HOUSE OF ASSEMBLY

Wednesday 10 April 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: SOUTH AUSTRALIA'S AGEING WORKFORCE

The Hon. S.W. KEY (Ashford) (11:02): I move:

That the 15th report of the committee entitled Briefing Report into South Australia's Ageing Workforce: Implications for Work Health and Safety, Rehabilitation and Compensation, be noted.

The Occupational Safety, Rehabilitation and Compensation Committee has not completed an inquiry into the ageing workforce, but it did take the opportunity to meet with the Age Discrimination Commissioner, the Hon. Susan Ryan AO, while she was in Adelaide in May 2012. We also did a comprehensive literature search and research to identify emerging issues associated with changing workforce dynamics and skill retention issues.

Encouraging people to stay in the workforce longer is now a national priority. The global financial crisis has also kept many people working past their planned retirement date so that they can recoup losses. Remaining in the workforce for longer is the most effective way for older Australians to improve their standard of living, or keep their standing of living, many of whom otherwise would retire on the age pension and be vulnerable to poverty.

The commissioner provided the committee with an overview of the work that is occurring at the commonwealth level to reduce the structural barriers to mature-age workers continuing in the workforce. She advised the committee that there are about two million in Australia over the age of 55 who are not working and who would like to work if there was work available. The Australian Law Reform Commission has been inquiring into legal barriers that discourage mature-age workers from continuing in the workforce for as long as they would like, and it has made a number of proposals to eliminate these barriers wherever possible.

South Australia has one of the highest concentrations of older people, and labour participation rates are predicted to fall over the coming years. Against this backdrop, there is an increasing interest by mature-age workers to remain in the workforce for longer, but many may look for more flexible working arrangements to cope with caring responsibilities or because of a disability, or because they just do not want to work full time or overtime.

Australia has a skills shortage and, in order to meet the skills demand in the workforce, Australian workers will be in demand for longer periods through the life cycle. As Australians live a longer and healthier life, they are more inclined to remain in the workforce for longer to meet both financial and personal objectives.

Mature-age workers who remain in the workforce longer are able to accrue more superannuation, and there are also significant mental and physical health benefits to remaining in the workforce. There are a number of benefits for employers who develop age management strategies that not only benefit older workers but also have benefits for young workers.

Many European employers and some Australian employers have invested in a life course approach to age management that enables all workers to maintain their health and wellbeing and to continue working for as long as possible. These approaches have a positive impact on workforce participation and economic development.

The committee heard from the commissioner that there is a significant social barrier that impacts on older workers who wish to continue or enter the workforce either for the first time or after a break. She informed the committee that the rate of complaints about age discrimination was increasing, and the Financial Services Council found that 18 per cent of people over the age of 45 complained that they could not get work because they were considered too old. This is a shocking indictment of our society.

The committee was interested in work health and safety and workers compensation arrangements for mature-age workers and noted that both Western Australia and Queensland have removed age barriers to workers compensation and that the commonwealth workers compensation legislation is currently under review. The review of commonwealth workers compensation

legislation will examine a number of areas, including the impact of the changing retirement provisions on the scheme.

In South Australia, injured workers are only entitled to rehabilitation and a return-to-work plan if they are in receipt of income maintenance, which is not payable once a worker reaches retirement age. This is a method of forcing retirement on workers who may have planned to work longer than the Centrelink retirement provisions. Only about 17 per cent of retired people receive personal income through superannuation dividends and other sources, while 80 per cent are drawing either a full or part pension.

The commissioner pointed out to the committee that retirement decisions are not just made on personal health, physical ability or caring responsibilities but they are also made on people's proposed financial security. Forcing people onto the age pension following a work injury—and for many women who have not been able to secure their financial future due to child-rearing responsibilities and other caring responsibilities—may mean that they are vulnerable to poverty.

This arrangement is not only costly to the Australian taxpayer but also prevents workers from continuing to be productive members of society and prevents them from continuing to contribute to superannuation. It also prevents them from improving their standard of living through paid employment. The economic implications for South Australia due to the loss of otherwise productive workers may also be significant as insufficient young people participate in some of the areas of critical employment.

A basic premise of the Australian Work Health and Safety Strategy 2012-2022 is that all workers have a fundamental right to be free from risk of work health related death, injury and illness. Employers need to ensure that workplaces are safe for all workers, including those of mature age. While there are no specific references to mature-age workers within the work health and safety legislation, any improvements made to work processes or practices that benefit mature-age workers will benefit all workers.

For those who would be concerned about the financial blowout of the workers compensation scheme, the Australian Bureau of Statistics found that most injuries occurring to workers are in the 40 to 49 year age group, and this is confirmed by WorkCover statistics. The injury rate for people in the 60-plus range is less than 1 per cent. Removing barriers for mature-age workers to enable them to work into their 70s and beyond will not only require removal of structural barriers but will also need to change negative perceptions and stereotypes about older people.

Older Australians are entitled to the same rights as the rest of the working population, and changing laws to enable them to remain productive will go some way towards ensuring that this occurs. Employers who invest in a proactive and sustainable work health and safety system, as well as workforce planning and development focusing on workers across the life cycle, will maximise productivity and prevent decline due to the ageing process. The committee recommends that further work is required to address the issues associated with an ageing workforce with the resultant change in workforce requirements and skill retention issues.

I express my thanks to the members of the committee for their contribution and deliberations as well as the committee staff who contributed to the preparation of the briefing report—executive officers Ms Carren Walker and Ms Sue Sedivy, and research officer Dr Leah Skrzypiec. I also thank the Hon. Susan Ryan for her attendance to the committee and for WorkCover's assistance in providing statistical and research reports. I also thank Associate Professor John Spoehr at the University of Adelaide for the research reports that he provided to the committee and all the other reports that we were able to access that have assisted the committee in its deliberations.

Mr VENNING (Schubert) (11:11): Mr Speaker, may I comment on how resplendent you look today. I want to support the speech by the Hon. Steph Key, Presiding Member of our committee. I, too, enjoy being present at this committee, with this one particularly because it is a subject very dear to my heart, considering the age group that I am in. It was an honour to have the Hon. Susan Ryan attend as our nation's Age Discrimination Commissioner. It was a unique opportunity to hear from her. This whole reference has been good for me because I am just about to enter into this void, if you like, in 10½ months, so I took more than a casual interest in the subject.

I believe that if you can work, you should. Your age should not come into it. As our presiding member has just said, WorkCover statistics tell us that it is not the over 65s who are the biggest concern, it is the mid-40s (45 to 55). I am out of that, so I am quite safe. I remind the house

that in my 22½ years here, I have never had a sick day; I hope that continues. I think we should be encouraging people to continue as contributors in the workforce. A lot of people just think that because they get to 65 or even earlier that they can and should retire and then become a taker of resources via the pension or whatever and sit back, because that is what is expected of them. I think that is quite wrong. I am 67 now and will be 68 when I leave here. I believe that I have 10 to 15 years active life left in me. Why shouldn't you do it?

Mr Treloar: At least!

Mr VENNING: At least! That's right! Thank you, member for Flinders. I am very much encouraged.

An honourable member interjecting:

Mr VENNING: I am well preserved. This subject is relevant and I urge members to read the report because there is a lot of information in it. I think an education program would be a good idea to tell people that just because you have got to that magic age, we are not going to pension you off, we need you there. As the member just said, these older workers are good role models for the young workers, particularly when it comes to blending work with pleasure, home and family, and there is a very unique blend here with the older worker.

As I said, I am a prime baby boomer, right smack in the middle of this period, and a lot of my age group are now leaving the workforce in droves and will be revenue negative to the national economy. We have fewer taxpayers to look after more retirees on pensions, so you do not have to be Einstein to work this out. We are going to have to address this issue.

Any person we can keep in the workforce is a double positive to keep them there and, rather than being a cost to the community, they are a contributor. We should do that. We should all be encouraged to continue in roles as volunteers in the community, so we are not lost. I believe that we ought to be telling people when they get to 65 that if they are thinking of retiring, they should consider cutting back to three days a week and on the other two do volunteering or whatever they want to do. That way it is good for them as they change from one sphere of their life to the next but they will still be contributing to the workforce and also to the taxation department.

My final comment is that I cannot believe that some people who are over 65 and run businesses are not entitled to WorkCover benefits. That has been going on for years and it is an absolute nonsense. I also believe that if a person works past 65, there ought to be taxation benefits accrued. If someone works on past that age, rather than be a cost to the community, they should only be charged half or two-thirds of the normal taxation they would normally pay.

That is an encouragement we ought to have. It is commonsense and it will be a positive for the national Treasurer. This is a subject dear to my heart and I urge members to read the report. I certainly will again; it is good bed-time reading. I think we really could take this issue a lot further because it is going to become more and more relevant as more of us retire.

Motion carried.

PUBLIC WORKS COMMITTEE: TEA TREE PLAZA O-BAHN INTERCHANGE CAR PARK

Mr SIBBONS (Mitchell) (11:16): I move:

That the 471st report of the committee, on the Tea Tree Plaza O-Bahn Interchange Commuter Car Park, be noted.

The estimated total project cost is $14 million. The Department of Planning, Transport and Infrastructure proposes to construct a new 700 space five-level commuter car park on the north-western corner of the Modbury TAFE SA campus, adjacent to the Tea Tree Plaza O-Bahn Interchange. The new car park will include 14 spaces for people with disabilities and four motorcycle spaces. Vehicular entry and exit from the car park will be provided from the existing O-Bahn access road. This will not impede existing O-Bahn services.

The car park will meet the expected commuter demand at the Tea Tree Plaza O-Bahn Interchange until 2021. The car park has been designed to integrate into any future upgrade of the interchange. Once the new car park is completed, it is proposed that the department of transport and infrastructure will seek expressions of interest for the sale and development of the existing commuter car park on the southern side of Smart Road for either a medium-density residential or commercial opportunity, or a combination of both, whichever will provide for the best use of this land and the highest return to the government.

Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:18): The opposition supports the project and is happy to get some of these committee reports through.

Ms BEDFORD (Florey) (11:18): I note that we are talking about something that has been very close to my heart and something that we have worked very hard for along with the member for Newland. He and I have worked, I daresay, tirelessly and passionately to see this come to pass.

We are very grateful that the first sod has been turned; we saw it happen, so we know it is on its way. We are very grateful that it is going to be completed very, very quickly. We are very grateful for the improvements to the concourse, particularly the public toilets that are going to be available, which has been something that the community has asked for for many years. We are very pleased that it is going to have so many spaces. We are a little concerned, however, that the land is to be disposed of without perhaps thinking to the future for extra car parking, but be that as it may, 700 spots is terrific and we very much look forward to seeing the community use these facilities.

We know it will be a great boost for public transport in our area and relieve the people who live in the streets surrounding Tea Tree Plaza who have had cars parking in their streets incessantly for years. So we thank the Public Works Committee for the final report and the tick, and we look forward to seeing you all up at Tea Tree Plaza. Catch the O-Bahn out—I think now the only cement rail busway in the world—and we will see you there on opening day.

The SPEAKER: Stuttgart.

Ms BEDFORD: I do not think they are still using it, sir. You might have been on that and seen it recently, but as far as I know, it is probably the only one now.

The SPEAKER: I stand corrected. The member for Kavel.

Mr GOLDSWORTHY (Kavel) (11:19): I too am pleased to make some comments in relation to the final report that the member for Mitchell brings to the house in relation to the Tea Tree Plaza O-Bahn interchange commuter car park. Perusing the report, obviously it provides some background to the project. As the member for Mitchell said, $14 million is the estimated total cost of the project. At 3.1 on page 6, the report outlines the current proposal and there are 10 dot points that really describe what the project will consist of. I would like to make some comments in relation to this infrastructure and, if I may, some other infrastructure projects around the state.

Can I say that this particular project—this 700-space car park at the Tea Tree Plaza O-Bahn—is not before time. I notice in the report in relation to the consultation, a number of organisations and departments were consulted and the City of Tea Tree Gully has been listed as one of the local government sectors that has been consulted, and I know that the City of Tea Tree Gully has been screaming for this particular piece of infrastructure for quite a number of years. They have been calling on this government for quite a number of years to get this project on the drawing board and into the Public Works Committee and have the final approval made in relation to it.

As the member for Florey said, the local residents have been quite unhappy again for a number of years in relation to cars being parked in the local streets. My mother-in-law actually lives close to Tea Tree Plaza and I know from communicating with my mother-in-law—with whom, I will say, I have a very good relationship—she has been particularly displeased with the number of cars being parked in the local streets. If one was a cynic, one could view this in relation to political expediency. We are a year out from an election—

Ms Bedford interjecting:

Mr PENGILLY: Point of order, sir. If the member for Florey wants to contribute, could I suggest that she returns to her seat.

The SPEAKER: The member for Florey is not a frequent offender, but on this occasion she is offending by interjecting out of her seat, and I ask her to cease and desist. The member for Kavel.

Mr GOLDSWORTHY: If one was a cynic, this could be viewed in the spectrum of political expediency because what do we have out in the north-eastern suburbs? We have seats like Florey, Newland and Wright—all marginal seats—and I think a number of those members are actually

feeling quite nervous. This could be described as pork-barrelling for those north-eastern electorates.

This government is dragged kicking and screaming in relation to infrastructure projects, and a glaring example of that is in the Mount Barker district. I will ask for some latitude here, Mr Speaker, because we are talking about infrastructure projects and when members do speak to committee reports, I know there is some latitude provided in arguably expanding comments out in relation to broader issues.

Mrs Geraghty: Not really.

The SPEAKER: Well, I will be the judge of that.

Mr GOLDSWORTHY: Thank you, Mr Speaker—I know, but you are a very fair person. Mount Barker is a glaring example of the neglect that this government is showing in relation to the provision of infrastructure. I have been in this place for 11½ years, and I have been continually calling on and lobbying the government to address those infrastructure and services needs in the Mount Barker district, particularly with the decision made in December 2010 to rezone 1,310 hectares of land for residential development—and that debate continues in the local district.

But what do we see the government spending money on in relation to infrastructure works? We have a few large projects—we have the RAH upgrade, and we have the Adelaide Oval. We also have the superway on South Road, and my personal belief is that that piece of infrastructure is actually being built on one of the best parts of South Road.

It is a three-lane carriageway on either side, so I do not know why the project was not moved several kilometres south, where you come up through a bottleneck off Regency Road, run through Port Road and into Thebarton and those suburbs. We have the Southern Expressway and the electrification of the rail line down to the southern suburbs. Where are all those projects focused? They are all in Labor's territory—nothing in Liberal territory, nothing in Mount Barker.

I turn now to where the report talks about the background to the project. There is obviously some money being spent at Tea Tree Plaza and also at Klemzig, but what about Paradise? What about the government addressing issues in Paradise? It has been our policy—Liberal Party policy—actually to increase car parking spaces in the Paradise interchange area. It is the Liberal Party's initiative to focus on Paradise.

At the moment, it is my understanding that the government hires car parking spaces from the Paradise Community Church. That is all very well, but what happens if the Paradise Community Church, for whatever reason, decides that they do not want to continue that arrangement? You are going to have the same situation you had at Tea Tree Plaza, where there is going to be more cars parked in the local streets, making the local residents unhappy.

I come to this issue with some experience. For nine years, I worked in the CBD, in the city here, and I was pretty much a daily commuter on the O-Bahn, so I have some personal experience of parking at Tea Tree Plaza. I actually had a car stolen from the Tea Tree Plaza car park. I also parked one day at the Klemzig interchange and had a car stolen from there. I recovered my car from—

Members interjecting:

Mr GOLDSWORTHY: No, they were both locked; they were both secure. I recovered my car that had been stolen from the Tea Tree Plaza O-Bahn. The police found it for me at the back of the Fairview Park shops. The police came across the car stolen from Klemzig, and I understand that, unfortunately, there was a pursuit. The thieves crashed the car into some brick walls and it was a write-off, so we had to claim through the insurance in relation to that.

The Tea Tree Plaza interchange, and the north-eastern suburban shopping precinct, is used by part of my constituency. It is used by the northern part of the electorate of Kavel. I know that the local residents of the townships of Lobethal, Gumeracha and Birdwood travel down into the north-eastern suburbs to do some of their shopping, so this piece of infrastructure does have an effect on my constituency as well.

As the member for Finniss, who is a member of the Public Works Committee, has stated, we support this for obvious reasons but, as I have said, it is not before time. We know that this government is dragged kicking and screaming to fund infrastructure projects.

Members interjecting:

The SPEAKER: Once one starts, so do all of them.

The Hon. R.B. SUCH (Fisher) (11:29): I rise to support this project. Any infrastructure which helps facilitate greater use of public transport is to be welcomed. The O-Bahn has been successful. It is unfortunate, in a way, that the original plan for a tram did not occur. I do not know whether members have read their history, but the original proposal was to have an underground tram in King William Street, with that tram to go out to the north-eastern suburbs. It is a pity that did not happen because I think it is better to have an integrated system rather than what we have now, which is a hybrid (a mixture of different systems). We are one of the few places in the world that has the O-Bahn because it is a very expensive system, especially when you have to replace all the concrete supports.

This is a worthwhile development. I make the point that throughout the metropolitan area where you have rail lines, the government needs to make sure there is commuter car parking. We have issues, and I am sure the member for Davenport would agree with me, around the Coromandel, Blackwood—that has been improved somewhat—and Eden Hills stations. All of the stations on the Belair line are under pressure for parking. The councils wage a continual battle against people who park where they should not near those railway stations.

I support any initiative like this and encourage the government to keep providing and expanding the car park provisions. What they do in Perth, and I have raised this in here before, is in the larger car parks they have a security officer there all day and the people who park pay $1 for the privilege. When you multiply that by about 400 or 500 cars that is more than enough to pay for a security guard to be there, which not only helps protect cars from vandals, it also gives security to not just female travellers but they in particular are often concerned about their safety arriving in a railway station car park, especially when it is dark.

So, I think we can go further with what is being done here and follow the West Australian model of having security guards at the larger car parks, and people pay $1 or $2 a day, which is fairly insignificant for most people, knowing that their vehicle has someone watching it and that there is someone there to help increase the level of personal safety. I welcome this initiative.

Motion carried.

PUBLIC WORKS COMMITTEE: ST CLAIR RAILWAY STATION PROJECT

Mr SIBBONS (Mitchell) (11:33): I move:

That the 472nd report of the committee, entitled St Clair Railway Station Project, be noted.

The committee has received a proposal to construct the St Clair Railway Station at a cost of $6.42 million. The St Clair station will incorporate the following elements: architecturally designed shelters, platforms designed to minimise the step and gap between platform and trains, closed circuit television surveillance, passenger information display systems on each platform to inform customers about train running times, a central network linked public address system to facilitate real time passenger information announcements and an emergency telephone centrally located on each platform.

The key object of the St Clair station project is to provide improved facilities for commuters that support and encourage increased patronage on train services. The project will also improve commuter comfort and convenience, public safety, security, general amenity and accessibility in line with DSAPT. The project will be complete by September 2013. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:35): The opposition followed this project with interest and is completely supportive of it, once again.

The Hon. R.B. SUCH (Fisher) (11:35): Once again, I welcome any improvements to the public transport system in Adelaide—and in the country areas, where that is possible. One of my points is (and I have made this point before) that, unfortunately, with the new railway stations that have been built, there is no toilet provision in them, and I believe there should be. I understand why planners might choose not to provide toilet facilities but it is a reality that people may need to use a toilet, particularly if they have to wait for a train. I think with some clever design they can make toilets so they are less likely to be vandalised, and I think that can also include the new electronic toilets.

They are not cheap, but I believe it is a fundamental when you have people waiting for trains. It does not matter whether they are male or female, and people often have infants. I have taken my grandchildren on the tram and, of course, when you get on the tram they suddenly decide they want to go to the toilet. As far as I know, there is nowhere along the tram line where there is a public toilet, so you have to resort to irrigation of the adjoining vegetation.

I would like the government to make sure that when they plan these stations, whether it is St Clair or anywhere else, they do provide what is a basic requirement, and that is a toilet, which is necessary if you want to encourage people to use public transport. It is not just older people who need these facilities: they are for people of any age. I think it is just a fundamental. I have seen designs in some places where they are less prone to vandalism, because you can still maintain privacy but create more of what I would call an open aspect so you get less vandalism and it is harder for vandals to get in and destroy these facilities. Either design it that way or use one of these new electronic toilets.

The SPEAKER (11:37): As the development is near my own electorate, I would like to add my support for the proposed St Clair railway station, which is just over the road from Cheltenham Parade. The opportunity for the railway station and the new Coles supermarket has been provided by the housing development in the area bounded by Actil Avenue, the railway line, Cheltenham Parade and Torrens Road, which is now home to hundreds of people and will soon be home to hundreds more.

If councillor Robert Grant and mayor Kirsten Alexander of the Charles Sturt council had had their way, not a single person would be living within those boundaries. The Save St Clair group has referred to the houses there as slums and concrete blocks. The mayor herself, before she was mayor, referred to those houses as 'Little boxes...little boxes...and they're all made out of ticky tacky and they all look just the same'. Frankly, I am very pleased that the area is now being used for housing. I welcome the residents to the area. I hope they will enjoy using the new St Clair railway station as much as I will enjoy using it as a regular rail traveller, and I thank, in particular, the opposition (the Liberal Party) for its indication of support for the new railway station.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT AUGUSTA CENTRAL OVAL REDEVELOPMENT

Mr SIBBONS (Mitchell) (11:39): I move:

That the 473rd report of the committee, entitled Port Augusta Central Oval Redevelopment, be noted.

The committee received a proposal for a development of the Port Augusta Central Oval at a cost of $15 million, which includes the following components:

- the refurbishment of the existing oval and associated amenities/infrastructure to meet Australian Football League standards
- the construction of an 11-court outdoor floodlit netball facility that meets Netball SA standards
- the construction of a new multiuse indoor sports stadium to accommodate three indoor basketball/netball courts, with potential for other future sports, player facilities (change rooms, toilets and showers), canteen, spectator viewing areas, and a members and function space
- the deconstruction of existing oval grandstand and construction of a multipurpose clubroom
- the part deconstruction of existing basketball stadium and refurbishment of remaining section for ongoing community use.

Much of the sporting and recreation infrastructure located at Port Augusta Central Oval is over 30 years of age and in need of replacement or enhancement if it is to continue to meet the needs of the growing community of Port Augusta. The project aims to create a regional level community and sporting hub that provides for football, netball, basketball and other community groups and functions that will feature:

- a flat grassed playing field to cater for local district (regional), state (SANFL) and possibly national (AFL) exhibition fixtures
- a new community indoor sports stadium which will accommodate three basketball/netball courts and seat up to 400 spectators

- an 11-court floodlit outdoor netball facility that meets Netball SA standards
- a community event space that meets the growing needs of the region.

Funding for the project is from the state government ($5 million) and the federal government ($5 million); the SANFL have contributed $150,000, and the balance is from the Port Augusta City Council. The Port Augusta City Council will manage the project. The redevelopment is expected to be completed by April 2014. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:42): I have a great deal of pleasure in supporting this project. The opposition members, the member for Waite and myself, were delighted that this project came through to the committee. It was interesting to have the proponents in there speaking to the committee at length and taking questions. There is no doubt in my mind that the Port Augusta facility will be a great boon to that section of the state, and sporting clubs from near and far will come in to use it. I think it is outstanding.

I would like to suggest that a fitting name for it could be the Joy Baluch Sporting Grounds, after the enormous effort that Joy Baluch has put into promoting Port Augusta. I spent some years dealing with Joy in another life, and she still continually refers to Port Augusta as the centre of the universe. Some of us may have a rather different point of view to that, but it is a line that she has used regularly and there has been no greater advocate for Port Augusta than Joy Baluch over the decades. I wish Joy well; I know that she suffers indifferent health. But she is forthright and she was extremely forthright in pursuing this project.

I think the breakdown is significant. Rowan Ramsey, the federal member up there, would need to be commended for his efforts on the federal government funding supporting that, and there is the $5 million from the state, $150,000 from SANFL, and the balance to come from the Port Augusta Council.

It will be a project that will be of enormous benefit to the community. It will be there for many decades to come and no doubt in due course it will need upgrades. I think it is a wonderful thing and I will look forward as a member of the Public Works Committee to, hopefully, going up when the project is open, in due course when it is completed. Again, I strongly suggest that a good name would be the Joy Baluch Sporting Grounds, or something similar.

Mr VAN HOLST PELLEKAAN (Stuart) (11:44): As the local member, I certainly wholeheartedly welcome this house's support for this project. I also wholeheartedly congratulate the Port Augusta City Council on their many years of hard work to get this project off the ground. They are really the heroes here, as they are the ones, under the guidance of their fantastic mayor, Joy Baluch—and certainly the staff have also done a fantastic job—who have pushed for this project to get it going.

I think it might be interesting for this house to have a short bit of history included in this debate. Initially, the council were not getting the support they were looking for from any quarter, and I was very pleased to be able to propose, as a candidate, to the Liberal opposition that we contribute an election promise of $5 million towards this project if we were elected. Certainly, the Liberal opposition at the time—and this is now nearly five years ago—gave the council and myself huge support in that department, and I said very publicly at the time to Port Augusta and the broader community that I hoped the government matched this promise because, regardless of the outcome at the election, Port Augusta and the surrounding community would get the $5 million.

