

## HOUSE OF ASSEMBLY

Tuesday 14 May 2013

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

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

### MAJOR EVENTS BILL

Adjourned debate on second reading.

(Continued from 21 March 2013.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:04):** I rise to speak on the Major Events Bill 2013 and indicate that the Liberal Party will be supporting the bill with some amendments. To the best of my knowledge, they were tabled on the last occasion we were in parliament, and I have received the Deputy Premier's two sets of amendments. I will consider some of those extra ones when I have had an opportunity to view them. I also indicate that I am the lead speaker on this bill for the opposition.

This bill comes to us as a result of the government determining that there is a need to declare an event to be a major event in support of major activity that supports our tourism industry and, of course, the social fabric of our state. This comes about as a result of the need to control people, products and promotions related to events or designated event areas, including air space. It is a common phenomenon now that, instead of having just small concerts or events in one small venue, whole precincts may be absorbed with major activity.

This is not unique. We have had major events for many years. I am sure you, Mr Speaker, would be aware of the most populous and most attended event every year in our South Australian calendar, namely the Royal Adelaide Show, which brings together people from all over the state, and indeed entries and visitors from other states, who attend this event over a week-long period. It has by far the biggest attendance of any single activity in our state. I notice that event did not get any attention in the government's contribution to this bill, and to the best of my knowledge I do not think the Royal Show society has even been consulted about this bill, but I will come back to that in a moment. I make the point that it is not unique that we have major events.

Through the history of our state we can think of other events that have been one-off events. For example, when Sir Sidney Kidman had his 30<sup>th</sup> birthday, he brought his horses to Adelaide and the Parklands were alive with a gymkhana event that was free for all South Australians to attend. It was a major event. As I understand it, there were over 100,000 people there. I thought at that stage we did not even have 100,000 people in South Australia, but history tells us that this was a very big event. In fact, all the constabulary of South Australia were in attendance to assist in the crowd management of such a major event for Sir Sidney Kidman.

We are told that what has happened in more recent times is that there are opportunities for sponsorship, which would be well known to members, to support the establishment and running of these events, but with that has been a growth of ambush marketing by others, namely, those who wish to cash in on the event by using the good investment and the resources of the sponsors—sometimes government entities, private organisations or charities—for their own benefit. There has also been ticket scalping, which of course has been well known particularly around football events, I think, when people want tickets for major sporting finals in the football arena, and so on.

Individually, these are not new but there is a claim that the good paying supporters and particularly the sponsors of these events are increasingly under attack by having to share their legitimate entitlements to profit or proceeds with someone else who is cashing in on the whole deal. This can also be detrimental to the sponsors et al., when there are unauthorised event associations and unauthorised broadcasting, so that, again, the publicity of a competitor and the benefit that they receive is able to be received by the person who is cashing in on the deal. I suppose there is another area that I think has not been covered by this bill and that is being able to monitor or control the distribution of information on people's phones and social media contacts.

As best as I can see, this does not outlaw somebody having a piece of material identifying a certain product, being photographed on the grounds and it then being emailed to somewhere

else via an electronic transfer operated by someone who is at the event showing the description of this product, which might be displayed on a T-shirt or the like, so that someone who is attending the event is able to get the benefit of that with a background of the event.

There are a number of aspects that probably have not been considered, but we are advised that we need to hastily deal with this bill, because the Attorney-General has advised us that the 2015 Cricket World Cup, and in particular its sponsorship, may be at risk if we do not pass such legislation. Essentially, this is on the basis that there are certain sponsors who say, 'We're prepared to sponsor the 2015 Cricket World Cup. We would like South Australia to host that.' I think everyone in the house would be very pleased if that occurs, but the sponsors who are lining up to support it are allegedly presenting that, unless this legislation is in place at least 12 months prior to the event, their commitment to the sponsorship is at risk in some way.

I have not received any submission to that effect, but the Attorney-General has made that claim and, on that basis, he has asked that this matter be promptly dealt with. Similar legislation has also been passed in a number of other jurisdictions and of course we in the opposition take that into account. The claim by the Attorney-General is that there are a number of other bodies that require protection under the infringement of certain activities associated with the event. Apart from the International Cricket Council and the Commonwealth Games Association, it is claimed that it also applies to the International Rugby Board and the International Olympic Committee and FIFA.

The provisions of the bill do not provide us with any clarity as to how this will help tourism operators and/or regional tourism operators to increase the benefits of major events in South Australia. It is all designed to protect major event sponsors. The other aspect that is concerning—because we think it has produced some aspects that are unsatisfactory about this bill—is that there has been no requirement, if this bill is passed, to even consult with local communities before declaring a major event area. Obviously this relates to closure of roads, regulation of parking, the standing of vehicles, regulation of other public spaces, etc.

So, naturally, we in the opposition have been concerned, and this has been exacerbated by some entities, including local councils, who have contacted members of the opposition expressing their outrage, across to deep concern, across to inquiry, as to how certain aspects will operate, because really, to date, they have been out of the picture. Even under the declaration process that will be introduced by this bill, for the declaration of an event to be a major event, the detail has not been forthcoming.

Certain offences will be created for prohibited conduct. Firstly, there is to be a fine of \$50,000 for a person or \$250,000 for a body corporate for ambush marketing. I do not need to dwell on what that is; I think members are familiar with that practice. There is to be a fine of \$5,000 for a person or \$25,000 for a body corporate for the distribution and sale of non-approved goods and a fine of \$5,000 for a person or \$25,000 for a body corporate for ticket scalping.

Typical of the government's push in this regard, these offences will remove the presumption of innocence and put the onus of proof on the accused to show they had a reasonable excuse. I was reminded of how important this issue of change of presumption or burden of proof is when I saw a member of our very parliament on television last night pleading for consideration of the charges against him and the importance that he be entitled to the presumption of innocence until being proven guilty in the matters that have been brought against him. Nevertheless, it seems to be the wont of this government for everyone else to have the burden to prove they are not guilty, as distinct from the obligation for the prosecutor to prove the reverse.

The ambush marketing provisions and the use of logos and official titles obviously are to be restrictive. That is the whole nature of the structure that is proposed under this bill. The opposition is concerned that this could potentially penalise private property owners and small tourism operators seeking to leverage off some of the major events, such as the Tour Down Under. We all know that that is a successful cyclist event with international attention and recognition. It was a brilliant initiative of the former Liberal government and I am pleased to say that the Labor government in this state has continued it.

What is interesting here—and concern has been raised by small regional tour operators—is that bed and breakfast or mum and dad type small businesses may be prohibited from using logos or titles unless the minister has issued an authorisation for them to do so. Let's just take the example of someone, say at Clare, who has a part of the Tour Down Under event going through the Clare Valley—a beautiful part of South Australia on display—and they were to announce in their local community that they were going to have a Tour Down Under breakfast and the proceeds

were to go to the local netball club, for example, but they were using this material. Is it going to be necessary for them to have to apply for an exemption for the purposes of being able to have authorisation for their little event just because the principal event providers were successful in their application for it to be declared a major event? The consequences may capture the smaller, well-intentioned projects around the state.

Private property owners who set up a Tour Down Under barbecue along the road of a stage of the Tour Down Under event. Again, let's use the Clare example. Somebody sets up a little get together at the end of their driveway on their property, everyone comes along and buys sausages, or contributes to the cost of it—whether that goes into the landowner's payment of the sausages or whether it goes to the local netball club—these people could be facing a penalty, remembering that for an individual person without authorisation it is up to a \$50,000 fine. I declare that I am a member of the Country Women's Association and I had one of their sausages this year outside the Clipsal event. I am not much into car racing, I might add.

**Ms Bedford:** Multigrain bread?

**Ms CHAPMAN:** Offered a choice. The member interjects: 'Multigrain bread?' They very wisely offered a choice. Personally, I am not a big car racing person, but it is a magnificent event for South Australia, I accept that, many people attend it and sponsors genuinely put their funds in with the expectation that they are going to have some exclusivity in the benefit, profit or proceeds from it. So, there is the Country Women's Association, on the border of the area (they would be within the precinct of the event), they set up their barbecue facility and they sell sausages and provide a range of breads and I think even some healthy salads, from memory, although I did not have time to sample those, and some cakes and the like.

They were clearly setting up to take advantage of those who were attending this event and attracting some leverage off the event to ensure that they raised their money. Their property, I might say, immediately abuts the event precinct. They have a facility there as their headquarters in South Australia. They provide accommodation for country people to come for medical treatment and all sorts of things. Nobody, I think, would dispute that this is an organisation diligent in going about its business, taking the opportunity to share in the benefit to South Australia of one of these major events, and why shouldn't they? Why should they have to go through a process to have some exemption for the purposes of this legislation?

So, legitimate, reasonable leverage for those who are in the charitable area needs some consideration. Unlike, I might say, an event that has occurred in this state which I think, with the passage of this bill, would attract a prosecution, and quite rightly so. I speak of none other than the former premier Mike Rann. The Attorney-General may understand that legislation of this nature would have clearly brought into the spotlight the act of the former premier of this state, who gave money to Lance Armstrong to come to South Australia to be an attraction in the event. He paid taxpayers' money into that and welcomed his Livestrong charity with it.

I am sure it is an admirable charity in itself, raising funds for research into the identification and treatment of cancer. It is a very worthy cause, but Livestrong came into South Australia as a charity which the former premier championed during several Tour Down Under events, and yet the Tour Down Under event organisers had granted an exclusive charitable sponsorship to the Cancer Council of South Australia. They were to have an exclusive contract to be the charity for the Tour Down Under. What did the premier do? The premier brings in his mate Lance Armstrong with the Livestrong charity. And what does that do to South Australia's exclusive contract?

It undermines the funds that went into that contract over a nearly three year period. Money was encouraged by the Premier of this state to be invested into a worthy cause but in direct contradiction of what the Cancer Council here in South Australia had paid for: to have the exclusive charitable rights of sponsorship to the Tour Down Under. So, be careful what you wish for. I only hope, for the benefit of the former premier, that this legislation will not be retrospective, or an extradition application might be issued in London.

Mind you, I would still like to know how much money he paid Lance Armstrong; so would most of the taxpayers of South Australia. However, I make the point here: understand that this type of legislation has to be something that will be applicable to everybody. We are not going to have premiers swan into this place or make announcements around the country, saying that this is what they are going to do, this is going to be their little pet project, this is the privilege or benefit they are going to give to their favoured person, without expecting there to be consequences.

If the Attorney-General has his way, with the support of the opposition, with amendments, then this legislation will come into effect and Mike Rann might be a little more careful in what other role he might have in the future, if he comes back to South Australia, tail between his legs and facing prosecution, because this is the consequence. One of the things that I think will be important here is that the government needs to reassure the people of South Australia that, while they are squashing out the little people; while they are putting an onerous burden of process on those who are having a little barbecue or having a little fundraiser for their local netball club or supporting an agency such as the CWA, they are also going to have to act responsibly.

There will be no excuse for members of the government to be out there plugging their little cause off the back of an event and not be responsible and not be able to have some benefit. Let me be bipartisan in this, and let me identify an event which is commonly utilised for other benefits and purposes. I did not see the Attorney-General out on Sunday morning—it was Mother's Day and perhaps he was at home making sure that his partner or his mother was getting some reward for putting up with him, one way or another, over the years—but the Premier and the Leader of the Opposition both ran to support the cause on Pink Ribbon Day, for breast cancer.

I was there, and it was a great event. It is something I have supported for many years and I am sure that other members of the house, particularly the women, are also very supportive of this event. The first group I ran into was a whole lot of pink t-shirts with a federal member's name written across them, presumably promoting support for that member in the forthcoming federal election. The Premier and the Leader of the Opposition are, doubtless, committed to the cause—there is no reflection on that—but were also displaying apparel which, presumably, is designed to promote support for each of them.

Are they going to be caught under this legislation if the run and walk for breast cancer—which is now a huge event; thousands of people participate in this, from 7 o'clock in the morning until about 11 o'clock, and in the rain last Sunday—is declared a major event? If this is declared a major event, will people who are trying to promote themselves, whether it is for some political benefit, attraction of votes or support of a product, also be excluded unless they are a financial donor and identified sponsor?

Here is the real key to something like that. Will the government say, 'Well, we are making a contribution to a particular major event', or the state government or the Health Department say, 'Breast cancer is an important research area and we are happy to rattle the can, to kick in to support this as a sponsor, and we'll be recognised on the promotional material, etc.'? Will that give a licence for the Premier to go out there and promote himself as a product which he is attracting votes and support for at the March 2014 election?

Will he then be excluded from being able to promote himself in a circumstance where there is some benefit being sought under the guise of the state government, of which, of course, he is a member? Is he able to provide himself some immunity from any prosecution because he is able to say, 'I'm a part of the government which is an authorised sponsor of this event? We want some very clear understanding on this side of the house about how that is going to work.

I just want to touch on the crowd management aspect, because this is a proposal under 7(2)(g) which is to, 'prohibit disorderly or offensive behaviour', or under clause 7(2)(i) to 'prohibit or regulate any other conduct for the purposes of maintaining good order'.

In relation to the question of whether these offences are too open-ended in terms of both the offence and the enforcement powers, the government, of course, already has access (enforced enhancement powers) under the public safety order provisions of Part 4 of the Serious and Organised Crime (Control) Act 2008 and also has 'special powers to prevent serious violence' in sections 72A to 72C of the Summary Offences Act 1953.

The development of that legislation has had the scrutiny, obviously, of the legal stakeholders and the like, and remember that this is a proposal to introduce offences which arguably are not necessary but are broader and which provide some changes in respect of the burden of proof.

The penalties of up to \$1,250 can be prescribed by regulation under clause 7. The fines imposed under the regulations could be for relatively minor breaches of regulation, like bringing food into an event where that is banned. These penalties go further than the current conditions of entry imposed by event organisers by allowing a fine to be levied.

Without this legislation, members would be aware, there are a number of events where you are not allowed to go in and take your own picnic basket and other produce to eat. Presumably, if you have your handbag, you could have a few Vita-Weat biscuits in it, I suppose, but in reality there are some public events such as football matches where you cannot take your own alcohol. There are a number of restrictions in relation to the food and beverages that are permitted to come in.

Some of this is to protect against the likelihood of unruly behaviour (for example, with alcohol, no doubt); some of it is to ensure that there is a monitoring of the sale and imbibing of alcohol; and some of it is to protect the operators within the event against people not accessing and buying their product. I do not doubt that Coca-Cola or the person who makes the hamburgers at a particular event want to ensure only their product can be acquired for the purposes of consumption during the course of the event—it might be for a day or an evening or over a period of time.

They have often paid a very significant fee to have access to a booth, tent or pop-up, or whatever the nature of the venue is. They pay a fee or a licence and they want some exclusivity of access to the crowd to sell them their product rather than have somebody else taking advantage of it. What they do not want, having paid that fee, is for someone to come down outside the event, set up a pop-up venue and sell Mexican tortillas instead of selling them the sandwiches, pies, pasties or hamburgers that are available in the event.

We all understand that, but we do note that quite significant fines will be imposed, as distinct from conditions of entry whereby someone is advised as they enter the premises that they are not to bring into the property any products for sale, any food, etc. It is a change of format, but it comes with some hefty fines, and so we want to make sure that it has been properly assessed.

The exclusion of local government in any serious consultation on this issue is one of the most concerning issues because, as we know, whatever the event, whether it is a major event like the Clipsal or the Tour Down Under, local councils have an investment and a necessary and important role, from public access to their own obligations to ensuring that their jurisdiction is properly maintained.

The protection of trees, wildlife, management of roads, accessibility via them, etc., are all matters which, of course, are important and in the daily consumption of the diet of responsibility of councils. What is concerning to us is that the minister need only consult with the event organiser before determining whether a person or body corporate can use the official logo or official title for non-commercial purposes.

The government has only consulted local government through the Local Government Association and not the councils directly. We have had some indication, through feedback from the LGA, that they are seeking now to have some further consultation with their councils—not surprisingly, given the correspondence that is coming in from councils and people who have a legitimate role in the management of events and who, largely I think, have been carrying out that role very responsibly.

The Attorney-General might think that he is clever or cute or being efficient. To just cut these people out as though they do not exist and to treat them so dismissively is reprehensible in itself but, nevertheless, councils are getting used to that, especially Mount Barker. I will go back to the Adelaide Hills Council, which moved a motion on the 9 April directing their chief executive officer to write to the Attorney-General to express concern about (a) the negative impact on council's decision-making ability, (b) the negative impact on their local community, (c) the lack of consultation with the council and community, and (d) the negative impact on council's finances and infrastructure for the hosting of such events.

I do not understand this government—they preach and pat themselves on the back for this alleged consultation, and I saw a lovely little booklet the other day which was written about consultation processes. It features a letter at the beginning from the Premier. It features a little story and picture of all the heads of significant departments in South Australia and their commitment to ensuring that consultation is embedded in the DNA of their departments; I paraphrase, but that is the thrust of it.

It is a booklet of about 10 or 15 pages, and apparently it has gone around to all the departments. It talks about themes of consultation, including bringing people in at the start, whether it is planning, whether it is a new piece of legislation or whether it is something where there is an overlap of jurisdiction in their operation, and, 'Bring the people with you,' is the theme of it. It all sounds beautiful, but do we see it demonstrated? No, we do not. The Attorney-General, I suggest,

is the worst offender—even worse than you, Mr Speaker, when you were the attorney-general. He really takes the cake. I do not think I ever called for you to come back, but—

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

**The SPEAKER:** Is this a point of order to defend my honour?

**The Hon. J.R. RAU:** It is indeed, Mr Speaker. I think the way that the honourable member is comparing you, Mr Speaker, to me is terrible.

**The SPEAKER:** Member for Bragg.

**Ms CHAPMAN:** Time heals. I cannot often remember expressing my gratitude or appreciation, Mr Speaker, when you were the attorney-general of South Australia. In fact, I am struggling right at the moment to think of even one occasion when I might have done that, but I am sure I did. I thought your attempt to give a second reading speech entirely in Latin was quite admirable, when your government had decided—apparently overriding you—that they needed to get rid of the unnecessary and flamboyant and put plain English into statutes.

**The SPEAKER:** To the regnal year.

**Ms CHAPMAN:** To the regnal year, indeed. I thought you did quite a good job actually. I do not know that any of us could really be critics in any event. I do not know that many of us are fluent in Latin, but I am sure that the—

*Mr Gardner interjecting:*

**The SPEAKER:** I wasn't talking to you.

**Ms CHAPMAN:** —Minister for Health would have probably given you some advice on grammar. Nevertheless, there are little sparks of memory coming back of occasions when you excelled. To be fair, I think that, on a consultation basis, you were superior in that aspect in many ways to the current Attorney.

**The Hon. J.R. RAU:** Mr Speaker, as interesting as this is—

**The SPEAKER:** And not saying very much.

**The Hon. J.R. RAU:** —it actually gives me an opportunity just to share with you, Mr Speaker, and the honourable member, these immortal words: 'Romani ite domum.' Aside from that, I think we are getting off the topic a little.

**Ms CHAPMAN:** I have to say in response—

**The SPEAKER:** I call the Deputy Premier to order.

**Ms CHAPMAN:** Thank you, Mr Speaker.

**The SPEAKER:** The Deputy Leader.

**Ms CHAPMAN:** He is no patch on you when it comes to Latin, may I say.

**The SPEAKER:** I thought he was quite good.

**Ms CHAPMAN:** What has been raised, of course, by the Adelaide City Council and now other stakeholders who have written to us is that they are obviously disturbed by the approach of the government and concerned at what may be inadvertent outcomes from the operation of this legislation, and they have made that very clear. I would hope that the government, in these amendments—some of which I have just seen—in some way will help to remedy that and will certainly cross-reference them with any amendments that we have tabled from the opposition in an attempt to remedy some of the defects of this bill.

If they do and if the approach by the government is close to or superior, then we would obviously consider our support for them. We would hope that, if there are similar aspects to be amended under the opposition's tabled amendments and they are superior in their effectiveness, they would also be considered by the government.

Can I also say that we have now received a copy of the Law Society's submission, which is a copy that was forwarded to the minister on 2 May, bearing in mind that this bill had been introduced on 21 March this year. The determination of the debate in this house was scheduled for a couple of weeks ago with very little opportunity for us to get hold of this material, but we now have a copy of the 2 May submission of the Law Society, which they have kindly provided to us.

Again, it exposes the government as seeming to be intent on opening its mouth or acting in some manner before it puts its brain into gear—as a collective I say, because cabinet obviously has to approve this. So, whilst I might be critical of the Attorney-General, this legislation obviously cannot go forward without that sort of corporate genius of the cabinet approving it. The government rushes it in, either because it is late under some national program or because somebody has said this has to be done, and it does not, in my view, properly assess the consequences. It seems that the government is completely without fear or concern that it might be imposing some inadvertent ill; nevertheless, it progresses in its own mighty cause.

The Law Society has raised a number of aspects. Obviously it recognises that the regulation of major events and the importance of protecting the integrity of sponsorship for major events in the state can attract a declaration process. It does not really comment on the general intent and recognises that that is a matter for the government and the parliament.

However, the Law Society does raise one matter which is really more an omission. Firstly, it suggests that subclauses 8(1) and (3) could be reviewed with a view to include offers for sale and invitations to purchase a prescribed article. In its current form, the provisions only include the sale and distribution of a prescribed article in a controlled area for the event and, clearly, they are identifying that if the intention is to regulate the sale and supply for that event, then offers for sale and invitations to purchase prescribed articles should also be included in both subclause (1) and (3) to make the provisions more effective in a practical way.

The Law Society has a lot to say about the creation of criminal offences by direction, and I do not propose to traverse all of those today. All of this material has gone to the Attorney-General. These are important issues of introducing a person who is not a police officer, having this army of authorised persons who then have powers of direction and penalties attached to them, and they are going to have a whole series of regulatory prescription of powers. This is not acceptable to the opposition.

Clearly, the Law Society has understood the significance of this. Again, it is textbook Labor government. It keeps coming in here wanting to create authorised officers outside of the precinct of those to whom we give special powers, namely the police force in South Australia, who are trained, regulated, and have, of course, significant codes of practice and conduct. There are processes which are there to temper and ensure that they act lawfully and appropriately.

They are the army of enforcement in South Australia, and if this government keeps wanting to introduce other parties with extra powers, with such high levels of financial penalty, and give rise to criminal offence aspects under this legislation, then I think it needs to take some notice of what the Law Society and others are saying, even if it does continue to be dismissive or ignore the opposition.

Again, there are powers of seizure of articles, and this is a power that is to be provided to laypersons. I have said a lot about the reversal of evidentiary burden and, not surprisingly, the Law Society says that this is completely unacceptable. Again, when we talk about the extent of ambush marketing as an offence, it has raised some criticism about that being pretty sloppy on the width of using such words as 'participate' and 'market activity', but these are not clear. Even if authorised persons are going to be out there identifying this for the purposes of enforcement, they need to have clarity. Obviously, we support the Law Society's position that we have police officers to do that.

Let me just give you one example of where, under state law, there is a distinction and it needs to be considered for this legislation. Police officers have special powers when it comes to the enforcement of road traffic laws, and I use heavy vehicles over 4.5—trucks—as an example. We are about to do some legislation on issues in relation to regulation, but under current South Australian law, police officers have power to enter a truck, seize property, use force if necessary, search, confiscate and impound, all of which are very important powers which police officers only have power to carry out.

We have transport officers in the Department of Transport who carry out other roles. They can issue notices, they can measure weights on vehicles and they can do all sorts of other things, but they do not have the same power, particularly over personal property, that a police officer has—and the reason is obvious. Police officers are vested with the responsibility, the training, the expertise to undertake that and to have the extra powers. They are the ones who are there to be involved in the detection of illegal practices, perhaps something like drug couriership, as distinct from the traffic management officer from the department who is there to make sure that vehicles

are not overloaded, that they are not carrying vegetables in or out of the state—these types of things.

We have a different set of rules for different authorised personnel, and it is there for good reason. I would hope, Mr Speaker, if you have any influence on this government, that you would encourage them to remember the importance of keeping those responsibilities separate and ensuring that, when they want laypersons to have a role in the detection, apprehension or imposition of a notice to proceed to prosecute an offence under this type of legislation, firstly they are very mindful that they are asking persons who may not be sufficiently skilled or trained to do it, and secondly they create an environment, as clearly outlined by the Law Society, where it would be inappropriate to expand that past those who are.

The Law Society, just for the completeness of some of their concerns, also set out the offences of obstruction or interference at major events that are to be introduced. Again, they set out the use of particular terms of phrases such as 'obstruct', 'to interfere', 'conduct of', and 'reasonable enjoyment'. Again, these introduce a number of aspects not on the assessment by the relevant minister as to whether they declare it a major event, but on the enforcement of offences. This is something that is untidy and unsatisfactory.

There are some subjective aspects of this; again asking a layperson to make some assessments in that. In certain circumstances we obviously empower police officers and other trained persons to make subjective assessments. In fact these days, for example, we even allow police officers to make assessments in relation to injunctive action, to protect people against imminent violence and so on. Again trained personnel are able to do this; we are asking this to be undertaken by laypersons, where the general public may be subject to criminal liability.

Overall, the section 23 offence is opposed; similarly, the 'failure to leave' offence. The powers of the authorised person and the facilitation of proof I think I have covered. All, of course, have a similar theme: sloppy, difficult to enforce, unreasonable expectation on the offender to be able to identify for themselves whether they may be committing an offence, and the enforcement by persons who are clearly not appropriately trained nor should have very extensive powers.

I would hope that, in the last few days at least, the Attorney-General has listened to the Law Society and ensured that the government is able to either present a sufficient argument to dismiss it—I am looking forward to that—or, alternatively, accept that this will provide significant improvement. I can hope only that the two sets of amendments (Nos 2 and 3) of the Deputy Premier and Attorney-General are in response to some of those issues. They look a bit thin, but I am ever hopeful, and I will listen carefully to what the Attorney has to say.

I indicate that, consistent with the matters I have raised, our amendments cover a number of aspects, and I will briefly refer to those. One is to oppose the reversal of the onus of proof and maintain the presumption of innocence; secondly, to ensure that regulations do not have the capacity to create public order offences or enforcement powers (obviously, if they are going to be an offence, they have to be in the act); and, thirdly, to confirm that charitable and community groups can use logos and titles. These are the aspects we are proposing in the amendments we have foreshadowed in 129(1), to which I trust everyone following this debate has had access.

