opposition wants to open that debate up with me, I am happy to have that conversation. I think there is an opportunity to have a discussion about that.

Likewise, the question of food. Bear in mind, these premises will still be covered by the liquor code—not the late night code, because I doubt whether they will be operating anywhere near where the late night code is concerned, but they will still be operating within the general code. If I could get agreement from the Opposition on everything else and they said, 'But we do want to have something in there about food,' again that is something we could have a conversation about, but I am not going down the old road of the bona fide meal.

Mr Speaker, you are too young to remember this, but once upon a time when I was a younger man, we used to go to a place called The Old Lion. The Old Lion was a cavernous place where the music used to thump so that your innards started to vibrate as soon as you went into the place. They had lots of these balls with mirrors on them and flashing lights. You would not remember this, member for Bragg; you are far too young as well. There were great tunes like Gloria Gaynor and all these people.

You would go in there and you were given a chit. You wondered, 'What am I to do with this chit?' Then somebody would direct you to the servery, which as I recall was in the corner closest to the corner of Melbourne Street.

In that servery, there were a number of people who had the task of providing a piece of chicken which was a pretty horrible looking piece of chicken, but that was okay because nobody ever got to eat them so it did not matter what they looked like. In fact, they could have been made of rubber and recycled out of a bin into which they went soon after they were collected. You would go there and you would collect your piece of horrible chicken, you would get a big dollop of coleslaw on your plate, you would hand over your chit, thereby proving that you had received a bona fide meal and then you would walk to the end of the servery where huge bins were provided for you to dispense with your bona fide meal so that you could get back to Gloria Gaynor.

I am not going back there. I refuse to go back there. So, if what you are talking about is saying that something to eat should be available, I do not have an in-principle problem with that; but, if you just get back to this bona fide meal or some equally absurd proposition, you either wind up with the absurdity of people lining up to collect food which they immediately dump in a bin in order to have sort of technical compliance with the licence conditions or what you are doing is another version of what you are doing in the rest of your proposals to actually completely mess this licence category up so it is impossible for anyone to achieve anything out of it.

If what you are saying is food, I define food as something you eat, just as I would define drink as something you drink. I do not want to be prescriptive about it. I know there are some people who are worried. What if it is chips, which have salt on them and salt might make you drink? I am not going to get into specifying the sodium content of the food. Maybe they would be happier if patrons must have fruit available—apples, oranges and bananas. We know that is healthy and they may or may not buy one, but at least it is there. I would be up for that because that is part of the several food groups.

Anyway, to the extent there is any bona fide concern about the provision of a meal or food, if that is what it is going to take to sort this out, I am prepared to have that conversation, if that makes any difference, as long as we do not go down this farcical track that we used to go down before with the Old Lion. As I said, the member for Bragg is too young to remember it. There is nobody here who can remember it.

Mr Goldsworthy: I remember it.

The Hon. J.R. RAU: The member for Kavel remembers it. Actually, I might have seen the member for Kavel there one night. Were you collecting your chicken just ahead of me? Quite probably.

Mr Goldsworthy: I could never remember.

The Hon. J.R. RAU: He cannot remember—no, they were big nights. Anyway, the point is, if you genuinely want to have a conversation about food, okay, I am up for that as long as it does not turn into a Trojan horse for another way of mucking this licence category up. If you want to talk about regional issues, I am fine about talking about regional issues, but have a care because, if you move down that track, you are going to run into your friends in the Australian Hotels Association and they will not be happy but, if you want to open that one up, I am happy to talk to you.

Likewise, I was thrilled to hear that the member for Adelaide wants to open up the whole question of the needs test again—terrific, let us have the conversation but, again, have a care. Your friends in the AHA might not be so keen to support your election campaign if you decide that is something you are going to run with, because it is not at the top of their list. I can give you a bit of a hint on that one.

So, there you are. If there is to be any bona fide debate on this matter, any bona fide debate at all, it is not about giving local residents a say. There are no local residents, because the planning regime says this only goes in a place which is a business area or a commercial precinct or an entertainment precinct. Let's face it, if someone is silly enough to buy a house in the middle of Hindley Street and live there, do you not think they might have thought, 'Hey, I am going to be surrounded by drunks and noisy people'? Would that not be sort of self-evident?

The people who live in the south-east and the south-west of the city are not even going to know about this, because it will not affect them. It does not go anywhere near them, so that is a completely bogus argument. The argument about government contributing to cost is a completely bogus argument. It is not the government: it is the anticompetitive actions of other people or, if you open it up to residents to be able to lodge objections, you have anticompetitive action by proxy where you inveigle your mate who lives nearby to put in an objection on your behalf and then your mate says, 'I am worried about it.' We have all seen it; we are all grown-ups; we know how it works. That is all just nonsense, to be quite frank.

We are left with one actual issue here which is, I accept, an issue for discussion, that is, what is the number? Is it 80 or is it 120? On that topic, I would say this: if you set it at 80, you are simply doing the bidding of the AHA. That will make them happy, and maybe that is the purpose of putting that up, but will it mean that any young entrepreneur is going to be able to take advantage of this licence category? I would say to the house that it will limit the number of people who can take advantage, and it might severely limit the number of people who can take advantage, and the fewer people who can take advantage the less relevant this is and the more it becomes simply a charade.

I strongly urge the opposition to reconsider their position on all the foreshadowed amendments. We are seriously interested in giving the city—and if they want to talk to me about rural areas, by all means, as we are seriously trying to give those areas opportunities—opportunities for young people, in particular, who have a lot of enthusiasm and a lot of flair, but not

much capital and cannot afford to be in court arguing with QCs on their behalf all the time. We want to give those people a go.

We want those people then to contribute to the vibrancy of the city. We want them to be able to bring live music into their venues. We want them to supply interesting venues for people to enjoy—venues which are small enough that the person who is serving you the drink is the person who owns the venue, and where the person who is serving you the drink is so interested in what is going on in there that it is going to ruin their personal licence if they have idiots and yobbos in their place. You could not have better supervision than supervision by the owner for the owner of the owner (that is a misuse of Lincoln), and that is what we are on about.

Ms Chapman: I thought it was 'the best fertiliser is the owner's footprint'.

The Hon. J.R. RAU: Well, sure, but it is just that Lincoln is more topical at present. By the owner, for the owner, of the owner, I like the sound of that, but 'the best fertiliser is the owner's footprint' does it for me as well. That is probably more of a rural saying, is it?

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, I thought so. Anyway, that is where we are going. I would strongly urge all members to please reconsider the foreshadowed amendments by the member for Bragg. I acknowledge, as I have said, that there is, I guess, an argument to be had about the number, but I would rather err on the side of giving these young people who want to give our city a bit of zing a greater opportunity to open a business than a lesser opportunity to open a business.

Let's face it, small business employs a lot of people, Adelaide is a small and a medium-sized business town, and we would love to see them prosper. We love jobs, we love young people working hard, we love young people succeeding, we like the spirit of free enterprise, we like all these things, and we are trying to sow the seeds so that these beautiful plants can grow and bear fruit, but some would like to render the soil desolate, and this would be a great shame in my humble opinion and that of everyone of this side of the house. I think shortly we have to attend to a very important matter. I seek leave to continue my remarks.

The SPEAKER: Thank you for that made-to-measure second reading reply.

Leave granted; debate adjourned.

SPEAKER, ELECTION

The SPEAKER (12:54): It is now my intention to proceed to Government House to present myself as Speaker to the Governor, and I invite all members to accompany me.

At 12:54, accompanied by a deputation of members, the Speaker proceeded to Government House.

[Sitting suspended from 12:54 to 14:00]

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CRIMINAL LAW (SENTENCING) (GUILTY PLEAS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PAYROLL TAX (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CRIMINAL LAW (SENTENCING) (SUPERGRASS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

His Excellency the Governor assented to the bill.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

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

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

His Excellency the Governor assented to the bill.

TELECOMMUNICATIONS (INTERCEPTION) BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

ENVIRONMENT PROTECTION FUND

290 Mr MARSHALL (Norwood) (11 September 2012). How have the funds collected under Division 3 of the Environmental Protection Act 1993 been spent in the past two financial years?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport): I am advised:

Division 3 of the Environment Protection Act 1993 relates to the Environment Protection Fund. For the year ended 30 June 2011, the fund earned \$2.3 million of income of which \$1.39 million was spent. For the year ended 30 June 2012, the fund earned \$3.05 million of income of which \$1.96 million was spent.

The expenditure was directed in accordance with section 24 (4) of the *Environment Protection Act 1993* as per the table below.

Environment Protection Fund Expenditure for 2010-11 and 2011-12		
Details	Actual 2010-11 \$	Actual 2011-12 \$
Local Government Support and Development	30,594	21,231
National and State Environment Protection Policies	162,346	45,499
Board and Governance	285,142	293,725
Customer Service Centre	82,237	113,217
Science and Assessment (Water Quality) includes:	533,021	557,708
Water Programs—e.g. River Murray, Healthy Water		
Water Science—Environmental Monitoring		
Water Quality Assessment & Management		
Science and Assessment (Air & Noise) includes:	208,964	192,241
Air Quality Behaviour Change		
Noise Programs		
Air Programs		
Air Science		
Regulation & Compliance (Industry Services) includes:	38,255	32,413
Licence & Industry Compliance & Coordination		
Regulation & Compliance (Licensing & Regulatory Services) includes:	39,598	47,262
Regulatory Support & Administration		

Environment Protection Fund Expenditure for 2010-11 and 2011-12		
Details	Actual 2010-11 \$	Actual 2011-12 \$
People, Policy and Systems (Risk & Business Support) includes:	883	640,769
Building and Lease Costs		
Other	4,260	17,848
Total Environment Protection Fund	1,385,300	1,961,913

APY LANDS, ACCOUNTS

337 Dr McFETRIDGE (Morphett) (11 September 2012).

1. Will all documents, as revealed by the Minister for Aboriginal Affairs during the Budget Estimates on 26 July 2012 be made public, including findings and reports of KPMG in relation to the financial affairs of the APY and if not, why not?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport): I have been advised of the following:

The relevant sitting of the Estimates Committee was on 26 June 2012.

The state government has received a draft report from KPMG and I do not intend to release a draft report at this point in time.

INTERVENTION ORDERS

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (22 June 2012) (Estimates Committee B).

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business): The Attorney-General has been advised:

1. The *Intervention Orders (Prevention of Abuse) Act 2009* commenced operation on 9 December 2011.

Prior to 9 December 2011, the state courts could make restraining orders pursuant to section 99 (repealed) of the *Summary Procedures Act 1921* and domestic violence restraining orders pursuant to the *Domestic Violence Act 1994* (repealed). The following provides the number of these orders made by the state courts per financial year from 1 July 2007 until the commencement of the *Intervention Orders (Prevention of Abuse) Act 2009*. The number of restraining orders and domestic violence restraining orders made to the year ending 30 June 2007 is not available as the reporting repository that stores this data does not contain information more than five years old.

The number of restraining orders and domestic violence restraining orders made for the period 1 July 2011 to 8 December 2011 is higher than the previous financial year. This is in line with the annual increases in orders made since 1 July 2009.

Since the commencement of the *Intervention Orders (Prevention of Abuse) Act 2009*, there has been a further significant increase in the number of intervention orders made. The following data sets out:

- Interim intervention orders issued by police and lodged with the court and interim intervention orders made by the court from 9 December 2011 to 30 June 2012 which were finalised during that period without an intervention order remaining in place (referred to as 'other interim orders' in the table below);
- Interim intervention orders issued by police and lodged with the court or ordered by the court which remained in place as at 30 June 2012; and
- Final intervention orders made by the court from 9 December 2011 to 30 June 2012.

Orders made	9/12/2011 to 30/06/2012
Final orders:	
- Domestic Violence	721
- Non Domestic	172
Interim orders:	
- Domestic Violence	504
- Non Domestic	103
Other interim orders	283
Total Orders	1783

The number of current interim intervention orders and final intervention orders made as at 30 June 2012 represents a 60 per cent increase on the number of restraining orders and domestic violence restraining orders made in the previous financial year.

INDIGENOUS INFRASTRUCTURE

In reply to **Dr McFETRIDGE (Morphett)** (26 June 2012) (Estimates Committee B).

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport): I am advised:

Current CEGAA priorities include:

Short term priorities

1. Implementing the Chief Executive Regional Coordinator (CERC) initiative to champion place-based initiatives in Northern Adelaide, Port Augusta and the West Coast to improve Aboriginal well-being.

2. Monitoring the Government's response to the recommendations of the 2011 Coronial inquest into Aboriginal deaths at Ceduna.

3. Considering strategies to support the continuation of the Build Family Opportunities program for long-term jobless families with complex barriers to education, training and employment.

4. Overseeing the preparation of an Infrastructure and Landuse Plan for Regional and Remote Aboriginal communities.

Medium term priorities

1. Increasing Aboriginal employment in the public (State Government) and private sectors.

2. Monitoring the Remote Service Delivery National Partnership.

3. Monitoring the place-based Urban and Regional Strategy in Northern Adelaide and Port Augusta.

4. Monitoring the legislative reviews of the Aboriginal Lands Trust Act and the Aboriginal Heritage Act.

5. Examining progress across government to implement the recommendations of Commissioner Mullighan's inquiry into child sexual abuse on the APY Lands.

6. Reviewing infrastructure planning and needs across sectors for regional and remote communities.

Long term priorities

1. Overseeing Aboriginal economic development initiatives to increase the economic independence of Aboriginal people.

2. Monitoring progress against the Aboriginal-specific targets in South Australia's Strategic Plan and the COAG Closing the Gap targets.

PAPERS

The following papers were laid on the table:

By the Speaker—

The following reports have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991—

Environment, Resources and Development Committee—

69th Report entitled Annual Report July 2011 to June 2012

7th Report entitled Waste to Resources

Public Works Committee—

464th Report entitled Port Lincoln Health Service Redevelopment

465th Report entitled Parks Community Centre Redevelopment

466th Report entitled Marion Road Holbrooks Road Trunk Water Main
Renewal

467th Report entitled Adelaide High School

468th Report entitled Charles Campbell College Redevelopment

Local Government Annual Reports—

Campbelltown City Council Annual Report 2011-12

City of Adelaide Annual Report 2011-12

City of Burnside Annual Report 2011-12

City of Charles Sturt Annual Report 2011-12

City of Holdfast Bay Annual Report 2011-12

City of Marion Annual Report 2011-12

City of Mitcham Annual Report 2011-12

City of Mt Gambier Annual Report 2011-12

City of Norwood, Payneham and St Peters Annual Report 2011-12

City of Onkaparinga Annual Report 2011-12

City of Playford Annual Report 2011-12

City of Port Lincoln Annual Report 2011-12

City of Prospect Annual Report 2011-12

City of Salisbury Annual Report 2011-12

City of Tea Tree Gully Annual Report 2011-12

City of Victor Harbor Annual Report 2011-12

Clare and Gilbert Valleys Council Annual Report 2011-12

Coorong District Council Annual Report 2011-12

District Council of Barunga West Annual Report 2011-12

District Council of Ceduna Annual Report 2011-12

District Council of Copper Coast Annual Report 2011-12

District Council of Elliston Annual Report 2011-12

District Council of Franklin Harbour Annual Report 2011-12

District Council of Grant Annual Report 2011-12

District Council of Karoonda East Murray Annual Report 2011-12

District Council of Loxton Waikerie Annual Report 2011-12

District Council of Mallala Annual Report 2011-12

District Council of Mt Barker Annual Report 2011-12

District Council of Robe Annual Report 2011-12

District Council of Streaky Bay Annual Report 2011-12

District Council of Yankalilla Annual Report 2011-12

District Council of Yorke Peninsula Annual Report 2011-12

Kangaroo Island Council Annual Report 2011-12

Kingston District Council Annual Report 2011-12

Light Regional Council Annual Report 2011-12

Mid Murray Council Annual Report 2011-12

Naracoorte Lucindale Council Annual Report 2011-12

Port Augusta City Council Annual Report 2011-12

Roxby Council Annual Report 2011-12

Tatiara District Council Annual Report 2011-12

The Barossa Council Annual Report 2011-12

Town of Gawler Annual Report 2011-12

Town of Walkerville Annual Report 2011-12

Wattle Range Council Annual Report 2011-12

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

Remuneration Tribunal—

No. 6 of 2012—Auditor General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner Determination

No. 7 of 2012—Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner, Commissioners of the Environment, Resources and Development Court Determination

Regulations made under the following Acts—

Parliament (Joint Services)—Retention Entitlement—Leave
Public Sector—Budget 2012—Retention Leave

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

Regulations made under the following Acts—

Public Corporations—Southern Select Super Corporation

By the Minister for the Public Sector (Hon. J.W. Weatherill)—

Regulations made under the following Acts—

Freedom of Information—Exempt Agency—Education

By the Minister for The Arts (Hon. J.W. Weatherill)—

Country Arts SA—Annual Report 2011-12

Disability Information and Resource Centre—Annual Report 2011-12

State Opera of SA—Annual Report 2011-12

Regulations made under the following Acts—

Carrick Hill Trust—General

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

Courts Administration Authority—Annual Report 2011-12

Legal Practitioners Conduct Board—Annual Report 2011-12

Legal Practitioners Education and Admission Council—Annual Report 2011-12

Legal Practitioners Guarantee Fund, Claims against—Annual Report 2011-12

Professional Standards Act 2004 (SA), Review of

Public Advocate, South Australian Office of the—Annual Report 2011-2012

Summary Offences Act—Dangerous Area Declarations Quarterly Report 1 July-30 September 2012

Suppression Orders—Annual Report 2011-12

Rules made under the following Acts—

Supreme Court—Criminal—Amendment No. 31

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

Development Plan Amendment—Report on the Interim Operation of the Adelaide Oval Footbridge

Regulations made under the following Acts—

Development—Water Industry—Division of Land Assessment—Water and Sewerage

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

Regulations made under the following Acts—

Work Health and Safety—General

Workers Rehabilitation and Compensation—References to Levies

Rules made under the following Acts—

Fair Work—Industrial Proceedings Rules 2010—Work Health and Safety Act Matters

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

Consumer Affairs, Commissioner for—Annual Report 2011-12

Regulations made under the following Acts—

Liquor Licensing—

Dry Areas—Short Term—

Ceduna and Thevenard
 Kingscote Area 1—Kangaroos Island Cup Carnival 2013
 Meningie Area 1—Port Noarlunga Area 1
 Morgan Area 1—Wilmington Area 1—New Year's Eve and
 Rodeo 2013
 Prospect Area 1—Tourrific Prospect 2013
 Spalding Area 1—Spalding Rodeo
 Unley Area 1—Tour Down Under 2013
 Various—New Year's Eve 2012
 Various Councils—Boxing Day—New Year—Australia Day
 Celebrations

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

Regulations made under the following Acts—
 Food—Prescribed Water Suppliers—Revocation of Regulation
 Health Practitioner Regulation National Law (South Australia)—Transfer of
 Authority—Pharmacy Fees
 Safe Drinking Water—General

By the Minister for Education and Child Development (Hon. J.M. Rankine)—

Regulations made under the following Acts—
 Education—Budget 2012—Retention Leave
 SACE Board of South Australia—Fees

By the Minister for Transport and Infrastructure (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
 Harbors and Navigation—Restrictions—Lake Bonney—Middle Beach
 Motor Vehicles—Licence Examination
 Rail Safety National Law (South Australia)—
 Drug and Alcohol Testing
 General
 Transitional Arrangements
 Road Traffic—
 Corresponding Road Laws
 Speed Limit Signs—Short Term Low Impact Exemption
 Rules made under the following Acts—
 Road Traffic—
 Vehicle Standards—
 Electrical Wiring—Braking System—Drawbar Couplings
 State Government Enforcement Vehicle Definition

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

Regulations made under the following Acts—
 Electricity—General—National Energy Customer Framework Implementation
 Gas—National Energy Customer Framework Implementation
 Mining—Fees and Annual Rents
 National Energy Retail Law (South Australia)—Local Provisions

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

Regulations made under the following Acts—
 Southern State Superannuation—Super SA Select
 Superannuation—Fixed term Appointments—School Teachers

By the Minister for Manufacturing, Innovation and Trade (Hon. T.R. Kenyon)—

Regulations made under the following Acts—
 Fisheries Management—Blue Crab Fishery Zone—Gulf of St Vincent
 Local Council By-Laws—
 District Council of Coober Pedy—

- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Nuisances
- No. 7—Cats

District Council of Mallala—No. 2—Local Government Land
Wattle Range Council—No. 6—Foreshore

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Environment Protection (Used Packaging Materials) Policy 2012—Report to the Environment, Resources and Development Committee

Regulations made under the following Acts—

Marine Parks—Zoning

Natural Resources Management—Eastern and Western Mount Lofty Ranges—

Prescribed Water Resources—Exemption of Certain Existing Users—

Secondary Existing User

Water Industry—General

KELTON, MR G.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:09): Mr Speaker, I seek your indulgence. Members would be aware that, since we last sat, the long-serving and well-respected political editor of *The Advertiser*, Greg Kelton, passed away aged 65. Greg was an institution, the silver-haired scribe who watched proceedings in this chamber from the press box above and tapped out his stories from *The Advertiser's* basement office.

