## HOUSE OF ASSEMBLY

## Wednesday 3 July 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.

#### SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:02): | move:

That the Select Committee on a Review into the Retirement Villages Act 1987 have leave to sit during the sittings of the house today.

Motion carried.

#### SITTINGS AND BUSINESS

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (11:02): | move:

That standing and sessional orders be and remain so far suspended as to provide that government business has precedence over private members business, committees and subordinate legislation on Wednesday 3 July and private members business, bills and other motions on Thursday 4 July and that any private members business set down to those days be set down for consideration on Wednesday 24 July and Thursday 25 July respectively.

Motion carried.

#### **BALUCH, JOY**

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (11:03): On indulgence, by leave I move that:

The House of Assembly expresses its deep regret at the death of Mrs Nancy Joy Baluch AM, and places on record its appreciation of her long and meritorious service as mayor of the City of Port Augusta and, as a mark of respect to her memory, the sitting of the house be suspended until the ringing of the bells.

I am sure there are many who will join with me today in expressing, at Joy Baluch's passing, a great sense of loss and paying tribute to the exceptional life that she led; a life that included more than 40 years of dedicated service to council and to the community. Joy Baluch passed away on the evening of 14 May this year after a long battle with cancer. Her passing was noted around the nation and was the subject of many affectionate tributes. She was 80 years old and still holding tightly to her fighting spirit. As her daughter Michelle said, she reckoned there was more to do and she wanted to live to 100 to do it.

The community response to Joy's passing provided a clear indication of the great impact she has had over many years. Many gathered at Port Augusta for her funeral on 21 May or took part in celebrating her life and work through the memorial service held by the Local Government Association on 13 June. Before that, and only days after her death, there was another gathering for the naming of the mayor Joy Baluch AM Bridge on 17 May.

The decision to name the bridge in honour of Joy had been announced late last year to honour her 80<sup>th</sup> birthday last October. Although she passed away just before it occurred, it will remain an important tribute and reminder of her enduring service and commitment. The Port Augusta City manager, Greg Perkin, is aptly quoted as saying:

We believe the bridge should carry the name of the person who fulfilled a similar role to the bridge; a person who has carried the burden through good and bad times, has joined communities and has championed the building of a better nation and there is clearly only one person who everyone agrees fits this tall order, and that is our long serving Mayor Joy Baluch.

It is an indication of the strength of community feeling about her that two local artists worked through the night to paint a portrait of the late mayor on the national bridge before its official opening and that nobody has wanted to interfere with that spontaneous response. The picture remains.

Joy Baluch and Port Augusta were inseparable. When she was born in 1932 she was the third generation of the Copley family to be born at Port Augusta. The public service she provided to the community spanned a large part of her life. She was elected to the Port Augusta Council in 1970. She began, to use her words many years later, 'playing nice and trying to please everyone', but she did not persist on that course. By the time she was elected mayor in 1981, she was advocating for, among other things, an international airport for Adelaide to open up this state's north to tourism. On that subject she was reported by *The Advertiser* at the time as saying:

Those who say I'm pushing my barrow because I run a motel can go to see a taxidermist.

Joy Baluch remained Mayor of Port Augusta City Council for the rest of her life except for a brief period in the early 1980s and again in the early 1990s. She served on the State Executive Committee of the Local Government Association of 15 years (13 as vice president) and as LGA president between 2007 and 2009. She was also a member of the Outback Communities Development Trust for many years.

When elected, Joy Baluch was the second female councillor in the city's history. She went on to become Australia's longest serving female mayor. In that role she provided an enduring example for women aspiring to positions of leadership. Mayor Baluch has been a prominent figure not only in Port Augusta but throughout South Australia and beyond. She is noted for her outspoken advocacy for Port Augusta and regional South Australia and her strongly held views. She has been described as iron gloved when it comes to fighting for her ideals and her city.

Flicking back over the hundreds of media stories about Joy Baluch over the years, a pattern emerges. Some of the descriptive words that stand out are: outspoken, controversial, fighting, pioneering, independent, confident, determined. Joy served with intelligence, strength and a deep sense of commitment to Port Augusta, a place that she affectionately referred to as the 'centre of the universe'. As a councillor she pursued a number of social justice initiatives, including a homeless shelter, a childcare centre, and an emergency shelter for women and children.

Although these projects were met with strong opposition at the time, she fought tirelessly to make them a reality. She was also a long-term advocate for cleaner energy production in Port Augusta and made it a personal mission to voice concerns about air quality issues. However, it is her work in tackling violence and alcohol abuse in Port Augusta that is perhaps most widely known and possibly most controversial.

Her passion for her community and the economic and regional development of the Upper Spencer Gulf resulted in her being awarded the Order of Australia AM in 2007. One thing that is very clear about the late mayor, though, is that she was never afraid of controversy. She carried out her work with passion and with the utmost dedication, and being popular was never a motivating force. I can state from personal experience that Joy never left your office without you knowing exactly what she wanted—and what she wanted was always what was best for Port Augusta.

The last time I saw her she looked physically very frail, but her failing body did not for one moment dilute the power of her advocacy. Even in this reduced physical state, her demeanour made it very clear to me that I should choose my words carefully. I must say that I did find it incredibly powerful that somebody who was obviously suffering the burdens of a very serious illness could project so much power. It was extraordinary. You could see her body, but you could also see that her presence was in no way diluted by the physical adversity she was experiencing. It was incredibly powerful and demonstrated the strength of her spirit, even though it was locked in a frail body towards the end. That is a testament to the strength of character of Joy—or Nancy, as I found out, although she did not look like a Nancy. I think Joy was probably the right choice.

As time passed, I noticed the notes I received over the years—because I had a number of dealings with Joy in different roles—started to have a more religious flavour, and that is something that I hope was a source of comfort for her in her final days. In addition to her extensive service to the community, the late mayor was also wife to Teo Baluch, whom she met when she was 18 and married when she was 21. Teo passed away in 1996. Joy was also a mother to two now grown children, a daughter, Michelle, and a son, Emil, and a grandmother to Allan and Carlee. I extend heartfelt condolences to them, to her brother, Neil, to her extended family and to her many friends. I also place on record our appreciation of her long and meritorious public service, and I commend the motion to the house.

**Mr MARSHALL (Norwood—Leader of the Opposition) (11:11):** I rise also to speak on this important matter and, on behalf of the South Australian Liberal Party, to offer our most sincere condolences to the family of Joy Baluch AM, the Mayor of Port Augusta. Community leaders like Joy do not come along that often and in every way she was one of a kind. She was a tough talking, no-nonsense leader who always called it as she saw it.

As Mayor of Port Augusta for a remarkable 28 years, and a councillor for four decades, Joy never once deviated from her core mission, which was to advocate powerfully and passionately for the people of Port Augusta. It was a community she loved, a town where she raised her family, and a region where, along with her husband, she ran a successful small business. Indeed, from the moment Joy arrived in Port Augusta as a 21-year-old newlywed, hoping to find the right spot to get a job and set up home, Joy's passion for the town never waned.

It must be said here that of the many outstanding qualities Joy brought to her role in local government, from those early days through to more recent times, it was Joy's 'no holds barred' attitude that set her apart from the rest. It was an attitude that garnered hundreds of headlines over the decades, but it was this very fearlessness and indomitable spirit that made her a true pioneer of local government. Where women before her had struggled to negotiate the career obstacles in their path, Joy simply smashed through them. She was fearless and unafraid—two wonderful attributes in any leader, but in Joy they helped make her one of our state's best community campaigners.

This dogged determination to get the job done led to a list of achievements that span the entire spectrum of local government and are simply too numerous to mention here today, although it would be remiss not to mention her landmark work in the fields of mental health, alcohol abuse and community sporting programs to engage young people across the region. While her style might have been unorthodox, it was certainly effective. Her colourful, flamboyant manner was also unique and helped keep Port Augusta on the map. Her tendency sometimes to be politically incorrect might have been unconventional, but Joy wore it as a badge of honour.

Indeed, too often these days we hear the word 'iconic' thrown around and used to describe just about anything. It is a word, though, that should be reserved for people like Joy. Her incredible sense of duty, her dedication to her community, and her tremendous will and resolve are worthy of the highest praise. Her commitment to public service in the face of serious health challenges over the past decade was quite incredible, and the Liberal Party thanks her for what can only be described as an outstanding contribution to this state. On behalf of the Liberal Party in South Australia, I extend our sincere condolences to Joy Baluch's family.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (11:15): It was with a great sense of sadness that I learned of the passing of Mayor Baluch. She was a wonderful person. When I first met her I remember thinking that I was going to meet a very hard and aggressive person; I met a very sweet and caring person. The longstanding Mayor of Port Augusta passed away at the age of 80 after a brave battle with illness. The state has mourned her passing. We have lost one of our great advocates and passionate politicians, probably one of the most passionate this state has seen.

Port Augusta born and bred, Mayor Baluch was elected to the council in 1970, a year before I was born. She served as Mayor of Port Augusta from 1981, with the exception of two years and, in doing so, she earned the title as Australia's longest serving female mayor, becoming a pioneer for women aspiring to leadership positions across the nation.

She never minced her words, and you never left not knowing her view. She was a fierce advocate for her city, not because of its being a city but because of its people. She was passionate about fighting crime, about campaigning for the Adelaide to Darwin railway, and she was willing to do almost anything to get an outcome for her town.

I think Joy Baluch's passion for Port Augusta was highlighted best at the Premier's mining round table last year. Knowing how important the round table was, and how it would affect her community, there was no stopping Mayor Baluch from attending the forum, not even a round of chemotherapy which she had endured just hours earlier. Once there, she took over the meeting, as was her wont, and she made her voice heard, and the voice of her community was heard by everyone at that round table. I think that typifies the type of person she was. She was willing literally to put herself on the line every time for her city.

I was fortunate enough to have dealings with her in my time as minister in relation to the Port Augusta prison and Alinta Energy's solar thermal power station proposal. Each time I met with her, she was kind, she was generous and she was passionate—a passion that never waivered over 40 years of civil service. She was, as the Premier said, awarded Australia's highest honour, receiving an order within the Order of Australia. She received that in 2007, and she deserved that award greatly. I think she would have been very proud of our naming after her a bridge in Port Augusta as well.

I understand that her husband, Teo, before they met, had studied to become an Orthodox priest and that before coming to Australia he had been imprisoned in Dachau concentration camp as a political prisoner. I have just heard that he was arrested by the Nazis for being caught sabotaging a weapons plant and was imprisoned. I think that that kind of bravery probably made him a perfect match for Joy's bravery.

The one thing that inspired me a lot about Joy was her faith. After remarking on the icon I had in my office, she told me that she also carried around an icon. We talked a little bit about her faith and her connection to God through her religion, and it was something about her that I did not know. I subsequently got to know her a bit better as time went on, and she had a very deep faith, which I found very admirable and I respected her for it.

I want to pass on my personal condolences to the people who loved her the most—her family. I have met Michelle a number of times because she was always at her mother's side whenever she was at any government meetings, but I have not met her other family or her son, Emil, I pass on to them my deepest condolences from my family: you had a wonderful mother. Everyone knew her as a politician, but you knew her as a mother and a grandmother, so you knew her best. I thought she was a very compassionate and loving lady.

**Mr VAN HOLST PELLEKAAN (Stuart) (11:19):** Her Worship, Mayor Joy Baluch, Member of the Order of Australia, was both a larger than life character with a reputation and media presence which spanned our nation, and simultaneously, a warm, caring and spiritual woman from regional South Australia. Joy was brave and fierce; and Joy was also tender and insightful—but not always at the same time.

We have already heard today from the Premier, the Leader of the Opposition and the minister about some of Joy's remarkable achievements. It is also appropriate to focus on her other and even more important roles:

- as a passionate and devoted wife to Teo (or Steve, as he was known) at a time when marrying a migrant was unfortunately still frowned upon by many;
- as a mother to Emil and Michelle;
- as a sister to Marlene and Neil;
- as a sister-in-law, mother-in-law, grandmother, aunt, great aunt, and so on; and
- as a close personal friend to many people in Port Augusta and beyond.

If you knew Joy well, then you know that her family and closest friends were even more important to her than her work—and that says a lot. Joy clearly came from strong stock which is evidenced by the annual five-kilometre open water swimming race at Port Augusta which is named after her father, George Copley.

Joy showed exceptional strength throughout her life, including her work on behalf of Port Augusta and regional South Australia, and more broadly in local government and other forums. As well as that, Joy ran her family business, the Pampas Motel, which she and her husband took up over 50 years ago and it is still running today thanks mainly to the efforts over the last several years of her sister Marlene, daughter Michelle, and granddaughter Carly.

In running her business, Joy knew that to recommend other motels when she could not fill a booking or meet a customer's need was the best way for her and her community to thrive. This is the same approach that she took to developing Port Augusta. Have no doubt, it was always Port Augusta, first and foremost, but Joy knew that for Port Augusta to reach its potential, all of the Upper Spencer Gulf and surrounding country and outback areas must also reach theirs.

Joy knew that Port Augusta was never going to succeed if it aimed to be the one shining light in the region. She knew that Port Augusta would do best if it were one of the successful centres in a region that shined.

Whilst best known as the Mayor of Port Augusta, Joy actively worked for the success of the Upper Spencer Gulf Common Purpose Group, the Provincial Cities Association, the Local Government Association, the Outback Areas Community Development Trust, and many other community and regional development organisations.

Joy put significant effort into every public engagement she participated in. Hours of research and writing went into the speeches that she gave—forthrightly, articulately, and effectively. It did not matter if it were to a dozen people at a small community gathering or to over 1,000 people in Gladstone Square on Australia Day or Anzac Day, Joy took her job seriously to deliver the messages she wanted people to receive and consider. More often than not, those messages included great love for her city and her nation, and the necessity for all people to take responsibility for themselves and give support to others who genuinely needed it.

Joy's strength was innate, but her manner was deliberate. After working for years in a male-dominated local government world and trying to do things the right way, her frustration grew to the point where she decided that, on behalf of her community, she had to do more to be listened to. So, she started cracking a few heads, kicking a few bums, and letting the odd four letter word slip out. Soon, they were not just slipping out—it became a deliberate part of the very effective toolbox she used to get noticed so she could get things done.

But Joy was always selective with her words. At times they would be direct and polite; at times they would be direct and coarse; and at times they would be somewhere in between like, 'That little darling should take a sex trip', which was one of her ways of saying, 'That little *beep* should *beep* off!'

Most importantly, Joy did get things done, and she was prepared to lead her council to make tough decisions—decisions which sometimes brought criticism upon herself, but were usually successful and popular in the end. Usually, but not always—and when Joy made a mistake, she copped it on the chin and moved on.

Not everyone in Port Augusta supported everything Joy said or did but everyone in Port Augusta appreciates that someone was doing everything she possibly could for the good of the community. It would be hard to find a town or city in Australia which would not have been glad to have had Joy Baluch as their mayor working for their community.

When I think of Joy I do not think first of her achievements or her hard-headedness or her swearing: I knew a warm, genuine, very intelligent, hard-working, originally quite shy, and deeply religious person. We usually agreed but there were days when we did not, but there was never a day when we could not discuss an issue. If you were open and direct with Joy, then that is exactly what you got back in return.

Even in her sickbed Joy was very open and direct about the goals she still wanted to achieve, one of which remains a solar thermal power station for our state at Port Augusta. Whether Joy died at 50 or lived to 100, she would not have achieved everything she aimed to achieve; she would never have stopped trying to achieve more, and she did not. Joy faced illness with the same determination and intelligence that she faced everything else, and she trusted in God.

Joy's legacy is enormous and it includes her leadership of the transformation of the city of Port Augusta into the regional centre that it is today and the groundwork which will lead to continued steps forward. It includes the bridge across the gulf which, at the request of the council and with the agreement of the government, is now named in her honour: the bridge that links the east and the west side of Port Augusta and also links Perth with Sydney and Adelaide with Darwin. Her legacy includes the feeling in Port Augusta that she is looking down on us and that at any moment she might give someone a warm touch on the shoulder or someone else a quick smack on the ear. Joy is and always will be in Port Augusta, at the centre of the universe.

Finally, I want to express my appreciation on behalf of the people of Stuart to Joy's family members and close friends. You supported her through her entire working life, as well as during her illness over the last several years. Thank you for supporting Joy and, in doing so, allowing her to do everything that she has done for us. She would not have achieved what she did without your help. Vale Joy Baluch.

The Hon. L.R. BREUER (Giles) (11:27): I rise with some humility today to talk about Joy Baluch. Certainly some very nice things have been said—and I presume more still will be said—which are much deserved. The fact that we have this motion before the parliament is

indicative of the high esteem in which she is held in this state and across Australia, because we do not often do this for someone unless they are a former member of parliament.

However, I am from the bush and I want to say it how it is. No-one else would probably be game enough to say it: Joy was a pain in the arse. I know that is unparliamentary, but that is what she would have said, with a few expletives describing what sort of pain in the arse she was, and she was proud of it.

If you do not believe me, just ask any senior public servant, any MP, any minister, any premier, any prime minister. They panicked when they heard that she had spoken or wanted to see them, and that is why she was so effective and that is why she is being honoured here today. Everyone out there loved her for it. She stood up for her community and—the best thing, I think—she stood up for the outback. She got the message through every time.

This amazing woman made people in charge sit up and take notice. She was tough because she had to be—in a world of men (as local government was and to some extent still is) and also in the world of politics and senior public servants. It was a world of men, men with blue ties, although nowadays I notice they wear yellow.

I had so many people make comments to me after her passing, and they were people from all over the country: they were people from Whyalla, people from the outback, people from Adelaide, people from interstate. Some of them contacted me about her because they mixed up Giles with Stuart and thought I was the local member; but that was alright, I let them think that.

I notice that the member for Stuart mentioned the centre of the universe, which she consistently called Port Augusta, but I always used to upset her by saying that Port Augusta was a suburb of Whyalla. She would get her nose up every time I said that.

I have known her for many years. I knew her in my youth, when she first became Mayor of Port Augusta, but I have known her personally from about 1991 when I spent many hours with her through the local government forums—being part of the Whyalla council, we went to many local government forums and meetings—and also then when I became an MP. We did not always get along—in fact, we had a distinct cooling in some years over refugees, etc.—but we always talked and we always managed to sort it out.

I always admired her guts, as a role model, certainly a role model for women in public service. I am not too sure about her earthy language, but she was a role model. She was certainly a role model for me when I first came into politics; to have the guts to stand up and say what you think, and stand up for your community.

She was also a woman of great style, and no-one else will probably mention this. I always thought she had an incredible dress sense. When Joy walked into a room people looked at her, because she always looked stunning, like a million dollars. When she walked into a room people always stopped talking; they watched, and they listened to what she had to say. I have only ever seen that with a few public figures; very few people have that effect. I wish I did, but I do not. I have only seen that occasionally, but Joy always managed to stop the conversation and people would look at her.

Even the last time I saw her, which was late last year, she walked into a meeting where there were some senior public servants, there were ministers, etc., and everyone was eating out of her hand. I saw her come across the room and I thought, 'Who is that?' She was very frail, but then I looked and I thought, 'Ah, it's Joy.' Again, she looked absolutely stunning; she was in red and looked wonderful. I know that she had then minister Simon Crean eating out of her hand; he rushed up and spent his time talking to her. It was amazing to see, and she did it every time.

I want to pay tribute to Joy; to her life; for her standing up for Port Augusta and, particularly, for the bush; for her attitude to, in her words 'The shiny-arsed bureaucrats in the city'—that always impressed me, and she always got the message through; for her struggles to achieve the best for her part of the state, which was my part of the state also. I do want to say a big thank you, and pay a tribute to her from the people of Whyalla and also the council of Whyalla. Even though Port Augusta is our worst enemy, we did work together; we were united against the world. Even though we had tos and fros between us, we are united against the rest of the world: Port Augusta, Port Pirie and Whyalla.