**Mr GRIFFITHS (Goyder) (11:57):** I can sense some level of frustration from the Deputy Premier that others are speaking on this bill, but there are some aspects of it that other members want to put on the record. I commend the member for Bragg on her presentation of the aspects of the bill the Liberal opposition has issues with. I note that, when this was considered by our joint party room a few weeks ago, there was a good report undertaken, which has helped create that, but there were some aspects of it which have prompted me to put some things on the record, too.

In the report prepared by the Hon. Stephen Wade, I note that, in clause 7, there is no requirement to consult with local government before declaring a major event area, which could include the closure of roads, regulation of driving, parking or standing of vehicles and regulations of other public spaces.

It was on that basis that, when I received a copy of a letter that was sent to the Deputy Premier by the Adelaide Hills Council—and I have looked at it quite closely—I thought it was relevant that I put some of those aspects on the record, and that is why I intend to read a portion of that letter and to ask some questions later, during the committee stage, that relate to some of the clauses. The letter from the Adelaide Hills Council to the Deputy Premier is dated 12 April, and it is signed off by Andrew Aitken, the chief executive officer of the council. The letter states:



## Major Events Bill 2013-05-14

The Adelaide Hills Council...was very disappointed to only learn of the Major Events Bill 2013 through the Local Government Association...Circular 13.5 dated 28 March 2013. Council notes that the State Government has not formally sought submissions and is disappointed by this lack of appropriate consultation.

This important Bill has significant implications for Council and our community. Several major events rely upon the Adelaide Hills, and some have taken place in controversial circumstances in recent years. The impact on Hills residents is likely to be heightened under the Bill as drafted.

Consequently the matter was considered by Council at a meeting on 9 April 2013 which resolved:

1. That Council notes the Major Events Bill 2013.
2. That Council delegates authority for the Chief Executive Officer to write to the Deputy Premier to provide comments and concerns on the...Bill...including:
  - a. the negative impact on Council's decision making ability
  - b. the negative impact on our local communities
  - c. the lack of consultation with the council and the community
  - d. the negative impact on Council's finances and infrastructure for the hosting of such events.
3. That copies of the above letter be forwarded to the LGA, [Southern Hills Local Government Association] SHLGA, Shadow Minister...local Members of the House of Assembly and Opposition, Greens and Independent Members of the Legislative Council.

Further to the above resolution, appendix 1 is attached to this letter, and I will read a portion of it, as follows:

Comprehensive comments and feedback upon the draft bill, and particularly its implications for the Adelaide Hills.

Mr Aitken went on to say:

In summary, Council's position is that although the bill could represent a positive step forward in the conduct of Major Events held in South Australia, there is an opportunity to improve the outcome by including an emphasis on local community and other stakeholder engagement. In the absence of such provisions, Council has to conclude that the bill as drafted is not in the best interests of Adelaide Hills residents.

I hope that the following comments assist in progressing this important bill through parliament in a satisfactory manner for all stakeholders.

Andrew Aitken

Chief Executive Officer

There has been a good assessment in an appendix that the Adelaide Hills Council attached. I will take the opportunity to read portions of that into *Hansard* also. It starts off:

## Events in the Adelaide Hills Council context

Council supports, and continues to be involved in, many events that may be described as a Major Event, including Santos Town Down Under, Bay to Birdwood, Lobethal Lights Festival, Adelaide Hills Autumn Garden Festival, Crush Festival, Oakbank Races, Targa Rally and the Adelaide Hills Tarmac Rally.

Several events that require road closures have been the subject of community concern in recent years, particularly road rally events. In these circumstances, balancing the needs of the event organiser and those of our community can be challenging for council. Residents can be denied access to their own homes for at least two and sometimes five or more hours, often over weekends. For a number of [Adelaide] Hills communities, these impositions have been suffered on an annual basis for a number of years without relief.

Council is finalising its draft Festivals and Events Policy, intended to provide guidance for event organisers, Elected Members and administration on the support provided for events in the Council area. Community consultation has been undertaken, and feedback, including a submission from Events SA, has been incorporated. The draft policy will shortly be put to Council for its consideration.

With regard to their specific comments from the resolution, which comprised four different components, they provide the following:

- 2a) the negative impact on Council's decision making ability

Currently Council considers support for all [major] events occurring in the council area, including those that may be considered a major event. Where events require road closure(s), Council is the authority required to give consent under the Road Traffic Act 1961. This is important because only Council has a detailed working knowledge of the roads and the residents affected.

It is understood that the bill proposes that the Governor make Regulations to declare a major event, including the closure of specific roads for the purposes of the event. The Bill does not refer to Councils in this regard and therefore Councils' decision making ability is negatively impacted.

2b) the negative impact on our local communities

The interests of local residents will be similarly disadvantaged by centralised decision making without adequate consultation. The Adelaide Hills Council has a very high level of engagement with its community, and consultation is a key strategy in its decision making that enables the proper identification of all relevant impacts.

Council considers that the bill is silent about identifying the importance of any impacts that result from holding a Major Event in the local area.

2c) the lack of consultation with the council and community

Council continues to be a strong supporter of major events, including those noted above. Council has been publicly recognised for the support it provides to these events.

Council (and [by association] its community) should therefore be considered as important stakeholders in the development of the Bill to ensure that critical local issues are taken into account.

Council has not been specifically invited to comment on this bill.

2d) the negative impact on Council's finances and infrastructure for the hosting of such events

The bill is silent in relation to financial and infrastructure requirements related to Major Events. The success of these events often relies heavily upon Council resources and negotiated use of our suitable land and infrastructure, including roads. Provision should be made to ensure that suitable resources are appropriately secured and paid for.

The letter continues:

Council considered the proposed Major Events Bill 2013 of significant importance to local government and that Council's comments should be considered in its progress through Parliament.

They do have some general comments also. The general observation they make is:

There are many useful features detailed in the Major Events Bill 2013—

and I acknowledge that too, Mr Deputy Speaker—

which will assist in positioning the state as an attractive host for international events and in securing greater commercial investment. It is understood the Bill aims to clarify how and by whom an event is declared as a Major Event, and proposes what elements are to be considered in relation to that.

In relation to the Major Event however, there is no apparent consideration of local authorities or the impact on their finances and/or infrastructure. The impact on the community appears to be similarly ignored. Nor is there any consultation of those stakeholders in the planning or declaration of a Major Event/venue, and finally there is no review of previous Major Event impacts on stakeholders.

He finishes off by saying:

The Bill is silent about other Acts that may be of relevance to Major Events, for example the Road Traffic Act 1961 (for road closures) and the Local Government Act 1991 (community land and public land use).

I recognise that the legislation creates a process that will help things to be undertaken. I know that there is an authority extended to government to ensure that legislation is proposed that sometimes is not universally supported, and I appreciate that too.

As the person with the shadow portfolio of responsibility for local government, I am concerned that negotiation and consultation appear to have been relatively minimal. It has been through the LGA, but only late in the process, not long before the bill was introduced. Individual councils that do have a significant role to play in hosting major events also seem to have been excluded from that.

I hope that in the committee stage we will be asking questions about issues the Deputy Premier is able to expand upon in reply to this letter that was given to many members of parliament and that we get a bill that is right for all people to use so that we can continue to attract these events for the economic benefit of the state.

**Mr PEGLER (Mount Gambier) (12:07):** I rise to indicate that I will be supporting this piece of legislation; I think it is a good step forward. It will certainly protect those organisers of major events, and it will ensure that they are not undermined by others. Also, importantly, it protects the sponsors of those events without whom they would not happen. They often put up a fair bit of money, and through this piece of legislation they can be assured that they will not be ambushed by others who have not put up their goods and money to make sure that these events can happen.

This legislation also protects those allied vendors who are approved by the organisers. Those vendors basically sell food, drinks and another knickknacks, and it is important that they are protected because they are all a part of those major events. I indicate that I will be supporting this bill, but I will have a couple of questions when we go into committee.

**Mr VENNING (Schubert) (12:08):** I rise to speak in general support of the Major Events Bill, with the various amendments the shadow minister has already highlighted. I commend her on the work she has done and her presentation this morning. South Australia is very lucky to have some key major events, which we all very much support, and some are quite unique to South Australia.

I will list a few of them: the Royal Show (which I declare an interest in, as a life member, and as one of those things I will be getting involved in when I leave this place); the Bay to Birdwood, the largest motor rally in the world and the most unique rally anywhere in the international sphere of motoring; the Clipsal; the Tour Down Under; WOMADelaide; the Adelaide Festival; the Fringe; and, of course, the cricket.

We have various cricket events, and I understand it is important that this law be enacted because it is a proviso for the 2015 world cricket to come to Adelaide South Australia. The minister shakes his head, so fair enough; I can certainly understand that. I think a major event could also be created when Port Adelaide plays Richmond in the grand final; it would be a major event.

*Members interjecting:*

**Mr VENNING:** It is all about fun and frivolity and it is certainly good to see our football teams back on the national stage. I believe the sponsors and managers of these events are entitled to some protection from scalpers or non-official merchandising people cashing in on the deal, so to speak. However, how will this assist tourism operators, particularly in my case, the ones in our regions? I believe that not only should the LGA be consulted (and it says that in the bill) but so should the local councils in all the regions because these major events certainly have an impact on them, particularly the Tour Down Under.

Certainly the Barossa Council is greatly involved with the Tour Down Under and does a huge amount of work in relation to preparing the streets, closing the streets, helping with the clean-up and everything else. It is a major event for the council to be involved with, especially the closure of roads and managing the huge amounts of traffic, particularly in Tanunda where it can be quite a headache. I know that generally the council is consulted but it ought to be in the bill to ensure that that happens.

Also I would like to particularly raise one major event which I have been involved with and that is the Bay to Birdwood. As I said, it is a unique event in the world but I do not think we appreciate how unique it is. There are usually well over 1,000 vehicles participating. I was very concerned when I was told a few months ago that the organisers were asked to pay for the provision of police operations on the day for traffic management. I heard that the organisers had to pay a figure of \$50,000.

I was pleased to be told this morning that it was \$30,000—and I have it here in writing from an event organiser. Last year they had to pay \$30,000 to maintain the one-way traffic for the event. I thought that it was pretty rough to expect them to pay that amount of money because of what this event brings to the state.

I am also a bit concerned that apparently this year the event will now go up the freeway. I do not think it will be the same spectacle going up the freeway because it will not be going through the little communities. As you go through the towns (and I have been a participant for many years) people are there with their tables and chairs, lace tablecloths, golden candlesticks, beverages and beautiful food—it is all part of the day out—and, weather permitting, it is a wonderful event.

However, to go up the freeway I think is going to kill off a lot of that for the sake of this money. I hope the minister can address that because I do not think it will be the same. That is something extra the event gives not just to the people participating in it but also to the people sitting on the side of the road enjoying it. Where are they going to sit on the side of the freeway? It is not going to work, and I was very concerned about that.

I certainly appreciate the work that SAPOL does. The police do a fantastic job, particularly when maintaining a one-way highway, which has to be done because where there are old vehicles (veterans mixed up with vintage vehicles) you have to be able to pass and pass safely. These

things are not exactly pace machines and you cannot get past very quickly, particularly when you are driving a 1912 Hupmobile—every vehicle goes past you, or most of them.

I note that the bill includes measures to deal with ambush marketing, ticket scalping, unauthorised event association and unauthorised broadcasting. I note from the discussion we had that the distribution and sale of non-approved goods is \$5,000 for a natural person and \$25,000 for a body corporate.

It does not say whether or not it is manufactured overseas. Obviously, a lot of merchandise manufactured overseas anyway but I am concerned about somebody making a product with a slight difference—again, here we would have a court case about proving it—obviously a copy but not quite the same. There are legal grounds to be considered because these products can be produced so quickly and so cheaply overseas, and I am always a bit concerned about that.

I also have a concern, irrespective of any legislation, where these offences remove the presumption of innocence and, instead, put the onus of proof on the accused to show that they have a reasonable excuse. I think the presumption of innocence should not be negotiable in anything we ever do. I cannot understand why this particular act should attract special attention like that.

**The Hon. J.R. Rau:** What about the Road Traffic Act?

**Mr VENNING:** Irrespective of where or what, it is wrong. I note that my party also agrees with that; that it should not be the case. I do not believe it is okay to say that. Generally, we are blessed in South Australia to have a lot of major events. I support the bill because there is nothing worse than people sticking their neck out organising events, putting up the huge costs and then for somebody to come along and cash in on the day. I hope that the government will agree with the opposition's amendments and our deputy leader has already flagged those, so I will not do it again. With those provisos, I certainly support the bill.

**The Hon. R.B. SUCH (Fisher) (12:15):** I will make a few brief remarks. I think it is great to have functions and activities which people can enjoy and which create employment and so on. The only point I would make, given that some of these events affect people in my electorate, is that property owners should get proper and fair consideration for access to their properties during any major event. I have had situations where we have had students in year 12 doing exams and farmers who are denied access and egress in relation to their property for a considerable period of time, and I hope that when people plan events provision is made for people to have access to their property.

A lot of people say, 'Look, they are being difficult,' but I do not think it is unreasonable to be able to access your property. I do not think it is fair and reasonable to be denied access for hours and hours to your property and to close off roads for a long period of time on a small section of the population. These people are not killjoys; they are farmers, small farmers, who want to get on and do what they do. There are people who have special needs, medical or otherwise, and I think they should be catered for. With that proviso, I am more than happy to support the bill.

**Dr McFETRIDGE (Morphett) (12:17):** The lead speaker on this bill, the member for Bragg and Deputy Leader, made a lot of exceptionally good points about the legislation. I would like to add a few more for consideration. The major event industry in South Australia—and I think we should be embracing the term 'the experience industry' in South Australia—is one that is a huge employer and economic driver of much of our economy. I like to include sport and recreation, performing and visual arts, and tourism in the experience industry.

You add all of those together and you have a massive driver of employment and a massive driver of both metropolitan and regional economies. So, we would be very remiss not to recognise that, not to sponsor events and not to drive these events along as often as we can and get tourism to become the absolute backbone of our economy and the other activities surrounding these sorts of events.

The major events we talk about in South Australia all the time—and I had a quick look at the website this morning and I was interested to see that there weren't that many listed on the face page—such as the Tour Down Under, the Clipsal 500, the Royal Show, the Christmas Pageant, and Tasting Australia are those that come to mind. The Tour Down Under is a fantastic event, and I note what the member for Fisher said about the inconvenience that can be incurred by closing off access to your property. We all tolerate that for what is an absolutely fantastic world class event but there are cases where you do have other closures for lesser events.

I can give an example. One of my friends who lives at Ironbank had access to her property closed for most of a weekend (a Saturday and a Sunday) because of a motoring event going through there. It caused a lot of inconvenience for her. We need to consider the impact on private property owners around our events and consider the impact on the local government of these events but at the same time we should be doing everything we can, as I have said, to encourage the events involved in the experience industry.

The second reading contribution of the minister and some of the speeches that have been given in this place are about sponsoring major events. This bill is not about sponsoring a major event. It is about the investment that is being made in a major event. It is about return on that investment and protecting that investment. It is a purely commercial decision; that is what it is about. It is about bang for their buck. It is about getting the advertisers, the people who have the naming rights for these events.

They are putting in big dollars and they want to make sure that those naming rights and that exposure for their brand, that recognition of their brand, is going to be protected. I think it is fine and good that they are investing in an event, but let's not confuse it with the philanthropic sponsorship of an event. It is not that at all: it is a commercial investment that they are making and they are doing it on commercial terms. They are getting a return for their investment time and time again, and we are also getting a return for this state, so it is a good thing.

Having said that, the rights and the far-reaching restrictions that are being introduced in this bill, by investors wanting to protect their opportunity, I think are a bit over the top in some areas. I will talk about some of those now. There is ticket scalping. I think the changes are great. Let's stop people ripping people off and buying thousands of tickets at a time. If members saw the ABC television program, last week I think it was, called *The Checkout*, they talked about ticket scalping.

They said that for many large events the number of advertised tickets were nothing like the number of tickets that are actually available, and the number of tickets that were actually being scalped, as we call it, was minuscule. Having said that, if there are people being ripped off, this legislation is going to do something towards protecting those people, so perhaps it is not a bad thing, but let's be real about all that we are trying to achieve here and let's not throw the baby out with the bathwater.

Another thing relates to transmitting sound or moving footage of the event. How you are going to do this with Twitter, with their four-second videos, I do not know. Getting names and addresses from the Twitter people is just about impossible, so let's think about how you are going to enforce this legislation, if that is the case, because social networking is like a tsunami moving along, and to try to stop that is going to be impossible. We need to make sure we can manage the outcomes of legislation like this.

It has been said that this legislation has to be in place 12 months before the Cricket World Cup. That may be something that is in the contracts and the negotiations, but I cannot see for the life of me why people who are putting on events like the Tour Down Under, Cricket World Cup, rugby sevens, or other events that are televised worldwide, are going to stop coming to a location like South Australia because somebody might be wearing a T-shirt with a rival industry's logo on it or because some group is having a party to celebrate the event but is not associated with the particular investor that has the naming rights.

I cannot see for the life of me that television will stop televising the event worldwide, because that is where the audience is. It is not the 1.5 million people in South Australia and the 50,000, 100,000 or 750,000 people who come and watch the Tour Down Under, it is the millions and millions of people around the world that are watching on television, and they are not looking at individual people standing in the background, unless they are perhaps wearing some bizarre suit or wearing nothing at all in some cases.

What they are looking at is the countryside, the locations and the event itself, such as the cricket, the rugby or the cyclists in the Tour Down Under. I do not think we should be quivering in fear that they will not come to South Australia if we do not have this legislation in place, because I guarantee that they will come. There is going to be a brand new Adelaide Oval, whether you love it or loathe it.

The Cricket World Cup is a fantastic event. It is a worldwide event with worldwide audiences, and money is being made not just in South Australia—in fact, it would be a very small amount of money that is actually being made in South Australia—but big bucks are being made all

around the world, such as in India, Europe, England and places like that where they are watching the Cricket World Cup. That is where the money is being made, so to tie ourselves up in knots with the government saying, 'They won't come; it won't happen if we don't have this legislation,' I think is a bit of an overreaction.

Regarding entering of restricted areas, I do not think the \$105 expiation fee will stop the streakers. They may get thrown out afterwards, but it is going to be interesting to see whether people who take a bet, and probably get the expiation fee paid for, are willing to undertake that activity.

The seizure and forfeiture of goods is something that I have always had a bit of an issue with. If you go into an event and you have a T-shirt with a rival's logo on it, you will not be admitted to that event or you could possibly have your T-shirt seized if you are actually in the event. To me, once again, I think it is an overreaction because the real money is being made not in the arenas, not in the events: it is being made with television, and that is what we are talking about with these major events.

There are a few other things that are noted in the second reading explanation of clauses. It talks about a major event definition—a public place or any part of a public place within 50 metres of a major event or any place prescribed by the regulations. I assume that will not be private property. While you can have your access to your own private property blocked for a while with such things as the TDU, I do not mind that and I guarantee that the vast majority of South Australians would not mind that, but how far is that going to go?

As the member for Goyder said, where is local government property being considered? What consultation has been undertaken with local government as to the impacts upon them? As I said, unauthorised broadcasting is another issue with Twitter, Facebook, Instagram and all those sorts of things. How are we going to control that? How are they going to enforce the legislation there? There is a \$5,000 fine for a natural person.

I did notice in regard to the control of airspace that aircraft are not to enter or operate within controlled airspace. The flight path is very close to Adelaide Oval. I hope that Qantas, Jetstar and all the other airlines coming in here, such as Emirates, do not have to divert around Adelaide Oval if they are not one of the major sponsors. I do not think that is going to be the case, but how far do you go?

I can understand the use of logos provisions if you are trying to pass yourself off as being somebody you are not—and we know what happens there with dodgy how-to-vote cards—but the fine here is \$50,000 for an individual or \$250,000 for a body corporate. That would have to be something that I think we should consider very carefully. I do not think people who are having a Tour Down Under party or a Clipsal party or something like that and using the logos should be in any way subject to a \$50,000 fine. We should be encouraging people in South Australia to celebrate what we do have here in South Australia and that is a fantastic state. We do have a big industry here, an experience industry, that we can capitalise on if we do it right.

Having said that, there are some amendments that the Liberal Party wants to move to this legislation. They have been gone through by the deputy leader (member for Bragg) and I will not go over those again, but certainly I think the government should consider those amendments very carefully, because we want this legislation to work. We want major events to work, and we want South Australians to benefit from the fantastic opportunities we have and the experience that is South Australia.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:28):** Can I thank all those people who have made a contribution today. I think it is really important, actually, in this place to offer praise and so on where it is due. Can I congratulate the member for Bragg and her colleagues for today having done us the great courtesy in the House of Assembly of actually having shown us amendments.

This is a privilege we do not often get. More often than not, when legislation that is the province of the Attorney-General comes into this place, we get general waffle about, 'We don't like this; we don't like that', but we never get a chance to comment on anything. Today, the member for Bragg has done the honourable thing, the decent thing, the correct thing and actually brought amendments before this house.

In doing so, she is paying due deference to one half of the parliament and, even though I do not necessarily applaud the actual amendments themselves—and we will come to that in due course—I do think we should just stand here for a moment and reflect on what a great improvement this is in the tactics and behaviour of the opposition since the deputy leader has taken on her role.

Before she became deputy leader they used to treat this chamber with contempt and now—and I hope this is a trend we will see more and more from the deputy leader—we are getting the great privilege of actually seeing amendments upon which we can at least reflect. I congratulate her again and again about that. I cannot really do it enough, but I do not want to take up my whole time with congratulations, because not all of what I have to say to the member for Bragg is in the same vein, but never mind. I just wanted to start on a high note.

I am not going to take up a lot of time in the second reading, because I suspect all of the nitty-gritty questions are going to be there in the committee stage. Can I say, as is my normal practice with the committee stage of the bill, I will not be attempting to be pedantic about each person having three questions and so forth and so on. I am sure that the members will not be repetitive and we can do as we normally do, get through the thing with everyone having a chance to ask their questions. That is how I plan to approach that.

I wanted to just say a few things about the legislation just to get it in a bit of context. First of all, this legislation—let's ignore for the minute the detail in there and simply ask ourselves: to what will this apply? Whatever is in it, just say, 'To what will it apply?' The answer is that there is a process to be gone through before this legislation will apply at all, and that process means that there has to be formulated a regulation. I am advised that, for example, in respect of the opportunity for the cricket to come here at some point in the future, that regulation would have to say, for World Cup Cricket on whatever the dates might be, 'The precinct that is going to be associated with that will be the following.'

There would be a demarcation of that precinct, and presumably in respect of the World Cup we would expect the precinct would roughly correspond with Adelaide Oval. That then comes by way of regulation to the parliament, and then the parliament has 14 days within which to disallow the regulation, and in the event of that occurring, this act is not engaged at all. If that does not occur, this act then enables the provisions to be applied by reason of the regulation. That is how it works.

I can assure that when you are bidding for a major event like World Cup Cricket, you do not commence the process of bidding a couple of weeks before the game is on. You start years before the game is on. So, the people in Events SA and in tourism are in negotiation a considerable period in advance with the organisers, sponsors and various other people. After discussions with them, they want to be able to say, 'As part of South Australia's bargain with the organisers, your sponsors, who are very important to you because without your sponsors you do not have your game, are going to be protected if the game is played in Adelaide.'

If the game is played in Sydney, it is protected. If the game is played in Melbourne, it is protected. If the game is played in Perth, it is protected. What we are doing is making Adelaide competitive with other Australian destinations who are all competing all the time for a limited pool of significant events. That is what we are doing: we are making Adelaide competitive. I can assure members that, when the people in Events are talking about something as big as this cricket, of course they will have a conversation with the Adelaide City Council. Of course they will have a conversation with SAPOL about traffic management, and goodness knows what else. That is what they do.

To give you another example, the Tour Down Under: if it were to be the case that the Tour Down Under were going to be taking advantage of this, what would have to happen is because the tour does not follow the same route every time—as you would be aware, there is a competition that goes on between various local councils. They say, 'Come to me, come to me!' and then the nice people from Events go out and talk to them. They have a bit of a chat and they work out whether they are going to go to this council or that council. There is actually competition between councils—'I want it to start at Unley,' or 'I want it to start in Norwood.'

**Ms Chapman:** They pay for it.

**The Hon. J.R. RAU:** They do, but they compete for the opportunity of being involved. So, of course events are going to talk to those councils. That is what they do. With respect to the Tour Down Under, if that were going to be one of these events—because the Tour's itinerary changes

from year to year, with different dates, and the Tour's routes change from year to year because they want to give different councils an opportunity to be participants in the show—there would be a new regulation brought to this parliament well in advance of the Tour, once those destinations and routes had been ascertained, to enable that to occur under this legislation, if indeed this legislation were to be used for the Tour.

So, is everyone clear on how complex and consultative the generation of this thing is and how much advance notice there is? This is not going to be occurring five minutes before the Tour Down Under because it cannot. The parliament gets 14 days to disallow something if there is a real problem with it, somewhere.

So, that is the first thing. The second thing is the old chestnut about local government missing out. The LGA is in the marketplace purporting to be the peak body that speaks for local government in South Australia. That is what they are called: Local Government Association. They have an executive. The executive is made up of mayors who are individually elected by some of the 69 local government authorities in South Australia.

**Ms Chapman:** It's like going to Don Farrell and not going to caucus.

**The Hon. J.R. RAU:** She is good today, isn't she? The point is the government has engaged with the LGA. I do not actually control the LGA, nor do I control its internal processes, but I have observed that the LGA, if left to its own devices, is capable of consulting itself for a very long time before it does or does not come up with a conclusion, and often—and people can nod if they want, you do not have to go on the record here—they do not come up with a conclusion, after interminable consultation.

So, it is not unreasonable that the government, in preparation of this, consulted with the LGA, which we have done. First, if the criticism is that we have not been out to the Streaky Bay council and had a bit of a chat to them and given them a bit of time to think about it, etc., I honestly do not think that is a fair criticism. Secondly, in what decade do we want this bill ready to be passed?