As evidenced by the number of parliamentarians past and present who have paid tribute to Greg since his passing, his professionalism and his good humour were respected by all sides of politics. It is only right that we put on the record in this place the contribution Greg made to South Australian political reporting and the esteem in which he was held. Greg will be remembered as an outstanding journalist, a mentor of young reporters and quite simply a thoroughly good bloke.

Greg was a walking library of South Australia's political history, which younger journalists and many an MP borrowed regularly. His dedication to trawling through *Hansard* and the state government *Gazette* was legendary and irritating, and many of us had the good fortune to be able to share with Greg one of his other great passions: a glass of red over lunch.

I know I speak on behalf of all members when I say Greg will be truly missed by the Parliament of South Australia. On behalf of all members, I extend our deepest sympathies to Sam, Nick, Matt, and all the Kelton family, as well as to all of Greg's friends in the media.

Honourable members: Hear, hear!

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): It is with much sadness that I rise on behalf of the South Australian Liberal Party to extend my most sincere condolences to the family of veteran Adelaide political reporter, Greg Kelton. Greg Kelton was a fine man and a fine journalist. In a career spanning a remarkable 47 years, Greg's by-line in *The Advertiser* became as much a part of the paper as the masthead itself. His columns and articles over the decades detailed all the big political stories of the day.

If something was going down here in parliament, Greg Kelton was onto it. If there was a sniff of scandal, Greg would be the first to know about it. While others from time to time may have been fooled by the spin, Greg would see straight through it. In every instance and without fail, he wrote fearlessly and without favour. He wrote in language that was easy to understand without being condescending. Greg understood his readers and what they wanted, and he wrote in a way that informed and educated them without needing to adopt that common adage of 'not letting the facts get in the way of a good story'.

Greg was as comfortable with his readers as he was with the politicians here at Parliament House. Indeed, he spent so much of his time upstairs in his regular spot in the Press Gallery or down in the Blue Room that, in many ways, he could be considered part of the parliamentary furniture. Yet, despite his unique access to the state's leaders and powerbrokers, he never let his

head be turned. He always played a straight bat and wrote it as he saw it. For that reason, he goes down as one of the best.

It would be remiss of me also not to make mention of Greg's two other legendary talents: his uncanny ability to devour a big glass of Parliament House red, often late at night after a long sitting, and his outstanding knowledge of music. Reading through the tributes, I note that, as a young man, Greg's real passion was to play lead guitar in a rock band. It was only after realising that this path to rock stardom may be difficult that he picked up his pen and notepad and turned to journalism.

Thank goodness he did, because our state has been all the better for the contribution he has made. His accurate documenting of political battles and dramas, defeats and victories stand as a unique and timeless account of South Australia since the 1970s and will be a valuable resource for years to come. His legacy is large, and it also lives on in the words of today's generation of journalists, many of whom were mentored and carefully guided by Greg as they set out on their reporting careers.

Of course, Greg, as a veteran journo who had been churning out the copy for years, could have chosen to sit back and coast through his senior years, but that was not his style. Instead, he sought out and made time for those still finding their way; he nurtured them and showed them the ropes. To come under Greg's tutelage was the biggest free kick a young reporter could get.

Again, in the tributes I have read from many of those lucky enough to have worked alongside Greg, the constant theme has been that of a man who loved and was loved by all around him. Greg Kelton worked hard, he loved his family, he was a top bloke, and he will be missed.

Honourable members: Hear, hear!

ELECTORAL FUNDING REFORM

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

Leave granted.

The Hon. J.W. WEATHERILL: Public confidence in the institutions of government is critical to an effective democracy. This is why one of my first acts as Premier was to announce an Independent Commission Against Corruption, the legislation for which passed late last year. While we have been largely free of corruption here in South Australia, we need to ensure that both we remain so, but, equally importantly, that the public has confidence that government decision-making is made for the right reasons.

Good and transparent decision-making is also fundamental to our future prosperity. If we are to make ourselves an attractive place to invest, investors will need to be assured about our decision-making processes. As the well-known author and *New York Times* columnist Thomas Friedman says:

in the globalization system...one of the most important and enduring competitive advantages that a country can have today is a lean, effective, honest civil service.

A potentially corrosive influence on our democracy and our decision-making is the influence of money on the practice of politics. We see in the United States how the influence of big money can skew political debate and policy choices. I do not want to see that happen here in South Australia.

Therefore, today I announce the government will seek to introduce electoral funding reform to provide for public funding for electoral-related expenditure as well as greater transparency and accountability for political donations and restrictions on the nature of these donations and associated matters.

Our community is entitled to know more about the nature of donations made to our parties and to know about donations in a more timely fashion. Our community must have confidence that no government decisions or policies are influenced in any way by the receipt of any donation from a private entity. We need to stamp out any notion that access to members of parliament or members of the executive is facilitated by the payment of money.

Our community must have confidence that elections will be determined by the policies and performance of the political parties, not by the size of their election war chest. People looking to

invest in our state must have confidence that government decisions are made free from any inappropriate interference.

This is a reform which can only be achieved through bipartisan and preferably multi-party consensus. This we will actively seek. I have asked the Deputy Premier to commence discussions with the opposition and minor parties as soon as possible on whether this can be achieved and, if so, the detailed model that can be agreed. I believe that we have a lot to be proud of in our public democratic institutions. These reforms are designed to strengthen them and ensure public confidence in them. I hope that this can be achieved.

VISITORS

The SPEAKER: I acknowledge the presence in the gallery today of the former Speaker, member for Murray-Mallee, Ridley and Hammond, the Hon. Peter Lewis.

QUESTION TIME

ELECTORAL FUNDING REFORM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:22): My question is to the Premier. As Treasurer, will he be continuing Labor's current practice of borrowing more than \$4 million a day every day for eight years?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:22): I welcome the Leader of the Opposition to his new role, and wish him well in that role. What we will be doing in South Australia is continuing to invest in South Australia's future prosperity, and that sensibly involves borrowings that allow us to purchase the infrastructure which allows us to develop that prosperity into the future.

If implicit in the question is that we should cease making those investments in South Australia's future, it demonstrates the great divide that sits between this side of the house and the other side of the house in relation to the economic policy of the state. There is a clear public policy choice in front of the people of South Australia, presenting itself throughout the course of this year up until the next election, and that is whether we invest in our future or whether we shrink fearfully into—

Mr Pederick interjecting:

The SPEAKER: I call the member for Hammond to order.

The Hon. J.W. WEATHERILL: We have chosen the former, and we have chosen to turn our back on the latter. That means investing in the network of road and rail upgrades, the public infrastructure which is enlivening our CBD—

Dr McFetridge interjecting:

The SPEAKER: I call the member for Morphett to order.

The Hon. J.W. WEATHERILL: —ensuring our water security, and opening up our regions. All of these things are about South Australia's future prosperity. But they do something else very important now: they sustain jobs in an economy where there is great uncertainty. So this \$9.3 billion of projects—

Mrs Redmond interjecting:

The SPEAKER: I call the member for Heysen to order.

The Hon. J.W. WEATHERILL: —which stretch out across the forward estimates are sustaining our young people in employment now at a time when, if we were not making these investments, there would be even greater levels of insecurity in this state. If implicit in this question is a critique of our present public policy settings, what is the alternative? What is being offered as an alternative? Withdrawing from the economy at a time when businesses are calling for us to step up and invest?

Mr Pisoni interjecting:

The SPEAKER: I call the member for Unley to order.

The Hon. J.W. WEATHERILL: And, if you don't believe me, believe those who are calling for governments around the nation—luminaries on the Reserve Bank board, such as Ms Ridout

and others—to take advantage of the low interest rate environment and actually invest in infrastructure for the future.

ELECTORAL FUNDING REFORM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:26): Supplementary question: given the Premier's answer that his government's investment in infrastructure is about creating jobs, why is zero jobs growth forecast for this year in the Mid-Year-Budget Review?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): The objectives of this government are to grow employment. Now, of course within our budget settings—

Mr Marshall: Zero jobs growth!

The SPEAKER: I call the leader to order.

The Hon. J.W. WEATHERILL: Within our budget settings, of course, there are conservative estimates about what we expect to happen in the future.

Mr Marshall interjecting:

The SPEAKER: I warn the leader for the first time.

The Hon. J.W. WEATHERILL: Our intention and our public policy settings are all about growing the South Australian economy, about growing jobs. Just consider the counterfactual. What he would have us do is to withdraw—

Mr Pisoni interjecting:

The SPEAKER: I warn the member for Unley for the first time.

The Hon. J.W. WEATHERILL: —from the investments that we are making in the South Australian economy and the catastrophic effects that would have on employment growth. What we saw in the last quarter, in the last period of reporting in relation to employment, was employment growth in South Australia. We also saw very strong growth in labour force participation rates—so many more people coming into the labour market looking for work—a sign of confidence in the South Australian economy that there would be work. Of course that had an effect on our unemployment rate, but we continue to grow employment in South Australia in the most difficult international environment where business confidence—

Mr Gardner interjecting:

The SPEAKER: I call the member for Morialta to order.

The Hon. J.W. WEATHERILL: —has been significantly shaken. It is not sufficient for the Leader of the Opposition in this period, where people are evaluating the choices that are in front of them in the lead-up to the next election, to simply offer these one-sided factual propositions. Is he suggesting that somehow we should withdraw from this investment—

Mr Gardner interjecting:

The SPEAKER: I warn the member for Morialta for the first time.

The Hon. J.W. WEATHERILL: —which is growing prosperity and sustaining jobs now? If that is his proposition, let him come out and say it openly and honestly. That is something—

The Hon. I.F. EVANS: Point of order, Mr Speaker. Your red star time clock seems to have not picked up that the Premier has gone more than four minutes. I just draw that to your attention.

The SPEAKER: Thank you. It is a supplementary and the clock was not set. I apologise to the member for Davenport. We will set the clock now.

The Hon. J.W. Weatherill interjecting:

The SPEAKER: The Premier has finished. The member for Port Adelaide.

REPORT ON GOVERNMENT SERVICES

Dr CLOSE (Port Adelaide) (14:29): My question is to the Premier. Can the Premier inform the house about South Australia's results in the Report on Government Services 2013?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:29): I can, Mr Speaker, and I thank the honourable member for her question. I am delighted to report that the Report on Government Services shows that South Australia has more nurses, more doctors, more operational police per person than any other state in Australia. We also have the highest number of public hospital beds per capita. Our patients are equally most likely in the nation to be seen on time in hospital emergency departments, and South Australia's high school students are more likely to stay at school to year 12 than students in any other state. It is particularly—

Mrs Redmond interjecting:

The SPEAKER: I warn the member for Heysen for the first time.

The Hon. J.W. WEATHERILL: It is particularly heartening to see that Indigenous school students in our state are the most likely of the Australian states to continue at high school from year 8 to year 12, and 64.2 per cent of Indigenous students were retained to year 12 in 2011—up from 30 per cent from 2002. This increase is higher than that recorded in any state or territory. The report also shows that our citizens enjoy the longest lives in the nation and that South Australia has the lowest number of homeless people of mainland states.

In terms of affordability, rental prices are amongst the lowest in the nation. The report shows that South Australia has the second lowest percentage of low-income households in rental stress. For the fifth year in a row, South Australia's correctional services system led the nation by recording the lowest rate of offenders returning to prison while having a cost per prisoner per day lower than the national average.

Disability services were reported to be more than half of the estimated population in South Australia, the highest of all the mainland states and well above the national average. South Australia has the highest rate nationally of disability services to the Indigenous population. These strong results demonstrate the government's commitment over the last decade to invest in services that help people.

Despite the tough economic times globally and the need for strong financial discipline across government, we will continue to make these investments in services. We know what the other proposition is from those opposite, who would place all of this at risk with their plans for a 25,000 job cut, including people on the ground who deliver these services that help people. That's what's at stake; that's the choice that's in front of South Australians. We reject this idea. We will not turn our back on the people in South Australia who need our help.

STATE BUDGET

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): My question is to the Premier. As Treasurer, will he explain why this year's budget deficit increased from a record \$867 million forecast to a new record \$1.17 billion forecast in the Mid-Year Budget Review, given that South Australia has remained the highest-taxed state in the nation?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31): I thank the honourable member for his question. He does repeat that last proposition which is factually inaccurate. Can I say that the real measure of South Australia's competitiveness is all of the things that make up the cost of doing business in South Australia. On that measure, as measured by an independent organisation (KPMG), we are the least expensive place to do business in Australia of the capital cities that have been measured. So, of the things that matter—that is, the bottom line for businesses seeking to invest in this state—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: I call the Minister for Transport to order.

The Hon. J.W. WEATHERILL: When you look at all of the costs associated with doing business in South Australia, we are, in fact, one of the least expensive places in the nation to do business. But all of the arguments and all of the bases for the present situation in relation to our budget have been laid out regularly and extensively by this government and they are familiar to you. There are things such as the \$3 billion in revenue that has disappeared through the changes to—

Mr MARSHALL: Point of order. Mr Speaker. My question was specifically about why there was an increase in the forecast deficit this year from \$867 million to \$1.17 billion. The Treasurer,

the Premier—whoever is answering at the moment—hasn't addressed the substance of the question whatsoever.

The SPEAKER: No, that is a matter for the house to judge. I have a clear recollection of what the question was and, I am sure, so does the Premier. I am sure the Premier will answer the substance of the question.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. I am going directly to the substance of the question now, which is that members will be familiar with the global financial conditions that are creating—

Members interjecting:

The Hon. J.W. WEATHERILL: They laugh, but these are the facts. The global financial conditions are reducing confidence. Confidence is having a particular effect on the retail sector and on the largest single purchase a person is likely to make in their life, which is their home. Those two sectors—residential construction and the retail sector—just happen to be the two parts of the economy that state governments like ours rely upon for their revenue base.

We get our property transactions through residential construction. That activity has fallen to historically low levels. Retail has fallen to historically low levels because of the uncertainty about the future. People are saving money. We still have a robust economy though, with growth at 2.1 per cent last year, and we still have relatively low levels of unemployment. So we have a strong economy but the parts of the economy upon which we rely for our revenue are not doing as well as other parts of the economy, so that translates into a very substantial writedown in revenues—\$3 billion over the forward estimates. So, that is the principal reason. The other factor which bears on the particular result that the honourable member mentions is the effect of the health portfolio—

Mr Gardner interjecting:

The SPEAKER: It would be a great pity to warn the member for Morialta for the second time, so I won't.

The Hon. J.W. WEATHERILL: To give a complete answer is to say that the other part of the equation is the health savings which we programmed to be achieved during that financial year were unable to be achieved, and therefore have been backed out of the budget. That has had an effect on the deficit. The Mid-Year Budget Review responded to that challenge by identifying further savings measures and some revenue measures which have compensated for those changes. So that is the explanation for the way in which that particular deficit has been comprised.

COURTS PERFORMANCE

Ms BETTISON (Ramsay) (14:36): My question is to the Attorney-General. Can the Attorney-General please inform the house about the performance of South Australia's courts in 2012?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:36): I thank the honourable member for her question. She has shown a continuing interest in the performance of our courts. Statistics for South Australia's courts show improvement in the 2013 Report on Government Services. The annual report from the Productivity Commission measures performance of all courts across Australia in all jurisdictions. In South Australia, criminal finalisations in the Supreme Court increased by 33.3 per cent in 2011-12 which is, by any measure, impressive. Finalisations in the Coroner's Court increased by 14.3 per cent. Criminal and civil clearance rates, which are an indicator of the disposals keeping pace with lodgements—in other words, cases in, cases out—for the Magistrates Court exceeded the baseline rate of 100 per cent.

Civil clearance rate in the District Court and clearance rate in the Coroner's Court also exceeded the baseline. The Youth Court, which is a criminal court, and Supreme Court criminal appeals exceeded the baseline. Overall, South Australia's net expenditure on the courts increased from \$75.1 million in 2010-11 to \$77.8 million in 2011-12. The government remains committed to reforming the courts to make the most efficient use of them and to perform the best in the nation. Performance is set to continue to improve through government reforms, and I point in particular to the guilty pleas legislation which was finally passed last year after a serious delay in another place, and which will improve efficiency in South Australia's criminal courts.

BUDGET FORECAST

Mr MARSHALL (Norwood—Leader of the Opposition) (14:38): My question is to the Premier. What will the Treasurer do to improve the accuracy of Labor's budget forecasts, given that only three and a half years ago Labor forecast a \$304 million surplus this year which is now forecast to be a \$1.17 billion deficit, that is, a \$1.5 billion turnaround?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:38): I thank the honourable member for his question. One of the reasons why the Australian states within our financial system are regarded as such a good credit risk is because they adopt a method of accounting for future expenditure which publishes the whole of their forward estimates over four years. That is not usual, and other jurisdictions do not necessarily adopt that best practice, and it has been adopted here for years.