Unfortunately, we were not successful at the election, but fortunately the government did match that promise and the $5 million, which is now coming from the state government, could be matched by $5 million from the federal government. Again, I congratulate the Port Augusta City Council because it was not until their third application for that federal funding that they got the $5 million.

They were obviously trying to hold onto the state money as long as they could, and they were putting in applications to get the federal money, but they did not want to keep trying for so long that they lost the state money; however, they knew the project could be more than twice as good if they could get the federal money, so good on them for doing that. They are now putting in several million dollars of their own money, and there are other contributors the member for Mitchell has mentioned.

This is an absolutely fantastic project. The upgraded Port Augusta Central Oval and all the additional sporting and recreational facilities will be accessible to boys and girls and men and women of all ages. Beginners, advanced and recreational sportspeople will have wonderful new facilities covering a wide range of sports and other activities. These new facilities will not only be for Port Augusta people to use but they will also be a regional sporting hub accessible to the whole north of the state. Everything from young beginners netball through to Crows and Port Power practice matches can be enjoyed in the new facilities.

Every popular sporting code in Port Augusta has been consulted in the development of these new facilities, and every one will benefit from them. This is not just about upgrading the football oval, this is about giving Port Augusta a very high-quality sporting precinct which will have a statewide reputation for many sports and active recreational purposes. There will be very clear health, social and economic benefits for Port Augusta, from the construction phase and, more importantly, for decades to come as the facilities are used by locals, other South Australians and interstaters. I commend the project, and I commend the report to the house.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (11:48): I also commend this report and the project to the house. I was in Port Augusta a few weeks ago and caught up with the member for Stuart up there. It is terrific the way that it will bring netball and football back together after a decision was made about 30 years ago for netball to move to a different location. Anyone in country areas of South Australia will know that the focal point on a Saturday is usually the footy clubs and netball clubs as they come together in the biggest volume sports in country South Australia, so I think that is a tremendous benefit.

The wider benefit for the people of Port Augusta will be the facility which is being built between the courts and the oval which will not only be used by sporting teams for their celebrations but in many ways will also be Port Augusta's civic centre. It will be available for conferences and conventions, and the court space, where the three courts are on the lower level of the building, can be opened right up as a fantastic place to hold exhibitions, and then of course upstairs there is plenty of room for conferences, dining and other facilities, so I think it is $15 million really well spent.

It is great to see local government, state government and federal government working together and, as the member for Stuart said, a bipartisan approach here. If someone puts up a good idea, instead of ridiculing it, we get on board. I want to also congratulate Sean Holden who was the candidate for Stuart at the last election as well, for the advocacy that he put in. I commend the project and the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT WAKEFIELD WATER SUPPLY UPGRADE

Mr SIBBONS (Mitchell) (11:50): I move:

That the 474th report of the committee on the Port Wakefield Water Supply Upgrade be noted.

The estimated cost of the water supply upgrade works is $17.089 million. SA Water proposed upgrading the current limited potable water supply to the Wakefield region in support of a state initiative to facilitate the expansion of the existing poultry industry in the Balaklava/Port Wakefield area and increase potential residential development in Port Wakefield and Balaklava.

The upgrade in the water supply will also provide capacity for the supply of water to Rex Minerals' proposed mining operations at the Hillside mine, south of Ardrossan, on Yorke Peninsula. The additional pipeline connection from Port Wakefield to Rex Minerals is not part of this proposal. This proposal comprises the construction of an estimated 43-kilometre-long potable water pipeline (including all ancillary related infrastructure) from the existing Upper Wakefield storage (near Auburn) to Port Wakefield township via Balaklava and Bowmans.

The expected outcomes and benefits of the project are to facilitate the sustainability of the region's towns by providing a reliable water supply and to support the growth of the regional economy via potential job creation during the construction of new houses and poultry farms, the operations of those farms and the mining activities; expected cash flow through the region; and financial turnover generated from the poultry farms.

The Regional Development Australia Fund (RDAF) supports this investment in infrastructure needs for the economic and community growth of the Wakefield regions. Rex

Minerals (for their proposed mining operations at Yorke Peninsula) support and will also fund a total of $13.007 million towards the construction cost of the water supply upgrade infrastructure.

A funding agreement between SA Water and Rex Minerals has been entered into, and a funding agreement for the RDAF via the Wakefield Regional Council has also been agreed. The project is expected to be completed by May 2014. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr GRIFFITHS (Goyder) (11:53): I wish to speak in support of this motion and commend the Public Works Committee on supporting this investment that is occurring predominantly within the Goyder electorate. It has been an issue that the community has been pursuing for some time. I know it was probably about 6½ years ago that the Hon. Rory McEwen, as the then minister for regional development, approached me about the fact that it was being considered and got very close to a level of support then, with him trying to find the finances for it.

I know that the Wakefield Regional Council has fought long and hard for this. The support of the Regional Development Board and now the RDA in its place has been outstanding on this but, importantly, industry and community benefit is going to be pronounced. While I was unable to attend the Public Works meeting to speak in support of it and, potentially, to ask some questions about it, I was very pleased to put in a submission to express my absolute total support for the project.

I am very pleased that it is happening and I, like everyone in the chamber, look forward to the benefits that flow from it (no pun intended) for residential, light industrial, intensive animal keeping; and with the comment from the member for Mitchell about the memorandum of understanding that exists between Rex Minerals and the contribution they are making towards a further augmentation of the pipe if that development occurs. I confirm to the house that they lodged an application yesterday for a mining lease, not just an exploration permission. If that occurs, and with the water augmentation that is going to occur, it will be very beneficial for the region at large and I look forward to its swift construction and benefit for all people.

Mr PENGILLY (Finniss) (11:55): I am pleased that the member for Goyder has made that contribution. It was most unfortunate that he could not be there that day when we discussed this matter. The opposition members of the committee were most supportive of the proposal, and it is something that will stand the area and the region in good stead for the future. Regional water supplies are a matter of great importance to us, those who come from the country. As indeed city members are concerned about the water supply to Adelaide, so are we where we are. So, I look forward to it coming to fruition and I am pleased to support the project.

Motion carried.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

Dr CLOSE (Port Adelaide) (11:56): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

PUBLIC WORKS COMMITTEE: RAIL REVITALISATION—ELECTRIFICATION OF SEAFORD AND TONSLEY LINES

Adjourned debate on motion of Mr Odenwalder:

That the 462nd report of the committee, on Rail Revitalisation—Electrification of Seaford and Tonsley Lines, be noted.

(Continued from 20 February 2013.)

Mr PENGILLY (Finniss) (11:58): I am unsure whether I have actually spoken on this but I am keen to clear it from the *Notice Paper,* so I suggest we put it to the vote.

Motion carried.

SELECT COMMITTEE ON SUSTAINABLE FARMING PRACTICES

Dr CLOSE (Port Adelaide) (11:59): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON THE PORT AUGUSTA POWER STATIONS

Dr CLOSE (Port Adelaide) (11:59): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

ADVANCE CARE DIRECTIVES BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 9 April 2013.)

The Hon. J.J. SNELLING: I move:

That the Legislative Council's amendments be agreed to.

Ms CHAPMAN: I place on the record and remind members that this bill was a conscience vote for the Liberal Party. Of course, all our votes are conscience votes, but in this circumstance we have elected not to have a party position. I think it is fair to say, though, that the government has been overwhelmed with the response from a number of stakeholders on this legislation. There are those, of course, who are very concerned about whether this legislation was in fact producing a back-door form of euthanasia.

This bill had a very long development period under previous minister Hill, and I think even his predecessor. From memory, the original consideration of this was under minister Stevens when I think she appointed the Hon. Martyn Evans to undertake a general inquiry. I think from one of the earliest meetings I had with him as shadow minister for health, he indicated that in fact this had a gestation period of about four or five years before it even got to a stage of draft bills for consideration.

Of course, even when we had the final presentation under minister Hill to members of parliament there were significant deficiencies in relation to the matters raised in the proposed bill, but also there had been no drafts prepared of the format for the form to be provided in advance care directives, even though it had been considered in other jurisdictions.

So, a very long gestation period and a very long time for members to give some thought to this and, of course, for stakeholders to have an interest; however, notwithstanding that, the government proceeded with a bill that I suggest failed to really take into account a number of important aspects. Fortunately, I think the current minister—I will give him credit for it, anyway—has understood the importance of these and has agreed to a number of amendments. The Hon. Ian Hunter presented a number of those to the Legislative Council, which were passed in that chamber yesterday afternoon and which the current minister has indicated he is supporting.

I will not traverse a number of the issues that the Hon. Ian Hunter outlined, for which he stated that there was a clear position on legal advice which the government had obtained and which he outlined in his contribution yesterday. On those issues, he said they had received advice and it was clear what the position was, he reiterated it there and provided the basis for that, and I think that gives a good summary of assurances from the government on a number of key issues that were raised.

In the categories of amendment, one which has been flagged for years, and which I am pleased the government has acceded to, is the question of iatrogenic complications. I will not detail that because people who have been following this debate will know how that is defined, but the government has now supported the amendment to remove the clause from the bill which effectively means that 'side treatments', if I can call them that, could not be acted upon or there may have been a possibility that they could not have been acted upon with medical intervention. We are very pleased about that.

There was a tidying up of the definition of medical treatment. I think here the government wanted to have consistency but realised that there were some problems in relation to that and accepted that the proposed amendment to the definition of medical treatment would be changed. There was a removal of 'examination and assessment' from the definition, which I think was a wise move, and I thank the government for that.

There were also amendments to deal with this, I think, more difficult issue of emergency provisions in the Consent to Medical Treatment and Palliative Care Act and to provide for the lawful administration of medical treatment in an emergency, and where the refusal in the advance care

directive is unclear or ambiguous. I am sure other members, no matter how they voted on this bill, were very concerned about ensuring that there be protection to enable flexibility. I think the amendments proposed by the government, and in fact passed in the Legislative Council, do provide some flexibility for that.

On the issue of conscientious objections, again I think the minister covered that. He did say, however, that, as presently drafted, this may not cover situations where a person thinks that they are acting in accordance with the advance care directive but may have misinterpreted a provision. As a result, of course, we have the amendment before us.

There is some provision to cover the actions and applications made to the Guardianship Board. Remembering that this bill makes provision for people to get advice from the Public Advocate with appropriate capacity to go off to the Guardianship Board, I think the government has helped in looking at minimising vexatious applications to the Guardianship Board, and that is a timely provision. There were other minor amendments which were put forward and we welcome those.

Can I say, for the record, that there were a number of organisations and stakeholders involved in this debate who came forward, some of whom we do not view as the usual suspects when it comes to legislative reform. This is a very important piece of legislation. I support the principle of the objectives that are in the bill, which I think were outlined when minister Hill had the conduct of this matter.

I think it is hard not be supportive of ensuring that people have an opportunity to be able to have greater certainty over their lives, but also to protect those who are going to be in the firing line, which of course are our health and medical people, including ambulance officers and the like. We do need to make sure that we get it as right as possible. I thank all those who have worked hard to ensure that the issues of concern and conflict have been identified.

I thank the government for at least listening to some of those in the end and ensuring that we have some sensible modification. I think this will not only keep flexibility but also ensure that we have those extra protections. I also wish to thank those in the other place who have made a number of contributions. I think I have read almost all of them, and I have no doubt that other members in this house would have carefully looked at this debate and followed it with some interest, no matter how they decide to vote on it.

I think the Legislative Council has done justice to the whole process of the parliament by ensuring that we have had a diversity of views expressed on this matter. Members have taken the opportunity to outline their position, raise the concerns that have been raised with them, and then there has been what I think is a very important and proper counsel of discussion. A resolution has come back here in a form that certainly does justice to the Legislative Council, for which I think we should record our appreciation.

In saying that, I am not diminishing the contribution that I am sure the new minister has had in that outcome, because, of course, he now has the conduct of this matter on behalf of the government. With those words, I indicate that I will be supporting the bill in its amended form.

The Hon. S.W. KEY: I am pleased to see that we are at the stage where we may actually pass this bill. I have been campaigning for reform in the advance care directives area for over 10 years and I have been a bit frustrated, to be honest, about the lack of progress that as been made. At one stage, I was getting involved in very complicated discussions with the view to introducing a private member's bill. One of the reasons for this is that back in the day when, as the member for Bragg said, the then minister for health (Lea Stevens) and I, as social justice minister, saw this as a very important initiative for people in South Australia.

I do not think the former member for Little Para and former minister (Lea Stevens) would mind me saying this, but we really believed that it was important for people to be able to make arrangements in relation to their lives, to be able to understand those arrangements, to change the arrangements and, where necessary, delegate arrangements (particularly with regard to advance care directives) to other people who would carry out and respect the wishes that one had put forward.

When I say there has been a long history, it has certainly been my experience—and I know other people in this chamber, as JPs, for example, would understand—where there has been some confusion from constituents who come to you with various documents that they want you to certify. I have been very concerned, over the years, when a whole family will come into the electorate

office with their mother or grandmother to try to formalise these arrangements. Sometimes, although your job as a JP is to certify documents, in fact it is important that the person who is going through this process understands what is happening and is totally comfortable with it.

Over the years I have also been very concerned about information that has come from the community legal service area, where different constituents have gone to community legal service and the lawyer who has been working on these cases has been really concerned about the understanding (or not) of the person who has come to them. It is the same with the Women's Information Service and the Women's Legal Service, just to mention a few of those organisations that provide support for people.

I do commend the original band in South Australia, chaired by Martyn Evans, for the work they have done over many years in the advanced care directives area and also the input they had a little later on in the process with the national group that was set up to try to make sure that we not only had advanced care directives that were understandable and, as I said, accessible to people, but also that there was some sort of national uniformity. I do not know how far that has gone recently, but that is certainly another area. I congratulate the former minister John Hill and, certainly, the current minister for making this possibly a bill that will be passed today.

The Hon. J.D. HILL: I will not speak at great length, Mr Chairman. I just express my pleasure that after a very long period of time, which covered my entire period as minister for health and beyond on both ends, this legislation has finally got to this stage. I will comment on the sentiment of the contribution made by the member for Bragg. It has been something which has been worked on across both chambers, and with some give-and-take we have reached a set of words which most people seem to be able to live with, including the legal profession, the medical profession, and all members of this place, which gives me some confidence that the legislation will be well received in the community and will be able to be implemented in a sensible way.

It is really, really important that individuals tell their families about what they want to happen when they are well and when they are of sound mind if circumstances change. The legislation has allowed that for some time, but very few people have taken it up. It is really important—and I will say this to the minister for health, and I am sure he knows this—that the department through its officers has to go out there and sell this package because of itself it will not really change the world but it makes it easier for people to use the existing provisions.

Finally, I just want to make one comment. During the period when I was minister and had responsibility for this, *The Australian* newspaper, through the person of Christopher Pearson, wrote an article which attacked this provision and attributed to me the view that I was doing it in order to reduce the number of old people in our hospitals as some sort of grubby cost saving measure. I wrote to the editor and complained about this and sought an apology. Pearson originally refused to give one saying that he was being ironic in a Swiftian kind of way when he made that observation, but if anybody had read his article they would know this was not correct. What he did was rely on somebody who was opposed to the legislation (a person I had not heard of) and appear to rely solely on the opinion of this person to mount a case that this was a stepping stone on the way to euthanasia.

Regardless of what one's views are about euthanasia, this legislation has nothing to do with euthanasia. It is about the sense of provision of care for people in various times of their life, including when they are terminally ill. This is not about terminal illness per se: it is about people who have lost capacity in various ways who need the help of others to make decisions on their part or who want to tell others, including the medical profession, about what interventions they want at particular periods of their life. This is not a stepping stone to euthanasia. I was deeply offended by the comments made by Pearson. Ultimately, after a more stern letter was sent by me, he apologised and withdrew the comments in his article, but I just wanted to put it on the record here, because I was offered the opportunity by *The Australian* to put my own views at the time.

I rejected that opportunity on the basis that, if I were to put my views, I would be giving some credence to the views he put—that is, that we both had views; I had a different view. I just think that he was wrong, and I am glad that eventually an apology arrived. But having got that off my chest, I can say that I am very pleased that this legislation is now at this stage, and I look forward to its fruitful implementation in our community, where I know that it will be welcomed strongly.

The Hon. J.J. SNELLING: I thank members for their comments. I want to put on the record my thanks to the Hon. Martyn Evans, who went and spoke to various interested parties who

had a number of concerns about the legislation as it was drafted. As a result, Martyn worked very hard in order to develop amendments which met any concerns anyone had and, as a result of that, if I am not wrong, the legislation and the amendments passed through the Legislative Council unanimously, which I think might be unprecedented. This is indeed landmark legislation, and I put on the record my thanks to Martyn Evans for his very hard work to ensure that this piece of legislation had the broad support it deserves.

Motion carried.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (12:22): I seek leave to make a personal explanation.

Leave granted.

Mr MARSHALL: Yesterday, during question time, in one of my questions I referred to a contract being signed by the Australian and Victorian governments with the Holden company. I should not have referred to the Victorian government.

Members interjecting:

The DEPUTY SPEAKER: Order!

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:23): I rise to speak on the Legal Practitioners (Miscellaneous) Amendment Bill 2013. Again, this is a piece of legislation that has had a very long gestation period. Members might recall that recently we had a motion in the parliament where concern was expressed about a particular legal practitioner and his involvement in the death of a cyclist, now nearly 10 years ago. There was, I think, strident criticism, at least from this side of the house, in relation to the government's failure to address a number of the consequences of that action (apart from the tragic death of the cyclist) in a legal sense to help ensure that in the future we can avoid a recurrence of this type of incident.

The cry from this side of the house was that it was important that the government not only advance reform to deal with that issue but also tidy up a number of aspects that the legal profession across the nation were calling for. Although the government finally introduced this bill a few weeks ago, it is important to note that the draft for consultation had been out for some time. On 13 March 2012, a draft bill was tabled.

That is a new initiative of this government, I think, where it is sent out for consultation—sometimes the government does it and sometimes it does not. The second one was sent out to a select number of stakeholders, such as the Law Society and other relevant bodies, for further revision. I should disclose, as this is a bill that will affect the legal profession, that I am a legal practitioner and have previously been a longstanding member of the Law Society of South Australia, and I remain a member of the South Australian Bar Association.

The reform of the legal profession in its regulatory environment has been under discussion, and drafts have been submitted over the last 10 years or so. In fact, the entire time I have been here in parliament, and also during the period I was shadow attorney-general on behalf of the opposition, I have kept an interest in it for obvious reasons. The then attorney—and now, indeed, our Speaker—had a number of discussions about the progress of the national reform.

There were a number of issues that ultimately culminated in the then attorney-general—and 'spitting the dummy' would be a light way of describing it—walking away from the bill altogether, which I think was disappointing behaviour. It was also disappointing because a number of aspects that I think should have been dealt with have remained unresolved.

Really, this bill reflects only part of what has been on the agenda over the last 10 years, and to some degree I think that in South Australia the profession has missed out on some opportunities which could have been dealt with earlier. Similarly, there are some protections for the consumers of legal services, who directly or indirectly are most people in South Australia, who have been left exposed.

The first round of reform was adopted throughout Australia, except in South Australia, which I think was a direct result of the behaviour of the then attorney-general. However, due to concerns about the Guarantee Fund following the Magarey Farlam defalcation, the South Australian bill was not supported by the Liberal Party. That failed and, as I say, the attorney took his bat and ball and went home. We then saw that some of the proposals from the 2007 bill were included in the bill which was tabled last year and which is now in its final form before us, including reforms to trust accounts, lawyer disciplinary action, cost disclosure, incorporated legal practices, community legal centres and practising certificates.

The second round of reform towards a national legal profession has also failed, in that only Victoria, New South Wales and the Northern Territory are currently pursuing a uniform approach. The national model law we have had under discussion for the last decade has not actually yet been tabled, so we are not entirely sure whether what we are about to receive in respect of certain aspects that I have outlined will be consistent with the national model, if it ever sees the light of day, but I make that point.

Notwithstanding that, as an opposition, we have viewed the bill and will be supporting it. There will be some inconsistencies that I will be raising at the committee stage, so perhaps those who are listening intently to this debate could follow that up. Perhaps the Attorney could provide to the house where these provisions are consistent with the national model, which we do not yet have, and what variations have been made to the national law provisions and why. I think we need to have some understanding of that before the final passage of this bill from this house.

I will first address one of the most public issues which this bill seeks to remedy. Hopefully it will support some restoration for the public in the legal profession generally but there is no question that, as a result of what is commonly known as the McGee case, there has been repeated comment and outcry from members of the public about the behaviour of the legal profession. I have to say that even though I am a legal practitioner myself, sometimes it is most unfortunate when the behaviour of one reflects poorly on others.

It does not matter what profession, trade or enterprise people are in, they can hold their head high as to be conducting themselves in a professional manner and with a level of integrity and the like, but there will always be some bad apples. We need to be making laws in here that ensure we eradicate the bad apples as often as possible. Of course, in this instance, we are talking about the legal profession, so I will get back to the issue.

The current definitions for unsatisfactory conduct and unprofessional conduct by a lawyer are proposed to be replaced with broader definitions of unsatisfactory professional conduct and professional misconduct. The new definitions are taken from the 2007 bill and are consistent with the interstate definitions in the proposed national law as best we understand it. What this simply means is that it is not just enough to attract some ultimate disciplinary action. If one misbehaves in a way that is directly related to one's legal practice, it could encompass other behaviour that may be other criminal behaviour or other non-criminal behaviour.

It is a difficult area to go into because it raises questions about whether the conduct of a medical practitioner or a doctor or an accountant, people who are held in some regard and who are providing advice, needs to have certain standards of integrity and behaviour where it might be blurred with some moral standards of behaviour. One example I can think of in practice is when a legal practitioner—in fact, someone in this instance who had actually elevated to a status at the judicial level—had become involved in a case in which I was representing a party. I mention it because the offending behaviour in that instance which people would see as being irresponsible at least, I think, and inappropriate was his failure to make any financial provision for his children and, even under orders that he was to make payments by a court, there had been a failure to do so.

It was not illegal. There are certain remedies which can be taken to enforce that obligation, but there is a moral question of whether someone should be in a position of trust and certainly in a position (as in this instance) where they are a legal practitioner and also carrying on judicial duties and whether, in fact, they should be allowed to hold high office and a practising certificate when, on the face of it, they failed a basic social expectation, namely, to provide for their family.

So it does raise questions: should we be dealing with someone who is a legal practitioner whose moral conduct might not be up to the standard of others? They might be regular attendees at sex shops and participate in an activity which many people in the community would not support. It may not be illegal, but it may be seen as a standard that is inappropriate.

So it always raises the question when we go into this area of 'Well, it is not just your professional standards that we are looking at here; it is not within the context of your direct relationship with what you are doing in your capacity as legal practitioner—your competence in administering advice, or representation, or the charges that you make—we are actually going to expand this into other non-criminal behaviour which we see as reflecting on your capacity to have the privilege of continuing to be able to have a practising certificate.'

So this expansion of the definition does, as I say, raise some issues. It came, I think, in a timely manner to ensure that we do something to deal with the legal practitioner in the McGee case. Members would know that we had a royal commission inquiry into that whole incident, and I am not going to traverse that.

In short, there was a general concern by the public that someone who was a legal practitioner, knowing or deemed to have known what their obligations were in law, avoided the scrutiny of legal processes—in particular post the accident—by leaving the scene at which a person had lost their life and potentially avoided the detection of alcohol in their blood. Therefore, there were direct legal consequences arising from that.

The aspect that we understand is that this bill differs from the draft national law provisions in three key respects. One is: the bill proposes under section 70 that 'conduct capable of constituting unsatisfactory professional conduct or professional misconduct' does not have a clause that makes it clear that the conduct can come within the act, whether or not the contravention is punishable by way of conviction or pecuniary penalty order.

Second, in terms of legal costs, the bill refers to 'charging of excessive legal costs', whereas the national law has a lower bar charging more than a fair and reasonable amount for legal costs in connection with the practise of the law. Thirdly, under the bill, misconduct can include 'failing to comply with terms of a professional mentoring agreement entered into with the Society'.

We are not certain as to why there should be this differentiation. It does raise some questions about whether that will cause some confusion—be lighter or harsher in its application of what we would have had—so I will be looking to the government to identify some explanation of those matters in committee.

The other aspect of this reform in dealing with unprofessional or unsatisfactory conduct is that the bill proposes to replace the Legal Practitioners Conduct Board with a legal profession conduct commissioner, who is a practitioner. Only two of the seven members are required not to be lawyers. As members may well be aware, we have a Legal Practitioners Conduct Board at present; we also have a Legal Practitioners Disciplinary Tribunal. There is no proposal in this bill to remove them. They operate and they include legal practitioners, so we have a two-tiered system to the extent of complaints in this area and how they are managed.