Next point: the Law Society (another one of our old friends). Again, the opposition has outsourced its critique to the Law Society, and fair enough, that is not unusual. All of the speakers for the opposition have said that they support the bill, but ultimately I will contend, and I think with some considerable evidence, that they do not support the bill at all. They support the bill with all the bits that are important to the sponsors pulled out.

In the end, we are putting this bill up because we want to support the people in Events SA who work extremely hard to give South Australia a profile in a very competitive marketplace within the commonwealth, and let us not be coy about this, other states have a lot more money than we have. The bigger states, Queensland, New South Wales, Victoria and WA, have a lot more in their piggybank than we have, and those states are hunting the same events that we are hunting.

They are hunting the same opportunities because they know, just like our events people know, that a major event like the Tour Down Under, for example, last year had 750,000 plus people involved—an astronomical involvement—and put \$45 million plus into the South Australian economy, and gave Adelaide an international profile. What else but a major event is capable of delivering that sort of profile and that sort of boost to the South Australian economy?

This bill is about enabling the events people to play on a level playing field with people in the other states; that is what it is about. I say again, I have checked just recently, in the last hour or so, and I am advised that the New South Wales and Victorian comparable legislation is almost indistinguishable from this, and that in Western Australia they achieved similar outcomes using a different methodology. So, are we in the game or are we not? Ultimately it is about this: do we support events, do we support South Australia, or do we say that we are going to let the Adelaide Hills Council, for example, be an arbiter as to whether this is a state event, an event worthy of state recognition?

The last point I want to make, just so that it is very clear to everyone in the room, is that there are presently only two events that have expressed any interest in taking advantage of this. They are the cricket, as has been stated, and the Tour Down Under; that is it. If the bill were passed tomorrow, they are the only two events that I have received notice of that would wish to take advantage of this—and who would not want to help them? It might be that down the track an old favourite of mine (and the member for Bragg might recall this as well), the Milk Carton Regatta,



if we can get that back—which is something I wanted to achieve during my period as minister for tourism, but unfortunately I did not stay in the role long enough—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Hang on, I have another favourite as well; there was the Milk Carton Regatta and the Birdman Rally. I tried desperately to get them back on. I thought I did okay in tourism, but I did not achieve those two things. Never mind, I would rather 'fess up in front of you all than have someone else say it about me. However, if those two events came back on, if they applied, it is very likely they would not get major event status; they would not get it.

So it is not going to be any Milk Carton Regatta or Birdman Rally that will even be asking for this; that is the first point. The second point is that the minister of the day will take advice from the events people and work out whether it is a major impact event for South Australia that has major sponsorship requirements which justify even considering doing this. So, when people debate and vote on this, please bear in mind that at the present time I am advised that we are likely talking about the World Cup Cricket and the Tour Down Under. Everyone will have an enormous lead time to wrap their head around this because of the nature and sophistication of those events.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** I have been asked, 'What about Clipsal?' The answer to that question is that I am advised that no-one has come to us and asked about Clipsal. That is not to say that might not happen; who knows? If it did, the minister of the day would, presumably, ask for advice and make a determination on the basis of that advice. So when we are going through this, can we please bear in mind that this will not be applied to the Kangaroo Island Cup or the egg and spoon race at—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Or the bay surf carnival. I just do not think this will be out there interfering with people's lives all over the place. It will be something that is used infrequently for very specific purposes which have a state-wide significance in terms of a major event. That is what it is designed for, that is what it will be used for. With those few words I ask that we go into committee, and I am happy to discuss whatever provisions are in contention.

Bill read a second time.

In committee.

Clause 1.

**Mr PEGLER:** For the record, I want it explained exactly what the process will be for declaring a major event. I also would say that I think it is important that when the Deputy Premier says the parliament has 14 days to disallow, that he explains exactly how that works, and if that is 14 days, and so on.

**The Hon. J.R. RAU:** I thank the honourable member for that question. I am looking here in particular at Part 2 clause 7 of the legislation, and subclause (1) provides, 'The Governor may make such regulations as are necessary...for the purposes of this Act,' so it is the Governor in Council who makes these rules. Then, without limiting the generality of that, the regulations may declare a major event, may specify the period of the event, may specify a venue, may designate a person as the event organiser, or require the event organiser to prepare a major event plan in connection with the event.

By way of digression, for something like the Tour Down Under, I would have thought that was an absolute no-brainer. There would have to be a plan presented because of the fact that it traverses all sorts of different territory. Also, the regulations may prohibit disorderly or offensive behaviour at the event, regulate eating and drinking of liquor, and so forth. There is a whole bunch of things that can be wrapped around the regulation.

The regulation, then, is like any other legislation, and it has to be placed before the parliament and there may be a motion to disallow that regulation at any time within 14 sitting days. If the disallowance motion is agreed to, the regulation fails. If there is no disallowance motion that is passed within that 14-day window, then the regulation becomes effective—the regulation stands: it is not 'effective'. The regulation is there until disallowed: if not disallowed, it continues. That is probably a better way of putting it.

**Mr PEGLER:** I have one other question for the record, and I will give an example first. We would have a rally in the pines at home and we would organise a bit of a barbecue on a friend's property for a few of the locals but not as part of the event. Through this Major Events Bill, can you stop people having barbeques on their own property not as part of the event but watching the event?

**The Hon. J.R. RAU:** No. You cannot stop anybody on their own property having a barbecue but you could prevent them advertising the Tour Down Under with the Tour Down Under logo and having a barbecue because they would be pinching the intellectual property of the Tour Down Under. Another way of looking at this would be if I decided I was going to—

**The Hon. J.D. Hill:** It's a bit like the Maslin Beach Nude Olympics.

**The Hon. J.R. RAU:** The Olympics is a problem, particularly if they have the five rings, but the other thing I was going to say is if I decided I was going to start making soup and I put it into a tin which looked suspiciously like Campbell's soup, I would have a problem, not because I was selling soup, although I am not sure how big the market would be for it anyway, but because, in effect, by using somebody else's label, I was misrepresenting that I was somehow connected with them or that was their product. It is the same as using the Coca-Cola label, which is not something I can do because it is their property.

Basically this is saying that, where there is a logo or something associated with the Tour Down Under or the cricket or whatever it is, we recognise that that logo is their property, they have spent money investing in that logo, having some sort of recognition in the public mind and that investment is considerable. If you look at the Tour Down Under, that investment has gone over 12 years or more—15 years of getting the public to appreciate that logo and have some view about it, just like Coca-Cola does. So, as much as anything, this is about pinching somebody else's intellectual property and, in effect, using it without their permission and without paying them anything. That is basically what it is about.

**Ms CHAPMAN:** I have some general questions, if I may, on clause 1. I just want you to consider this situation, Attorney. If I go back to 1993, you will recall that we had the Grand Prix race here. It was another motor vehicle spectacle, and I think we had it for 10 years. I think 2001 or 2002 might have been the last year, but in any event, it was around that time after a sort of decade of having it here and it was clearly a very major event. Now whether it would come under the declaration process, let us assume those people want to come to you.

In fact, on those occasions, not being a big petrolhead myself, we would advertise on the Sunday of the main race to come to the Derby Barbie, which some might argue would be interfering with the intellectual property of the Victorian Derby, but we would have somebody there to do a race call and it was a bit of fun and there was the Melbourne Cup and we raised a bit of money. If anyone wanted they could bring their children, in those days in bassinets and whatever, and we would have a great day and unquestionably it was going off the back of a major event.

Instead of the Derby Barbie, what if we had called it the Grand Prix Barbie or the Bernie Ecclestone Party or the Mike Rann Party? He was the then minister for whatever the equivalent of sport and recreation and tourism was, but it had something to do with sport and recreation in it, I recall, at that time. The member for Kaurana is only a young chap, but he remembers this period.

This is, of course, just before Ron Walker from Victoria took it from Bernie Ecclestone under Mike Rann's watch but, nevertheless, we lost it. It was a major event and one day we might get these sorts of events back, like the World Series cricket we were talking about, and they might apply under your process.

Is it realistic to say that it should not have some automatic exemption for local activity, particularly if there were no demonstrable commercial benefit? Why should the people of Adelaide, like we were, not be able to say, 'Well, come around to our Tour Down Under Barbecue or our activity', and if there were a fee, it might go to a local charity? Why should people not be able to do that without the process of going to some agency in your department to get exemption to do that? Why should all South Australians not be able to enjoy that? Clearly, it is not an activity that is a threat to the commercial viability of the sponsor and the investment they have at the event. Why should they not be able to do that?

**The Hon. J.R. RAU:** I thank the honourable member for her question. The really good news is that they should not be prohibited, and they are not. If you go to clause 14, it says, in subclause (1), that the minister may declare a logo or an official title. I presume we do not have an

issue about the logo point; the title is the issue that is concerning you. If we go to subclause (2), it says:

Before making a declaration under subsection (1), the Minister must be satisfied that—

- (a) the logos or titles are sufficiently connected to the identity and conduct of the major event; and
- (b) the event has commercial arrangements that are likely to be adversely affected by unauthorised use of logos or titles.

In other words, you could not pinch the Tour Down Under logo, but you could say, 'We are going to have a Tour Down Under barbie and invite all our friends.' The minister could only be making one of these declarations if the minister was satisfied that your event is going to adversely affect the use of the title or adversely affect the authorised event. I just cannot see how that can possibly be the case.

**Ms CHAPMAN:** I understand what you are saying, Attorney, and I am warming to the softening of the approach on this. The logo is there and we understand that. There are all sorts of trademark and patent entitlements with intellectual property—we understand that. The two events you have said are really under the spotlight, because they are the only applicants indicating that they would come to you at this stage—

**The Hon. J.R. RAU:** As far as I know.

**Ms CHAPMAN:** —as far as you know—are the World Series and the Tour Down Under. The problem is not that you do not make the declaration. The problem is that, whilst these are the qualifying features for you to make the declaration and you can still make conditions on that, what I suppose I am seeking is that you would be telling the parliament that, in issuing a declaration, your reading of this is that you would not be excluding people from having an event on their own private property that would use the title—i.e. World Series or Tour Down Under—in their invitations, or in a publication like a work newsletter, for example, or union chronicle or whatever, to get people to come to it, and you would not be issuing the declaration without ensuring that it would not have any adverse effect on those parties. So, you would be ensuring that that would be permissible. Is that what you are saying?

**The Hon. J.R. RAU:** The assessment is made, I am advised, in general terms. Once the assessment has been made—in other words, once the logo or whatever has been declared—then it is not to be used. I must say though that I cannot conceive of how a person who has decided to have a Tour Down Under birthday party and sent some notes out to friends that clearly do not contain the logo and do not represent themselves as having an origin with the official organisation could by any stretch of common sense fall foul of anything. We can talk more about it when we deal with your particular amendments.

**Ms CHAPMAN:** I will look forward to that. The other aspect is this: whilst the Attorney is not alerted yet as to whether there are any other applicants, clearly, there are a number of other events in South Australia which, I think, would qualify as being major events. Of course, whether they would be suitable for application for declaration is another matter. I suppose the other question is: if the organising party or entity of the event does not apply for it, can some other party apply for it, such as a minister?

Progress reported; committee to sit again.

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

## RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

## ANSWERS TO QUESTIONS

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

### ROYAL ADELAIDE HOSPITAL

In reply to **Dr McFETRIDGE (Morphett)** (31 October 2012).

**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):** I understand that there is no net finance lease liability for the new Royal Adelaide Hospital for 2012-13. Recognition of the finance lease liability and related repayments for the new Royal Adelaide Hospital does not occur until the construction is complete and certified as fit for purpose (commercial acceptance).

#### FORESTRYSA

In reply to **Mr PEDERICK (Hammond)** (27 November 2012).

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts):** The Minister for Forests has been advised:

This is the responsibility of the ForestrySA Board who have advised that no decisions have been made regarding staff reductions as a result of the Forward Sale.

#### PAPERS

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Department for Correctional Services Final Report May 2013

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

Regulations made under the following Act—  
Spent Convictions—Applications to Qualified Magistrates

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

Regulations made under the following Act—  
Liquor Licensing—Dry Areas—Hallett Cove and Oaklands Park

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

National Health Practitioner Ombudsman and Privacy Commissioner—  
Annual Report 2010-11  
Annual Report 2011-12

By the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi)—

By-Laws—  
TAFE SA Act 2012—No. 1—General

By the Minister for Disabilities (Hon. A. Piccolo)—

Regulations made under the following Act—  
Disability Services—Community Visitor Scheme—Community Visitors

#### TREVORROW, MR TOM

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** I seek to make a ministerial statement relating to the passing of the late Mr Tom Trevorrow, Ngarrindjeri elder and respected Aboriginal leader. On behalf of the South Australian government I would like to express sorrow at Mr Trevorrow's passing and pay tribute to a leading advocate for Aboriginal rights in South Australia. I acknowledge that many people from our community are saddened by Tom's sudden passing while at Camp Coorong Race Relations and Cultural Education Centre on 18 April 2013. He was 58 years old.

I am fortunate to have had the opportunity to work closely with Tom over the years. I considered Tom to be a friend, and I know that he was a friend to many others across government, particularly to former minister for Aboriginal affairs and reconciliation, the member for Colton, and

to the South Australian community. I have the deepest respect and admiration for him. I honour and respect the significant contribution and legacy that Tom leaves for the Ngarrindjeri people, the broader South Australian community and our nation.

Tom made a significant contribution to negotiations for the co-management of the Coorong National Park, and his support was critical to our campaign for a fair and equitable Murray-Darling Basin Plan. The Ngarrindjeri believe that to be healthy the lands and waters must be healthy, which is a philosophy I strongly believe in and a cultural necessity that Tom fought so strongly to protect.

Tom's advocacy and ability to negotiate just terms for his people were made personally clear to me at the height of the recent drought, when I was the minister for environment and conservation and minister for Aboriginal affairs and reconciliation. At a time when we were facing unprecedented drought conditions, I was forced to make a most difficult decision to construct temporary regulators in the Goolwa Channel to protect this area from the serious threat of widespread acidification. I know that this decision caused great pain and suffering to the Ngarrindjeri people, and I respect the strength and integrity of Tom and other Ngarrindjeri leaders at this time in negotiating a way forward.

When Tom spoke people listened. He was highly respected for his wisdom and insight into Aboriginal matters, and he was a central figure in the advancement of Aboriginal issues and opportunities, both within our state and across our nation. Tom continued to strongly advocate regarding issues of sovereignty and the 1836 Letters Patent until the day he passed. He believed that the original promises of a just settlement in the Letters Patent needed to be followed through by this place. Tom always talked about these challenging moral issues with integrity and clarity, and the promise of the 1836 Letters Patent remains an important issues for our state's attention.

Tom spent much of his life developing Ngarrindjeri community programs, such as the Ngarrindjeri Lands and Progress Association, which sought to enrich the lives of his people. His commitment and dedication was integral to the development of the Ngarrindjeri Regional Authority in 2007. He worked alongside his brother George and his Ngarrindjeri brother Matt Rigney and many other Ngarrindjeri leaders to guide the vision of respect and understanding to reality.

Many South Australians would have visited Camp Coorong Race Relations and Cultural Education Centre near Meningie, in the south-east of our state. Tom, with his wife Ellen and their family, have been the heart and soul of Camp Coorong since it was established more than 20 years ago, and they have shared Ngarrindjeri culture and history with thousands of people from throughout Australia and overseas. Camp Coorong not only fostered Ngarrindjeri culture but encouraged greater understanding and respect between Aboriginal and non-Aboriginal peoples and embodied Tom's commitment to form partnerships based on foundations of trust and respect.

On behalf of this place, I extend our heartfelt condolences to Tom's wife Ellen, their children, his many grandchildren, his close friends, the Ngarrindjeri people and all those who hold fond memories of him.

#### INFRASTRUCTURE PROGRAM

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:09):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. A. KOUTSANTONIS:** The state government is a strong believer in delivering key infrastructure projects for the people of South Australia. Since identifying the north-south corridor as the state's most strategically important transport route, the state government, with assistance from the commonwealth, has invested in major upgrades and infrastructure projects. This includes the creation of the Northern Expressway, constructing the Gallipoli underpass and tram overpass, duplicating the Southern Expressway and building the South Road Superway.

These projects total almost \$2 billion of state and commonwealth investment in this crucial corridor. In tonight's federal budget the commonwealth government will announce it will fund its half of the next crucial stage of the north-south corridor, the \$896 million South Road upgrade between Torrens Road and the River Torrens, sir, between our two electorates.

Today I can inform the parliament that the state government is also committed to delivering this project and will invest \$448 million to fund our half of the project. The project will transform a critical 3.7-kilometre section of South Road which carries between 33,000 and 52,000 vehicles

per day. The project will lower a section of the roadway between Torrens Road and the River Torrens, reducing bottleneck traffic disruptions, while retaining pedestrian, cyclist and local traffic crossings at ground level.

The new lowered roadway under Grange and Port roads will enable better movement for passing traffic while addressing congestion issues along the strategic north-south corridor. This will help to ensure a safer, faster and smoother ride for road users in and around this area. Today's announcement follows more than two years of detailed planning and negotiating with the commonwealth government and Infrastructure Australia.

This proposal arose from a two-year planning study between the Regency Road and Anzac Highway sections of South Road that allowed for input from businesses, residents, stakeholders and the wider community to develop an optimal design. The design was guided by the robust cost benefit ratio of 2.4 for this project. This means that for every dollar invested there was a benefit to the tune of \$2.40 for the state and the people of South Australia. In comparison, the Darlington project proposed by the federal opposition, which is also grossly underfunded, has a cost benefit ratio of 1.

The state government is committed to delivering the Torrens to Torrens project, and we are planning to commence early works due to begin later this year. It is concerning that Dr Southcott confirmed on ABC radio this morning that if a Coalition Abbott government were to be elected they would scrap this project. He admitted that South Australia would get either the Port Road or the Darlington project. It is clear that the Leader of the Opposition must, for the first time in his 100 days, choose what project he supports. Either the Leader of the Opposition supports the Coalition's ad hoc, underfunded Darlington—

**Ms CHAPMAN:** Point of order.

**The Hon. A. Koutsantonis:** You gave me leave.

**Ms CHAPMAN:** The minister is clearly now debating the matter.

**The SPEAKER:** Yes; you're allowed to debate in a ministerial statement.

**Ms CHAPMAN:** I understand that, sir.

**The Hon. A. Koutsantonis:** Why are you up?

**Ms CHAPMAN:** It's a question of whether we withdraw leave or not.

**The Hon. A. Koutsantonis:** Try it.

**The SPEAKER:** That's a matter for the deputy leader.

**Ms CHAPMAN:** In light of the allegations that are now being slung out across the chamber, allegedly under the cover of a ministerial statement, I seek that the minister have his leave withdrawn.

**The SPEAKER:** Very well. Leave has been withdrawn, by the deputy leader. I call the Minister for Education.

#### **ASBESTOS, SCHOOL**

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:13):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.M. RANKINE:** In December 2009, interactive whiteboards were installed in two classrooms at a school in the outer metropolitan region. Teachers and students were present in the classrooms during that day. In late 2010 asbestos was identified in these walls when further renovations were about to take place. The building material is known as chrysotile (5 per cent), a low-grade and highly stable type of asbestos. The official inspection confirmed the classrooms were safe for staff and students, and the school's asbestos register was updated to reduce further risks.

In April 2013, when additional whiteboards were to be installed, it was drawn to the principal's attention by the school's occupational health and safety representative that the earlier work in mention had been completed before asbestos was identified. Attendance records identify 47 children and four teachers were present during parts of the day. The school's governing council

was advised last night, and a letter to parents will be posted today. The principal will also be calling affected parents to discuss this matter with them.

I have requested that arrangements be made for a health professional to be available at the school to provide advice to parents and affected staff. I have also been assured the risk of exposure is considered low. Parents are being advised to contact their family doctor to ensure this information is placed on their child's personal health record, and the school will reimburse any costs.

The school and the department will work closely with students and parents to ensure questions and needs are addressed in a prompt and sensitive manner. I understand it will be distressing for parents to receive this information and my priority at this time is to ensure they get the information and advice they will need. Further to that, I will be seeking a full report and assurances that all required notifications have now been made, and advice on any improvements that can be put in place to prevent similar circumstances from happening again.

### **PRISONER COMPLAINT, OMBUDSMAN'S REPORT**

**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) (14:15):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.F. O'BRIEN:** Today the Ombudsman released his report detailing his investigation into a complaint raised by a female prisoner with complex needs about her management in the prison system. The prisoner had complained that she had been restrained for long periods of time. This matter received a great deal of public attention in the past and I want to address a few important key points.

From the outset, I acknowledge the balanced tenor of the Ombudsman's report and findings. This is a complex case. The female prisoner is a 40 year old who has presented with extremely complex needs as well as ongoing behavioural problems. Her sentence was increased after being convicted of assaults against correctional officers. She has applied for release to parole, but the Parole Board to date has refused her release. I am advised that this prisoner has been diagnosed with severe borderline personality disorder and has displayed constant and extreme self-harming behaviours.

This prisoner has made numerous self-harm attempts. Many of these have been deliberate attempts to re-open an existing self-harm wound on her neck. Due to her self-harming, she has been under stringent observation and her management is strict in order to prevent her from impulsively harming herself or others. The Department for Correctional Services has continually sought and received advice from the Department of Health, as well as expert advice from interstate specialists, to address the highly complex needs of this prisoner.

In summary, the department has a duty to manage this female as a prisoner in a custodial setting and there are limitations on the department's ability to provide a therapeutic environment for the most complex cases in this environment. Measures are being taken to address these limitations, but the accommodation and management of the prisoner in a custodial setting has undoubtedly presented significant challenges due to the complex needs with which she has presented and continues to present.

When it comes to making decisions about complex needs prisoners obtaining inpatient services in a health or forensic mental health facility, the advice of health professionals is relied upon. In this person's case, the consistent medical advice was that she did not fit the criteria for admittance into a mental health facility such as James Nash House.

Whilst the focus remained on actively gaining her admittance into a mental health facility, the strategy for accommodating her was centred around keeping her safe and alive. Indeed, significant money has been invested into keeping this individual safe and alive: close to half a million dollars in staffing costs alone, around \$75,000 in modification to accommodation at Adelaide Women's Prison and a further \$450,000 for specialised accommodation at Port Augusta Prison.

While these works were being undertaken, her regime required restricting her access to objects and environments of which she may have taken advantage to self-harm. These included a strict restraint regime. While it is acknowledged that the female prisoner was restrained for

significant periods of time during her time at Yatala Labour Prison, at all times the restraint regime was implemented with the primary aim of keeping her safe and alive.

Several actions have been taken as an acknowledgement that we all need to do more to manage people like this in the prison system. For example, the department undertook extensive modifications to two prison sites as a matter of priority, including a wing in the Adelaide Women's Prison to facilitate this prisoner's needs.

Infrastructure works included the removal of all ligature points from the relevant association areas and ensuring her cell was also antiligature to keep her safe. It also included the laying of soft floor surfacing across a recreation yard and replacing standard departmental steel furniture with antiligature plastic furniture. In addition, the government has funded other important actions in response, including the construction of 20 beds divided into two 10-bed high security units at the Adelaide Women's Prison that will greatly assist in the management of high-risk, high-need females with complex behavioural and mental health needs. The construction is due to be completed at the end of the year 2013.

The government has also funded a high dependency unit to be constructed at Yatala Labour Prison. The unit will provide special accommodation and support services to prisoners with high level care needs due to mental health or age-related conditions. It is a credit to departmental staff that this prisoner has been kept safe and alive, and I thank the Ombudsman for recognising this important fact in his report.

**Ms CHAPMAN:** Point of order, Mr Speaker.

**The SPEAKER:** Yes.

**Ms CHAPMAN:** I rise to seek some clarification. Today we have had the Ombudsman's report tabled in the parliament, and as you would be aware, we are the body to whom the Ombudsman is responsible to report, and you have obviously ensured its distribution. The minister has just made a ministerial statement, not on the tragic circumstances specifically of the events and what initiatives his government may have been applying for the purposes of ensuring they do not occur, as well. What he has done is issue a ministerial statement directly in respect of the information in the Ombudsman's report, repeatedly, as you have just listened to.

I would seek some advice from you regarding the report itself—not the information to the department, because as you know the Ombudsman is entitled to inquire into the department's action and conduct. The minister here, before the ink is dry on our copies, is presenting a ministerial statement to the parliament on matters in the report. I know he is very good and very competent in a lot of things, but to have actually read the report, digested it, prepared and made a ministerial statement within seconds of it being tabled in the parliament even I would find unbelievable. So, I would just ask that you look into this question of the—

**The SPEAKER:** What is your—

**Ms CHAPMAN:** —tabling of the report—

**The SPEAKER:** Your imputation is that the minister had illegitimate access to the report?

**Ms CHAPMAN:** —and whether there has been any provision of the report to the minister—

**The Hon. A. Koutsantonis:** Do it by substantive motion then.

**Ms CHAPMAN:** Because you are in charge of the parliament, sir, and that is why I am bringing it to your attention as to whether there has been any publication of the report to the minister prior to it being tabled in the parliament.

**The Hon. J.J. SNELLING:** Point of order, sir. This is turning into a rambling speech rather than a point of order. If the member for Bragg, the deputy leader, wants to raise allegations, then she should do so by way of substantive motion rather than the nonsense she is carrying on with.

**The SPEAKER:** I have listened to the deputy leader's point of order and perhaps the Minister for Correctional Services will approach me during question time and explain the circumstances.

#### VISITORS

**The SPEAKER:** I would like to welcome to parliament today the Minlaton District School, who are at parliament as guests of the member for Goyder. I would also like to welcome Samaritan



College, who are here as guests of the member for Giles. I would also like to welcome the visiting Clerk of the Tongan parliament, Ms Gloria Guttenbeil, and the senior table officer, Mr Tupoulahi Manuofetoa as part of the Commonwealth Parliamentary Association twinning program who were with us also earlier in the day.

If the Leader of the Opposition is unwell, accordingly I call on questions, the deputy leader.