I remember when they talked about doing it in the United Kingdom, and it was meant to be some great innovation to show the general spending review of the next three years. We have been consistently doing that for an extended period in the Australian financial system. What that means is that we necessarily publish over four years across the forward estimates. That allows a transparency which is comforting to ratings agencies and comforting to the investing community, but it also means we have to forecast over an extended period and, by definition, if you are forecasting over an extended period, things change, like global financial crises or the responses to a global financial crisis.

What we are seeing here is a massive de-leveraging in household expenditure. Where people essentially had savings ratios which were almost zero, they are now up to something in the order of 10 per cent. So, we are seeing a massive change in consumer spending behaviour, where basically people are saving because they are worried about the uncertain financial position.

Ms Chapman: You.

The Hon. J.W. WEATHERILL: No; they are not worried about me. What they are worried about is when they look at their superannuation accounts, when they look at their valuation notices, they do not see this endless increase in net wealth which was driving this consumption spending. So, there has been a very significant change in the connection between spending patterns and the way in which people's incomes exist. There is still 95 per cent of people in work, historically high labour force participation rates, so there should be confidence but there is not. So, that is what is causing this, not some nonsense.

Members interjecting:

The Hon. J.W. WEATHERILL: This is rational behaviour in relation to an uncertain world situation. It is not made any the better by irrational scaremongering by those opposite.

Members interjecting:

The SPEAKER: I call the member for Davenport to order.

The Hon. J.W. WEATHERILL: That is what they have to offer. The truth is that we make adjustments to our forecast. Nobody was complaining over the years when they were underestimating revenue growth. We make conservative estimates. We always attempt to make conservative estimates based on the best available advice and when circumstances change we make the relevant adjustments to our budget. When circumstances change we also respond by making additional savings initiatives. We have carved out very substantial additional savings initiatives. We have accepted some of the responsibility ourselves by reducing the number of ministers from 15 to 13. We continue to look for prudent management of the state's finances.

The SPEAKER: The member for Fisher.

PARLIAMENTARY REFORM

The Hon. R.B. SUCH (Fisher) (14:41): Thank you, sir. My question is to you. Can you indicate what your level of commitment will be to reforming standing orders and other processes relevant to this house? Will you support a second regional sitting of our parliament?

The SPEAKER (14:42): I thank the member for Fisher for the question. Like you, member for Fisher, I have been here for 23 years so I do have some ideas about improving the place. I am very open to a second regional sitting. We do have all the gear, so there is no extra cost in buying the capital equipment. That said, it will cost the taxpayer money and that is a matter for the

executive government. Modern technology is changing the reporting of parliament. Anyone can come into the chamber with a mobile phone, take pictures and put them on Twitter, and I understand someone has this very morning.

Members interjecting:

The SPEAKER: As a matter of fact it is not a breach of standing orders. What it would be, if the person had permission as the television networks do, is a breach of the terms and conditions on which they were permitted to film from the gallery, but of course strangers (individuals) who come into the house are not under that agreement so it is not a breach since they are not required to have permission. My personal view is that the rule that only members on their feet, members in order, are pictured is honoured more often in the breach today than in the enforcement. I do not think we have any realistic means of enforcement, but I am in the hands of the house about that matter.

If Independent members are to have more questions in question time, which I think they should, it is necessary, I think, for them to be filmed by regional media and for filming to take place behind me rather than behind the clock, because if the filming arrangements are maintained as they currently are we will only see the rear of the members for Fisher, Mount Gambier and Frome.

Regarding explanation of questions: explanation of questions was only ever permitted just before I came into this house and it was meant to be the exception rather than the rule. When I was a minister, I lit votive candles at the cathedral in thanks for opposition members who explained their questions, and in particular explained them at length, because that gave me an opportunity to find the correct place in my question time brief or in some cases even ring my office and ask what the question was about and receive the answer. So, I say to opposition members: I think you blunt your attack by explanations, particularly long explanations.

Ms Chapman interjecting:

The SPEAKER: Well, Dorothys are another matter altogether. I am doing my bit to reduce Dorothys by giving the Independent members a go.

Ms CHAPMAN: Point of order: I think you have exceeded the four minutes.

The SPEAKER: Not quite, but I shall accept the member for Bragg's censure and sit down. The leader.

STATE DEBT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:45): My question is to the Premier. Can the Premier confirm that state debt now peaks at \$14 billion in the forward estimates, \$1 billion up from the debt forecast in the May budget, and can he offer the parliament and the people of South Australia a guarantee that this debt will not go higher than this revised debt forecast?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:45): I thank the honourable member for his question. Of course, he is speaking about the whole of the state government, including the statutory authorities that tend to be treated separately for the purposes of an analysis of debt. It is \$14 billion if you scope all of those matters in; it is less than \$10 billion if you don't.

The particular debt that is of interest tends to be focused on the general government sector, which is less than \$10 billion. Can I say about that that it is directed at the infrastructure program that I just mentioned—the South Road Superway, the Southern Expressway, the Royal Adelaide Hospital, the Adelaide Oval, the Riverbank Precinct, the Convention Centre, all of these substantial infrastructure projects which are developing ongoing prosperity for South Australia and sustaining people in jobs now.

This is the flip side. It is rational to borrow for those productive assets which give benefits in the long term for the future of our state. We have set ourselves a set of metrics which we are determined to keep within to ensure that we have—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, let's look at what we are talking about here: less than 3 per cent of the state budget will be spent on interest, which is a perfectly rational proposition. The

ratio of debt to our gross state product is about 10 per cent—a completely rational and prudent level of borrowings for a state economy. Indeed, these are—

Mr Gardner interjecting:

The SPEAKER: I warn the member for Morialta for the second time.

The Hon. J.W. WEATHERILL: In historic terms, these are modest levels of—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, they are nothing like the levels of debt that occurred within the mid-nineties and also, I must say, nothing like the levels of borrowings that were undertaken by Sir Thomas Playford when he was seeking to grow this state. It really depends on whether you decide you want to grow South Australia or whether you want to shrink South Australia—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: —whether you are confident about South Australia's future—

The SPEAKER: I warn the leader for the second time.

The Hon. J.W. WEATHERILL: —or whether you are fearful about South Australia's future.

The SPEAKER: Point of order, member for Stuart.

Mr VAN HOLST PELLEKAAN: Mr Speaker, you have given the Premier ample time to address the substance of the question and that was: can he guarantee that the debt will not increase any more?

The SPEAKER: Member for Stuart, I am of the view that the Premier is answering the substance of the question. Premier.

The Hon. J.W. WEATHERILL: As I have said, we have a series of metrics that were published in the Mid-Year Budget Review, and you will see that debt levels reduce very substantially in the year after the forward estimates. So, it is our intention to reduce the debt levels in South Australia; that is the reason why across the forward estimates we have retained our objective. We have, across the forward estimates, planned for a surplus which will allow us to pay down debt.

These are rational metrics. They are the sort of prudent financial management you would expect from a government that is seeking to balance the imperatives of long-term growth, sustaining short-term activity in the economy now but also doing it with an envelope of prudent financial management.

HEALTH SYSTEM

Mrs VLAHOS (Taylor) (14:49): My question is to the Minister for Health and Ageing. Will the minister please advise what the national Report on Government Services released on 31 January by the Productivity Commission had to say about our health system in South Australia and for the people of Taylor?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:50): The recently released Report on Government Services showed that the South Australian health system continued to outperform the rest of the nation in several key areas, such as emergency department performance and patient waiting times. Our public hospital emergency departments produced their best ever result in 2011-12, with 76 per cent of patients seen on time, which is higher than the national average of 72 per cent. This can be partly attributed to a successful campaign by SA Health, which significantly reduced the number of GP-type presentations to our emergency departments.

The report also showed that we had the lowest national rate for the number of patients who waited more than a year for elective surgery and the highest number of available beds for public hospitals across the major cities, regional and rural areas. In my recent visits to metro and country hospitals, I was able to witness firsthand the dedication and professionalism of our hard-working staff, who are committed to providing high-quality care. This was highlighted in the report, with

South Australia having the highest proportion of admitted patients who said nurses, doctors and specialists listened to them carefully and showed them respect.

We were above the national average for patients reporting that they felt that nurses, doctors and specialists spent enough time with them. A key element of our statewide mental health reforms is about ensuring people have access to the right type of care, with the right staff and in the right setting. The report showed South Australia had the second highest rate of full-time equivalent mental health professional direct care staff, with 127.7 per 100,000 people in 2010-11, compared to the national average of 108.3 staff.

Other key areas where South Australia excels include: the highest rate of all states for employed FTE nurses for 2011; the highest rate of all states for employed FTE medical practitioners in 2011; the second highest participation rate for cervical cancer screening; the highest rate of people over 65 vaccinated against influenza; the highest rate for people accessing the aged-care program, including access to Home and Community Care services, including for people with special needs groups; and the highest delivery hours in remote areas. As minister, I am committed to ensuring that we build on these great results to provide all South Australians with the health care that they deserve.

STATE DEBT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:52): My question is to the Premier. Does the Premier accept that the government has chosen to increase state debt to the point where taxpayers will be paying \$2.2 million a day in interest instead of having that money available to spend on measures to reduce the cost of living and the cost of doing business here in South Australia?

The SPEAKER: That seems to be very like a previous question, but I call on the Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:53): It does; just the same thing said in many various ways, yet we do not accept the proposition that we want to shrink South Australia. We have been growing South Australia over the last 10 years. We have an economy that we inherited of \$53 billion in size; it is now a \$92 billion economy. That is our vision for South Australia's future—a growth vision for South Australia's future.

The way you grow is you invest in productive infrastructure which grows the jobs of the future. You also invest in the services that create the liveability of a community that attracts people to it. So, the statistics that we have just heard before by the Minister for Health, where he outlines why, within an internationally first-class healthcare system, we are sitting at the top of the tree—that is why people want to live here.

When they look at our education system and they see a great education system, they want to live here. When they look at the affordability of living in our suburbs, the excitement of living in our city—because we have invested in our city and suburbs and in the services and the amenities that people enjoy and love about being in South Australia—that attracts people and the prosperity that will grow this state.

That is all at risk under the alternative proposition; the proposition about shrinking, about pessimism, about the idea that somehow we should just get out of the way and allow some mythical, invisible hand of competition to dictate our future. It has never been the way here in South Australia. We have always had to fight for what we've got. We have always had to think a bit harder, do a bit better, and come up with the better ideas, because that is what it means to actually prosper in this place.

Members interjecting:

The SPEAKER: The Premier is finished? Thank you. The member for Kurna.

SCHOOL FUNDING

The Hon. J.D. HILL (Kurna) (14:55): Thank you, Mr Speaker; it is the first time I have been called that in 11 years, so, Mr Speaker, I thank you. Can the Minister for Education and Child Development compare SA's funding of government schools to that of other states?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:55): I thank the member for Kurna for his question. I know

that, being a former teacher, he has always maintained a very strong interest in public education, particularly those schools in his electorate.

The most recent Report on Government Services indicates that nationally the average state government contribution per student fell by \$299; however, South Australia defied this national trend. South Australia recorded the biggest increase to the average government spend, with an extra \$782 a year. According to the latest Report on Government Services, students in our public schools now receive more funding than the national average for their education.

In other states, the average spend per student actually declined: by \$578 in New South Wales, by \$360 in Victoria, and by \$454 in Western Australia. I think every parent in South Australia should look at these numbers and feel proud that South Australia is bucking this trend. The Report on Government Services—

Mr Pisoni interjecting:

The Hon. J.M. RANKINE: The report on government services also shows that the high level of investment by the state government in preschool services is taking financial pressure off parents. By investing in the future of our state's children, we are encouraging high participation levels, with 86.3 per cent of our state's four year olds enrolled in government-funded preschools. This compares to the national figure of 58.9. South Australia also reported the lowest average charge for family day care in the country.

Mr Speaker, I note the opposition have attempted to back away from their plan to cut Public Service jobs, but I haven't heard anything from the Leader of the Opposition or the shadow spokesperson refuting his predecessor's plan to gut the education department.

Ms CHAPMAN: Point of order—

The SPEAKER: Minister, the standing orders say that ministers are not to debate in their answers, so although it is a very fine point, could the minister return to the substance—

Members interjecting:

The SPEAKER: —of the Dorothy?

Members interjecting:

The SPEAKER: Minister.

The Hon. J.M. RANKINE: Thank you, sir.

Members interjecting:

The Hon. J.J. SNELLING: Point of order, Mr Speaker.

Members interjecting:

The Hon. J.J. SNELLING: The point of order that says it is out of order to interject. The Minister for Education has had to put up with persistent interjections from the member for Unley, and now the members opposite are behaving like a raucous mob rather than an opposition.

Members interjecting:

The SPEAKER: I think it is most unfortunate that the opposition took advantage of my ruling, so I would ask them to be quiet and listen to the remainder of the minister's answer. Minister for Education.

The Hon. J.M. RANKINE: Can I point out that something like 22,800 people—more than that—are employed by the education department under the Education Act, 6.6 per cent of people are employed under the Children's Services Act, and we also employ many other people, people who are speech pathologists, curriculum counsellors, psychologists—these are the so-called 'bureaucrats' they want to cut.

Ms CHAPMAN: Mr Speaker, point of order: the minister is defying your ruling. You have already cautioned her about debating. She has completed her statement on a clear debate point.

The SPEAKER: The deputy leader will be seated. That is not actually a point of order. The minister, upon resuming the answer, addressed the substance of the question. There is no point of order, and I take the same view as the commonwealth House of Representatives—that frivolous or vexatious points of order are an obstruction of the business of the house.

I think that was a frivolous and vexatious point of order from the deputy leader. I won't hesitate to remove members who obstruct the business of the house by taking frivolous or vexatious points of order. It is particularly a pity, since the member for Bragg has been on her best behaviour today until that point.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (15:01): My question is to the Premier. Can the Premier explain why there are 1,100 fewer full-time jobs in South Australia since Labor's 2010 election promise to create 100,000 new jobs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:01): I thank the honourable member for his question and point out that since we have come to government we have in fact created in the order of 120,000 new jobs in the South Australian economy, which contrast very favourably to the rather meagre number of jobs that were created during the earlier period of government when those opposite occupied the Treasury benches.

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: In December 2012—

The SPEAKER: The member for Unley is on two warnings.

The Hon. J.W. WEATHERILL: —the most recent figures, South Australia's headline seasonally adjusted unemployment rate, rose to 5.8 per cent. Trend unemployment fell slightly in South Australia to 5.3 per cent and was unchanged nationally at 5.4 per cent. So, South Australia's trend full-time employment rose by 2,400 people, which more than offset a fall in part-time employment of 804 people.

Despite the fact that we saw a rise in unemployment, we had an increase in the number of people employed in South Australia. The explanation for the difference is that many more people were looking for work, and they were looking for work because they had confidence in the South Australian economy. We continue to be an economy which is growing, despite the fact that there is real uncertainty and particular sections of the economy are doing it very hard.

There is an air of unreality about the propositions that are being advanced here. We are growing the economy, we are creating jobs in the economy, and we have over the last 10 years. We are, of course, confronted with a global financial crisis which is creating uncertainty and causing people to withdraw from the investment decisions that are creating jobs at the rate we would like, but what would happen if we withdrew from the very investments about which they complain? It would crater the South Australian economy. There is an air of unreality and an air of dishonesty about the way in which they advance these propositions. Can I say that, when we talk about the—

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: —question of honesty—

The SPEAKER: I warn the member for Davenport for the first time.

The Hon. J.W. WEATHERILL: —at least the former leader of the opposition was honest. She would tell us the truth. It may have been unpalatable, may not have done her a lot of good, but she used to tell us the truth.

The SPEAKER: Premier, I do caution you about impugning the honesty of the Leader of the Opposition.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (15:04): Supplementary question: does the Premier stand by his government's 2010 pledge to create 100,000 new jobs by 2016?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:04): Yes.

The SPEAKER: Well, I'm not sure that that is a supplementary question. The Premier has answered yes. The member for Florey.

Members interjecting:

The SPEAKER: Order! The member for Unley has the bases loaded. Member for Florey.

DISABILITY SERVICES

Ms BEDFORD (Florey) (15:04): I have a question for the Minister for Disabilities. I ask him to advise the house how South Australia's provision for services for people with a disability compares to that of the rest of Australia.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:04): I would like to thank the honourable member for her question. I would also like to congratulate you, Mr Speaker, on your elevation to the position of Speaker. Support for disability services has reached—

Mr Marshall interjecting:

The SPEAKER: Minister, I think it was most unfortunate, the remark that the leader just made. It is offensive; it is not unparliamentary.

An honourable member interjecting:

The SPEAKER: No, he has not complained and because he has not complained I cannot require the leader to withdraw it. We return to the Minister for Disabilities.

The Hon. A. PICCOLO: Thank you, Mr Speaker. The area of disability is very important so I am hoping that the opposition may perhaps listen to the answer. Support for disability services has reached a critical stage of public policy development with the National Disability Insurance Scheme being marked as one of the highest priorities of the commonwealth government, and I am proud that South Australia is one of the first states to commit to this historic reform.

Ms CHAPMAN: Point of order, Mr Speaker.

The SPEAKER: Point of order from the member for Bragg. I hope it is a point of order.

Ms CHAPMAN: Indeed it is, sir. The minister is giving his first answer, I think, as minister and we are trying to listen carefully to what he has to say, but the repeated interjections by the Minister for Transport are not only unhelpful but unruly.

The SPEAKER: Thank you for that entirely unnecessary advice. I have called the Minister for Transport to order once; I didn't see the necessity to warn him.

The Hon. A. PICCOLO: Since coming to government, Labor has built a proud record to ensure that the most vulnerable in our community do not get left behind, and those who are in need of special services have adequate and timely access to them. Despite the challenging economic circumstances facing the state and, indeed, the world, it is vital that we maintain a strong level of services to the disability sector.

The Productivity Commission's Report on Government Services 2013, which effectively provides a report card on the performance of governments across Australia and their service delivery, identified that South Australia's total funding for disability services increased by \$39 million from the previous year, to \$433 million in 2011-12. This level of funding is in line with the national average level of funding for disability services. On a per capita basis for the entire population, funding for disability services is approximately \$261 per person. This is almost exactly in line with the national average of \$262.

Whilst our funding is on par with the national level, South Australia continues to have lower administration costs compared to the national average. Importantly, in the last full financial year administration expenditure as a proportion of recurrent expenditure was only 4.3 per cent compared to the national average of 7.27 per cent.

Evidence from the Productivity Commission report also shows that people with a disability who require specialist disability services were most likely to receive services in South Australia compared to people in other states and territories. It is worth noting that South Australia also performed well in terms of service provision for Aboriginal people with a disability. Nearly two-thirds of this population received services in South Australia, compared to the national average of 40.5 per cent. I am also advised this is currently the highest level of Aboriginal access to disability services in Australia.