I want to thank Joy for the work she did for all of us out there. She will certainly be long remembered, and her family—I know that they are here today—can be very proud of her. And it is good when you can say, 'I was proud of my family member'; it is very good. She is a great

inspiration for her grandchildren and her great-grandchildren, whoever comes along. Finally, as I said, Joy frightened people. I think that God, when he heard she was coming, probably quivered in his boots. I am sure he said to Saint Paul, 'Find out what she wants!' Vale to the wonderful Joy Baluch.

Honourable members: Hear, hear!

**Mr BROCK (Frome) (11:33):** I would like the opportunity to briefly talk about my involvement with Joy Baluch, both prior to and after she became involved with local government. My first involvement with Joy was when I was an area manager for BP Australia, located at Port Augusta, during which time I covered 80 per cent of the state of South Australia. It was in 1974 when I had the opportunity of seeing Joy, who owned both the Motel Pampas and a cafe at the railway station.

I was with my late wife at a fundraiser at the Northern Gateway Inn, and my late wife Arlene got into discussion with Joy at that fundraiser. It was during that discussion that we understood that, even at that early stage, Joy was a very community-minded person, and very dedicated to what she was achieving, not only for her businesses, but also for her family. I would never have thought that she would have gone on to become a dedicated councillor in the City of Port Augusta, and then a very dedicated Mayor of the City of Port Augusta, and looking after other areas of regional South Australia.

After a few years in Port Augusta I returned to Port Pirie, and my next involvement was when I entered into the Local Government Association as a councillor for the Port Pirie Regional Council. I came across Joy again at various local government functions, and then my involvement, dedication and understanding of Joy become more evident.

It was very obvious, especially to a newly-elected councillor, that here was a woman who knew exactly what she wanted and was not afraid to speak her mind and push issues to the greatest point, no matter who Joy was speaking to. As the member for Giles as indicated, whether it was an MP, a Premier, a bureaucrat or the Prime Minister, Joy knew no different. She was very forthright and very passionate about not only Port Augusta but also the other regions around South Australia.

Joy was renowned for being opinionated, for not suffering fools, and for using strong language to make a point, but that is what the media and general public saw. As I came to know Joy more, the more I saw and understood that, beneath this public perception, there was a very warm-hearted and very religious person. Joy was also a loving grandmother who frequently shed a tear at the challenges of family life and the importance of the a family, and she made it quite clear that no matter who you are or what you do in life, family is the strongest bond of all.

During conversations with Joy, you began to see who this person was under the public image. It was during a conversation that she stated that early in life she had tried to please everybody, but gradually began to realise that, to get the attention of those in power, you needed to go a step further; this is what she did. Joy started to thump tables, speak her mind in a more forceful manner and use a few very colourful words, and she started to upset a few more people.

From there, the rest is history. No matter where Joy Baluch was or who she was talking to, people stopped, listened and took notice. As the member for Giles indicated, when she wanted into a room, people stopped; they knew who was coming, and they knew that this person was a force to be reckoned with. For all her toughness, Joy was also very vulnerable. She took great pride in her children and grandchildren. Joy was a very loving and religious person.

Joy was a champion not only for Port Augusta but also for the Upper Spencer Gulf region. She was involved with the Upper Spencer Gulf Common Purpose Group, as the member for Stuart has indicated, which was a group formed between the cities of Port—sorry; I need to say Port Augusta first, otherwise Joy will come down on me—Port Augusta, Port Pirie and Whyalla. This group also had the support of the state government of the day and has continued to have this support.

Prior to the formation of this great group, which I was part of while I was mayor of the Port Pirie Regional Council, each of the Upper Spencer Gulf cities would go individually to the state government, arguing their cases and getting nowhere. However, since the formation of this group, when approaching the state government and also the commonwealth government, they go as a united group. Joy made it quite clear that this way, when you argue a case about the benefits of these great cities of our state, you ensure that those in power, whether state or federal, are very aware of the importance of where the resources come from that supply great financial benefit to South Australia.

Joy was also involved in the Local Government Association of South Australia for many years, and was elected president, which required more and more of her time to fight not only for the Upper Spencer Gulf and Port Augusta, but for the whole of South Australia.

Joy was also chair of the Provincial Cities Association, which again was a total partnership of all regional cities across regional and rural South Australia. This association was also very united and had their voices heard as a united group, not as individuals. We all know that if you act and speak as a united group, then the government of the day, whether state or federal, will stop and listen intently to the concerns of the region. Sometimes, some of those concerns are put at the back of any agenda by those in power, which is in the metropolitan area here.

In the latter years, my partner Lyn also got to know Joy more, and to understand who this woman actually was—a person, as I have mentioned before, who was very family-orientated, very religious, and very passionate about all people, no matter who you were or where you came from.

Lyn made the comment, as the member for Giles has indicated, that she was a very classy dresser. No matter where Joy went, who she was talking to or how she felt, she was always dressed immaculately. My Lyn is a very good dresser and she was very impressed with Joy, and the discussion, quite a few times, was about dresses, and goodness knows what else, and we kept saying, 'Let's bring it back onto important issues,' and both Joy and Lyn made it quite clear they were very important issues.

During the time that Lyn and I knew Joy in latter years, Joy never dwelt on her illness. She never made an issue of her illness. It was something she knew she had but there was never a challenge. Joy was a legend in her own right and will be remembered for all the right reasons. There are numerous people I come across, in local government in particular, who say they want to be another Joy Baluch. I say to these people that there will never be another Joy Baluch—never in our lifetime.

To Joy's family (Emil, Michelle and the grandchildren) I say thank you very much—from me personally, the city of Port Pirie and my electorate—for allowing us to enjoy the opportunity of not only knowing Joy but also to learn from her dedication. Allowing us this great privilege would also have meant that Joy's family would have had less time with her, especially in the last few years, and that is a great difficulty that I understand the family may have suffered. Again, as the member for Stuart and other members have indicated, I thank you for the great privilege of allowing our lives to be more rewarding and knowledgeable for knowing this great person, and this mother and grandmother. Again, I thank you sincerely.

**The Hon. J.D. HILL (Kaurna) (11:41):** I would like to join the debate and support the motion moved by the Premier and seconded by the Leader of the Opposition and express to the family of Joy my personal regard for her and pass on my condolences to them at this time of their loss. I first met Joy in the mid 1980s when, as an adviser to the then minister for education and aboriginal affairs, I had cause to call upon her in the mayoral chambers in Port Augusta.

I cannot remember what the issue was but I can remember the occasion being a fairly grand one in her chamber. We were well received and well looked after. I have to say that, in all the dealings I have had with Joy over many years, the personal behaviour and the personal circumstances in which we met were always very pleasant. I do not think I had any significant arguments or disagreements with Joy over the years, other than one, which I will talk about in a minute.

I want to briefly talk about Joy's role as a politician because, over the years, she tried a number of times to be elected to parliaments at both a state and federal level. I think at one time she stood as a Labor candidate and another time as a Liberal candidate and the third time as an Independent. I suppose all that indicates is that she really was an Independent: she was not on one side or the other. She was not successful in any of those attempts.

Her real success and real strength was in that very strong parochial advocacy for her community, as the member for Giles and others have said. Her absolute passion for the community of Port Augusta is where her real strength was as a politician. It is a style of politics that, the further away you get from the community, you seem to lose. Joy's great strength was in that community and in the power that her representation gave her and gave that community, and I commend her for the way she fulfilled that role.

The only time we had a serious disagreement was following the 2006 election. At that election, the Labor Party had promised to have funding available for Port Augusta to run a regional centre of culture. The idea was that we would put significant funds into that community—some money for infrastructure and some money to run a cultural program over the course of the year. Joy, I think it is fair to say, considered this with deep suspicion and was completely offside with this proposition that we should run an arts program in her community over the course of the year.

The money that we wanted to spend to fix up some infrastructure in the town—the old courts building, the stables and to refurbish and establish a theatre—she thought was a low priority. She wanted us to spend money on another project which she fancied which involved a more commercial operation. Nonetheless, we stuck to our guns and proceeded with the regional centre of culture, which was an outstanding success, and I am sure the current member for Stuart would have participated in some way during that year.

Thousands of people visited Port Augusta who had not been there before. I know, having spoken to many of them, that they were surprised at what a beautiful community Port Augusta was, how physically beautiful it was and how fantastic the people of that community were. Over the course of the year, more and more events occurred, and more and more people became enthusiastic about it.

It was clear by the end of the year that Joy was one of its greatest supporters. She was a strong advocate for what we were doing there, and she believed that it was a very beneficial project we had embarked on because it was really about trying to give value to Port Augusta, to help it project itself onto the bigger stage of South Australia and nationally. I think it helped do that.

It had two legacies: we now have some fantastic infrastructure in that community which can be enjoyed by the broader community, around the stables, the court room and the theatre, which is used for wedding receptions, parties and engagements, as well as arts events, and the second legacy is that every year the Adelaide Fringe puts on a Desert Fringe in that community, and that has continued over that time. That would not have happened without that Regional Centre of Culture project, and I think Joy recognised, by the end of that year, that it was indeed a very good project. I am pleased that we were able to reach agreement about the benefits of that program.

I will not speak any longer, other than to say that I do mourn Joy's passing, and I pass on my sincere condolences to her family.

**Dr McFETRIDGE (Morphett) (11:46):** As a very young 20-year-old teacher, in 1972 I was sent to Port Augusta and, with some of my teaching colleagues, we rented a house on Stirling Road just down from the Pampas Motel. Even then, we were quickly made aware that you did not upset the people who owned the Pampas Motel, so our parties were perhaps a bit more subdued than they might have been otherwise. Even then, Joy was on the council. I stabled my horses with Reg Smith, a former mayor of Port Augusta, and the role of local politics came up even then. Joy's name was mentioned—I have vague memories of it—and I know that even way back then she was a very powerful advocate for her city and for the people of Port Augusta.

Since that time, coming into this place, particularly as a member of the Aboriginal Lands Parliamentary Standing Committee, I have had a number of dealings with Joy. We met with the Mayor of Port Augusta in her chambers, and I remember at one meeting her mobile phone rang, and she picked it up and said, 'Pampas Motel.' I think she took a booking and then we went on with the meeting, and we accepted that as being part of Joy.

Can I just reiterate the words that have been said in this place: Joy Baluch was a very powerful lady in her advocacy for Port Augusta—and never call it part of the Iron Triangle; as I found out very quickly a few years ago, it is the Upper Spencer Gulf. Joy was always making sure that we were well aware of the exact position of Port Augusta in the role of the world—and it was the centre of the universe, according to her. We understand that a person like Joy Baluch is a very rare diamond, and I would just like to pass on my sympathies to her family on behalf of my family.

**Mr PEGLER (Mount Gambier) (11:48):** As the Mayor of the Grant District Council, I worked with Mayor Joy Baluch AM for some 13 years, and we also served some time on the state executive of the Local Government Association. I always found Joy to be extremely succinct and straightforward in her deliberations. Fortunately, Joy and I usually agreed on most things. It certainly was not much fun if you were in disagreement with her. She was a great champion not only for Port Augusta but for regional South Australia and local government in general, and she certainly left this state a much better place for all of us.

I also spent some time with Joy socially, and she was a great person to be with. She always spoke with a lot of pride about her family and her community, and she certainly put her family at number one. My prayers, thoughts and condolences go out to Joy's family and friends. She was a great lady who was respected by all.

**Mr PENGILLY (Finniss) (11:49):** I would also like to support the motion. I have very fond memories of Joy Baluch—very fond memories—from my time in local government. Joy was a person who did not suffer fools. It is probably fair to say that she thought most members of parliament—whether prime ministers, premiers, ministers or whoever—left a fair bit to be desired on fairly regular occasions. She feared no-one and she took you on if she thought her point needed to be made strongly.

She was a woman of particularly deep faith. Personally, I will miss her Christmas card every year. From the time I was in local government with her, she always sent me a Christmas card and continued to do so, and I have never forgotten that; it is something that stays with you. You sometimes get Christmas cards from people you have never even heard of, but with Joy it was always deep and meaningful.

Along with the members for Mount Gambier and Frome, I was a mayor with Joy. I spent time with her on the local government executive, and she was forthright and unassailable in local government state executive meetings. The only thing that really disappointed me for Joy was the fact that she got dudded from being the president of the Local Government Association. I think that was disgraceful. I still think it was disgraceful.

She should have been the LGA state president. She would have been terrific. She was passionate about regional and country South Australia. She was very clear where she went, what she had in the back of her mind, and there was no deviation at all. She knew what she wanted and she achieved it. To my mind, it was a great failing of the local government system that she never got up as the president on that occasion, and there are those around the place who remember these things.

I was also chairman of the CFS board for a number of years, from the mid-1990s onwards, and I recall that we paid a regional visit and had dinner and met with local identities. Of course, Joy was to the fore at Port Augusta at the Standpipe motel. During the evening, I was sitting by Joy, and the CEO at the time, Stuart Ellis, was on the other side. Joy got up to talk about Port Augusta and how passionate she was about it. She talked about her late husband, and she was very teary, as she was regularly on that matter, something that was unavoidable.

Joy was very polite all night—she was always polite—and she was dressed to the nines and had everything on, as she always did, as was mentioned before. When she went to go at the end of the night, I said, 'I will walk out to the car park with you, Joy,' and I walked out to the car park. I actually cannot repeat the language, but she turned around to me—because at that time there was a fair bit of politics with the CFS, the government and whatnot—and let me know in no uncertain terms how to deal with the minister of the day (who is now in another place) and a few others around the place she did not have much time for. She had scant regard for them, and her language was extremely colourful, whereupon I took a step backwards, wished her goodbye and went inside.

Joy was a great South Australian. As I said, she feared no-one. To her family, I pass on my condolences. The world, and South Australia in particular, has been a much better place because of Joy. I concur with the thought that there will not be another Joy. I have to say that Joy was a great partner in devious means with the Hon. Graham Gunn. What they did not do together was not worth thinking about: they plotted and schemed to get things to happen for Port Augusta, or for Joy or for Gunny—it did not matter, but they were part and parcel of that operation. They feared no-one and, whatever had to be done, Joy and Graham Gunn achieved it, and it is a great credit to them. I know that there are people in this place who know some of the stories, and I think some of those are probably better left unsaid as well. With great pleasure, I support the motion. Vale, Joy.

**Mr VENNING (Schubert) (11:54):** I knew Nancy Joyce Baluch for over 40 years, three years after she was elected as a Port Augusta councillor in 1970. I got to know her better when she briefly lost the mayoralty, and we encouraged her to recontest, which she did at the next election. It was a great and most interesting experience to be part of the 'Re-elect Joy for mayor' campaign team. She won well and she was never challenged again.

Port Augusta loved Joy Baluch. She was a woman who portrayed a rough and tough exterior, and that is how she got her message across, as has been seen here today, but inside she

was a very kind, thoughtful and caring person, with strong religious beliefs. Mayor Baluch never let an opportunity go by to promote her beloved city of Port Augusta. She was also a strong advocate for regional South Australia. She often appeared on national television. One notable occasion was a program called *The Tall Poppies*. That was something that Joy joked about because it was quite opposite to her many beliefs. I would like to see that program played again. No doubt the family would have a copy of that.

Yes; I agree, Joy was always beautifully presented, with a wonderful dress sense. I will never forget the Wilmington show. I was there as a guest that day and Joy was opening the show. We were looking at the exhibits and she was typical Joy, but when she put the mayoral robes on and the chain around her neck there was a total transformation. She was an absolutely gracious lady, who walked out and carried off the role to perfection.

I have so many memories of this remarkable lady. One was a very rare train trip from Whyalla to Adelaide on the inaugural Iron Triangle Limited, a term I know Joy hated but that is what it was called, the Iron Triangle Limited. It was a refurbished Budd car. The service did not go for very long. As a very young and conscientious councillor, I got on that railcar at Crystal Brook only to be confronted by Her Worship the Mayor of Port Augusta. I cannot repeat what was said, but you can imagine. We had a great day. When I got home I noticed that somebody had opened my attaché case and had strewn things about. I noticed that my cheque book was open and left on top. I was aghast, but only for a few seconds until I saw that a cheque was drawn up for the 'Re-elect Bob Hawke campaign'. That was Joy Baluch. That is an absolutely true story, so help me God.

She often had a go at us 'shiny tails', particularly after I was elected. I got a lot of advice from her. We were always welcome at the Pampas to talk about issues like this. I believe she was always a Labor person but then she decided to come over and stood for the Liberal Party, and that was raised by the member for Kaurna. If you hear some of those radio interviews that were put to air, it was quite amazing. In the finish she was an Independent.

There is also the story of Graham Gunn and their remarkable partnership. Both of them were very single-minded about how things were done, but it was a very effective advocacy. I am sure that if Mr Gunn was in this house today he would have a fair bit to say about the relationship he had with this remarkable woman.

Teo and Joy were very close and his death really affected her. I am sure that much of her determination was for him. Of course, she has been recognised elsewhere, with her Order of Australia in 2007. Also, I think the member for Finniss got it wrong, she did achieve the highest office in local government, she was the president and she carried out that role with great aplomb. As has been said, she never forgot where she came from. She never forgot the bush and the people of the outback, and she was always greeted with open arms.

Joy was 80 when she slipped away. She fought it all the way. She died in the saddle, on the job, with her hands on the controls. Port Augusta had the very best advocate in Joy Baluch. Yes, Port Augusta really is the centre of the universe—we heard it that often we now believe it to be true. To her beloved children who are here with us today, Michelle and Emil, and to her grandchildren, Allan and Carlee, and to her many friends and family friends, we extend our sincere condolences and thank you for being there for Joy. To be present at her huge funeral in May was truly a memorable occasion and you, her family, indeed all of Port Augusta, would have been so proud. Yes, she certainly is with God and with Teo. Mayor Joy Baluch AM, thank you so much, to know you was indeed an honour.

**Mr GRIFFITHS (Goyder) (11:59):** All communities face challenges and they also have tremendous opportunities, but they rely upon outstanding individuals to stand up and work with those issues and to bring a community along with them. In Mayor Joy Baluch, the people of Port Augusta and the Upper Spencer Gulf truly found that champion who was prepared to do anything that it took to drive a community to a better place.

As a person who worked in local government for 26 years prior to coming in here and who was a CEO for 13 years, I have seen the amount of effort that a mayor is required to put into place to ensure that their community is driven in a way that they would like to see it happen. It takes an enormous amount of energy. You are expected to know information and have an answer for any proposition put to you. You are expected to know who to contact to fix a problem. You are expected to be the fixer. Simply put, they can take anything to you and you can take care of it. For many people it drags them down; they do not have the energy, the vitality and the personality for it, but Mayor Joy Baluch did in every possible way.

In my local government time, I was lucky enough to be at forums in which she would hold court, and that is the term that I use because she definitely took charge of the room. All present would listen to every word she said. She would direct the conversation. She would be polite with people, but she would be very forceful in what needed to be relayed so that those who were there truly understood the needs of her community in the Upper Spencer Gulf, regional South Australia, and all of South Australia.

To me, she was two people: there was the outwardly strong personality who would do everything that had to occur; but then, as the member for Finniss referred to, I am also one of the beneficiaries of a Christmas card from her, which I think was probably handmade, definitely handwritten, and expressed a belief in others to do the right job and, exceptionally, her strong belief in her God which drove her. That was not obvious to me on many of the other occasions I met Mayor Joy Baluch, but the Christmas cards exemplified it to me. I have certainly kept the cards that I received from her too, because they have left a longstanding impression on me.

I lived about an hour and a quarter away from Port Augusta for five years in the mid-1990s and I would be in Port Augusta on some occasions on Sundays, and I have a vivid recollection of Mayor Joy Baluch being in Woolworths wearing her leather pants. I saw her from an extreme distance and I thought 'Wow, that is an exceptionally beautiful lady.' She was in her late 60s at that stage. Obviously, as other members have referred to, she would have put a lot of effort into a community function earlier that day and spoken well no doubt, but, no matter where I saw her, she was exceptionally turned out. She took absolute pride in her appearance and she took pride in what she did for her community.