## QUESTION TIME

### SOUTH ROAD UPGRADES

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25):** My question is to the Minister for Transport and Infrastructure. Is the minister aware that it is not just Mike Rann who had abandoned his promised tunnel under Port and Grange roads in 2006 and to deliver an underpass at Sturt Road when the acting minister Weatherill said, on the 4 April 2006, that planning continues on the \$122 million South Road—

**The Hon. P.F. CONLON:** Point of order. It seems to me that the deputy leader is seeking to explain a question before she has asked it.

**The SPEAKER:** Would the deputy leader please not refer to members by their surname, and would she also get to the nub of the question?

**Ms CHAPMAN:** When acting transport minister, the member for Cheltenham stated on 4 April 2006:

...planning continues on the \$122 million road tunnel under Port and Grange Roads and the government will honour its election commitment to build a \$140 million South Road/Sturt Road underpass.

**The SPEAKER:** What was the question?

**Ms CHAPMAN:** The question was: was the minister aware?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:26):** What no-one is aware of is what the opposition's point of view on all this is. Which one do they support? South Road, Port Road, Grange Road or Darlington? Which one is it? Which one do they support?

*Members interjecting:*

**The SPEAKER:** I take it that that is not really telling us much about the minister's awareness.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Are you going to ask a question this year? When?

*Members interjecting:*

**The SPEAKER:** Minister for Transport, just because you have announced a \$1 billion program in my electorate it does not mean you are entitled to any favours, so I call you to order.

**The Hon. A. KOUTSANTONIS:** He has been waiting months for that.

**The Hon. I.F. Evans:** Reannounced for the second time.

**The SPEAKER:** That is a tautology.

**The Hon. A. KOUTSANTONIS:** The state government has undertaken a two-year planning study to seek a solution for a non-stop South Road between the superway and Anzac Highway and identified that an upgrade to the nine-kilometre section could be effectively delivered in three stages: the superway to Torrens Road, Torrens Road to the River Torrens, and the River Torrens to Anzac Highway. The Torrens Road to the River Torrens section is the area of highest priority.

The study enabled the South Australian government in August 2012 to make a detailed submission for funding to the Australian government under the Nation Building 2 program. The submission was scrutinised by Infrastructure Australia (you may have heard of them) and the commonwealth Department of Infrastructure and Transport. A fifty-fifty funding commitment by the state and commonwealth governments has been agreed to.

*Ms Chapman interjecting:*

**The Hon. A. KOUTSANTONIS:** You have stopped me from speaking because you do not like hearing about it. The section of the highest priority is Torrens Road to the River Torrens, estimated to cost \$896 million. The project will deliver the next stage of Adelaide's strategic non-stop north-south corridor, improve freight and business transport efficiencies for all of Adelaide, delivering between—

*Ms Chapman interjecting:*

**The SPEAKER:** Is the point of order that we are not learning much about the minister's awareness?

**Ms CHAPMAN:** Not only that, but it is repetition, because he has actually just given a ministerial statement saying all the same things.

**The SPEAKER:** No; he didn't get that out, did he?

**Ms CHAPMAN:** No; he did, two pages of it, so repetition and relevance.

**The SPEAKER:** Minister. I will listen carefully.

**The Hon. A. KOUTSANTONIS:** —a 40 per cent to 60 per cent reduction in travel times for this section of South Road during peak hours—as you would be aware it is a very busy road—and improve east-west travel on Grange Road and Port Road, allowing—

**Ms CHAPMAN:** Point of order, sir. I know that you would have been listening diligently to this ministerial statement. This has all been stated in the ministerial statement, so if it is not on relevance I would ask you to sit him down for repetition.

*Members interjecting:*

**The SPEAKER:** There is no standing order that would forbid a minister to regurgitate material in questions that were in his ministerial statement, but I will listen carefully on the point of relevance. Minister for Transport.

**The Hon. A. KOUTSANTONIS:** We are improving efficiencies for public transport services, including fewer delays and intersections. Am I aware that this program was initially announced? Yes.

### STATE ECONOMY

**Dr CLOSE (Port Adelaide) (14:30):** My question is to the Premier. Will the Premier update the house on what the government is doing to deliver a stronger economy and a fairer society?

*Members interjecting:*

**The SPEAKER:** There is plenty of scope there.

**Mr PISONI:** Point of order.

**The SPEAKER:** The member for Unley.

**Mr PISONI:** No. 97 actually refers to comment in questions. It was obvious that the 'stronger economy' was opinion.

**The SPEAKER:** No. I think what the member for Port Adelaide was asking is: what things, if any, has the Premier done to bring about a stronger economy and a fairer society? The answer could possibly be nothing, but we shall see.

**Mr GARDNER:** Point of order: if the question actually means what you've said it does—if any—then surely it's hypothetical and should be ruled out of order.

**The SPEAKER:** No, that doesn't make it hypothetical. It is a frivolous point of order. The Premier.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31):** I thank the honourable member for her important question. Over the past 100 days, just to pick a number, some very important initiatives have been made to help the most needy members of our community and to ensure that South Australia's economy continues to grow because, ultimately,

that's the purpose of a growing economy—it's for people, and that's where we've been addressing our attention.

The release of the economic statement in March gives South Australians a full and candid picture about the challenges that are before us, where we've been in the past, where we are now and the things that need to change in the future if we're to make the most of our opportunities. It sets out a very clear set of choices about four areas of the economy that will make the most difference: advanced manufacturing, a vibrant city, clean premium food and our mining services. It's a document that has a clear-eyed analysis and is based on independent modelling. It also shows that, under any model scenario, South Australia's economy continues to grow.

From the first of my trips overseas as Premier, it became clear to me that many people accepted that we had a great story to tell about South Australia—at least, those on this side of the house think we have a great story to tell—but they didn't know where it was coming from. That's why the unveiling of the new brand in March was an important milestone in the state's economic development. If you want preference for your state, in terms of investment, in terms of people coming here, in terms of students coming here and people making this home more permanently, they have to know about us. They have to be aware of what we have on offer.

For the first time, we have a common but adaptable brand mark that can be used by business, government, industries and organisations to promote South Australia and tell our story to the world. The brand was very well received on our recent successful delegation to China, which strengthened the relationship between South Australia and Shandong—that extraordinary, powerful province of China—with many South Australian businesses reporting unprecedented access because of the government-led delegation.

While delivering a stronger economy is a crucial part of the role of government, ensuring that society's most disadvantaged get a fair go goes to the core of this government's belief systems. That's why this government was the first state to sign up to the launch of the National Disability Insurance Scheme, known as DisabilityCare, and that is a very proud achievement for this great state.

DisabilityCare will completely transform the disability care and support system in this state and, indeed, in this nation. It will mean more choice and control, more independence and more opportunities for people with disabilities to be involved in school, work and community life. Importantly, it gives all South Australians the peace of mind knowing that, if a loved one is born with or acquires a disability, they will get the care and support they need.

We also value the contribution of those who provide these services to people in our community—the most vulnerable people. Some of our lowest-paid workers provide some of the most important services and they have been systematically undervalued for years. Many of them have had the awful choice about demanding an increase in wages in recognition of a fair day's pay for a fair day's work and knowing that that might otherwise be taken out of the services that would go to their disadvantaged clients.

We have now committed to providing \$119 million in funding to ensure our lowest paid workers receive a pay rise of between 23 and 45 per cent. People who have been doing the caring work are now getting the decent wages that are necessary. This remedies a longstanding injustice that too many industries that were formerly dominated by women have, sadly, had to put up with for many years.

**The SPEAKER:** Alas, the Premier's time has expired. I call to order the members for Schubert and Heysen for repeatedly interjecting, and the member for Goyder (previously a cleanskin) and the deputy leader for interjecting.

*Members interjecting:*

**The SPEAKER:** It is proximity to the member for Kavel, I am told.

#### **PRISONER COMPLAINT, OMBUDSMAN'S REPORT**

**The SPEAKER:** In response to the deputy leader's previous point of order, the Minister for Correctional Services has explained to me that although he did not receive a copy of the Ombudsman's report, consultation between the Ombudsman's office and his office and his department was so close that he had a fair idea of what it was going to be.

*Members interjecting:*

**The SPEAKER:** Well, as a matter of fact, the member for Heysen is right: they do, because the second leg of my answer is that if one looks at section 25(3) of the Ombudsman Act, which one doesn't really get too familiar with if one is in opposition, it reads:

The Ombudsman must send a copy of any report or recommendation made under subsection (2) to the responsible Minister...

So, there you go. You learn something every day. Deputy leader.

### **SOUTH ROAD UPGRADES**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36):** My question is to the Premier. Will the Premier honour his 2006 promise, when he stated, 'The government will honour its election commitment to build a \$140 million South Road/Sturt Road underpass'?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:36):** The people of South Australia will soon be experiencing one of the great state-building projects that this state has seen, which is the \$900 million project to deal with what has been long regarded as one of the great congestion areas in our road network. This has been dedicated as a national freight network, which is the whole explanation for why the arrangements have changed. Back in 2007 when the new federal Labor government came in they dedicated this as a new freight network.

We had already made a decision as a government to defer the decision for economic reasons on that particular project. So, when the new national government came in and declared the whole of South Road (in a sensible decision) as part of the national freight network, they also provided to the South Australian government a very substantial amount of funding to carry out very detailed studies about the way in which we should progress with the establishment of that freight network.

When that detailed work was undertaken it demonstrated a number of things. One is that a tunnel was, obviously, a very expensive option. Secondly, there were other options which were more consistent with protecting the community and protecting businesses, minimising cost, but still getting the excellent result, and it threw up this project as being not only a different way of configuring the project but a more economic way of doing it. Then, when one matched the costs with the benefits, it threw up an extraordinary number, 2.4, which is a benefit-cost ratio which is rarely seen on an infrastructure project, especially a piece of road infrastructure. So, a very powerful benefit-cost ratio.

Of course, we are duty bound, in light of that, to advance that as the first project. We are duty bound to use the model, to use the information that came from that modelling, to design the project and that is what has happened. That is why back in October of last year we sent this to Infrastructure Australia. That is why the commonwealth government, in its wisdom, as part of the federal budget tonight, will announce its commitment to this project. So, that is the order of events.

A decision was taken to defer the project. A study was taken to consider the best way of getting this continuous north-south corridor, and now we have the project that we can support and the commonwealth is supporting. It is a great project for South Australia. Why doesn't the opposition get on board?

*Members interjecting:*

**The Hon. I.F. EVANS:** Supplementary, Mr Speaker.

**The SPEAKER:** Before the supplementary, I warn the member for Heysen for the first time and call the member for Morialta to order. A supplementary from the member for Davenport.

### **SOUTH ROAD UPGRADES**

**The Hon. I.F. EVANS (Davenport) (14:39):** Following the Premier's comments about the billion-dollar upgrade of that section of South Road on which the federal government has made an announcement today, can the Treasurer or Premier confirm that there is a GST clawback as a result of that announcement? Can he advise me the level of the clawback and confirm that that clawback will yield into the forward estimates of the budget?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:40):** I thank the honourable member for his question. The advice that we have is that we have received a level of road infrastructure funding which is consistent with our national population share and, therefore,

there is no negative GST effect. This is something that would have an effect on the state only if we received above our national entitlement, and our advice is that that is not the case.

#### **CITY OF ADELAIDE PLANNING**

**Mr ODENWALDER (Little Para) (14:40):** My question is to the Minister for Planning. Will the minister please update the house on what the government has done to deliver a more vibrant Adelaide over the past 100 days?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:41):** I thank the honourable member for his question. The government has been consistently committed to building a more vibrant Adelaide, something about which some critics have been somewhat cynical, but the actual evidence is there for all to see.

For instance, we have now been able to extend the trial closure of Leigh Street, which is getting very strong support, and we are hopeful that that will be soon be made permanent. We have seen an upgrading of Bank Street—and all of those here no doubt have seen that—which has already effected a considerable change to the atmosphere in Bank Street.

We've also joined with major corporate citizens Microsoft and Bank SA to deliver a hub for Adelaide young entrepreneurs, and that is now underway; and we've delivered the new small venues legislation. Indeed, last night, there was the first of many information sessions held at a new venue called The Clever Little Tailor in Peel Street, where a number of people around town who are interested in taking advantage of this new class of licence attended, received information and took away information packs, so I was delighted to be there and meet with these people.

It's very interesting to see how many young people are looking at this as a great opportunity for them to be creative in the city, invest in a small business and provide that variety and vitality that the city has been looking for and is increasingly getting. This new class of licence really does work very well with the young entrepreneurs in the city. We're also delivering improved public places and business opportunities to complement those.

These initiatives are just a snapshot of some of the key work that the government is getting on with to build a vibrant city, only over the period of the last 100 days. Creating a more vibrant Adelaide is all about creating job opportunities, in particular for young entrepreneurs, and keeping more talented young people here in South Australia, rather than them having the thought that they have to go elsewhere. I make the point again that those who ridicule and belittle things like the small venues licences do not appreciate the level of support and encouragement that these are delivering to young entrepreneurs here in South Australia.

#### **DESALINATION PLANT**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43):** My question is to the Minister for Transport. Why is it acceptable to abandon the Darlington project on South Road as it has a cost-benefit ratio of 1, when that is exactly the same cost-benefit ratio that was attached to the expansion of the desal plant?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:43):** I thank the honourable member for her question. Can I say, this is precisely the nonsense that is being spread around by the opposition about the desalination plant which has absolutely no substance.

**Ms Chapman:** Read the report.

**The Hon. J.W. WEATHERILL:** Let me explain. The reason why the desalination plant was not pitched to Infrastructure Australia, or to any of the usual buckets of money which are available to be applied to these purposes, is that they would not have met the tests associated with those particular projects for one simple reason: the desalination plant was a water security proposition.

There is one very simple analysis about the water security needs for South Australia that any of the traditional economic agencies will give you, and that is to buy more water from the River Murray. That is the cheapest and most effective way in which you can deal with South Australia's water security needs; it has consistently been the case.

Indeed, it is the same basis on which SA Water always conducted its affairs because the point is: buying an extra gigalitre of water from a licence holder—I do not know what the going rate is at the moment, but it is in the order of \$1 million—is a relatively small amount of money for what

is a very substantial amount of water. When you look at other mechanisms for gaining water, they become extraordinarily expensive, such as desalination plants.

On any cost benefit analysis, we were never going to be able to make the case to some of those traditional funding agencies, such as Infrastructure Australia, which have particular narrow economic criteria for the evaluation of projects of this sort, so they were not submitted to those bodies because we knew that we would not meet the criteria.

*Mrs Redmond interjecting:*

**The Hon. J.W. WEATHERILL:** We made the submission on the basis of a broader public interest about protecting the River Murray. We knew that we wanted to guarantee and warrant the future security of water in South Australia for the long term so that we could say to investors and to people who were coming to South Australia, 'Water isn't going to run out in 2013', on some of the scenarios that were modelled for us, but that we were going to be able to warrant water security for the long-term future of this state. To do that, the only mechanism that was capable of doing that, after a thorough analysis, with the assistance of WorleyParsons and KPMG, was through a desalination plant of 100 gegalitres.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** That was the only proposition that makes sense. If you do not accept our analysis for it, look at the evidence of the KPMG report and WorleyParsons—

**Mr WILLIAMS:** A point of order, Mr Speaker.

**The SPEAKER:** The member for MacKillop has a point of order, but before he does so, I warn the member for Heysen a second time, call the member for Chaffey to order, and warn the member for Schubert for the first time. Member for MacKillop.

**Mr WILLIAMS:** Mr Speaker, the Premier has just stated that and made an argument why the South Australian government did not submit a proposal to Infrastructure Australia. I happen to be sitting here reading 'Grants for the Construction of the Adelaide Desalination Plant,' a report from the Auditor-General, who says, 'Back in October 2008—

**The SPEAKER:** What's the point of order?

**Mr WILLIAMS:** Well, according to the federal Auditor-General, the South Australian government did make a submission to Infrastructure Australia, and Infrastructure Australia turned them down.

**The SPEAKER:** That's not a point of order, and I ask the member to leave the chamber for the rest of question time.

*The member for MacKillop having withdrawn from the chamber:*

**The SPEAKER:** The Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Mr Speaker. The expansion of the desalination plant, which is the topic we are talking about, from 50 to 100 gegalitres was not something that would have met the test of Infrastructure Australia or any of the other usual narrow economic criteria that are advanced by the commonwealth for funding of this sort. That is why we sought the funding in the way in which we did, because we wanted to expand the capacity of South Australia's desalination plant in a way which guaranteed water security for the long term.

That meant, on a broader set of criteria, we were seeking to protect the long-term interests of the river because the truth is that we could not continue to grow our state and, at the same time, not bear on those precious resources of the River Murray. We were advancing on two fronts: we wanted to protect the River Murray, and we could not, as a state, hold our head high and fight for the river at the same time as increasing the burden on that river.

We have decreased our take on the river, we have decreased the future pressure on the river, and we have also secured South Australia's water security for the future, and these are not the sort of criteria that Infrastructure Australia were considering.

#### DESALINATION PLANT

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49):** My supplementary to the Premier is: why then, Premier, are you allowing your government to increase the take from the River Murray over the next few years?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:50):** This is the difficulty when shadow ministers comment outside of their area of expertise. We are not increasing the take on the River Murray over the next few years. Not only are we not increasing it, we are decreasing the amount that we are taking from the River Murray.

The first thing is that water licences are fixed, and the only thing that's going to happen to those water licences is that they are going to go down. We are putting six gigalitres of our existing licence back into the river—that is the first point—and we are also accumulating an environmental reserve over a period of time, which will also underpin the long-term security of the River Murray.

So, in two important respects we are reducing the take on the River Murray, quite apart from not increasing our take on the River Murray, as the growth in our population and the growth in our industrial demands would otherwise have required. This is the point that those opposite fail to appreciate: not only are they wrong—just simply wrong—about increasing our take, they also fail to take into account that we have ambitions to grow the state, but we want to grow this state sustainably in a way that does not put pressure on our precious natural resources.

### DENTAL CARE

**Mr BROCK (Frome) (14:51):** My question is to the Minister for Health. Can the minister advise what has been done in the last 100 days to provide and improve dental health services across South Australia?

**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) (14:51):** I thank the member for Frome for his question. He has been speaking to me regularly, as have the member for Mount Gambier and the member for Whyalla, about access to dental services, particularly in regional South Australia.

The South Australian government is rolling out services under the National Partnership Agreement on treating more public dental patients following an agreement by the commonwealth to an implementation plan for South Australia. The Premier signed a conditional agreement with the commonwealth government on 7 January 2013 providing South Australia's support to the NPA.

Since then, we have been in detailed discussions with the commonwealth to make a deal that would have the biggest impact on dental services in South Australia. South Australia has been offered maximum funding of \$27.7 million over three years from this year. Of this \$27.7 million, South Australia will receive \$5.6 million in this financial year, which will be paid upfront based upon the implementation plan being signed and the provision of a progress report.

This new implementation plan describes activity aimed at reducing existing waiting lists and providing help for people at risk of oral health problems. Funding will make dental services in South Australia even better and will be directed to reducing dental waiting lists. This will include engaging both public and private providers to increase activity.

By the end of May this year the SA Dental Service will have sent out 11,000 offers of general dental care to people on public waiting lists. This is a fivefold increase over the normal rate of about 2,000 offers a month. From May to August 28,000 letters of offers of care will have been sent to public dental patients, compared to 11,200 offers of care the same time last year. These activities will help reduce dental waiting lists which have grown in recent months owing to the closure of the commonwealth's chronic disease dental scheme.

This closure contributed to an increase in demand for general dental care in South Australia by 58 percent over the most recent four months. With confirmation by the federal Minister for Health of funding this week, the average waiting time across the state is expected to reduce to around seven or eight months by December, from the current 12 months.

In the Port Pirie/Clare area, the National Partnership Agreement will allow reductions in waiting times and improve access to dental care for low income earners. South Australia already has one of the most efficient public dental services in the country, with 30 percent more effort than the national average. The government wants to make certain South Australians have timely access to public dental care when they need it, and these extra services will ensure that this continues.

### INFRASTRUCTURE PROGRAM

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54):** My question is to the Premier. Why did the government reject the recommendation, made by

PricewaterhouseCoopers in its report to the government last year, to implement an infrastructure body to plan, analyse and prioritise infrastructure projects similar to Infrastructure New South Wales?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:54):** Sir, this government does not see the need to replicate bureaucracy to get an outcome. We are elected to make decisions. We are politicians, and we are governing. We will not outsource our thinking to an independent body. We will not outsource our vision, we will not outsource our plan for this state.

*Members interjecting:*

**The SPEAKER:** Will the Minister for Transport please be seated.

**Mr Pederick:** Here we go.

**The SPEAKER:** Yes, indeed, here we go. The member for Hammond is called to order and warned for the first time, and the member for Morialta is warned for the first time.

**Ms Chapman:** Supplementary.

**The SPEAKER:** I don't think the minister has finished.

**The Hon. A. KOUTSANTONIS:** I haven't finished.

**The SPEAKER:** Yes, the Minister for Transport.

**The Hon. A. KOUTSANTONIS:** This government has a plan, an agenda and a vision. We will not outsource them to others to hide behind audit commissions. We will not outsource them to others to hide behind 'Infrastructure South Australia'. We will not duplicate bureaucracies. We will govern, we will govern in the best interests of South Australians, and we will do so as a Labor government.

We are proud of making our own decisions. We will make references to bodies that are established by the commonwealth and supported by the state, but we will not replicate those within our own state. For example, if there was an infrastructure South Australia body established today, we would have the farcical situation where two bureaucracies would be reporting to each other about what the commonwealth and the state should do. It is farcical. It is a joke.

**The SPEAKER:** A supplementary for the deputy leader.

#### INFRASTRUCTURE PROGRAM

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55):** If the minister claims that his government will not be outsourcing thinking, can he confirm that he is going to be cancelling the Thinkers in Residence program?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:56):** The opposition spokesperson should perhaps just update herself on the Mid-Year Budget Review, I think.

**The Hon. J.J. Snelling:** It was the budget last year.

**The Hon. J.W. WEATHERILL:** It was the budget last year. The Thinkers in Residence program actually has been wound up.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** We have booked the saving to the budget. It is something that has been the subject of comment that the Thinkers in Residence program has been wound up. I know those opposite do not study the material very closely, but it was published and it is a government decision, so I think it really does demonstrate the complete sloppiness and lack of preparation that go into the opposition's preparation for question time.

#### INFRASTRUCTURE PROJECTS

**The Hon. S.W. KEY (Ashford) (14:57):** My question is directed to the Minister for Transport and Infrastructure. Will you update the house on the opportunities the government has provided to business and the community across your portfolio responsibilities over the past 101 days—maybe I should make it a bit fairer: over the past 100 days?



**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:57):** Thanks to the member for Ashford for her question and her keen interest in the last 100 days. The last 100 days have seen this government remain committed to creating a stronger South Australia now and into the future. Our clear vision has seen this government invest in and grow opportunities for the business sector and the community. We remain committed to a strong government partnering with business and, with the support of our community, to deliver real benefits to the people of South Australia. Over the past 100 days this government has:

- announced a \$14 million multilevel car park at Modbury to provide safe and secure park-and-ride facilities for O-Bahn passengers;
- commenced the expansion of the Klemzig O-Bahn interchange;
- continued to work on the \$110 million Goodwood Junction upgrade;
- commenced a study for the Integrated Transport and Movement Study that will help with future planning to further revitalise roads, rail, tram and bus networks, and closely integrate them with urban growth areas;
- announced a new \$16.5 million Wayville railway station near the Adelaide Showground;
- commenced construction on stage 3 of the Amy Gillett Bikeway project at Mount Torrens;
- commenced construction of the Riverbank Footbridge, linking the city to Adelaide Oval;
- commenced master planning of the Riverbank Precinct;
- brought forward up to 18 projects from the Better Neighbourhoods Program worth \$23.6 million to assist South Australia's small to medium-sized civil engineering and construction companies;
- installed more pedestrian countdown timers in the CBD and metropolitan areas;
- sought proposals and expressions of interest on prime government land for development in the CBD and Marden;
- reached significant milestones in the \$407 million Southern Expressway Duplication Project, including re-opening several bridges and the first pour of asphalt;
- committed to upgrading boating facilities at St Kilda, O'Sullivan Beach and Anxious Bay;
- continued to invest in rest areas in our regional areas, building on the 34 new rest areas we have already installed, and 26 rest areas were upgraded on key freight routes in South Australia;
- seen thousands of South Australians take home their piece of Adelaide Oval turf as the Adelaide Oval Project sees cranes line our skyline, with the new Southern Stand taking shape;
- attracted \$142 million worth of bids in the acreage releases in the Otway and Cooper Basin, seeing that South Australia remains a world-class destination for oil and gas exploration;
- launched new improvements to the world-leading South Australian Resources Information Geoserver website;
- facilitated a new pathway to port solution for IronClad's Wilcherry project;
- released an original mining and construction plan for public consultation; and
- opened Bowden's first pedestrian and bike-friendly streets, making a significant milestone in the Bowden development project that will see more than 2,400 homes built in Bowden with about 3,500 new residents.

Through energy market deregulation, we have seen standing contract power prices drop by a minimum of 9 per cent across the state, benefiting South Australian households, and today we see yet another example of this government investing in infrastructure, investing in jobs, investing in a stronger South Australia through the Torrens to Torrens South Road upgrade, and the list goes on.

Through our record of investment in infrastructure and by partnering with industry, this government is building a better South Australia and a stronger South Australia. By doing this now, we will shape how we and future generations will view this state. While this government continues to invest in this state and our community, creating jobs, infrastructure, transport solutions and growing our state, we have seen the Leader of the Opposition do three things: make a life-size poster of himself, a brand new Facebook site, and a new website—and get a brand new pair of glasses.

*Members interjecting:*

**The SPEAKER:** The Minister for Transport will be seated. He is not responsible to the house for what the Leader of the Opposition has done in the past 100 days.

**Mr PISONI:** And you can't mention Mount Barker!

*Members interjecting:*

**The SPEAKER:** I call the member for Unley to order and I warn him for the first time. The member for Waite.

### TRIMS

**Mr HAMILTON-SMITH (Waite) (15:01):** My question is to the minister for industry and trade. Has well-known local retailer and family business Trims gone into receivership today? What are the details and how many jobs are at risk?