The Weatherill government is committed to disability services that are inclusive, cost-effective and beneficial to all who require them. I have already met with many stakeholders in this sector and look forward to meeting many more. I want to make it very clear to the disability sector that my office door is wide open and I am happy to listen to any suggestions that they or any individuals may have about how the sector can further benefit and, indeed, create more opportunities for those most in need.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (15:09): My question is to the Premier. Why does South Australia have both 11 per cent more people unemployed under his premiership and three separate credit downgradings since he announced that he was choosing jobs over the AAA credit rating?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:09): I think the honourable member might have answered his own question, actually. We did make a choice; we made a public policy choice to sustain investment in jobs. If we had not done that, obviously the employment situation would be correspondingly worse.

POLICE AND CORRECTIONAL SERVICES

The Hon. M.J. WRIGHT (Lee) (15:10): My question is to the Minister for Police. Could the minister inform the house of the results of the Productivity Commission's Report on Government Services as it relates to the areas of police and corrections?

The SPEAKER: Minister for Police.

Ms Chapman interjecting:

The SPEAKER: I warn the deputy leader.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:10): I thank the member for Lee for his question. The 2013 report, which represents data from all Australian states and territories for the 2011-12 financial year, confirms that the Weatherill Labor government is providing South Australians with a bigger, better resourced police force than has ever been the case. South Australia has 320 police for every 100,000 persons, the highest number of police per capita than any other state. This is above the national average of 268 police per 100,000. In fact, Queensland is the closest state behind South Australia, with 290, followed by Western Australia with 283. Victoria and New South Wales are far behind with just 258 and 235 per 100,000 persons respectively.

The report found that we are spending a record high of \$409 per person on policing compared with just \$241 in 2001-02 when the Liberals were last in government. This is an almost 70 per cent increase per person across South Australia; all of this while having the highest proportion of operational staff of any police force in the nation. Adding to an already positive result, South Australia's correctional system has led the nation for the fifth year in a row while recording the lowest rate of offenders returning to prison. The report shows that in South Australia 29.1 per cent of prisoners returned to detention within two years of discharge. This is well below the national average of 39.3 per cent.

South Australia scored top marks in educating prisoners, with 46.4 per cent of eligible prisoners participating in one or more accredited education and training courses. The majority of these prisoners are participating in courses targeted specifically at improving their literacy and numeracy skills to assist them upon release. I think most members would be aware of the fact that poor literacy and numeracy is a predictor of imprisonment. South Australia's result is well above the national average of 33.8 per cent and is once again a huge increase from the 28 per cent participation rate in 2001-02 when we came to government. The report also found that South Australia was the only state to record no escapes.

Nationally, the average population of Indigenous prisoners was 26.6 per cent; however, in South Australia a lower 23.7 per cent of the prisoner population was Indigenous. In South Australia we spent just \$211 per prisoner per day against a national average of \$226. We are consistently achieving one of the lowest return to prison rates in Australia and a cost of imprisonment that is less than the national average. These are excellent achievements, and recognition should be given

to the police, correctional service officers and others who worked tirelessly for the benefit of all South Australians.

MANUFACTURING SECTOR

Mr MARSHALL (Norwood—Leader of the Opposition) (15:14): My question is to the Premier. What is the government's specific plan to stop job losses in the manufacturing sector given that there have been 12,000 manufacturing jobs lost since Labor was re-elected in 2010? In the last few weeks there have been media announcements of 140 job losses at Viterra, 60 job losses at Penrice, 80 job losses at Boral, 47 job losses at Brown Wood Panels, and dozens of job losses at the PPI Corporation.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:14): I thank the honourable member for his question, and it is an important question. I know, obviously, with his background working in the manufacturing sector he would have paid particular attention to the manufacturing strategy which has been recently launched by the former minister for manufacturing, the member for West Torrens.

Mr Goldsworthy interjecting:

The SPEAKER: I call the member for Kavel to order.

The Hon. J.W. WEATHERILL: That, of course, sets out an advanced manufacturing future for South Australia. We know that with a high Australian dollar it becomes difficult to compete with cheap imports and it becomes difficult to export, so the only way in which we are going to effectively find our way in the world is to go up the value chain—to add value to our food and our fibre, to create products and services which are meshed together which create a new product.

The upside, of course, of the high Australian dollar is imports. I think 70 per cent of exporters actually import, so it does reduce import costs, it does give an opportunity for exporters to upgrade their capital equipment in ways that allow them to go up the innovation food chain. Essentially, in the words of Mr Seeley, we have got to 'innovate and automate'. I think that's a neat way of encapsulating what needs to happen with our manufacturing sector. He is a leading manufacturer.

It's businesses like his and SMR that make the mirrors that go into many of the world's cars now—a South Australian innovation, designed here and exported to the world. It's companies like Osmoflo down there in the mining services sector, creating kit desal and wastewater treatment plants, that are exporting their products and services to the world. It's products like those of Sage Automotive that are becoming an incredibly important part of the advanced manufacturing food chain and are being exported around Australia to the world. We need more of that.

We need to ensure that our business managers are more innovative. We need to have a highly skilled workforce that can add value to our products and services. We need a much stronger link between our tertiary sector and our businesses. That's what the Tonsley Park ambition is—to bring together Flinders University, businesses and the TAFE sector all in one precinct where we can imagine an advanced manufacturing future for South Australia because I, like the Leader of the Opposition, agree that we need a manufacturing future for this state, but we are prepared to do something about it.

We are prepared to invest money in it and have the investments in the skills sector, the investments that we are making through our voucher scheme to encourage those businesses that are prepared to innovate to stand up, put their hand up and ask for support from government. We are prepared to provide that support.

We see an ongoing role for government. We don't stand back and just say, 'Let the market take the hindmost here.' We are prepared to intervene because that has always been what the South Australian government has involved itself in. Do you think that this sleepy agrarian economy could have been turned into the industrial giant it was without the intervention of government by the Playford government?

Ms Chapman: Well, what are you going to do?

The SPEAKER: I warn the member for Bragg for the second time.

The Hon. J.W. WEATHERILL: Using modern means, we will use the role of government to work in partnership with business to create an advanced manufacturing future for South Australia.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (15:17): Supplementary, Mr Speaker.

The SPEAKER: If, indeed, it is a supplementary.

Mr MARSHALL: It is. Given that the Premier has just told the house that the government is investing in the manufacturing sector, can he confirm that, indeed, the budget for the manufacturing program within the department has actually fallen this year over last year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:18): I think that the Leader of the Opposition misapprehends the way in which we have completely reconfigured government to face this public policy agenda. It is now one of the seven priorities of this government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: It is now one of the seven priorities of this government to pursue an advanced manufacturing future for South Australia. Every public policy instrument, every investing program that we can bend towards this objective, we do, including, to take one example, the way in which we interact with the commonwealth.

The way in which we resolved the River Murray claim to get, obviously, the extra water down the river and the way in which we sought to protect and grow businesses was to get a pool of funds which is directed at the diversification of the food and fibre that exists within the river communities. We have negotiated a very substantial package of measures, backed up by one of the largest investing programs the commonwealth has undertaken in this nation in advanced manufacturing in our region.

We have also decided to use the power of our procurement—our procurement power. When we think about what we buy, be it goods and services, we are consistently thinking about ways in which we can use that to innovate. When we have negotiations with BHP about the extension of their indenture, we put on the table an advanced manufacturing future for South Australia.

That is why they are investing in a precinct which will be a mining services centre of excellence to ensure that we grow the mining sector's products and services which are at the heart of making sure we take advantage of the mining growth in this nation. These are the opportunities that we present. It is not one program here or there: it is every sinew of government being bent towards this objective, because we work as a team on this side of the house.

Ms Chapman interjecting:

The SPEAKER: Is the deputy leader quite finished? Thank you. Member for Mitchell.

INDUSTRY PARTICIPATION ADVOCATE

Mr SIBBONS (Mitchell) (15:20): Thank you, Madam Speaker.

Members interjecting:

Mr SIBBONS: Sorry, Mr Speaker!

Members interjecting:

The SPEAKER: The member for Mitchell has the call.

Mr SIBBONS: My question is to the Minister for Manufacturing, Innovation and Trade. Can the Minister for Manufacturing, Innovation and Trade inform the house of the establishment of an Industry Participation Advocate?

The SPEAKER: Minister for Manufacturing.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:21): Thank you sir, and may I add my congratulations to your elevation to the speakership. I am sure you will do a very good job.

The Hon. I.F. Evans interjecting:

The SPEAKER: I interrupt your congratulations to warn the member for Davenport for the second time.

The Hon. T.R. KENYON: Congratulations, sir; it is a well-deserved elevation and I am sure you will do a very good job. I thank the member for Mitchell for his question and I can tell the house that yesterday the Premier and I announced the establishment of the Industry Participation Advocate. The advocate's job will be to ensure local businesses reap the maximum economic rewards from major government projects. This is a response to an increase in the value of contracts being awarded to interstate companies at the expense of local companies.

Investing in good, well paid, secure jobs for South Australians is at the heart of our economic policy. We want to ensure that South Australia achieves the maximum economic benefit from the \$3.8 billion of contracts let annually by the state government and that local companies are given every opportunity to win those contracts. Since 2001-02 the value of contracts awarded interstate has risen from about 40 per cent to almost 60 per cent and contracts awarded within South Australia have fallen from almost 60 per cent to about 40 per cent.

The Industry Participation Advocate will review the impediments local companies face and work with local business and industry associations to increase the number of companies able to meet tender requirements. The advocate will work with the procurement board to ensure that its policies and practices are not disadvantaging local businesses. The role will also involve liaising with the commonwealth and other state governments to investigate changes to national and state procurement procedures that reduce impediments local businesses face in winning tenders interstate.

The establishment of the Industry Participation Advocate builds on the Industry Participation Policy implemented in July last year, which is aimed at strengthening requirements for proponents of major projects to provide full, fair and reasonable opportunities for local suppliers to compete for work. Primary Industries and Regions SA chief executive Ian Nightingale has been appointed to the new position. Mr Nightingale brings a wealth of experience to this key position through his senior position with PIRSA and as inaugural chief executive of the Department of Planning and Local Government where he led the reforms of the state's planning system.

This new role demonstrates the government's continued support for business through the policy which particularly targets small to medium enterprises—the vast majority of local suppliers of goods and services. We are seeing a period of unprecedented opportunity in South Australia with the state government investing more than \$9 billion in capital projects over the next four years. We want local businesses to be placed in the best possible position to compete equally and competitively for tender contracts so they can share in the economic benefits of this investment.

We are looking to the flow-on effects of this appointment and the Industry Participation Policy to result in more jobs linked to our major projects and a strengthened economy. The advocate will work closely and consult closely with business, industry, government departments, employer representative groups and unions as part of his ongoing review of our procurement processes. I congratulate Mr Nightingale and wish him all the best in his new role.

GRIEVANCE DEBATE

MID-YEAR BUDGET REVIEW

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:24): Today we have heard from the Premier his response to the extraordinary Mid-Year Budget Review predictions—no explanation as to the variation of the level of debt, no commitment to it being contained, no answers as to why we have over 1,000 few full-time jobs in the state, and no promises as to how we are going to get out of the manufacturing debacle other than to have a voucher system. We have heard now from the Minister for Small Business that we are going to have another public servant to get us out of the way.

The strong fiscal and financial discipline the Premier claims he has had to implement in light of the global financial crisis, which he claims still as the excuse for the failures of his government, while all of this is going on, while Rome is burning, the new Minister for Water and the

environment is appointed, and what is the (almost) first act of the minister the Hon. Ian Hunter in launching his new portfolio commitments? He announced on Sunday that, notwithstanding what the Premier has described as the strong financial discipline of his government in light of these impecunious times, he will launch a multimillion dollar television campaign selling a policy on exclusion zones for marine parks that will be brought into effect in 2014.

He has proposed a multimillion dollar campaign with advertising in cinemas, print, billboards, bus shelters and online. All of these activities are to be undertaken at a time that the Premier (today) has told us are the impecunious circumstances of the state. With his strong financial discipline, what are we going to have? We are going to have another big television campaign, now to be expanded to cinemas, print, billboards, etc. He wants to explain, in this great campaign, why it is important to implement the program.

This is notwithstanding that the Premier has made a commitment, in announcing the new boundaries for exclusion zones last year, to consult with the people of South Australia to identify how this would affect the lifestyle and livelihood of thousands of people across South Australia, not just recreational fishermen, women and children and not just the people who have licences for fishing on a commercial basis in South Australia, but the livelihoods of all of those people who live in our coastal towns and those who have made an investment in them.

Just this week, in light of the circumstances that have prevailed, that is, the announcement by the government that it is going to implement this program in 2014, notwithstanding that it says this is such a great move that it is going to bring it forward to 2014, we have the clear confirmation that there is nothing in the budget to make provision to actually resource the implementation of this program. So, it is so important that he has to spend millions of dollars to tell the public about how fabulous it is, but he is going to do nothing to make provision for the expenditure.

On the evidence of the head of the Department of Environment alone, he says that the management and monitoring of the marine park exclusion zones is going to cost \$120 million over the next five years. We have displacement payments from the department which confirms a \$34 million cost over five years. Recreational fishing support over five years, \$5.5 million; class action damages (based on legal advice), some \$95.5 million; loss of sustainable production from the ABS statistics, \$47.5 million; regional impact flows calculated from the EconSearch methodology, \$213.5 million; and the department again (PIRSA and DEWNR), \$2 million: a \$518 million calculated cost over five years. That is \$100 million a year estimated costs as presented. The government knows this because the Ceduna mayor, Mr Allan Suter, has presented that in an open submission to the Premier to explain: where is that money going to come from? There is no provision for it, there is no serious presentation—

The SPEAKER: Oddly enough, that applies to the deputy leader. The member for Mitchell.

MARION CITIZEN OF THE YEAR AWARDS

Mr SIBBONS (Mitchell) (15:29): Thank you, Mr Speaker. I rise today to recognise those honoured at the recent 2013 Citizen of the Year awards for the Marion City Council held at the Hallett Cove sports club, as well as those acknowledged at similar ceremonies around the state and the nation for Australia Day.

Special congratulations go to the 2013 City of Marion Citizen of the Year, Walter Stamm, who, with a staggering 53 years' service under his belt, is South Australia's longest serving Lions Club member. Walter has been raising funds for various charities for many years and one of the projects he has been involved with has involved sending more than 10,000 pairs of glasses to developing nations overseas to help people with vision problems.

I would also like to acknowledge the finalists in this category: Jean Haynes, chair of the Oaklands Park community members' group, and my constituent Heather Latz who, among other roles, is President of the Marion Historical Society. Congratulations also to the Young Citizen of the Year, Aimee Harwood, who is a committed member of the council's Youth Advisory Committee. Aimee's dedication to her community and those less fortunate is commendable and extends to giving up her Christmas morning to assist in providing meals for the homeless within our community. Fellow Youth Advisory Committee member Jeremiah Morton was a finalist in this category, and I would like to recognise his contribution as well.

The Hallett Cove Lions Club also deserves a special mention for taking out the community event of the year for its Christmas sleigh which has been brightening Christmases for more than

25 years for residents of Hallett Cove, as well as Trott Park and Sheidow Park in my electorate. Finalists in the community event category were Ascot Park Primary School for its multicultural food trail, the Anzac youth vigil art project and the Active Elders Association Olympic Games.

I would also like to make a special mention to thank Bonnie Pearson for her wonderful performances, the Hallett Cove sports club for their friendly hospitality and the wonderful volunteers from the Marion Lions Club for cooking the barbecue. I would also acknowledge the Australia Day Ambassador Belal Moraby for his touching speech on what being Australian means to him.

Of course, there are many other volunteers who enrich our communities with their gifts of time and talents. Most receive no awards, no public recognition and yet their contribution is no less important. The countless hours they volunteer are essential to the fabric of our society, both economically and socially.

Volunteers provide services in health and welfare, arts and culture, sports and recreation, conservation and environment, education, and a wide range of other areas. It is not all a one-way street, though. Volunteers themselves receive many benefits through volunteer work. Volunteering can be of great value in preparing people for the workplace, helping them change careers or assisting them to make transition to requirement.

The Australia Day eve event at Marion council did more than recognise our present-day volunteers, our community stalwarts. It was also an opportunity to welcome 17 new citizens to the area who, in the future, may well be among our long-serving volunteer ranks. I was particularly pleased to meet the Arora and Dyke families at the event both of whom reside in Sheidow Park and to personally welcome them to our community. These new citizens have taken the pledge to become Australians, with all the rights and responsibilities that that entails. I congratulate them for taking the step and I look forward to them becoming active members in our local community.

BUNDALEER FOREST BUSHFIRE

Mr VAN HOLST PELLEKAAN (Stuart) (15:34): I rise today to advise the house about a very serious fire in the Bundaleer Forest and the surrounding district on Wednesday 16 January. It started around about 4pm and I have to say that it was an exceptionally stressful time for people in that district all through Wednesday afternoon, overnight Wednesday and pretty much all day Thursday.

It was a very serious fire that actually burnt 2,522 hectares of land; of those, 729 hectares were in Bundaleer Forest and 1,793 hectares were private land. About 16 private landowners had land burned and, very tragically, nearly 500 sheep were burned. Fortunately, no lives and no buildings were lost, but any loss of flesh and blood is particularly hard. One landowner was hit exceptionally hard, as the majority of those sheep were his, so I am sure all members of this house feel for that family.

I also thank the hundreds of people who helped. Crews from 72 CFS crews from 72 different towns all around the state came to support and help the people of Jamestown, which was absolutely wonderful, so I very warmly and sincerely thank them. Of course, many other community volunteers—just regular mums and dads, boys and girls, and grandparents—helped with food, transport and equipment, as did local businesses.

ForestrySA and the Department of Environment, Water and Natural Resources staff in their professional capacity came and helped too. The work they do is very important because they are usually the ones mopping up and picking up the pieces after the volunteers and the CFS have the majority of the fire under control.

It is also worth pointing out that there is—as there always is—a small amount of criticism about the way the fire was handled, and I certainly urge the government departments to have a very thorough and very open investigation of this fire. There will always be people who say, 'Well, if it was handled differently it could have been stopped here,' or, 'If it was handled differently it could have been stopped there.'

They may or may not be right; what is done is done, but the important thing is that the government has a full, frank and open investigation, and I think that investigation should start with the fact that the fire, it is believed, was started because another fire, from a lightning strike on 27 November which was under control but not completely out, was not monitored properly. That is the belief locally, but I will wait for the report to have that confirmed, of course.

The key point here is that I believe the government has very seriously underfunded and understaffed our forests. The two forests in the electorate of Stuart that I represent, Bundaleer forest and Wirrabara forest, are understaffed. No doubt the people who work there do the very best they can, but they do not have a permanent and trained firefighting resource to call on in situ. They call on other members of FSA and DEWNR from other parts of the state to come to help. They have an absolutely skeleton staff there, so of course that skeleton staff was not able to monitor the fire from 27 November, which burned slowly for another three weeks and then turned into this very serious bushfire that threatened stock and homes and destroyed property.