Along with many others, I was quite privileged to be at the Local Government Association function in commemoration of Mayor Joy on 13 June. Having worked in the area for some time, it was obvious to me that there were people there from across the decades of local government—not just the most recent generation who might have worked with her, but in some cases from over 30 years ago—who had heard about her sad passing in May, were unable to be in Port Augusta for the funeral service but wanted to come together—and I think the term used by the LGA, was 'south of Gepps Cross'. For a person who has lived in regional areas for a long time and who understands the significance of Gepps Cross and the frustration of bureaucracy respecting 'beyond Gepps Cross', I think that was an apt title to use.

Both the Hon. John Rau and the member for Bragg spoke. I was very impressed with her speech because it relayed a conversation between two mothers; that is, Vickie Chapman as a mother and Mayor Joy as a mother had talked about their children, and that was a special connection between the two of them. I think President David O'Loughlin of the LGA did Mayor Joy very proud that day. I know mayors and elected members from across the last 30 years were there. It was important that the Local Government Association did that because it paid respect to one of its own who had done exceptional service for such a long period of time and somebody of whom they were very proud.

I say to the extended family of Mayor Joy Baluch that you should be proud. I do not where she found the energy to be a mayor for that length of time, where she found the energy to be a mother of a family for that length of time, where she found the energy to be a business operator for 50 years, and to do everything exceptionally well. She is an absolute icon to me and someone who others who aspire to great roles should look to in determining what it takes to be a good person and to achieve good things for the people they serve, because Mayor Joy Baluch did it exceptionally well.

**Mr WILLIAMS (MacKillop) (12:05):** It is with both pleasure and sadness that I join this debate in honour of Mayor Joy Baluch. Coming from the opposite corner of the state, down in the deep South-East, it was when I first went into local government in the early 1980s that I recall our then district clerk came back from a Local Government Association meeting and told us of this remarkable person who was the Mayor of Port Augusta. He did comment on her language as well. It was several years later, and through the Local Government Association, that I first met Joy.

I will not go over everything that has been said, other than to say that there is nothing that has been said here this morning about Joy with which I do not thoroughly agree. She was a remarkable women; she was indeed a remarkable person; and a remarkable South Australian. She showed incredible dedication and tenacity. The longevity of her campaign for her community was something that just stands out. She has given, I think, everybody who has known her or even heard of her (and I am sure there are very few South Australians who have not at least heard of Joy Baluch and her work) a great insight into what it is to be a community leader, and she was a community leader extraordinaire.

One of the great privileges I had—and I mainly knew Joy through meetings and her advocacy for her community and her region of the state—was to sit next to her at a local government dinner some years ago, along with my wife Leonie, and it was a fantastic evening and a great privilege to have sat with her and chatted about things that were not necessarily something she was advocating for and, as other members have said, her warmth of character came through in that circumstance.

It was and has been a great privilege of mine to have known Joy. The last lengthy conversation I had with her was one where we did not agree: it was about the solar thermal proposal for Port Augusta, and I was explaining to her that it was a very costly proposal and we did not actually see eye to eye, but as others have said that did not get in the way of the relationship we had. It was a great privilege to have known Joy, to have worked with her and to have spent time with her. I, too, was a recipient of her annual Christmas card, something that I held very dearly; the fact that Joy would think to send me a Christmas card, and I felt great privilege in being on her Christmas card list.

It was with great sadness that I learnt originally of her illness, and I thought at that stage that Joy would slow down. Nothing could have been further from the truth, because her tenacity, her physical strength and strength of character showed through even more so under those circumstances. I concur with what a number of people have said here today: her family should be very proud of her, she was a remarkable person. She will remain in our memory for a long time. Please accept my condolences and the condolences of the people of my electorate of MacKillop.

**Mr PEDERICK (Hammond) (12:08):** I, too, rise to add my condolences on the sad passing of Mayor Joy Baluch. It was exactly 12 years ago that I first met Joy, and it came about because at the time my wife, Sally, was mixed up as a representative for the Murray Mallee, with former premier Rob Kerin's regional development meetings and forums around the state. Our eldest son, Mackenzie, was only a few months old and Sally indicated that she was going up to Port Augusta for a meeting. She said, 'Oh, well you can stay home and you'll be right with Mack.' I said, 'No, no, no; I'm going to Port Augusta because I've heard so much about their mayor that I want to meet Joy Baluch.'

It is a true story. I said that I wanted to meet this lady who I have heard so much of—and this was several years before I got elected—a woman who, as we have heard, already had the attention of everyone, from prime ministers down, in this country. I will never forget the meeting. I told Joy of my ambition. All I wanted to do was to say g'day and she was very gracious that that was the reason I wanted to be up there, to make sure I met her. I was very proud that I met her that day.

Over the years, and since being elected, I have met up with Joy and other people in the party and on other occasions, having various meetings in Port Augusta, and she has always been the strongest advocate I have ever seen for their community. Joy will never be replaced; that has been said here today. It will not just be in our lifetime, it will be in anyone's lifetime. No-one drew the attention in a room, or does draw the attention in a room, like Mayor Joy Baluch. She would hate the word, but she is Port Augusta royalty.

She certainly did her utmost for the community. She put her views in a strident manner. She made people at times quake in their boots wondering what Joy would come out with next, but you were never left in any doubt when she was calling a spade a shovel as to what was going through Joy's mind. She was an absolute gem for her community. It is very sad that she left this world. No lifetime for Joy would have been long enough. I send my condolences to the family, and it will certainly be a loss not just for Port Augusta but for South Australia.

**The SPEAKER (12:12):** Joy Baluch prevailed with me to build the new Port Augusta courts at Flinders Parade instead of the old site in the town square and, together, we reintroduced resident magistrates. The first resident magistrate, when the system was reintroduced, was at Port Augusta. The house will indicate its assent in the customary way.

Motion carried by members standing in their places in silence:

[Sitting suspended from 12:12 to 12:23]

#### **APPROPRIATION BILL 2013**

The Hon. M.J. WRIGHT (Lee) (12:24): I bring up the report of Estimates Committee A and move:

That the report be received.

Motion carried.

The Hon. M.J. WRIGHT: I bring up the minutes of proceedings of Estimates Committee A and move:

That the minutes of proceedings be incorporated in the votes and proceedings.

Motion carried.

The Hon. L.R. BREUER (Giles) (12:24): I bring up the report of Estimates Committee B and move:

That the report be received.

Motion carried.

**The Hon. L.R. BREUER:** I bring up the minutes of proceedings of Estimates Committee B and move:

That the minutes of proceedings be incorporated in the votes and proceedings.

Motion carried.

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) (12:25): | move:

That the proposed expenditures referred to Estimates Committees A and B be agreed to.

The Hon. I.F. EVANS (Davenport) (12:25): I look forward to the opportunities to comment on the motion to note the reports of the estimates committees—and I indicate that I am the lead speaker for the opposition. These, of course, are estimates committee reports that deal with a budget that has delivered to the state the highest debt in its history and the highest deficit in its history. It is predicting a surplus that is the highest in the historical record of the budget which goes back 19 years in the net operating balance.

It is a budget where the government has overspent in the last 12 months their expenditure budget by \$637 million. It is a budget that still delivers the highest taxes in Australia. It is a budget that delivers cuts to health to the tune of \$949 million, cuts to education to the tune of \$260 million, cuts to the police to the tune of around \$150 million and introduces a car park tax, and other measures.

What did the independent commentators say about the budget to which the estimate committee reports apply? The *Financial Review* said that, 'like his counterparts, they chase rainbows into the forward estimates courtesy of optimistic rebounds in revenue and promises of cost-cutting'.

The Australian editorial said that, 'Truth be known, after almost a dozen years of Labor government, South Australia has squandered its opportunity to reset the state economy.' But perhaps the most telling comment of all was left to Judith Sloan, economic commentator in *The Australian*, who asked the question, after writing about the South Australian budget, as to, 'whether Australia can afford two Tasmanias'. They are the comments of the independent commentators, not in Her Majesty's loyal opposition, and the reason those people made those comments will become obvious when you look at the estimate committee reports.

The reality is that the government has really mismanaged the budget to a large extent, to the point now where this government is now offloading around 5,000 public servants across the forward estimates. They run around with a scare campaign of what oppositions may do, but they themselves have announced a \$949 million cut to health, \$260 million cuts to education, \$150 million cuts to police and the offloading of around 5,000 full-time equivalents throughout the Public Service.

You only have to look at their budget management to understand why they have made those decisions. This is a government that has simply failed to meet its budget expenditures virtually every time they have set their budget. Just in the last 12 months the government has overspent by \$637 million. Now, that is bad enough if it was one year, but if you go back three or four years, they were spending \$599 million more, \$670 million more and, as the Auditor-General continues to warn and continues to write, one of the issues with this government has been the lack of control of its expenses.

Having set the budget, can they live within their expenditure? They have not gone over by \$10 million or \$20 million; they are going over by \$600 million a year on a consistent basis. That is why the independent commentators make the comments they do about whether Australia can afford two Tasmanias. The result is that this government is budgeting to run six deficits in seven years, and the net operating balance, the deficits total over those seven years, is \$3,000 million.

A total of \$3,000 million is a hard figure to put into context, so let's just imagine it for a minute. If it was just spent on capital works, for instance (and of course the net operating balance does not pay for capital works), you could pay for five Adelaide Oval projects with the deficits this government has budgeted to run—five Adelaide Oval projects. It is a staggering amount of money that the government has run through budget deficits.

What it wants us to believe, why the *Financial Review* says this budget is about chasing rainbows, is this. For the 12 months just finished, the 2012-13 year, the budget deficit it is predicting is over \$1,300 million in one year—\$1,300 million, or over \$100 million a month in deficit, just for that year, just in the net operating balance side of the budget and not on the capital works side of the budget, just on the net operating balance side of the budget. That is the biggest deficit in the state's history.

Roll forward to the year we are in now, the financial year we have just started, and it is predicting a \$911 million deficit. That is the second biggest deficit in the state's history. Roll forward three years to the 2016-17 year and the government is predicting a \$661 million surplus. It is expecting South Australians to believe that from 2012-13 to 2016-17 (four years) the budget bottom line will improve by \$2 billion—a \$2 billion turnaround in that period. That is why the *Financial Review* says that this government is chasing rainbows with its revenue predictions.

The \$661 million surplus is the highest surplus in the historical record of the budget. The budget papers go back 19 years, and if you go back 19 years and look at the surpluses and the net operating balances you cannot find one that is \$661 million. The reality is that what it has predicted over the lifetime of this government is about \$2.6 billion in surpluses. What it has actually delivered for the same years is a \$3 billion deficit. That is a \$5.6 billion difference in what it has budgeted to achieve and what it has actually achieved. This is why the independent commentators talk about missing their opportunities to reset the economy and whether Australia can afford two Tasmanias.

Just look at this year, 2013-14. The budget deficit it is predicting now for 30 June in 12 months' time is \$911 million. When it was first predicted, it was put against a surplus of \$480 million. Just in this 12 months alone, that is a nearly \$1,400 million difference between what it budgeted originally and what it is now predicting to be the outcome. The result of all this is that when you run big budget deficits your debt goes up.

We know that former treasurer Snelling, when he held the post, came out on his very first day and said that he would not allow this state to run up a credit card debt which would be left to our children to pay. The government went out and said, of course, that it was going to sell the forests and the Lotteries Commission. It was going to do that to reduce our debt and keep the AAA credit rating.

What has happened with the state debt as a result of running these budget deficits and, indeed, with other expenditure? The reality is that the state debt has increased to a point where it is now budgeted to reach a figure of around \$13.75 billion. That is after receiving \$1 billion, in round numbers, for the sale of the forests and the licence to run the Lotteries. The debt is increasing at a rapid rate. In fact, it has been increasing at around \$4.2 million a day, every day, for eight years. It is a big, steep increase in the debt, and that is after selling the Lotteries and the forests. At one point in the 2011-12 budget speech, Treasurer Snelling said:

...to take on debt merely to pay for the running of costs of government is tantamount to stealing from our children...That is why I cannot agree with those...who...recommend running up debt as a quick fix.

That seems to be a totally different approach to the reality of what has happened. The then treasurer says one thing, that they are not going to run up debt as a quick fix, and at the very same time, the government introduces budgets running up massive debts—indeed, the highest debt in

the state's history. Of course, the current finance minister, minister O'Brien, let the cat out of the bag in 2010 when he said:

We are actually having to borrow to pay wages...that is unsustainable...We are in a position as a government if we were being financed by the banks, they would pull the overdraft on us because we are currently, year on year, operating in the red...

That was not the opposition saying that; it was the now finance minister, minister O'Brien, who said that at a public meeting in Mount Gambier. To try to control the debt—or to try to give at least some perception about controlling the debt—the government then introduced a debt cap, and it was going to restrict debt to 50 per cent of revenues. Regrettably, that debt cap did not last 12 months. This budget and, indeed, the Mid-Year Budget Review both have that debt cap being broken.

The government has said that it would not run up debt. It has run up debt, it has set a debt cap and then broken the debt cap. Ultimately, it is South Australians who are going to pay very dearly for that. You only have to look at the level of interest that is now being paid, and budgeted to be paid, through the state budget by South Australian taxpayers and you can understand why people's cost of living is going through the roof under this government.

The interest on state debt is going to increase to \$952 million when the debt is at its peak— \$952 million a year. To put that into some context, if interest payments were a government department it would be the fifth biggest expenditure line by a government department. To look at it another way, the police budget is \$867 million and interest payments are \$952 million. This government has got us into a position where we are paying more money on interest than we have been on the police.

If you go to the liability side of the budget and look at things like unfunded super, we are still in a position as a state where our Public Service superannuation is underfunded. It is underfunded to the tune of around \$13.5 billion, and it is going to take until 2034 to have that fully funded. If you go the WorkCover scheme—and the South Australian WorkCover scheme is recognised around Australia as being the worst performing scheme in Australia—it has the highest levy in Australia by a streak and it has the worst performance for getting injured workers back to work. If you are injured in South Australia, it takes you longer to get back to work.

Another thing that came out in the estimates committees is that, as far as rehabilitation goes, the scheme in South Australia has three times the proportional cost of rehab in the scheme compared with other schemes around Australia. The South Australian scheme is not only the most expensive, it not only takes the longest to get back to work, but according to the WorkCover CEO and estimates committees it has three times the proportional cost of rehabilitation in the scheme than other schemes around Australia. So, we are spending more and more and more on rehabilitation, and people are taking longer and longer to get back to work.

The reality is that the WorkCover scheme in South Australia is a debacle. You add all this together—the budget mismanagement, the debt, the budget deficits, the liabilities, the unfunded superannuation and the like—and what it means is that state liabilities under this government have essentially tripled from around \$10 billion up to \$30 billion; they have tripled under the management of this government.

What does that matter? Well, what ultimately matters is that it is the people's cost of living that is impacted by the budget mismanagement. The reason why South Australia's business taxes are the highest in Australia is that the government needs revenue to pay the interest, to run its budget deficits, and to pay for its programs. That is why business is so heavily taxed in South Australia.

You only have to look at the household level to see the price of water, which was gone up around 249 per cent at 30 June just gone. It had gone up around 249 per cent, or about three times over what has been the doubling of the desal debacle—the desal plant, of course, is now going to be mothballed. So, you can see how mismanagement can impact on cost of living. If people want to understand the mismanagement of this government, they need to only do one thing: pick up your water bill and have a look at it. The reality is that their mismanagement is shown there for everyone to see.

As a result of this mismanagement, South Australia has lost its AAA credit rating; that is 12 years of hard work that has been trashed by this government. It was lost, of course, under the Bannon government in 1992. The Liberal Party did a lot of work trying to rebuild the state economy. The AAA was regained after 12 years of work; since then, it has been downgraded twice, and we now have the worst credit rating in Australia.

Why is that, Mr Deputy Speaker? The reason is that this Premier and now Treasurer made a deliberate decision to go out and trash the AAA credit rating. When former treasurer Foley was in the job, he was running around saying things like:

[The government] are focused, committed and determined to keep our AAA credit rating-

Why did he say that? He said that—

...so we do not pass on to generations an absolute nightmare scenario. [It is] good for our state for investment and jobs.

Treasurer Foley argued, 'Get the AAA credit rating, keep it; it was good for investment and jobs.' So then Mr Foley left, and treasurer Snelling came on the scene. What did treasurer Snelling say? Treasurer Snelling said, 'We are committed to making sure that we retain the AAA credit rating.' Why did treasurer Snelling say that? He said that because:

[A] AAA credit rating was a signal to investors about the relative strength and stability of the state's economy.

So, it was about the state's economy—jobs again, Mr Deputy Speaker. Then, the Premier comes on the scene (now Treasurer Weatherill), and he says:

We've made those choices deliberately...that's led to the loss of the AAA credit rating.

Why did he say that? Well, he is 'not prepared to put the future jobs of South Australians at risk'. When they want to get the AAA credit rating and keep it, it is all about jobs; when they want to lose the AAA credit rating—when they do lose the AAA credit rating—they claim it is all about jobs.

We all know that when the credit agency looks at the government's finances and brings out a credit rating, it is an independent judgement about the budget management and financial strength of the state's budget. The reality is that this budget and previous budgets have been marked down by the credit agencies because of financial mismanagement of the state.

The reality is that last year's growth forecast was originally 1.75 per cent. This year's employment forecast for the same year—the new forecast—is now 1 per cent. The reality is that the employment forecast is dropping, not growing. The reality is the reason we lost the AAA credit rating, as Moody's said, was because of the pace of the debt accumulation. It is amongst the fastest growing in the nation.

South Australia has one of the fastest growing debts in the nation and, what is worse, if you go to the Queensland audit commission report, where they looked at all the states' debts, they report that South Australia is paying the highest interest on its debt in the nation. Not only do we have one of the fastest-increasing debts but we are paying the highest interest in the nation, according to the Queensland audit commission. What that means is that, ultimately, when we pay interest on our debt, we will be paying more interest than if we had a credit rating of a higher value.

This should not have been a surprise to the government. The Auditor-General (the independent umpire) has been writing to this government through the Auditor-General's reports for many years saying, 'Your expenditures are too high and you are building in expenditure based on revenues that may not be sustainable.' For instance, in 2005-06, the Auditor-General said, 'Given the forecast expectation that such revenue growth may not be sustained, control of expenditure will be important.'

The reason he gave warning was that they had overspent \$370 million. The government's response, of course, was to go out and respond to overspend by \$374 million. Just in case the government missed it, the Auditor-General then warned them again in 2007-08. The reason he warned them was that they had overspent by \$304 million. The government's response was to go out and overspend by \$670 million.

Just in case they missed that, he warned them a third time in 2008-09 because of that \$670 million overspend, and the government's response was to go out and overspend by \$599 million. This year, of course, the overspend for the year just finished is \$637 million. This results in a high cost of living for households and a high cost of taxation for businesses. There have been numerous reports—by Pitcher Partners and the Institute of Public Affairs—saying that South Australian businesses are the highest taxed in the Australia.

In this particular budget, the government, just like its federal colleagues, thinks the answer to everything is a new tax. Just like the carbon tax and mining tax, this government is introducing a car park tax. Quite uniquely to Labor governments, what they are doing is spending the money on projects this year but not collecting the tax until after the election. The Liberal Party is committed to abolishing the car park tax if and when we are elected in 2014.

The reason the independent commentators talk about chasing rainbows on revenue is the forecast revenue within this budget. Let us just look at two areas. In relation to stamp duty, during the boom times, stamp duty grew at around 7 per cent. In this budget, they are predicting stamp duty to grow at 15 per cent, 15.9 per cent and 10.9 per cent, which is revenue growth above what was the average growth in the boom times. On payroll tax growth during the boom tax times, the average growth was around 6 per cent and in this budget they are talking about 7 per cent, 6.8 per cent and 6.6 per cent, so revenue is up high. This is the point the independent commentators make.