**The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:02):** I thank the member for his question. My advice is that Trims has today gone into administration. This is disappointing. Obviously it is an iconic retail outlet in Adelaide. I only became aware of it immediately before question time and I am still seeking information on that, and I will provide that information to the member and the house as soon as it comes to hand.

### SAFE COMMUNITIES

**The Hon. P. CAICA (Colton) (15:02):** My question is to the Deputy Premier, and—

**An honourable member:** If you can find it.

**The Hon. P. CAICA:** I've found it, thank you. As I said, my question is to the Attorney-General. What has the government done to deliver safer communities for South Australians over the past 100 days?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:02):** I thank the honourable member for his question. During the last 100 days, there have been a number of measures the government has delivered which assist in our objective of securing safer communities. Since March of this year, serious firearms offenders, for example, now face a presumption against bail and a presumption against suspended sentences. In addition, anyone on conditional release in the community cannot possess a firearm unless they have a very good (and safe) reason to do so.

In addition to this, there has been a very successful rewards scheme introduced. This has resulted in the seizure of 35 illegal firearms, 12 arrests and six reports for a range of firearms offences. This government has also targeted graffiti vandals, with legislation passed in February of this year. The toughest penalty regime for repeat graffiti offenders in Australia now exists here in South Australia. For the first time, repeat graffiti vandals will face, amongst other things, loss of their driver's licence.

Community safety is also affected by new technologies. This government has introduced groundbreaking protections for the community against the unauthorised distribution of images on the internet. These new laws, which protect people from the unauthorised distribution of humiliating or degrading images, became operational last Thursday, and the government is also focused on getting the right results in the courts. Legislation passed in March this year gives the Director of Public Prosecutions the power to cross-appeal against any appeal against sentence. This takes away any free kick element that the defendant might previously have had in appealing to reduce his or her sentence.

The government has also created offences to stamp out corruption in sport and the gambling industry. We have provided new powers to South Australia Police to gain information from banks and other financial service providers in our fight against organised crime and we have improved the regulation of South Australia's security industry.

Finally, and most importantly, on 19 February this year the government appointed the Hon. Bruce Lander as South Australia's first Independent Commissioner Against Corruption. As those opposite will no doubt agree, his appointment demonstrates the government's commitment to ensuring that all levels of government in South Australia are safe from corruption.

*The Hon. S.W. Key interjecting:*

**The SPEAKER:** I call the member for Ashford to order for interjecting on the Deputy Premier. The member for Stuart has a supplementary.

#### **SAFE COMMUNITIES**

**Mr VAN HOLST PELLEKAAN (Stuart) (15:05):** Given that the Attorney-General in his answer to that question said that under the new reward system for the return and recovery of illegal firearms the number was 35 and that is exactly the same number that he quoted approximately a month ago as recovered in the first month of the scheme, is he telling the house that none were recovered in the second month?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:06):** No, I am not saying that. I am saying that I know for sure that that many were recovered during that period. I do not have the running tally from that period to the present.

#### **GM HOLDEN**

**Mr HAMILTON-SMITH (Waite) (15:06):** My question is to the Premier. Has the government signed the promised co-investment agreement with Holden and the commonwealth and, if so, what are the terms and obligations on all the parties?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:06):** I thank the honourable member for his question. The nature of the agreement we have with General Motors Holden is the one that is evidenced by the exchange in correspondence. What has happened since that time? That agreement also contemplated a further more detailed agreement about precisely what would happen during this period between 2016 to 2022. It is that later funding agreement that is still the subject of negotiation and, because of the nature of events that have occurred—the announcement of the 400 jobs to be lost in South Australia—that is the subject of renegotiations.

I have had a number of meetings and discussions with Mr Devereux, but those matters are not yet concluded. They are being advanced in parallel with discussions about the fate of these 400 workers, ensuring that they are indeed voluntary redundancies and not forced redundancies. That has been our principal focus, because that is the more immediate issue coming to fruition at the end of July, so those things are being advanced in parallel.

It is worth saying though that some of the benefits in the agreement have also been acted upon, so some of the matters that were agreed between the state government and General Motors Holden have already been acted upon. For instance, those component suppliers that have been identified as long-term prospects for working in Holden's global supply chains have been identified and work is going on with them to ensure that they are able to reach or be sustained at a standard which will allow them to continue to be part of Holden's ongoing global supply chain.

They have travelled with Holden representatives to a number of other countries where there are home rooms that provide the various, if you like, hubs for component suppliers and ordering of the global vehicles that Holden will be manufacturing. So the agreement is being part performed, but elements of it now require renegotiation because of the nature of the decision Holden has taken.

#### **GM HOLDEN**

**Mr HAMILTON-SMITH (Waite) (15:08):** Supplementary question, again to the Premier. Given his answer, is he confident that the agreement will result in a minimum jobs guarantee and the retention of Holden in Adelaide and, in particular, will the agreement go to the parliament's Industry Development Committee before it is signed off?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:09):** I thank the honourable member for his question. We already have a minimum jobs guarantee; that is the nature of the agreement we reached with Holden. What has occurred, in our view, is a breach. How that breach will be remedied is something that's the subject of negotiation, so I can't tell the house where that ultimately will land except to say that at the front of our mind we will be wanting to secure the \$1 billion worth of investment from Holden to make sure that there is a future, remembering that what this does is secure Holden between 2016 in 2022 in a way which allows us to transition a car manufacturing industry—a vital industry for the future of our state.

We've been very open about the fact that it will be a smaller industry but, hopefully, a more secure one because we will have found a place for Holden in the global car manufacturing world. That's the work that has to occur over these next 10 or so years. In relation to the second part of the shadow minister's question, we'll do better than taking it to a committee of parliament: we'll bring it to the parliament, just as we did with the original arrangement. That's appropriate for an issue of this significance.

#### GM HOLDEN

**The Hon. I.F. EVANS (Davenport) (15:10):** I have a supplementary. Premier, in your answer you just said you will do better than that: you will bring it to the parliament rather than the IDC. Can you confirm that, by bringing it to the parliament, you deny the opposition the opportunity to ask commercially sensitive questions because they're not able to be made public in the forum of parliament, whereas the IDC provides the opposition that exact forum?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:11):** I can't control the decisions that General Motors take about what matters they wish to have in the public sphere and those matters they seek to brief the opposition about. Just as we did with the BHP arrangement, we invite and encourage corporate citizens to communicate with the opposition parties to build consensus around these things. They make their own decisions about those sorts of decisions.

The information they want in the public sphere, the information they wish to make confidentially available to the opposition is a matter for them. They've felt comfortable providing confidential information to us. If they felt comfortable providing confidential information to the opposition, I'm sure they would do it. One of the things that may be causing them some discomfort is that the Liberal Party is not committed to car manufacturing in this nation. They are talking about cutting funding of \$500 million.

*Members interjecting:*

**The SPEAKER:** Has the Premier finished his answer? The Premier has finished his answer. The member for Florey.

#### FOOD AND WINE TOURISM

**Ms BEDFORD (Florey) (15:12):** My question is to the Minister for Tourism. What has the minister done over the past 14 weeks to support new tourism developments to showcase the premium food and wine that come from our state's clean environment?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:12):** I guess 14 weeks must be around 100 days. It seems to be a common theme today. I was delighted to be with the member for Chaffey last week when we were in the Riverland at the Woolshed Brewery at Wilkadene Station—the homestead there. This is a fantastic addition to South Australia's tourism attractions.

On the bend of the Murray River, upstream from Renmark at Wilkadene—it's a lovely part of the world—there is a brewery run by Tom and Sarah, who have gone out on the family property and started what is an outstanding brewery, but now they are turning that into an outstanding tourism destination as well. It's all part of the South Australian Tourism Commission's move to align itself with the federal government's move towards bringing food, wine and tourism all together.

Earlier last week, I was up in the Hills at the Sticky Rice Cooking School, where they've opened three new luxury villas, which are a fantastic addition to the Adelaide Hills tourism attractions. No doubt we will see people coming from around Australia and, indeed, around the world to go and enjoy the sort of experience at Sticky Rice that many South Australians have savoured over the past few years, where chefs of international renown lead cooking courses up

there so that people can take home all the tips that they will get from the cooks and cook up the sort of food that others can only dream of getting.

Here in South Australia, we have our clean green food which, of course, for people in China and other parts of the world, is something that they just can't get their hands on readily enough, whereas in South Australia we do enjoy that. So, there is a big linkage to food, wine and tourism here in South Australia. We know from our recent visits to China and Hong Kong (the Premier and I went there) that we were coming across tourism operators who were saying that this is the sort of experience the Chinese tourists want. They want to come here and be able to catch some yabbies in the Murray.

We saw \$5 a yabby in Hong Kong; that is what they are selling for. The member for Chaffey can give them a bucket full of yabbies; he is a very good yabby catcher and cook, and they can cook them at a great place along the banks of the river. Next week, we will be up with the member for Schubert launching our new tourism ad. Last year, everyone will remember, the focal point for our tourism ad was around Kangaroo Island, and it was a very successful campaign.

**The Hon. I.F. EVANS:** Point of order. The question was about what he has done in the last 100 days, not what he is doing next week.

**The SPEAKER:** I will listen carefully to the minister. Minister for Tourism.

**The Hon. L.W.K. BIGNELL:** Over the last 100 days, we have been putting a lot of planning into next week's launch. We will be up there and we have the member for Schubert coming along and it all fits in beautifully with this push to tell the rest of Australia that South Australia is the food and wine capital of this great nation. They might be able to go to a fancy restaurant in Melbourne or Sydney, but when they want to go to the source of the freshest and the best food and wine in Australia they need to get on a plane or a train and get over here to South Australia and enjoy all the great food and wine that we have.

I must say it has been a pleasure, over the past 100 days, to get out into the regions and I want to thank all those members opposite and those on this side who were out in the regions and have come along to our functions and joined with us as we have worked with the private sector, which is really the engine room of tourism in South Australia, so that both sides of parliament can work together to increase from \$5 billion to \$8 billion the economic benefit of tourism in South Australia.

**Mr Pisoni:** I draw your attention to sessional orders, sir.

**The SPEAKER:** The member for Unley is wrong. Accordingly, I warn him for the second time, but shortly after he sat down the time did expire. I now call the member for Unley.

#### SCHOOLS, FINANCIAL MANAGEMENT

**Mr PISONI (Unley) (15:17):** My question is to the Minister for Education and Child Development. Is the investigation into the alleged financial mismanagement at Murray Bridge High School being undertaken by qualified auditors and/or forensic accountants?

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:17):** My understanding is that the investigation is being undertaken by the department's special investigations unit and I am happy to get further detail in relation to that for the member for Unley.

#### SCHOOLS, FINANCIAL MANAGEMENT

**Mr PISONI (Unley) (15:17):** Supplementary. Does the minister's Department for Education employ any qualified auditors or forensic accountants in its investigation unit?

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:17):** I will take that question on notice. I can't give an accurate answer to that, but our deputy chief executive officer has very high credentials in accounting and was in fact a Treasury official.

#### SCHOOLS, FINANCIAL MANAGEMENT

**Mr PISONI (Unley) (15:18):** My question is again to the Minister for Education and Child Development. How many other public school sites are being investigated for serious financial mismanagement?

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:18):** I will take that question on notice.

#### **SCHOOLS, FINANCIAL MANAGEMENT**

**Mr PISONI (Unley) (15:18):** How often has the department's site resource monitoring panel, responsible for monitoring financial management at school sites, met since June 2012?

**The Hon. J.W. Weatherill:** These are estimates questions.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:18):** They are estimates questions. I am happy to take these questions on notice and if the member for Unley likes to combine them all in one I will take them as one question and come back to the house with an answer.

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**Mr SIBBONS (Mitchell) (15:19):** My question is to the Minister for Disabilities. What has the government done to deliver a stronger, fairer society for South Australians in the past 2,400 hours?

**Mr PISONI:** Point of order. A stronger and fairer society is an opinion.

**The SPEAKER:** No.

**Mr PISONI:** There would be many in the community who would have a different opinion—

**The SPEAKER:** No. The member for—

**Mr PISONI:** —and standing orders No.—

**The SPEAKER:** I've got the point of order. Would the member for Unley be seated. I've got the point of order. I understand the point that is being raised but these are not questions with comment in them because it is, of course, open to the minister to say, 'Well, nothing in particular.' I don't think the minister will say that but it is open to the minister. Minister for Communities.

**The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:19):** Thank you, Mr Speaker, and I would like to thank the member for his question. When we talk about a fairer society nothing could be more important than helping those most vulnerable in our community. The government's commitment to the National Disability Insurance Scheme, now called DisabilityCare, represents a major shift in our level of social inclusion and fairness in our community. In my short time as minister, just over 100 days, I have witnessed firsthand the restrictions that rigid 'block' disability funding agreements can have on individuals and their circumstances.

A fundamental principle of the NDIS is to consider a person's care and support needs over their lifetime. For many people, this will involve the type of support that they are familiar with, for example, therapy, respite, equipment, supported accommodation and personal assistance. However, a key objective of the scheme is to develop increased flexibility and innovation, so many people will be able to access different types of support than they receive today.

This will be developed as part of a new planning process with people with a disability, their families and carers, during which their goals and aspirations, and how their daily life is affected by their disability, are fully understood, and support options explored more fully. Freedom of choice is a right of everyone in our community and, as a government, we have a responsibility to ensure that the range of choice is broad and far reaching, especially for those who are most disadvantaged in our society.

If a person wants to watch their footy team play on a particular occasion of their choosing, they should have the same choice as everyone else does in the community. If a teenager living with an intellectual disability wants to go out for pizza with their friends on a Friday night instead of a Monday night, as deemed by their current funding arrangement, then they deserve the right to do so, and under the NDIS they will be able to do so.

It is important that the wider population is aware of what their tax dollars can be spent on under the scheme and what they cannot. Where a disability care participant chooses to manage their own funding, in most instances, the money to which they are entitled will be paid directly into their bank account. Participants will be able to choose their providers of services and be

responsible for payments for services, and they will have some flexibility in how the funds are spent. However, they will not simply be able to spend the money on whatever they like.

A participant will have a support plan, so the funding will need to be spent in accordance with the plan that they devise. For example, if they are given money to purchase a wheelchair, you would expect that the money would be spent on a wheelchair, if that is what they choose to spend their money on. The funding allocation needs to be spent on disability-related supports so cannot be spent on other things like mortgage payments, which the person would be expected to pay for from their own personal income.

This reform will change the disability sector forever, and the government is 100 per cent committed to its successful implementation. As a person at the coal face of disability care here in South Australia recently said to me:

Not only will this change fundamentally how anyone with a disability is assisted but will also bring about that real shift in our cultural mores, and bring about an acceptance that anyone with a disability is as equal as anyone else in terms of our diverse societal and community situations.

If members would like to know more about the NDIS, they can go to [www.ndis.gov.au](http://www.ndis.gov.au).

### GOVERNMENT STATIONERY CONTRACT

**The Hon. I.F. EVANS (Davenport) (15:23):** My question is to the Minister for Finance. Has the minister received the report from the Small Business Commissioner on the whole-of-government stationery contract and, if not, when does he expect to receive it? If the minister has received it, when does he intend to share it with the house?

**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) (15:23):** Yes I have received it, and it is yet to be considered by cabinet.

### PRISONER COMPLAINT, OMBUDSMAN'S REPORT

**Dr McFETRIDGE (Morphett) (15:24):** My question is to the Minister for Health. Does the minister agree with the Ombudsman on page 24 of his report tabled in the house today, when he says, 'It is entirely inappropriate that prisoners requiring mental health care are denied that care, and it is most concerning that it is a result of insufficient mental health beds.'?

**The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:24):** I haven't had an opportunity to have a look.

*Ms Chapman interjecting:*

**The Hon. J.J. SNELLING:** Because he is the Minister for Corrections; he is the minister who has been dealing with this report. I haven't had an opportunity to have a look, nor has my department. I'm more than happy to have a look at it and get some advice from my department about what the Ombudsman has said that is relevant to my agency.

**The SPEAKER:** Frankly, member for Bragg, I think it would be a scandal had one minister shown another a draft Ombudsman's report.

### DESALINATION PLANT

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:25):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. J.W. WEATHERILL:** In question time today, I indicated—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Bring back Mitch; he should listen to this—that the state government has not made an application to Infrastructure Australia in respect of the desal plant. In October 2008, an application was made. However, before those processes were complete, the state government wrote directly to the Prime Minister seeking Australian government funding for the expansion of the plant. We did so because we did not have confidence that the Infrastructure Australia process would prove fruitful, for the reasons I set out earlier today.

## PRISONER COMPLAINT, OMBUDSMAN'S REPORT

**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) (15:26):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. M.F. O'BRIEN:** I wish to clarify the explanation that was given to the member for Bragg in relation to my having an advance copy of the Ombudsman's report into the treatment of a prisoner by the Department of Correctional Services. A check with my office has confirmed that I received a copy of the report on 30 April. The Ombudsman is required to provide me with a copy of the report under section 25(3) of the Ombudsman Act.

## GRIEVANCE DEBATE

### CHERRYVILLE FIRE

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:26):** I rise today to bring a matter to the attention of the house in respect of the Cherryville fire. Members would have read in the general media late last week (Thursday) that a fire started on a private property essentially north-east of Cherryville in the Adelaide Hills; it was a private property owner undertaking a legal burn. When it was clear that the management of the fire required some assistance, he called the local CFS, and units were deployed for that purpose.

Subsequently, the matter developed into really quite a major incident for the purposes of management of the bushfire, and several hundred people were brought in to assist over the next few days. During the event, members would also be aware that a house property (one dwelling) and also, I think, two sheds were lost in property damage as a result of the fire. It is fair to say that a significant area of acreage was lost during the fire, in the natural infrastructure. Who knows yet what the impact has been on the local fauna and even other livestock but, thankfully, it appears that no lives were lost, either volunteers or those persons who were resident in the region.

First, I acknowledge the hard work and effort of the members of the Country Fire Service, in addition to those, generally speaking, in allied services—members of the South Australian Police Department, members of the State Emergency Service, members of the Salvation Army and community organisations, all of which come together to assist on these occasions. I also acknowledge that, whilst this matter is out of the newspapers and our television screens in our homes, the reality is that, with issues surrounding fires of this nature, there will be a considerable period of repair, mop-up, clean-up and management.

Trees that are damaged will need to be cut down and disposed of, there needs to be repair to roads—all things that can take some weeks—and the local community and other emergency services will bear the load. On behalf of South Australians, I say thank you in advance for what you are still yet to do. I am particularly pleased to note that the East Torrens headquarters of the CFS, in my electorate in Uraidla, provided us the hub of activity, along with the management of public meetings in the neighbouring Uraidla Institute. The area damaged directly sits in my neighbouring member's seat, the member for Morialta. On a number of occasions during the three days of intense activity we met at public meetings and the like. I know that he has offered and provided enormous support not just to the Country Fire Service volunteers who work in his own office but also in the broader community in his electorate.

There is just one matter I bring to the attention of the house. By Friday morning, having received a number of reports from different people on the ground—some of whom I know have had experience working with the CFS and others who support volunteer services in the community (ambulances and the like)—I made an inquiry at the regional office of the CFS in relation to the progress of the management of the fire only to be informed that I was not be given any information even though I was the local member, covering an area of risk, without that request and information coming through the minister's office.

I did promptly ring the minister's office, because the information I had been receiving over the last couple of days had not come through the Mount Barker office. Having hit this hurdle, I contacted the minister's office, and, to his staff member's credit, there was immediate attention given to the inquiry that I had made, and that was provided. I thank him for that, and I bring an important issue to the house; that is, when an urgent issue happens in someone's electorate we



must have access to that information. I will work with members to make sure it doesn't happen again.

Time expired.

### DOMESTIC VIOLENCE

**Ms THOMPSON (Reynell) (15:31):** It is with sadness that I rise today to report to the house that another woman has been murdered in what is often described as domestic violence circumstances. Her name was Lana Towers, and her death occurred at Aldinga Beach recently. I also want to advise the house of the community response to that. On Thursday 9 May, a vigil organised by the Southern Domestic Violence Service was held on the Esplanade at Aldinga Beach to commemorate the death of Lana Towers, a young woman from Aldinga Beach. This was a very emotional gathering, with people walking to Lana's house and laying flowers in her memory.

One in five women in our community have experienced violence from their partners, and that is a lot of women and many children. Like Lana, most women want their children to grow up with a father in their lives. Women who are subjected to abuse are often prepared to overlook the violence that their partner inflicts on them to ensure that their father is in contact with his children. If they do not have children together women are often bound by fear about what they would do either to her or to himself if she decided to leave. Unfortunately, overlooking the behaviour for children or because they fear what will happen if they do not leave does not change the behaviour of the partners who are intent upon power and control of their families lives.

Nothing will change regarding violence against women until we change our focus. We need to change our focus from demanding that women protect themselves and their children from their violent partners to focus on men who perpetrate violence against their partners and children. The gathering on 9 May was mainly of women, but the women and men there were pleased to see that an increasing number of men are participating in activities demanding that violence against women and children stop.

One of the active people in this matter in our community in the south is Tod Stokes, a White Ribbon ambassador, who spoke to channels 9 and 10 afterwards about his experience in discussing matters of domestic violence within his own community, the Port Noarlunga Football Club. He restates that brave men do not hit women and children, and they do not try to control them or what they do, how they spend their money, who they speak to, or get violent because dinner is not on the table at the same time. I am extrapolating from Tod's words there, but that was his general message.

I actually want to thank Channel 9 and Channel 10 for their sympathetic coverage of the event. They behaved with dignity and respect. It was also extraordinarily moving to see that the mother of the alleged perpetrator of this horrendous act was being comforted by the mother of the victim. Both were grandparents of two children. Both had had their families and their grandchildren's lives changed beyond all imagination by this violent act. Everybody seemed to think that the perpetrator was generally a nice young man but that his drinking was not able to be controlled.

This matter is before the courts, so all I can say is that there is this general opinion without saying anything more, but that is often the opinion. Drink is often used as the excuse for violence. Alcohol in the home cannot be used as an excuse for violence, just as alcohol on the roads cannot be used as an excuse for negligence. As a community, we have to really look at why some partners end up murdering their spouses. It starts with petty bullying and sexual harassment. We have to deal with those matters to ensure that we do not deal with any more deaths in this way.

I thank Megan Hughes and all the staff of the Southern Domestic Violence Service, and members of the Southern Domestic Violence Action Group for the work they do in this area, particularly in difficult circumstances. I also thank the many women in my community who brought goods to contribute to my annual collection of a 'pamper hamper' to go to people using the Southern Domestic Violence Service, to remind them that they and their children are not forgotten as they go through a very difficult time in their lives.

### CHERRYVILLE FIRE

**Mr GARDNER (Morialta) (15:36):** Today I rise to speak about the Cherryville fire, which occurred significantly within the electorate of Morialta. As members would be aware, the fire was first reported at 2.20pm on Thursday 9 May after a burn-off being conducted by a Fernhurst Lane resident got out of control and spread. It ran uphill near Fernhurst Lane and burnt across the Sixth

Creek. CFS brigades from Lobethal, Lenswood, Forest Range, Basket Range, Norton Summit, Ashton, Montacute, Summertown, Carey Gully and of course Cherryville responded very quickly. These were to be the first of many fire appliances to attend the area over the next few days, and I met with volunteers from as far afield as Nuriootpa, Salisbury, and further afield still, who came to help out.

On Friday, shortly after I, together with the minister, the Premier and Deputy Leader of the Opposition (the shadow minister for emergency services), attended the Uraidla town hall for an update from the CFS on the fire, along with some 50 or 60 local residents, tragedy struck when the fire jumped control lines and impacted upon Blockers Road. Crews did what they could to save properties but, as is the case in all bushfires, there could not be a fire truck in every driveway and some of these houses were determined to be undefendable. I do not envy the CFS volunteers and staff who have to decide which houses to save and which houses to leave. Unfortunately, one house was lost on this occasion.

Members can imagine that losing a home is far more than losing just the building and the items within it; it is memories. Part of who we are as individuals is the home we build around us. As their local member, my heart goes out to the family who has lost their home, and I wish them all the best in getting back on their feet. The local community is supporting them strongly. It has been heart warming to see the way so many have contributed either their labour or their financial support to ensure that this family suffers the least hardship that is possible in this difficult time.

I bring to the attention of members and members of the public the mycause.com.au website, which is running an appeal. If you go to that website you search for 'help the Billing family' and you will have the opportunity to contribute directly, as I know a number of people have taken the opportunity to do. I certainly encourage those who have supported that cause, and it has been very good to see.

On Friday night, along with the federal member for Mayo (Jamie Briggs), the deputy leader and several hundred local residents, we got a further briefing at the Uraidla Institute—and certainly those who could not attend the briefing then had to suffer through a very sleepless night on Friday night. Many were fighting off fires in their backyards that got as close as 10 or 20 metres from their houses on their properties. I heard many of those stories. It was a challenging time, and by the time that the next community briefing came along at midday on Saturday, which I was also pleased the minister made himself available at for the community to speak to, a further shed had been lost. At that stage, it was 605 hectares that had been burnt, and I understand from the minister that the final figure was around 650 hectares. It was a significant fire.

At that stage, there were concerns about the proximity of the fire to Cherryville, between track 17 and Cherryville. Residents had to deal with the significant problems of power outages and access to their property. I think it was dealt with in a very professional manner by the department and the South Australia Police, and I certainly commend the police for the work they did in managing the road closures and keeping a rolling update of those who were going to be allowed back into their properties as best they could. None of these things can ever be dealt with perfectly.

I am concerned at the number of people who cycled or drove up to take personal photos and things of that nature—I think that is unfortunate. But, by and large, by the time the rain came down on Saturday afternoon, what we had seen was hundreds of CFS volunteers, some units from towns that had sent both appliances for their towns to help out Cherryville and the surrounding community, and SES volunteers. Jamie Briggs and I went out to meet the Salvation Army volunteers, who were putting together sandwiches for the communities, and St John Ambulance volunteers, who were providing eye washes and other medical treatment to the CFS volunteers.

At those shift changeovers, there were hundreds of volunteers all on that oval in Lenswood. The supplies and the volunteer work that were there to support them were significant, and I know that the local community and the residents are very grateful to the CFS volunteers. As their representative in this parliament, I want to place on the record our very deep gratitude to all of those volunteers who put their safety on the line.