Members might recall that, as an opposition, we were critical of the current Attorney-General in his failure to refer the McGee case to the Legal Practitioners Disciplinary Tribunal, which he had power to do, after the Legal Practitioners Conduct Board had declined to make any determination from which action would follow. The Attorney-General's response was that he was restricted by the terms of definition, part of which we are attempting to remedy here today. We certainly did not agree with that, but we raised this question of why, then, it would take so long to get on with trying to remedy it. In any event, this bill proposes to replace the board with a commissioner.

The commissioner is to be given significant investigative powers. They include having access to documents and the power to compel a person in control of a document to provide them; the power to compel a person to assist in an investigation of a complaint in a specified manner; the ability to enter premises and, under limited circumstances, residential premises without a warrant; and the power to search premises, examine anything on site, take copies of documents, take possession of any relevant material, including computers, and use equipment on the premises, such as a photocopier.

There will be a very significant penalty of up to $50,000 if someone is found guilty of obstructing an investigator without reasonable excuse. A person is compelled to comply with a request even if it would incriminate them. However, the incriminating evidence obtained is not admissible in evidence against a person other than in a disciplinary proceeding or proceedings for offences under the act.

I mention the submissions that we—and, no doubt, the government—have received. It is fair to say that there are a number of people who were very vocal, both in correspondence and submissions and in publications, including *The Australian* newspaper, during the last 10 years, some of whom were victims, or relatives or friends of persons who had been victims, of inappropriate conduct of legal practitioners, no less those who were the victims in the Magarey Farlam case.

As a general principle, in a moment I will come to how it is proposed to deal with the Fidelity Fund under this legislation, but one advocate in particular, Mr Chris Snow, who has presented to me and no doubt many other members of the parliament, has also provided a significant amount of material on this whole question of what should be the structure of the bodies for the purposes of dealing with professional misconduct.

Mr Snow, for example, has presented a quite significant and powerful argument that there should be something even more independent, rather than simply moving from a board to a commissioner. He takes the view that we should be following the England and Wales legal regulatory system, which provides for lay-controlled members on those entities.

I think it is fair to say that the English system has a role that is certainly greater than just covering legal practitioner disciplinary matters. Their structure has a much greater involvement in policy development and other aspects, so I suppose the question of the complexity of what they do in England being supplanted here to provide for disciplinary matters of legal practitioners could equally be argued to be quite a complex structure and certainly a very much more expensive one, in the absence of there being any demonstrable need for that. I think it is fair to say that Mr Snow and others would claim that the whole Magarey Farlam defalcation and the consequences of that case are exactly why we need to have an independent lay-controlled system like there is in England, but I will come to the particulars of that case shortly.

On balance, we the opposition have considered all of these matters and we think that there needs to be a tightening of this. The commissioner is one way of doing it. It may well be that the commissioner could be aided by having a consumer panel in some way being available to provide advice to it and being able to have some capacity to make statements on the regulation of the legal profession—that may well be of assistance to any future commissioner when this bill passes. We are certainly open to consideration of aspects such as that and, in particular, to consult, again, with legal and consumer stakeholders as to how opportunities could be introduced to enhance that.

I refer to the fidelity fund. We currently have under the Legal Practitioners Act a guarantee fund. It is a fund which was established, in short, from the proceeds of interest on clients' money held in legal practitioners' trust accounts. Decades ago, it was decided that it was unfair for legal practitioners or banks to get the windfall benefit of interest on money that was sitting in legal practitioners' trust accounts. Again, for the purposes of the record here, I should perhaps just explain that, commonly, legal practitioners and solicitors firms have trust accounts and, historically, they were probably used a lot more than they are today.

Historically, very large sums of money and many transactions went through bank accounts and solicitors' trust accounts in preparation for settlements on the sale and purchase of property, for example. Funds were placed in trust accounts to secure payments to others in litigation, to secure legal costs that were to be incurred and to secure witness fees and professional fees and council fees in the course of their litigation or in the course of the management of their case. Legal practitioners sometimes received into the trust account monies that were to be administered to some charity or some body that was to receive it, and there were significant monies at the time when people's deceased estates were administered.

I mean, there were multiple different reasons why solicitors had, and still have, trust accounts to be able to receive those moneys. In fact, in the old days, even I recall occasions where moneys would be paid to a legal practitioner for their favourite political party and the appropriate funds, under instruction, were dispensed to support that organisation, along with charities and other benevolent organisations. So, things have somewhat changed.

One of the things, certainly in my time in legal practice, that was evident was that when bank fees became the latest way that banks could charge people money on transactions, it made it very expensive for people to transfer money from one account to another, so obviously a prudent client and/or their legal adviser would give them advice to say, 'Well, look, if you place the money in this trust account and it is then paid out there will be transaction fees, there will be costs associated

with doing that and so we might find another way that we could secure the funds for whatever purpose they were intended, but not actually put them through the trust account.'

Another aspect was the considerable amount of paperwork that needed to be done to record the proper administration for trust accounts and that each transaction would need to be carefully checked. There were new registers that were imposed for ancillary documents that went with those. You had to keep a register of interest and documents. There were so many more procedures that were to apply, not the least of which was the enhanced auditing procedures that were required of solicitors' trust accounts. So, over the years, for different reasons, trust accounts became less and less fashionable for the diversity of uses that they previously had. Nevertheless, they were still an important instrument as an available secure place for people to have their funds held.

Getting back to the initial concern, which was that there was a universal belief that the person who had the funds in the trust account who was not entitled to have the interest on it should not provide a circumstance where the bank and/or a legal practitioner should get the benefit of the interest earned on these moneys, so these moneys (the interest on these funds) were transferred by the bank to a guarantee fund. It was determined that that money would be available for provision of support and refund of those who had been the victim of a loss of funds in solicitors' trust accounts and some other defalcations.

It should also be remembered that this was in the day when there was no compulsory legal professional insurance required. That itself has had another history where now (and has been for some time) a legal practitioner who has an annual practising certificate is denied the right to have a practising certificate if they do not have professional indemnity insurance and it must, of course, reach certain thresholds in relation to the insurance that is made available, in particular the level at which they are insured. Like a number of professional organisations, there has been considerable work done by the Law Society over the years to secure the best available premiums and so on.

In the advent of having compulsory professional indemnity insurance and the laws that have developed with that over the last 30 years, it takes into account that people do have some relief with an insurance back-up to it if a legal practitioner acts in a manner in which they, as a client, have a compensatable entitlement as a result of a legal practitioner acting incompetently in some way or another. There are restrictions on access to those moneys in the event that the legal practitioner has actually broken the law, so other ways of trying to ensure against that had to be looked at. When I say 'ensure', I do not mean insurance in the sense of buying a premium, but to provide some remedy or relief, and this is one of the ways that has historically provided some support.

The aspect of the Magarey Farlam case, though, is that we ought to be reminding ourselves in the course of this debate that there were considerable moneys stolen from a trust account in the legal firm of Magarey Farlam. The funds in the trust account, obviously, were legitimately owned by a number of clients and there was a reasonable expectation on their behalf that the money would be safe. The funds were not stolen by a legal practitioner. That is the first complication in this case—there were a number. They were actually stolen by an accountant who worked in the firm.

Questions raised in that case included the competency or otherwise, or responsibility or lack of responsibility of the legal practitioners, in particular, the senior members of the legal firm. This is a legal firm that wound up shortly after this horrible case, and there were questions about whether they had failed to keep an eye on things. There were issues raised about the Law Society as a watchdog and the setting of a number of the rules in respect of trust accounts—the operation of trust accounts and the auditing of them—and their competency to ensure that things are properly checked.

It needs to be borne in mind that there are some situations where, within the framework of a client and legal practitioner, the clients may be the victim of conduct by a legal practitioner which is unlawful and they are a victim of theft the same as anyone else, whether or not they are a lawyer. That is, people can steal from others. People take money under false pretences and do all sorts of ghastly things and we have lots of laws against that, but it does not stop breaches of this nature in itself.

Sadly, the fact of life is that just making it against the law does not mean people stop doing it. I think most people do take notice of what the law is and do not break the law knowingly, but

there will always be those who do, irrespective of it being against the law and irrespective, even, of the extent of the penalty.

It is important to note here that, probably no matter what we do in respect of legal practitioners and their relationship with clients and protecting the clients' interests against defalcations such as this, we will never be able to eradicate completely and quarantine people from others. There will always be bad apples and some will be rotten to the core and, sadly, there will always be victims in the world. The situation here is that this guarantee fund has developed with other roles and other sources of money over a period of time. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

CITY FRINGE DEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 445 residents of Dulwich, Rose Park and greater South Australia requesting the house to urge the government to consult with affected residents concerning mixed-use, medium-to-high density multi-storey buildings on Fullarton Road, Greenhill Road and Tudor Street.

PROSPECT HOUSING DENSITY

Ms SANDERSON (Adelaide): Presented a petition signed by 280 residents of South Australia requesting the house to urge the government to overturn any plans to create higher density living in the City of Prospect and oppose any rezoning for such development.

TRADING HOURS

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Just on a year ago this parliament passed a legislative package to open up our central business district to public holiday shop trading on all but Good Friday, Christmas Day and Anzac Day morning, and to provide for two part-day public holidays on Christmas Eve and New Year's Eve. The legislation was a balance to provide for vibrancy in the city centre, quieter neighbourhoods, strong local businesses and protection of those special times to share with friends and families.

The legislation required that the impact of the changes to the Holidays Act 1910 and the Shop Trading Act 1977 be reviewed. The government commissioned the South Australian Centre for Economic Studies to undertake these reviews. The reviews have been completed. The Review of Changes to Shop Trading Hours confirmed what we have known for a while—the opening up of the city to shop trading on public holidays has been wildly popular.

It found that on public holidays between 60,000 and 120,000 visitors came to the city and people spent $58 million in the Rundle Mall precinct. It found strong evidence that opening up the city to shop trading on public holidays contributed to vibrancy in the city. Independently, advice we have received from the Rundle Mall Management Authority is that 58 percent of Rundle Mall traders said that Boxing Day 2012 was their biggest trading day of the year and that 64 per cent of Rundle Mall traders said their performance improved in 2012 due to public holiday trading.

The review of changes to the Holidays Act shows that there were costs to businesses of the part-day public holidays but, it seems, far lower than what was predicted by some in the business community. The Restaurant and Catering Association of South Australia estimated that these changes would cost about $11 million.

The review found the cost impact to be a tenth of that—about $1 million, or about $540 per restaurant per night. The review found costs to the hotel industry of about $230 per hotel in the context of an average annual profit of $250,000 per hotel. The review found inconsistent data about restaurant closures on the part-day public holidays, with estimates of closures fluctuating wildly between 6 and 40 per cent.

However, the review found no evidence of any substantial disruption to the Christmas Eve and New Year's Eve plans of consumers. Critically, the review shows that there is strong community support for the part-day public holidays. The survey commissioned by the review revealed that Christmas Eve and New Year's Eve were regarded as significant to more respondents than many of our more established public holidays.

The survey showed overwhelming support for people working these nights getting paid penalty rates and having the ability to refuse to work on those nights. Seventy-eight per cent of people surveyed supported penalty rates and 74 per cent supported the right to refuse work. The reviews show the balanced package we achieved for South Australians was the right one. It opens up the city on public holidays, preserves our quiet neighbourhoods on those days, and properly recognises that Christmas Eve and New Year's Eve are special times for families and friends.

So, it is good for shoppers, good for city retailers, good for the vibrancy of the city, and good for working families. I know that the Leader of the Opposition has described the legislation as a 'pig of a deal' and 'a massive and unnecessary cost to business', but now we have this evidence of its success I call on him to make clear his commitment to these arrangements and rule out removing penalty rates on the new public holidays.

PAPERS

The following papers were laid on the table:

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

Holidays Act 1910, Review of Changes—Report March 2013
Shop Trading Hours Act 1977, Review of Changes—Report March 2013

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

Murray-Darling Basin Authority—Annual Report 2011-12
South Australian Water Corporation—Directions pursuant to Section 6 of the Public Corporations Act 1993
Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report 1 July—30 September 2012

GM HOLDEN

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) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: All members are well aware of the need to conduct themselves appropriately in this place and use the privileges afforded us through the conventions and authority of the house. I am sure members are also aware of the need to be clear and truthful in our utterances during proceedings in this place. So it is with disappointment that I rise to tell the house about what I believe to be a divergence from the standards expected of a member of this place, particularly a member in high office.

Yesterday, the Leader of the Opposition strongly asserted in a question to the Premier before us all that the 'Victorian government signed a contract for its contribution' to the General Motors Holden co-investment package. Then, interjecting, with all the confidence of a shady used car salesman about to seal the deal, the leader said—

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: The member for Stuart.

Mr VAN HOLST PELLEKAAN: I am sure, Mr Speaker, that you would consider those to be words to be objected to when used.

Members interjecting:

Mr VAN HOLST PELLEKAAN: 'Shady used car salesman'.

The SPEAKER: Is the member for Stuart asserting that they are unparliamentary?

Mr VAN HOLST PELLEKAAN: Standing order 125: words to be objected to when used.

The Hon. J.J. SNELLING: To assist in the proceedings of the house, I am happy to withdraw if the member for Stuart takes offence. The leader said he had checked. So, what do we read from the national media today? Victorian Premier, Denis Napthine, said that his government had yet to pay Holden any of the $10 million. He said—and I am quoting him:

> There is no agreement, we haven't paid any money to Holden.

Mr Napthine goes on—and I am quoting him again:

> We have an offer for Holden and that offer is contingent on an agreement. We have sent that agreement to Holden and they have yet to respond to that proposal and we won't be giving any money to Holden unless they meet the terms of our agreement.

Members interjecting:

The Hon. I.F. EVANS: Point of order.

The SPEAKER: Point of order from the member for Davenport.

The Hon. I.F. EVANS: The Minister for Infrastructure keeps on interjecting on the minister.

The SPEAKER: Yes, I was about to remark on that and, accordingly, I call to order the Minister for Transport. I also call to order the member for Schubert, and I call to order the member for Heysen.

The Hon. J.J. SNELLING: I am quoting Victorian Liberal Premier, Denis Napthine:

> We have sent that agreement to Holden and they have yet to respond to that proposal and we won't be giving any money to Holden unless they meet the terms of our agreement. We would be seeking absolute assurances from Holden about employment and investment in this state.

Denis Napthine, Liberal Victorian Premier. So who had the leader checked with? Certainly not the Premier of Victoria. So confident was the Leader of the Opposition of his position yesterday he interjected on the Premier—

Mr PENGILLY: Point of order.

The SPEAKER: Point of order, member for Finniss.

Mr PENGILLY: Surely this is debate, not a ministerial statement?

The SPEAKER: Alas, that is not the remedy for ministerial statements to which one objects. The minister.

The Hon. J.J. SNELLING: So confident was the Leader of the Opposition of his position yesterday he interjected on the Premier and tried to talk him down with the same negative manner he uses to talk down the South Australian economy every day. When the leader discovers that the jig is up and his confidence trick about Victoria was about to be found out, how does the Leader of the Opposition respond?

Members interjecting:

The SPEAKER: Point of order from the member for Morialta, and while he is on feet I call to order the member for Kavel and I warn the member for Heysen for the first time. The point of order, please.

Mr GARDNER: The minister is clearly imputing improper motive when he makes a claim like that.

The SPEAKER: Look, it may be unparliamentary for any number of reasons, but imputing improper motive is not the point. The minister.

The Hon. J.J. SNELLING: I won't allow the opposition to gag me on this important matter. The people of South Australia have a right to know about the character of the Leader of the Opposition. This is what he did: while the Premier is holding a press conference outside of this place, the member for Norwood—

The SPEAKER: Point of order from the member for Bragg.

Ms CHAPMAN: The minister well knows that the Leader of the Opposition is currently—

The SPEAKER: This is a frivolous point of order and I call the member for Bragg to order and ask her to be seated, because the presence or absence of members is not relevant. The minister.

The Hon. J.J. SNELLING: While the Premier is holding a press conference outside of this place, the member for Norwood slinks into this place—

Ms Chapman interjecting:

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

The Hon. J.J. SNELLING: The member for Norwood slinks into this place—

The SPEAKER: Point of order from the member for Heysen.

Mrs REDMOND: It is improper motive being imputed. The motive of the Leader of the Opposition is imputed to be to have come in here at a time when everyone else was distracted because the Premier happened to be doing a press conference rather than because he came in here at the first available opportunity to correct the record, and that is imputing improper motive.

The SPEAKER: No. The minister.

The Hon. J.J. SNELLING: The member for Norwood slinks into the place hoping to be undetected by the gaze of the distracted media and makes a personal explanation confirming on record he made yet again another mistake. He confirmed that, contrary to his confident bluster—

The SPEAKER: Minister, would you be seated. The member for Heysen.

Mrs REDMOND: I seek a point of clarification and your ruling into how that is not imputing an improper motive on the part of the minister asserting that the leader came in here other than for the absolute proper motive of correcting the record as soon as he found out that something was wrong.

The SPEAKER: I think the member for Heysen is being unnecessarily fragile about this and, frankly, if we cannot say these kinds of things about one another in political debate then nothing much would be said in this chamber. The minister.

The Hon. J.J. SNELLING: The Leader of the Opposition confirmed that, contrary to his confident bluster in the chamber yesterday, his Liberal Party colleagues—

Members interjecting:

The Hon. J.J. SNELLING: I won't be gagged.

The SPEAKER: Member for Waite, point of order.

Mr HAMILTON-SMITH: I draw your attention to standing order 107, which specifically predicates that a minister may make a ministerial statement relating to matters of government policy or public affairs. This seems to be a matter to do with the opposition, not government policy and I ask whether it is in order.

The SPEAKER: I think it is a matter of public affairs. That is not the remedy, member for Waite. The minister.

The Hon. J.J. SNELLING: He confirmed that, contrary to his confident bluster in the chamber yesterday, his Liberal Party colleague and friend Denis Napthine, the Premier of Victoria, was correct and the member for Norwood, the Leader of the Opposition, was wrong. 'I should not have referred to the Victorian government,' said the leader, hoping to cast the thrust of his withering attack as a mere detail. Alas, this is not the first time the member for Norwood has been caught out selling one line but failing to deliver.

On 18 February the Leader of the Opposition was happily posing online a photo of himself standing at the SAHMRI—part of the state and federal Labor government's Big Build of South Australia. He was proud enough to stand cheerfully at that construction site covered with cranes and full of jobs for South Australians, but what does the leader do five days later? He complains that the unprecedented number of cranes covering our skyline, which bring with them thousands of South Australian jobs—

Ms Sanderson interjecting:

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

The Hon. J.J. SNELLING: —are merely a false economy. The Leader of the Opposition should tell the workers who are putting bread on the table for their families each and every day

that, because of the important infrastructure investments this government is making, like the Royal Adelaide Hospital or the duplication of the Southern Expressway, this is a false economy.

Let me turn to other promises the Leader of the Opposition has made, such as statements about a public sector policy. On 4 February, the Leader of the Opposition said he would be releasing a policy on the public sector in coming weeks. A day later, it was reported in the *Australian Financial Review* that they have, and I will quote the leader, 'no specific plans within the Liberal Party to axe public service jobs'. Yet, on morning radio that very day, his position slid to, 'I'm not saying that there's going to be no more public service job cuts.' We are still waiting, 10 weeks later, for any genuine statement from the leader. Also, in February, the leader touted that he would—

Mrs REDMOND: Point of order.

The SPEAKER: Minister, the member for Heysen has a point of order.

Mrs REDMOND: Sir, if feigned laughter is an offence in this place, is feigned anger also an offence?

The SPEAKER: I will give that my earnest consideration, but the minister is in order, which the member for Heysen was not during her forced laughter yesterday. Minister.

The Hon. J.J. SNELLING: Anger is an emotion the member for Heysen is very familiar with. Also—

Mrs REDMOND: Point of order.

The SPEAKER: The member for Heysen.

Mrs REDMOND: Point of order, Mr Speaker: the minister should know not to end a sentence with a preposition in the case of you being in the chair, sir.

The SPEAKER: Yes, and accordingly, I call the minister to order. Minister.

The Hon. J.J. SNELLING: Anger is an emotion—

The SPEAKER: Do it three more times and I'll throw you out!

The Hon. J.J. SNELLING: —with which the member for Heysen is familiar. I apologise, sir. Also, in February, the leader touted that he would be holding an economic growth forum supposedly attended by mum-and-dad small business owners and academic, industry and community leaders. On 3 April, though, all was revealed when the leader's promised grand forum was proven to be nothing more than a Liberal Party fundraiser. Alas, Steven Marshall is turning less and less into a businessmen and more and more into a salesman who will say whatever it takes to whoever will listen.

Members interjecting:

The SPEAKER: Minister—

The Hon. A. Koutsantonis: Fake laughter. It doesn't work here. It doesn't work.

Members interjecting:

The SPEAKER: Order! The Minister for Transport is warned a first time, and the Minister for Health is warned a first time. I forget what it was for, but he deserved a warning. Is the Minister for Health finished?

An honourable member interjecting:

The SPEAKER: Exactly. What he has done and what he has failed to do, in the words of the confession. The Minister for Finance.

BEVERLEY HOUSE FIRE

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) (14:17): I seek leave to make a ministerial statement.

Leave granted.

The SPEAKER: Just before the minister commences, I warned the Minister for Health for the first time for mentioning the Leader of the Opposition's Christian and surname, which was entirely unnecessary.

Mr Venning: And unparliamentary.

The SPEAKER: And unparliamentary. Minister for Finance.

The Hon. M.F. O'BRIEN: Two Metropolitan Fire Service firefighters and a member of the public were injured in a house fire in Adelaide's north-west yesterday afternoon. Thirty-five MFS firefighters responded to a significant house fire on the corner of East Avenue and Spring Street at Beverley at about 3:35pm. Firefighters received information that a person or persons may still have been inside the property. Firefighters therefore conducted an internal fire attack while searching the burning home and worked to extinguish the fire. It was later confirmed that one occupant of the home had managed to escape and was treated for smoke inhalation. I understand the occupant is recovering well.

During firefighting operations, two MFS firefighters wearing breathing apparatus and personal protective clothing received serious burns. Both were immediately treated at the scene by SA Ambulance Service paramedics with the assistance of MFS firefighters before being transported to the Royal Adelaide Hospital. Both firefighters underwent surgery last night. One currently remains in intensive care, and the other has been transferred to the burns unit. While the injuries sustained were serious, both firefighters are expected, in time, to recover.

All staff involved in the incident are receiving support from their peers and through professional support arrangements. This incident highlights to all of us the inherent dangers that firefighters face in exercising their responsibilities on behalf of the community. I have been advised by the Metropolitan Fire Service of the tremendous professionalism and collaboration at the scene of the incident with ambulance and police personnel, and the high-quality care being provided to the firefighters at the Royal Adelaide Hospital. My thoughts, and I believe those of the house, are with the injured firefighters, their families and colleagues at this difficult time.

Honourable members: Hear, hear!

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:21): I bring up the 24th report of the committee.

Report received.

PUBLIC WORKS COMMITTEE

Mr SIBBONS (Mitchell) (14:21): I bring up the 475th report of the committee, entitled Wayville Railway Station Project.

Report received and ordered to be published.

QUESTION TIME

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:22): My question is to the Premier. How many officers from within which departments have been given specific responsibility to work with Holden to resolve the issues facing the motor vehicle business and to manage the assistance package the company has been offered?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:23): I thank the honourable member for her question. As I understand it, she is talking about the current arrangements that are in place, not the arrangements that we are about to embark upon a discussion about.

The resources of the government that have been applied to both the negotiation and prosecution of the terms of the arrangement with General Motors Holden have actually spanned a number of agencies: the Department of the Premier and Cabinet in its economic development role; the Department of Further Education, Employment, Science and Technology; the Department for Manufacturing, Innovation, Trade, Resources and Energy; and of course, the Department of Treasury and Finance.

Each of those agencies has been engaged in the negotiation and the prosecution of the benefits that are contained within that particular set of arrangements. The efforts to this point have been focusing on the preparatory work in relation to the global supply chain issues, introducing component manufacturers here in South Australia to the international supply chains for General Motors Holden, which is a material condition of the agreement we entered into.

One of the important reasons why I inserted myself into the negotiations was because we wanted this agreement to be about more than just handing over money in return for an investment of a billion dollars. That is one of the essential terms of the agreement that we entered into with General Motors. That work has begun and has been supervised by officers within the Department for Manufacturing, Innovation, Trade, Resources and Energy. More recently we have also engaged with the officers and officials from the EDB and they are supporting my role of pursuing the arrangements that we now seek to adjust with General Motors.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): I have a supplementary question. In respect of the four departments that you have identified, Premier, would you please advise how many officers there were in each of those departments and, if you are not aware of that today, will you take it on notice and provide that information to us?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:25): Certainly I will bring back an answer about the officers and their involvement in this matter, but I'm sure that numerous officers have had involvement in this matter over a period of time. I will bring back an answer to that question.

COMPETITIVE FOODS INITIATIVE

Mr SIBBONS (Mitchell) (14:25): My question is to the Minister for Manufacturing, Innovation and Trade: will the minister inform the house about state government initiatives to support our premium food and wine sectors?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:26): I am pleased to advise the house that the Weatherill Labor government has committed $500,000 to kick off our Competitive Foods Initiative, which helps capitalise on our state's acknowledged reputation for quality food and wine.