One of the real tragedies of this government's budget performance was the decision of treasurer Snelling in last year's budget to design the budget all around the Roxby Downs expansion proceeding before the deal was finalised. So we all sat here last year and watched the then treasurer stand up and say in the budget speech that South Australia will be a very different place in a few years. The expanded Olympic Dam mine, the largest open pit mine in the world, will be operating, and off the then treasurer went and explained. They built their whole budget revenues and employment strategy around Roxby Downs proceeding.

Of course, we all know the deal had not been done and the deal fell over. However, the government had already locked us in to large expenditures like the new Royal Adelaide Hospital costing \$400 million a year. We have got the expenditure built into the budget—contracted for, and we cannot get out—and, of course, they do not have the extra revenue coming from the increased employment or the increase in mining that would have been generated out of the Roxby deal.

The government has no-one to blame but themselves. They made the classic mistake of spending the money before they got it. They were planning on Roxby starting, and they were signing up on the basis that they were going to get all this employment generated, which would flow through budget revenues through things like payroll tax. The reality is, the deal fell over, and it is a classic mistake of Labor governments.

The reality is that the budget is now under significant pressure. How else do you explain a \$1,300 million deficit last year and an over \$900 million deficit this year? Let's just talk about that \$900 million deficit this year. The only reason this year's deficit is not over \$1 billion is the government went to the Motor Accident Commission, or there was some discussion between the Motor Accident Commission and the government, and—surprise, surprise—they have handed \$100 million over to the government that is brought onto the operating side of the budget this year so it lowers that deficit by \$100 million. If it was not for that \$100 million from the Motor Accident Commission, South Australia would be running back-to-back deficits of over \$1 billion each.

Now, during the estimate committees, we had the joy of questioning the Motor Accident Commission, and they have a solvency requirement of 108 per cent. The first time in its history (according to the CEO) that they reached 108 per cent, they suddenly decided they could spend the money on road projects. They did not think about holding the money back in the Motor Accident Commission and making motor registration insurance cheaper for the motorist. They did not even model that. We have asked for the modelling, but they did not even model it. They did not even have the courtesy to the motorist, because not all of this money is being spent this year. Some of this money is being spent over two and three years, as we understand it.

They did not even hold onto the money and only forward it to the government as the government needed it so that the insurance fund could earn interest on the unspent monies. What they have done is handed the \$100 million over to the government so they could lower their budget deficit by \$100 million to bring it in under \$1 billion. Of course, when we asked former treasurer Snelling about going in and raiding money out of the Motor Accident Commission, the answer was that it would simply be an unsustainable thing to do, an unwise thing to do and they would not be doing it. So 12 months ago they were not going to do it, and guess what: this year, they are doing it.

Then we went on to ask a few more questions about the Motor Accident Commission, because we know that the Motor Accident Commission is obviously going to look at other ways to assist this government. It is obvious to me that there is some discussion going on at informal levels between the Motor Accident Commission, or someone within the Motor Accident Commission or its committees, and the Festival Centre Trust about investing in some building down along the riverbank here. The reason I say that is really quite simple: I asked during the estimates

committees a number of questions to minister O'Brien, who, in fairness to him, sought advice from the CEO of the Motor Accident Commission who was in the estimates committees.

There were four, five or six questions about whether the Motor Accident Commission had been in discussions with the government about investing in or providing money for other purposes 'like the Festival Centre Trust.' The answers were no, there was not. Eventually, we asked the question:

Are there any members of the MAC Board or people on the MAC committee that are also members of the Festival Centre Trust?

To the surprise of the whole committee, the CEO advised the minister that there was one person who was involved in both committees. I then asked whether that person had had any discussions with the Motor Accident Commission. It is clear—the minister says:

The briefing that I have just received from the chief executive officer is that there are lots of propositions put forward in an informal manner, but nothing in a formal sense has come to the MAC Board or the Investment Committee and been formally dealt with and minuted as such. So it may be a proposition that—

I interject, 'It may have,' and Mr O'Brien says, 'It may have, yes.' So, it is clear to me that there are discussions going on at an informal level between someone in the Motor Accident Commission and someone in the Festival Centre Trust about investing down the back. Unfortunately, this government is divided and lacks discipline, because the Minister for Transport, when interviewed on the weekend, was asked the question, and this is the news report transcript:

The Opposition says it's an act and wants the Government to make all plans publicly available before consulting the people. And questions remain regarding funding too. Finance Minister, Michael O'Brien, has suggested Festival Theatre upgrade funding may have been discussed with the cashed up Motor Accident Commission. Today that was denied.

Then minister Koutsantonis says:

That was a question that wasn't based on any fact, on any evidence. It's merely speculation, and it's not true.

So, minister O'Brien told the estimates committee that there were members who were involved in both entities, and that there may well have been informal discussions. Minister Koutsantonis says it is simply not true. The reality is that there is a conflict between two senior ministers and it will be interesting to see whether there will be any announcement between now and the state election about the Motor Accident Commission investing in any of the development work down along the Riverbank Precinct.

That will be an interesting point, I think, for people to watch between now and the election. The reality is that the government is well short of its 100,000 jobs promise. It is well short of the export targets that it set and the economic activity in South Australia—the state final demand—has declined rapidly.

The summary of everything I have been speaking about is best shown by the South Australian Centre for Economic Studies' report into the state economy which was released on 28 June. Again, this is not the opposition. This is the independent South Australian Centre for Economic Studies, and in its report it says that South Australia has gone backwards in 2012-13 in both state final demand and overall economic growth. In other words, South Australia is in a recession.

SACES economic growth forecast for the next two years are also far more pessimistic than the budget.

The SACES report says this, and I quote:

The South Australian economy has experienced arguably its largest downturn since the 1990 recession over the past year.

Their words not mine. It goes on to say:

The sustained decline in State Final Demand suggests that the South Australian economy is in a recession.

Their words not mine It continues:

The budget forecasts state final demand growth of 1.25 per cent for 2012-13...it is almost impossible to see this forecast being realised...there is no way that growth in [state final demand] for the current June quarter could be sufficient enough to meet the budget forecast...it is also highly unlikely that the [growth state product] forecast will be achieved.

At either end of my contribution, I quote independent commentators. The opposition has been consistent about analysing this government's performance, about it running budget deficits and building up debt, and what we find now is not that we have jobs but that South Australia is in a recession. That is what the estimate committee questions are all about, and that is what the independent commentators say about the economic performance of this state government.

Debate adjourned on motion of Mrs Geraghty.

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

#### **SUPPLY BILL 2013**

His Excellency the Governor assented to the bill.

#### WORK HEALTH AND SAFETY (SELF-INCRIMINATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

#### ROAD TRAFFIC (EMERGENCY SERVICE SPEED ZONES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

#### MAGISTRATES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

#### POLICE (GST EXEMPTION) 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*.

#### **CROWN SOLICITOR'S OFFICE**

In reply to Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (30 October 2012).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers): I have been provided with the following advice:

Crown Solicitor's Office records show that invoices paid by agencies to private legal providers, approved by the Crown Solicitor under Treasurer's Instruction 10, for the last two financial years were as follows:

2011-12: \$9.718 million

2010-11: \$9.449 million

It should be noted that this information does not provide details of work undertaken for agencies that are not bound by Treasurer's Instruction 10 who may seek legal services from private practice without reference to the Crown Solicitor. Such agencies include statutory Boards, WorkCover and the Motor Accident Commission.

#### **BUS CONTRACTS**

In reply to Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14 November 2012).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers): I have been advised of the following:

The increase was due to fuel costs, congestion payments and transition payments relating to the previous metropolitan bus contracts. It was also due to the advancement of major bus infrastructure maintenance requirements (the replacement of gas cylinders on Compressed Natural Gas (CNG) operated buses).

The revised approved budget for the 2012-13 financial year is \$176 million.

#### PAPERS

The following papers were laid on the table:

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

Royal Commission—Report of Independent Education Inquiry 2012-13 Remuneration Tribunal—

No. 3 of 2013—Travelling and Accommodation Allowances Determination

No. 4 of 2013—Conveyance Allowance—Judges, Court Officers and Statutory Officers Determination

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

Regulations made under the following Act— Land Tax—Prescribed Associations and Exemptions

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

Professional Standards Council—Annual Report 2011-12 Regulations made under the following Act— Civil Liability—Lifetime Support Scheme Rules made under the following Acts— District Court—Criminal—Amendment No. 2 Magistrates—Amendment No. 44 Supreme Court—Criminal—Amendment No. 1

By the Minister for Mental Health and Substance Abuse (Hon. J.J. Snelling)-

Regulations made under the following Act— Tobacco Products Regulation—Smoking Bans in Public Areas—Longer Term— Royal Adelaide Show

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

Regulations made under the following Acts— Harbors and Navigation—Marine Safety—Domestic Commercial Vessel— National Law Marine Safety (Domestic Commercial Vessel) National Law (Application)—Fees Motor Vehicles—Third Party Insurance—Lifetime Support Scheme Rail Safety National Law (South Australia)—Annual Fees

By the Minister for Housing and Urban Development (Hon. A. Koutsantonis)-

Regulations made under the following Act— Architectural Practice—Exceptions—Architectural Engineer

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

Distribution Lessor Corporation—Charter Generation Lessor Corporation—Charter Transmission Lessor Corporation—Charter

By the Minister for Police (Hon. M.F. O'Brien)-

Regulations made under the following Act— Police—Fees—GST Exemption

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

Death of Neil Wills Heyward Report of actions taken following Coronial Inquest April 2013

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

Regulations made under the following Acts— Aquaculture—Fees Increases 2013 Fisheries Management—Licence and Registration Application Fees Increases 2013

Primary Produce (Food Safety Schemes)—Plant Products—Compliance with Food Standards Code

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

Aboriginal Lands Trust—Annual Report 2010-11 Dog Fence Board—Annual Report 2011-12 Regulations made under the following Act— Environment Protection—Waste Depot Levy—Fee Units Increase 2013

#### **CHILD PROTECTION INQUIRY**

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:04): I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** On Monday, 1 July, I released the report of the Independent Education Inquiry, an inquiry with the full powers of a royal commission conducted by former Supreme Court justice the Hon. Bruce Debelle. The enquiry deals with an incident in a metropolitan school in 2010 where a man was arrested for a sexual offence against a child in outof-school-hours care. The man was arrested by police and removed from his employment at the school. He was charged, convicted and gaoled.

However, parents of other children at the school were not informed about this matter, despite repeated inquiries by members of the school governing council of the Department for Education and Child Development about whether parents could be informed. In 2012, questions were raised with the government about this matter and, within 24 hours of it becoming apparent that the government was receiving inconsistent advice about this incident from the department, the government initiated the inquiry.

The inquiry looked into the circumstances of the failure to inform parents and considered other cases which raised the question of informing parents about matters of this sort. I received the report of the inquiry on Thursday 27 June 2013. The report was considered by cabinet on Monday, where all 43 of the inquiry's recommendations were accepted in principle.

The royal commissioner finds the failure to inform the parents in the school community occurred because of failings by the department, in particular the repeated incorrect assumption about the legal position. He also makes observations about the way in which other matters have been handled. Since receiving this report, I have met a number of parents from the school and, together with the education minister, have discussed the key findings. I have also spoken to the staff of the school, representatives of the governing council and representatives of previous governing councils. I have expressed my personal apology to them for the failure to notify parents following the arrest of a person charged with a sexual offence at this school.

I also expressed my particular apology to the governing council of the school, which was frustrated by the department in their attempts to ensure that parents received this important information. I have acknowledged the mistakes made, I accept responsibility for what has occurred, and I pledge the government's support for measures to ensure that these things do not happen again.

In broad terms, the royal commissioner acknowledges that a range of improvements have been made to the way these matters are now handled. The report's 43 specific recommendations the government accepts in principle, and will begin work on implementing these immediately. Some of these recommendations have already been implemented and others are well advanced in their implementation.

For example, today, the Attorney-General announced a series of changes to the Child Sex Offenders Registration Act 2006, which includes addressing the recommendation in the report which gives the South Australian police the power to obtain information about the employment of a person who is charged with a child sex offence and to notify the employer, or any prospective employer, of the charge. The report also makes a number of observations about other matters, such as other arrests and child-on-child sexual assaults. We take these matters seriously, and I have referred them to the inter-agency task for further advice, which is meeting today.

Yesterday, the Minister for Education and Child Development has also announced that the department will be the subject of an independent review to be undertaken by former chief executive of the Victorian education department, Mr Peter Allen. The review will:

- consider relevant findings and recommendations of the Debelle inquiry about the structure, operation and culture of DECD;
- recommend organisational changes that will help to prevent systemic failings in future; and
- recommend appropriate action in relation to departmental matters referred to by Mr Debelle but not formally investigated as part of the Debelle inquiry.

This review will seek to address the systemic issues that Mr Debelle identified within the department. The report also raises concerns about the performance of a number of Department for Education and Child Development staff. As the Public Sector Act outlines, chief executives are responsible for the management of individual employees.

The chief executive of the department has informed me that he has undertaken immediate steps to review the report for the purposes of determining whether disciplinary proceedings should be brought against those in the department who have not met the standards expected of them. These matters are being handled by Mr Bartley, who has advised me that he intends to deal with them as a matter urgency.

I would like to thank Mr Bruce Debelle for his work in conducting this inquiry. Over five months, Mr Debelle heard evidence from 98 witnesses and received a substantial amount of documentation to assist him in conducting his inquiry. He has produced a thorough but easily readable report, which has been recognised by parents I have met within the last few days.

Above all, I also want to thank all of those parents for the constructive way in which they have engaged with the inquiry and for the courage they and their children have demonstrated in dealing with these issues. Parents should be assured that our schools treat the safety of their children extremely seriously. The changes that have already been implemented to ensure that these events are not repeated and the seriousness with which we are dealing with the royal commissioner's recommendations should provide parents an additional level of assurance. I now table the report for the information of the house.

## **QUESTION TIME**

## CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:14): My question is to the Premier. Will the Premier confirm—

Ms Thompson interjecting:

The SPEAKER: Sorry, it is my mistake.

The Hon. P. Caica: It is, sir.

**The SPEAKER:** Thank you to the member for Colton for helping me with that. I have jumped reports of committees. The Environment, Resources and Development Committee.

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**Ms THOMPSON (Reynell) (14:15):** I bring up the 71<sup>st</sup> report of the committee entitled Small Bars and Live Music.

Report received and ordered to be published.

**Ms THOMPSON:** I bring up the 72<sup>nd</sup> report of the committee entitled Biosecurity Fee.

Report received and ordered to be published.

## LEGISLATIVE REVIEW COMMITTEE

**Mr ODENWALDER (Little Para) (14:16):** I bring up the 29<sup>th</sup> report of the committee.

Report received.

## The Hon. C.C. Fox interjecting:

**The SPEAKER:** I call the Minister for Transport Services to order. The minister was most disruptive in the previous question time.

## SOCIAL DEVELOPMENT COMMITTEE

**Ms BEDFORD (Florey) (14:16):** I bring up the 34<sup>th</sup> report of the committee entitled Inquiry into New Migrants.

Report received.

## SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

**Dr CLOSE (Port Adelaide) (14:17):** I bring up the final report of the select committee, together with minutes of proceedings and evidence.

Report received.

## **QUESTION TIME**

**The SPEAKER:** I apologise to the Leader of the Opposition. My previously calling him was not a trick to get him to disclose his first question. Leader of the Opposition.

## **CHILD PROTECTION INQUIRY**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:18):** My question is to the Premier. Will the Premier confirm that he accepts all Debelle Inquiry findings, in addition to the recommendations which you have just informed the house that he will be accepting?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): Yes.

## **CHILD PROTECTION INQUIRY**

**Dr CLOSE (Port Adelaide) (14:18):** My question is to the Premier. Can the Premier inform the house about steps taken since 2002 to improve the protection of children in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): I thank the honourable member for her question. The welfare of South Australia's children and protecting them is the highest priority for this government, and it has been from the earliest days of the life of this government.

Mr Pisoni interjecting:

Mrs Redmond interjecting:

**The SPEAKER:** I call the member for Unley and the member for Heysen to order. Premier.

**The Hon. J.W. WEATHERILL:** Within weeks of coming into office in 2002, we commissioned the far-reaching inquiry into child protection—in fact, it was from the member for Ashford at the time—by Ms Robyn Layton QC, the so-called Layton review. We were extremely concerned about the crisis that was described as existing in the child protection system within South Australia at that time. The number of mandatory notifications of abuse had increased by more than 6,000 over four years to 2,000 in 2001 without any meaningful response. Our response to that inquiry—Keeping Them Safe, a Reform Agenda—underpinned a comprehensive overhaul of South Australia's child protection system and also guided the work of every government agency, including the Department for Education.

Mrs Redmond interjecting:

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

**The Hon. J.W. WEATHERILL:** The government's response to this inquiry also included a significant increase in funding for our state's child protection efforts. Since 2002, the overall budget for the care and protection of children has tripled and the number of child protection workers has gone from 283 full-time equivalents in 2002 to 632 full-time equivalents today.

We established a range of important institutions to ensure that we were supervising the question of the protection of children—the Child Death and Serious Injury Review Committee, the Council for the Care of Children, the Office of the Guardian for Children and Young People—to protect children in state care. We expanded the people required by law to report child abuse to include, amongst others, people working in education, childcare workers, sporting groups and ministers of religion. We introduced mandatory three-yearly criminal history checks for teachers and those who work with children, expanding the number of counsellors in primary schools, and updated the state's child protection curriculum for the first time in 20 years.

The Department for Communities and Social Inclusion's screening unit was established in 2010 to include child protection and other relevant information in background screening, on top of criminal history checks. We removed protection for paedophiles who offended prior to 1982, supported a paedophile task force for the South Australian police force, and introduced a raft of new laws to better protect children. These have included increased penalties, the maximum penalties for child pornography, making it an offence to procure and groom a child to engage in sexual acts; criminalising the filming of children for prurient purposes regardless of consent; introducing a paedophile register; and allowing the courts to prevent convicted paedophiles from using the internet.

The late Ted Mullighan QC's inquiries into the past abuse of children in state care and vulnerable children in remote communities have also led to substantial legislative and policy change, including the introduction of the Statutes Amendment (Children's Protection) Bill 2009. In the last six months alone we have taken new, significant steps within the Department for Education and Child Development to improve child safety policy, practices and standards, and the release of the Debelle inquiry report will lead to further change. Sadly, this work must continue. Wherever there are vulnerable people there will sometimes be predators. The work of child protection must always, therefore, continue.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:23):** My question is to the Premier. When the Premier was minister for education was he aware that there was, and I quote from the Debelle report, 'a lack of adequate knowledge as to how to act when dealing with serious matters such as sexual offending against a child at a school'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:23): I thank the honourable member for his question. One of the first things that I presided over in my role as minister for education was the publication, in about mid-2010, of a series of new guidelines for staff in relation to education and care settings, responding to children or young people who engaged in or were affected by problematic sexual behaviour.

This new policy, which was produced for the first time, I think in July 2010, was an important contribution to dealing with the question of sexual behaviour for children and young people in our education and care settings. It was the most comprehensive response that had occurred before that time. It makes clear that parents should be informed and considerations be undertaken as to how and when they should be informed, where and when they should be informed—

Mr Venning: So why weren't they?

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

The Hon. J.W. WEATHERILL: —where there are questions of child sexual abuse—

Mr Venning interjecting:

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

**The Hon. J.W. WEATHERILL:** —where there are questions of abuse of children in schools. It's clear in the terms of this particular policy. It's also true, though, that Mr Debelle recommends greater guidance should be provided to schools about how to apply the principle in each case. I think one of the great benefits that has now emerged from this very comprehensive report that has been produced by Mr Debelle is a very clear and readable set of guidelines to take one through every single potential case that may arise for these matters.