Time expired.

#### **UMOONA TJUTAGKU HEALTH SERVICE**

**The Hon. L.R. BREUER (Giles) (15:42):** Last time I stood in this place, I spoke of the Umoona Tjutagku Health Service and the important role it plays in Aboriginal lives in Coober Pedy. Last Monday, I attended the opening of their new drug and alcohol centre, which is part of the

Umoona Tjutagku Health Service. It was a delightful day. I would say that at least 150 people attended the ceremony. There were some visitors from Adelaide, but the local community turned out in full force. So, it was a very good day.

It was opened by the Hon. Warren Snowdon. There was traditional inma that was held there. There was some wonderful dancing by the Kungkas from Coober Pedy and also an incredible emu dance by the men from there. It was just really exciting to watch. So, it was a wonderful day, a wonderful lunch; to see so many sectors of the community represented there and that they were able to pull people in from all over the Coober Pedy community was a great credit to the Health Service. I congratulate them all on what they did, and well done to you all.

Today it is my great delight to congratulate the CEO of the Umoona Tjutagku Health Service, Priscilla Larkins, who has just won the Aboriginal Nurse/Midwife Award at the 13<sup>th</sup> Annual Nursing and Midwifery Excellence Awards. I understand this was held at the Adelaide Convention Centre late last week, and Priscilla was able to take out that award. It is a very significant award, of course. It recognises the contribution that she has made to Aboriginal health and particularly to the Coober Pedy community. I understand it is there to recognise exceptional professionalism that is demonstrated by people that win those awards, and certainly Priscilla has done that.

Priscilla has brought that service, I think, to a standard that is a model for health services in Aboriginal communities all over the country. It is a vibrant service that is operating very well. The clients are very satisfied with the service that they receive there, so I want to congratulate Priscilla. She has done a wonderful job and she deserves to win that award. I know her husband, Patrick Larkins, was also there. He also plays a very important role in the Coober Pedy community as a police officer. He is respected and appreciated and is a very important part of that community.

Once I was in Coober Pedy when there was an incident at the hotel I was staying at involving an Aboriginal woman. I called the police because she was injured and in trouble and I was very pleased for Patrick to come along. He just took over the situation and managed it very well. He showed great respect and looked after the woman and sorted it very well. He is an excellent police officer. So, congratulations to both of them, but particularly to Priscilla for her award.

The day before they opened new playground facilities in Coober Pedy. I actually opened new playground facilities that the councillors developed and, again, it was a very well-attended event and very significant for the community. I particularly noted the excellent artwork that was there that was done by Aboriginal artists in the Coober Pedy community; absolutely outstanding work and it looks amazing. It is a facility that will be used by locals and by tourists, and I congratulate the Coober Pedy Council for not only their vision in building this park but also their wonderful efforts at reconciliation with the artwork that was there.

This brings me to an issue that is of major concern in Coober Pedy and that is the issue of visitors to the town, particularly from the APY lands and from the Northern Territory, who are causing many problems in their community. I know that last week they had the Liquor Licensing Commissioner there to talk to them about what can be done about the problem. It is causing great embarrassment to the local Aboriginal community and it is becoming quite significant. I am not sure what the answer is for that community, but I would urge them to work together, which I know they are doing, and to support the transitional accommodation camp that is being planned. Somehow we need to overcome the problem.

Finally, I want to pay tribute to Kuminara Thompson, who passed away last week in the APY lands. He was a very important man in the lands. My dealings with him go back a long way. I am very sorry to see him go, as with many other old Tjilpis who are passing away now. There is a generation of men and women who are being lost to the Aboriginal communities in the APY lands. Kuminara Thompson's experience, wisdom and kindness are going to be very greatly missed, and I certainly send my sincere sympathy to all his family and to the APY community. A great man who will be sadly missed.

#### TRUE GRIT

**Mr WHETSTONE (Chaffey) (15:47):** Today I rise to talk about an event that was held in the Riverland on the weekend. It was a True Grit event which is a unique event held here in Australia. It is the first of its kind and was held in the Riverland at a place called Qualco, which is in close proximity to Waikerie.

True Grit is the first military-style obstacle challenge in Australia, designed and operated by Australian Special Forces and it held its inaugural event in the Riverland on both Saturday and Sunday. The military-style obstacle course spans a distance of around 12 kilometres and has about 30 obstacles along the course. It really was quite a sight to see, with people scaling four-metre walls, climbing rope obstacles and dodging fire. You had to be there to understand just exactly what the challenge was about.

Over the two-day event, held at Caudo Vineyards at Qualco, over 10,000 people attended, and that really is a significant event in itself, particularly in the Riverland, with over 5,075 competitors from all over Australia that took part in the event. The many thousands of spectators were aghast at what some of these competitors had to do to get from one end of the course to the other.

The success of the event was not only shown with the people who actually finished the course but social media hailed it as an absolute success. It was not only a success for those people who competed, but for the South Australian tourism industry and for the Riverland it was a much-needed shot in the arm for our local economy. I had people coming up to me saying that they had made the journey from Adelaide. It was just a constant stream of cars that were heading up to the Riverland and, of course, myself coming from the north of the Riverland, I was locked into a stream of cars as well that were all headed to the True Grit event.

This event all came about due to the Caudo family at Qualco. Christine, Joe and Zac Caudo need to be commended because they approached both the state and federal governments for some financial assistance because, as many would know in here, to hold an event of such size and significance would be a huge outlay. I know that the Caudo family ended up bypassing the government grant system, took it on their own backs just to get on with it and outlaid a significant amount of money. It is reported that they invested over \$200,000 to get this event up and running, so I think they need to be commended.

Not only that, there were a lot of doubters at the beginning of this event who said they could not see how such a large event could be held in the Riverland with such a small support base but, as time went by, the good people of Waikerie and surrounding districts—Morgan, Cadell and all of the Riverland towns—rallied together and showed their support for the Caudo family. I think young Zac also needs to be further commended. He took this challenge on board and, I think, without his tenacity, it would not have been the success it was.

The course was designed by Matt Cardinaels and Adam McNamee, who have served a combined 33 years in the Australian Army and have spent about the last 20 years of their careers in the Australian Special Forces. Those two gentlemen from the armed forces again put up a great course. I think the combination of the Caudo family, the Caudo Vineyard and the support from the service clubs and the sporting clubs, particularly from Cadell, Waikerie and Morgan, also needs to be commended, because bringing such a large operation into a small country region was truly an absolutely monumental task.

One of the other things that was a highlight of the weekend was that over 60 per cent of the competitors were women and they were all dressed in lycra, so it really was a very, very competitive environment dominated by the competitive women. The event also supported Legacy and the Commando Welfare Trust to raise money for those families of fallen and injured Australian soldiers.

Time expired.

### **TREVORROW, MR TOM**

**The Hon. P. CAICA (Colton) (15:52):** On Thursday 2 May, I along with many hundreds and perhaps thousands of people gathered at the Uniting Church at Meningie to pay our respects to Tom Trevorrow who had passed away earlier. We paid our respects to a proud, strong and greatly respected Ngarrindjeri elder and to his family on his passing, but also the passing of Tom is a great loss to the Ngarrindjeri nation, South Australia and, indeed, Aboriginal Australia.

Tom was born in 1954 in Meningie. He grew up in the fringe camps of the Coorong. Through the very good eulogy that was provided by Steve, we learned that Tom had met his wife, Ellen, when she was 11 and he was 12. They married some time later in 1981, but they loved each other from the very beginning. They produced and raised a family that meant everything to them, and raised this family in a loving, supportive environment that was underpinned by the principles embraced by Tom for all his life.

Those principles had trust, honesty, respect and culture at their core—respect for stories, for family, for country, for the old people and, of course, for the inextricable link that Tom always advocated between the land, the waters, its creatures and the Ngarrindjeri people. Tom Trevorrow was respected by all who knew him. He was loved by thousands and all those who he touched. He was quite simply—and simply is not the right word—a wise, gently spoken man, a man of great caring, a man who helped so many.

He held a number of leadership roles within the Ngarrindjeri nation and helped to establish these groups. He was chair of the Ngarrindjeri Regional Authority, the Ngarrindjeri Heritage Committee, the Ngarrindjeri Land and Progress Association and was also on numerous Ngarrindjeri Indigenous and joint Ngarrindjeri-government committees. From the 1980s, the Ngarrindjeri Land and Progress Association looked after cultural heritage for the Ngarrindjeri people and the Camp Coorong Race Relations and Cultural Education Centre was at the heart of this contribution.

He was a fantastic listener, learner and teacher. When he spoke, as the Premier mentioned today, people listened. Everything that he said was worth hearing and it was always delivered in such a considered way. I was fortunate enough to sit alongside young Thomas (his grandson) at the funeral and I said to Thomas after the service, 'Don't you ever forget what your grandfather's told you', and his eyes were expressing the most profound grief that he has ever experienced in his whole life, but you could see the steely look in his eyes when he said, 'I won't ever forget.' There will be many people within the Ngarrindjeri nation who will never forget Tom's contribution.

It was a few years ago that his brother George died, followed by Matt Rigney. The three of them, Tom, George and Matt, provided the triumvirate of leadership for the Ngarrindjeri nation. I think the Premier mentioned at the funeral that they were formidable negotiators. Matt would come in and punch you right between the eyes, Tom would then take over and deliver a most considered, reconciliatory submission on what it was that was being discussed and lull you into a false sense of security and then George would cut the deal. They were a formidable negotiating team.

If you look at the legacy that Tom has left behind, along with George and Matt, one part of that is the establishment of the regional authority, the most outstanding organisational and government structure that exists in any Aboriginal nation. There are so many things that I could say about Tom today: his relationship with the land, his investment in younger people and the Letters Patent, which the Premier mentioned today, which is something that this government needs to enter into discussions on to find just settlement.

Just to finish off on this: at the end of the funeral there was a flock of about 50 or 60 pelicans doing a majestic flyover of the church. For a lot of us there it was quite astounding. For the Ngarrindjeri people and the man I was standing with, it was fellow creatures showing their respect to the passing of a great man. My condolences to Ellen and her family.

### MAJOR EVENTS BILL

In committee (resumed on motion).

Clause 1.

**The Hon. J.R. RAU:** Before the honourable member continues, we were sort of part way through some answers and she was in the process, I think, of asking a further question when we had to adjourn. I point out that I should add something to my remarks with respect to clause 14. It is also the case, as I understand it, that one of the requisite elements to attract an interest in this is that it is actually for a—if you go to section 20 you will see where it contains the penalties and prohibitions.

You will see that a person must not use official titles or logos to a major event, which is the discussion we were having a minute ago. Then it says, 'or anything that is substantially identical', which is sort of in the same space, and then it says, 'if the use is for commercial purposes or is for promotional advertising or marketing purposes, whether or not for commercial gain'. I think that gives us a bit more clarity around this.

A further point to bear in mind is that the regulations will be defined by dates. So, the major event—for example, the Tour Down Under—would be on particular days. All of this is only invoked on those days so it would only be those uses which offend this legislation at the time that it applies, which would be captured, and so the hypothetical barbecue would (a) have to be on one of those days—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Yes—and (b) it would have to be for a commercial purpose. I am saying commercial purpose, promotional, advertising, marketing purposes, whether or not for commercial gain, but that is it—promotional, advertising or marketing purposes. My take on that would be that for a purely non-commercial event in the nature of you and some friends gathering for a barbecue at your place because the tour is on, and you call it 'the tour barbecue at my place', and provided you are not charging an admission or making some commercial arrangement out of it, and you are not using it to advertise your business or something, then you are not going to be captured by that.

**Ms CHAPMAN:** I thank the Attorney for his further explanation. I would be comforted, of course, if the definition was confined to use for commercial purposes full stop. The concern I have is with the rest of it, which does allow for social activity which, of course, can be promotional, especially if they are inviting work colleagues—and I think I used union affiliates as one of the examples I referred to before—and where there is some benefit. It does not have to have a commercial value but there is a promotion, advertising or marketing purpose. The Premier running around in a t-shirt saying 'Vote for me on the third Saturday of March 2014' could clearly come within the definition of 'promotional' and we need to have that clear.

At the moment, I hear what the Attorney is saying, and I thank him for his clarification. We are keen on this side of the house to ensure that all South Australians have a chance during that week or two weeks, or whatever the time period is, to enjoy the benefit of the event, not to detract from the exclusive sponsorship arrangements that follow from those agreements and to interfere with them, but to be able to all have the benefit of being able to gain from the activity. I have previously outlined how that can obviously capture more than, perhaps, the Attorney-General has in mind, but we will see how the operation of that goes.

I was going to refer to other activity in the state. I have referred to the Royal Show. Obviously that is a major event and is well attended. I am not aware of the show society being consulted on the bill, let alone considering whether they might apply or whether, in fact, they may wish to do so if they find out about this. But, in any event, we will be seeking some response from the government as to an assurance that, where the government is a sponsor at these events, they too are going to be prohibited from entering into other arrangements using that sponsorship as a means to promote themselves, as distinct from interfering with other sponsors out there.

Again, I think I used a situation where the promotion is for a particular entity to sell their wares, and promote themselves. Let me give you another example: let's assume that a company—a general business operator who buys a tent, or leases an area on the site—pays their \$10,000 or whatever you pay for them, and they then have their little logos all around. Let's assume it is a company which makes beer cups and they have got the John Rau company beer cups promoted all around their tent, and the Vickie Chapman beer cups are the official sponsors of the event. These are the types of things that we need to have some clarity on, as to whether those are going to be prosecuted, because they are also lining up as a paying customer, not as a sponsor, but paying for the space on the day.

**The Hon. J.R. RAU:** There are a couple of different questions floating around in there. One is about the Premier with the T-shirt 'Vote for Me' or whatever on the day. If the Premier is not using the logo or using the name of the event in a way in which it looks like, in a sense, the Premier is capturing that event and appropriating the value from the event, I do not see how this particular format is going to effect that one way or the other.

In relation to the question about government sponsorship, I think that the case would be that, if the government were a sponsor, it would, of course, be reasonable for the government logo or 'Government of South Australia' or whatever to appear on material. It may or may not be that the government of South Australia, as part and parcel of its sponsorship, supplies beer cups or hats or whatever the case might be, and that would be by reason of their having some contractual arrangement with the event organisers whereby they were given the permission of the organisers to utilise the name and the logo, for which presumably they would pay.

I do not think that there is anything in this legislation which permits the government, or any other sponsor for that matter, by reason of their having become a sponsor—and that might be a very big one or a very little one—to ignore commercial arrangements with the event organisers and use the name or the logo as they please without their permission.

Otherwise, the ambush potential would be that you or I might say, 'We're going to be sponsors,' and we chip in \$100 and then, by reason of our chipping in \$100, we are out the front of the place with our party hats on with the logos on it and having a grand old time and causing all sorts of trouble. In fact, that clearly is what we are trying to avoid—both the freeloaders and the people who might find some advantage in being a minimal sponsor and then thinking they can hide under the umbrella of permission.

**Ms CHAPMAN:** Does that mean, then, that, if West End Brewery is an official sponsor of a major event and the Coopers' tent, which has its facility there for its invitees, serves Coopers and has all its promotional material around, which is the 'ambush marketing' aspect of this, not the logo and title issue, that is going to be a problem?

**The Hon. J.R. RAU:** If we go to clause 6, which defines 'ambush marketing', it provides:

- (a) taking advantage of the holding and conduct of a major event to promote a person, goods or services without the approval of the event organiser; and
- (b) any other activity that would suggest to a reasonable person that a person, goods or services have a sponsorship, approval or affiliation that they do not have with—
  - (i) a major event; or
  - (ii) the event organiser of a major event; or
  - (iii) any event or activity associated with a major event.

To come back to your example about West End having been a sponsor and then over the way there is the Coopers' tent with Coopers paraphernalia on display. I think that the case would have to be that Coopers could not be there doing that without permission from either the event organiser or whatever and, if they do have permission, presumably that is by way of some sort of franchising or licensing agreement or some other thing. Anybody who is there with the permission of the event organiser, even if they are two competitors, would be fine. What we are seeking to capture here are the people who have not sought the approval of the event organiser before then marketing their product in association with the event.

**Ms CHAPMAN:** If I can go back to 'other events', in the general debate we discussed this question of the councils having some objection. The Adelaide Hills Council has presented a submission, I think, to you, Attorney, and to members of the opposition. This, of course, covers some of my electorate; in fact, all of us here, I think, who are on our side of the house have a vested interest in this. They include major events that are currently in their area, including the Tour Down Under, which we have discussed; Bay to Birdwood; Lights of Lobethal festival; Adelaide Hills Autumn Garden Festival; Crush Festival; Oakbank races; Targa Rally; and the Adelaide Hills Tarmac Rally.

Without reflecting on any of these events, from what you said earlier, probably only the Tour Down Under and the Oakbank races would be in the category of a major statewide event. To your knowledge only the Tour Down Under has indicated some expression of interest to secure that. I think you can see that for some regions, where councils have had a significant role in the management of not just the population but also all of the things that we discussed before around a major event, they are involved in road closures and the like.

They have obviously raised questions about road closures and particularly—and I will make this point—they have been very concerned to check that they are not going to be in breach of any of this legislation in the publication of their community booklet, which is a festival and events policy, in relation to material that is to be approved by their council. They are keen to have a number of discussions, and it may be that has occurred. I would be very happy if the minister could let me know about that.

One of the particular issues on road access I will come to shortly, under clause 21. I do note that the Adelaide Hills Council have acknowledged that there are many useful features detailed in this bill which can assist the whole of the state to enjoy the benefit of these major events, but they are certainly seeking some particulars on the detail. I will have some specific questions to ask, and my next one will be at clause 4. The member for Heysen also has some questions on clause 4.

Clause passed.

Clause 2 passed.

Clause 3.

**Mrs REDMOND:** Just one question, thank you, Mr Chairman. Could the minister give an example of what other commercial exploitation of major events are in contemplation? If you look at the objects, (d) provides:

(d) to prevent unauthorised commercial exploitation of major events, including ambush marketing...

There is a separate definition that the minister has already referred to for ambush marketing, but what other types of unauthorised commercial exploitation are in contemplation within (d)?

**The Hon. J.R. RAU:** I think there are two answers to that. The first is that Part 3, Division 1 contains other particular forms of commercial exploitation, being the sale and distribution of prescribed articles, ticket scalping and then, over on the next page, ambush marketing. I would imagine it is there to capture the residue of other potential things that inventive minds might come up with. There is a particularisation in clauses 8 and 9 of other examples of some form of commercial exploitation of major events.

I need to emphasise again to the honourable member that this legislation is invoked only after a regulation has been passed in respect to a particular event on particular days for particular prescribed precincts, so it does not have an open-ended operation. It will not be applying to everything. It is certainly my view and, I believe, the government's view that this is not to be chucked around willy-nilly at every sporting event that might pop up.

I mentioned earlier to the honourable member for Bragg that, as at the present time, the only expressions of interest we have had in relation to this are from the cricket people, who were basically the instigators of this being a matter that we needed to look at, and the Tour Down Under. That is it presently.

**Mrs REDMOND:** Further to that, is this to be an opt in system whereby the government is not going to declare things to be a major event, rather it is going to be a matter of particular organisations who run events asking the government to prescribe their event?

**The Hon. J.R. RAU:** That was always the idea. If you go to division 4, clause 14, you can see that it is sort of framed on the basis that the minister is not the applicant really. The minister is responding to a request. In responding to the request, if you look in particular at subclause (2), the minister has to have regard to certain matters before being persuaded that it is worthwhile taking the matter further for the process to be engaged.

It was always intended that there would be, essentially, a request made of the minister, the minister would turn his or her mind to the matter, and if they were persuaded that the matter fell within this major event category and there were serious risks of this sort of commercial abuse then some consideration would be given to making it a regulation.

**Mrs REDMOND:** To be clear, there is no capacity for the minister to simply declare an event to be a major event? For instance, if the Tour Down Under or the cricket people did not make some application they would not become major events under this legislation?

**The Hon. J.R. RAU:** I do not want to be misleading here. I do not think there is anything in this that says, 'The minister may only in respect of a request do these things.' The minister could act of the minister's own motion. However, it was always designed with the expectation that major events that had these issues would communicate with the minister and say, 'Look, can you look after us?' and the minister would then turn his or her mind to it.

Clause passed.

Clause 4.

**Ms CHAPMAN:** In this clause the issue that is most starkly omitted is any detail of what a major event is. It is just whatever you say in the regulations it is.

**The Hon. J.R. RAU:** I think the simplest answer to what is a major event is: a major event is something that has been through the proposed section 14 process.

**Ms CHAPMAN:** Yes, but what is it? You see, the major event venue is defined, which is the place where these things happen, but does it mean that it has to be an event of state significance, value over a certain dollars, anticipated participation—what is it? I think genuine concerns have been raised about this. You say, 'Look, only a couple of people in the big league are actually indicating an interest,' but what is going to be in the regulation? Can you tell us that?



**The Hon. J.R. RAU:** If we take the point that the honourable member makes, major event means an event declared by the regulations to be a major event. The regulation by which an event is declared a major event is under clause 14. If we look to clause 14, it states that the minister must be satisfied, before making a declaration, that:

- (a) the logos or titles are sufficiently connected to the identity and conduct of the major event; and
- (b) the event has commercial arrangements that are likely to be adversely affected by unauthorised use of logos...

It does not say a particular dollar value for the event, and I think it would be extremely unhelpful for us sitting here to be very prescriptive about what is or is not a major event. Put it this way: let's say we had a chance of attracting a major soccer game to Adelaide. We might be able to get Manchester United to play—

**Ms Chapman:** Get the British Lions back, because we lost them.

**The Hon. J.R. RAU:** Whatever. It might well be that that event, viewed from one perspective—that is, adding high profile soccer to the menu of opportunities here in Adelaide—

**Mrs Redmond:** Thank goodness we built a soccer stadium.

**The Hon. J.R. RAU:** Yes—for an exhibition game, it may not have huge sponsors. It may still have sponsors, but it may not have astronomical sponsorship. It may have, for example, a large television audience in the United Kingdom or Europe. We need to be very careful about having a prescriptive framework that we are going to lock the concept of major event into. There are some events, like the Tour Down Under for instance, which by any definition would have to qualify as a major event, because you have 750,000-odd people involved, it has worldwide television interest and it attracts about \$40 million-odd to the state in that period of time. That one is clear.

Probably, as I sort of slightly tongue-in-cheek said before, the milk carton regatta and the Birdman Rally would not qualify, unless of course we had international television interest and then maybe they might be, but there is unlikely to be that. I guess what I am trying to explain is that there could be bits and pieces which do not fit into some sort of cookie cutter version of big events in advance.

**Ms CHAPMAN:** Can I clarify this, then, Attorney? I understand your point, but other states already have this in place. You are saying it is similar to what they already have. Presumably, they already have regulations which, if they do not have it in their act, they have it in their regulations, which somehow or other defines it. In the absence of being too prescriptive, can you just tell us what the other states are doing and what their definitions are? Have you done the draft regulation? Do we have any idea of how it is defined interstate?

**The Hon. J.R. RAU:** Another example was just given to me, which I think is an interesting example: the Credit Union Christmas Pageant. Let's say, for example, that the organisers of that were able to secure international or even interstate television interest, which they were then able to sell because of advertising or whatever, and it became known to them that some independent operator was intending to set up a TV recording space and just take whatever footage they wanted of that and pipe it off to their network.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** No, film their show. They might say to the government, 'Look, we understand that this group of pop-up TV producers are going to turn up, have made some deal to actually sell the rights to our event to somebody else and we would like you, the government, to declare that event so we can stop those people doing that.' That is another instance where this thing might more or less happen.

As to your questions about interstate, the two that are most similar to ours are Victoria and New South Wales. What do the regulations look like? We do not have regulations because we do not even yet have a formal request from anybody about this because we do not even have the legislation. The Victorian stuff, which is in the Major Sporting Events Act 2009—and bear in mind Victoria is a bigger place and has a lot of very well-established things, as will become obvious from what I read out—says:

*major sporting event means—*

- (a) the Australian Open Tennis Championship;

- (b) any Australian Football League match held at the MCG or the Docklands Stadium—  
strangely enough, not anywhere else—
- (c) any international or interstate cricket match held at the MCG or the Docklands Stadium;
- (d) any international, national or state league football match held at an event venue;
- (e) any event specified in a major sporting event order as a major sporting event—

which is analogous to what we have—and includes any opening ceremony or closing ceremony, parade, etc. Then the question is: what is a major sporting event order? A major sporting event order means an order made under section 7. Then you go to section 7 and I suspect you are going to find something very much like our section 7, at least I hope that is what you find. 'Subject to this Part, on the recommendation of the Minister, the Governor in Council may make an order that an event is a major sporting event for the purposes of this Act.' New South Wales, right at the bottom of their Major Events Act 2009, says a 'major event means an event that is declared under Part 2 to be a major event'. It continues:

Part 2—Declaration of major event

The Minister may recommend the making of a regulation under subsection (1) only if the minister is of the opinion that: (a) it is in the public interest to make the regulation, and (b) the event in respect of which the regulation is to be made is a major event at an international, national or State level. (3) Without limiting any other matters the Minister may have regard to the following matters before determining whether to recommend...

and then it says size of the event, number of spectators, possible coverage, possible economic impact, potential contribution to the economy, etc. The mechanism both in New South Wales and Victoria, with variations, is pretty well the same. It is just that in Victoria, because they have got the AFL situation there and the tennis, they have said they are always going to be ones and they have then made the capacity for a declaration of others to be in that category. In New South Wales they haven't named any, but they have said there can be a declaration and then they have given some sort of vague shape around what that might be, but neither of those are ultimately prescriptive.

**Ms CHAPMAN:** Just a question on definitions—in Victoria I note that they seem to have confined their major events legislation to major sporting events. Is there a reason that we have followed the New South Wales model? Is there some expectation that the Cabaret Festival or the Fringe Festival or some other cultural events for example that are non-sporting are potentially able to come into this category? Is that the reason for that?