We know that small and medium enterprises are a significant component of the state economy, and our growing food sector is no different: it comprises a large number of small to medium enterprises which often face a range of challenges in commercialising and marketing their new products.

The Competitive Foods Initiative will assist the establishment of specialised food clusters, which was a major goal of the state government's manufacturing work strategy. We know that there are a range of potential benefits that manufacturing clusters can bring to industry, including innovation and technological development. Food manufacturing, like other forms of manufacturing, can also benefit from specialist clusters that bring together companies with a similar focus so that they can share knowledge and skills and help to drive innovation.

We know that clusters can also promote collaboration and capability building that are vital to increase competitiveness and profitability. Food clusters also encourage companies to work collaboratively to experiment and innovate with food technology relating to textures, flavours and aromas; implement effective production technologies around processing, packaging and storage; capture value through consumer intelligence and market trends; and enhance the sector's branding.

The Competitive Foods Initiative, which will be managed by Food SA, combines two of the state government's key priorities: a commitment to premium food and wine and also to growing advanced manufacturing. The initiative is also consistent with the state government's Food Strategy 2010-2015 which emphasises the need for food manufacturers to develop their competitive advantage by differentiating their products from their competitors.

We know the importance of our food and wine industry to the state's economy. In 2011-12 the food and wine industry was worth around $16 billion to South Australia's economy, and we also know that in 2011-12 the food and wine industry accounted for 42 per cent of South Australia's total merchandise exports. The Competitive Foods Initiative will help support South

Australia's food industry and build on our capacity to develop and sell luxury food products into niche markets here and overseas.

VISITORS

The SPEAKER: In the contretemps occasioned by the Minister for Health's ministerial statement I neglected to welcome to the parliament students from Thomas More College, who are the guests of the member for Ramsay.

QUESTION TIME

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:28): My question is again to the Premier. In relation to the $88 million in state taxpayer funded assistance already provided to Holden over the past decade, were there associated minimum job guarantees and have any of the guarantees been breached?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:29): I thank the honourable member for her question. I think the amount that has been provided over the course of this government at least to General Motors is actually in the order of $38.2 million, not $88 million, but I will check that figure and confirm it for the house.

Not all of that was linked to the investment process that led to the Cruze model being in place. However, certainly in relation to the Cruze model, there were in fact production targets which were included within that agreement, and they have been complied with.

CHANNEL 9 YOUNG ACHIEVER AWARDS

Ms THOMPSON (Reynell) (14:30): My question is to the Minister for Youth. Can the minister inform the house about the results of the 2013 Channel 9 Young Achiever Awards?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:30): I would like to thank the member for her question and also acknowledge her contribution and interest in youth in her electorate.

The Young Achiever Awards have a long and proud history of recognising the achievements of young people in this state. I was pleased to attend the Channel 9 Young Achiever Awards gala night with the Premier and members from the opposition on Saturday, 16 March. The young achievers gala night was a showcase of our state's youngest and brightest people through their individual achievements in making South Australia a better place to live.

I was impressed to see the high calibre of the finalists in each of the categories who were all well-deserving in their own right. It was also good to see the number of friends and family that turned out to show their support, as well as the different organisations and businesses who sponsored individual awards and the event.

The Office for Youth sponsored the Aboriginal Achievement Award, which I was pleased to present to Ms Kristal West. Kristal is a remarkable young person. Despite her personal hardship, she has volunteered in many capacities to help others improve their lives. She is also the first Indigenous Australian to be a cadet with the South Australian Ambulance Service and is now studying for a Bachelor of Paramedic Science.

Other category award winners were: Daniel Kiley for the Hostworks Online Achievement Award; Quentin Angus, the Coffee Club Arts Award; Allan Ball, the Adelaide Airport Limited Community Leadership Award; Tavia Rankin, VIP Home Services Small Business Achievement Award; Daniel Spencer, Flinders Ports Environment Award; Edwin Kemp Attrill, Proteus Career Leadership Award; Annette Edmondson, Worldwide Online Printing Sports Award; and Dr Stephen Warren-Smith, University of Adelaide, Faculty of Sciences, Science and Technology Award.

Kate Gunn was awarded the Premier's Channel 9 Young Achiever of the Year and was also the category winner for the Rural Doctors Workforce Agency, Rural Health Award. I would like to congratulate her on her amazing achievement. The young people I have just mentioned, along with their category finalists and all other participants in the Young Achiever Awards, are to be commended for their hard work and dedication in their fields of endeavour. These young people are certainly innovators and future leaders of this state, and I wish them well for the future.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): My question is for the Premier. When the Premier exchanged correspondence in which he tells us that Holden agreed to a minimum jobs guarantee as part of the $50 million agreement, was he aware that the federal Labor government's $215 million agreement had no minimum job guarantees?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:33): I can't recall at the time whether I knew that or not, but it wouldn't have made any difference to me, because I was going to insist on it in our agreement. In fact, what I was concerned to do was to be in Detroit, because I wasn't content to let the negotiations be handled by the federal government on my behalf. That's why I went there, and there are some things in our agreement that would not be in our agreement if we had simply outsourced our negotiations to the federal government.

I fully respect the federal government's imperatives—they see their arrangement as simply being about securing the billion-dollar investment in new plant. That has never been the extent to which we have seen the nature of our obligations. As we are proceeding along this trajectory of having an advanced manufacturing sector, we know it is absolutely crucial to sustain an existing manufacturing base but then take steps to transition ourselves into that future.

We were open with people through the whole of this process that this was going to be a transformative process. We knew that there was going to be a smaller component of ultimately the new borrowing between 2016 and 2022 that would have local components, so that meant that we had to find a way of transitioning our component suppliers into a global supply chain, getting them up to standard so they could be there and also transitioning some of those component suppliers into other manufacturing sectors, because they may not be able to make that journey.

That has always been the reason behind why we put some very significant obligations in the agreement, including production levels, including employment levels, and that is why we insisted upon that. The commonwealth has its own imperatives and requirements, but these are the South Australian imperatives and requirements.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:35): Supplementary question: at any time, Premier, did you seek to ensure, or even ask the federal government, that there be included in there an agreement, a minimum jobs guarantee?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:35): It was always the South Australian position that this was a material part of us reaching an agreement. We made this clear to everybody. The commonwealth knew that this was a material part of us reaching an agreement. It is not for us a matter of significance about how the commonwealth sought to construct the nature of its agreement with General Motors, except to know that there was sufficient money there to make sure that Holden carried out the billion-dollar investment in the new machine.

So, I did not seek to direct the Victorian government on what it sought, I did not seek to direct the commonwealth government on what it sought, but I made it very clear, certainly to the commonwealth government, that the minimum production levels and minimum employment levels and indeed the other very significant obligations about transition were included in the agreement that we would reach.

UNEXPECTED CITY PROGRAM

Ms BETTISON (Ramsay) (14:36): My question is to the Minister Assisting the Minister for the Arts. Can the minister update the house on the recent release of arts funding through the Unexpected City program?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:37): I thank the member for Ramsay for her keen interest in the arts. I did, in fact, see her at a gallery opening on Sunday in Prospect, so it was good to see her there. Mr Speaker, six artistic projects will each receive grants from the state government to develop their ideas and connect the community with art as part of the Unexpected City project. Unexpected City is a one-off grant program that invited artists to share in $100,000 to create and present arts projects to enliven Adelaide's CBD.

The expressions of interest were really enthusiastic, and we had more than 70 applications from across the country, which further highlights that South Australia leads the nation with opportunities for artists across many and varied genres. The applications we received were an exciting representation of the South Australian art sector, and across the nation, with a mix of established and emerging professional artists, producers and event managers across all art forms, including digital arts, film, literature, visual arts, dance, theatre and music.

The six projects that were successful have been chosen for their unexpected connectivity, their ability to engage with the community and their artistic quality. The unique nature of this program has opened new ways of thinking for artists to develop art for our city. I would like to congratulate the successful recipients and wish them much success with their endeavours. Beginning this month and until December this year, these projects will come alive for all South Australians to enjoy, and I encourage everyone to take the opportunity to see these exciting new works across Adelaide.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): My question is again to the Premier. Is it the case that if the Premier had signed a contract with Holden they would not have been able to cut one quarter of their Adelaide—

The SPEAKER: The question is clearly out of order because it is expressed, structured, to be hypothetical. Perhaps try another question, deputy leader.

Ms CHAPMAN: Am I given any permission to redo it?

The SPEAKER: Okay; we will go back to the government then. The member for Kaurna.

Ms CHAPMAN: Yes or no?

The SPEAKER: You wish to reformulate it immediately?

Ms CHAPMAN: Yes.

The SPEAKER: In that case, go ahead.

Ms CHAPMAN: My question is to the Premier. In the event—

The SPEAKER: No, I don't think that quite does it. Would you like another go or should I go to the government and you will reformulate it?

Ms CHAPMAN: No; I'm happy to ask the question about whether, in fact, the obligations of the contract required—

The SPEAKER: Are the obligations of the contract required.

Ms CHAPMAN: —required; yes—to ensure that a quarter of the workforce wouldn't have been sacked?

The SPEAKER: Well, that's not hypothetical and, therefore, it's in order. Treasurer.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:39): I do not think the courts are going to be granting a specific performance of a contractual arrangement to require General Motors Holden to actually retain 400 workers it decides in its business interests—

Ms Chapman: Why not?

The Hon. P.F. Conlon: They are not on piecework. Learn your industrial law.

The Hon. J.W. WEATHERILL: That is right. I am sure you would be able to get quick legal advice from somebody at chambers.

Members interjecting:

The SPEAKER: The Minister for Transport is warned for the second time. If he does it once more he will be out.

The Hon. J.W. WEATHERILL: The remedy, of course, would be, given that it is a breach of the arrangement, that we are relieved of our obligations under the contract to pay $50 million. But the truth is this: there are three levels at which this operates. There is the relationship that we have with General Motors, a longstanding relationship of decades and decades and decades, a

relationship that we have invested in as a South Australian community. As an agent for the South Australian community the South Australian government will be seeking to restore this relationship because it has, in recent days, been affected by the decision that Holden has taken.

My role is to make sure that I protect the public interest, the interests of those workers and the long-term interests of the people of the northern suburbs and, indeed, the state, and that is what I will be advancing in discussions. I am not going to be having discussions on arcane legal points about what may or may not be a remedy. What is common between both parties, between General Motors and the South Australian government, is that the events of this week require us to sit down and discuss the future of our relationship—that is common ground. It is common ground and General Motors has authorised me to say that on their behalf.

They accept that the events of this week mean that we have to sit down and have discussions, because on any view of it, even on General Motors' view of the world, the situation that they comprehended when they entered into the arrangement with us has materially changed and they expect that this will mean that a discussion needs to be had with the South Australian government. Those arrangements have been made and it will occur later this week.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42): My question again is to the Premier. As there was a minimum jobs guarantee as part of the Premier's previous $50 million funding package with Holden and the Premier has indicated that he will be meeting with Holden this week, will there be a minimum jobs guarantee as part of a new funding package?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): I thank the honourable member for her question. I am not going to indicate here the approach that I am going to be taking to those negotiations, except to say—

Members interjecting:

The Hon. J.W. WEATHERILL: Because it would not be in the interests of the South Australian community for me to enter into a commentary on the stance that I will be taking in discussions with General Motors. It would not assist the relationship, it would not assist us in reaching the agreement that we need to reach. Can I say that, in relation to all of these matters, our principal focus in the short term, and certainly the focus of the discussions I will be having with Mr Devereux later this week, will be on the 400 workers who will find themselves without employment should General Motors proceed with their plans from 1 August. That will be my focus, and we will also be dealing, in a timely fashion, with the broader issues about the co-investment package.

GM HOLDEN

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): In light of the imminent discussions and the answer, Premier, can you indicate how you are going to ensure the terms of the new agreement are enforced, in the renegotiations which you say you are commencing this Friday, to ensure that they are actually implemented? In particular, will you be seeking or acceding to a confidentiality clause in the new deal?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:44): I thank the honourable member for her question. I am not going to accept her invitation to talk about our negotiating stance with General Motors, except to say in general terms that we will be seeking, first, to focus on the 400 workers who are about to lose their jobs, and secondly, to re-assert some of the important commitments that were contained in the original agreement that we reached with General Motors.

As to any of the adjustments, to the extent that there are any, and how they will be enforced and what elements will become confidential, we will really have to await the outcome of the actual agreement. I do not know what the nature of the agreement will be and therefore I do not know what claims General Motors might make about elements of it being confidential. On an important matter, I wish the Minister for Finance happy birthday.

GEORGINA HOPE SWIMMERS FOUNDATION AUSTRALIAN AGE CHAMPIONSHIPS

The Hon. J.D. HILL (Kaurna) (14:45): My question is to the Minister for Tourism. Will the minister provide advice about the 2013 Georgina Hope Swimmers Foundation Australian Age Championships?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:45): I thank the member for Kaurna for his question. I am glad to see him out of the moon boot and back in the pool. I doubt he would be able to keep up with the 12 to 18 year olds who are down at the South Australia Aquatic and Leisure Centre this week. There are 1,425 of them from around Australia, including 80 from 11 swimming clubs here in South Australia, doing battle to gain a place in the Australian team to go to the world titles in Dubai in August.

This is the second time in the past couple of years that we have hosted this event. Of course, after the wonderful aquatic and leisure centre was opened at Marion in 2011 we hosted the age championships for the first time. That was followed by the 2012 Olympic swimming trials, and the world surf rescue championships that were also on last year. Having this pool has really put South Australia back on the world swimming map. For so many years we were the poor relation here in Australia and having this pool has meant that championships of this nature can be held here again.

As I said, there are 1,425 competitors down at Marion this week. There are 10,000 spectators there and 80 per cent of those spectators have come from interstate. I was down there on Monday night to welcome everyone. If you were hiring minibuses in South Australia at the moment, you would be doing very well, because all these teams of course are using the various Avis, Budget and other minibuses to get around. They are here until next Monday, so we have encouraged them when the competition is over to get out and explore South Australia; to go down to see the pandas at the zoo, and for the adults, the parents, to make sure they visit McLaren Vale, the Barossa and the Adelaide Hills and do those great day trips that are around Adelaide. It is fantastic to have them here.

One swimmer has already been to the Olympics and another has been to the Paralympics, but as well as developing these swimmers as the swimming stars of the future, there is also a great economic boost to South Australia. It is estimated that the economic input of having these national age championships here in South Australia will be $3.3 million to the state, which flows on from some information we received the other day from independent research that says the Tour Down Under this year has generated $43.6 million of economic activity.

We had 40,000 visitors from interstate and overseas, so that is a 9.6 per cent increase on the previous year. That is a fantastic result that I am sure people on both sides of the house will welcome. The Events South Australia part of the South Australian Tourism Commission is delivering once again by sponsoring these events and bringing visitors and competitors here to South Australia.

GM HOLDEN

The Hon. I.F. EVANS (Davenport) (14:48): My question is to the Minister for Manufacturing, Innovation and Trade. Following Mike Devereux's comment that, I quote—'A $20 to $30 per tonne carbon tax raises our costs between $40 and $50 million. That is a fact of life'—how is the government's $50 million contribution to Holden not a taxpayer subsidy to help pay for Holden's tax liability built up over a number of years?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:48): This furphy was perpetrated by the Leader of the Opposition when he was a lowly spokesperson for industry. I like re-watching the YouTube clip where the Leader of the Opposition almost swallowed his tongue when he was trying to explain the national policy—

Mr VAN HOLST PELLEKAAN: Point of order. Standing order 98. This is clearly debate. The Premier is asking his own team if they remember YouTube clips.

The SPEAKER: Yes, I think the point of order is a valid one and I call the Premier back to the substance of the question.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. They were just some preparatory words to what I was about to say. I remember that on that occasion the Leader of the Opposition was talking about this furphy of the carbon tax being the need—

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: Surely this is in direct breach of your ruling that he get back to the substance of the question. He is now repeating on the same incident, claiming it is about that issue.

The SPEAKER: The question was about what part of the General Motors carbon tax costs were met by the government subsidy, so perhaps the Premier could address that point.

The Hon. J.W. WEATHERILL: That is exactly what I'm addressing, sir, because the remarks that were made on that occasion were directly rebutted by Mr Devereux on that occasion back when we had this earlier debate, around about March last year. I remember we had a debate in the parliament; I brought back the package here from Detroit, and the same furphy was perpetrated by the Leader of the Opposition and backed up by the federal opposition.

They were trying to make their points about that. That was when the carbon tax was a matter of some focus from the federal opposition and, of course, the local Liberals jumped on board with that because it was fashionable to do that. So, everything was about the carbon tax and the Leader of the Opposition was parroting the federal opposition at that time, and he was rebutted at that time by Mr Devereux, who said that that was not a material—

Mr Marshall interjecting:

The SPEAKER: The Leader of the Opposition is called to order.

The Hon. J.W. WEATHERILL: —consideration in the question of requesting the co-investment by the South Australian and the commonwealth governments to ensure that the next platform would be in place between 2016 and 2022. So, it was completely rebutted by Mr Devereux on that occasion. Absolutely no part of the discussions recently about any of the decisions that were taken around the 400 jobs being cut have any relationship to the carbon tax. This is just a myth that is being perpetrated by the Liberal opposition. It has no support from Mr Devereux.

What Mr Devereux's remarks should be seen in context as meaning is that the background costs associated with running a business in this country are not material to their decision. They assume that. There is a background of costs associated with doing business in this country—labour costs, taxation arrangements—and there is an air of unreality about this. There will be a price on carbon in almost every developed jurisdiction at some point in the foreseeable future and, certainly, we're seeing a number of jurisdictions in different ways pricing carbon.

This will be the background into which all major car manufacturers will be making their investments in many countries around the world, including Australia. So, it is a nonsense to separate out the carbon tax as being somehow in any way related to their request for co-investment, which was all about investment in a new platform, and the fact that they had to make up the capital gap between the investment that they needed to make and what they could justify based on their business case.

GM HOLDEN

The Hon. I.F. EVANS (Davenport) (14:53): My question again is to the Minister for Manufacturing. Can the Minister for Manufacturing explain how a carbon tax helps Holden's?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:53): I will explain how a carbon tax helps the nation, which helps Holden's.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, they're a corporate citizen in this country.

The Hon. I.F. EVANS: Point of order.

The SPEAKER: Point of order, member for Davenport.

The Hon. I.F. EVANS: The question was to the Minister for Manufacturing. I accept that the Premier can answer it, but the question was how a carbon tax helps Holden's. The Premier started out by trying to answer the question with how it helped Australia. That wasn't the question. I ask you to bring him back to the question.

The SPEAKER: The point of order is vexatious and obstructing the business of the house and, accordingly, I call the member for Davenport to order. Premier.

The Hon. J.W. WEATHERILL: Holden's is a corporate citizen, and what's good for Australia is good for Holden's. What is manifestly good for this country is to ensure that we are a first mover in responding to something that the whole world is going to have to grapple with, and that is carbon pollution. There will be a price placed on carbon, and those countries that make the adjustment first will have their economies minimise the adjustment costs of moving to a carbon constrained future.

On any view of it, from the preponderance of economic advice that we receive, unless you believe in the fake science that is perpetrated and peddled around the place, and unless you believe in superstition, the science is that we need to adjust our economy to a carbon constrained future. The science is that the earlier we make that adjustment the more this will reduce the impact of the costs on our economy. So, this is good for the Australian economy and good for all those that participate in the Australian economy.

LITERACY AND NUMERACY

Mrs GERAGHTY (Torrens) (14:55): My question is to the Minister for Education and Child Development. Can the minister inform the house how the state government is partnering with the federal government to improve literacy and numeracy for students in South Australian schools?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:55): I thank the member for Torrens for her question and I want to take this opportunity to acknowledge her very longstanding commitment to improving learning outcomes for students, particularly in her electorate. Today I visited the Dernancourt Primary School with the federal Minister for Education (Hon. Peter Garrett) and the member for Torrens to announce that 233 South Australian schools will be taking part in the Improving Literacy and Numeracy National Partnership. Public, Catholic and independent schools across the state, both country and metropolitan, have put up their hands to be involved in this $19.7 million national partnership, which will support more than 10,000 students in this state.

Numeracy and literacy skills are important foundation skills for learning. Modern workplaces require young people to be able to solve complex problems, think creatively, analyse and come up with solutions, and communicate effectively. Our continuing partnership with the federal government is aimed at helping our students achieve and surpass key literacy and numeracy goals. The aims of this national partnership are improving literacy and numeracy learning for students from disadvantaged backgrounds and Aboriginal students, and improving the effectiveness of literacy and numeracy teaching in our schools, and these efforts will be monitored and analysed.

The partnership with the federal government will build on our minimum instruction times for junior primary students, who now spend a minimum of 90 minutes a week learning science, 300 minutes on mathematics and numeracy and 300 minutes on literacy. Students in years 4 to 7 spend at least 120 minutes on science a week and a minimum of 300 minutes a week on each of mathematics and literacy.

I am focused on improving the learning outcomes of our children, I am focused on supporting our teachers in the important work that they do every day with every child, and I am focused on ensuring the financial investment the state and federal governments are making in our schools delivers on the expectations of parents. This announcement today is great news for these 233 schools, public and private, country and metro, and Aboriginal, that are all prepared to put in the extra effort to assist these children who we know, with a little early assistance, will deliver lifelong benefits.

The SPEAKER: A supplementary from the member for Unley.

LITERACY AND NUMERACY

Mr PISONI (Unley) (14:58): Can the minister explain to the house why South Australian students recorded the worst decrease in performance across Australia in the latest Program for International Student Assessment (PISA), with a 26 per cent decline in proficiency of mathematics, science and reading?

The SPEAKER: That is not a supplementary. The member for Fisher.

Mr PISONI: I am happy to have it as a question.

The SPEAKER: That is a matter for your whip. The member for Fisher.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley will be seated. The member for Fisher.

SCHOOL ATTENDANCE

The Hon. R.B. SUCH (Fisher) (14:58): My question is to the Minister for Education. What steps is her department taking to ensure that all students attend school on a regular basis? Recently, a visiting relative from the country told me that someone in our extended family (a six year old) had not attended school for any days during term 1, and I was horrified to hear that. I am concerned whether that practice is widespread and wonder what the department is doing about it.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:59): I thank the member for Fisher for his question. It is an important question. It is obviously important that our children do attend school, and I am pleased that, on any given day, about 97 per cent of students are at school or have a legitimate reason for not being at school. There are obviously reasons on occasions why students can't be at school and there are some circumstances where there are lengthy absences from school.

The department does follow those up and does work very hard with some parents when there have been traumatic incidences that have resulted in children not wanting to attend school. If the member for Fisher has some specific details about the case he mentions, I am happy to have a look at that. We work right through from contacting parents, and working with parents trying to identify what the issues are, to in fact prosecuting parents.

SCHOOL ATTENDANCE

Mr PENGILLY (Finniss) (15:00): Supplementary, sir—

The SPEAKER: Supplementary, member for Finniss.

Mr PENGILLY: —to the Minister for Education: does the minister's department monitor the activities by seemingly large numbers of quite young children down at the skate park adjacent to the Convention Centre?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:01): I am happy to take that question on notice. I am not sure whether they are monitoring the skate park, but I will certainly ask and bring a report back to the house.

The SPEAKER: My instructions from the Opposition Whip are to go to the member for Waite, and accordingly I do so.

ADVANCED MANUFACTURING STRATEGY

Mr HAMILTON-SMITH (Waite) (15:01): My question is for the Premier. What tangible outcomes have been achieved by the government's manufacturing ministerial task force, formed over a year ago, and are the job losses at Holden a signal that the task force is failing to get results?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:02): I thank the honourable member for his question. The truth is that South Australian manufacturing, as indeed Australian manufacturing, is under enormous pressure through the high Australian dollar. So much is obvious, and that is one of the reasons we made manufacturing our focus. The first decision that we took was to publish a very significant manufacturing strategy, I would say one of the most comprehensive we have seen in the nation.

Indeed, in many respects it has been followed and forms the basis for the national strategy in relation to advanced manufacturing. That's not unnatural, because one of the principal contributors to both of those documents was Professor Göran Roos, who I am pleased to say has now chosen to take up residence here in South Australia, which I think is a remarkable vote of confidence in the South Australian community. He is a world-leading expert in the challenges of advanced manufacturing.

Because this is now one of our seven priorities, really there is a sense in which all of the activities of government are directed to the manufacturing agenda as far as we can possibly do that. The whole agency, the Manufacturing, Innovation, Trade, Resources and Energy Agency, was

established to create the very tangible linkages between the mining resources and energy sector and advanced manufacturing. The work that Professor Göran Roos has done in the advanced manufacturing task force has already had a very significant influence on the policy responses we have taken in relation to Holden. Indeed, the very conditions that I sought to put in the deal—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Could you just listen? You might learn something.

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

The Hon. J.W. WEATHERILL: The very conditions that I sought to include in the arrangements with General Motors Holden negotiated at Detroit came directly from the advice we received from—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: —Professor Göran Roos.