It is also important to point out that this is the second fire we have had in a ForestrySA property. Back in May we had a fire at Wirrabara which was started by a government department doing a burn-off—and I do believe that burn-offs are a very important part of fire management and disaster prevention—but it got out of control and that is what started the fire. Now we have had another fire, which it is believed was not monitored properly because there were not sufficient local staff to be able to do it.

I think the government has to have a very hard and serious look at themselves and this issue, and I await the information that comes from their reports. Two fires in such a short period of time in forests which, it appears, could have been averted are very serious issues. It was stated after the Wirrabara fire that some track clearing had not been done properly in Wirrabara. Well, guess what? It appears that was the case at Bundaleer also. It was stated in the report from the government after the Wirrabara fire that one of the firefighting problems was that track maps for the CFS and the DEWNR staff were not available. Well, guess what? We have had another fire and I am told that the same problem existed again.

With a little luck, we are closing in on the end of our bushfire season, and let's hope we have no more bushfires. Bushfire prevention and management are something that every single member of the house should take seriously and work towards for next summer.

SALISBURY AUSTRALIA DAY FAMILY PICNIC

Ms BETTISON (Ramsay) (15:39): I rise today to share with the house a fabulous Australia Day event: the Salisbury Australia Day family picnic held on Saturday 26 January. This is a long-term tradition in the Salisbury area, and I can say it was with great joy that I was able to share it with my constituents and the wider Salisbury community. It is held at Carisbrooke Reserve, and presented by the Rotary Club of Salisbury and the Parafield Gardens Community Club. It is a tradition that the Rotary Club provides a free breakfast barbeque, and might I say, they do quite a good fried egg and bacon sandwich.

The key part about the family picnic is the emphasis on family. For a start, it was an alcohol-free family event, and a free community bus was available on the hour to and from the Salisbury Interchange. There was a focus on face painting and sandpit play—which, I have to say, was the most popular event; there was a great big pile of sand with some buckets and spades, and you would think we had brought the beach to Salisbury. In addition, there were rides and the baby animal zoo (which was actually quite popular).

While we were there to have fun, there were formalities; of course, we had the traditional flag-raising ceremony and, most importantly, the announcement of the City of Salisbury Australia Day Awards. I would like to congratulate the Citizen of the Year, Alan Peucker, who used his decade-long time as principal of Mawson Lakes School to maximise the use of information communication technology in learning, which was incorporated into the planning of Mawson Lakes primary school.

We also heard from the Young Citizen of the Year, Crystal Vas. Crystal has been a member of the Salisbury Youth Council for the past four years, is considered to be a person of outstanding leadership skills, and was noted particularly for her contribution to the 'Make time to report crime' campaign, which focused on safety for young people at the Salisbury Interchange. The other formality on the day was a citizenship ceremony, of which we have many in Salisbury—this is probably the third one in four months. We had 120 people become Australian citizens on Australia Day.

I particularly enjoy citizenship ceremonies, mainly because you get to look at the diversity of new people coming to Australia. We celebrated with new citizens from as far afield as the United Kingdom, India, Afghanistan, China, Cambodia, the Philippines and Bhutan. In the City of Salisbury, 27.5 per cent of people (which is just under 36,000) were born overseas but, most significantly, 20 per cent of these people have arrived in Australia within the last five years. What

we are seeing is a real enrichment of our population in Salisbury, and a growing diversity among the constituents that I represent.

One of the best parts of the family fun day is the entertainment provided. I must say that it is like old times with the Salisbury City Band and the Para Hills Band, who play many classics from through the ages. We saw people joining in, along with friends and family. We had entertainment from East (a Cold Chisel tribute band), and the Burundian Drummers. If you ever see the Burundian Drummers, it is something you will never forget; they are very entertaining. It is wonderful that entire family groups of Burundians can participate. Traditionally, the men play the drums, but we also have dancing, which involves women and children as well.

Also performing on the day were the Old Gum Tree-O, Jordan Ruru—who I saw graduate from Salisbury High School last year, and who is an absolutely fantastic singer; I am sure we will see her on *Australian Idol*, *X Factor*, or one of those other fantastic shows in the near future—and the band Kinman Karma. As we know, these types of family events only happen when other people provide sponsorship, and I would really like to thank the City of Salisbury, Salisbury Town Centre Association, Parafield Airport, Bendigo Bank, O'Brien & Co Accountants and the Old Spot Hotel for their wonderful contributions to what was a really fabulous day.

WIRRINA COVE

Mr PENGILLY (Finniss) (15:44): I wish to bring to the attention of the parliament some issues to do with the Wirrina complex down on the Fleurieu Peninsula. The firm known as Equitrust Income Fund is in receivership. A company called BDO, under the direction of Mr David Whyte, are the court-appointed receivers and things are in a fairly bad way to say the least. For example, 1,600 investors, mainly elderly, invested a total of \$203 million in Equitrust and they look like they are going to lose the lot at this stage.

However, the issues for us here in South Australia are that yesterday I convened a meeting between the Yankalilla District Council and two or three other people to talk about where things are going. There is \$3.9 million owed to the state government by way of unpaid land tax and some \$770,000 is owed to the Yankalilla Council in rates.

It is a serious situation, but one that can hopefully be sorted out. BDO have been requesting a meeting with the Treasurer over the matter and have been unsuccessful, as I understand, to this stage. I would urge the Treasurer/Premier to make contact with BDO urgently and have a meeting over this. I am worried about it. There are some 100 residents living in the Wirrina residential part. There are 55 staff who work at the Wirrina Resort. All these people are seriously concerned about where things are going.

Where the council come into it over and above their rates is that there is an issue to do with the water and sewerage plant there that is in serious need of being overhauled. It probably needs \$1 million spent on it to make it operational again.

What could happen is that, if this plant falls into complete disrepair, the residents and the resort will have no water and no effluent disposal. Indeed, it also supplies the caravan park and it also supplies the marina. For your information, sir, and that of the house, the Wirrina Corporation and EIF are the mortgagees in possession of the Wirrina Cove assets, which include the resort—which I believe the government stayed at a couple of years ago—the conference centre, the marina, the golf course, the caravan park and residential and agricultural land.

There have been no acceptable offers received on any of it, despite it being on the market for over 12 months. Ray White Real Estate have been appointed to undertake a new sales campaign commencing in late November 2012. It is absolutely critical for the state, not only my electorate, that this whole area continues to operate and operates properly.

I would put it to you, sir, and I would put it to the house that one outcome could be that the government takes on the resort as a high value operational training centre as a trade-off to monies owing. That is something that I think BDO and the Treasurer need to talk about fairly urgently and I would encourage that to happen. It is of great concern to me.

The situation in respect to the water and sewerage systems at the moment is that the Yankalilla Council are put in a no-win situation for them. They may well have to take over the sewerage and water operational side of it. That is causing a good deal of angst in the wider Yankalilla community.

As you may be aware, Wirrina over the years has been into receivership on more than one occasion and it has a bit of a bad track record. However, what needs to be done is to turn a bad story into a good story. The Yankalilla Council have had consultation meetings. Mr David Whyte of BDO has been to them and things are in a bit of a pickle at the moment.

The local residents in Wirrina and across the broader Yankalilla district are most concerned. My concern is also the 55 staff; I cannot afford to lose 55 jobs. The \$3.9 million owed in land tax to the state government and \$770,000 in rates to the Yankalilla Council are significant amounts of money. I do not want the state to lose it and I do not want to see the council lose it.

Ultimately, there were restrictions put on certain aspects of monies refundable to the council, I understand, by a former state government. It is something that needs serious concern and I am sure the Minister for Finance will be having a look at, but I would like the Premier to, as well.

The SPEAKER: Member for Finniss, for the sake of clarity, what is BDO?

Mr PENGILLY: BDO is the court-appointed receiver. I understand it is a Queensland-based company and Mr David Whyte is the principal. He rang me today. I want a good outcome.

The SPEAKER: That may help readers of *Hansard*.

MATURE-AGE WORKERS

The Hon. S.W. KEY (Ashford) (15:49): Mr Speaker, may I congratulate you on your election as our Speaker. Last year, the Occupational Safety, Rehabilitation and Compensation Committee, on my invitation, heard from the Age Discrimination Commissioner, the Hon. Susan Ryan. With the gradual increase of the age for eligibility for the age pension to 67, I was keen to hear from the commissioner regarding issues and rights for workers in the paid workforce, particularly those over the age of 55 years.

Commissioner Ryan told the parliamentary committee that there are about two million people over the age of 55 who are not working but who would be able to work and would work if work was available. Having two million people nonproductive in an economic sense, when many of them are willing and able to be productive, is a massive downside to our economy.

The commissioner went on to tell us that of all retired people 80 per cent are drawing either a full or part age pension and that only about 17 per cent of retired people receive a personal income through superannuation, dividends or other sources. As she pointed out, retirement decisions are often made not just on personal health, physical ability, or caring responsibilities but they are also made on people's proposed financial security.

South Australia has the second highest mature-age workforce after Tasmania, with 15.8 per cent of our workers aged over 55. The over 55 age group represents 15.9 per cent of the population, or so says the 2006 census, up from 11.7 per cent in 2001. That census data also tells us that in South Australia the highest number of men workers over the age of 55 are in agriculture, construction, professional scientific and technical services and also—I guess surprisingly—road transport, whereas women over the age of 55 years are in the preschool and school education sector, hospitals, and residential care services.

It is also interesting to note that tradespeople or people running their own businesses often have trouble gaining income insurance if they are over the age of 55. There are also other insurance provisions that discriminate against people not just on their medical status but also based on their age. For example, it is extremely difficult (almost impossible, in fact) to get travel insurance if you are over the age of 70.

When it comes to workers comp entitlements, these cease after the age of 65 unless the industry has a lower retirement age, and if a worker is injured within two years of retirement their entitlements are only a maximum of two years. Most of the state and commonwealth schemes have similar entitlements to South Australia, with Queensland and Western Australia having no age cap but having a limited amount that is paid out to workers.

At the moment, most of the jurisdictions discriminate against workers on the basis of their age. It is difficult to imagine how people aged over 65 are supposed to pay for their medical costs—and also just to live—and not be eligible for the age pension. If we want people to stay in the workforce, I think we need to make it attractive to them. We need to make sure that superannuation and other entitlements are available and that the valuable resource that older workers can

contribute to the workforce is enhanced rather than leaving in place the hurdles that are currently there.

SPEAKER, PRESENTATION TO GOVERNOR

The SPEAKER (15:56): Accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to His Excellency the Governor and informed His Excellency that, in pursuance of the powers conferred on the Assembly by section 34 of the Constitution Act, the House of Assembly had this day proceeded to the election of a Speaker and had done me the honour of election to that high office. In compliance with the other provisions of the same section, I presented myself to his Excellency as the Speaker. His Excellency has been pleased to reply:

To the honourable The Speaker and members of the House of Assembly, I congratulate members of the House of Assembly on their choice of the Speaker. I readily assure you, Mr Speaker, of my confirmation of all the constitutional rights and privileges of the House of Assembly, the proceedings of which will always receive most favourable consideration.

Kevin Scarce, Governor.

CHAIRMAN OF COMMITTEES, ELECTION

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:56): I move:

That the member for Lee be appointed Chairman of Committees of the Whole House during the present parliament.

The SPEAKER: Is the motion seconded?

Honourable members: Yes, sir.

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:56): I move:

That the Minister for Employment, Higher Education and Skills, the Hon. G Portolesi, be substituted as Manager at the Conference with the Legislative Council on the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill in place of the Minister for Innovation and Trade, the Hon. T. Kenyon.

Motion carried.

PARLIAMENTARY COMMITTEES

The SPEAKER (15:57): I inform the house that I have received these resignations from standing committees: Ms Bettison and Dr Close have resigned from the Aboriginal Lands Parliamentary Standing Committee; the Hon. M.J. Wright and Ms Thompson have resigned from the Economic and Finance Committee; and the Hon. M.J. Atkinson and the Hon. M.J. Wright have resigned from the Public Works Committee.

ECONOMIC AND FINANCE COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:57): I move:

That Ms Breuer and Mr Caica be appointed to the committee.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:57): I move:

That Mr Conlon be appointed to the committee.

Motion carried.

PUBLIC WORKS COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:57): I move:

That Mr Caica and Ms Bettison be appointed to the committee.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:58): I move:

That Ms Thompson and Ms Breuer be appointed to the committee.

Motion carried.

PUBLISHING COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:58): I move:

That Ms Thompson be appointed to the committee in place of Hon. L.W.K. Bignell.

Motion carried.

SELECT COMMITTEE ON SUSTAINABLE FARMING PRACTICES

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:58): I move:

That Mr Caica and Ms Bettison be appointed to the committee in place of Hon. A. Piccolo and Mrs Vlahos.

Motion carried.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:58): I move:

That Ms Bedford be appointed to the committee in place of Hon. L.W.K. Bignell.

Motion carried.

LIQUOR LICENSING (SMALL VENUE LICENCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:59): It is my wish that we now proceed to the committee stage of the bill.

The SPEAKER: You mean your remarks are finished?

The Hon. J.R. RAU: On reflection, Mr Speaker, I thought perhaps I had expounded my views as extensively as I could usefully do.

The SPEAKER: Thank you.

Bill read a second time.

In committee.

Clause 1.

The CHAIR: Minister.

The Hon. J.R. RAU: Congratulations, Mr Deputy Speaker—

The CHAIR: Thank you.

The Hon. J.R. RAU: —not that you are an unfamiliar face in that role.

The CHAIR: No, I have been here once or twice.

The Hon. J.R. RAU: I welcome you to that position in an official capacity.

The CHAIR: Thank you.

The Hon. J.R. RAU: It is obviously my wish that we proceed to the committee stage of this legislation. I think most of the points have probably been expounded fairly well in the second reading debate but, as is my usual practice, provided we do not get into very repetitive behaviour, I do not particularly wish to hold the deputy leader to some artificial constraints about particular sections although, if she prefers to deal with the matter in that order, I do not mind. As long as we do not become repetitive, I do not wish to be particularly prescriptive about how we proceed. I do not have anything more to say.

Ms CHAPMAN: I am not sure whether that was a caution or a lecture or—

The CHAIR: I think it was an invitation.

Ms CHAPMAN: —helpful advice or something. The normal process of the parliament is that all members will have an opportunity to put the bill under scrutiny in committee—

The CHAIR: That is what we are going to do.

Ms CHAPMAN: —obviously, under your excellent chairmanship. I am sure you are more than able to ensure that none of the members would breach the rules—namely, to be repetitive. I am sure that the honourable member for Ashford, for example, will have a penetrating and persuasive sort of questioning and contribution to make on the liquor licensing reform in this committee. So, I will take that as some helpful advice from the Attorney, in his extraordinarily generous way—

Members interjecting:

The CHAIR: The deputy leader has the call.

Ms CHAPMAN: —and I look forward to the committee.

The Hon. J.R. RAU: I am reminded of an old adage that the member for Elder often repeats, which is never allow a good turn to go unpunished. All I was attempting to say was that I was not requiring everybody to go through it from clause 1 and have a strict limit of three questions and then you have to sit down and wait for somebody else—that was what I was attempting to convey. I am sorry if that was not conveyed in a clear fashion, but that is what I was trying to say—that is all.

The CHAIR: I think that generous offer has been accepted.

The Hon. J.R. RAU: Before we go further—this is merely a matter of clarification—are we going to be privileged with a copy of any amendments or are they simply going to be foreshadowed and, as usual, appear for the first time in another place?

The CHAIR: I think the deputy leader will make that known as she gathers her thoughts.

Ms CHAPMAN: Now that I have been provided with the parliamentary copy of the bill, I am disappointed to have that comment made by the Attorney. Obviously, he was not listening attentively to what I had to say in my second reading, namely that there were two areas which were threshold requirements that would need amendment before the opposition would support the bill. I outlined those. I also indicated that that was the resolution of the party room and that they would be introduced in the other place, so he was not listening, or he was deaf or bored or something—I do not know—but I hope that it is clear that I will not be introducing any amendments in this house.

The CHAIR: Thank you.

Ms CHAPMAN: Perhaps we will move to question 1, on the short title, and I will ask some questions in respect of the current position. Can the Attorney tell us how many applications under the special circumstances licences were made during the preceding year? If it is easier to provide this as a calendar year ending 30 June 2012 or to December 2012, I am happy for that to be identified, but how many applications were made?

The Hon. J.R. RAU: I would be delighted to do that because, as there appears to be no urgency, us not being presented with any amendments at all, there will be an opportunity between

now and the other place for that information to be provided. To the extent that I am able to obtain that from the licensing commissioner, I will, and I will provide it to the honourable member.

Ms CHAPMAN: How many special circumstances applications during the same period had been rejected?

The Hon. J.R. RAU: Ditto.

Ms CHAPMAN: Of the 113 special circumstances licences that currently exist in the CBD according to the information provided by the Australian Hotels Association, could the Attorney advise whether that is the current number or whether in fact there have been any more since that time?

The Hon. J.R. RAU: Ditto.

Ms CHAPMAN: Of the 113, or other amended number, current special circumstances licences, will the Attorney-General report to the committee the nature of the applications of the special circumstances licences and what the application fees were for each?

The Hon. J.R. RAU: This is the hat trick—ditto.

Ms CHAPMAN: I am happy for you to answer this on question 1 or later (they are all under the same paragraph) if you wish, Attorney. The Mid-Year Budget Review this year provided a breakdown of the expected costs and revenue from the legislation. The operating revenue for 2012-13, Mid-Year Budget Review, \$51,000; for 2013-14, estimate \$28,000; 2014-15 estimate \$30,000; 2015-16, estimate \$19,000; and the operating expenses for 2012-13 are at \$40,000. The expenses listed in 2012-13 are said to be from a one-off investment in information technology. The reduction in the revenue is identified, as I understand it, to be due to the fees from the initial licence application as venues are established and changed to ongoing licence fees. Can the Attorney-General confirm that?

The Hon. J.R. RAU: I am not precisely aware of the material from which the honourable member is quoting. I think the best I can do is to say that, if the honourable member provides me with a specific reference in the budget papers to which the honourable member is referring and if any of that is in any way pertinent to this legislation I will attempt to do my best to answer that question.

Ms CHAPMAN: As the Attorney would know, under the new regime under this bill there will only be a limited opportunity for decisions of the commissioner to be reviewable, there will be costs associated with that and there will be a reduction in the circumstances in which there will be an eligible opportunity to have a review by a court. There is also the capacity for the commissioner to refer matters to the court to be decided for applications advertised under section 52 where they involve questions of 'substantial public importance', 'questions of law', or 'other matters that should be in the public interest or in the interests of a party to the proceedings be heard in turn by the court'.

However, the bill, as we read it, proposes to limit the commissioner's referral powers in relation to the small venue licences and by removing a number of those avenues to be reviewed by the court it would also reduce the number of court decisions that can be appealed with leave to the Supreme Court. When you review the Mid-Year Budget Review on these costs that is the breakdown of the expected costs from that legislation. So, we are really just asking for some clarification on that.