**The Hon. J.R. RAU:** It was contemplated that as they are major events for Adelaide it may be, although it is not on the radar presently, that there are elements of this legislation which they might ultimately wish to take advantage of and with the way it is presently framed they would be capable of making such a request and it being considered and possibly granted. Again, picking up on the Christmas Pageant, it could be that there are elements of the Fringe—some of the public elements of that—which people do not want to be captured and just fired off and sold by other people, bearing in mind that the organisers of the Fringe spend a great deal of time and money bringing that program together—or WOMAD, for that matter.

**Ms CHAPMAN:** I did not mean to exclude them, but I think you get the gist of what we are talking about. Does 'public place' in the definitions include a public road?

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

**Mrs REDMOND:** Thank you, Mr Chairman, that is the definition that I wanted to concentrate on. Could I say by way of preface that, while I understand the genuine intention of the bill, most of my questions are directed towards trying to see whether there could be an inadvertent mischief done to the little guy. The Tour Down Under, being the one that you have already mentioned, minister, as something that is clearly going to be a major event, does go along lots of roads and, indeed, for the sake of asking the questions, I will often refer to my road because I have a lot of cyclists up and down it all the time.

My question about a public place is: under the definition, given that the Tour Down Under is a major event and is going to come under this legislation, and assuming that at some stage the Tour Down Under does come down my road, which it may well do, does that mean that my frontage to the road is actually captured, that part of it which is the public part and indeed, under part (b) 'a place that the occupier allows members of the public to enter'? What does that mean if for instance I have a Tour Down Under party?

What I am worried about are genuine questions that have been raised with me by constituents who are worried about the impact of this legislation, once the Tour Down Under is declared, because lots and lots of people around my area and around everywhere in the state that the tour goes to have all sorts of functions which sometimes might spill out onto the road but sometimes will be within their own premises. They have all sorts of functions and some of them, indeed, involve fundraising for local, small community organisations. It looks to me, under that definition, as though those things could be captured. I just want to get the Attorney's comments on that, please.

**The Hon. J.R. RAU:** I think there are a couple of issues there. If there are people who are coming to your home because they have been invited there for an event, I would certainly contend that it is unlikely that one would call them members of the public because they are not just wandering off the street and into your home: they are people who are invitees.

So, regarding the idea that the honourable member might, for example, try to take advantage of the fact that it is a lovely day and there are people riding past and invite a number of friends around for a barbecue and watch the bikes go by, I do not think there can be any possible way that that would be a public place for the purpose of things. Even if it were, it would only be that, in that public place, you could not do ambush marketing or other prohibited activity or, without authority, display the logo that belonged to the operator of the event or misrepresent in some way that logo as being something you had the right to use.

Otherwise, you can please yourself. The honourable member's guests could dress up in anything they like and ride around on pushbikes and have a fantastic time and it would not offend any legislation, whether it was captured or not.

Indeed, in terms of a group of people who might want to take advantage of that to raise some money, that again, in and of itself, is not problematic. But, if they wanted to raise the money in the context of representing that they, in raising that money, had the permission of the event operators to use the event's logo or were in some other way an authorised expression of the event operator, that is where they would start to get into bother, but that is all.

In fact, the honourable member might have a charity group there that sets up a cake table on the side of the road and sells bits of cake to make money or sells cups of tea and coffee. That, in and of itself, is not an issue. It might be an issue if the table had 'official Santos Tour Down Under' table with the logo on it. That is, I think, where we would be crossing the line but, otherwise, it would not affect people.

The other thing I think the honourable member might actually find a bit comforting, and I think some of the councils will find this a bit comforting, is that part of what the minister would do, particularly with an event of the complexity of the tour, would be to actually ask for a plan of the event or management of the event to be produced so that there would be clear and advanced notice to everybody about what is going on and so forth. I do not think any of the propositions that the honourable member has raised are going to be a problem unless somebody wants to capture that logo, which does not belong to them and actually belongs to the event organisers, and use it as if they were authorised by the event operator to use it.

**Mrs REDMOND:** Thank you, Attorney, for that explanation. I just want to be very clear about this because this is the area of contention that has been raised with me by a number of local organisations. So, is the Attorney saying that, as long as I do not use the words 'Santos Tour Down Under' I, running some local charitable organisation, can nevertheless advertise that I am holding a Tour Down Under function at a given address, which has a frontage to where the tour will go past at certain times? So, members of the public are indeed invited. They can read in the local fish and chip shop window that the XYZ kindergarten, or whatever it might be, is holding a function which is specifically a Tour Down Under function.

They are not calling it 'Santos Tour Down Under'; however, they are identifying that it is going to be on the day that the Tour Down Under comes along that particular street, so they have called it the XYZ kindergarten's Tour Down Under fundraiser. They will have a sign out the front and signs directing people how to get to it because there will be road blockages so they have to send people around all sorts of ways. Is that going to be allowed once the Tour Down Under becomes a regulated function under this act?

**The Hon. J.R. RAU:** The advice I have on that is as follows: if it is a commercial activity, so it would not capture the home barbecue where you invite your friends around, but if it is to raise money and if the declared official title is: 'Santos Tour Down Under', those words, the official

declared title 'Santos Tour Down Under', are protected words. The easy way around that is to not use 'Santos Tour Down Under' but call it the 'Tour Cake Sale' or something else, so you are not capturing those words. What is protected is those words as those words and only that title. So, all you would have to avoid is whatever the gazetted title is.

**Ms Chapman:** By one word; just call it 'Tour Down Under'.

**Mrs Redmond:** That's my question.

**The Hon. J.R. RAU:** Hypothetically, if it is gazetted 'Santos Tour Down Under' then 'Tour Down Under' would not be the gazetted name. If it is not Santos, it is just 'Tour Down Under' then 'Tour Down Under' would be the gazetted name and you would want to either delete 'Down Under' or 'Tour' or whatever.

*Mr Gardner interjecting:*

**The Hon. J.R. RAU:** If you insert something in the middle, member for Morialta.

**Mrs REDMOND:** Minister, I do not want to appear to be difficult about this but it is the concern that has been raised by the small community organisations, and I am sure I am not the only member who has had these approaches, so I want to be very clear about what is allowed. These organisations have already been doing it for years and they call it their Tour Down Under fundraiser of whatever sort, you know, their Tour Down Under cake stall, their Tour Down Under bike race day, whatever it might be, but they do use the words 'Tour Down Under'. They do not generally use the sponsor's name, admittedly, but I want to be very clear about whether simply deleting the sponsor's name from the published gazetted title of 'Santos Tour Down Under' means you can simply use 'Tour Down Under' legally once that organisation is under this act?

**The Hon. J.R. RAU:** Put it this way: it is probably not for me to give people legal advice, but if I were running a cake shop on the side of the road where the Tour Down Under is going by and the declared title is 'Santos Tour Down Under', I would be thinking of calling it 'Community Cake Shop' to make sure I was not anywhere near the space, or asking permission: 'Does anyone care if we do this?'

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** It is not necessary to fill out forms in triplicate. I am saying that I understand where these questions are coming from, but I think there are two points that need to be made about them. The first one is that the easiest thing in the world is to not use those words and you are completely out from underneath any issue. The second point is, do not do a commercial activity and you are out from underneath the issue. The third point is that even if you made the mistake and did it, I wonder seriously whether anybody would come around to your house and pursue you for selling a couple of buns.

If you want to look at it from the potential point of view that if somebody insists on using those exact words, and they are running a commercial activity, and they are identified and a complaint is made about them, and there is a decision to prosecute them, then I guess, potentially, within 21B, you could say that something was deceptively similar, and that would be a question of fact and degree, and lawyers argue about those things all the time.

I have been involved in passing off actions in the past and they are bits of litigation that can go on for quite a long time which, from a legal perspective, is fascinating. There is an easy way to get completely out of this space: either do not be commercial, or do not use those names at all and, if you do, quite frankly, I think it is very unlikely that the police, or whomever the event authorised officers might be, would be focusing their attention on a small trestle table on the side of the road at Uraidla with a couple of buns on it.

**Mrs REDMOND:** The minister clearly has not been to the Graham Gunn school for authorised officers. Minister, I want to clarify what you mean by the term 'commercial activity' because in normal parlance and, indeed, in a lot of legal circumstances, 'commercial' really applies to those who are making a profit for their own benefit, and not-for-profit organisations are not categorised as 'commercial'. I wonder whether that then would make a difference to those circumstances because the local kindergarten or CFS, or whatever it might be—raising some money certainly, but for the benefit of a not-for-profit or community-based organisation where the benefit of the money made is not going to be distributed to those making it—would not seem to me to be a commercial enterprise.

**The Hon. J.R. RAU:** Again, these are all legal questions which would ultimately be dealt with by whatever court was unlucky enough to be presented with this issue. It seems to me that 'commercial' means 'for sale'. What happens to the profit, and how much of the profit is there, I think is academic—it is commercial. I would have thought that the fact that the ultimate beneficiary is the kindergarten does not stop the sale from being commercial, but that is just my opinion. If it came before a court, there might be a successful challenge that charities are a different kettle of fish, just as whether it is for promotional, advertising or marketing purposes, whether or not for commercial gain. Again, these would be matters that a court would have to decide. I can only give you what I think is a common-sense interpretation of this which is that it is not intended, and never was intended, to capture cake stalls.

**Ms CHAPMAN:** As we were saying earlier, it would be helpful if the bill were confined to commercial activities, and that there was some definition in the process. It is the vague generality of this that is causing a concern with major offences with very significant penalties. We can all pick an event and two major commercial operators where one might be attempting to ambush market the other one out of an event. What we are really talking about here is setting up a process which will alienate the general populous of South Australia from having the use of an event. They might have been party to the development of it for generations but are removed from being a part of it and having the benefit of it—to allegedly secure the right of sponsors to come into the event—because there is this alleged threat that these big buys are not going to come in and sign up or allow this to come to South Australia unless they get this legislative protection.

It is like BHP saying to the South Australian government, 'We want an indenture, otherwise we're not going to make a commitment. We want to know what the rules are going to be for the next 20 or 40 years, or whatever, on our provision for mineral taxes, etc. These are the deals, otherwise we don't set up in your patch.'

South Australians are giving up the right to receive some of the benefit of this, and there are a number of them, not just the hoteliers, who might have increased patronage in terms of accommodation as a result of people coming to these events. We are talking about the whole box and dice. You say, 'We're not intending to hit the little cake stall operator; we don't want to inadvertently capture them.' The definition here is very sloppy, and that has been pointed out by a number of stakeholders.

So, we make the point, and it has been well made, I think, by the member for Heysen as well. The other aspect is that, because 'public place' in this bill is going to mean 'roads'—and there is a lot of other legislation in South Australia where it does not include roads—roads are given a special significance. I cannot think of the name of the legislation, but no doubt it will spring to mind, Attorney, when we talk about the obligation to consult when we change the name of a road.

**The Hon. J.R. RAU:** The opening and the closing of roads legislation?

**Ms CHAPMAN:** No, it is not that. It is another piece of legislation where you change the name of a road or public place. I recently had this issue relating to Albo's Bridge on Kangaroo Island, at Western River—

**Mr Griffiths:** Minister Albanese.

**Ms CHAPMAN:** —when minister Albanese apparently got permission to have a local bridge named after him—not a little plaque which says, 'Minister Albanese attended here on such a day and officially opened the bridge.' No, nothing like that: it had to be 'Albo's Bridge', which was—

**The CHAIR:** That's nice.

**Ms CHAPMAN:** Well, you might think so, Mr Chairman, but let me tell you that there are plenty of people on Kangaroo Island who aren't so happy about it. The defence for those who allowed it, which was, I think, members of the Department of Transport—I am not sure whether the current or previous minister for transport was there on this happy little occasion, for the unveiling of the bridge's name—'Oh, no; this is not a road, nor is it a public place under this legislation. This is just sort of another area.' I do not know what it is if isn't people walking over it, going over the water.

**Mrs Redmond:** Geographical Names Act.

**Ms CHAPMAN:** Geographical Names Act. Excellent! Thank you, member for Heysen. So, this issue was raised, and also the question of naming a place after a person who is not dead. I do not know whether there is legislation for that, but there is some—

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

**Ms CHAPMAN:** No; it is considered to be unacceptable to use a living person's name for—

**Ms Thompson:** Are you still talking about Albo?

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

*Members interjecting:*

**Ms CHAPMAN:** But there is other legislation which does define 'public place' differently from 'roads'. One way to avoid the obvious concerns that have been raised with you, Attorney, and with us by local councils, particularly Adelaide Hills Council, which was first off the starting block on this, is not to have roads included in 'public place' and to be able to have some continuing role for the council in the management of these roads—for the council to have some capacity to explain to those who are going to be making all the rules on this the importance of allowing people who live on a road to have access to their driveways and to understand that you have only one-way access to it, etc.

As you know, Attorney, for major sporting events that you have described, frequently roads have to be closed off, managed with one-way traffic, and with human monitors put in place to say who can go in and out—charges are made. Meanwhile, poor little Mr and Mrs Stringbag, who live down the street, cannot get in and out of their house. So, you get the point: why do we have to have roads in there and why can't we keep it separate?

**The Hon. J.R. RAU:** I thank the honourable member for that. The honourable member up until now has been very sort of serene and calm, and whatnot, but she sort of flicked the switch to Vaudeville in that last little interlude. I had images of the honourable member and the member for Elder and the Hon. Anthony Albanese at an official bridge opening all whistling the *Colonel Bogey March*, which would have been—

**Ms Chapman:** You didn't even invite me; can you believe it?

**The Hon. J.R. RAU:** I think that's a terrible oversight. I will speak to the Minister for Infrastructure and ask him to make sure that if he ever opens a bridge on the island you are invited. Can we get back to this? Nobody is taking major events away from anybody. That is the most hysterical hyperbole I have ever heard in here, and that is saying something. Nobody is taking anything away from anybody—point number 1. Point number 2 is that if we did not include roads—take the Tour Down Under, for example—what would the Tour Down Under be without a road? It would be like, 'A road, a road, my kingdom for a road.' Where was the tour going without a road, for goodness sake? How absurd to take the Tour Down Under without the roads.

**Ms Chapman:** It's been 15 years and we've managed all right without it.

**The Hon. J.R. RAU:** That's why this is called progress; it's the great leap forward. This has been happening in New South Wales and Victoria since 2009 and in Western Australia since whenever. We are not talking here about out there stuff; it is a pretty well trodden path.

Can I say this to the honourable member: if between the houses the honourable member wants to find some words of comfort that might demonstrate that the minister of the day will at least have a chat to the local government authority, that may or may not be involved in it, then that is something I am happy to have a talk about; it might even be within the regulation or something. I am happy to have that conversation, but please do not assume any strange motives in this legislation. It is not intended to be the thin end of the wedge for some other diabolical scheme that I have not thought of yet.

Clause passed.

Clause 5 passed.

Clause 6.

**Mrs REDMOND:** I just wanted to clarify: it looks to me from reading clause 6 that it is necessary to have the two components. The word 'and' between (a) and (b) suggests very strongly that you have to have not only the component of 'taking advantage of the holding and conduct of a major event to promote a person, goods or services without the approval of the event organiser', but in addition to that you must have some other activity that would suggest to a reasonable person

that you have an approval that you don't. Could the minister just confirm that it is in fact necessary to have (a) plus either (b)(i), (b)(ii), or (b)(iii)?

**The Hon. J.R. RAU:** Yes. I move the following amendments, as printed:

Page 5—

Line 5 [clause 6(a)]—After 'without the' insert 'written'

Lines 7 and 8 [clause 6(b)]—Delete 'that they do not have'

After line 11 [clause 6(b)]—After subparagraph (iii) insert:

without the written approval of the event organiser

Amendments carried; clause as amended passed.

Clause 7.

**Ms CHAPMAN:** I move:

Page 5—

Line 25 [clause 7(2)(g)]—Delete paragraph (g)

Lines 29 to 31 [clause 7(2)(i)]—Delete paragraph (i)

Lines 32 to 36 [clause 7(2)(j)]—Delete paragraph (j)

I indicate that we are seeking to remove from the regulatory powers declaring major events the prohibition of disorderly and offensive behaviour, for the reasons I have set out in my previous contribution; similarly, the prohibition and regulation of conduct and other activities; and 'close specified roads to traffic for a specified period', etc. All these amendments are in line with matters I raised in my second reading speech and narrow the imposition of obligations in those areas under the regulations.

**The Hon. J.R. RAU:** These amendments are opposed, and for the sake of the record I will provide some reasons for that. Amendment No. 1 deletes the paragraph of the regulatory-making power that allows for the making of regulations to 'prohibit disorderly or offensive behaviour at the major event venue'. The amendment is opposed.

It is true that clause 25 places into the statute itself a provision dealing with disorderly and offensive behaviour. Clause 25(1)(a) empowers a police officer to require any person behaving in a disorderly or offensive manner to leave the venue under penalty for failure to leave, but that is a different matter and deliberately so.

It is different in two respects: first, it does not create any general offence of behaving in a disorderly or offensive manner and, secondly, there is no specific offence of that type of disorderly and offensive behaviour; if there are to be such, these are to be left to the regulations in general or to the regulations that cover a particular event.

The object of this bill is to be as flexible as possible and to be the least intrusive it can be on the ordinary freedom of people. Removing the flexibility is, in fact, a retrograde step and not supported because it actually makes things more restrictive in all cases than perhaps needs to be the case. The next amendment deletes the paragraph of the regulation-making power that allows for the making of regulations to:

prohibit or regulate any other conduct or activities for the purposes of maintaining good order, and preventing interference with events or activities conducted, at the major event venue;

The amendment is opposed for much the same reason as just stated; in general terms, that is to say the least highly desirable of this kind of behaviour be dealt with—in other words, a light touch. It is very well to think that it should be covered in the bill itself, but that detracts from the desirable flexibility just described. Also, paradoxically, it is contrary to the desirable legislative objective of maximising people's liberty. If everything must be in the bill, then all possible objectionable behaviour will be subject to extensive criminal sanction all the time, without discrimination as to the event or practical need. Removing the flexibility inherent in the current scheme is therefore undesirable.

The last amendment deletes that paragraph of the regulation-making power that makes regulation to close roads. This amendment is opposed. The government is well aware that some elements of local government, and one council in particular, want to remain the sole arbiter of what roads in its area can be closed and when. The government does not accept that the planning and

viability of a declared major event can be basically left to the whim or caprice of one local government authority or, indeed, one group of particular residents having an interest peculiar to their own circumstances.

I remind everybody that we are speaking here of a declared major event that is vital to the economy of the state. In my view, it would be quite peculiar in those circumstances that the decision as to whether the opening or closing of a road would occur in the Tour Down Under, for example, would be left ultimately to the discretion of the Adelaide Hills Council, for example, and in practical terms perhaps a few particularly agitated ratepayers.

I also point out that apparently in similar provisions in New South Wales legislation there are extensive provisions in relation to road closures, in sections 26 to 31, and division 5 of the Victorian Major Sporting Events Act, to which I referred earlier, also has extensive power in relation to that. All those amendments are opposed for those reasons.

**Ms CHAPMAN:** These are my amendments so I will briefly respond. I think it should be made clear, firstly, that there has been no identified failure on the part of councils in particular to cooperate for the benefit of these major events. If we were to use the Clipsal as an example, here in the city, Burnside council, Adelaide City Council and Norwood council have all worked cooperatively to close roads for days during the event and before and after. There has not been a complication or difficulty with that. We have plenty of other situations where councils are involved in the opening and closing of access to roads, for example with heavy transport, where they have the management of that. Even under a new national scheme, they are not proposing to take away these rights.

The benefit of this, minister, is not that it is just more streamlined or easier for government to set the rules. There has been no demonstrable problem with this. Secondly, local councils actually are able to help. They are actually able to give some understanding and local knowledge about how these things work and what other options are available. I made the point that this intransigence—in the absence of there being any identified problem with this, as though other players in some way need to be punished because they are just in the way or inconvenient—is just to me complete ignorance of other people who are acting responsibly and have in the past. I am disappointed that the government is not prepared to accept that.

Amendments negatived.

**Mrs REDMOND:** I have a question in relation to subclause (8), which states that a regulation under this section may have effect despite the provisions of any other act. That struck me as a little unusual that a regulation under this legislation is intended to override other legislation that is in the form of an act. I wonder if the Attorney could indicate whether they had anything in particular in mind that this regulation-making power under this act was going to override.

**The Hon. J.R. RAU:** The honourable member has identified a novel aspect of this piece of legislation and I will consider it between the houses.

Clause passed.

Clause 8.

**Ms CHAPMAN:** I move:

Page 7, lines 16 and 17 [clause 8(2)]—Delete subclause (2)

I indicate, as I had in the second reading, that this is an amendment to change the evidential burden of an accused. This is the reversal of onus of proof matters which I have referred to. I will not cover that any further.

**The Hon. J.R. RAU:** In relation to these, I will very briefly make a remark about this. This is the first of a number of amendments (so I will not repeat this over and over again) to delete what looks to be a reversal of onus of proof in the prosecution and defence of minor prosecutions. These amendments are opposed, and the reasons for doing so are very much the same in each case.

The first point to be made is that, as a general principle of criminal law, the onus of proof is on the prosecution to prove the elements of the offence beyond a reasonable doubt, but the defence's justifications and excuses are not elements of the offence and should in general be proven by the defence. Allied to this is the idea that the burden should be on the accused to prove the defence's justifications and excuses, particularly where the facts in question are peculiarly within the knowledge of the accused. There is nothing novel in that at all.



Take this example in particular. The fact in question is whether the accused had the approval of the event organiser to sell or distribute merchandise related to the major event. Now who is likely to know that? Who is likely to have proof of that? More importantly, who would have the obligation of keeping the required record? The person selling the merchandise will well know whether or not he or she had the required approval and should be obliged to keep a record of it in exactly the same way as any other owner of a business is in fact and in law required to keep records that he or she has the required licences, if any, has complied with tax obligations and such like.

It should also be noted that the onus is only on the accused in each case to discharge an evidentiary burden; that is, it is not required that the accused prove approval or licence beyond reasonable doubt and it is not even required that the accused prove on the balance of probabilities. All that is required by this formula is that the accused raise sufficient evidence of the fact in issue to raise a reasonable doubt about the issue. If that is done the onus shifts back onto the prosecution to prove that there was no approval beyond reasonable doubt. It is not too much to ask, and all of these amendments are opposed for that reason. Can I say that that formulation and that balancing act are not unique by any means.

**Ms Chapman:** Not under your government, that's for sure.

**The Hon. J.R. RAU:** For decades—forever. This is not novel.

Amendment negated.

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

Page 7, line 33 [clause 8(6), definition of *authorised person*, (c)]—Delete paragraph (c)

Amendment carried.

**Mrs REDMOND:** I have a question on clause 8. In fact, I might combine it, if I may, and save us from stopping, from my point of view, at clause 10 because essentially the question is the same. In clause 8(1) the penalty for selling or distributing a prescribed article in an unauthorised way is \$5,000. Then, in subclause (3) there is a provision to say that the items can be confiscated or required to be withdrawn and the penalty for a failure to comply is another \$5,000.

I just want to confirm that there are in fact two separate offences and that therefore someone who was selling a prescribed article could face an immediate consequence. Under clause 8 an individual could face the immediate consequence of not only having the articles taken but a \$5,000 penalty for the sale proposition and a further \$5,000 penalty for a failure to remove them in accordance with whatever order is made.

As I said, it is the same question I was going to ask on clause 10, so I will ask it at the same time even though we are not there at the moment. In the case of clause 10—that is the ambush marketing offence—the penalty is 10 times as high. So, effectively, an individual—put aside a corporation for the moment—guilty of the offences there could be subject to \$100,000 in penalties.

**The Hon. J.R. RAU:** There are a couple of points. First of all, the honourable member's observations in relation to clauses 8 and 10 are a similar problem. That is point number one—agreed. Point number two: they are separate offences. So it is theoretically possible that a person having been identified as being in breach of 8 or 10 who is then asked to desist from doing that and then persists anyway could be given a second charge or find themselves guilty of having breached the second provision.

Thirdly, the maximum penalties: yes, they are as described. However, as the honourable member well knows, what the courts hand out—particularly for people who have committed only one offence—and what the maximum penalty might be are two vastly different things. Might I say that potentially the economic benefit to somebody engaging in ambush marketing compared with somebody who is selling a couple of hats is considerably different. I do not think there is any mystery in the fact that the numbers are different.

Clause as amended passed.

Clause 9.

**Ms CHAPMAN:** I move:

Page 8, lines 6 and 7 [clause9(2)]—Delete subclause (2)

This is again an amendment to maintain the presumption of innocence and oppose the reversal of the onus of proof.

**The Hon. J.R. RAU:** I oppose the amendment.

Amendment negatived.

**Mrs REDMOND:** I have one question on clause 9, and that is in relation to the 10 per cent rule, so as I read clause 9(1)(b) there is a potential that someone could lawfully onsell tickets to an event for no more than the 10 per cent increase and it is then protected so that you could not subvert that by going to the next seller and the next seller and adding on 10 per cent; there has to be a 10 per cent maximum on the original price. My question is: is that consistent with legislation in other states?

**The Hon. J.R. RAU:** I think the origin of that goes back to Senator Xenophon's private member's bill when he was not Senator Xenophon.

**Mrs Redmond:** When he was honourable.

**The Hon. J.R. RAU:** When he was just the Hon. Nick Xenophon. It did strike me as not being an unreasonable proposition. If somebody has bought a ticket and they have had to go to the inconvenience of maybe trying to find a purchaser for the ticket, it is not a business proposition: it is for the individual person who is caught and wants to pass on the ticket. The alternative is the person either must charge exactly what they paid for it or they have to give it away, which is perhaps a bit unreasonable.

**Mrs REDMOND:** Is it the same as in other states?

**The Hon. J.R. RAU:** We do not know, but I suspect not. I suspect it is a bit of South Australian innovation.

Clause passed.

Clause 10.

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

Page 8, lines 14, 15 and 16 [clause 10(1)]—Delete:

'a marketing activity in relation to a major event to which this section is declared to apply that would, if the person did not have the written approval of the event organiser, constitute ambush marketing' and substitute:

ambush marketing in relation to a major event to which this section is declared to apply

Amendment carried.

**Ms CHAPMAN:** I move:

Page 8, lines 20 and 21 [clause 10(2)]—Delete subclause (2)

This is to maintain the presumption of innocence and oppose the reversal of onus of proof.