But the truth is issues of this sort concerning adults are rare—thankfully, they are rare and, so, many school leaders will only be forced to confront them perhaps once, maybe never, in their school careers. So, it is important to have these guidelines clearly laid out so that mistakes of this sort do not happen again. We have the benefit of that and we will be adopting that, so that these horrible events will not happen again.

## CHILD PROTECTION INQUIRY

#### Mr MARSHALL (Norwood—Leader of the Opposition) (14:25): A supplementary.

**The SPEAKER:** A supplementary, if it be a supplementary.

**Mr MARSHALL:** If these guidelines were in place and they were understood by the department, why was it then that Mr David Waterford, on behalf of the department, sought urgent advice from the Crown Solicitor on 31 October 2012 about how suppression orders worked and whether they impacted on parents' rights to receive information, on the day after the opposition raised this issue in the house?

#### An honourable member: Good question.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): It is a good question. That is precisely what a public servant should do in circumstances where they are faced with a—

#### Members interjecting:

The Hon. J.W. WEATHERILL: —and I think one of the—

#### Members interjecting:

**The SPEAKER:** I call the member for Unley to order and I call the Leader of the Opposition to order. Premier.

**The Hon. J.W. WEATHERILL:** I think there is an important point that emerges from the leader's question; that is, that's precisely what we want public servants to do if they are uncertain about the legal position. Much of what went wrong here were people making their own judgements about what the true legal position is without actually seeking legal advice.

Indeed, it is one of the findings made by Mr Debelle that there was no-one, until Mr Waterford, that actually sought independent legal advice about this matter. So, there is no criticism of Mr Waterford in this matter. In fact, he is held up as somebody that did the right thing and not the wrong thing. There are trenchant criticisms of somebody that managed the legal unit within the education department who was making judgements about what the legal position is—

#### An honourable member: Incorrectly.

**The Hon. J.W. WEATHERILL:** —incorrectly, without seeking advice. Even if one could barely excuse that, when it was raised with him by parents that he should reconsider his position, he didn't reconsider his position and maintained the erroneous view on a continuous basis. So, seeking independent advice is something that we encourage and not discourage.

#### CHILD PROTECTION INQUIRY

**Ms BEDFORD (Florey) (14:27):** My question is to the Minister for Education and Child Development. How is the government addressing the recommendations of the independent education inquiry?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:27): While the independent education inquiry was being conducted, we began the process of making improvements to the way child protection matters were being dealt with by the education department. These included extra staff for the investigations unit, teacher screenings, adult re-entry screenings, preregistration screenings, contractor and volunteer screenings, the appointment of David Waterford as a deputy CE for child safety in the department, child safety notification guidelines to help guide the notification to parents, the development of a prescribed offences list and establishing the Office of Child Safety.

This groundwork means we have already made progress in addressing the 43 recommendations made by the inquiry. Importantly, we established the incident management division which, on 1 July, brought together five investigative functions which were previously dispersed throughout the department. These are the parent complaint unit, the investigations unit, the HR support, school care and the legislation and legal services unit.

This means that one division, including a legally qualified and experienced senior officer, will oversee the investigation of serious matters. This change expands on the inquiry's recommendation 8, that one person supervise and coordinate management of a matter and records be kept in a central file. We have already accomplished recommendations 20 and 37, delivering extra staff for both the DECD investigations unit and the DCSI screening unit. Three other recommendations have been completely or substantially achieved but will go through a due diligence process to ensure that they fully address the royal commission intent. These are:

- Recommendation 4. Guided by internationally recognised experts in psychology, criminology and child protection, we develop a risk assessment tool that considers potential risks to children and informs decisions about notifications.
- Recommendation 6. A CE circular is being developed to advise site leaders and members of staff of the requirement that they keep a record of conversations and events that occur in relation to management of an allegation.
- Recommendation 18. All new DECD contracts with external providers will include clauses that impose a range of child protection obligations on relevant third-party providers.

Twelve other recommendations are expected to be implemented by late August. Agencies are committed to completing work on another 17 recommendations which require significant work and which we hope to have in place by the commencement of the 2014 school year.

Four recommendations relate to the processes for dealing with the report; four other recommendations require legislative change. Recommendations 28 and 29 concern a person charged with a sexual offence involving a child being required to disclose their workplace to police and to ensure that their employer is notified of the charges. I am pleased to report that these recommendations are addressed in a bill being addressed to parliament today by the Attorney-General.

## CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:32):** My question is to the Premier. Does the Premier agree with Mr Debelle's finding that a minister is entitled to expect that his ministerial adviser will inform him promptly of any matter of significance to the proper discharge of the responsibilities of his portfolio, particularly where those matters might be controversial or might become the subject of public debate or scrutiny in the parliament or in the media?

# The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:32): Yes.

#### CHILD PROTECTION

**The Hon. M.J. WRIGHT (Lee) (14:32):** My question is to the Attorney-General. Can the Attorney-General please inform the house about the measures the government has taken to target child sex offenders?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:32): The government is responsible for significant reform in relation to the laws directed at child sex offenders. The government has increased penalties for child pornography from a maximum of two years to 10 years' imprisonment. The government has created new offences for procuring and grooming a child for sexual acts and has criminalised the filming of a child for sexual purposes, regardless of consent.

The government was responsible for implementing the Child Sex Offender Registration Act 2006 and today has announced changes to make this reporting regime even stronger. The government introduced reforms to the Criminal Law (Sentencing) Act so that a repeat child sex offender is subject to harsher penalties and to make it a primary policy of the criminal law that children are protected from sexual predators by ensuring that, in any sentence for an offence involving sexual exploitation of child, paramount consideration is given to the need for deterrents.

The government expanded the regime that allows the courts to detain a person indefinitely to include persons who are unwilling to control their criminal sexual urges. The government removed the statute of limitations in relation to historical sex crimes. The government introduced the paedophile restraining order system, allowing SAPOL to apply for an order against a person, even if that person is not charged with an offence. The government has required that the courts give priority to trials involving child sex offence matters as well. It is clear that these matters are of the gravest significance and of the highest priority.

### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:34):** My question is to the Premier. Does the Premier agree with Mr Debelle's finding, and I quote:

The Department is...entitled to expect that the ministerial adviser will inform the minister of matters significant to the discharge of the portfolio that have been sent to the minister adviser.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:34): Yes.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:34):** My supplementary is to the Premier: given his response to the last two questions and his comments made in the media on 2 November last year that it beggars belief that he was not told, can he inform the parliament what disciplinary action he has taken, or contemplates taking, against the two ministerial advisers who failed to inform him about the contents that were the subject of the Debelle inquiry?

#### Ms Chapman interjecting:

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:35): I have spoken to both of the advisers and told them that what they did was a mistake—

#### Members interjecting:

**The Hon. J.W. WEATHERILL:** —and an unacceptable mistake, and they both accept that. Both of them, as is appropriate, endured the public censure that is associated with making a mistake of that sort. Both of them understand the full force of Mr Debelle's observations. My judgement is that it was an isolated mistake and—

#### Members interjecting:

**The Hon. J.W. WEATHERILL:** —and they have been excellent servants, not only of myself, but also of the state.

**The CHAIR:** Before the Leader continues, I warn the member for Heysen for the second and final time; I call the Deputy Leader of the Opposition to order; and I warn the member for Unley for the first time, having been called to order twice.

#### POLICE FUNDING

**Ms THOMPSON (Reynell) (14:36):** My question is to the Minister for Police. Minister, what additional resources have been provided to SA Police over the last 10 years to assist in the area of child protection?

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) (14:36): I thank the member for Reynell for this question. This government has provided significant additional resources to SAPOL for the purposes of both preventing crimes against children and investigating those crimes that do occur. Most of these resources have come from over 800 additional police provided by the government since 2002 and the doubling of the operational police budget over the same period. There have also been additional specifically-funded initiatives.

Before you can fully protect the children of today, you must work to redress the wrongs of the past. That is why this government provided additional funds for the establishment of the Paedophile Taskforce in June 2003. This unit of 25 was led by the now Deputy Police Commissioner Grant Stevens, and was tasked with dealing with historical offences dating from as far back as the 1950s. Over 1,000 investigations were conducted and over 111 people were arrested over seven years.

There can be no doubt that there are paedophiles in gaol today who would not be there if it were not for the dedicated work of this team and the decision to change the law in 2003 to remove the bar on prosecution for pre-1982 offences. The work of the Paedophile Taskforce was completed in 2010; however, due to the extra police resources provided to SAPOL by this

government over the intervening years, the Commissioner of Police was able to maintain SAPOL's capacity in this area.

In addition, next year's increase in police numbers will enable the Commissioner of Police to establish a dedicated unit to patrol the internet for those who seek to prey on children. The new Internet Child Exploitation Team will find those looking for victims in chat rooms and on social media. Through forensic analysis of internet activity to identify child and minor exploitation; proactive detection and identification of previously unknown offenders; obtaining reliable evidence suitable for court use; and working with other state government stakeholder agencies, SAPOL will improve child protection in South Australia and make a valuable contribution to international efforts to close down this insidious crime.

Another new unit will also be established to keep a watchful eye on those offenders already on the Australian National Child Offenders Register. This will enhance the effective monitoring and case management of high and very high risk child sex offenders on the register. These most recent commitments by the government will further bolster the actions and resources committed by this government over the past 10 or so years.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:39):** My question is to the Premier. Does the Premier now accept Mr Debelle's findings regarding his position, that his 'attempt to defend his chief of staff and ministerial advisers is inadequate and misses the point'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:40): Yes, I do accept that observation. I also accept the other element of Mr Debelle's observation; that is, that my chief of staff was entitled to assume that the matter was being appropriately handled by the agency because of the nature of the communication.

The communication demonstrated a number of things: that somebody was being arrested and removed from the school, that letters were going home to parents and that parents were going to be informed, and the advice was that it should be left to people on the ground in the local area to handle the matter. It is also worth pointing out that Mr Debelle found that, even had the email been passed on to me, I would have been entitled to assume those same things, and he was fortified in that view because of the fact that there were not—

#### Members interjecting:

The Hon. J.W. WEATHERILL: These are the findings of Mr Debelle. You have asked me whether I accept them and I accept all of them. The additional findings are that because of the lack of follow-up emails or briefings or briefings even when I attended that very school for other purposes, that would demonstrate that we were entitled to assume that matters were being handled appropriately. So, if one wants to point to the findings of Mr Debelle one has to adopt all of his findings, and he made all of those findings.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:41):** As a supplementary to that, does the Premier agree with another finding in the report specifically related to Mr Blewett—

**The SPEAKER:** Leader, that is not a supplementary, to go through the report paragraph by paragraph.

**Mr MARSHALL:** He has referred to Mr Blewett not thinking that it was necessary to inform the minister at the time and I would like to ask the Premier whether he agrees with Mr Blewett's position that it wasn't necessary to inform him at the time.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): It is the same question, but no, I don't. I agree with the findings of Mr Debelle.

#### DISABILITY CARE

The Hon. P. CAICA (Colton) (14:42): My question is to the Minister for Disabilities. What action has the government taken to improve the wellbeing of children living with a disability in South Australia?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): I would like to thank the honourable member for his very important question. As the house would be aware, the state government, in conjunction with the commonwealth government, launched DisabilityCare on 1 July of this year, and young people will be the first to benefit from this landmark reform scheme. When the commonwealth announced the NDIS, this government made the decision very early in the piece to guarantee the care of young people under this scheme. We did that because we believe, fundamentally, that every possible chance should be afforded to every child in our community.

Over the last few weeks, I have been on the road in various electorates listening to what young people with a disability are experiencing and what can be done to afford every chance to them. Seeing what young people in the South Australian disability sector have to offer has been very moving and humbling. I was fortunate enough to have a round table discussion with a group of young carers at Carers SA, who explained to me that they often have to say no to friends' parties or activities in general because they are caring for a sibling or parent.

Members of this group also talked to me about how caring for loved ones had drastically affected their ability to complete high school or take on further education. I would like to thank Tegan, Simone, Tanya, Nicole, Chris and Katie for taking the time to give me an insight into their challenging lives. What will DisabilityCare do for these young people? The introduction of DisabilityCare will go a long way to help provide these young people with the type of respite they need to enjoy their childhood, despite not personally living with a disability.

I also met with some young people from Purple Orange, who operate the Julia Farr Youth Mentoring Program. The government provides the funding for this highly valuable program, which seeks to match children between the ages of 11 and 18 who are living with a disability to be mentored by young adults aged 18 to 30 who are also living with a disability. Mentors and mentees get together regularly to provide friendship and guidance and to learn new skills.

The group explained to me that the opportunity to help a younger person navigate their way through the anguish that teenagers living with a disability can experience gives them a huge level of personal fulfilment. I would also like to thank Nick, Jared, Belle, Jessie, Jala, Bradley, Angus, Ellen and other members of the group for sharing their stories with me. Again, what will DisabilityCare do for those young people? I can advise that the introduction of DisabilityCare will help these young people to choose to participate in this type of program, and more kids will be able to access it.

I also had the opportunity recently to open the government's Smart Living Project in Woodville West. These eight apartments incorporate innovative South Australian technology that enables people living with a disability to lead more independent lives. It affords people greater dignity and independence by reducing reliance on paid support staff who are required to be in their homes at all times. This will have an enormous impact on their lives.

I was particularly taken by the overwhelming happiness of a young woman named Tiffany, who is about to become a tenant of the new apartments. With tears in her eyes she explained to me that as a young girl she dreamed of the day, like all young people, that she would be able to live in her own house, make her own rules and be her own person. Despite her profound mobility restrictions, the Smart Living Project has seen her dream realised. Tiffany's story is common to all young people living with a disability.

Last Sunday, on the eve of the launch of DisabilityCare, I met with young Reilly and Samuel, who were born with autism and Down syndrome respectively. I discussed with their parents who, to their great credit, had many questions about the benefits that DisabilityCare would bring them. In the discussion, I explained that the generation that young Reilly and Samuel will grow up in will be one that, thanks to DisabilityCare, recognises people living with a disability as equals.

In conclusion, with its commitment to DisabilityCare, this government is leading the way in creating a fairer and more inclusive community, and putting children first. It is this government that has been working hard and remains focused on the task ahead so that young people with disabilities can grow, prosper and contribute in all the ways they want to.

Mr Griffiths interjecting:

**The SPEAKER:** The member for Goyder is correct in thinking that four minutes has long been up. The leader.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:47):** My question is to the Premier. Given that Mr Blewett's testimony to the Debelle inquiry was quite clear, in that he did not think it was important to inform the minister either at the time or even subsequently, why does the Premier continue to defend his friend, saying that this was an isolated mistake and not an ongoing position that Mr Blewett still holds?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:47): Because of the remarks I made earlier: one is that he accepts it is a mistake; that he now accepts the full force of what Mr Debelle has said. He has endured the public censure associated with those matters and I have made a judgement that it is an isolated mistake in what has otherwise been meritorious service over an extended period of time.

The SPEAKER: Supplementary from the leader.

#### **CHILD PROTECTION INQUIRY**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:48):** What is the Premier's justification to parents at the western suburbs school that Mr Blewett and Mr Harvey are able to keep their jobs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:48): I think I answered that question before.

#### **CHILD PROTECTION INQUIRY**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:48):** Supplementary: if this was a mistake, why did Mr Blewett file this email under a folder on his computer called 'school issues' and then never ever go back to follow it up?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:48): I direct the member to the findings that are made by Mr Debelle. It is not a finding that is made by Mr Debelle, that there has been some other ulterior purpose in those matters. He accepts Mr Blewett as a witness of truth.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: You can laugh about that, but he accepts Mr Blewett as a-

**The SPEAKER:** Premier, would you be seated. I warn the deputy leader for the first time. The Premier.

**The Hon. J.W. WEATHERILL:** He accepts Mr Blewett's evidence that these are proper matters to be handled by an agency, especially an agency that employs staff with special expertise in these areas, that operational matters are a matter proper for staff, that it would be wrong for ministerial staff to meddle in the affairs, especially sensitive affairs of this sort, at the level of the school. He accepts Mr Blewett's assertion that he was entitled to assume that the matter was being properly handled. So Mr Blewett's mistake needs to be considered in that context.

Of course, it was a mistake not handing it on to me, but you need to consider that mistake in the context of the findings that were made that he was entitled to assume the matter was being handled properly. There is no positive thing that Mr Blewett did: it was the failure to do something. He was acting on the basis of a proper assumption that Mr Debelle said he could make, that is, that the matter was being handled at the level of the school appropriately.

#### **CHILD PROTECTION INQUIRY**

**Mr PISONI (Unley) (14:50):** Supplementary, sir. In the Premier's answer he said that it is not appropriate for ministerial staff to be involved in such sensitive matters. Can he please advise the house why it is that ministerial staff contacted all the parents to arrange briefings prior to the public release of the Debelle inquiry report?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:50): Of course, we are dealing with very different matters. I will perhaps take the honourable member to what we are talking about here, and this is the evidence that was given by the chief of staff. He makes these points in his evidence, which is set out in full on page 135 of the report:

I do think the primary responsibility of those is with the department, and I say that because

- (a) there's too much that happens to be farmed up to the minister's office;
- (b) there's a range of expertise within the department that ought to be relied upon to deal appropriately with things;
- (c) I think people would find it offensive if politicians were involving themselves in the matters which occur within schools, as a general rule.

I think creating a culture where ministerial officers are checking to see that the department is acting appropriately creates a bad culture. I think departments ought to be trusted to do the right thing within the province of their remit. There is also a responsibility, I think, on an agency to—where matters are complicated—bring those matters to the attention of senior executives and then form a judgement about whether they ought to be brought to the attention of the minister. That often happens. Briefings are provided about matters that arise.

I don't know enough about what occurred here but clearly at some point there were discussions and differences about whether to advise people and, if so, what to advise people. I don't know at what level in the agency that was all determined but, given that there was that controversy, I imagine within the agency, I think that ought to have been brought to the attention of people further up and then a judgement made as to whether that was something that was appropriately brought to the attention of the minister.

In respect of that evidence by Mr Blewett, what was found by Mr Debelle is this:

In my view, the reasons given by Mr Blewett for believing that the primary responsibility lay with the Department are valid.

#### CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:52): Supplementary, sir. That is a very selective response.

**The SPEAKER:** Of necessity, since I would not want the Premier to read the entire report to us.

**Mr MARSHALL:** I would just like to ask whether he agrees with Mr Debelle's finding only a few paragraphs on, which states:

That is not an adequate answer. It is entirely inconsistent with his earlier answers that one of the duties of a ministerial adviser is to alert the Minister to matters that he thought might attract media attention...Mr Blewett's judgement was sadly at fault.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:53): That is because we are talking about two different things. We are talking about—

#### Members interjecting:

**The Hon. J.W. WEATHERILL:** We are. We are talking about two separate observations about what Mr Blewett said. One is an observation about the reasons why he did not pass the information up and also an observation about why he was entitled to rely upon these matters.

#### Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, there are two separate matters at stake here.

#### Mr Marshall interjecting:

**The SPEAKER:** The Leader of the Opposition is warned.

**The Hon. J.W. WEATHERILL:** I have been asked questions about the chief of staff's conduct and what the Leader of the Opposition is very keen to do is focus on one element of the findings of Mr Debelle. What I am seeking to do is to say there are two elements in it. I fully accept that a mistake was made about one element, but one cannot consider what the appropriate response is to the chief of staff without considering the whole of the context, and the whole of the context is that, even if the memorandum had been provided to me, this is a further finding made by Mr Debelle later in his reasons, namely:

Even if it is assumed that Mr Weatherill had been informed of the content of the e-mail of 2 December and his ministry either had ascertained the true position, he was, in my view, entitled to assume the department had taken the appropriate action. That was especially so in the light of the fact that the department did not provide any further information, either orally or by way of e-mail or in any other form of briefing.