The Hon. J.R. RAU: I have noted what is said, but I think the underpinning question is: are the cost estimates contained in the Mid-Year Budget Review in any way reflective of whatever implication there might be from this legislation? I will find out the answer to that question. If the point the honourable member is making is that this legislation in and of itself should not create any additional burden on the courts, that is basically correct.

Ms CHAPMAN: There is also the question of whether there is going to be an adjustment to the revenue or expenditure, which we understand is a one-off cost on the expenditure side, but revenue from the reduced number of application fees as a result of this process, that is what we are asking for.

The Hon. J.R. RAU: I will do my best to find an answer to that question, if it is capable of being answered.

Ms CHAPMAN: That concludes the questions I have on the bill.

The CHAIR: Does the member for Adelaide have a question?

Ms SANDERSON: Yes, I do.

The CHAIR: Which clause?

Ms SANDERSON: Section 40A(3)(a) just to start with.

The Hon. J.R. RAU: As a matter of procedure, can we deal with the clauses up to that point, if nobody has any further issues?

Clause passed.

Clauses 2 to 7 passed.

Clause 8.

Ms SANDERSON: This is 40A(3)(a) and the number of 120. I was wondering how you calculated that figure and what the reasoning was behind that. Given that we are recommending that it should be 80, I was wondering how you came about the figure.

The Hon. J.R. RAU: I thank the honourable member for her question. As I said, I think, in the second reading debate, this probably is, with respect, the only legitimate question about this, if one is genuinely interested in advancing a more flexible vibrant culture in the city. Here is the thing: first of all, there is no absolute correct number. It is not as if one can sit down using some mathematical formula and come up with the perfect number. What I can tell the honourable member is that after conversations with small venue proponents—and the honourable member needs to be aware that there are quite a variety of people (potentially) in this space—some of them want to operate what looks to all the world like an art gallery but a couple of weekends a month they would like to be able to have drinks in the art gallery as part of a promotion of that gallery, or to have functions, if you like. It is extremely difficult for those people if they have to go through this process of applying for a one-off licence all the time and, on the occasion that they have one of these events, they might want 120 people, for argument's sake, or 150 maybe, in their place, but then for several days or maybe even for weeks they might not have anybody in there.

On the other hand, you have people who would be running what all of us in this room would comprehend to be a small bar, and their objective would be to have people in there maybe five or six evenings a week and perhaps even during the day as well, so they would have quite a different business model. Then there are other people who might be looking at more of a food and wine type combination and they do not really sit properly in any current category.

The best thing I can say to the honourable member is that if you look at what has gone on in Melbourne and you look at the range of venues in Melbourne, some of them look more and more like a restaurant, some of them look more and more like a wine bar but they have pretty well a continuum with people being everything between a full-on restaurant and a full-on wine bar and everything in the middle. That is point number one: these venues are not all of a kind.

Point number two is that we are pretty confident, having spoken to the small venue operators, that if we put numbers like 20, 30, 40 or 50 as the limit, none of them could make a living out of it, with the possible exception that if you had a venue that was so overwhelmingly popular that people would queue up outside the place 12 hours a day, five days a week, and as soon as somebody left, they go back in again, maybe with that sort of turnover—a sort of McDonald's style situation, which one cannot really guarantee would be there all the time—you might be able to keep the show afloat. Clearly at some point the number is too small, so the rest of the thing becomes academic because at that small number, nobody is going to be able to make a profit out of any business model, having regard to the fact that they have to pay rent, they have to pay staff, they have to service whatever loans they have on equipment, etc.

At the other end of the spectrum, I am pretty confident that if we had a number like 200, it would be relatively easy for most people to run a business. Then people like the AHA have said to me, 'Hang on, 200—you're starting to get into the area where some of our small licensed hotels only have 200 people or we have various other venues around the place where they hold another class of licence and so forth and if they're going to get that big, why don't they go for one of these other classes of licence?' In my own mind, it is pretty clear to me that if we were up around 200, it would be too big. If we were around 50, it would be too small for the reasons I have just explained. My initial position in negotiations and discussions with the AHA was, 'Well, let's make it 150,' because that is smaller than the 200 number and it gives them a bit of wiggle room.

The other thing I think I mentioned in the second reading discussion about this, which might help the honourable member, is that this is not a mandatory 120 people. It is a maximum of 120 people so if you or I were applying for one of these licences, we do not have to apply for 120 people. In fact there might be a very good reason why we might only apply for 99, because at 99 people we have yet to trigger the building and planning regulations that require a second toilet, for instance, which then involves additional expenditure in the area. This licence does not relieve—if you will excuse the pun—the licensee of having to provide toilet and other facilities in accordance with the Building Code and other requirements; it does not lift any of those responsibilities from them. It might well be that they are happy to say, 'Leave it at 99, because we don't want to have to click over the 100 and thereby engage all these additional building requirements; we are happy to stick with 99.' It is a matter for them.

The other thing I would stress is that some of these venues are the sorts of venues where, during the winter months, one would expect that all of the clientele would be inside the venue proper. It might be that they are able to accommodate within the venue 80 people, let's say, for argument's sake. However, in the summertime they might have access to a street frontage and it might be that they can lawfully—with all the appropriate council approvals and oversight of this external area—be able to deal with another 10 or 20 people.

What we are saying to those people is, 'Look, it might be that your basic business is 80 people, for argument's sake, but we recognise that in the summer months when, perhaps of a Friday evening or a Saturday evening, on a warm pleasant day—'

Mr Treloar: Much like today.

The Hon. J.R. RAU: Much like today—'you might want to have some tables outside, which you have received council approval for and you are properly managing them, and for that period you are going to have an indoor quota, in effect, and an additional external quota, which you won't necessarily have all year round.' What we have tried to do in picking that number of 120 is to give as much flexibility as possible for the operators of these venues to be able to construct the broadest possible range of business models that work for them.

The lower we make that number, the more we compress the options for those business owners. As I have already said, I accept that at a certain point, when you lift that number—and I have picked 200—you are getting right out of the small venue space and they need to play in the same swimming pool as everybody else. I do not have a problem with that. However, when we are talking about these small venues, we want to give them as much flexibility in terms of what they do, and I go back to my art gallery example. We also want to give them flexibility so that, as between summer, autumn and winter and whatnot, they do not have to run up against the barrier of their licence not permitting them to do any more.

I think the honourable member mentioned Leigh Street in her contribution. You would be aware that Leigh Street does have venues which do have external facilities for people to have a drink, or maybe even have a meal and a drink. Personally, I think it is good that we encourage that, where it is safe and appropriate to do so, which of course the council will continue to have a role in determining. That is the reason we have come to that number.

My expectation is that some applicants would want to take advantage of that possibility of 120 and some might not, because in doing that they would give themselves that opportunity, but they would also engage a bunch of building regulations and other things. The question in their head would have to be, 'Is it really worth my while, for the extra 21 people, to have to put another wet area in the establishment?' I cannot recall off the top of my head any other building regulations that are engaged in this, but it is a progressive thing. As you have a bigger and bigger venue, building regs and safety regs start cutting in, and nothing we are proposing here in any way affects that—in no way.

We were designing this to be as flexible as possible within the concept of a small venue, bearing in mind that these venues are not all just bars, they are not all intended to be inside operations and, because they are intended to be partially inside and outside, there are going to be seasonal variations in the mix of clientele and how many people they are going to be able to accommodate.

Ms SANDERSON: Thank you for that explanation. In the interest of fairness, firstly, the AHA recommended that these small venues should not be more than 90, and we know that this legislation, or similar legislation, is working quite successfully with a maximum of 60 in both

Queensland and New South Wales, which are substantially bigger states by population than South Australia. So, clearly there is a business model that says this does work.

In relation to size, I already have examples here: Udaberri is 121 capacity, and that has an entertainment venue licence; the Cuckoo Bar has a 121-person capacity under an entertainment license; Elysium Lounge bar has a capacity of 80 people under an entertainment venue licence; and the Supermild Lounge Bar has a special circumstances licence of 115.

I believe what the AHA are getting at is that a licence already exists for capacities of that type that they could be accessing, that other businesses are having to access, pay and go through all the complications that you have said we are streamlining. How is it then fair for these people? If we bring it in at 80, then we are not disadvantaging people who have already gone through the lengthy and costly process.

In regard to streamlining, even perhaps 99 would be a better trigger because, as you have said, after 99 you have to consider building code regulations. If this is in the interest of simplifying and streamlining, maybe 99—even though 80 is my preference—could be a compromise, whereby no-one has to think, 'Oh, I've gone to 100; now I have to get an extra toilet.' It might make it even simpler, which I believe is the intention.

The Hon. J.R. RAU: I thank the honourable member for her remarks. Can I say this: what we have put up in this legislation represents an agreed position between the government and the AHA, with the exception of that number. So, they are not fussing about the rest of it. That is point No. 1.

Point No. 2 is this: the honourable member makes mention of what is going on in Sydney and Queensland in terms of their numbers, and I just caution against comparing apples with oranges. The reason I say that is that, if you have a venue in George Street or Blyth Street in Sydney, your passing traffic pretty well any time of the day past that venue is infinitely greater than the passing traffic you will find in front of any street venue in Adelaide, and that is a function of the size of the city.

We also have a city here where we only have, I think, 20,000-odd people who live in the city. I do not know how I can put this, but if you have 10,000 people a day walking past your hamburger shop and you can only fit 10 people in your hamburger shop you have 10,000 people who, at any given time, will make up that 10; when one person goes out, another one can come in. As long as your shop is full and you are turning over, that is one business model. It is the McDonald's sort of business model.

But, if you do not have that foot traffic—if you do not have that volume flowing past—you have to have a business model which does not operate on the basis that you are going to be full most of the time that you are operating; it is that you are going to be able to absorb fluctuations in the number of people you have in there, and at some times you will be busier than at other times.

The only point I am trying to make is that it is a little unhelpful to compare what goes on in Sydney and Brisbane with what might go on here, but—

Ms Chapman interjecting:

The Hon. J.R. RAU: Anyway, I do understand the honourable member's point. As I said before, there is no mathematically perfect number here. What I have been trying to do is speak to the young entrepreneurs, whom I know the honourable member does want to see flourish in our city. I have been speaking to these people and asking them, 'How can we encourage you? How can we help you?' and this is the compromised number we have come up with. I understand the honourable member's point, and hopefully I have explained where we are coming from.

Ms CHAPMAN: Can we just go to subparagraph 40A(4) that is proposed? We are still on clause 8. In subparagraph (4), 'prescribed area' means 'the Adelaide central business district; and...any other area declared by the regulations'. Can I just ask the Attorney: is it proposed that Glenelg would be considered in 12 months time?

The Hon. J.R. RAU: The answer to that question is that, assuming this gets through in the form that we hope, I am happy to consider applications from elsewhere after it has had a bit of a settling period, and 12 months doesn't seem a bad idea. As I said earlier, my recollection is the AHA did not want this thing to just be dropped across the state immediately. They said that would be unfair for their members and it would be potentially prejudicial to their members.

As part of my overall attempt to find some resolution with the AHA, I came upon this as a solution. We will start off with the city proper, ignoring North Adelaide, and we would say that this is where we are going to do it, knowing full well even there what the planning regime within the City of Adelaide proper would say—and that is further limited to the CBD and the mixed use areas.

So, what we have done here is say, for the time being, this is in effect a pilot. The pilot is within the CBD and the central mixed use areas. If you wanted to actually more or less map it in your head, it would be not entirely but pretty well Victoria Square north but not including the areas in the extreme eastern end of that or probably the extreme western end either.

It would be largely the southern half of the city if you use Grote Street as the dividing line; largely that part of the city, with the exception of main roads. Obviously on King William Street, Hutt Street or somewhere like that where it already exists is a different kettle of fish, but basically, we are saying that the southern bit of the city proper, by reason of the planning regime, is not really even a place where this is going to have much application.

Now, that was done in order to say that our real priority was making the city vibrant, getting people to come into the city, spend their money in the city, enjoy living in the city, but also to accommodate the concerns the AHA had about whether this would have unintended, unforeseen consequences on their members who might live in country areas.

So, am I open to discussing it further in 12 months, and would Glenelg be on there if people put it on? I am fine with that, but I would not do that without consulting the AHA as well as, for example, Glenelg traders, Holdfast Bay Council, et cetera. I would want to have some idea of what the zoning was in Holdfast Bay in the precinct that people were talking about to get a proper understanding of how close to residential areas this would be landing.

As far as I am concerned, I am not closed off in due course to considering other things, but it would be done in consultation, and I certainly would not be dropping a regulation in here without having spoken to the AHA—if we were talking about Glenelg, for example—talking to Holdfast Bay Council and any other transparently concerned and involved group.

Ms CHAPMAN: It is just that, you see, Attorney, we have got the other area that you might prescribe by regulation. We have got your assurance that you would not be intending to do that in any other area without consulting for what you would identify as reasonable bodies. But we have got the prescribed bodies that must be consulted, which is in the definition above the obligation for you to consult if you look at some other area, and that is the council basically and other people who you think are appropriate.

There is no provision in this act for a review of the pilot, as you describe it, in the Adelaide Central Business District, so without any obligation to review or report to anybody, let alone the parliament, you want to introduce a procedure where you might expand a pilot based on your personal assessment, based on your decision about who you would speak to other than mandating that you talk to the council, all of which you could ignore and of which there would be no accountability back to the parliament.

So, I am asking you why is it that you have decided that, in introducing this pilot, which you say is to make the city more vibrant, to the exclusion of all others for all the reasons you have said, this would not then just be a bill that would apply to the Adelaide Central Business District, which as you say is overlapped with some other things that will actually restrict that north-south-east-west boundary as well, without having a review process and without coming back to the parliament to identify where you would go.

You have heard submissions from other members in the house of the concern of introducing matters in regional areas, this type of activity, some plus, some against, and yet you want us to accept a bill that provides for really you having the exclusive control over expanding it outside of the central district.

The Hon. J.R. RAU: I thank the honourable member for the question. Can I say that when I used the word pilot I did not mean to imply that I consider that this licence classification for the city should be temporary. I do not want this to be something that disappears like Cinderella's pumpkin at the end of the night. I want this to go on. What I was trying to convey by the word pilot was if this works in the city then I would obviously, were I to be the minister in 12 months' time, be interested, if there were regional or other metropolitan communities interested in looking at this, in having a conversation with them. That is point one.

Point number two is for me to do anything I would need to be able to produce a regulation and the regulation, as the honourable member knows full well, cannot become law without the approval of the parliament and, in particular the Legislative Council. As the honourable member knows, no particular grouping in this parliament has the majority of members in the Legislative Council. First of all, you have my personal assurance on the record that I would do absolutely nothing without consulting with appropriate people, of whom the AHA would be one. But I do not want to get into a prescriptive listing of all the people I would have to speak to—

Ms Chapman interjecting:

The Hon. J.R. RAU: We have to because it is a regulation, it has to come back here. Quite frankly, I would encourage the honourable member to speak to the member for Stuart, speak to the member for Morphett and ask them whether they really think it is in the interests of their communities that before they can get a small venue licence for their communities they have to get an act through the parliament. Wouldn't it be better, from their point of view, if the opposition and the government of the day were comfortable with, for example, Jetty Road in Glenelg having these venues, that government and the opposition could say, okay, we will let the regulation go through.

Ms CHAPMAN: I think to some degree we are at cross purposes. It is not just a question of coming back to the parliament to be able to deal with the matter, as distinct from a regulatory process. The thing that is missing here, even in the legislation that we are doing, is how the thing will even be reviewed. We can have a disagreement about whether it is appropriate that any expanded areas be by statute or by regulation, we can have that dispute, but there is nothing in here, under this bill, that would identify any process of review by anyone. You may ring up the people in your department and say, 'How do you think it has gone? Have you had any complaints?' Okay, we have done a review, and they have got somebody else who wants to have it or some other area that does not want to have it.

There is no process. It is one thing to introduce a piece of legislation to identify an area in the City of Adelaide, to enliven the city and all those things; it is another thing to have an outline of a plan of how you would expand that to other districts without there being any review. We can have the dispute about statute or regulation, but there is nothing as to how that review would take place and who would be consulted.

You may not be the Attorney-General in 12 months' time. We have already had one reshuffle in the past few weeks and you might disappear. We might get the old one back—who would ever know. The reality is, though, that we just do not have any assurance about what is going to happen. I would just like to have some understanding about how that is going to work.

The Hon. J.R. RAU: I have tried to outline what I would do were it to fall to me, that is, convene a meeting. It would probably not be at my initiative; it would be at the initiative of the member for Morphett, the member for Stuart or the member for Schubert, saying, 'Look, my community wants to have an opportunity for this sort of thing.' I would say, 'Okay, let's have a meeting.' I would say to them, 'Please explain what you say the parameters of this thing should be.' I would invite whatever the local council might be, the AHA and, obviously, that member of parliament to discuss the matter with me; hopefully, some commonsense outcome would emerge from that and be put to the parliament in the form of a regulation. That is what I would do.

If the honourable member is not comfortable with that—far be it from me to suggest alternative solutions—it would not particularly perturb me if, prior to any regulation being laid before the parliament, the proposal was at least put before something like the Social Development Committee, for argument's sake. I am entirely relaxed about that.

If that gives comfort, my suggestion would be that the government of the day would formulate whatever proposal it had, it could be laid before that committee and the committee could have the opportunity not to sit on it but, within a reasonable time frame, be given the opportunity to comment and, obviously, that comment would be considered by the parliament in the context of the regulation. I do not have any problem with that; that is entirely reasonable from my point of view, if that is going to solve that problem.

Ms SANDERSON: I have a question on this same section, subsection (4), the Adelaide central business district definition. I have just noticed that the definition of the CBD is considerably different in quite a few different pieces of legislation. I am wondering if there is going to be any attempt to standardise that at all. I note with this \$750 car park tax on the RevenueSA website the definition of the CBD includes Hackney Road, War Memorial Drive, and a bit of Port Road. It is quite complicated when referring to the CBD and it has so many different definitions. Not many

people have access to the act to get the definition, so this is really just a note that perhaps in future legislation it is standardised.

The Hon. J.R. RAU: I understand the point. I think this was designed specifically with the current disposition of venues and likely disposition of venues in mind. For that reason, I think it might be a fraction artificial to import into here some other definition used for another purpose; secondly, anybody who is interested in one of these I am sure will acquaint themselves with the definition and, if they do not acquaint themselves with the definition and they are outside the area, I am sure the commissioner will let them know.

Ms CHAPMAN: Coming back to the definition, is it anticipated, for example, that along the Torrens these type of venues will be set up adjacent to rowing clubs and those sort of structures? Is that what is intended? From the comments made so far, Attorney, I have assumed, perhaps incorrectly, that we are talking about laneways between Hindley Street and areas in Rundle Street, little lanes next to it, during festivals and all sorts of other opportunities that are relatively temporary sort of arrangements. That is what I have assumed it to be—perhaps I am wrong. Perhaps these will be very permanent facilities, but they will be around entertainment precincts. I had not really anticipated that they would be out in the Parklands, yet the new definition seems to include all the Parklands. Is it anticipated that we will have chairs and umbrellas up and so on in Rymill Park?