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

The Hon. J.W. WEATHERILL: In fact, the very strong advice we got from Professor Göran Roos is that we should be involved in a co-investment package, understanding that to build a manufacturing sector out of the ashes of one which is gone is so much harder than transforming an existing manufacturing sector. That same effort was then transferred into the Riverland.

The deal that we negotiated to get the extra 450 gigalitres of water down the river included an adjustment package which focused very much on advanced manufacturing, informed again by the views of the Advanced Manufacturing Council. That was an essential part of the agreement that we reached, a very substantial part of the agreement we reached, and there will be further announcements about that in coming weeks.

We also played a central role in relation to the way in which we negotiated the arrangements for the sale of the forests. The $27 million package in relation to the adjustments for the forests once again has a strong focus on advanced manufacturing. Indeed, Professor Göran Roos has arranged for the Finnish equivalent of the CSIRO to visit the South-East to talk about value-adding to the fibre industries—

The Hon. J.J. Snelling: It was very, very well received down there.

The Hon. J.W. WEATHERILL: Incredibly well received down in the South-East—once again promoting an advanced manufacturing future for our state. You would have seen the last budget announcement about vouchers, which are also an initiative under our advanced manufacturing strategy, where particular industries or particular companies can take up a voucher offer which they are obliged to spend with a tertiary institution to drive this collaboration between the tertiary institutions.

The SPEAKER: The Premier's time has expired. The member for Waite.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:05): What is the Premier's detailed road map to ensure that sale volumes at Holden are increased and that the future of the company is genuinely secured?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:06): The fundamental thing that we are seeking to achieve is the investment of $1 billion by Holden in a new platform for two new vehicles between 2016 and 2022: that is the fundamental position. There are some things beyond our control, such as the exchange rate, and also the attitude of some of the other significant economies in the world which are taking dramatic steps to protect their car manufacturing industries.

We have seen this most recently with Japan, with the manipulation of their exchange rate, which is having a dramatic effect on the competitiveness of the South Australian car industry vis-a-vis particular vehicles like the Golf, which is being exported from Japan under the beneficial conditions created for it by the Japanese government in direct response to requests by manufacturers in that country to protect their industry.

They are obviously things which are beyond our control, but the things within our control are things like the co-investment package, making sure that we are part of Holden's global supply propositions rather than just supplying to a domestic market; seeking to ensure that our component manufacturers are also insinuated into the global supply chain; and making sure that this is the most competitive, resilient sector that we can possibly get and, in particular, Holden within that sector. Those are the ways in which we will promote a strong and growing car industry into the future.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:07): Sir, my question is again to the Premier. How much did General Motors Holden pay the state government in payroll tax and land taxes last financial year, and how does the rate of these two taxes and its burden compare with other states?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:07): I don't have the answer to that question with me, but I will bring back an answer to the house.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:08): The question is again to the Premier, sir: are energy costs at Holden's Elizabeth plant competitive with energy costs for manufacturers in Victoria and other jurisdictions, and what tangible action, if any, has the government taken to assist Holden to reduce these fixed costs?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:08): We took the unprecedented step of deregulating electricity pricing in South Australia, which has given a massive benefit to consumers in South Australia, and indeed a massive benefit to our manufacturers—something the Liberal Party has not proposed once in its entire time in opposition since 2002. When this government did promote the idea of deregulating our electricity market, members opposite said we hadn't done it soon enough.

Mr PISONI: Point of order, sir.

The SPEAKER: I do not need the member for Unley's point of order. The minister will not debate the question; he will address the substance of the question, which is, 'What has the government done?' He might supply us with some information on that point, rather than what the opposition hasn't done.

The Hon. A. KOUTSANTONIS: Yes, sir; I understand they're having a bad day, so I will get back to pricing and deregulation of electricity markets. We have fundamentally changed the energy market in South Australia. Given that members opposite—

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second time; there will be no further warnings to the Leader of the Opposition.

The Hon. A. KOUTSANTONIS: The reality is that after the opposition, when it was in government, privatised our assets what they did not do was give South Australians the benefit of a deregulated market, which means that South Australians were denied—

The SPEAKER: Minister for Energy, will you please return to the substance of the question rather than give us a history lesson about the former government.

Mr Pisoni interjecting:

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

The Hon. A. KOUTSANTONIS: Thank you, Mr Speaker. This government has fundamentally changed the energy market, allowing Holden and other manufacturers in this state to buy electricity in a deregulated market, which has afforded them—

Mr Goldsworthy interjecting:

The SPEAKER: I call the member for Kavel to order, who's particularly rowdy.

The Hon. A. KOUTSANTONIS: The one man we fear, sir. The government has afforded companies like Holden and other manufacturers the ability to buy electricity in a deregulated

market, which has seen prices drop in South Australia and, of course, that's evidenced by the drop in power prices across the board.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:10): My question is again to the Premier: what will be the effect of Holden's decision to cut 400 jobs on direct and indirect jobs in the northern suburbs, where the youth full-time unemployment rate is 44.6 per cent?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:11): I thank the honourable member for his question. They continue to perpetrate this misleading statistic about the unemployment rate in the northern suburbs. If you take all of the young people in the northern suburbs and look at the actual unemployment rate of the total population it is more in the order of 6 per cent or 7 per cent I think rather than the 44 per cent that has been cited.

They continue to perpetrate this misleading statistic because it suits their purpose. Of course, most of those young people are earning or in school and so it is a completely misleading statistic. Having said that, the loss of 400 jobs obviously creates its own effect and then there is the multiplier effect of the spending of those particular workers within the local economy. I don't have an estimate of that effect but it would have an effect.

In terms of component suppliers, just this morning I had the opportunity to meet with representatives of the component suppliers. The various component suppliers in South Australia don't necessarily rely upon Holden's for the whole of their work, although it's a substantial proportion of it. They also tell me that there has been an adjustment over time for the reduced volume levels that are happening in relation to Holden and so a number of them have already recalibrated their operations to the lower production levels that have been emerging.

Holden has been taking steps over time to reduce the hours of work through leave and three-day weeks and other arrangements, so there has already been an adjustment by component suppliers. Their estimate locally is in the order of dozens of jobs that might go as a consequence of this, and many of them have already factored in decisions of this sort by Holden.

I know that interstate there are estimates across the nation of between 100 or 200 jobs, but they are only estimates and they are for the whole of the nation. That is the best evidence information we have at the moment.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:13): My question is to the Minister for Transport. Why did the state government choose to manage and procure all components of the rail electrification project rather than contract one company with relevant experience to oversee the entire project? With your leave and that of the house I will briefly explain. I hope it is not too tiresome, Mr Speaker, but I would like your leave.

The SPEAKER: It is tiresome but in order.

Ms CHAPMAN: Mr Rod Hook told the Public Works Committee last year, and I quote:

There is no experience in South Australia of hanging 25,000 volts in the sky to run train services. There is no experience in our department.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:14): There is a bit of confusion between the question and the explanation, Mr Speaker.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: It sounds like it, because what Mr Hook is actually saying is that the department was undertaking a radical rethink about the way we deliver public transport in South Australia. Electrified rail is dramatically different from diesel trains. I know that the member opposite was out on Friday asking us to delay the electrification of our rail line along the Noarlunga line, increasing the time for congestion on our roads. She wanted us to keep as many trees as we possibly could because electrification rolling out meant that vegetation was to be cleared back.

The reality is that the department has not, in fact, run electrified rail, from recent memory, in this state until I think we had light rail throughout the city, other than the Glenelg line, but, of

course, much earlier than that when there were the electric trams—light rail—throughout inner metropolitan Adelaide. So the department is learning a lot about this.

Of course, the former minister would be better informed than me because he was in charge at the time we rolled out electrification. Mr Rod Hook is absolutely right: the department is on a steep learning curve, and that steep learning curve is because we are rolling out a radical new rethink in the way we deliver public transport in this state. Electrified rail is going to bring all sorts of benefits to consumers in the southern suburbs—

Ms CHAPMAN: Point of order, Mr Speaker. As interesting as this is, my question actually was: why did the department keep this project in-house when it clearly didn't have the experience?

The SPEAKER: Alright. Minister for Transport.

The Hon. A. KOUTSANTONIS: I'll get a detailed answer from Mr Rod Hook.

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, Mr Speaker, if I am argumentative at all when they move points of order—when I tell them that I will get an answer for them they mock. It is obvious: if I float I'm a witch, if I drown I'm guilty.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:16): Supplementary question, Mr Speaker.

The SPEAKER: A supplementary.

Ms CHAPMAN: My supplementary to the Minister for Transport is: what was the total internal cost to the government for the rail upgrade and electrification project?

The SPEAKER: I was hoping it would be about witchcraft; I am disappointed. The Minister for Transport.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:16): I don't have my estimates folder here with me, but I will get my estimates folder and I will get an answer back to the house.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:16): My question is again to the Minister for Transport: why did the government choose to procure all of the aspects of the rail electrification project independently, rather than one contractor to procure all elements?

The SPEAKER: Minister for Transport, who no doubt will have a view on whether that is a repeat question.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:17): I think it is deja vu all over again, sir. I will get an answer back to the house.

INFRASTRUCTURE AUSTRALIA SUBMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:17): A further question to the Minister for Transport: will the minister publish the state government's 2012 submission to Infrastructure Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:17): I am not sure what the standard practice is. The state government obviously has benefited a great deal from Infrastructure Australia's very generous offerings to South Australia. I do note with interest that the Leader of the Opposition thinks that all of this infrastructure spending is a false economy, so I find it a very interesting ploy—

The SPEAKER: The question is about publication.

The Hon. A. KOUTSANTONIS: Thank you sir, I notice you corrected me without a point of order; thank you very much for your intent on listening to my response. I will find out what the standard practice is and get back to the house.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:18): My question is again to the Minister for Transport: does the government expect to deliver passenger services on the electrified Noarlunga line by the end of the year, given the delivery of the first electric train set from Bombardier has been delayed from February this year to June?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:18): I have no evidence to point otherwise.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:18): My question is again to the Minister for Transport: what is the estimated increased cost to the taxpayer of using renewable energy to power electric train services?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:18): This government believes that climate change is real and we believe that we need to, as much as we possibly can, encourage—

Members interjecting:

Mrs Redmond: That wasn't the question.

The SPEAKER: Minister, will you be seated. The member for Heysen's opinion that climate change is not real is—

Mrs Redmond: That isn't what I said. What I said, sir, was that that wasn't the question.

The SPEAKER: I heard differently, but, in any case, you are warned a second time. The Minister for Transport.

The Hon. A. KOUTSANTONIS: The reality is that renewable energy is not increasing electricity prices. It is, in fact, offering a cheap alternative to very expensive electricity, and over a period of time you will see electricity prices have dropped even further on the basis of advancements in renewable energy. Advancements in hot rocks, advancements in wind, advancements in waste technology and advancements in solar thermal will see all of these aspects decrease electricity prices across South Australia. It is just unfortunate that members opposite don't embrace these alternative energy sources.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:20): Supplementary question: given the indication from the minister that there will be no increase in costs as a result of renewable energy, will he rule out that there will be no increased costs for the provision to power the electric trains?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:20): As I said in an earlier answer to a question—and probably the member for Bragg doesn't understand the electricity market, which is fine; it is difficult to understand—we live in a deregulated electricity market. The government does not set the price of power. Alas, the electricity assets that Mr Playford built were sold by members opposite. Therefore, as energy minister, I don't control the production and distribution of energy. If I controlled the distribution of electricity, I could control the price of electricity. Because members opposite privatised our assets, the government no longer controls the cost of electricity.

RENEWABLE ENERGY

Mr WILLIAMS (MacKillop) (15:21): Supplementary question: the minister just said if he could control the business of supplying energy into the South Australian market he could control the price. Can he explain to the house how he would do that?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:21): I will give the member for MacKillop a lesson. When he voted to privatise our electricity assets he removed generation and distribution from government ownership. The government used to set the price and generate electricity. That has now been removed from the government's hands, and he voted to do so; therefore, we don't control the price of electricity anymore.

RENEWABLE ENERGY

Mr WILLIAMS (MacKillop) (15:22): I'm just wondering whether the minister might explain to the house—

The SPEAKER: Is this a supplementary?

Mr WILLIAMS: —how he would reduce the price, as he said he would if he had the ability to?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:22): Sir, I said the government would have set the price. He should have been listening.

RAIL ELECTRIFICATION PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:22): My question is again to the Minister for Transport. How many trees are being destroyed along the southern rail line to facilitate the upgrade and electrification project?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:22): Given that the Deputy Leader of the Opposition proposed a plan for the Britannia roundabout extension that would have seen up to 69 trees cut down from the Parklands, I find it—

Mr PISONI: Point of order. Mr Speaker: you have consistently warned the Minister for Transport about debate in the answers to his questions, and he continues to ignore your ruling.

The SPEAKER: Yes, look, I'm very tempted to throw him out for the rest of question time. Minister.

The Hon. A. KOUTSANTONIS: Thank you, sir. I want to save as many trees as we possibly can, Mr Speaker, but I will not delay the project and inconvenience southern suburbs residents any longer than we need to.

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

The Hon. J.D. HILL (Kaurna) (15:24): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

GRIEVANCE DEBATE

LABOR MINISTERS

The Hon. I.F. EVANS (Davenport) (15:24): What a great day for the Minister for Transport. What we saw today was the start of the play-out about the leadership of the Labor Party after the next election. *The Australian,* of course, has been out there reporting that the Minister for Transport is going to be the next leader. And what we had today was the arch rival, the Minister for Health, come in and do a ministerial statement, not on mental health, not on hospitals, not on patients, but on something about a Holden's industrial agreement, nothing to do with the Minister for Health.

Why would the Minister for Health be doing that particular agreement? Because he knows that the Minister for Transport is slowly but surely gathering the numbers on the leadership for after the next election. Today was like an audition for a poor man's *Australia's Got Talent*. We had the Minister for Health trying to promote himself, we had Minister for Transport trying his very best to look the statesman, and it really was a good day for the Minister for Transport.

What the Minister for Health showed is that he was an attack dog on go slow. He really is no Pat Conlon when it comes to an attack on the opposition. This all plays into, of course, the Minister for Infrastructure's long held plan to take over the leadership of the Labor Party at the last election. Go and ask the Minister for Health how many people rolled up to his media drinks that he was going to have at his house. The answer is: none; they would not go there. That is my understanding. The difference is that the Minister for Transport was a lot more subtle in the way he was dealing with the media, and we all know how that particular game is played.

For the Minister for Health to come in here and lecture the opposition about parliamentary standards and correcting the record—well, give me a break. This was the treasurer who did not even know that there were no observers on the zoo board. We all remember that, Mr Speaker: standing up in the parliament, telling us not to worry we have observers on the zoo board, only to go back to his department and suddenly discover that the Rip Van Winkle staff in his office had not realised that there had been no observers on the zoo board. So, the Minister for Health comes in here and lectures us about the Leader of the Opposition correcting the record and he himself was very embarrassed when there were no observers on the zoo board.

This was the treasurer who could not deliver a surplus. Imagine him and Wayne Swan ringing each other up saying, 'Have you found a surplus? I haven't found a surplus. Have you found a surplus?' Between the pair of them they cannot deliver a surplus. This was the treasurer who said he was going to keep the AAA credit rating and could not. This was the treasurer who told the parliament they were going to have a 50 per cent debt to revenue ratio and could not deliver that either. Then he has the temerity to come in here and lecture us about telling the truth, being accurate to parliament and correcting the record. Give me a break.

This is a government that has no standards. We all remember the former treasurer—it seems to go with that portfolio—the Hon. Kevin Foley, when he told everyone, before the election, that the Adelaide Oval would be $450 million and not a cent more. It is now north of $600 million, the whole project and ancillary costs. Then we had the famous motion of no confidence in the treasurer because he conveniently forgot that he had had a meeting with Leigh Whicker about the cost blowout and the only reason he recalled it was that Leigh Whicker was going to brief the opposition and be subject to questions at a Stadium Management Authority briefing and at that point the memory came flooding back in a great rush of honesty. I mean, give me a break.

For this government to come in here and lecture us about parliamentary standards and honesty is a joke. What we have playing out today is Simba. The Minister for Transport, Simba, the one who wants to be king, King Kouts they call him in the corridors, Mr Speaker, he is the one who wants to be the leader and what we have is the poor old Minister for Health, who has gone one too many rounds. He reminds me of Eric the Eel, that swimmer in the Olympics, because he is in the game, he is certainly in the game, but he is just not winning.

INTERNATIONAL WOMEN'S DAY

Mrs GERAGHTY (Torrens) (15:28): Today I rise to belatedly mark International Women's Day. I want to celebrate the rise of women in Australian politics, but first I would like to point to a few reasons why women (and some men) still have much to do to create gender equality in parliaments. Most of us are well aware that it was many years after women attained the right to stand for parliament before a woman was elected. The first was in 1921 in the Western Australian assembly with the election of Edith Cowan. Federally it took until 1943 with the election of Dorothy Tangney to the Senate and Enid Lyons to the House of Representatives, and in South Australia, of course, Jessie Cooper and Joyce Steel were elected much later in 1959.

This is all some time ago now, but the number of women elected to parliament did not rise exponentially from those dates. In the House of Representatives women were not continuously represented in each parliament until after 1980, when they constituted only 2.4 per cent of members. Between 1949 and 1980, nine parliaments sat without any female representation in the house. The number of female members of the House of Representatives did not reach double figures until 1990. Today, 112 years after Federation, the percentage of female members in the House of Representatives remains well below that of men, at 27.5 per cent. The Senate's record is a little better, women having been continuously represented since 1943. As with the house, the number of women in the Senate did not reach double figures until 1981, and currently women constitute 39.5 per cent of the Senate.

If just getting elected was difficult for women, becoming a leader of a major party was even harder. Fortunately, though, Australia can be proud of a handful of women who have become

leaders of their parties, and we should not underestimate the impact on the electorate of seeing women attain high office. A recent analysis of the effect of Julia Gillard's gender on voters found that her prime ministership fuelled a perception that politics is no longer just a man's game.

The Australian Democrats have had a number of woman as leaders, starting with Janine Haines in 1986, but it was not until 1990 that two women became leaders of a major party. I speak, of course, of Carmen Lawrence and Joan Kirner, who were not only party leaders, but premiers of their states. Carmen Lawrence became the first female premier in February 1990, and Joan Kirner became premier in August 1990. Carmen and Joan lost the elections that followed their elevation to premiership, but their Queensland successor, Anna Bligh, won a second term as premier in 2009.

In 2011 two more female premiers came into power, Kristina Keneally in New South Wales and Lara Giddings in Tasmania, and of course, as I said before, we have Julia Gillard as Prime Minister. It is a short grievance today and there is not enough time to mention all the successful women in Australian parliaments, but I would quickly like to acknowledge that in the ACT and the Northern Territory women have become chief ministers: in the ACT, Kate Carnell, Rosemary Follett and Katy Gallagher; and in the Northern Territory, Clare Martin.

I also acknowledge that the member for Heysen led the Liberal Party in this state and that a number of women have been deputy leaders. Also, I should mention Karlene Maywald, who was the leader of the National Country Party and Lyn Breuer, the member for Giles, who was the first female speaker in this house. On our side of the house, the Labor Party as a whole is very encouraging of women becoming members of parliament. On a number of occasions we have had a pretty good battle, but certainly women on this side of the house know that we have a lot to contribute.

POLICE NUMBERS

Mr PENGILLY (Finniss) (15:33): From time to time since I have been in this place I have raised the issue of police matters, and indeed, sir, I think during your time as police minister. However, I wish to raise again the issue of policing on the Fleurieu Peninsula. Can I just put well and truly on the record, before I go any further, my admiration for the job that the current police officers down there do. They do it to the best of their ability with scarce resources and they get little or no thanks from many people. They do a fine job, and I know that Superintendent Rob Williams, who has just taken over from Superintendent John Bruhn operating out of Mount Barker, is well aware of some of the issues at the moment.

However, just lately, an increasing number of concerns from constituents have come through my office in relation to the time that it is taking police to get to calls when they are called out. There is a lead time of up to 50 minutes for some of these events, and it is probably important to note that there is only one vehicle on the road at night in the Fleurieu.

This matter has also been drawn to the attention of the Mayor of Victor Harbor, Mr Graham Philp, himself a former sergeant. I know that he has written to the commissioner expressing concern on behalf of his council area and the regional city of Victor Harbor, and I know that that concern is felt by other local government authorities across the Fleurieu. It appears to me that no-one is listening to whatever is said in relation to upping the resources. It is a matter for grave concern that many elderly people are feeling threatened, and that they are not feeling at all comfortable in their own residences. I have many retired residents in my electorate and it worries me greatly that they should feel that way.

From time to time, we have the odd nasty come down from over the hill, somewhere in the metropolitan area, dealing in drugs or house breaking or other nefarious deeds. It is a big area, and I think, at the risk of repeating myself, it is very difficult at night, if a police officer is called out or had a report given to them from one side of the Fleurieu, when there is an incident taking place on the other side. I know there is also a detective working, but patrol cars out and about are critical.

It is a major worry. I will be interested to see what sort of response Mayor Graham Philp gets from Commissioner Burns when it comes through. I note that his letter has also gone to the Minister for Police, the Hon. Michael O'Brien; Superintendent Robert Williams; the Mayor of Alexandrina, Kym McHugh; and the Mayor of Yankalilla, Councillor Malcolm Schlein, and to the elected members of Victor Harbor.

Unfortunately, police resources are being pushed into the metropolitan area, and regional areas like the Fleurieu are getting screwed for resources, so it is simply not good enough. If an extremely serious event takes place, and the resources are not found in a very short period of time

and something tragic happens, I will remind the house of my speech today. I ask on behalf of my constituents that consideration be given to putting further police resources into the Southern Fleurieu, and that a second patrol vehicle be put out and about at night so that they can work more quickly and more efficiently to catch villains when they are about.

We have had some good results lately and, once again, I commend police operating out of Victor Harbor on those results. Also, just recently, we had a potentially very serious accident when the police cage car at Yankalilla had an accident, caught fire and was burnt out. The police officer got out of it reasonably well but it was still a serious incident.

I am also worried for the residents of the island, and the three officers over there, but the Southern Fleurieu is my point of concern today. I put it on the record. I look forward to a positive response from Mayor Philp's letter to the commissioner.

Time expired.

PARTICIPATORY DEMOCRACY

Ms BEDFORD (Florey) (15:38): In 12 months there will be several elections, one federal, one local and one state. Living in a peaceful participatory democracy is a great privilege despite what some may think, and brings rights and responsibilities. We have the right to enjoy all the freedoms in the country that Australia can give us, and I believe that we have the responsibility to take part in elections and to be informed about policies and candidates and to use our votes wisely—whether that decision be made on a single issue or after deliberation, taking many things into consideration.

Each individual has the right to choose how involved they want to be in our democracy and in deciding who they will support. In two of the forthcoming elections voting is compulsory, and in local elections voting remains optional or voluntary. In the UK, more people apparently watched *Big Brother* than voted in the last election, and having voluntary/optional voting affects the number of people who take part in the election, particularly if the ballot is conducted by post. This means that in the busy lives most of us have these days voting is often the last thing on people's minds.

Voting is a lot like a contract: you only wish you had taken more notice if things do not work out. If everyone I spoke to who said they wished things were different or better became involved, maybe by reading more about what parliaments or councils do, or by getting to know their local representatives, and perhaps even deciding to join a political party and really getting involved, then things would truly be different.

In Florey we are planning our next public forum on Monday 29 April, which I am calling 'Everything you've always wanted to know but were afraid to ask about parliaments and elections'. The experts on the panel will be Lynn Arnold, well known to us all here as a former South Australian premier and head of national and international NGOs, and Clem Macintyre from the University of Adelaide, an academic and political authority who facilitates the Parliamentary Internship Program here each year.

They will be talking on one of the topics to start and then when we get into questions and answers I am sure there will be plenty of lively debate, and I will be there to act as MC and to give a perspective on what a candidate does and their role in trying to win your vote. The importance of voting should never be underestimated: several very crucial elections throughout the ages were won by one vote. For instance, I am told Adolf Hitler actually won one of his internal party elections by a single vote. That outcome could have definitely changed the course of history had it been different.

It is no secret that I have become very interested in the history of women and their role in democracies all over the world. Here in South Australia women were the first in the world to receive dual franchise: the right to vote and the right to stand for election. Because women in the UK and the US took so long to win the vote, the struggle here in Australia seems to have been overlooked. The stories of some of the heroines of that struggle for the vote all over Australia have been brought to life by a doyenne of Australian folk music.

At the recent National Folk Festival held in Canberra over Easter, a woman called Phyl Lobl premiered her new show *Dames & Dare-Devils for Democracy*. It is full of fact and folklore about ten Australian suffragists. Phyl created the show with the help of Christine Wheeler, Kate Delaney, Shayna Stewart, Sophie Leslie, Marie Le Brun, Michael Roberts and Stuart Leslie. Phyl is a true believer of the folk scene in Australia and was mentored by the famous Glen Tomasetti and Peter Mann, and her early influences included the Melbourne Bush Music Club.