So, when considering how to respond to this matter, all of that needs to be properly taken into account. I did take it into account.

Ms Chapman interjecting:

**The Hon. J.W. WEATHERILL:** It was a mistake. It was an isolated mistake, and I made a judgement about what should happen. I have made that judgement.

Mr Marshall: You backed your mates.

**The SPEAKER:** The deputy leader and the leader are warned for the second and final time. The member for Mount Gambier.

#### SOUTH EAST FORESTRY PARTNERSHIPS PROGRAM

**Mr PEGLER (Mount Gambier) (14:55):** My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister update the house on his visit to my electorate of Mount Gambier last week and the announcements regarding the South East Forestry Partnerships Program?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:55): Happily, I can. I would like to thank the member for Mount Gambier for his hospitality. He is an admirable advocate for his region and his electorate. It is always a pleasure to spend time down there and get shown around by him.

Mr Venning interjecting:

The Hon. T.R. KENYON: I'm in the Barossa more often than you think.

The SPEAKER: The member for Schubert is warned for the second and final time.

The Hon. T.R. KENYON: It was a pleasure to pay the member a visit last week in his electorate at Mount Gambier to announce the state government's continued support for the South-East through our South East Forestry Partnerships Program. The South East Forestry Partnerships Program is a \$27 million merit-based state government grant program, which is accessible by eligible applicants in the South-East. The broad objectives of the South East Forestry Partnerships Program are to encourage forest utilisation, promote regional economic development and contribute to a sustainable workforce.

I am pleased to inform the house that a number of companies have been offered funding under this scheme. Carter Holt Harvey have been offered more than \$1 million to purchase a shavings machine to turn sawlog into shavings, which will in turn be used to manufacture particle board. The shavings will then enter the fibre stream and substitute for more expensive chip. NF McDonnell and Sons have been offered more than \$4 million to produce an efficient and modern processing facility. It is estimated that the business will need to employ 14 new full-time equivalent staff as a result of undertaking the project.

Roundwood Solutions have been offered \$237,000 for a second stage of its long preservation optimiser line and significantly increasing its air-drying storage area. At the completion of the project, it would allow the company to increase its volume capacity from 26,000 cubic metres per annum to 40,000 cubic metres per annum. H&L Scheidl have been offered more than \$1 million, which will involve a complete upgrade at the Marte Siding site. At the completion of the project, the business will be able to process different timber sizes as required by the market, which is currently not possible due to its outdated, inefficient milling machinery.

It is estimated that the business will need to employ seven new full-time equivalents as a result of undertaking this project. Whiteheads Timber Sales have been offered close to \$2 million for a project that includes replacing the original sawlog line machinery with current technology and processes, including the construction of a timber transfer and waste removal system to integrate into existing sawmill operations.

These grants, which have been recommended by an assessment panel, total more than \$8.5 million. This will be matched by at least equal funding from each grant recipient, which means that more than \$17 million is being invested directly into the South-East economy. Mr Speaker, let me take this opportunity to thank the panel and in particular the chair, Mr Trevor Smith, for the

important work he and the panel have contributed into providing for real outcomes for the South-East.

#### The SPEAKER: Hear, hear!

**The Hon. T.R. KENYON:** Thank you, sir. The government has committed to work with business in the South-East to identify additional opportunities for funding under the South East Forestry Partnerships Program consistent with the criteria for the program. This is because the government recognises the significance of the forestry industry in the South-East economy and the challenges that it is facing. That is also why we are funding a comprehensive cellulose fibre study that involves VTT Technical Research Centre of Finland working with the South-East forestry industry to identify a sustainable roadmap and achievable market opportunities for higher value-added activity in the forestry sector.

The stage 2 report is scheduled to be completed later this year and will include the delivery of the draft stage 2 report, which will occur shortly. The report will focus on delivering a strategic roadmap for the Limestone Coast's forestry sector to transition to sustainable, higher value market opportunities. The study is a key initiative of the state government's Manufacturing Works strategy, and it is also one of the key actions identified in the 'Limestone Coast Economic Diversification Report'. This is not the end of the government's work in this area. I am looking forward to implementing the recommendations of stage 2 of the VTT report.

## CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:59):** My question is to the Premier. As the Cossey report recommended that the education minister be advised of all critical incidents, why wasn't the Premier, then education minister, advised of the rape of a seven year old at a western suburbs school immediately after the Cossey recommendations were adopted by the minister in July 2011?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:00): I was the one who commissioned the Cossey review because the Cossey review determined or found that there was not an appropriate set of arrangements for advising ministers, so we put in place the policy once it became obvious that critical incidents were not being provided in a timely or comprehensive fashion to the minister's office.

From time to time we were getting briefings about critical incidents and we expected that that would have been a consistent policy position, but we found through the assault that occurred at the school, and the subsequent review by Mr Cossey, that that wasn't a systematic process, and so a policy was put in place to make sure that happened.

To the extent that any policies have not been complied with by the department, that is incompetent. I think that from what we have seen in this report by Mr Debelle, there is a catalogue of incompetence within the agency which is being addressed, and will be addressed further as a consequence of this. So, we have taken the relevant steps to address these matters and we will hold people to account for their lack of compliance with government policy.

The SPEAKER: Supplementary, leader.

## CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (15:01):** A supplementary: just for clarity with this policy, after the Cossey report made it clear that ministers would need to be informed of all critical incidents, there was a range of follow-ups by the department—by his own department at this point in time—related back to the incident that is the subject of the Debelle Inquiry. Was the minister at any time informed, based upon that follow-up that was put in place from the Cossey report recommendations?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:02): I can only make the observation—it is saying the same thing in another way—but we can put policies in place, and if they fail to be complied with in an individual case, that becomes the subject of the review that will be now undertaken by the chief executive of the agency, to take whatever steps are necessary to take disciplinary action. That is the process that I outlined in the ministerial statement and it is the process that will be acted upon urgently.

The SPEAKER: Supplementary.

## CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (15:02):** Supplementary to that, what sanctions or protocols will you put in place, then, to ensure that this situation doesn't occur again where ministers' advisers don't comply with your own policies? What will you possibly do? You already had one recommendation which was ignored. You are putting another set of recommendations from the Debelle inquiry in place. Are they going to be ignored? What sanctions are you specifically going to put in place?

The SPEAKER: Yes, I think we've got the gist. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:02): I am having a bit of trouble following that, but if it's about the question of the department advising the minister's office, which was the subject of the Cossey matter, then I think I have answered that question, but if your question now becomes: what is the position in relation to ministerial advisers advising ministers about that matter, well there are clear recommendations about that. Obviously the publicity, the public censure, that is associated with this report, has been well noted by all ministerial advisers. It has been communicated with the ministerial advisers in this case. Other ministerial advisers have taken note of the events associated with the Debelle Inquiry, and practice will be changed accordingly.

The SPEAKER: A further supplementary: leader.

#### CHILD PROTECTION INQUIRY

**Mr MARSHALL (Norwood—Leader of the Opposition) (15:03):** Supplementary: is the Premier suggesting that the only follow-up to ministerial advisers acting in this way, which has been deemed to be completely unacceptable, is public censure and that he won't be putting any sanctions in place to ensure that this doesn't occur in the future?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:04): I think there is a bit of confusion between sanctions for an individual for breaching a policy and what is put in place to make sure that people generally are aware of the policy and make sure they comply with it. They are two separate issues. I have dealt with the question of the chief of staff and the ministerial adviser, and I have made a judgement in this case, having regard to all the circumstances, as to what the appropriate response should be and, in relation to the future, this is now a matter that has been discussed with all advisers. They are fully aware of this and it is something that will now become practice.

#### **BOWDEN URBAN VILLAGE**

**Mrs GERAGHTY (Torrens) (15:05):** My question is to the Minister for Housing and Urban Development. The Bowden project was approved by the state government a little over two years ago. Can the minister advise whether apartment construction has commenced?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:05): I thank the member for Torrens for this important question. On Friday of last week we celebrated a significant milestone at the Bowden development with an official sod turning event to mark the commencement of the construction of the first apartment building. Rossdale Homes is the first developer to begin construction on its Bowden Seven development, a three-storey, 16-apartment complex. These one, two and three-bedroom homes sold out within a week of release to the market in December 2012.

At the event I met with purchasers Angela and Drew Ellis and their daughter Georgia, who are all very excited about moving to such a vibrant development and community with an exceptional local member of parliament. Residents are expected to move in when the construction concludes in March 2014. With the start of residential construction, we can see this former 16-hectare industrial site taking shape as one of the most significant developments in Adelaide's recent history.

This milestone begins the realisation of the vision and innovation that Bowden brings and the benefits of a high-quality and well designed, walkable urban neighbourhood. It will be home to more than 3,500 people. Other successful developers from the first release, ACDEV and Systembuilt, are expected to commence construction in the next couple of weeks. ACDEV will build

a further 16 apartments directly adjacent to Rossdale, and Systembuilt will be the first developer to commence delivery of terrace-style housing.

Coming back to an earlier point, the apartment complex now under construction sold out within a week of release to the market. There is no better evidence to this government that the decision we made in firstly offering the housing construction grant and then extending it was the right one. We chose to extend the grant to keep South Australians in jobs and South Australian companies in business. Bowden is being delivered as a people-first precinct with a promise to deliver a unique and vibrant community while embracing the history and charm of surrounding suburbs. It is a wonderful example of how design can lead to the social and sustainable outcomes we need into the future.

## **CHILD PROTECTION**

**Mr PISONI (Unley) (15:07):** My question is to the Premier. Does the Premier stand by his comments, made on 31 January 2011, that Keith Bartley, and I quote, 'is the best man for the job of the education department's CE' and 'he is just incredibly well credentialled'?

## The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:08): Yes, I do.

## TOUR DOWN UNDER

**The Hon. L.R. BREUER (Giles) (15:08):** My question is to the Minister for Recreation and Sport, and Tourism. Can the minister update the house on Australian cycling?

The SPEAKER: In the broad.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:08): Yes; delighted to, sir. There was fantastic news overnight from Nice that Australia's first professional team for the first time has claimed the yellow jersey in the world's biggest international cycling event. Simon Gerrans, who won the stage on Corsica the day before, and to all the GreenEDGE team, including Stuart O'Grady, who is riding his—

#### Mrs REDMOND: Point of order.

The SPEAKER: A point of order from the member for Heysen.

Mrs REDMOND: I am just wondering what the minister's responsibility is for this.

**The SPEAKER:** Yes; I thought the question was rather broadly phrased. It might even apply to my cycling around my electorate on Saturday. I would hope that the minister for sport confines it to the areas of his responsibility.

**The Hon. L.W.K. BIGNELL:** Yes, sir. Tomorrow the Premier and I will be announcing the routes for next year's Santos Tour Down Under. I am sure there are plenty of members on both sides keen to hear where next year's race will race. There is no better time to launch this than when the eyes of the world are on Australia and the fantastic efforts of the GreenEDGE cycling team.

We all know that it's very important that we keep the Santos Tour Down Under here in South Australia. Tomorrow night, I will be heading off to Austria to the Tour of Austria and then on to the Tour de France. We will be having talks at the highest levels with cycling officials from many nations, as well as the head of the International Cycling Union.

On Monday, it will be my very great pleasure to throw a function to recognise Stuart O'Grady. He has ridden more Tours de France than any other cyclist in the history of this great race. They are going around France for the 100<sup>th</sup> time this year. I think it's something that people on both sides of the house should be very proud of. A guy from Ingle Farm, with a lot of guts and a lot of determination, has gone on and taken on the world. So, we will be there with some Coopers beer, some d'Arenberg wine, some Haigh's chocolates and—

#### An honourable member: Vili's pies.

**The Hon. L.W.K. BIGNELL:** Some Vili's pies, exactly. We've got the Vili's pies packed. We'll be presenting Stuart with a special present—a very important memento from South Australia—to mark his 17<sup>th</sup>, as we spread the news to the overseas journalists about what we are doing here with the Santos Tour Down Under next year. So, these are very exciting times for cycling around the world, of course. Fans from all around the world are focusing on what's

happening in France. We are cashing in on that timing as well by announcing next year's Tour Down Under route.

# **CHILD PROTECTION**

**Mr PISONI (Unley) (15:11):** My question is to the Premier. Is the premier aware of allegations made by victims of serious and organised sexual abuse and their families that the Oxfordshire County Council was unresponsive to requests for help at the time when Keith Bartley was director for children, young people and families?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:11): I refer the honourable member to the statement that's been made by the chief executive, which outlines his understanding of these matters. It's worthwhile pointing out that he first became aware of them, I think, in June of this year and that's the first he has heard of these matters.

There is nobody, apparently, in the United Kingdom that's contacted him concerning these matters. He says he has no knowledge of them but, if there is an inquiry into some of these matters, he will no doubt cooperate with it. We note that some of the matters concern a time prior to the time when he had responsibility for child welfare matters in Oxfordshire.

# **CHILD PROTECTION**

**Mr PISONI (Unley) (15:12):** The question was: was the Premier aware, not whether Mr Bartley was aware. I was just wondering whether he is able to answer that question.

**The SPEAKER:** I will treat that as a separate question. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:12): I think I became aware of it a few days ago when there were some media inquiries about it. I was at that time told that the first that Mr Bartley was aware of it was back in June. So, I haven't heard about it, except in the last few days.

## CHILD PROTECTION INQUIRY

**Mr PISONI (Unley) (15:12):** My question is to the Minister for Education and Child Development. Was the parent who received a briefing on the Debelle inquiry correct when she stated yesterday, in relation to her personal briefing with the education minister, and I quote: 'I did leave there...with the understanding that heads will roll'?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:13): I was asked this question by the media yesterday also, and my response is the same: I have never used words like that in any briefing with any parents. I take seriously, however, the failings that have been identified by this inquiry. Mr Bartley is aware how seriously I take them. We expect that he does a thorough assessment and goes through the proper procedures in dealing with any disciplinary actions that need to be undertaken.

# **CHILD PROTECTION INQUIRY**

**Mr PISONI (Unley) (15:14):** Supplementary: is the minister saying that she never told any members of the community at the western suburbs school at the centre of the Debelle inquiry that there would be sackings because of the way the rape of a seven year old was handled?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:14): Yes, I can say that I never said that. What I have said consistently is that there are serious failings in this department and we expect the chief executive officer to take appropriate action in relation to those failings.

# CHILD PROTECTION INQUIRY

**Mr PISONI (Unley) (15:15):** Again, my question is to the Minister for Education and Child Development. Why has the government appointed another consultant to attempt to fix the education department, and will the government guarantee that the Peter Allen inquiry will publicly report before the next election?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:15): Yes, I can say that we expect Mr Allen to undertake his work in a very speedy fashion. We have commenced three things in relation to the Debelle inquiry: we have a senior working group, under the auspices of the Attorney-General, to oversee the implementation of the across-government recommendations of Mr Debelle; we have the work that Mr Bartley has to undertake in relation to looking at the performance of the people under his direction; and we have Peter Allen appointed, who comes with a range of experiences—significant and appropriate experiences—to help us deal with the issues I think are fundamental to this, and that is the care and support and response we provide if an event occurs in a school.

I think that it is without doubt that parents were let down, and I understand completely their frustration and their anger. I have given some of the parents I have met with an undertaking that, once we get over the release of the report, I will come back to them when they have settled emotionally, and I am happy to work through with them their particular circumstances and take their advice about the sorts of supports that need to be in place and the way in which those supports are provided so that they do truly meet the needs of our families. I think that it is fair to say that in every case circumstances are different and individuals' needs are different, and we need to have a system in place in our schools that can be responsive to the needs of each individual family.

# CHILD PROTECTION INQUIRY

**Mr PISONI (Unley) (15:17):** Again, to the Minister for Education and Child Development: will the Peter Allen review, announced only three months after the last education department restructure, lead to another education department restructure?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:17): We are taking the Debelle inquiry very seriously, and I have taken my conversations with families very seriously. There is no doubt that there are things that need to change within the education department. When those things are identified, we need someone in there to help Mr Bartley. It is a huge task that he has. He has already commenced a lot of work in relation to the structure of the department and how education services are delivered out in the community, but we also have to be looking at the operations of the central office.

One of the things that was highlighted in the report was the fact that there was not one person responsible for the management of these serious cases. We have remedied that, and that commenced on 1 July. But there is more that needs to be done, and there certainly is, without doubt, a culture in the department that needs to be addressed.

# **GRIEVANCE DEBATE**

## **CHILD PROTECTION**

**Mr PISONI (Unley) (15:19):** Finally, this week South Australians heard the words they had been waiting for since this sad saga of sex crimes in schools first emerged. After months of denials, excuses, buck passing, insults and inquiries, what we all knew all along is now confirmed. 'I have to accept the responsibility for what has gone wrong,' said the Premier on Monday. What does that mean? It means precisely what it has always among comrades: all responsibility and no care. What were the consequences for the guilty parties here? Precisely none. We have heard the Premier, we have heard the Minster for Education: no-one, certainly in the minister's office, will be held responsible, and in the Premier's office, nobody will be sacked.

This is what the Premier said, 'I have to take responsibility that this has happened on my watch,' but we all know that it is the children and the parents who take the hit again. While the Premier and his ministers, advisers and bureaucrats hide behind yet another inquiry—the third since the Premier was education minister, and possibly Education Department restructure No. 10—whatever happened to ministerial responsibility?

Back in 1984, prominent South Australian Laborite, Mick Young, resigned from the Hawke cabinet because he merely failed to declare a Paddington Bear in his wife's luggage. Two years earlier, Fraser minister Michael MacKellar quit after failing to pay import duty on a colour TV that he declared was black-and-white. Ministers in the Weatherill government have never lived up to those standards, merely broadened the rorts. Now it is not so much what is in their suitcases but who is sitting alongside the education ministers at the pointy end of the plane.

Mr Debelle's report is an indictment of the government and its serious lack of oversight from his years as education minister. The now Premier was concerned about the culture of the department when he was the education minister. One might think that concern might lead to the minister keeping a very close eye on what was happening in the department—apparently not. Instead, he drew down the cone of silence around himself and chose not to hear. The Premier maintains that he was not informed about the crime at the western suburbs school, but I suspect the South Australian public is still scratching its collective head. They will find it puzzling that he was not told in any of his weekly briefings from education department bureaucrats; they will find it hard to believe he was not told when he subsequently visited the very same school where this crime had occurred; and, when they find it impossible to swallow that, they will find it hard to believe that at some stage, whether in the office, before a press conference, in a question time briefing or on the phone or in a pub, his long-time friend and confidant, his then and current chief of staff, Simon Blewett, did not even mention it in passing.

'There is no doubt that my ministerial staff made a mistake,' the Premier said. 'There is no doubt a mistake has been made here, but they are aware of that and I think they are particularly mortified about the fact a mistake was made,' the Premier said. I am sure Mr Blewett is really mortified—so are South Australian school parents and taxpayers who continue to pay the Premier's chief of staff a salary of \$184,000 every year with a government car thrown in for good measure.

But mates are mates in the labour movement and what is a mistake between mates anyway? I doubt even his colleagues believe that the Premier was not told. Every political staffer is instructed on day one to pass on all the news to their MP. Every MP tells new staff to keep them informed; it is their duty. We all know well the post-Watergate era—

**The SPEAKER:** Member for Unley, did I hear you correctly as imputing that the Premier had lied to the Debelle inquiry and that Mr Debelle had made a finding that was incorrect?

**Mr PISONI:** I don't believe so. We all know in the post-Watergate era that the cover-up can be worse than the crime, and bureaucrats are usually quick to inform ministers when something goes wrong, even if it means a dressing down from a minister if the fault is with the department. For the public to accept that the Premier did not know will require them to believe the Premier is different from every other MP; that his advisers are different from other staff; and that the education department is different from every other department in the western world.

The Premier is, indeed, different. He is not elected by the people but installed by the union movement on the prime qualification that he was not Mike Rann. But he is also indifferent—indifferent to the suffering of those truly wronged in this saga; indifferent to his culpability in this matter and to others too.