The Hon. J.R. RAU: Thank you for the question. First and foremost, none of these venues can take place without planning approval. So, before we get to anything else, it must be a use capable of being approved under the existing planning regime. In answer to your proposition about, for example, a rowing shed or something, either the council planning regime permits this type of activity there or it does not. If it does permit that activity then these people would be entitled to apply for a licence within the constraints, but if it does not permit it then there is no point in applying because they will not get it.

Secondly, I do not envisage necessarily that all these things will be temporary. Some may be either semipermanent or permanent. To give a couple of examples, in Melbourne there are bridges you can walk underneath and they have a coffee and drink-style place there—a cafe-cum-whatever. It is conceivable that somewhere along the Torrens bank, and not necessarily literally in the Parklands—maybe once the Convention Centre development is complete—there will be an opportunity for a range of outlets to exist on the promenade along the Convention Centre frontage to the river. Some of those might be Louis Vuitton bag shops, for all I know. Some may be restaurants or little bars—I do not know. If the planning regime permits that sort of activity there, then there is no reason they should be excluded.

Another thing that is interesting in Melbourne is that there are places where they have a vacant city block, and it might be that the owner of the block has demolished an existing building and is yet to get the funds ready to build something. There are a number of cases in Melbourne where those owners have leased out that block of land, which is basically just a square in the middle of the city, and people have in effect established a 'temporary' bar on that block of land.

There is one in particular (I cannot think of the name of it) where the bars themselves are converted shipping containers where the front lifts up and the bar is there. Of a night time they are closed and locked down and all the furniture is made from crates and all sorts of things. It is an attractive place, full of people all the time, apparently, but the owners know that they have only a six-month rollover lease, which is why they have not invested big money in the infrastructure. They know that the owner of the property may at any stage say, 'Listen you fellas, in six months I want you out because I'm going to start building.'

One of the possibilities that comes out of this is that, where we have vacant land in the city (it may have been vacant for years and maybe is in between demolishing and building something), some young entrepreneurs may say that they want to make use of that block. The honourable member would remember the Barrio thing that occurred here at the back of Parliament House during the last Festival, which I thought was very successful and people still talk about it. That was what I would call one of these pop-up venues. That venue lasted only for the duration of the festival, as it was always intended to do, but we should not close our minds to the possibility of there being a similar concept, which is more durable than that but never intended to be permanent in the sense of year in year out for the indefinite future. This whole thing is intended to be very flexible within the planning constraints of the city development plan.

Ms CHAPMAN: I am not quite sure what the licence arrangement was for that temporary activity at the back of Parliament House, but obviously there must be some facility through the

current licensing act to enable them to have set it up as a pop-up activity. The other one is not just the one-off events or for a fixed period during a festival, for example, or a one-off dinner or activity in a public space but the temporary (or at least part-time during the day or night) activity that can occur more than once, for example, the use of a bridge.

You might even remember, Mr Attorney, that in Sydney quite often they have one-off events, dinners on bridges which are closed at either end. I think we had a law conference one night and there were 500 people on a bridge, and alcohol was served, etc., and it was a one-off event. The Law Society of New South Wales set it up, and they could get some sort of approval to sell liquor as per ticket price on those occasions.

For example, the Torrens Bridge, for which you will have responsibility (or will be pretty soon; we do not know the detail of it yet but no doubt we will see it eventually) will be in this precinct. As I understand it, you can set the rules, ultimately, in relation to that bridge. Is that an area that is going to be available within this precinct under this definition to which you could allow a small venue license to apply and have up to 120 people on it each night after the people have gone home from the stadium as a venue for alcoholic refreshment, or is that to be excluded?

The Hon. J.R. RAU: I do not think it is going to be excluded by legislation but I think it will be excluded by practicality. If, for example, the city council, who I think ultimately will be the custodians of the bridge, were of the view that on a one-off basis they would close the bridge to, in effect, through foot traffic and turn it into a venue, then they could apply to the commissioner for a limited licence and have a one-off something there.

Ms Chapman: You're not talking about continuously.

The Hon. J.R. RAU: Look, I am 99.99 per cent sure that this would not be a venue that this type of licence would apply to for no better reason than, as I understand the design, there is no facility for, at least on the bridge structure itself, bar facilities and various other things, and if they were there they would create an impediment to the safe passage of people to and from one side of the bridge to the other. So, I do not see that as being a possibility.

However, as I was trying to explain before, if somebody were to lease a small bolthole in the side of the bottom of the Convention Centre adjacent to the promenade, in effect where the back of that would be a car park or whatever, and that was 20 metres deep and three metres wide and they wanted to run a small venue out of that, then this might be a licence that would be appropriate for them, particularly if they had no capital to get started. This is not going to be of interest to people who have got plenty of money to invest or who are trying to put in large venues. It is just useless for them because it is so constrained.

Ms CHAPMAN: That is another question I was going to ask, and I am happy to do it in this section. Throughout the debate on this, it seems that you want to add an easily accessible, streamlined, cheap process to enable young kids who want to start with something—young kids who do not have much, except a wheelbarrow of cement—to roll up their sleeves and set up the site. They are not big operators, so they are no real threat to the hotel industry or others who have the responsibility. It is just going to be a sort of small group, which is probably why people such as the Hotels Association are saying, 'Hang on a minute! We're talking 120 people. That's more than most of us can fit in our front bars.' This is the same sort of thing. That is why this number is so significant. It just seems incredible.

Even though your dream world is that lots of young chaps and girls will come in and roll up their sleeves and do these things, it will increase your vote and you will be a happy bloke, and the government will be proud of its getting all the young people inspired, what is there to stop Coles or Woolworths moving in and securing all the spots around the city that would be appropriate at a very low fee and taking control of those areas as a means of minimising competition? Absolutely nothing—and they can get it done cheaply, easily and quickly without having to go through any threshold requirements, consultation, conciliation processes, etc.

There is nothing in this bill which says that only young people who are prepared to roll up their sleeves and who are poor get to apply. There are no great gates that are stopping this. If it is some sort of initiative for young people, that sounds great but how is there going to be any capacity to be able to discriminate so that only the young, fit, keen ones can do it?

The Hon. J.R. RAU: I suppose, on the face of it, that is a fair enough question. I think the answer to it is this: the business model that works for this proposed licence has a couple of implicit ingredients in it.

Ms Chapman interjecting:

The Hon. J.R. RAU: No. I know the member for Adelaide has spoken to these people who hang around Leigh Street and Peel Street and stuff, and I would encourage the member to take you down to have a chat with them. You will find that they have certain things in common. One is that most of them are young, although I am not excluding even elderly people from having a crack at this.

Number two, most of them have a lot of enthusiasm, a lot of energy and not much money. Number three, their business model, because of the those first two reasons, involves them not literally living there but personally living and breathing that business 24 hours a day. These businesses will flourish or fail on the basis of how much commitment those individuals are able to inject into those businesses. They are a highly personal style of business. Coles or Woolworths, which already control 56 per cent of the liquor market in South Australia—

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes; exactly. They control places such as hotels, Dan Murphy's, Liquorland; they are all fronts for these characters. Quite frankly, I do not think they have the mind, inclination or capacity to train up young people, inject them with a barrow load of enthusiasm, the capacity never to want to go to sleep and the capacity to want to keep the place clean and to keep all of the drunks out and stick them in there and pay them \$25,000 a year for the privilege. I just do not think that is a model. I do not think that we are going to have the big players wanting to get involved in this space because there is just not enough money in it, and there are some other things which we are going to be doing in this space shortly which are reflective of the same philosophy.

Actually, to be perfectly frank with you, the aspiration is basically this: we want to make young people want to stay in Adelaide. We want them to think that Adelaide is an interesting place to be, and we want it to genuinely be an interesting place. We want them to feel like they have an opportunity to prosper here in Adelaide. We want to provide a low entry point for them to get involved in business.

The ones who are really good at this, in five or 10 years, they will not still be running a tiny little hole in the wall somewhere. The ones who are really good at this might, in several years time, be running the best joint in town, which will probably have a hotel licence or whatever licence. These people, we hope, ultimately will be flourishing people, or they might move on to other things and sell it on to another person who is prepared to work 24 hours a day in a business.

The sort of person who is in here has got the work regime of somebody who runs a fish and chip shop or somebody who runs a deli or something. They are chained to the business. If they are not in the business serving, they are out the back peeling potatoes or they are washing the floor or collecting stuff to put in the place. That is the sort of person they are and they do not have the luxury of being able to just put a manager in and sit home and watch television.

This is a low-entry point opportunity for particularly younger people to have a crack at things. There are a number of young people who I have had the privilege of meeting over the last year or two who are drawn more or less to that Leigh Street precinct—not just Leigh Street but Peel Street and other areas. They are really interesting young people. They are enthusiastic, they have got great ideas, they provide tremendous innovation in a whole bunch of areas.

We are looking at ways of actually saying to those people, 'Listen, we are trying to make your lives happen the way you want them to happen. You are going to have to do all the work, but we are going to try to pull some of the obstacles out of your way so that you do not have to be cashed up, you do not have to be mortgaged up to the eyeballs, you do not have to just give your dream away because you have not got a pocketful of money.' That is what it is about.

Ms CHAPMAN: Unfortunately, Mr Attorney, it just sounds to me like it is all a bit of an Alice in Wonderland sort of idea because there is nothing in the bill that I can see that confines the people who are going to operate this to this young, enthusiastic one or two people who are going to do it. There is nothing in here that I can find that says they have to actually serve the alcohol.

You are saying there is a business model, wherever that is—in the Rau school of economics or whatever—that says that this is such a small operation it is really not going to be huge money but it is going to be a way to incubate young people who are enthusiastic into a small business and have an opportunity to grow, but there is nothing in here that says that. This could be taken over by bikies for all we know. This could be taken over by competitors who will stop the

space being available to young people and who will minimise the opportunity for others to come in. I mean, hello, let us get into the real world here.

We started this debate earlier today on the purpose of having very strict rules around alcohol sales along with other dangerous substances over which we need to exercise some caution and legislative protection. We set these frameworks up—the drugs, the dynamite—and this is where we started this debate. Alcohol is in that category. The public expects that the parliament will keep the protection. We have a very strict licensing code and licensing rules and a statute with a commissioner in charge.

The Hon. J.R. RAU: Which will apply.

Ms CHAPMAN: The code does, as you point out, but there are a whole lot of other structure that will not apply. You say that is because we want to give these young kids a chance to get in there, start their little incubator of enterprise and go on to be the next enthusiastic members of the community and this will keep them from migrating to Queensland and give them an opportunity.

All that sounds wonderful, Attorney, but there is nothing in here which says that is what has to happen—that is my concern. Are you not opening up a whole level, which you would see as low-cost, accessible and all that, but which could be entirely bought up by one or other entity or enterprise that is less favourable in this state and which we would not want to encourage?

The Hon. J.R. RAU: Ye of little faith. Can I just say that I know the member for Adelaide gets what I am talking about because the member for Adelaide has spoken to these people. The member for Adelaide knows the people I am talking about. I genuinely make the offer to the deputy leader that I would be happy to accompany her, and the member for Adelaide for that matter, on a little walk during the recess period to come and meet some of these terrific people and just get a sense of their enthusiasm and what they are. They are great young people and all they want is the opportunity to have a go—that is it.

The second thing is none of the basic provisions of the Liquor Licensing Act are removed for these people. So, on the question of whether the Hells Angels can come in and occupy these places, no, they cannot because they do not pass the fit and proper person test which is an absolutely fundamental threshold. If you do not pass that test, you do not get any further; that is it.

I put to the honourable member a moment ago the fish and chip test, which is a very well-known test in business, at least it is to me. I have never been into a fish and chip shop where the person who owns the fish and chip shop, or their wife or their kids, are not serving the fish and chips—never. Coles and Woolworths do not run fish and chip shops.

Mr Pengilly: They would if they could.

The Hon. J.R. RAU: And do you know why they cannot? The member for Finnis is as usual penetrating and right on the money: they would if they could. Exactly—they would if they could.

Mr Pengilly interjecting:

The Hon. J.R. RAU: And it has everything to do with economics because, if you are a big outfit like Coles or Woolworths, it does not stack up to work 18 hours a day, seven days a week—peel potatoes, sleep on a bag of potatoes, come home for the two or three hours you get to sleep smelling like fish, have a shower, go back to work and look at fish again, whether it is hot, cold or whatever it is—so that you can clear \$300 a week.

That is the point I am trying to make. Fear not about the bikies because I can assure you that if they thought there was money in fish and chips every fish and chip shop would have a Harley Davidson in front of it and everybody in a fish and chip shop would look like a member of ZZ Top, but that is not the case in my observation. Coles and Woollies? Trust me, they are not interested.

Ms Chapman: It's fish and chips; it's not alcohol.

The Hon. J.R. RAU: I am trying to talk about the business model.

Clause passed.

Clause 9 passed.

Clause 10.

Ms SANDERSON: I refer to section 76(5), the removal of the rights for the council to object. I do feel quite strongly that it is important that the residents have a voice, whether it be directly or via their elected members of council, and I think it is particularly important given that the intention is to start in the city, with the City Council. I know there are already lots of issues. I am contacted at my office regarding licensing issues fairly regularly. I think it is important that the council can speak on their behalf and object where necessary.

The Hon. J.R. RAU: I thank the honourable member for her question. The good news—well, I think it is good news—is that I agree with her that the people, through their representatives, should have the opportunity to be heard in relation to these matters, or at least have a role in relation to these matters. Government by the people, for the people, of the people, I am entirely for it, but the fact is that, as we have it here now, that is what happens at two levels.

Level No. 1: the people's representatives, the members of the Adelaide City Council, are the people who make the decisions about the zoning for the city. If they zone something commercial, they are saying something about that area; if they zone it mixed use, they are saying something; if they zone it residential, they are saying something else. That is point No. 1, and that is the first say the people's representatives have.

The second say is that when an application is made for planning approval—and, remember, before you get your licence you have to have planning approval; you cannot do this whether the council likes it or not—the council, the people's representatives, again participates in the decision as to whether or not the planning approval will be granted.

If we introduce another layer in this, all you are doing is introducing red tape. The council already has two cracks at this: No. 1 is in setting the zoning and No. 2 is in approving or not approving the application. At the point of the council not approving the application, the proponent has the opportunity to take that further up to the ERD Court or not, as the case may be. The council has two cracks at it. Why should the council get a third crack at it when its legitimate interest in the matter is planning, not liquor licensing?

They have a planning role, yes. They can say from a planning point of view, 'We do not want things other than residential behaviour here.' Fine. They have two goes in the process. They do not need, then, to come in and interfere with a completely separate question: now that the planning system says that you can have a licensed club, or you can have a licensed venue, we invite you the council to come back and tell the liquor licensing commissioner what you have already told him by saying yes. It is unnecessary, it is red tape, it is overlaying a decision-making process with a decision-making process that has already involved the council twice. That is my objection to changing that.

Ms SANDERSON: Just confirming in that case then, if a cafe opens up in Prospect and then it suddenly decides that it wants to serve alcohol, I believe in that case the council does have a third opportunity to state their case as to whether they want alcohol served in that venue. So I believe that the planning approval actually is just about the venue but not about what goes on within the venue, so the council might approve something being there in general but they might not agree with alcohol being served. The residents might be happy to have a cafe but not a late night venue that serves alcohol.

The Hon. J.R. RAU: That is a good question. I think the answer to that question gets back to what the development plan says and a change in use. If the move from a sandwich bar to a licensed venue constitutes a change in use for the purposes of council then that requires a new application. If it is within the existing use, then I guess that the situation would be that it is a matter for the liquor licensing commissioner but, even in that circumstance, there is nothing to prevent the council from making a submission. Even though I think that they have already had two bites of the cherry before we get to here, this model does not say that they cannot make a contribution. They are entitled, as anyone else is, to make a submission, which needs to be taken into consideration and the commissioner must have regard to those submissions.

Ms SANDERSON: Is that the same regard that was also paid to the Mount Barker residents who put in submissions against the DPA? Is it at that level? Do they actually have to respond and make changes, or do they just have to read it?

The Hon. J.R. RAU: You were doing so well. We treated each other with courtesy, and we had been behaving in a very positive fashion.

Ms SANDERSON: I am just sceptical about whether the submissions would be listened to. If it is mandated, as it was previously, then they have to be listened to, whereas if it is a submission they are easily not listened to.

The Hon. J.R. RAU: I will take that as being genuine and not intended to have any spin on it and be annoying. This has got nothing to do with Mount Barker. This is to do—

Mr Goldsworthy: It's parallel.

The CHAIR: Member for Kavel.

The Hon. J.R. RAU: Oh goodness me, we've enlivened him. Look out; everyone get ready.

Mr Goldsworthy: Now you are being—

The Hon. J.R. RAU: I did not cast the first stone and I am attempting not to throw one back. No, it is not like Mount Barker.

Clause passed.

Remaining clauses (11 to 13) and title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:15): The opposition has reviewed the Evidence (Identification) Amendment Bill 2012 and, with great regret, we noted that it is identical to the one the government attempted to persuade us to support back in 2011. I do not think there have been any changes at all, not even cosmetic, except for a date. When will the Attorney-General ever learn?

Quite simply, this is a bill which, as I say, replicates an attempt back in 2011 by the government to change the rules in respect of suspect identification in criminal investigations. The bill specifically removes the common law judicial preference for in-person suspect line-up parades in suspected criminal offences over other forms of suspect identification.

The government was keen to pursue some advice from the police department about how it could make it simpler, cheaper and easier to catch criminals without really considering whether that would ultimately produce the most effective process to catch the real criminals. It always sounds attractive, especially for governments that want to save money, to look at things that are going to make any process for which they are responsible (namely, catching criminals) cheaper, quicker and more efficient. All those things are great but, if you compromise the quality of what is being proposed, then it raises some concerns.

Over the past 100 years we have had criminal-detection methods and activities which have developed a practice of effectively and fairly identifying criminals in line-ups. That has resulted in there being a common law preference by judges accepting that, if we want to identify a suspect, it is best to put them in a line-up of real people rather than in a background of others or rather than having a photographic line-up. It is important for responsible attorneys-general and governments to resist the temptation to go to the cheap, easy and quick option if it does not produce better results.

Prior to the 2010 election, the Attorney-General, the now newly elected Speaker, promised the people of South Australia at that election that the police practice would change. The police, of course, had for a long time been saying, 'Look, it isn't just a question of it being cheaper to use photographs instead of real people, it's a lot quicker'. It is sometimes hard to find people with similar looks so that it makes it a fair line-up. It is more effective if they all look the same. For example, if the member for Elder was a suspect in a criminal activity it might be difficult to find

people who are of a similar shape, size, colour, state of baldness, all those sorts of things, sufficient to provide a line-up that would not produce a prejudicial outcome that ultimately might get thrown out of court.