Amendment negatived.

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

Page 8, line 21 [clause 10(2)]—After 'had the' insert 'written'

Amendment carried.

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

Page 9, line 6 [clause 10(8), definition of *authorised person*, (c)]—Delete paragraph (c)

Amendment carried; clause as amended passed.

Clause 11.

**Ms CHAPMAN:** I move:

Page 9, lines 23 and 24 [clause 11(3)]—Delete subclause (3)

Again, this is a reversal of onus of proof matter.

Amendment negatived.

**Mrs REDMOND:** I have a question on clause 11. With the example given by the Attorney earlier, this is the clause that basically stops someone from filming the alternative version of the Christmas Pageant, with significant penalties, of course: \$250,000 for a body corporate or \$50,000 for a natural person. I am interested though in the effect of subclause (2), which provides:

...does not apply to the use of a personal mobile electronic device to transit or record any sound or image within the limits of what would generally be accepted in the community as normal incidents of social interaction.

I just wonder how that is going to be interpreted, even in terms of what is a personal mobile electronic device. Obviously, nearly everyone has one of these these days, and as technology is moving so quickly it would seem to me that there is a great potential for people to, indeed, create their own copy of the Grand Prix, or whatever it might be, and send it to a third party who then puts it on YouTube, which then sends it around the world.

We have today had an astronaut on the space station doing his version of *Starman* that has 20 million hits, or whatever it is, already. So, how does the provision of subsection 2 of that clause actually act in practice to prevent the distribution of something which the people who are seeking the protection of this act are going to find acceptable?

**The Hon. J.R. RAU:** I thank the honourable member for her question. As always in these things, the honourable member brings a forensic mind to these questions and comes up with things that are possible yet profoundly unlikely.

**The Hon. P.F. Conlon:** Who was singing *Starman* on a space station?

**The Hon. J.R. RAU:** It was actually *Space Oddity* and it was a fellow from Canada who was the captain of the international space station. He is coming back today, if you want to meet him, apparently. He is going to be in Kazakhstan somewhere this afternoon.

**The Hon. P.F. Conlon:** I must catch up with popular culture.

**The Hon. J.R. RAU:** It was on the radio. Anyway, the point is that when the member for Elder and his family are down at the Christmas Pageant and one of his delightful young daughters is appearing to enjoy the pageant and they want to record for posterity this happy event, we do not want him being prosecuted under this thing if it turns out that there is a declaration over the Christmas Pageant. The purpose of him taking that film is not for him to be able to broadcast it around the world, but so he can have a marvellous home movie on the 21<sup>st</sup> birthday that he will be able to make something of a raconteur's event of. That would be right, wouldn't it?

**The Hon. P.F. Conlon:** Sounds good to me.

**The Hon. J.R. RAU:** We are trying to somehow separate that out from people who are clearly trying to do commercial things. It could be that the member for Elder would spend the whole of the Christmas Pageant with his iPhone filming his daughters and the pageant simultaneously, but the clear purpose would not have been the pageant as such, I believe. It would be the capturing of family memories, which would then be treasured and not, probably, broadcast around the world. We want to avoid the absurdity of having those sorts of images being the subject of a prosecution.

**Mrs REDMOND:** I thank the Attorney for that explanation. I understand that that is the intention of it; it just seems that technology, as I said, is moving so fast that the member for Elder may well find that when he sends the video captured on his phone of his delightful daughters at the Christmas Pageant to his mother, she is then so enchanted with it she sends it on to someone else, and before we know it, it is going all around the world because it is so fascinating.

**The Hon. J.R. RAU:** This is true. Knowing as I do, something of the honourable member's daughters, it could indeed be fascinating, but we can only go so far. What we are trying to do is introduce a bit of common sense here. The sorts of things that are obviously for domestic consumption might wind up in another milieu, but that is something that is a bit hard to regulate and we do not want to become overly burdensome here. We are trying to just draw a simple line between obviously commercial and obviously domestic.

Clause passed.

Clause 12 passed.

Clause 13.

**Mrs REDMOND:** I move:

Page 10, lines 28 and 29 [clause 13(2)]—Delete subclause (2)

It is simply changing that reversal of the onus of proof.

Amendment negatived; clause passed.

Clause 14.

**Mrs REDMOND:** I just have one question, if I may, and it relates to the difference between specified titles and official titles, referred to in subclause (1)(b).

**The Hon. J.R. RAU:** I am advised that it means or is intended to convey the idea that the regulation must specify the title and must specify the logo.

**Mrs REDMOND:** I appreciate that there is a difference between a title and a logo, and paragraph (a) refers to the logos—and, again, there is the same difference—but I am at a bit of a loss to understand what is the difference between a specified logo and an official logo, or a specified title and an official title.

**The Hon. J.R. RAU:** Once it is specified in regulation, it becomes the official logo for the purposes of this provision.

Clause passed.

Clause 15 passed.

Clause 16.

**Mrs REDMOND:** I am looking at subclause (1) of clause 16. The end of the clause talks about authorising a person to use 'for non-commercial use an official logo or official title in respect of the event'. This is where we come back to the discussion we were having earlier about what is a commercial use and what is a non-commercial use.

When I read that, I understood the intent of that subclause to be that if you were the local kindergarten or CFS or whatever raising funds for a not-for-profit organisation that would be non-commercial, but the minister's answer earlier seemed to indicate that if it was raising money then it was going to be commercial. I wonder if the minister could explain what is the intention of subclause (1) of clause 16.

**The Hon. J.R. RAU:** I think the best way of understanding it is anything for which the official logo is sought to be used where there is no commercial purpose. I cannot imagine an exact example, but it is there anyway. Isn't it nice to know it is there? I cannot imagine when we will use it, but it is lovely to know it is there.

We are back to this problem. The interpretation matter will ultimately be something for a court, if it gets to that point. I really do not consider that many of these things are going to be an issue in reality for all the reasons I have given before, but presumably there are some events or some instances where there might be something which is a non-commercial activity—for example, it is free or giving something away.

Here is an example, but I might be corrected on this; if I am, you will see me turn to my left slightly. Let's say that in connection with one of the events a particular group wants to give away sunscreen, and they want permission to be able to give away sunscreen and use the logo or the title. This would make it possible for that to happen.

Clause passed.

Clause 17 passed.

Clause 18.

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

Page 12, after line 11 [Clause 18(1)]—After paragraph (b) insert:

and

- (c) make the register available for inspection by members of the public free of charge during ordinary office hours.

Amendment carried; clause as amended passed.

Clause 19.

**Mrs REDMOND:** On behalf of the member for Bragg, I move:

Page 12, after line 25—Clause 19—after subclause (1) insert:

- (1a) A person may use an official logo or an official title without authorisation under this Division if—
- (a) the use is for a public, charitable or other community purpose; and
  - (b) the use would not suggest to a reasonable person that there is any official sponsorship, approval or affiliation with—
    - (i) a major event; or
    - (ii) the event organiser of a major event; or
    - (iii) any event or activity associated with a major event.

The amendment relates to extending the ability to use logos or official title without authorisation for public, charitable or other community purposes, and is simply consistent with the view we take of the entitlements of charitable organisations.

**The Hon. J.R. RAU:** I think we have really canvassed this quite extensively; I will not add much to it. I understand the concern being expressed by the members for Heysen and Bragg, but I do not believe in reality that the concern they are addressing will be a practical or real issue. It occurs to me that another problem emerges from this.

Just as presently the two honourable members are identifying what they say is the potential for the CWA selling cakes on the side of the Tour Down Under to get pinched, if we make an exception for charitable or beneficial purposes, or whatever the case might be, do we not then risk exactly the same thing in reverse, that we do not just open the door for the CWA for the small cake stand on the side of the tour, but we open it up for the Heart Foundation, Amnesty International, etc.?

We could be bringing in much bigger players on the basis that they will say, 'We come within the provisions of the statute of Elizabeth, or whatever are the guidelines now—we are a charity, we are registered, we have tax exempt status, etc., how can you discriminate against us but say it's all right for the kindergarten to do it?'

I do not think it is an easy solution to the problem being referred to. For that reason I oppose the amendment, but in so doing I am not unsympathetic to the point, but I am very confident that in reality it will not be a problem.

Amendment negated; clause passed.

Clause 20.

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

Page 14, line 6 [clause 20(4), definition of *authorised person*, (c)]—Delete paragraph (c)

Amendment carried; clause as amended passed.

Clause 21.

**Ms CHAPMAN:** I move:

Page 14—

Lines 13 and 14 [clause 21(2)]—Delete subclause (2)

Line 21 [clause 21(4)]—Delete subclause (4)

These amendments relate to onus of proof matters and reasonable cause, as previously discussed.

**The Hon. J.R. RAU:** I oppose them for reasons previously stated.

Amendments negated; clause passed.

Clause 22.

**Ms CHAPMAN:** I move:

Page 14, lines 27 and 28 [clause 21(4)]—Delete subclause (2)

This again relates to onus of proof.

Amendment negated; clause passed.

Clause 23 passed.

Clause 24.

**Ms CHAPMAN:** I move:

Page 15, lines 10 and 11 [clause 24(2)]—Delete subclause (2)

Again this is an onus of proof matter.

Amendment negatived; clause passed.

Clause 25 passed.

Clause 26.

**Ms CHAPMAN:** I move:

Page 16, line 16 [clause 26(4)]—Delete subclause (4)

This is a burden of proof matter in relation to showing reasonable excuse.

Amendment negatived.

**Mrs REDMOND:** It is a bit of a combination of clauses 25 and 26, but I thought 26 was probably the better place to ask it. Clause 25 gives power to police to evict people who are disorderly, or whatever, from a major event venue, and then the powers of authorised persons are set out in clause 26. With, for instance, the Clipsal, the security staff there has generally been provided (in years gone by) by Weslo. I know this because my children worked for Weslo while they were going through university and they worked at the Clipsal as well as various other functions around the place.

I want to confirm that it looks to me as though only the police are able and authorised to evict a person from the Clipsal, or some other major event, should that be declared under this act. Therefore, the ability of authorised officers to deal with people who may be disruptive, disorderly, or whatever, under those various other things in clause 25, I would be interested to know what the intention is with regard to the Weslo staff or any other security staff in these events.

**The Hon. J.R. RAU:** I thank the honourable member for her question. The answer is that inasmuch as it was possible to design this legislation to achieve this outcome, the outcome was this: that inasmuch as there might be force required to deal with an individual it was contemplated that police only should be using force. The authorised officer is not empowered to use force but a failure to comply with their request becomes an offence. So, there is a difference between what a police officer can do and what an authorised officer can do.

Clause passed.

Remaining clause (27) and title passed.

Bill reported with amendment.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:32):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**Mr TRELOAR:** Mr Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

#### **STATUTES AMENDMENT (GAMBLING REFORM) BILL**

Adjourned debate on second reading.

(Continued from 1 May 2013.)

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:34):** Mr Deputy Speaker, if you like I can close the debate.

**The DEPUTY SPEAKER:** I don't think they had that in mind.

**The Hon. J.R. RAU:** It seems like a good idea to me, Mr Deputy Speaker.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:35):** I indicate that I am not the lead speaker on this matter. I can tell you some good stories about poker and two-up and whatever to keep us entertained. I will indicate that the lead speaker will be the member for Davenport and I am sure that he will give a very erudite contribution to the debate. I further indicate that the Liberal opposition members have given much thought to this debate and have decided that we need to have a clearer party position on a number of aspects of the bill. As our lead speaker is about to enter and give us an erudite debate I will not need to make any further contribution.

**The Hon. I.F. EVANS (Davenport) (17:36):** It was good of the government to try to close the debate on this matter, given the government's performance in bringing it on this week. I indicate that I am the lead speaker on this particular debate on the gambling bill. It is essentially to do with—

**The Hon. P.F. Conlon:** I wish somebody would pay my gambling bill.

**The Hon. I.F. EVANS:** No; not even I could pay your gambling bill. This government brought this bill on for debate about 10 days after it was introduced. I think it is regrettable that the government decided to do this.

**The Hon. P.F. Conlon:** Well, according to ordinary practice.

**The Hon. J.R. Rau:** It was 1 May that it was introduced.

**The Hon. I.F. EVANS:** It was introduced on 1 May. The member for Elder interjects that it is standard practice. That is true to some extent but—

**The Hon. P.F. Conlon:** Lay it on the table for them.

**The Hon. I.F. EVANS:** No; I will explain it to the house. When the government introduced this bill the opposition contacted the government and said, 'Look; matters of gambling are conscience votes generally for the Liberal Party' and, therefore, the government would have to brief every individual Liberal MP, which would be a matter of difficulty given that we only had one or two days of sitting in the week that it was introduced. A lot of the regional members on this side of the house then go home to their electorates and then, of course, we are here today debating it. The opposition tried to assist the government by arranging briefings on the—

**The Hon. J.R. Rau:** On 3 May, I understand.

**The Hon. I.F. EVANS:** Yes. We tried to arrange briefings with two days' notice so that those members who did not have anything in their diaries could attend. We had briefings from Clubs SA, the AHA and the government itself. Outside of that sitting week we then tried to have briefings with the Casino and the welfare lobby but, of course, our side of the house had gone back to their electorates.

The reality is that I think the most people we had in one briefing in the sitting week was 10 people and at most of the briefings we had three or four. That was well known; we explained that would happen to the government but it decided to bring it on today. We also had the Independent Gambling Authority come to brief us with the government.

The reality is this: as we commence this debate there are Independent members of the lower house who have not been briefed on the bill. They have not received a briefing. So, it is not just the opposition who are required to debate this with what I think is a less than satisfactory process for briefing. When I spoke to Independent members this morning, they had not been briefed on the bill.

The minister can respond in his contribution tomorrow or Thursday that they were offered briefings. The fact they might be in Mount Gambier or Port Pirie or somewhere in the country might be difficult enough reason for them to not get a briefing in the non-sitting week, and I defy anyone who has read this bill to get a briefing today and understand it tomorrow.

The minister is essentially saying to the Independents, yes, they have an offer of a briefing, absolutely, but they are in their electorates in the non-sitting week, so the only time they could get a briefing would be Monday (yesterday), or this morning, and then suddenly reach a position on it. Really? I do not think so. I think it is regrettable that on a bill of this nature the government has decided to enforce what the member for Elder would call 'usual practice'.

I go back to the debate in 2004, which for those of us who were here—and I think you might have been the minister at the time, Mr Deputy Speaker—I remember that debate, and it was a long, protracted, drawn-out, complicated process.

I think some of the issues covered in this bill are just as complex and, of course, a lot of the members who are here now do not have knowledge of the 2004 debate. They were not here in 2004, and part of that process in trying to come up to speed on this bill is going back and understanding why certain decisions were made back in 2004.

So, although I am speaking in measured terms, I am livid that the government has done this, and I indicate that we are still consulting on a number of elements of the bill, because of the complexity and interplay between the various lobby groups and issues. The government has set the standard; the government has decided that they are going to push this through this week. And it is in the memory bank, Mr Deputy Speaker—something you will not have to worry about if this side of the house happens to be over that side of the house after the next election.

**The Hon. P.F. Conlon:** Stick it right up them, I reckon.

**The Hon. I.F. EVANS:** The member for Elder says, 'Stick it right up 'em'. Well, fair enough. The sad thing about this is that, even in the government's consultation, the various lobby groups were essentially nobbled in the way they could consult, and I mean by this that the AHA and Clubs SA who are membership-based organisations, were consulted late in the piece. They had a draft bill which was essentially presented largely as a *fait accompli* but they could not consult their membership. So, the government went to those organisations saying, 'Here is the bill, what do you think as the executive, but you can't talk down the chain?'

My understanding is that those associations could only talk down the chain to their own membership, two or three days out from when the bill was introduced. At that point, of course, they had locked themselves into certain positions with the government and, at that point, the government's bill was already settled as far as the government and cabinet were concerned. So, for the poor old publican from Jamestown or the club member at Munno Para, as far as their input to this bill goes, the reality is that there has been no public consultation.

There has been consultation with the executives of the AHA and the executive of Clubs SA. There has been consultation with the welfare group, but outside in the public realm, to see what the other members of the public think—or indeed what the membership of AHA and Clubs SA think—there has been no consultation at all.

This process, I think, has been unfortunate, and we are here tonight really for just one simple reason: this government has done a deal with the Casino. This government is desperate to get the Casino out there in front of the TV cameras during the lead-up to the March 2014 election. They desperately need this legislation through to get the Casino announcement up, and anyone who stands in their way is just going to get steamrolled. That is essentially the only reason we are here tonight.

There is nothing urgent in any of the provisions relating to clubs and pubs or the gambling tax or the precommitment schemes or the responsible gambling measures or the Responsible Gambling Working Party recommendations or the powers of the commissioner or the Independent Gaming Authority or the like. There is nothing urgent in that at all. The one thing that is urgent is that this government is on the nose. It desperately needs a private sector project to be announced during the election campaign.

The Deputy Premier has got his calendar out and worked back the number of weeks for all the approvals and, all of a sudden, he has thought, 'Hang on, we're going to run out of time here, so we'd better crunch this process through,' so that the Casino can get its project up and there can be some happy snaps during the campaign period to try to get the government across the line. That is the only reason this is being debated tonight. It is the only reason the whole process of consultation with the opposition has been less than—what is the date today? The 11<sup>th</sup> or 12<sup>th</sup>?

**Mr Whetstone:** The 13<sup>th</sup>.

**The Hon. I.F. EVANS:** The 13<sup>th</sup>—it has been 12 days. So Her Majesty's Loyal Opposition—

**The Hon. J.R. Rau:** It's the 14<sup>th</sup>.

**The Hon. I.F. EVANS:** The 14<sup>th</sup> today, is it? Okay, we have had 13 days. Her Majesty's Loyal Opposition has had 13 days to try and sit down and comprehend the detail and as late as this



afternoon we were still getting emails from the minister's office providing information that we had requested. In fairness to the staff concerned, some of those requests were made only yesterday and the day before because, as we got further through the bill, we sought further information.

I keep trying to explain to the government staff members—and I will explain it to the minister so it is crystal clear to the powers that be—that for 11 years Her Majesty's Loyal Opposition has had exactly the same process: we have to submit our party papers for consideration, we have party room meetings on Monday of the sitting week, and that is where we determine various party positions on matters. To get our papers into that system, we need to submit them by close of business the Thursday before, so effectively I had to reach a position on the bill last Thursday, so in actual fact we did not have 13 days consultation. We had—

**Mrs Redmond:** It was the ninth.

**The Hon. I.F. EVANS:** The ninth, so we had eight days to be briefed, understand the issues, and get a paper written and into the system. Not even the minister would have got his head around the bill in eight days. He has a whole department briefing him: I have two staff, and then we had to arrange all our briefings. I think what the government has done on this is, frankly, a disgrace. As the government knows, when I give my commitment to put legislation through in a certain week, I have not in 11 years ever breached that agreement.

The government really has done the parliament, this bill, the lobby groups and the industry a disservice by bringing it in the way they have. There is simply not one reason, other than they need to get this bill through this place and through the other place—and I am not criticising the Casino; the timing is not in the Casino's hands—so that the government can go out and have its happy snaps come the 2014 election.

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

**The Hon. I.F. EVANS:** The minister interjects, 'When did I agree to put it through?'

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

**The Hon. I.F. EVANS:** I rang your staff member the day it was introduced or the day after; we had a number of discussions—I do not think I was the happiest person on the phone, to be frank, minister, when I rang your staff member—and I said that I would be happy to put it through the next week of sitting—not this week; the next week of sitting. That was unacceptable to the government. Fine!

I raised that point not in one phone call, not in two phone calls but three or four phone calls. Your staff member was very courteous and just ran the government line—that the government wanted to 'at least start the debate this week'. As I explained to the staff member, that does not help Her Majesty's loyal opposition because to start the debate we have to resolve our position on every issue. So, the fact that you are starting the debate means that it still compresses our time down to eight days. That was effectively it.

As I have said, I think that what has happened is regrettable. I think that it has been very unfair on the various lobby groups because you really do not have time to go back two, three, four or five times to the lobby groups and get your head around every single issue.

The sad thing about this, of course, is that we all know that the government paddled around negotiating with the Casino for years—for years they were talking to the Casino about what agreement it wanted. We all remember the then treasurer, the member for Playford, out there, hairy-chested, beating and threatening, at one point, the Casino, saying, 'We might not have an exclusive agreement with the Casino.' Of course, everyone in the state fell over laughing—as if the government was going to have two casinos. Oh, really! Give me a break!

This government paddled around for a couple of years, hairy-chested, trying to show that it had some backbone and, at the end of the day, the government started to run out of time. So, what the government has done now is crunched everyone as a response. They have essentially delayed it. My view is very simple: I think that they have deliberately delayed the negotiation with the Casino so that they can announce it during the election campaign. Simple as that.

If you look at the Casino agreement, it was not that hard—you had only to get Treasury to crunch a few numbers on the tax rate; other than that, everything else is a pretty standard arrangement. It was not that difficult. I think that we can see through the tactics, if you like, of the government.

The reason the length of time the government was negotiating with the Casino is important because of this: there were lobby groups writing to the government for over 18 months, saying, 'We know that you're negotiating with the Casino because there has been media comment on it, and what you decide with the Casino is going to impact our industry. So, please consult us now about what you're talking about so that we can have some consultation and input about how it might impact our industry.'

Some of those lobby groups wrote to the government for 18 months arguing that particular point, and for 18 months they were absolutely flatly ignored by the government. There was no consultation. Then when the consultation did occur, as I said, they were given the bill that was essentially the *fait accompli*. They were asked not to share it with their membership; in fact, they were instructed, as I understand it, not to share it with their membership. Then, two or three days before it was introduced into this place, they could talk to their members, and now we are given eight days. That is the consultation process this government has delivered upon this chamber.

We all know that in this chamber, in its current construct of numbers, the government is going to get its bill through. We could sit down and put it through because the real debate is going to be in the other place, where the government does not control the numbers. I just argue this point: I think it is the height of arrogance by the government. To treat the opposition like that is one thing—I can understand why it might treat the opposition that way because we are the alternative government and it does not want to give us an advantage—but there is a role to play in educating members on how legislation works through the legislative process. More importantly, it is the height of arrogance to treat the Independents like that.

How lucky are they? They can be briefed this week, while parliament is sitting, on a bill that amends, I think, six or seven different acts, that has a number of various lobby groups, on an issue that is not politically insensitive in a whole range of areas. There is the anti-gambling lobby, there is the pro-clubs lobby, the anti-Casino lobby, a whole range of groups out there that have a view about gaming machines and their administration. In my view this government has shown the height of arrogance to the Independents by rushing it through this week.

What the government is really is saying is this: 'If you are an Independent in the lower house you just don't count, because we know we can steamroll you, rush it through on the numbers. The real Independents that count are the ones in the upper house, so we will spend a lot of time briefing them and smooching them, but if you are an Independent in the lower house it just doesn't matter.' That is regrettable, because I think everyone can learn from the legislation if they go through it properly and get briefed on it properly. I think this process has denied the participants that particular issue.

The other issue with this particular bill is the fact that the government has done no small business statement, no regional business statement, no family impact statement; there has been no regulatory impact statement. There has been no modelling on this particular bill at all. So when we ask what the impact is on the club sector, what is the government's view, not the Clubs SA view, about the impact on clubs the answer is 'Oh, we actually haven't modelled that.' Then you ask 'Okay, what is the impact on the hotel industry?', and the answer is 'You know what? We haven't modelled that either.' 'What is the regional impact?' The answer to that is 'Well, we haven't modelled that either.'

But—surprise, surprise—ask them what the impact is of the Casino development and the happy snaps announcement, ready for the next election, is that they can almost name it down to the job. They can name the economic impact, the amount of cranes, how many jobs will be created, the economic turnover. So they can do it on the happy snaps side of the agenda, they can do it on the Casino, the announcement side of the agenda, but go and talk to your small clubs—or any of the clubs—and your small hotels that will be disadvantaged under this particular legislation, and ask them what the impact is; they will give you a view that is generally a negative one.

You go to the government and you say 'Well, okay; that's their view. What is the government modelling?' The answer is that the government has not even modelled it. The government has been negotiating this for years, and it is flying blind on the actual impact on the club and the hotel industries. I think that is regrettable. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

**STATUTES AMENDMENT (DIRECTORS' LIABILITY) BILL**

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 8, lines 7 to 9 (inclusive)—Delete clause 6 and substitute:

6—Substitution of section 23

Section 23—delete the section and substitute:

23—Offence in relation to obtaining permission to carry out mining operations

(1) A person must not, without the consent of the relevant Minister, give, offer or agree to give a payment or other consideration to another person (not being a payment or consideration otherwise permitted or provided for in this Act) in connection with obtaining the permission of Anangu Pitjantjatjara Yankunytjatjara to carry out mining operations on the lands.

Maximum penalty: \$50,000 or imprisonment for 10 years.

(2) In this section—

*relevant Minister*, in relation to a payment or consideration, means—

(a) if the payment or consideration is in connection with mining operations authorised under the Mining Act 1971—the Minister responsible for the administration of that Act; or

(b) if the payment or consideration is in connection with mining operations authorised under the Petroleum and Geothermal Energy Act 2000—the Minister responsible for the administration of that Act.

No. 2. Clause 69, page 26, lines 6 to 8 (inclusive) Delete clause 69 and substitute:

69—Substitution of section 25

Section 25—delete the section and substitute:

25—Offence in relation to obtaining permission to carry out mining operations

(1) A person must not, without the consent of the relevant Minister, give, offer or agree to give a payment or other consideration to another person (not being a payment or consideration in discharge or partial discharge of a liability arising under this Act) in connection with obtaining the permission of Maralinga Tjarutja to carry out mining operations on the lands.

Maximum penalty: \$50,000 or imprisonment for 10 years.

(2) In this section—

*relevant Minister*, in relation to a payment or consideration, means—

(a) if the payment or consideration is in connection with mining operations authorised under the *Mining Act 1971*—the Minister responsible for the administration of that Act; or

(b) if the payment or consideration is in connection with mining operations authorised under the *Petroleum and Geothermal Energy Act 2000*—the Minister responsible for the administration of that Act.

At 17:59 the house adjourned until Wednesday 15 May 2013 at 11:00.