Phyl has performed widely throughout the world, recording for the Larrikin label, and has toured Britain, the USA and New Zealand. She represented Australia at the Cologne song festival and was folk music advocate on the Music Board of the Australia Council for the Arts for three years, receiving a Gramme Squance Award. With a lifelong engagement in the folk arts, Phyl continues to present the Australian experience to a variety of audiences using folk arts and lore. Phyl has appeared at all 47 National Folk Festivals, which is quite an amazing feat.

Phyl created the performance when she heard about South Australia's Muriel Matters and was inspired to do so because she felt that, if she was someone who actually cared but did not know about Muriel, then many others probably would not, either. As she spoke to her circle of friends, Phyl realised the story of many other Australian women involved in gaining votes for women were unknown and their exploits unsung as well.

So, with the power of arts as being both an educative and entertainment tool, she created *Dames and Dare-Devils*. She talks about people like Henrietta Dugdale, Louisa Lawson, Edith Cowan, Vida Goldstein, Maybanke Anderson, Maggie Ogg, Rose Scott, Emma Miller, Dora Montefiore, and of course Muriel has a song in there as well.

Elected representatives do an important job and so the story of how we become elected representatives is important also, and we should have the trust of the public. If the public do not trust us then our democracy will not work as well as it should or it can. Elected representatives need to earn that trust, and I will be working as hard as I have always done every day until the next election, and represent my electorate to the best of my ability so that they not only are helped with whatever problems they may have but also learn the story of how Australia won the vote.

WARREN RESERVOIR

Mr VENNING (Schubert) (15:44): I rise today on an issue that I have been passionate about and lobbying for for nearly 20 years: opening the Warren Reservoir (located just out of Williamstown) for recreational activities. This could include canoeing, sailing, rowing and land-based activities around the lake, including bushwalking and picnicking. I was very pleased that in recent weeks there has been some movement on this issue and that the Barossa could soon have its very own recreational lake. We could call it the Warren Reservoir, Lake Warren or even Lake Caica. I recently met with the now Minister for Water and the River Murray and was ecstatic at the response from the minister, who supports the Warren Reservoir being used as a recreational lake. This has been a long time coming, and I do appreciate the involvement of the previous minister, the Hon. Paul Caica, hence Lake Caica.

The Barossa Council and SA Water now will work together to develop a sound management plan for the recreational use of this lake. A memorandum of understanding (MOU) has been entered into. It sets out the arrangements for the working party. I am confident that the Barossa Council, which has been lobbying for the Warren Reservoir as well to be turned into a recreational lake, will work to ensure the desired outcome. I look forward to liaising with the council and SA Water to ensure it.

Also, recreational activities such as kayaking, sailing, canoeing and picnicking on the Warren Reservoir will boost tourism numbers to the Barossa region. We heard about that today from the minister during question time. The South Australian Tourism Commission is spending money on a new advertising campaign to entice increased visitor numbers to the Barossa. A recreational lake would be a fantastic addition to the offerings the region already has and diversify the experiences available to visitors.

The Warren will become another premium tourist attraction in the southern end of the Barossa. With the Whispering Wall just a short distance away, it will certainly attract a lot of people. I can just see it now: a hot summer's day and the reservoir is packed with families and tourists utilising this body of water to its full potential. It really is idyllic, with inlets and gullies, stone bridges, bush and birds. There is precedence for recreational lakes in other states, and the ability to open up South Australia's reservoirs for recreation has been examined in the past by a parliamentary committee.

In 1977 (and this is before I got here), a committee was established under the chairmanship of Mr J. Melville, later to be known as the Melville inquiry, which examined the issue of public access to and recreational use of public water supply reservoirs and reservoir reserves in South Australia. The committee provided 31 recommendations, including a recommendation to establish a standing committee to establish how government policy should be applied to allow

access to individual reservoirs and reserves. Recommendation 15 outlined the activities that that inquiry deemed permissible on reservoirs, and I quote that recommendation:

> Activities which should be permitted are (a) water based: fishing, rowing, canoeing and yachting; (b) land based: nature study, bushwalking, orienteering, picnicking and barbecuing.

The proposal to open up the reservoirs has been around for some time. Again, a report of the Interdepartmental Committee on the Recreational Use of Reservoir Reserves in 1980, recommends:

> The Waterworks Act 1932-78 should be amended to make provision for the recreational use of reservoirs and reservoir reserves.

I sincerely hope that we see the Warren Reservoir opened up for recreational access in the not-too-distant future. It has been recommended before, but it was not followed through. Now is the time for some action and positive outcomes for the Barossa region.

I would again like to acknowledge the hard work and determination of the previous minister, the Hon. Paul Caica, and I thank him and the current minister for their support and for really having a can-do attitude. I only hope the bureaucrats at SA Water can show the same attitude. There is more to be done, and I assure the house I will follow this through and I will not let up until it is actually happening.

I also want to publicly thank the Minister for Tourism for taking my constituent Mr John Geber and me for lunch yesterday. Mr Geber owns a Barossa icon, the Château Tanunda, and revealed futuristic, expansive plans. He also owns the Barossa Wine Train, which really is at the end of the tracks. If we cannot get this train going from here, it will be lost, I can assure you, and you will not be hearing from me for much longer on that. I appreciate the minister's time, and we would appreciate some answers. You have to admire Mr Geber's enthusiasm; I have been pushing it hard because he and others have done it to me. He has shown confidence in the Barossa and I think it is high time he was rewarded.

GM HOLDEN

Mrs VLAHOS (Taylor) (15:49): I would like to speak today on something that is at the great big heart of my electorate and that is the GM Holden's plant at Elizabeth South. It has been long within the boundaries of the Taylor electorate, but unfortunately at the next redistribution I believe the member for Little Para—

Mr Odenwalder: Why is that unfortunate?

Mrs VLAHOS: Well, I'll lose my best booth, that's why. I want to speak today about the 400 job cuts that will be lost from the Holden Elizabeth plant and how that is going to affect my electorate. Since I was the candidate for this area in 2009, I have seen the ins and outs of this story. I have seen hope and I have seen despair, and this week has just been another sad chapter to that, with 400 being told they will not be working there, and the plant will likely end up at about 1,750 people.

Apart from the 400 jobs that were announced on Monday of this week, there were also cuts last November of about 180, and 40 of those were in the Port Melbourne engine plant, separate from the Elizabeth South site. There was also a large redundancy program in 2009 where 500 people were made redundant.

This comes on the discussion today in the media about the Cruze. Our government has always encouraged our members—and many of us northern MPs proudly drive GMH cars because we are loyal to our local constituents and the quality products that they deliver to our state and nation. The thing that disturbs me most about this is when I look back on the package when it was delivered last year, and the debates that have happened in this house and the politicisation of this issue on some sides of the political divide in this area.

People have argued about semantics about whether it is 'Holden' or 'Holden's'; no-one talks about the lifeblood of the people in the northern suburbs, the mums and dads, the school students, the families, the aunts and uncles, the componentry people in every street of my electorate that I know are connected to that plant.

It sickens me to my heart when I hear people in this place degrade and diminish the quality of that workforce which we now, as a group of northern suburbs MPs, as a government, and as a northern community, will stand behind and help to find new training, skills and jobs to move forward from Monday's announcement.

My office remains open to anyone who has been touched by this story to provide help and support, and we will endeavour to make sure that people are put in contact with any support services they require. I would like everyone in this place to remember the bipartisan nature of making sure our state succeeds and not diminish—

Mrs Redmond interjecting:

Mrs VLAHOS: —not diminish—

Mrs Redmond interjecting:

Mrs VLAHOS: You, the member over there who is interjecting, were one of the people leading the charge speaking down this plant last year!

Mrs Redmond: Never! Absolutely never. Look at the debate—

The DEPUTY SPEAKER: Order!

SUPPLY BILL 2013

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:52): Obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ended 30 June 2014. Read a first time.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:32): I move:

That this bill be now read a second time.

A supply bill will be necessary for the first three months of the 2013-14 financial year until the budget has passed through the parliamentary stages and the Appropriation Bill 2013 receives assent. In the absence of special arrangements in the form of supply acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is $3,205,000,000. Clause 1 is formal. Clause 2 provides relevant definitions. Clause 3 provides for the appropriation of up to $3,205,000,000.

Debate adjourned on motion of Ms Chapman.

NATIONAL TAX REFORM (STATE PROVISIONS) (ADMINISTRATIVE PENALTIES) AMENDMENT BILL

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) (15:54): Obtained leave and introduced a bill for an act to amend the National Tax Reform (State Provisions) Act 2000. Read a first time.

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) (15:55): I move:

That this bill be now read a second time.

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

Leave granted.

The *National Tax Reform (State Provisions) (Administrative penalties) Bill 2013* amends the *National Tax Reform (State Provisions) Act 2000*. This amendment gives effect to South Australia's commitment under a national agreement to extend the Commonwealth's interest and penalties regime to the notional GST liabilities of government entities.

There has been uncertainty about whether state and local governments were liable to pay penalty and interest charges in relation to their notional GST liabilities where necessary. This amendment makes it clear that interest and penalty charges will apply to state and local government GST obligations where necessary.

While this amendment will allow the Australian Taxation Office to charge South Australian government entities interest and penalties on outstanding notional GST payments, this measure is not expected to have a material impact on the state's finances as South Australian government entities are already compliant with the GST law.

A uniform interest and penalties regime will promote competitive neutrality and provide clarity and certainty to government, taxpayers and the Australian Taxation Office.

These amendments are consistent with those passed by the Parliament of Victoria.

The Bill is intended to take effect from 1 July 2013.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation on 1 July 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Tax Reform (State Provisions) Act 2000*

4—Amendment of section 2—Interpretation

This clause amends the interpretation provision of the Act by inserting two new definitions. An *administrative penalty* is an administrative penalty prescribed under the Commonwealth *Taxation Administration Act 1953*. An *interest charge* is a general interest charge imposed under the Commonwealth *General Interest Charge (Imposition) Act 1999* or a shortfall interest charge imposed under the Commonwealth *Shortfall Interest Charge (Imposition) Act 2005*.

5—Amendment of section 4—Exempt entities to pay GST equivalent, interest and penalties

Section 4 provides that an entity that has an exemption from GST under section 114 of the Commonwealth Constitution must pay to the Commonwealth Commissioner of Taxation amounts that would have been payable for GST if the entity were liable to GST. Under the section as amended by this clause, the entity will also be liable to pay amounts that would have been payable as interest charges or as administrative penalties if the entity were liable to pay GST.

Debate adjourned on motion of Ms Chapman.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:56): Members who are following this important debate will know that on the last occasion I was speaking about the guarantee fund. I was trying to explain briefly (probably not very successfully) the purpose of having the guarantee fund and that it had some origins really from a number of sources but essentially the windfall gain of interest payments on deposits in solicitors' trust accounts and in what was then called the Combined Solicitors Trust Account where certain proportions of deposits have to be placed under the current act—and that these moneys were to be applied for certain meritorious purposes.

I was going on to say that the fund also has other sources of income. The current provisions of the act provide that the Law Society must maintain a legal practitioners guarantee fund; that the fund consists of the moneys paid into it from the statutory interest account or moneys recovered by the society under Part V; a prescribed proportion of the fees in respect of moneys paid for the issue of the renewal of practising certificates—that is, of course, of legal practitioners; a prescribed portion of fees paid by interstate practitioners in certain circumstances; costs recovered by the Attorney-General, the board or the society in disciplinary proceedings against legal practitioners or former legal practitioners; and any fee paid to the board and any money that the society thinks fit to be included in the guarantee fund; and income and accreditations arising from the investment of money constituting the guarantee fund.

So there are quite a number of other sources now of moneys into the fund. The moneys under the current provisions of the act in the Guarantee Fund can be applied for the following (and I will paraphrase these):

- meeting expenses incurred by the LPEAC;
- costs incurred by the society in appointing a legal practitioner who would appear in proceedings dealing with the admission of a legal practitioner;
- costs of investigating complaints (again, for similar proceedings);

- costs of proceedings instituted by the board for taxation and legal costs;
- costs of prosecution of other offences against the act;
- costs consequent upon the appointment of a supervisor or a manager, which of course is to go into a legal practitioner's practice in the event of their suspension and other circumstances;
- costs of examination conducted under the direction of the Attorney-General;
- payment of certain honoraria for members of the tribunal and board for their sittings;
- legal costs payable by members of the board and some other limited circumstances;
- payment of money toward costs of arrangements in respect of terms of any scheme approved by the Attorney-General;
- costs of processing claims; and
- defraying any management fees or expenditure in relation to management administration of the fund and educational publishing programs conducted for the benefit of legal practitioners or members of the public.

I think members will appreciate that there is quite a significant diversity of source into the fund and there is quite a significant capacity under the current act for the funds to be applied.

With regard to the interest in the guarantee fund under the statutory interest account, that also has rules that apply to it for the application of those funds. When interest accruing on trust accounts is paid into the ADI, the society must deal with the money as follows: 50 per cent of the money to be paid to entities under the Legal Services Commission umbrella; 40 per cent of the money paid into the guarantee fund; and 10 per cent paid to a person nominated by the Attorney-General, subject to such conditions as the Attorney-General directs.

We have quite a strict regime of where these funds are to be applied and with whom. I should mention that, for example, last year the guarantee fund received $873,448 from its share of the practising certificate fee and total funds of about $4.5 million went into that fund. The bill does propose that there will be some changes to the administration and application of those fees, including the right to apply—and in what circumstances—for relief of funds when there has been some loss or damage suffered as a result of legal practitioners' failures. However, the other aspect of the government's proposal is to rename the guarantee fund a fidelity fund and some other aspects, as I say, in relation to the application.

I think I mentioned before that advocates (particularly those who are victims of the Magarey Farlam defalcation) have put some very significant submissions to us to make the funds more available. Mr Chris Snow—who I have referred to earlier—has put forward a number of submissions for reform and is seeking an independent lay-based board for the purposes of management of practitioner misconduct and similarly seeks to have a much tighter administration of the fidelity fund. The opposition has considered a number of those aspects.

There has been, since 2007, consideration of a number of the aspects of how fidelity funds would operate in other states and it is noted that the draft national law model does provide that 'fidelity authority must ensure that claims against the fidelity fund are determined independently at arm's length from the legal profession'. I mention that, of course, because those who are advocating for ultra independence are seeking to have that type of regime. I do not think there is anything further I can helpfully add in relation to that, suffice to say there are significant calls on these funds, and I will have a number of questions to ask in the committee stage as to the current funds that are accessible and particularly how they have been applied in the last 10 years.

I do wish to briefly mention the ILPs (incorporated legal practices). It is fair to say, from the evolution of how legal practice has operated, that there has been a desire for a number of people in the profession to allow for incorporation of legal practices. The prohibition against this historically really has been the fact that there is an expectation that a legal practitioner should be in charge of the operation of any legal practice, that they should be directly accountable. Consistent with that is that there shouldn't be the capacity for legal practice firms to then incorporate under some other structure which makes it available for other non-legal practitioners to be involved and, secondly, for there not be the direct responsibility of the legal practitioner.

However, the practices have developed interstate and the calls have been, particularly from the eastern states, to allow for incorporated legal practices. This bill proposes an amendment to enable that to happen in South Australia. The incorporated legal firm may have a single practitioner with a practising certificate as long as the practice '...to provide any service or conduct any business that does not involve engaging in legal practice'.

The bill also proposes that notice must be given to the Supreme Court by an ILP before it commences practice, or by existing company practitioners, if they intend to engage in legal services as an ILP. The audit procedures and other operations of the Law Society in respect of the ILPs operation, their compliance with the act, etc., even as a spot audit, and generated from their own determination to conduct an audit, will continue, and the ILP itself will be subject to bans under the Supreme Court provisions.

If a successful application is mounted by the Law Society, the commissioner, who I have referred to earlier, is to take over the new responsibility of the conduct board and/or the Attorney-General. There are certain processes that allow for legal practitioners to employ other professions in their practice; however, it should be noted that the bill doesn't allow for multidisciplinary practices in this tranche of reform.

There has been recognition of the Bar Association. I have already disclosed that I am a member of the South Australian Bar Association, and proudly so. The Law Society of South Australia has undertaken, over decades, a leading responsibility to register the list of all legal practitioners and has an ever-growing role in its oversight of that profession.

South Australia has a proud history, and I think it is one to be celebrated, of allowing, as a fused profession, for legal practitioners to practise as either counsel or as a solicitor, but also offers the opportunity for people to register to practise solely as a barrister, and the Bar Association, of course, is the representative body for those in that category.

I note that in fact the Bar Association has allowed, in recent years, an expanded membership opportunity. One of the features of a barrister is that they must be independent of influence by their employer. Sometimes, if they are under employment as in-house counsel, whether it is in a business or as a member of the DPP or the Crown Solicitor's Office, then of course they are, quite properly, responsible to their employer to undertake their instructions and to comply with the terms of that employment.

Notwithstanding that (I suppose) restriction on the full independence of someone who is employed in this category, as distinct from someone who is at the bar and self-employed as such, the Bar Association has allowed, in recent years, the opportunity for employed barristers in certain areas to join the Bar Association.

Both bodies, the Law Society and the Bar Association, have a significant role in the continuing professional education of legal practitioners. From time to time we here in the parliament have the benefit of submissions presented by each of these bodies on law reform and in some instances there is only one, but sometimes they are not in agreement with each other, they sometimes put differing views as to the development of the reform and legislative agenda that we have down here, and that is to be applauded. All of the different advice and considerations, we think, can only aid us in our deliberations. It is the Liberal Party's view that it is an opportunity for other representative bodies to be considered, but that is something that we will continue to pursue outside the bill.

There are a number of other aspects that have been considered in this bill. I think most of the issues are ones that I can cover during the committee stage. I know the member for Heysen has a contribution to make on this debate. I welcome that and want her to have an opportunity to do that today, so I will perhaps convey some of those other matters at the time of raising the issues in committee. Thank you.

Mrs REDMOND (Heysen) (16:12): I am delighted to see that we have a new attorney-general in the house. The bill we are discussing, the Legal Practitioners (Miscellaneous) Amendment Bill, is quite a comprehensive bill of 143 or so pages and a lot of it reflects the bill that was put before the house when I was shadow attorney-general back in (I think) 2007. There are three main areas I want to canvas in my contribution today, and they have, no doubt, already been dealt with fairly comprehensively by the deputy leader. Nevertheless, I want to put on the record my views on a number of those issues.

The first of those is the issue of incorporated legal practices and the national registration proposition. The thrust of the original legislation which was put to us in 2007 was to create a system whereby once you were registered to practice law in any given state you would be (basically) entitled to practice law throughout Australia. Up until we changed that system, the system has been that you are admitted to practise in a state or territory, and often you would get involved in more than one state or territory. I was admitted originally in New South Wales but then came here and had to satisfy certain requirements in order to be admitted here.

There are many people who are in that situation, particularly people who practise in particular jurisdictions. I have a friend, for instance, who when he was in practice did a lot of aeronautical work involving plane crashes and that sort of thing. That meant that he practised in jurisdictions around Australia and he had admission separately in the jurisdictions where he needed it.

I can see that there are benefits in being able to say that once you are qualified you are qualified to work throughout Australia. By and large, our laws are pretty similar. That said, I think there are some risks about being able to be admitted in Queensland and go to Victoria and assume that you know what has happened in Victoria, because we do still have separate parliaments passing separate laws all the time. I think that there should be some mechanism to ensure that people who hold out their shingle in a particular state do indeed have a sufficient knowledge of the law in that state or territory; but I am sure any of that can be overcome.

My curiosity about this aspect really relates to the fact that incorporated legal practices will create a very unusual situation, it seems to me, in that once you have incorporated a legal practice—and I am relying on what the former attorney-general told me in the previous debate—in effect we can have Woolworths Law firms and (pardon the pun) Coles Law firms. We can have a situation where Woolworths, with a practitioner at the head of Woolworths Law somewhere, can set up a law firm, maybe within their little supermarket area or maybe somewhere else.

During the last debate the former attorney-general confirmed very clearly on the record that yes indeed, my understanding was correct that we could have Woolworths Law and Coles Law. We could have a practitioner somewhere who was the head of such a firm and we could franchise Woolworths Law throughout the country. My curiosity about this stems from the fact that I have had significant dealings with the Pharmacy Guild in South Australia and the optometrists in South Australia in particular. Both of those groups wanted particularly to ensure that every step that was possible was taken to prevent Woolworths and Coles, who already control so much of not just the supermarket trade in this state, but the alcohol trade, the ownership of hotels—and elsewhere, not just in this state—and various other aspects of our lives, from doing this.

The optometrist and pharmacists in particular, and to some extent also the newsagents, have been at pains to try to prevent this from happening. Yet in this particular piece of legislation the legal practitioners, through their representatives, the Law Society, have said, 'Come on in, the water's fine. We actually welcome this prospect. We want this to be the case.' I suspect they have not thought it through, but nevertheless I just want to put on the record again my bemusement at the idea that the lawyers in this state do not see it as threatening that Woolworths and Coles could come in and franchise legal firms under their banner, or under whatever banner they chose to do it under, and create a really different regime for the practice of law in the state.

That is really just a by the by comment, though, in terms of the things that concern me deeply about this bill. I am not going to seek to overcome what is the intention of the bill as far as that goes. As far as I am concerned, if the Law Society has said that that is what the practitioners of this state want, and I am no longer a practitioner, then I am not going to try to stop it.

My second concern is about the issue of unsatisfactory or unprofessional conduct. The concern arises from the well-known case of Eugene McGee. I have a concern as to whether the amendments in this legislation actually do anything to address the problem of Eugene McGee. Eugene McGee, of course, did something which in my mind was unthinkable and inhumane, and he is worse than the dog dirt beneath anyone's feet as far as I am concerned. I have put my views about that on the record before. This is someone who used his knowledge of the law to avoid responsibility and to avoid doing what was the human thing. That is, he knocked a cyclist off his cycle and killed him but chose to use his knowledge of the law to avoid the consequences.

I am sure that every member of this place has people in their electorates who have signed petitions about the failure of this parliament and this government to actually do something to prevent that person from practising law in this state because, in my view, the public would assume

that this is not a fit and proper person to be allowed to practise the law, having used the law for his own benefit in that way. I have some concerns as to whether the provisions for unsatisfactory professional conduct or professional misconduct will actually enable us to do anything about him. There are two questions of course. The first is: if it happened now, would these new provisions be able to do anything about it? The other question is: these events with McGee have already happened, so will the change to the legislation, if it goes through, enable us to now act against him?

I have some hope in that regard, because if we go to page 16 of the legislation, section 20AC sets out the grounds for amending, suspending or cancelling a practising certificate, and it says:

> Each of the following is a ground for amending, suspending or cancelling a practising certificate:
>
> (a) the holder of the certificate is not a fit and proper person to hold a certificate;
>
> (b) if a condition of the certificate is that the holder of the certificate is or has been limited to a legal practise specified...[then they have breached that].

We have that provision, and I think further on, under section 20AJ, we have another provision that allows for the possibility of having an immediate suspension of a practising certificate on any other ground that the court considers warrants suspension of the certificate in the public interest. That is section 20AJ(1)(c).

When we get to the committee stage I will be asking the Attorney-General—and I am pleased to see the Attorney-General has returned to being his usual self—to answer some very specific questions about whether that will now enable action to be appropriately taken against Eugene McGee who, as I said, in my view, the public would absolutely unanimously consider has shown himself to be not a fit and proper person to be allowed to practise law in this state. That is the second of the issues that I want to canvass in my comments.

The third one is to do with the guarantee fund and I want to go back to basic principles on the guarantee fund. It was the sticking point which, while I was shadow attorney, when we last dealt with this proposed legislation, ultimately led to a deadlock conference, and the Attorney-General allowed the whole thing to lapse rather than to proceed because we could not reach agreement about the guarantee fund.

I have particularly firm views about the way in which guarantee funds should operate. I will go back to first principles in terms of how the thing is structured in the first place. When you are in private practice as a solicitor, you will frequently receive money into trust, and it will come in from different clients—and you could have hundreds of clients at a time—and it will obviously come in in odd amounts and for different periods of time. Sometimes, for instance, you might receive money by way of deposit or the rest of the money to be paid on the purchase of a house. Sometimes you might receive money because you have received the payments in an estate and you have to hold them in your trust account until they are paid out to the various beneficiaries.

Money is coming in all the time and money is being paid out all the time and, for obvious reasons, it is much too complicated to figure out who should get what interest in terms of clients getting the interest. Clearly, the lawyers cannot get the interest. They cannot profit from the money that is held by them in trust. Nor should the bank therefore get the interest. I mean, the money is held in a bank account and if the clients are not getting it and the lawyers are not getting it then that leaves the bank to make a profit.

The origin of the guarantee fund came about because someone had the bright idea—and it was a very good idea—to say, 'Well, rather than no-one getting the benefit of this money, or rather than the banks getting the benefit of this interest money, what we'll do is we will require lawyers in this state who have money in trust to regularly (basically twice a year) do an assessment and pay roughly two-thirds of the money they hold in trust down into a central fund, a combined trust account.' You keep enough there to keep your ins and outs going in your account, and if you know you have to get money out then that is fine because it is trust money, but there is a combined trust account where two-thirds of the money of all the solicitors' trust accounts in the state is held, and that earns interest.