There would be no point in lining him up with people who all look like the member for Mitchell, for example, who looks quite different. He is much more handsome, he has much more hair, he is a different shape, and it may be that it would ultimately colour the reliability of the evidence sufficient that it would not be useful to a court and the prosecutors of the day may fail in their application as a result of that not being accepted. So, we have to look fairly carefully at what the police were asking for. They said, 'We accept that there are some certain standards that have to be imposed if you are going to use the photograph option' (the photo line-ups), to make sure that they are all of a similar size, that they are all colour or black and white, that there would be all of the same qualifications and standards that would be imposed with the line-up.

Coupled with that was the fact that the police were saying, 'Look, it's just so difficult to go along and find these people sufficient to be similar', etc.: all males, or all females, or all people that have a darker skin, or all people who have different features. It is also not very helpful when it comes to the memory of the person who is going to be doing the identification. In other words, the quicker we can get people in front of the process, whether it is the line-up or the photographs, the better chance they will have to remember, or less time to forget, the detail so that the identification can be more effective.

These are all things that were put to the government, but clearly in 2010 it put out this proposal. There was quite a lot of discussion at the time about the reliability of whether that should occur. I should add here that there were academics, including Professor Neil Brewer, and he was one that we had long debates on in the first round of discussions in the 2011 bill as someone who had said, 'Well look, when you look at all of the literature and of course the common law as it stands there's a pretty good case to say, "Well look, technology has changed"'.

Irrespective of the police saying that this is a cheaper option for us and it would save a few of our resources, it would be quicker, and all of those things we have just discussed, there is some merit and some support amongst the academics to say that it is really not so bad after all, provided that you comply with certain standards and that certain rules apply, and the quality control of that is critical. I am paraphrasing the position but there is quite clearly a situation where if you are going to remove that judicial preference that we look to securing certain quality standards, as I have said.

What happened, quite simply, with this legislation is that when the 2011 bill went up to the Legislative Council, the Legislative Council said no. They said that the bill that the government had then proposed was driven by cost savings and did not have sufficient regard to the quality and standards that were to be imposed on the evidence that was collected in using the options alternative to the personal line-ups. The Legislative Council said no, and it defeated the bill.

There were long debates in that house as well, and I make it absolutely clear at this point that throughout those debates the opposition, having reviewed the academic literature and looked at the stakeholders' comments on this, said, 'Yes, we see that there is some merit in removing this common law judicial preference and giving an opportunity to be able to more often use the photographic option,' which is really what we are talking about here, as distinct from line-ups with others as a background as distinct from a personal line-up. We said that this was meritorious, provided we had some assurance of the qualities.

That was the opposition's position, and we thought that that was a way of acceding, really, to all of the benefits that the police had pointed out, that the government had swept up within their election promise and brought into the bill, and this would be a way of making sure that we had good new law with all of the assurances that were necessary to go with it. After the bill was defeated, the government took no other action in presenting us with a bill including the quality assurances, for example, to ensure that there be video taping of the identification process when this option was used. No: the government did not take that up.

The opposition, then, through the Hon. Stephen Wade, drafted a private members' bill to try to incorporate this initiative with the quality assurance; and what happened? The government just ignored that completely, even though there had been stakeholder interest and there had been concerns raised. The bill was proposed with the assurances that go with it, yet the government decided they would not even sit down and talk about that. They would not even say, 'Yes, this has some merit. We will look at that. We are keen to advance this.' They treat this parliament with such contempt as to come back here at the end of 2012 and ask us to debate exactly the same bill—

The Hon. J.R. RAU: Mr Deputy Speaker, point of order. I am a little bit confused. I thought we were on the honourable member's speech No. 21 but she seems to have got on to speech No. 34, which is the one where we are treating her with contempt. I am just wondering if you can give us a pointer when you are moving from one of the familiar themes into the next, because I get a bit confused, Mr Deputy Speaker.

Ms CHAPMAN: So what we have now is, instead of having gone through all that process, the opposition offers a bill with the quality assurances which has had some very favourable feedback from the stakeholders involved to support that approach. What do we have? We have the insult as a parliament of the government coming back with the same Attorney—not even a new one—saying he will give it a fight. The same Attorney comes back with the same bill—exactly the same, except for the date. One number was changed.

The Hon. P.F. Conlon: I thought I would have learned something by now.

Ms CHAPMAN: Are you going to be speaking on this bill?

The Hon. P.F. Conlon: If you like.

Ms CHAPMAN: I do not know what has happened with the Attorney. I think what happened in the parliament was we expected that we would have a whole new regime when the former attorney went and that the new Attorney might have felt that he was bound to introduce and follow on with the election commitments that the previous attorney had made—some of them were ridiculous ideas—thinking, 'Well, perhaps we had better do it. We are criticised if we don't, so we had better throw them up.' Well, he threw them up and in this instance, the parliament said, 'No, this is not going to work. We're moving from one process to another and if you do that, based on cost saving rather than on a meritorious advance in the investigation of cases that can safely be relied on in courts, then we will not support it,' and that is exactly what they said.

The same Attorney—the one who we thought was going to be a new era of change here in the parliament—has done us the ultimate insult by throwing back to us within months the same bill. A time lapse is required; I accept that. We do not have any legal point to try to stop it being dealt with in an abridged time. It has qualified in the time to bring it back, but please do not insult us—

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: Haven't you been here? I've told you right at the beginning.

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: Wakey-wakey! The position remains that, in those circumstances, the opposition remains opposed to the bill and secondly, remains open to sit down and talk about amendments that will necessarily protect the integrity of a change with adequate quality standards. We will do that in the interests of ensuring that this idea is actually able to be concluded.

It has been one where there have been very significant academic diverse views over a number of years but the Attorney was right about one thing: bringing this whole approach to the parliament to change the judicial preference rules and to be able to come to the modern era. There is no question about that and he would not be criticised for doing that, but to spearhead an area of reform based on cost and some efficiency for government, we did not agree with the way this started and neither did the Legislative Council. They made it very clear that they were not going to accept that but when you look at the cross academic contribution that has been made, there is some merit in doing it, but it must be with those safeguards.

My understanding is that, in at least one of the briefings I had where a representative from the police force was present—and I cannot remember now whether it was the commissioner or one of his senior personnel—they agreed that there were circumstances where the photo line-up could have problems. They were continuing to develop certain practices themselves to ensure the integrity, validity and ultimate survival of the results of the photo line-ups in the evidence in the court subsequently. They were working on that. They understood the importance of doing that and yet the government—or at least the Attorney—seems to be impenetrable in the understanding that there is a reason for this.

It is not just to be difficult. It is not just because we want to cause trouble to the Attorney. We want to make it better but it seems he just refuses to listen to anything else other than what he wants to do in a circumstance where everyone around him actually wants to help. I just find it extremely disappointing but find that, as a result of his intransigence, we are forced to oppose this

bill and, whilst it will pass this house given the numbers the government has, we are extremely disappointed in the approach and attitude of the Attorney on this matter.

The Hon. R.B. SUCH (Fisher) (17:34): My reading of this bill leads me to the conclusion that it is a positive measure. I did not hear the contribution of the member for Bragg. Obviously the opposition has some concerns about this, but to me it seems a logical development, taking into account modern technology. So I am surprised that the opposition would oppose it. I will be interested to see what happens in committee but, on the surface, my reading of it is that it seems quite a sensible, progressive measure.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:34): I thank the member for Fisher for his erudite contribution; as always, right on the money. He does not muck round, he is straight to the point and, as usual, he has it dead right. I thank you, member for Fisher. Something that I think is true in life—at least it is in my experience—is that if something is complete rubbish, repeating it over and over again does not change its essential nature, which is that it is complete rubbish.

I commend that thought to the member for Bragg, because that is what was going through my head as I was listening to the honourable member's contribution. I do give the honourable member credit, though; the sheer brazenness of her contribution today—even in the fairly high level brazenness in which she operates—hit new peaks. She was into the Himalayan zone of brazenness on this occasion.

I will just put on the record what actually happened in relation to this legislation, and I will put it in short form. The police say to the government, 'Look, we've got all sorts of reasons why we think we need to deal with this common law presumption about identification evidence.' The government says, as a matter of policy, 'Yes, we accept that.' The government goes to an election with part of its manifesto that it will do this. The government wins the election. As Attorney, in due course I bring forward legislation to honour the commitment given to the people before the 2010 election that this step would be taken.

If my memory serves me correctly—and I am sure those who advise me will correct me if this is wrong—what happened was that this was opposed in here, not amended in here, because the opposition's tactics throughout the term of this parliament has been to never offer the government, certainly not the Attorney-General, the courtesy of seeing what its amendments are in this chamber. That would provide the Attorney with the unfair opportunity of actually being able to respond specifically to what it was saying, and that would not do because someone in the upper house might accidentally read it and come to a different conclusion. That would be a terrible shame.

So we did not get any amendments put in here, none. As I recall, what we did get was blanket opposition in the upper house. Not 'Oh well, great idea, Attorney, but can we just tweak it here or can we move it there or can we fiddle with something here? Let's polish it up.' There was none of that; just, 'No, vote it down.' So down it went, the proposal which is, evidently, laudable. There was not one suggestion as to how we could improve it, not one moment of constructive dialogue, not one.

There it languished, like Gollum's ring at the bottom of the pond, for what seemed like millennia but actually turned out to be about a year. Then the Hon. Stephen Wade and the Hon. Isobel Redmond—again, going back to *Lord of the Rings*—are there fishing, and the fish takes them into the water. They go down and, instead of coming up with the fish, they have the ring again. My goodness!

Do you now why they picked up the ring again, Mr Deputy Speaker? It was because the Police Association—and I have to be careful how I put this—was basically tearing them to shreds over their complete lack of support for anything the government put into this place that was of any value to the police. Let's remember, they had argued about the criminal intelligence legislation that the police wanted through; they opposed it. They argued about police line-ups, which the police wanted through; they opposed it. It was terrible, terrible.

Everything that was put up by the police they opposed, even though I spoke to the police. I said to the police, 'Please go and talk to these people and explain to them what your point is.' I believe Mr Harrison spent many delightful hours in the company of the member for Bragg and the Hon. Stephen Wade explaining all sorts of things, but to no avail—absolutely to no avail.

What happened then (and again my memory may be slightly impaired) went something like this. The then leader of the opposition was invited to give a talk to the Police Association at one of their little lunchtime soirees. As the lunchtime soiree drew closer in time, the then leader of the opposition looked at the ring in her hand and thought, 'Ooh, goodness, what am I going to do with this? Aah, I've got this problem. When I go in there I might be asked, "Why have you, Leader of the Opposition, frustrated every single request we, the police, have made of the government for the last two years? Why have you done everything you can to stop it?"' They flailed around and flailed around and eventually the light went on—bing! 'That was a good idea about photo evidence.' The leader of the opposition then walked into the Police Association show and said, 'I have an announcement, ladies and gentlemen—'

Mr Pengilly: The former leader.

The Hon. J.R. RAU: Sorry, the former leader. Yes, I am sorry; correction accepted, member for Finniss. She went in and said, 'Ladies and gentlemen of the police force, I have news for you. I bring glad tidings, ladies and gentlemen of the police force. Do you know what we're going to do for you? We think you should be able to use photo ID.' 'Ooh,' said the hushed room. The cameras clicked, shorthand people took notes, and it was a moment of great significance. In fact, in Australian terms, it was like Roosevelt addressing the Congress after Pearl Harbor. That is the level of significance this had.

What happened then was that the Hon. Stephen Wade issued a press release—hark the herald!—stating, 'I am going to support photo IDs.' The press release—I guess in a backhanded compliment to me—basically plagiarised my press release of the year before and had his name on the top of it. In fact, if I had them both here I could read the passages out. The main difference is that one of them has the smiling dial of the man of justice, Stephen Wade, who has now incorporated the scales of justice with the woman with the blindfold as part of his logo. It is a big statement. All I have is just my name and that is it.

Members interjecting:

The Hon. J.R. RAU: A bit understated. He then plagiarised my press release of the year before and fired it off, saying, 'Look at me, look at me. I am supporting photo IDs.' I picked this up and thought, 'You've got to be joking. Has the man suddenly developed a sense of humour? He has been concealing it from me for three years, and here it is. He is actually quite a funny chap.' That is how we have come to this juncture where, having been alerted by reason of my press release being regurgitated back to me under the heading of Mr Stephen Wade, I thought now might be a good time for me to reintroduce my bill, which I have done.

The funny thing about it—and there are lots of funny things about this, aren't there? There are so many funny things about this, I do not know where to start and finish really—is that, even though they have had about three years to think about it (actually, they have had since the 2010 election, but in terms of the specific words they have had a couple of years), and even though they have been down the road of total opposition and then done a complete U-turn and come back with, 'This is my idea,' I have a wager that I will offer to anybody here, that is, when we go into committee on this bill there is not going to be any amendment tabled.

These are the people who have been ruminating over this for a couple of years. These are the people who know what the refinements are that are required to make this palatable, and who make the interesting point—which I think should be carved in basalt with gold lettering—that the Legislative Council is not interested in the efficiency of government. Well, there is a truism if I have ever heard one.

I look forward to seeing, after two years of rumination, the actual amendments that the opposition say need to be made to the bill in order to make it safe. It is not as if this bill is a lengthy exercise; it is actually only about 60 words. So, even if they wanted to adjust it a lot, it should not have taken them long. There is the history of it. It is not quite exactly the same as offered by the member for Bragg, but occasionally we see things from a different perspective. I am very interested to see what the amendments are.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:46): I move:

That this bill now be read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (APPEALS) BILL

Adjourned debate on second reading.

(Continued from 28 November 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:47): I rise to speak on this bill and indicate that the opposition will be supporting its passage. We reserve the right to consider some possible amendments in the Legislative Council. Although that will attract the usual tirade of complaint from the Attorney, the facts of the matter in relation to this bill are that the bill was introduced at the end of November 2012, and the Attorney made the specific point in his second reading contribution that:

I have deliberately introduced this bill now so that the Christmas break will provide a suitable opportunity for thorough consultation to occur with all interested parties and individuals.

The Attorney then went on to note that there had been some considerable history to this matter in the Legislative Review Committee's investigation report, provided in August 2012. Essentially, he was making the point that if he introduced it at the end of sitting last year, there would be a two-month adjournment of the parliament, and that would give us an opportunity to consult with it.

In practical terms, as the Attorney would be aware, at least during December and January of the break, it is difficult to ensure that relevant parties such as the Law Society, Bar Association and the like would be in a position to meet, consider and report on this matter. The opposition's consultation with them has occurred, and they have raised some matters which we wish to pursue with them. Accordingly, we place no blame on the Law Society or, indeed, on the Attorney because he outlined that he wanted to ensure that there was sufficient time to consult.

Unfortunately, lawyers and barristers, and probably quite a lot of people, are not known for having meetings between Christmas and perhaps the end of January period—people are away, there are school holidays, they have priorities with family, etc. So there is no blame cast on those who would be making a contribution to the debate on this matter. We certainly cast no accusation of progressing a matter unfairly by the government. I do that plenty of other times, in not giving us adequate time, but on this occasion I think they are without blame.

I should also acknowledge that, although I was not personally able to attend, the government did advise us and provided a briefing for representatives of the opposition with Mr David Platter. He has a very important title but I just cannot remember what it is—professor or doctor—and I am sorry that I have not noted that. In any event, he is a very important person who provides advice to the government on legal matters and, in particular, in relation to legislation. I have valued his advice in the past and his prompt attention to providing briefings on new legislation.

The subject matter here is one which is probably fairly dry for most people and of no interest to a good number of others. However, in circumstances where we are dealing with the Criminal Law Consolidation Act, which is a piece of significant legislation which sets out both serious offences and processes which we undertake for criminal law, it is often only brought to the attention of members of the general public when someone gets into trouble—either them or a relative or a friend—and then it is a matter of deep interest to them and it can very significantly affect their life. It is not surprising that the general public is not either alert or interested in a number of these aspects but, as I say, the protection of individuals in these circumstances and the opportunity for fair trials and, in this particular area, the appeal process, becomes very significant if you are tied up in it.

The whole effect of this bill is the intention to improve the present procedures we have for appeals in South Australia. Members would probably be aware from articles in the paper sometimes and perhaps from constituents sometimes of the level of debate and discussion surrounding the circumstances where a conviction may be able to be reviewed or a renewed appeal against a conviction in a circumstance where there is fresh evidence.

This relates to the double jeopardy arguments with which some members may be familiar. I will refer to the areas of reform under this bill shortly but, suffice to say, that modern technology, the capacity to be able to identify pieces of evidence in a crime—particularly from DNA and blood samples—are very much more expanded now to samples of hair or skin or other genetic material

which enables there to be more certainty in the reliability of evidence or to at least complement other evidence that had been given in relation to a crime and where a conviction had prevailed.

So, we need to look at how we accommodate whether the review of a conviction is looked at or whether there will be a further prosecution. It is not unreasonable, even in that environment, that the Legislative Review Committee look at this matter. The opposition thanks them for undertaking that work and for providing their report in August last year.

The report essentially includes seven recommendations and this bill really comes as a result of it. There are four new areas of reform in this bill, and I will outline a number of those from your position's perspective. From reading some of the submissions presented, I note that a considerable amount of work was presented by Dr Bob Moles, who is an academic author, I think, still at the University of Adelaide.

Perhaps I am doing him a disservice by not recognising his current position, but in any event he is probably well known to those of us in the house who have had anything to do with the criminal law processes in this state, and certainly in some fairly notorious cases which have been sought to have been reviewed, not just in the criminal courts but by the Governor. A number of petitions were presented in one very notorious case, and I do not want to be distracted by the detail of that.

It is fair to say that we have had some extraordinary cases in South Australia which have resulted in a real challenge to the fairness, reliability and robust capacity of our appeals system. We have certainly curtailed that in my lifetime. There were occasions of course where we used to be able to go off to the Privy Council if, after getting to the High Court, you were still unhappy. You could head off to London, and perhaps the most famous case in my lifetime was the Rupert Maxwell Stuart case of the murder of a young girl in the 1950s, which culminated in an application to the Privy Council. It then became the subject of the film called, I think, *Black and White* made of the trial surrounding that case.

Things have certainly changed. There were very significant issues about the conduct of the police in the interviewing of Rupert Maxwell Stuart, the circumstances of their alleged conduct and the denial of opportunity for Mr Stuart to have any rest or relief from a process that was clearly criticised. The issues that surrounded that, and whether someone gets a fair trial, really became quite legendary.

I seek leave to continue my remarks; I congratulate you, sir, in your new appointment today as the Deputy Speaker. I will no longer address you as the Acting Speaker. I look forward to that new and revered role.

Leave granted; debate adjourned.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. R.P. Wortley to the committee in place of the Hon. K.J. Maher (resigned).

SOCIAL DEVELOPMENT COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. R.P. Wortley to the committee in place of the Hon. C. Zollo (resigned).

NATURAL RESOURCES COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. R.P. Wortley to the committee in place of the Hon. G.A. Kandelaars (resigned).

At 18:00 the house adjourned until Wednesday 6 February 2013 at 11:00.