Whatever happened to this hotline announced in August 2010 where principals and preschool directors could contact him directly and talk about concerns, issues and ideas. We know that, while they could ring, the now Premier was not listening—it was just another stunt to increase his profile in his bid to be the Premier of South Australia. Mr Speaker, the Premier was not listening then and he is not listening now.

**The SPEAKER:** My understanding is that the Premier was elected as the member for Cheltenham to a Westminster Parliament. The member for Mitchell.

### NATIONAL DISABILITY INSURANCE SCHEME

**Mr SIBBONS (Mitchell) (15:24):** The 1<sup>st</sup> of July 2013 was not only the start of the new financial year, it was the start of a new and brighter future for South Australians who have disabilities and their families. SA is one of the six locations across the country to benefit from this week's launch of DisabilityCare Australia, the new National Disability Insurance Scheme. The national scheme is designed to enable people with disabilities to choose the specific services they need. I am proud to be part of a state Labor government that has stepped up, without hesitation, to embrace this huge, historic and crucial reform.

DisabilityCare is a whole new way to approach disability services and funding. It is a whole new way of thinking about our responsibilities and our commitment to those people in our community who live with permanent disabilities. The scheme will deliver a lifelong approach to supporting people with a disability through community linkage and individually tailored funding. This means that, rather than providing support based on the number of places in a limited number of programs, the scheme will provide funding so that people can get the support they need based on their individual needs now, as well as relating to their goals for the future.

Children currently in disability support programs aged from birth to two years will be the first group to access the scheme in South Australia, with children up to five years entering the scheme before July 2014. From July 2014, the age limit will be extended to 13 years and in the third year of the scheme all children up to 14 years will be included. Over the coming 12 months, approximately 1,500 children from metropolitan and regional areas will be included in the scheme.

That number is likely to expand to more than 5,000 young South Australians aged from birth to 14 by the end of 2015-16. By July 2018, all eligible SA residents, approximately 33,000 people, will be covered.

The 2013-14 state budget sets out South Australia's full funding commitment of \$3.6 billion over six years in preparation for the full commencement of DisabilityCare in 2018. This includes an additional \$108 million in the budget period for disability services, continuing the state government's commitment to improving the lives of people with disabilities. This follows last year's budget commitment of \$212.5 million, which was the single biggest investment in disability services in the state's history.

The budget also includes \$7.5 million for disability accommodation, as part of the Affordable Housing Stimulus Package. The \$108 million funding includes \$105.3 million over five years for disability support services and \$2.5 million in 2012-13 for equipment. The extra funding for disability services in this year's budget will support more than 580 additional people through support packages that can be used for a range of services. These include day options, respite, therapy and supported accommodation. It will enable more than 2.4 million hours of additional services to be provided over four years.

DisabilityCare Australia is being rolled out stage by stage due to the scale of the change to the current system. It is also a permanent change so it needs to be introduced in a sustainable way. By the time the scheme is fully operational it is expected to provide care and the dignity of choice to around half a million people from across Australia. It will give people with a disability more independence and control and more opportunities, whether in education, work or community life.

DisabilityCare is one of the most significant social reforms in Australia in many years. As with the introduction of the aged pension in 1909 and Medicare (as Medibank) in 1975, it has again taken a Labor government to introduce a National Disability Insurance Scheme. I am proud to be a part of such a tradition of true Labor values that seek to make our society a fairer, more inclusive place. I welcome the launch of DisabilityCare in South Australia and I look forward to the positive changes this will bring to many lives.

## MENTORING EP

**Mr TRELOAR (Flinders) (15:28):** I rise today to talk about an initiative program that I have spoken about previously in this place. The program is known as Mentoring EP. I particularly wanted to talk about it again today because quite recently the program was a winner of the 2013 Andamooka Community Project Award. My congratulations go to them. I also inform the house that I am the patron of this particular program, which I am pleased to be associated with. The award recognises the innovation and resourcefulness of a community. It highlights the benefits that are gained when a local community works together in a voluntary capacity to bring about improvements that all can share, and I think this program fits this criterion particularly well.

Since its inception in 2009, Mentoring EP has had a pivotal role in supporting the growth of community youth mentoring programs. There have been over 130 community mentors and over 150 youth participating in this program, with a current level of 55 mentors mentoring over 60 young people. I know, as recently as yesterday, that there was a training program for new mentors. The mentors are gained from all walks of community life: those people who are sometimes retired or in the middle of busy careers, and other times quite young, having only just left school themselves, but they are quite happy to contribute and play a role in mentoring.

At this point in time, they are usually mentoring students from the Port Lincoln High School, but other primary schools in Port Lincoln have been involved. I also understand that the program is looking to extend itself to other Eyre Peninsula communities. There is a steering committee already in place in Ceduna and Cleve, and other smaller communities around the peninsula are investigating the model.

I guess it is fair to say that paramount to the success of this program is an active steering committee. I must mention the instigator, who is Garry Downey. It was Garry Downey who devised the program. He is a mentor coordinator at the Port Lincoln High School. He believed that existing youth mentoring programs would benefit from a collaborative approach in attracting volunteer mentors, community partners and securing additional funding to grow, support and sustain youth mentoring.

As I mentioned earlier, I believe this program is singularly one of the best initiatives I have ever seen. I have to congratulate Garry Downey on his foresight, enthusiasm and active role in this.

I am pleased to be the patron. Indicative of the success of this program was the afternoon tea that wound up the program at the end of last year. The thing that indicated the success of the program to me were the number of mentors and mentees who attended the afternoon tea. There was virtually a full cohort who came along to receive their certificates and complete the program at the end of the year.

Long-term research consistently supports the value of a positive role model in a young person's life and there is no doubt, through no fault of their own, that many young people today have difficulty identifying that positive role model. What this program endeavours to do is to provide a role model from outside the family and outside the usual network that a young person finds themselves in. It is somebody who can bring some encouragement and discipline—all sorts of qualities that young children need, not necessarily to stay at school and complete school but really to identify their own skills and develop those skills to a point where they can really build on them and excel in their chosen field.

I understand that Mentoring EP wishes to become an initiative that is sustainable through funding from local, state and federal government sources. In these programs there is always a big role to be played by volunteers, but you can only take that so far. So, I wish the program well in its future endeavours and I am sure that, under the guidance of Garry Downey and the steering committee, they will no doubt be successful in their quest for funding and be able to extend the program much more broadly throughout the Eyre Peninsula and, who knows, maybe even beyond that. Congratulations to Garry and the program. I wish them well in the future.

# **CYSTIC FIBROSIS QUILT PROJECT**

**Ms BEDFORD (Florey) (15:34):** On 28 June, the Minister for Health was unable to attend the launch of the cystic fibrosis quilt project in the North Adelaide Community Centre. It was my honour to attend in his place and to pass on his apologies and best wishes for the event, and I was tremendously impressed by what I saw and heard on the night. I saw a fantastic collection of hundreds of quilts of all shapes, sizes and colours, with wonderful designs, all beautifully and lovingly made by members of the South Australian Quilters Guild.

Attendees of the function, opened by Dr Hugh Greville, included the executive committee and members of the South Australian Quilters Guild, staff from the Royal Adelaide Hospital thoracic department and friends and family of the project, all involved because of the wonderful work of Rosie Player, the clinical practice consultant of the cystic fibrosis service at the RAH.

Herself a quilter, she said this project evolved from the love of patchwork, as well as the joy quilters have from their craft. Their goal is to ensure all adults with cystic fibrosis in South Australia receive a quilt that they can use either in hospital while undergoing treatment or at home as they manage their disease. The project represents the community care and support for all with cystic fibrosis in this state and, in turn, support for health-care providers who provide care for this group of adults.

Happily, in discussions with Dr Greville, I heard of the great developments that have been made in treating CF, so much so that people are living well into their adulthood and even into their 50s. New drugs are providing great hope and, while a cure, as such, is not yet possible, a great deal of exciting work continues. I pay tribute to all working in this area and to this end.

This was not the first time I had been impressed by a quilting project, though. During the Queensland floods, I know that hundreds of quilts were sent to those in that state who had lost everything and that they were very grateful for the gesture from the South Australia Quilters. The hundreds of hours that go into creating a quilt really show that quilting is a labour of love. I heard that, with the Queensland occasion, many hands were needed to pack the quilts and send them off. The transport was paid for by the very people who had already provided the materials and labour. This is a wonderful gesture, and shows the awareness of community spirit of quilters.

The Zonta Club of Para District Area are also involved with good works and quilts. At their biennium dinner earlier this year, I saw dozens of Wee Care and New Beginning quilts handed over by the ladies who had worked to produce them. Thanks went to the coordinator, Lois Henderson, and Zonta Advocacy and Service Chair, Julie Sinclair.

The Zonta quilting project has been going since 1994. In that time, several hundred quilts have been distributed to families through the Northern Domestic Violence Service, (previously known as the Para District Women's Shelter). These quilts are known as New Beginning quilts. A few years later, the club added the smaller quilts for the Women's and Children's Hospital

Paediatric Emergency Department, and these are known as the Wee Care quilts and are for children who have been involved in motor accidents.

Primarily, this is a service project which began as a fellowship exercise and is now sharing skills and ideas, and fun and fellowship, while at the same time helping women and children in need. The quilts are distributed annually via the handover dinners. The project has been recognised on a number of occasions in the Premier's Awards during Service Club Week. It is a service project that, rightly, Zonta members are very proud of, and one which we hope will continue for many years to come.

Zonta also provides toiletry bags for the Northern Domestic Violence Service shelter and Tickled Pink bags, suggested by breast care nurses initially at the Burnside hospital but they are now also provided for women in the north recovering from breast cancer operations via the 'Hospital at home' department of the Lyell McEwin Health Service.

The Quilters Guild of South Australia also has a group called the Southern Comforters. Over the years, the Southern Comforters have made donations to many charities, including Ronald McDonald House; Ruby's Shelter for troubled or homeless youth; Cyril Lindsay House, a sobriety group for Aboriginal men; Prison Fellowship; Louise Place, for single mothers; St Josephs' Family Shelter; OARS; and many more.

They also provide Little Quilts of Love to the maternity sections of hospitals to be used in the sad circumstances where a baby dies at birth or very soon thereafter. The tiny quilt is used to wrap the baby when he or she is taken to the parents. They are also involved in the Festival of Quilts raffle which, in the past, has supported organisations such as Catherine House, Autism SA, Make a Wish Foundation, Loreto Vietnam, Cancer Council, CanTeen, AIDS research, Cranio Facial Foundation and South Coast District Hospital.

The project I was most interested in seeing, though, was the Bedford Mystery Quilts Project. Over the years, 200,000 pieces of fabric, or 2,100 metres, have been prepared in 20 workshops, and a giant cheque for \$75,060 was presented in July last year. I am going to make it my business to go and learn a bit more about the Bedford Mystery quilt. My quilting skills are not very good, but I will certainly go and look at it being made, and I wish them well in all their future endeavours.

# DYSLEXIA ACTION GROUP

**Mr VAN HOLST PELLEKAAN (Stuart) (15:39):** I rise today to talk on a very important topic that would affect all members of parliament and their constituents across the state, and it is certainly an important issue in Stuart, and that is the topic of dyslexia. I, along with the shadow minister for education, the member for Flinders, I think, and several other opposition members, had the opportunity to meet with the Dyslexia Action Group Barossa and Gawler Surrounds (which is affectionately known as the DAGBAGS, a name they have given themselves) on 5 June.

On 12 June, I also met with Ms Claire Morrison, a constituent of mine from Robertstown who is very focused in this area, and she is a member of the Dyslexia and Specific Learning Difficulties Support Group based out of Eudunda. I went to that meeting with some knowledge of this issue. I am happy to share with the house that my wife is actually dyslexic—not severely, but she does suffer from it, and she manages very well. She is probably very fortunate to have had a mother who was a teacher, so perhaps that just helped her along the way with diagnosis and dealing with it. She is a successful professional person and does well, but when she reads out loud, it is very apparent that she suffers from this.

I learnt an enormous amount more at that meeting. I learnt that 10 to 15 per cent of all Australians are dyslexic. I learnt that 4 per cent of all Australians are severely dyslexic. I learnt, very sadly, that 60 per cent of prisoners are dyslexic. As the shadow minister for correctional services that is of particular interest, but I am sure every member of the house would be concerned about that.

One of the most important aspects of this is that dyslexia problems can cause mental health issues for children as young as five and six years old. The reason for this is that it is not typically picked up until after that age. The problems with dyslexia for very young students are that they do not display themselves until after they have entered a regime of learning how to read, write, count and all of that sort of thing, but, by that time, it is actually too late.

What these support groups are advocating for is that teachers in South Australia—and elsewhere no doubt, but South Australia is of our interest—have a regime whereby they actually do

testing of young children, ideally at the kindy transition visit they believe is the right time to do that. It is very possible and apparently very simple to use oral screening tools to identify children with dyslexia before the dyslexia actually has an impact on their learning.

The impact on their learning can be that it is just more difficult and happens more slowly for them, or it might well be that the children actually reject learning, feel insufficient and unsuccessful, have damaged pride and all that sort of thing, so they actually opt out and sit at the back of the class and do not participate. They become disruptive and head off on a different path, and no doubt some of them become the 60 per cent of prisoners who have dyslexia.

My reason for raising this in the debate today is to make sure that all members of the house, and particularly in the government, are aware of this issue, and to ask the government to take this very seriously. I wrote to the minister about this issue back in February, and unfortunately got a response that said that, really, it is up to the school budget to deal with this, and in fact also included a recommendation that schools approach the Variety Club for extra support and extra funding. While no doubt that is good advice, I am positive that the government could do more on this issue.

In the electorate of Stuart that I represent, speech pathology is by far the most sought-after special needs training that is not being provided. Of all of the different special needs training out there that school communities—whether they be teachers, principals, governing councils, parents, friends of the school—feel is missing, speech pathology is top of the list. There is a very strong link with speech pathology being needed and students who have dyslexia.

I very genuinely and sincerely ask the government to look into this issue. Clearly, funding is necessary. People on the ground are doing the very best work they can, whether they be mums and dads without any particular training in this area or whether they be genuine professionals such as GPs and the like. There are only five dyslexia specialist teachers working in South Australia at the moment for all the students and for all the schools across the entire state, and that is clearly not nearly enough to address this issue. It is vitally important that this issue is addressed for the benefit of the students and their future lives.

# COMMUNITY OUTREACH DENTAL PROGRAM

The Hon. S.W. KEY (Ashford) (15:44): I do not know about other members of parliament, but it seems just about everywhere I go I get lobbied on issues. Most recently, I went to the dentist—and I might say that my dentist is also shared by minister Bignell and, as I understand it, the member for Ramsay. I discovered that the three of us all have the same dentist, but anyway. I am fairly sure that my dentist would be a supporter of the Liberal Party so, whenever I go to the dentist, which is fairly rarely, he takes advantage of the fact that I cannot talk back but, in this particular instance, he was talking to me about a program that he is involved with at the University of Adelaide, and I think it is a really impressive program.

As a consequence of him talking to me, I was referred to Mr Paul Finn, the Director of Fundraising and Development for the University of Adelaide, regarding the Community Outreach Dental Program. I am told that the program provides dental and other health services for people who have suffered homelessness or difficulty in accessing conventional care. This program is coordinated by the University of Adelaide School of Dentistry, and I am very pleased to say that my dentist is very much involved with the dental clinic which has been established with the support of commercial groups, various dental groups and a commonwealth grant.

I am looking at the Minister for Community Services, and I am sure he knows all about this, so he is someone with whom I want to talk further about this program. I am told that the program is located in the Common Ground complex in Light Square—and minister Piccolo is nodding so he does understand this program. I also know that there is a health service provided in that facility as well. The centre, I am told, is managed by Margie Steffens from the university and, basically, the dentists are volunteers who come from the university's dental school staff, the students, private dentists, as I said, my dentist, and allied health professionals.

Since opening in September 2011, the centre has been operating for up to four days a week and has attended (and I am sure that it is more than this now) over 70 clients all contributing to over 700 clinical hours for the University of Adelaide dental and oral health students. Mr Finn told me that some of the clients having dental treatment—and this is a bit sad I think—sometimes for the first time, have said that getting their teeth fixed has changed their lives. We all know about the connection between good dental health and general health but, in many cases, because clients

have had their teeth fixed, they are now feeling more confident about speaking to other people, and feeling more confident about applying for jobs and following up on other services that they need.

The clinic treats about 20 to 25 patients per week and there would be around 20 individual screenings conducted each month. Services provided by the clinic include fillings, preventive services, scale and clean, acrylic dentures, extractions, root canals, reviews and maintenance. All the dental services are provided by volunteer dentists. I am also told that clients are sourced through screenings at most of the allied services offered in the Adelaide CBD for homeless people.

Additionally, all fifth year dental students and final year Bachelor of Oral Health students are rotated through the clinic as part of their course, and the point made here is that, due to the homelessness demographic quite often having very little interaction with the medical system, this program has provided valuable research information to the dental industry. I understand that the university has contributed significantly to linking up the findings from the centre to education and research within the dental school. This is a unique national program with no other Australian city being able to replicate the program to date. I would just like to take this opportunity to thank Dr Huebal, in particular, for telling me about this program.

#### **SNAPPER FISHERY**

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:50): I table a copy of a ministerial statement relating to snapper spawning spatial closures made earlier today in another place by my colleague the Hon. Gail Gago.

## NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT 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 4, page 3, lines 13 to 21 [clause 4(1)]—Delete subclause (1)
- No. 2. Clause 4, page 4, lines 1 to 19 [clause 4(3), (4) and (5)]—Delete subclauses (3), (4) and (5)
- No. 3. Clause 4, page 4, lines 25 and 26 [clause 4(8), inserted paragraph (d)]-Delete paragraph (d)
- No. 4. Clause 4, page 4, lines 30 to 40 [clause 4(9), (10) and (11)]-Delete subclauses (9), (10) and (11)

No. 5. Clause 5, page 5, lines 10 and 11—Delete clause 5 and substitute:

5—Amendment of section 11—Powers of delegation

Section 11(4)(b)-after 'Chapter 5' insert:

(other than a function or power under section 110(3), 111, 114(10) or 117(4))

- No. 6. Clause 6, page 5, after line 12-Insert:
  - (a1) Section 13(2)(a)—delete '(who will be the presiding member)'
- No. 7. Clause 6, page 5, after line 23 [clause 6, inserted subsection (4a)]-Insert:

and

- (d) the Minister has consulted with the presiding member of the Council in respect of filling the vacant position.
- No. 8. Clause 6, page 5, after line 25—Insert:
  - (3) Section 13—after subsection (7) insert:
    - (7a) The Governor must appoint a suitable member of the NRM Council to be the presiding member of the NRM Council (however a member cannot serve as presiding member of the NRM Council for more than 8 consecutive years).
- No. 9. Clause 7, page 5, lines 29 and 30 [clause 7(2)]—Delete subclause (2) and substitute:
  - (2) Section 14(1)—delete 'subject to the qualification that a person cannot serve as a member of the NRM Council for more than 6 consecutive years'
  - (3) Section 14—after subsection (1) insert:
    - (1a) However, a person cannot serve as a member of the NRM Council—
      - (a) if the person has at any point been a presiding member of the NRM Council—for more than 12 consecutive years; or
      - (b) in any other case—for more than 8 consecutive years.