What are we going to do with that interest? Initially, that interest was to provide the guarantee fund. I accept what the member for Bragg says, that there have been so few calls on that money that the fund has thereby created over a period of years that they have been able to identify some other uses. So, it has gone to legal practitioners' education, legal aid and all sorts of

other things, but primarily this fund was able to provide a guarantee fund. The guarantee fund in my view is there so that there is an absolute security for people putting money into a solicitor's trust account, that they will have that money safely secured.

What happened? We have the case of Magarey Farlam, a very reputable firm. For some 15 years they had employed a person they thought was a reputable accountant. It took a long time before they realised that their reputable accountant was actually going to the bank and doing all sorts of dodgy things with the money that was held in trust, and no-one noticed until $4½ million worth of clients' money had been taken from the trust moneys.

My view is that at that point that is when that wonderful fund that had been established down town, earning interest on the combined trust account, should have stepped in and said, 'Okay, those clients have done nothing wrong.' There was never a suggestion that any client had done anything wrong. 'That's what the purpose of this fund is. We will pay the money to those clients and then we will chase the people who are responsible for that defalcation'—which is the term given to the fact that this accountant nicked off with all the money.

Therein began the dilemma, because instead of taking that approach and instead of making that fund the fund of first resort for the innocent people who had in good faith placed their money in a solicitor's trust account where they were not getting any interest on it, but in my view should have at least had the security of knowing that no matter what else it was going to be safe—no, instead of that, what the system said was, 'Oh no, this is a fund of last resort.

What you have to do is you have to sue the accountant, you have to sue the partners of the firm, you have to sue the auditors. You have to sue everyone else under the sun, and only when you have failed to get satisfaction of your entitlement from all of those sources can you come to this guarantee fund, which was set up for this very purpose, and ask for your money.'

There are those who argue that to do what I suggest—and that is make it a fund of first resort—would be too costly and would mean that people did not actually cooperate thereafter. Once they have their money, what would anyone's motive be in cooperating in getting their money back from the people who were actually to be held liable? I say to that: insurance companies do that every day of the week. Every day of the week people claim on their insurance and they have an obligation under that insurance to cooperate with the insurance company in pursuing whoever the wrongdoer might be.

In this case what we have is a situation where this government is intending to continue what I think is a totally inadequate response to this situation. I do not care what happens in other states. I do not think it is arguable to say that other states are not doing the same as what I am proposing. It is clear to me that if you put your money into a solicitors' trust account, then it should be absolutely safe. If, whether by the fault of the accountant, the partners or anyone else, your money is not safe, you should have an absolute entitlement to go to the fund created by the combined trust funds earning interest and get the money back.

Now, I also accept what the member for Bragg says about all these other things that are now done with this money, but it seems to me there would be no reason why we could not come up with a system which says, 'Alright, the percentage of the practising certificate fees that now go down into that fund could be set aside.' We could set aside some percentage of the interest to do those other things.

I do not mind if we have an actuary examine the fund and say, 'Well, only a certain percentage of this fund is needed.' But it seems to be an untenable situation not to say that, when you have put your money into a solicitors' trust account in good faith and you have done nothing wrong, when your money is no longer available you should be able to get that money from the fund.

Nothing on this earth will ever persuade me until the day I die that that is not the right and proper thing to do, and so that is the way I will be arguing as the matter goes through to committee stage. I am looking forward to the committee stage, because I am sure there will be lots to discuss, given just those few things about which I am concerned with this piece of legislation.

Ms BETTISON (Ramsay) (16:31): I rise today to express my support for this bill. The bill seeks to make amendments to the Legal Practitioners Act. This government understands how important it is to hold legal practitioners accountable for their actions and for South Australians to be able to trust that they are receiving proper services. As a result, this bill has given particular focus to increasing the protections available for consumers of legal services here in SA.

One of these protections is the introduction of a new publicly available database of practitioners who have been disciplined for professional misconduct. This proposed new provision provides that the commissioner is to maintain a register of disciplinary action. The following particulars are to be included when information about disciplinary action is entered into the register:

- the full name of the person against whom the disciplinary action was taken;
- the person's business address or former business address;
- the person's home jurisdiction or most recent home jurisdiction;
- particulars of the disciplinary action taken;
- other particulars prescribed by the regulations or determined by the commissioner.

Further to this, the register is to be made available for public inspection on the internet. This will allow for greater transparency and assist those who are looking to engage a lawyer. Other proposed changes in this bill include a new procedure for the Supreme Court to deal with practitioners who pose an immediate risk to the public. The court, if satisfied that a ground exists, may decide to amend, suspend or cancel a practitioner's practising certificate.

It also outlines that certain events, including bankruptcy or being convicted of a serious offence, will trigger an obligation on a practitioner to explain to the court why he or she is still a fit and proper person to practise law. There are often reasons to seek out legal assistance, whether it be a small or large matter. The passing of this bill will protect South Australians and give them resources to make the right decision about the services they require. I commend this bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:33): Thank you very much, Mr Deputy Speaker, and can I thank all of those who have made a contribution to the debate. I wanted to say a few words now. I gather, from what I have been able to gather from talking to some other members, that the intention is that we move into committee and in that mode we give some more detailed questioning to particular matters, which is obviously fine by me. I just wanted to address a couple of general propositions, which I gather were raised in the course of the debate in particular by both the member for Bragg and the member for Heysen.

First of all, there has been a question raised about the comparison between this legislation and the national legal profession model. It might be worth my while spending just a moment or two explaining how this thing has been going on. As members would probably be aware, in 2007 there was an attempt here in the state parliament by the former attorney to introduce legislation which would have had the affect of bringing South Australia more or less in line with the other jurisdictions at that time.

For various reasons that are not material now that did not happen, and so we continued to be operating under the 1981, but I do make this point: had that legislation passed when the former attorney put it up, the situation with respect to Mr McGee would have been judged against a different standard because the 1981 act would have been repealed, and a different set of professional conduct standards would have applied. It might well be that, had that occurred at that time, the saga of that particular sad matter might have panned out differently. But, anyway, that is just an observation.

In any event, what happened then was that the former federal attorney-general, Robert McClelland, in conjunction, I think with the commonwealth Attorney-General's Department, expressed some interest in pushing forward with uniformed national legal profession rules and regulation. That uniform regulation proposal was something which, as is the sort of thing one tends to expect of the commonwealth, produced this gargantuan piece of draft legislation.

It constructed elaborate models of centralised governance with a large committee overseen by a nabob of some description who would run the whole thing, and all of us in the provinces would basically just do as we were told and the world would be a happy place—that was the general thrust of it. I thought it was useful for me to seek the opinions of the judiciary and the legal profession in this state, and both of them had serious objections to this matter. In brief, can I say there were a couple of elements, without going into terrible detail about them.

The first one was that the governance structure was very top heavy. Not only was it top heavy, but it meant that there was going to be this ombudsman person sitting over everybody across the commonwealth, and the board of management of this top-heavy structure—for whom

there was no explanation as to where their salaries would come from—would basically be selected by certain (and I hate using this word) stakeholders.

The interesting thing was that the states did not get a say in that because they were not stakeholders. So, the large law firms would have a seat at the table, and various other people would have a seat at the table, but particularly when you came from a small state, as we do, there was no guarantee that there would ever be a South Australian person sitting around that table, let alone that South Australia's opinions on any matters would ever have been taken into account. So that was concern number one.

Concern number two was: every time detailed questions about costings were asked, the answers kept coming back, 'Oh, we'll sort that out in due course.' You do not actually sign up for something until you know what the cost is. You do not sign up and then find out what the cost is, it seems to me.

There was the other question which exercised the minds of many of the judges in the various state and territory supreme courts about the independence of the judiciary. The idea that control of admissions in each jurisdiction would be removed from the states' supreme courts and vested in this other body was something that they found to be highly offensive.

It had virtually the total objection of the legal community in South Australia, with the exception of one or two large law firms that thought there might be something in it for them. It certainly had, in the form that it was being floated, strong opposition from the judiciary.

By the way, and this is something the member for Bragg might find interesting, to the extent that we were able to ascertain how much it was going to cost, guess who was going to be paying for it—new admittees, not the people in the large law firms who had been pushing for this so-called reform all this time. Let's not forget that this national law reform was a thought bubble that came out of a large law firm—

Ms Chapman: All the new undergraduates.

The Hon. J.R. RAU: Possibly so, but it was a thought bubble that came out of a large law firm group, which is an eastern state phenomenon. They wanted to be able to move their staff here and there and they did not want to have multiple trust accounts and they wanted everything to be so simple. So they put up—

Ms Chapman: To be harmonious.

The Hon. J.R. RAU: Harmonious, indeed. So they thought up this scheme which was absolutely beautiful for them. It was not only convenient for them and enabled them to shuffle people around like cards, but it also meant that somebody else paid for it—and who but the new admittees. How equitable is that? New admittees around the country pay to subsidise a scheme which advantages large law firms in New South Wales, Queensland and Victoria.

As you might have gathered, Mr Deputy Speaker, I came to the view that this was not a model which was going to be of great advantage to people here in South Australia. We did attempt to broker a resolution of this and, about two years ago at an Attorneys-General meeting, the attorney from western Australia and myself put forward a proposal which would have cut the bureaucracy part at the top of this down considerably and guaranteed each state, on a rotational basis, some role in the management of the overall structure—and would have dealt with the admissions problem.

That was rejected and the jurisdictions who rejected it then had people—I am not accusing any of those attorneys by the way—from their jurisdictions who had a clear interest in seeing this go forward who labelled me and Christian Porter, along with Dr Mahathir, as recalcitrants because we were not getting with the national program. What backward people we were.

Well, one by one they fell off the perch: Tasmania fell off the perch; the Northern Territory fell off the perch; the ACT was never in; and then Queensland fell off the perch. So now the national model (so-called) which is yet to be finished and is still sitting in some drawing room in Victoria being worked upon—by parliamentary counsel, I assume, and other thinkers in Victoria—is still to be created.

All I can say to the member for Bragg and everyone else is, it may or may not bear some resemblance to the document that has been floating around for the last couple of years—who knows? What I can tell you is that it's national only to the extent that if Victoria ever finishes this

task, and if New South Wales say, 'Okay, we'll sign up,' they might then fall out about where the head office is going to be.

Ms Chapman: They did that 100 years ago; we had Canberra.

The Hon. J.R. RAU: Who knows? The head office could be in Canberra; that might be the solution—good point. I have to say that that has made this task for me and I think, to be fair to the Law Society, a lot more complex than it should have been. Originally we began this taking the so-called national model draft bill as our starting point and seeing whether we could use that as something we could work from to advance our position. As that bill kept transforming itself into different forms, we had to go back and start again.

The member for Bragg might be interested to know that eventually the Law Society and I came to the conclusion that because the national draft law was a moving target, as long as we decided that we were going to build our bill on that foundation, we would never get started. So we were left with the only sure foundation we had which was something that already existed, which meant we could go back to the 2007 bill, which never got in, or we could go back to something that was here, which is part of the reason why you will notice that this legislation is built on the foundation of the 1981 bill.

That was the preferred position of the Law Society and it is the position where we said rightio, at least that gives us some common ground to start building from. That is why we are where we are. So any questions that might be asked of me about how this compares with the national law on this or that is like asking me what the next set of X-Lotto numbers might be. I do not know, nor does anybody actually know.

All I can say to members is this represents a broad engagement of South Australia's legal practitioners with the current arrangements in other states, and it should significantly increase the opportunity for South Australia and other state jurisdictions to interact across borders in—to pick up the member Bragg's words—a harmonious fashion. It is not intended to be some sort of great fillip to the large law firm group.

I have to say, like the member for Heysen, I have on several occasions said to the Law Society, 'Be careful what you wish for. Why do you want some of these things? I'm not telling you what to do—I am a member of the profession. I am not telling you how to run the profession; I am not going to substitute myself for the president of the Law Society and the Law Council, but why do you want this? Why do you want the moat around the state filled in?' I have to say to members, they have been emphatic that that is what they want. It does not mean they are right, but they have been emphatic about it.

I can assure you that a lot of the measures in here that the member of Heysen might have concerns about are not in there because I pushed the Law Society to put them in. They are in there because, after arguing with the Law Society for some considerable period of time, I came to the conclusion I would never persuade them otherwise and it became clear to me that I could either just be completely genuinely recalcitrant and not cooperate with the profession, or I could actually say, 'Okay, if that's what you want, that's what you will get.'

That is sort of a potted history of this thing. I am terribly relieved that it is in here now, because it has been an enormous amount of work for people in the Public Service, and I thank everyone who has been involved in that: the parliamentary counsel and my staff who have been working on this in the endless negotiations we have had with the Law Society, and by 'endless' I mean literally for years discussing this.

I do want to take this moment to say thank you, as I said, to my staff, the people in the Attorney-General's Department, the people in the Law Society, in particular the former president Ralph Bonig, who has worked very hard on this, and a number of other people who have really put an enormous amount of effort into getting us to this point. I can say to the parliament that I met with the Law Society counsel on Monday evening, and the impression I got from that meeting was they wished the bill, as it is, to be passed as quickly as possible because they would like to be able to operate under the new trust account arrangements commencing with the next financial year, which is 1 July.

If this bill passes fairly quickly, that is a possibility; if the bill does not pass quickly, we are going to have to hold off the operation of some of those provisions for the whole year, otherwise they will be in the ridiculous situation where part way through financial year 2013-14 they have a complete change in accounting systems or trust recording systems. It would be impossible having

to do two completely different regimes in the same financial year. So we either get this done now and give the practices an opportunity to be ready to go as of 1 July, or we are basically saying, 'You people won't be getting into this new arrangement until the beginning of July 2014.'

Another point raised by the member for Heysen was 'Woolworths Law'. The member for Heysen and I have had several discussions about that, and I do not disagree with a word she has said about the undesirability of having franchise-type things like that. She and I have never had a difference of opinion about this, ever. I do, however, restate all of my remarks recently about the Law Society in saying, 'Be careful what you wish for', and I did continue to have such concerns about the point that is being made by the honourable member that I hope to do more than just make me feel better.

On page 62 in the schedule, part 2 is 'Prohibition of non-legal services and businesses', which is intended to prevent a mixed business, if you like, a hybrid business, because I am very concerned about exactly what the honourable member has been talking about—and that is there at my insistence. That was intended to be directed towards that point.

Can I say, I understand that Victoria, for example, has been in a position where, since 2004, the capability of incorporated practices has existed, and to my knowledge there is no example in Victoria or anywhere else where incorporated practices exist (which have probably been elsewhere since 2007), where we have seen the phenomenon that the member for Heysen is concerned about. That does not mean it can never happen, I get that, but it is not something we have any cause to be apprehensive about on the basis of interstate experience. As I said, that provision on page 62 of the bill was intended specifically to, in part at least, address that concern.

I have discussed the national model point. In relation to unprofessional conduct, again, I will be brief. I emphasise again, had the 2007 legislation gone through, it may be that the McGee story might have panned out differently. Who knows? As it was, it did not go through, which meant that the 1981 version of the professional conduct rules continued to apply. It has been against that version of the professional conduct rules that McGee has been assessed.

The 2007 legislation had quite different provisions about professional conduct, and those provisions, which are to my understanding essentially uniform provisions across the commonwealth now, with the exception of South Australia, have been picked up in this bill. This bill now moves us to where we would have been had the 2007 legislation being passed back in 2007 and it moves us to where everybody else already is. We are moving to a national unprofessional conduct standard, and I would direct members to sections 68 and 69 of the bill, which are on pages 32 and 33. I will not read all of those out at the moment, but I should point out that those words are materially different from the current wording which I will just read out briefly for the purposes of this exercise. The bill provides:

> unprofessional conduct, in relation to a legal practitioner, means—
>
> (a) an offence of a dishonest or infamous nature committed by the legal practitioner in respect of which punishment by imprisonment is prescribed or authorised by law; or
>
> (b) any conduct in the course of, or in connection with, practice by the legal practitioner that involves substantial or recurrent failure to meet the standard of conduct observed by competent legal practitioners of good repute.

Of course, in the context of Mr McGee it is limb (a) of that definition that was relevant, not so much, probably, limb (b). I think to understand the difference in relation to professional conduct matters it is relevant to look at sections 68 and 69 of the bill. I think the member for Heysen was probably quite correct directing our attention to page 20, which is section 20AJ, which, importantly, empowers the Law Society, the Professional Conduct Commissioner, or the Attorney, or indeed the court for that matter, to make an application of its own initiative to deal with matters in the public interest. So, there is locus standi on the part of four different bodies, the determination is made by the court and, obviously, the court will deal with such applications as may come before it in due course as it deems appropriate.

The last point I wanted to make briefly, in terms of general topics, was the fidelity fund. Again, I am not able to tell members exactly what the fidelity fund provisions would have been had the 2007 legislation gone through. I am not sure whether they would have been different from the current wording in the 1982 act. I might see if those who assist me can help me answer that question while I fill in for a moment by talking about what I did last night, which is watch television.

Mrs Redmond: You can just go quiet for a moment and talk to them.

Mr Gardner: Did you see *The Voice*?

The Hon. J.R. RAU: No, I did not.

Ms Chapman: Have a quiet moment.

The Hon. J.R. RAU: Okay, we will have a quiet moment. Maybe they will come back to me with that; they are in a huddle. They will come back to me in a minute if they can help me with it. Can I just say this: in the current legislation, which is the 1981 act, it states that a claim where 'a person suffers loss as a result of fiduciary or professional default', which clearly Magarey Farlam was, there is no question about that, and:

> (b) there is no reasonable prospect of recovering the full amount of that loss (otherwise than under this Part),
>
> the person may, by instrument in writing served on the Society, claim compensation under this Part.

The point made by the member for Heysen, if I understand it correctly, is the bar that needs to be cleared is the bar of no reasonable prospect of recovery. What the member for Heysen has said is that unlike every other jurisdiction our fidelity fund, or guarantee fund, should be a fund of first resort which would then have subrogated rights to pursue wrongdoers on behalf of the victim, and that is—

Mrs Redmond: A reasonable proposition.

The Hon. J.R. RAU: It is a point of view which I do not dismiss as being frivolous at all, but, with respect, I do not agree with it. I do not agree with it for a number of reasons. I can tell the honourable member that the Law Society vehemently disagrees with that point of view, not that that necessarily means it is wrong, but the Law Society makes the very good point that a lot of good works are done by the moneys in this fund and if the fund were likely to be the fund of first resort there would be a lot of money coming out and the money would be trickling back in. To the extent that the fund was diminished by that process it would not be available for a whole bunch of other things, such as the litigation assistance fund and various other things it does which are very useful.

So, I think—and the legislation reflects the view I have taken about this for some time—the truth lies somewhere between the proposition advanced by the member for Heysen and the current wording, which I would agree with her is a bit tough. It can result in people having to go off and make ridiculous law claims on the basis that there is a one in a million chance they might actually recover 20¢ from some fellow in Ecuador.

Members interjecting:

The Hon. J.R. RAU: I hadn't even got to the best bit.

The Hon. R.B. Such: Do you want me to do it again?

The Hon. J.R. RAU: No, that is fine. I would like to tell a small short story here. Once upon a time I was a commonwealth nominee on the Legal Services Commission. It was very interesting. My job was to transmit messages from Canberra to the members of the board and to listen to members of the board and transmit messages back. Sometimes I probably did not do it all that well, because I would transmit the message by reading out the letter and then I would say, 'That is a message I had to transmit, but actually I do not agree with that for the following reasons.' Consequently they had the act amended and put somebody else on to watch me. It was fun while it lasted. The point is, in the Legal Services Commission there is a longstanding proposition that there are two tests for whether a person receives assistance. These days it is slightly academic, because—

Mrs Redmond: There is no money for them.

The Hon. J.R. RAU: They do not assist that many people, except in criminal matters, but in civil matters once upon a time there were opportunities to be assisted by the commission. I am dating myself in that space. It might well be in matrimonial cases this is also the case, I would expect. I do recall at one stage there was a dispute in the Family Court, with, I believe, both sides funded by the commission, where the argument was about the pet budgie of the marriage. That really was not a good use of public funds.

Ms Chapman: Buy another budgie.

The Hon. J.R. RAU: Exactly; buy another budgie—or the wisdom of Solomon as in *Dumb and Dumber*. Anyway, let's not go there. The thing is this, the Legal Services Commission had a dual test. The first part of the test was a person's financial capacity. You had to be reasonably—

Mrs Redmond: Impecunious.

The Hon. J.R. RAU: Impecunious, exactly. You had to be reasonably impecunious to get past the financial test. Once you passed the financial test, that was not it. There was then a merit test. The merit test that was applied by the Legal Services Commission, and I believe applied quite frequently and successfully, said this: if you had sufficient financial hardship, they would only fund you if a prudent self-funding litigant in your position would pursue the action anyway.

What that meant was, people who wanted to do crazy things did not get funded. People who had a reasonable claim might get funded. It is actually section 60 and the amended bit is section (1)(a). This is to be added in after the existing section 60. It says:

> In determining whether there is a reasonable prospect of recovering the full amount of a loss for the purposes of subsection (1)(b), potential action for the recovery of the amount that would not be taken by an ordinarily prudent, self-funded litigant is to be disregarded.

If we have the situation where, for example, the money has disappeared, a fellow is overseas, and we do not know where the person is, you would almost certainly pass muster on that test. Even if they put it in a bank somewhere, but the bank is in Lichtenstein and nobody knows how to get through the front door, you would probably get past that test. You would not have people being required to do absurd legal actions just to satisfy the section 60, subsection (1)(b) test, because that makes it clear that that test is not meant to be an enormous hurdle that no-one can clear, but is meant to sort out the people who are just too lazy to do the obvious from the people who are genuinely going to find it difficult to recover.

I think that formulation strikes a reasonable balance with the quite pure position of the member for Heysen. I understand the passion with which she holds that position; I do understand it, and there is certainly a purity about it, no question. But we need to bear in mind that these funds have other functions which, if they did not have them, would actually see the whole community worse off. To make a person who is perfectly capable of launching an action and recovering funds do that is not a great imposition if the recovery is a reasonable prospect. If it is not, that is a different matter.

The point was made by the member for Heysen about how it is said that people will not take as much interest in the matter if they have subrogated rights, but insurers deal with this all the time. There are insurers, and there are insurers and their relationships. The important thing about insurers is that, generally, they have an ongoing relationship with the insured, and the insured knows that to be uncooperative with the insurer might terminate or prejudice their ongoing relationship with the insurer.

That is different to this situation, because in this situation we have a one-off event where the person does not have an ongoing relationship with the insurer. They are in, they get their money, and they are out—that is it; finished. If you are talking about other situations, generally there is an ongoing relationship with the insurer which does set it in a slightly different context.

So, that is, in broad terms, my response to that matter. Mr Deputy Speaker, I believe it is the wish of the chamber to go into committee, and I would be pleased if we could do that. Again, I am happy when we do go into committee to deal with things in a fairly informal fashion without being too particular about clause 1 or clause 2 or whatever it might be.

Bill read a second time.

In committee.

Clause 1.

Ms CHAPMAN: I will ask this question on clause 1, because I think the Attorney has really covered it. As I indicated in my second reading contribution, we were keen to know what provisions in the bill were based on provisions in the national law, and it seems, if I understand the response correctly, that whilst there have been some early models of the national law, and there has been talk of a further model, no-one has yet seen the final model, so there is not the capacity to answer that in that sense.

I think I understand the explanation as being that a number of issues were raised with the original model at the national level. Areas of importance were identified here in South Australia in

the key areas that we have canvassed in the debate, and those have been developed and ultimately came to be a part of the draft from a completely independent origin to what has been discussed and canvassed at the national level. If I have understood that correctly, I do not need to ask any further questions about that.

The Hon. J.R. RAU: Yes, essentially the member for Bragg has summarised it very well. I do not want to mislead the member for Bragg in the sense that it may well be that there are issues which we have picked up in our bill and which were issues in the national bill—so themes may be common—but the idea that any of this has been basically photocopied and slipped in here, absolutely not, because there is nothing even to photocopy from yet.

Clause passed.

Clauses 2 to 3 passed.

Clause 4.

Mrs REDMOND: I have a couple of questions and they are both on page 11 effectively. At the bottom of page 11 there is a definition of 'related body corporate' just above 'serious offence'. I have a question on that too, but 'related body corporate' means:

> in relation to a company within the meaning of the Corporations Act...a related body corporate within the meaning of section 50 of that Act...

I for a long time have held the view that we should not actually use definitions which refer to definitions in other legislation, particularly commonwealth legislation. Putting that aside, my question relates to this proposition that the minister very kindly talked about in his second reading closing, and that is the prohibition on non-legal businesses that is referred to under Incorporated Legal Practices in the schedule.

We know for instance that Woolworths owns Beer Wine Spirits and it is a separate organisation, and someone else owns Dan Murphy's, and they have service stations and sell petrol and all sorts of things. Will that definition of related body corporate, coupled with the provision about the prohibition of non-legal businesses, be sufficient to stop Woolworths from owning a completely separate set of organisations which are effectively franchised legal practices?

The Hon. J.R. RAU: That is a very good question. We are just trying to ascertain where in the—

Mrs Redmond: The answer.

The Hon. J.R. RAU: Yes, the answer; indeed. No, but where in the bill 'related body corporate' appears. I note that on page 9 the definition of 'corporation' means:

> (a) a company within the meaning of the Corporations Act...; or
>
> (b) any other body corporate, or body corporate of a kind, prescribed by the regulations;

Then 'related corporate body' is 'a related corporate body within section 50 of that act.' That begs the question as to where in the legislation the term related corporate body is used. I will leave my advisors to have a look at it and if we can we will come back to that. If we are not able to get back to it this afternoon, then I am sure between the chambers we can deal with it. I think I understand the point; that is, you do not want to have Coles running through another—yes, I get it.

Mrs REDMOND: That is the point and I am curious as to how exactly it is achieved, and that seemed the appropriate place to ask the question. The other question relates to the definitions immediately under that, and that is 'serious offence' and 'show cause event', which goes over the page. Serious offence basically appears to be, in summary, an indictable offence in this state or any other state or territory, or something which would be an indictable offence here, whether it is in another state or territory or committed overseas. The show cause event basically relates to bankruptcy and bankruptcy-type events on a corporate basis.

There is no definition in the definitions clause of what constitutes a fit and proper person, and a lot of the things later on talk about the commission of serious offences or show cause events, and they seem to be quite constricted. Is there anywhere in this legislation an indication as to what sort of behaviour will constitute someone not being a fit and proper person?

In the medical field, for instance, we know that there are absolute bars on having relationships with patients, which do not apply in the law. Indeed, if one watches the wonderful series *Rake* it seems that the law is completely at the opposite end of that spectrum, or some

lawyers are. I do not suggest that that should be appropriate, but I do have a concern, as I said, about Mr McGee and I consider that he is not a fit and proper person. If we do not have a definition anywhere, what is it that will capture that sort of behaviour which clearly makes someone not a fit and proper person?

The Hon. J.R. RAU: Thank you again for that question. 'Fit and proper person' is a very common formulation in legislation. I think it's in the liquor licensing area, for example. It's in a number of other areas where it is a matter the courts routinely apply. I don't think necessarily there is any advantage in attempting to define something which is a formulation which is well-understood by the courts, but I will certainly consider that matter. As to the other more particular question you ask, I think the answer to that lies more in the unprofessional conduct area than it does in the fit and proper person regime.

Clause passed.

Clauses 5 to 16 passed.

Clause 17.

Mrs REDMOND: Again, the Attorney did refer to some of this in his closing of the second reading. Just in response to the previous question, I referred in my comments to two provisions within clause 17, the first being 20AC, the grounds for amending, suspending or cancelling a certificate where the holder of the certificate is not a whole and fit or proper person, and again over on page 20, section 20AJ, that the Supreme Court can consider on the application of the Attorney-General, the society or the commissioner, or on the court's own initiative, that it is necessary in the public interest to immediately suspend a practising certificate on, firstly, any of the grounds on which a certificate could be suspended or cancelled and, secondly, the ground of the happening of a show cause event (which as we have already established is basically a bankruptcy type event) or any other ground that the court considers warrants suspension of the certificate in the public interest.

The words 'in the public interest' I think may have particular import. My question is, do either of those provisions anticipate the enabling of action being taken now, or once this legislation has passed, against Eugene McGee on the ground either that he is not a fit and proper person to hold a practising certificate, or on the ground that it is in the public interest to do so?

The Hon. J.R. RAU: I thank the honourable member for her question. I think it is significant that the honourable member is talking here about section 20AJ. I say it is significant because the immediate suspension proposition carries about it something of an interlocutory flavour, and it would not be my expectation that that section would be the final determination of a matter of suspension or otherwise of a practising certificate necessarily. You see that the next section, 20AK, talks about surrender and cancellation of certificates and so forth.

It seems to me that, whilst the immediate suspension is something that—it has that sense of urgency about it anyway. The other thing I note is that under subsection (2), there is a requirement that there has to be notice given to the holder of the practising certificate. That has to contain information about the nature of the statement or whatever, and the holder then has right of course, quite reasonably, of being heard on the matter, and then the court, under (5), may revoke at any time, whether or not a response to representation has been made by the holder.

I would say a couple of things about this. First of all, multiple individuals have locus standi here, and it is a completely separate and different type of procedure than the one that previously occurred in relation to unprofessional conduct, as such. It is a different exercise, because the direct substitute for the professional conduct provisions are in 68 and 69, so this is different from those.

The second point is that, as I have said, multiple parties clearly have an opportunity to exercise this application power. It would seem to me that the test would undoubtedly come down to a consideration of what would warrant a suspension and what obviously is in the public interest. I am not in a position to give a legal opinion as to those things any more than the rest of us are.

All I can say is—and I am not arguing with the member for Heysen—if indeed the conduct of Mr McGee or a person in similar circumstances was so reprehensible, it might well be that an application is made under 20AJ. But, given that this is a new provision, one can only assume that the court would give it careful consideration, and the question of what is in the public interest would be something that no doubt the first or second case would start to articulate a bit more clearly.

There is another matter, of course, in relation to Mr McGee that probably should be said; that is, even under the existing disciplinary rules—which, as I think I have made very clear, I think are inadequate—were it not for the fact—

The CHAIR: Sorry, Attorney. There is no flash photography, please. Attorney.

The Hon. J.R. RAU: Mr McGee, by good fortune on his part or bad management on the part of the prosecutor, managed to put before the court unchallenged evidence about his mental state. We might, as lawyers, have a view about that for a whole range of reasons, but let as be very clear about how this unfolded. McGee made an application—

Mrs Redmond: No, let's start at the beginning: McGee knocked someone off his bike and killed him.

The Hon. J.R. RAU: Yes, member for Heysen, I know that. I am not attempting in any way to trivialise Mr McGee's behaviour; not in any way. I am just saying that, as a matter of law, when the case came before the court, McGee introduced (I gather without much warning) psychiatric evidence about his mental state. For whatever reason, an adjournment was not sought. For whatever reason, no other evidence was called on that topic.

One might say the conduct of the prosecution was less than excellent. As I recall, some effort was made to obtain the services of somebody who was not a practitioner from South Australia because of the perceived difficulty of some personal relationship interfering with the way the whole process went. Maybe, in retrospect, that was not a smart call. Anyway, leave that as it is.

Whether any of us like it or not, we cannot get around the fact that the court received evidence, was not asked to adjourn, was not provided with other evidence, and made a finding on the basis of evidence before the court. I know the former premier liked using his Latin—I think that makes the court functus officio, doesn't it? I always wanted to use that; I have never really known what it means. That is it; that is finished.

At that point I think there was some consideration of an appeal or something and then, in the end, they said, 'Well, you know, given the way the evidence'—because, of course, cases are decided on evidence, as we all know. There is the evidence; here is the outcome. I just remind the member for Heysen and everybody else who, quite understandably, has a concern about this matter that if you take the thing back and ask, 'With what has this person been charged and of what have they been convicted?' They have not been convicted of murder, attempted murder, manslaughter, cause death by dangerous driving or whatever.

Ms Chapman: Careless driving.

The Hon. J.R. RAU: Careless driving. I think how we got there is lamentable but it is something over which none of us have any control, nor had any control at the time. The point I am trying to make is this: had there been an application to adjourn when Mr McFarlane's report first popped up or had another witness been called on this topic, and that evidence been quite different, the court might well, for all we know, have come to quite a different view about what the facts of the matter were.

However, one of the matters that the court had to decide was whether or not, as a matter of fact, this person was suffering from a mental impairment at the relevant time. They only had one bit of expert evidence in front of them, which the court accepted because it basically had no choice. To me, if you really want to trace all of this back and find the point in time where things started to go awry in this case, leaving aside the whole beginning, but I am talking about in terms of the prosecution of the matter—

Ms Chapman: What about the police inquiry in the matter?

The Hon. J.R. RAU: Yes, but even then, those things were redeemable had the prosecution not proceeded exactly as it did. Trust me, I am not here defending Mr McGee at all; I am just making the point in answer to the honourable member's question that, whether we like it or not, we can assert the fact that he was driving a vehicle which hit a man and killed him. We can assert that fact—and it is a fact. However, it is also a fact that he was put on trial and ultimately, for whatever reason, convicted of a relatively minor offence. When we ask any of the questions that the honourable member is asking of me, neither the member for Heysen or I can change that fact.

What, ultimately, the Supreme Court would make of that I do not know. It is one of the potential complexities of the matter. I guess that brings me back to the point: as I read this section anybody can say—when I say 'anybody', the court, the attorney, the society or the Commissioner—

in the public interest this person should be suspended on the following grounds and give the grounds. Then it would be a matter for the court which, incidentally, has not had an opportunity of this type, nor could it have had an opportunity of this type really, to consider the matter from this perspective, because the legislative framework was not there.

Mrs REDMOND: Whilst I accept everything that the Attorney has said, that is the very reason why I am exploring whether or not this provision, and particularly section 20AJ on page 20, can overcome the inherent problem of what is created by what happened. There were a series of things: the appalling behaviour of Mr McGee in the first place and the failure of the police prosecution with the psychiatric evidence that he has detailed.

What I want to understand is whether or not this provision, or the earlier one about the fit and proper person, will enable an application to be made to say to the court, 'We want you to suspend this person because either (a) he is clearly not a fit and proper person; or (b) it is manifestly in the public interest for the sake of the reputation of the profession (apart from anything else) that this person not be allowed to get away with what he has got away with.'

The beginning of the Attorney's answer suggested to me that, in fact, his anticipation is that this is merely an interlocutory process and not one by which that outcome (which I believe would be the right and proper outcome for the community) can be achieved. I just want to clarify whether that is the Attorney's view.

The Hon. J.R. RAU: I make two points about this. Although it has that interlocutory flavour about it—which is quite a different flavour from sections 68 and 69, as you would appreciate—it clearly does anticipate there being an opportunity for the affected individual to be heard in their own cause and for a review of the decision. That leaves you in subsection (5) with the opportunity for the court to either revoke or to do whatever else they want to do. It might have, in a sense, the flavour of an interlocutory matter, but it is clearly something that is capable of extending over a prolonged period.

On the second point, all I can say, without being just a speculator on this topic, is that the Supreme Court on its own motion, the society, the commissioner or the attorney of the day, could place before the court an application under this section. What the court would make of it would be a matter for argument and determination by the court.

The member for Heysen has properly identified the passages in there that would be of significance, and it might be that one could argue with some considerable force that the public interest is a very broad concept and Mr McGee continuing to practise is bringing disrepute on the profession and the judicial system, and so forth, and it is in the public interest to revoke him. That may well be a successful argument—I don't know—but all I can say with any certainty is any of those four methodologies will enable an application of that type to be placed before the court. What ultimately the court does, I can't determine.

Mrs REDMOND: I have one brief comment, more than a question, but it is something perhaps for the Attorney to take onboard. In relation to the concept of fit and proper person, as you say, it is a well-known legal concept and it appears in all sorts of places, but there was a very well-known case back when I was being admitted in New South Wales of someone who was found to be not a fit and proper person by reason of this, and this only: that this young man had had a relatively minor infraction of the law as a relatively young teenager, so he had a record. When he did his affidavit for admission, he did not disclose that prior conviction. That young law graduate, way back then, never ever was able to get his practising certificate in that state.

So the threshold was considered to be, in fact, much more onerous for those people who wished to be members of the profession than perhaps for the public at large. Yet we seem to have in our midst at least one notable person who is not fit and proper, on any stretch of the imagination, and we have questions about whether that person can be dealt with.

The Hon. J.R. RAU: Just in response to the honourable member's point, it is a very interesting point. We've got a person who as a teenager commits a relatively minor offence. They then undertake the study of law. They then apply for admission, and in their application for admission they omit to mention a relatively minor previous offence. The critical thing, I suspect, in that case is not so much that this person had a relatively minor offence as a juvenile.

The critical thing is that a person who wishes to be admitted to the office as an officer of the court commences their process of admission by way of a misleading statement to the court. That is the problem, and that is not an insignificant problem. As officers of the court we all have

responsibilities. Obviously, one of them is a duty of honesty and fidelity to the court. If your very application document discloses you as being either negligent at best or a bit slippery at worst, then that's a problem.

Ms CHAPMAN: I appreciate the contribution made by the member for Heysen and the answers given by the Attorney. Is it the intention of the Attorney to make an application to the Supreme Court in respect of Eugene McGee upon this bill being passed, and has he obtained any legal advice as to whether that's appropriate, prudent, or otherwise?

The Hon. J.R. RAU: I thank the honourable member for her question, but as best I can tell it's not 2:15.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, I know, but it's not a question about the bill; it's a question about something completely different. I can say, though, that I have not turned my mind to this matter.

Clause passed.

Clauses 18 and 19 passed.

Clause 20.

Mrs REDMOND: I am only asking this question here because I couldn't find any other place to ask it. It relates to a matter that I spoke about in my comments on the second reading, and that is the issue of people who come from one state to another being able to practise. Whilst I accept the concept of people being able to practise in other states, one would normally expect that you have to have some familiarity with the laws of a particular state in order to practise.

Often, of course, people come in who have a specialist area and they become very familiar with that specialist area, but if we are going to have people who are just generally admitted, I am just curious as to what limitations there are, or conditions there are, on practice under the laws of participating states.

The Hon. J.R. RAU: It is interesting that the honourable member raises this point, because there is something that we did add in here quite late in the piece about different classes of practising certificates. It was a matter drawn my attention by the Chief Justice. It appears that in some states (perhaps New South Wales; I'm not sure) there is a particular subclass of practising certificate which is issued to corporate lawyers—in-house type people. Apparently that is a different certificate class to the certificate class that is issued to other people.

Mrs Redmond interjecting:

The Hon. J.R. RAU: Anyway, I am advised that in other states there are varying classes of certificate. The situation is that, when those people come to South Australia because there is no multiple class of certificate, that person must be issued with general practising certificate or nothing at all. That was considered to be a matter of potential concern.

I do not want to overblow this; the Chief Justice was not panicking because he had some horrible situation that he was worried about. He was just mentioning it was something that came to his thinking. There are provisions here about LPEAC, and off the top of my head I cannot remember what pages they are on, but it talks about certificates of different classes being prescribed by LPEAC. I think we are looking at section 14C, which states that LPEAC has the following functions, makes rules prescribing various things, and then we have added in:

> and
>
> (iii) the categories (if any) of practising certificate to be issued by the Supreme Court under Part 3 and the limitations on the practice of the profession of the law that apply in relation to those categories;

I might indicate to the member for Heysen as a matter of interest (perhaps) that one of the matters that has exercised my mind a little are the reports I have had from time to time of people who act as Legal Aid lawyers in criminal cases who, by reason of their inexperience or (perhaps) being in their autumn years, do not do justice to their client.

I have had private conversations with some members of the judiciary who have said to me that they personally felt very awkward that they had been placed in a position where counsel has appeared before them in a very serious matter and it has been transparent that counsel had precious little idea about what they were doing and that they feared they were actually crossing the

judicial thin white line by reason of the amount of intervening they were doing in the case in order to preserve some fairness and justice. I have raised this with the Legal Services Commission, which initially had the reasonably predictable, and fair enough, I guess, response about solicitor of choice. To which my retort was: but not on the public purse and not if they are incompetent.

The other possibility that exists here might be something that would assist the Commission in being able to say that, for example, there is some sort of accreditation or something which enables a person to deal with a serious indictable offence, or maybe disentitles them to deal with a serious indictable offence, or whatever the case might be.

I am not saying these categories are in any way formed up or anything, I am just saying it provides potential for dealing with categories of certificate which exist in other jurisdictions that do not exist here which we could confine to their specialty, rather than have them opened up into broader—

Ms Chapman: As a condition.

The Hon. J.R. RAU: As a condition—and it might offer us some opportunity of greater refined management of people who are in the current profession where that is absolutely necessary, but I am just giving that by way of example of how that might be used.

Mrs REDMOND: Could I just explore that a little further, please, Mr Chairman. When I moved here from New South Wales, I had, obviously, qualified in New South Wales, studied law in New South Wales, some of which was federal but predominantly New South Wales. When I came here I then had to practice under supervision and file all sorts of affidavits and appear before the board of examiners, effectively, to satisfy them that I had a thorough and sound understanding of the law of this state before I could be admitted in this state.

I want to explore whether that is going to go by the by or whether, from what the Attorney is saying, there will be some mechanism to make sure that if someone qualifies in Victoria and moves to South Australia and says, 'Well, I qualified in Victoria. I've got my legal practising certificate. Provided I pay my registration and insurance then I can hang out my shingle', or will there be some mechanism to say: yes, you are familiar enough with the laws in this state to be considered sound to practise?

The Hon. J.R. RAU: The answer to that is we are not changing the position that the Supreme Court of South Australia is the ultimate arbiter of admissions. If the Supreme Court of South Australia is of the view that a person needs to demonstrate something to them or that there is some question about them, or whatever it is, we are not removing any of the control that the Supreme Court has over admissions.

Clause passed.

Clauses 21 and 22 passed.

Clause 23.

Mrs REDMOND: The question is really just to add to the first question I think I asked and that is about this issue of practice by corporations, and so I had already noted provisions regulating legal practice by corporations. Perhaps that can be combined with the questions that the Attorney has already taken on notice regarding the related body corporate and the incorporated legal practice issue. It is all by me directed at the same question and that is the extent to which we can have this franchising situation. I do not need to ask any further questions and I fully expect it to be taken on notice.

Clause passed.

Clauses 24 to 36 passed.

Clause 37.

Ms CHAPMAN: I do have some questions and again I expect some of this information will take a little while to collate. For each of the last 10 years, can I ask the following: what was the total income into the fund (we are talking about the guarantee fund here in clause 37); what was the income by source; what was the total expenditure of the fund; what was the expenditure from the fund by category; and what was the end of year balance of the guarantee fund?

The Hon. J.R. RAU: Obviously I do not know these things off the top of my head, but I would have thought they are all publicly disclosed information. I will endeavour to find an answer to those questions.

Ms CHAPMAN: We know that there are certain categories of source and application, but which of the entities are funded from the guarantee fund and, although we know that under the act, how much did each body receive per year in each of the previous five financial years? I ask that for two reasons. One is some of this information comes in the reports of other bodies that do receive income and broken down that can be achieved. We did ask for this information to be provided at a briefing and I will say that, whilst a number of matters have been provided—and we thank your advisers for doing that and following up matters—we have not had any response to this.

The Hon. J.R. RAU: I will see what we can do to assist in relation to those matters. Can I say, whatever the answer to those questions might be, there is still a philosophical point. The fact that the fund is doing useful things was a by the way observation on my part. The main point is that I think the prudent, self-funding litigant test is a reasonable test. It represents a reduction in the barrier for people from the past test, but it does not represent a complete dropping of the barrier to the point where everyone just hops into the fund and it is all subrogated. That is the point.

Ms CHAPMAN: Is there any information about how much is in the fund at present?

The Hon. J.R. RAU: No.

Ms CHAPMAN: Under section 67A of the act, an annual report of the guarantee fund must be tabled before the parliament. I understand the 2010-11 annual report of the guarantee fund has not been tabled in this place. If it has not, could the attorney ascertain why it has not, and have it tabled pretty quickly?

The Hon. J.R. RAU: I will follow these things up. That is why I responded to the first one. I would have assumed, given it is a statutory fund, that there is an annual report which would be tabled in the parliament, but I will have to follow that up.

Ms CHAPMAN: I look forward to receiving that information. I have some other questions on the same clause which, of course, relate to the Magarey Farlam case which, to some degree, is one of the reasons that we are here dealing with this important issue and the reform. Attorney, what was the total number of claims and the total amounts claimed from the guarantee fund by the Magarey Farlam victims?

The Hon. J.R. RAU: I will have to take that on notice.

Ms CHAPMAN: Did the Magarey Farlam partners claim against the guarantee fund under section 66 of the act and, if so, what amounts did they claim and what amounts were they paid?

The Hon. J.R. RAU: Ditto.

Ms CHAPMAN: Were all of the Magarey Farlam client's assets fully accounted for?

The Hon. J.R. RAU: Ditto.

Ms CHAPMAN: Were all dividends paid to the shareholders including those who were initially missing or returned to companies as undeliverable?

The Hon. J.R. RAU: Same again.

Ms CHAPMAN: What is the total itemised cost and expenses of the MF case for all parties, including the Attorney-General, his agencies and officials, the society, its professional standards branch, the supervisor, the manager, the victims, and the former Magarey Farlam auditors, Lawguard Management, law claims, the top-up insurers, and any other entity?

The Hon. J.R. RAU: Look, as much as I am looking forward to finding out answers to all of these questions, that one, with respect, on the face of it, sounds to me to be an oppressive question, because some of that is obviously material that I can have some opportunity to access by reason of it being a government record or whatever, but much of what has been mentioned is not, and I am in no position to direct other entities to do anything in particular about some of these things.

We will do what we can to answer that question but I want to make it clear: I have no idea what insurers or other people have spent. Who knows? If I say to them, 'Please tell me,' they will probably say 'What's it got to do with you?' and 'Who's going to pay for us to spend hours and hours rummaging through filing cabinets?' or whatever it might be. So, I will do my best, but I do

not want to mislead you and say you are going to be getting, necessarily in any reasonable time or perhaps at all, detailed answers to all of those things. We will do what we can.

Ms CHAPMAN: I would hope, in response to that, that the Attorney will at least provide the information in respect of his own expenses and the agencies that are directly responsible to him, and I accept that he will do that. As to the Law Society and the other entities, I similarly accept that if that information has not already been sought and obtained, nor any briefings in respect of that from those relevant bodies, that that may take some considerable other effort, but I will await his consideration of that and information, if it is provided.

Finally on this area, given that the Attorney-General has to authorise all payments from the guarantee fund, what are the precise amounts paid to each particular item involved in the Magarey Farlam case? Again, whilst I accept that that would not be at your immediate fingertips, that is information that is directly available, and of which you, your predecessor or that person in office had to approve, and that that would be readily available to you, so I will hopefully receive an indication that that will also be provided.

The Hon. J.R. RAU: I will do my best to find that out. I just want to say that, whilst all of this is interesting, and I am not wishing to say that I will not cooperate in any way—I am not saying that at all—potentially some of the questions that have been asked could involve a number of people doing a great deal of work for a very long time, and I do not see that there is much benefit in that. But, by the same token, there may be a number of aspects of what has been asked for, that are relatively easily obtained, and I will do my best to obtain them.

Mrs REDMOND: The main part of clause 37 of course inserts a new subsection 4, which sets out a whole series of things for which money in the now-called fidelity fund can be applied. It is obvious that it begins by saying, 'Subject to subsection 5', which seems to me to give precedence to subsection 5, which is the clause that deals with the payment of money for what we have always known as the guarantee fund, for the sort of Magarey Farlam claims—the claims against the fund. I want to understand on what basis then the Attorney thinks that it is not appropriate to say, 'Well, that obviously does have priority.'

I said in my contribution that I do not object to the idea that for years and years this fund built up and built up. There were not that many claims and what there were were relatively minor. It had a massive amount of money and people sensibly said, 'You know what? We could use this for some other sensible things. We could set up the Litigation Assistance Fund, we can fund some legal education, we can fund the Legal Services Commission and we can do all sorts of other things.' However, the primary function of that money was always to be used to support the guarantee of solicitors' trust moneys. Am I incorrect in my understanding of that reading of subsections 4 and 5?

The Hon. J.R. RAU: I do not think that section indicates any change in the prime objective for the fund, but obviously because you want to maintain the fund to some reasonable degree you do not want to leave a broad discretion as to what things might be taken out of the fund to pay for. I think it is quite useful that it is quite a prescriptive list of things that can be taken out of the fund, because unless it is in that list you cannot take it out of the fund. I think that actually supports the point that the member for Heysen is making: it is a general fund for that purpose of supporting people who have been defrauded, but there are particular instances where some moneys can be taken out for other purposes.

Mrs REDMOND: But the Attorney does agree that the primary purpose of the fund, as delineated therefore, is to support people who have been defrauded?

The Hon. J.R. RAU: Yes. I am going to be able to say some Latin again: we are completely ad idem on that point. The only question is what the threshold is. That is the only issue. There is no question that this is a supporting fund—no question.

Mrs REDMOND: Clearly I am out on my own on this particular view. As I have already stated, my view is that when someone puts money into a solicitor's trust account of all places, it should be absolutely safe and there should therefore be an absolute guarantee. Once it is in a solicitor's trust account you have an entitlement to get it back, subject to your instructions to spend it for other purposes.

You are telling me though that the Law Society vehemently rejects that proposition and says, 'No, that should not be what we are using the money for,' which is after all money that comes from trust funds held on behalf of clients. So, it is basically a pool created by the public's money,

called a guarantee fund—now going to be called a fidelity fund—both of which would suggest to the public that if their money goes in to a solicitor's trust account there it will be safe, and we are proposing law which is not going to guarantee that at all.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Thursday 11 April 2013 at 10:30.