No. 10. Clause 10, page 6, after line 12 [clause 10, inserted subsection (3a)]-Insert:

and

- (d) the Minister has consulted with the presiding member of the regional NRM board in respect of filling the vacant position.
- No. 11. Clause 10, page 6, after line 14-Insert:
  - (3) Section 25(8)—after 'board' second occurring insert:

(however a member cannot serve as presiding member of a particular regional NRM board for more than 8 consecutive years)

- No. 12. Clause 11, page 6, lines 18 and 19 [clause 11(2)]—Delete subclause (2) and substitute:
  - (2) Section 26(1)—delete 'subject to the qualification that a person cannot serve as a member of a particular regional NRM board for more than 6 consecutive years'
  - (2a) Section 26—after subsection (1) insert:
    - (1a) However, a person cannot serve as a member of a particular regional NR board—
      - (a) if the person has at any point been a presiding member of the regional NRM board—for more than 12 consecutive years; or
      - (b) in any other case—for more than 8 consecutive years.
- No. 13. Clause 12, page 6, lines 36 to 38 [clause 12, inserted subsection (4)]-

Delete 'The Chief Executive of the Department must ensure that a copy of any report within the ambit of subsection (3) is published on the Department's' and substitute:

The relevant regional NRM board must ensure that a copy of any report within the ambit of subsection (3) is published on the regional NRM board's

No. 14. New clause, page 7, before line 1—Insert:

12A—Amendment of section 48—Composition of NRM groups

(1) Section 48(2)(a)—delete 'in a newspaper circulating generally throughout the relevant region' and substitute:

on its website, and give such other public notice as the board may determine,

- (2) Section 48(3)—delete subsection (3)
- (3) Section 48(6)—after 'group' second occurring insert:

(however a member cannot serve as presiding member of a particular NRM group for more than 8 consecutive years)

- No. 15. Clause 13, page 7, lines 4 and 5 [clause 13(2)]—Delete subclause (2) and substitute:
  - (2) Section 49(1)—delete 'subject to the qualification that a person cannot act as a member of a particular NRM group for more than 9 consecutive years'
  - (2a) Section 49—after subsection (1) insert:
    - (1a) However, a person cannot serve as a member of a particular NRM group—
      - (a) if the person has at any point been a presiding member of the NRM group—for more than 12 consecutive years; or
      - (b) in any other case—for more than 8 consecutive years.
- No. 16. Clause 15, page 7, lines 8 to 10-Delete clause 15
- No. 17. New clause, page 7, after line 10-Insert:

15A—Amendment of section 69—Powers of authorised officers

- (1) Section 69(1)(d)—delete paragraph (d) and substitute:
  - (d) use reasonable force to break into or open any part of, or anything in or on, any place or vehicle, but only if the authorised officer—
    - (i) is acting under the authority of a warrant issued by a magistrate; or
    - (ii) is acting with the permission of the owner of the relevant land, or the person apparently in charge of the vehicle (as the case requires); or
    - believes on reasonable grounds that immediate action is required because a Category 1 or Category 2 animal may be present in the place or vehicle;

- (2) Section 69—after subsection (9) insert:
  - (9a) If an authorised officer causes any damage by digging up any land under this section, the entity that appointed the authorised officer is liable to pay reasonable compensation to any person who has suffered loss on account of that damage.
- No. 18. Clause 16, page 7, lines 11 to 32—Delete clause 16 and substitute:

16—Repeal of section 72

Section 72-delete the section

No. 19. New clause, page 7, after line 32-Insert:

16A—Amendment of section 73—Offences by authorised officers

Section 73-after paragraph (b) insert:

or

(c) represents that he or she is authorised (however described) under this or any other Act to exercise a particular power when he or she is not so authorised,

No. 20. Clause 17, page 8, after line 3—Insert:

- (3a) Section 75(3)(h)(ii)—delete 'for the first of those years'
- (3b) Section 75(3)(h)(ii)—delete 'year' wherever occurring and substitute in each case 'period'

No. 21. Clause 20, page 9, line 26 [clause 20, inserted subsection (1a)]—Delete 'in accordance with the regulations' and substitute:

in a manner determined by the board

No. 22. Clause 20, page 9, after line 30-Insert:

- (2a) Section 79(10)—delete subsection (10) and substitute:
  - (10) The board must publish an invitation under subsection (9) on its website, and may give such other public notice of the invitation as the board may determine.

No. 23. Clause 22, page 9, after line 38-Insert:

- (a1) Section 81(1)—delete 'plan annually.' and substitute:
  - plan—
  - (a) at any time the board is proposing an increase in the amount to be raised by way of levy (being an increase not contemplated by the current plan); and
  - (b) without limiting paragraph (a), at least once every 3 years.
- (a2) Section 81(2)—delete subsection (2)
- (a3) Section 81(3)—delete 'annual'

No. 24. Clause 22, page 10, lines 1 and 2 [clause 22(2)]—Delete subclause (2) and substitute:

- (2) Section 81(7)(a)(i)—delete subparagraph (i) and substitute:
  - publishes a summary of the proposed amendments, as well as a notice inviting members of the public to provide it with written submissions in relation to the proposed amendments within a specified period (being a period of at least 21 days), on its website and in such other manner as the board may determine; and

No. 25. New clause, page 10, after line 13-Insert:

22A—Amendment of section 84—Time for preparation and review of plans

(1) Section 84(2)—delete 'preparation of a concept statement or by the public and other consultation required by this Act, the Minister may dispense with the requirements for the concept statement and' and substitute:

public and other consultation required by this Act, the Minister may dispense with the requirements for such

(2) Section 84(3)—delete 'the annual review of its plan' and substitute 'reviews of its plan as required under this Act'

No. 26. Clause 23, page 10, line 17 to page 11, line 10 [clause 23(2) and (3)]-Delete subclauses (2)

and (3)

No. 27. Clause 27, page 11, lines 27 to 29-Delete clause 27

No. 28. Clause 28, page 11, line 33-Delete ', (6a) and (6b)' and substitute 'and (6a)'

No. 29. Clause 28, page 11, line 34 to page 12, line 4 [clause 28(2)]-Delete subclause (2)

No. 30. Clause 29, page 12, lines 5 to 8-Delete clause 29

No. 31. Clause 30, page 12, lines 10 to 15 [clause 30(1)]—Delete subclause (1)

No. 32. Clause 30, page 12, lines 16 to 20 [clause 30(2)]-Delete subclause (2)

No. 33. Clause 30, page 12, line 24 [clause 30(4)]—Delete subclause (4)

No. 34. Clause 31, page 12, lines 25 to 29-Delete clause 31

No. 35. Clause 33, page 13, lines 1 to 3—Delete clause 33

No. 36. Clause 39, page 14, line 26 to page 15 line 16-Delete clause 39

No. 37. New clause, page 15, after line 16—Insert:

39A—Amendment of section 171—By-laws

Section 171(7)(b)—delete 'cause to be published a notice in a newspaper circulating generally throughout the region setting out' and substitute:

publish the proposed by-law, as well as a notice inviting members of the public to provide the board with written submissions in relation to the proposed by-law within a specified period (being a period of at least 6 weeks), on its website and in such other manner as the board may determine

No. 38. Clause 45, page 17, lines 17 to 22-Delete clause 45

No. 39. Schedule, page 17, after line 24—Insert:

Schedule 1—Transitional provision

1—Presiding member of NRM Council to continue

Despite section 13(7a) of the *Natural Resources Management Act 2004* as enacted by this Act, the presiding member of the NRM Council immediately before the commencement of this clause (being the member referred to in section 13(2)(a) of that Act) will continue as the presiding member of the NRM Council until—

- (a) he or she is removed from office, or his or her office is vacated, under section 14 of that Act; or
- (b) the expiration of his or her current term of office,

whichever occurs first.

Consideration in committee.

The Hon. L.W.K. BIGNELL: I move:

That the Legislative Council's amendments be agreed to.

**Ms CHAPMAN:** I indicate that the opposition welcomes the returned bill with the amendments, as indicated. We place on record the appreciation of a number of chairs of NRM boards in providing advice in the development of this list of amendments. There are governance entitlements and reporting obligations which have been significantly amended, and we trust they will assist in the convenience of the operation of each of the board structures. I particularly note and record our appreciation for the powers of authorised officers in Amendment No. 17. Thank you to other members of the Legislative Council, including the Hon. Michelle Lensink for her tireless work in bringing this matter to a resolution; sensible amendments have prevailed.

Motion carried.

#### HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 20 June 2013.)

**Mr WHETSTONE (Chaffey) (15:52):** I rise to resume my contribution to this national transport bill. Something that I did not touch on in my last contribution is what the heavy transport industry means to South Australia. In 2010 in South Australia the transport and logistics industry had a turnover of \$8.4 billion, representing about 6.9 per cent of gross state product, it employed 29,000 people, about 31,000 full-time equivalents, and paid an estimated \$355 million in direct

taxes. This makes the transport and logistics industry 40 per cent larger than the wine industry, 40 per cent bigger than the motor vehicle industry, and 70 per cent of the size of the agricultural and mining sectors.

The economic multiplier effects add an additional \$5.5 billion to the economic impact of the industry. In 2010 in South Australia the road transport sector had a turnover of almost \$3.9 billion, including generating \$1.7 billion of value-add, and employed over 19,000 FTEs, and the road sector paid an estimated \$100 million in direct taxes. All of these statistics are from 2010. I am advised that the transport sector has increased by 4.5 per cent from that date to the current date.

Quickly touching on the registration issue, a very recent example of the effect red tape is having on registration in South Australia is the cost, the regulations, the inspections. Transport companies that are wishing to register their trucks are saying that they are choosing to register their vehicles—their trailers—interstate, not in South Australia. That is of considerable concern to not only the opposition but it must be a considerable concern for the government to have a large amount of money vested in other states, when we have got transport operators using our roads, using our infrastructure.

The reason they are going interstate is because of the regulations that are put on them, the irregularities with vehicle inspections and the cost. As I said, it is a deterrent for transport operators to register here in South Australia, and that must be of concern to the minister. I have spoken to many truck operators—many large, national truck operators—and they have all told me the same story; that is, it is cheaper to do business elsewhere. So, that is something that I think the government needs to take account of because this national law will not change that.

Just as an example, one of the larger transport businesses that I have spoken to has spent about \$700,000 a year just on registrations of trucks, and, of that \$700,000, \$500,000 goes to registering their trucks in Victoria. What is that telling us, when looking at the South Australian economy? That money is going to the Victorian economy. That money is going towards repairing Victorian roads, it is going towards repairing Victorian infrastructure, so we need to have a look at that and make sure that South Australia is the beneficiary of all the transport operators here in South Australia.

One area that I have real concern with is the current process for heavy vehicle registration through Service SA outlets. I have had constant feedback from constituents in my electorate alone that a trip to Service SA is not a pleasant experience, to the extent that companies are completely avoiding registering their vehicles at these outlets. They are choosing to go interstate.

Inspections are another issue that I do not think the national regulatory body will supersede, and it is inconsistent that we are seeing too many token defects on reasonably new trucks. We are talking minor defects. We are talking a hole in a mudguard. We are talking mudflaps that are 20 millimetres too low or too high. We are talking about these token defects that, once detected, are then taken to the inspection stations where they are then referred to as a major defect, and then that truck is given a full going over. That is time off the road, that is more cost and it is affecting the viability of a business here in South Australia.

One of the solutions that could be a part of that is that we have inspection stations that are open temporarily. We have inspection stations that are open one day a week, one day a fortnight or one day a month, in some cases—that is not good enough. As we all know, heavy vehicles in transport industries are a 24/7 business. Everyone needs to have those vehicles up and running.

So, we need to have an inspection regime that is basically looking at a model like they have in Victoria. In Victoria, they do not have inspection stations as such: they have accredited service centres that are open seven days a week, during all business hours, so that trucks can book in and go straight there. They do not have to book a truck in with a week's wait. They do not have to make a trip, say, from the Riverland down to Adelaide. What they can do is just go to that accredited service centre and have that compliance looked at and sorted out.

What I would hope is that the ultimate beneficiaries from this national law will be the small and medium businesses and the family-run businesses. My hope is that this bill will reduce currently excessive regulation in the industry, which, no doubt, will come as a relief to more than 4,000 small businesses, particularly in Chaffey, many of whom have a connection with heavy vehicles because we do not have the rail network to help our industry. We grow a particularly large amount of produce that is all taken to export markets, to port, and is logistically moved around the state by heavy vehicles. So, again, I think that is something that needs to be addressed. In finishing, I have outlined my concerns and issues with the heavy vehicle transport industry, but given my support to the heavy vehicle national law, which I think is a step in the right direction.

**Mr VENNING (Schubert) (16:00):** Very briefly, I rise to support this bill, but I certainly have some reservations about it. I do declare that I am the owner of trucks and that, in retirement, I will probably end up driving trucks because it is a very pleasant pastime and a good way to see the country. I have always supported, right through my career, getting uniform laws of the country together with other states to make sure that there is no inconsistencies between states, so I do welcome the principle behind this.

However, it annoys me greatly to see that there are exceptions to this, and the South Australian exceptions are listed. In other words, we are going to go along with all of the national standards, but we are not going to change the rules we have in relation to possession of a device to tamper with a speed limiter, with a penalty of \$10,00 to \$50,000. That is ridiculous because what is a device? Is it a spanner in the vehicle or truck? This whole area is very contentious and open. I think that is over the top. Why are we going to leave that exception there when the national standard does not pick it up? I would like the minister to address that.

Also, another exception is selling a vehicle subject to a defect notice, with a penalty of \$3,000. I do not understand why the national standard has not picked that up. I believe that a national standard is just that: a national standard. Why have exceptions? It does conflict. South Australia will continue with its existing laws that are not included in this model legislation, and I say why?

There is the power to enter premises to determine whether a vehicle is a defective heavy vehicle. I have a huge opposition to this. I do not believe that anybody has the right to go on to a private property just to see whether or not a vehicle is defective. The vehicle could have been parked there; it might have been there for weeks on end. It might be undergoing repairs. Yet an officer can come onto the property to see whether or not it is defective. I cannot believe how the powers that be allow that power to be there. I think that it is quite unbelievable. You have to be kidding! The industry generally is very supportive of this. I cannot understand why the industry would support these things. I cannot believe it. If the members of their industry could see this, I am sure that they would not approve of it, and I will certainly be confronting the organisations representing the trucking industry.

Also, there is the authority to use force against a person or property to exercise functions. They have this attitude of, 'I will do this because I can.' I cannot believe that we should leave that there. Then there is the authority to amend or withdraw a vehicle defect notice from another state and authority to seize vehicles or things—in other words, to seize a vehicle or a truck. Then there is power to move an unattended vehicle if causing danger or obstruction. That is common sense, I believe. I do not know why that is not in the national standard; it ought to be. If a vehicle is unattended and it is causing a problem, they should have the power to move it. So, I question why that is not in the national standard.

South Australia will also continue to allow four offences to be expiable. There is, under section 183, liability of an employer for breach of mass, etc. requirements. Then there is the liability of employer for driver's breach of work/rest requirements. I cannot believe that we have made laws like this. As an employer, you supply the best of equipment to your truck drivers, but it is up to them, because you are not there when they load the truck and you are not there when they drive the truck. As long as the employer can prove that he supplied the goods in good order, that he has instructed his drivers and that he has given his drivers enough time to get to the job and to return and, if the driver then decides to detour and then run himself late and get into trouble, why should the employer be responsible for that, particularly with the overloading thing?

We often see that a carrier comes into our paddock to load up out of one of our field bins and he overloads it, or if my own driver overloads our truck, I am responsible because I am the owner of that grain. I think it is an absolutely ridiculous law. I cannot believe that the national truck research centre and these others would support these measures, particularly the Australian Trucking Association and the South Australian Road Transport Association. Do they support these measures? I cannot believe that they have not seized the opportunity to use this bill, the nationalisation of standards, to say, 'Hang on, we support this, we want you to get rid of these objectionable exceptions that we do not like.' I cannot believe they have just fallen over, and I think it is totally ridiculous. Regarding the liability for record keeping, it is again the liability of the employer to keep the record keeping of the driver. If the driver does not fill out his log book or whatever, wherever he is and many drivers leave home for four or five days in a week—how can their boss be responsible for whether or not he has filled out his log book? The drivers know what the law is and, if they do not do that, why should it be on the employer? The fines, as we know, are pretty heavy.

With regard to failure to comply with authorised officers' requirement to offer reasonable help, that is very wide and open to any interpretation in that one. So I cannot understand why this opportunity was not taken by the industry to say, 'Yes, we go along with the national standards, to standardise road laws across Australia and to get rid of these ridiculous laws that South Australia seems to have.' I do not know whether the minister can tell me in a minute, given that we have gone on to the national standard, why do we have these ridiculous South Australia exceptions?

**Mr PEDERICK (Hammond) (16:06):** I want to make contribution in regard to the Heavy Vehicle National Law Bill 2013. This bill was developed from a COAG agreement to establish a national system for heavy vehicle regulation governed by one national law. This follows a commitment for legislation for rail and marine vessels as well, and I note that the transport industry is generally supportive of this. I think there are probably some improvements that can be made down the track as we see the impact of this national law, but certainly for the major transport operators in my area, and from other areas of the state that I have talked to, they are keen to get this underway.

There is a whole range of things that are different with vehicle legislation nationally whether it is in respect of wide loads and escort vehicles or different relationships when you cross the border. Many farmers speak to me about the different rules and regulations. If you have a wide load coming in from Victoria or New South Wales or you are going the other way into those states, there are different escort arrangements. For instance, an escort vehicle might not be needed in one state but might have to travel up to 500 or 1,000 kilometres to do the job for the vehicle that needs to be escorted.

In respect of the legislation, most operators are keen to get on board, but I think there is always room for improvement, especially in regard to transport. A lot of people, in light of whether there are B-doubles or if trucks are travelling north out of Port Adelaide with the road trains and the different rules—especially in regard to speeding legislation between South Australia and the Northern Territory—that causes angst for operators.

As much as we have the success of the Adelaide to Darwin railway, a lot of operators in the early days—and I think it has got a bit better since—put a lot of freight on the Ghan. The trouble was there are some patches up near Tennant Creek, from memory, that cause a lot of vibration in the trucks. They would go and unbox the cartons and all of the labels were torn to bits from vibration, and there were some very big major carriers who had contracted to put all of their freight on the train heading north to Darwin.

With regard to the national law, in August 2012 the national law was passed by Queensland, a board and a chief executive were appointed at the end of 2012 and the national regulator commenced business on 21 January 2013. Obviously, with any national law, it cannot commence until all the states have passed their laws. New South Wales, South Australia and Victoria initially expected operation by 1 July 2013—obviously, we will not have gazettal by then.

With regard to the Northern Territory, which I was just speaking about, and the Australian Capital Territory, they are requiring more time but will follow on at a later date. I note that in the Northern Territory they are not including fatigue management model law in their legislation. It is interesting to note that, even though this is supposed national legislation, Western Australia is not a signatory to the agreement. So, I guess that makes it a little bit farcical in relation to national law when you have probably 35 per cent of the country's land mass not being involved, especially in light of the massive amounts of freight that go between the Eastern States and Western Australia.

During the recent drought, well over one million sheep and many thousands of cattle came to South Australia. On one of my trips to the west, I witnessed transport operators changing loads at Border Village. Trucks were backing up to each other and changing loads so that the Western Australian driver could head back and get another load and the South Australian driver could head this way. It was an interesting time because the trucks that were going to source this stock out of Western Australia at the time were going empty all the way over to the wheat belt and some of the northern country of Western Australia or down to the south-west, and they could justify going empty, so that they could rescue these stock from starvation, essentially, and get them over to South Australia, Victoria and New South Wales where there was better feed availability.

With respect to this bill, it establishes the national system. Essentially, the reform provides for national consistency, with the claims that it will reduce costs and increase efficiency. In particular, it is claimed to provide a more productive and safer industry. The exceptions with regard to South Australian legislation that are in place and that South Australia is going to continue are: possession of a device to tamper with a speed limiter is a \$10,000 or \$50,000 fine; and sell a vehicle subject to a defect notice is a \$3,000 fine.

South Australia also seeks to continue existing powers that are not included in the model legislation. Some people would think that some of those powers are a bit onerous. I will go through the list: the power to enter premises to determine if a vehicle is a defective heavy vehicle; the authority to use force against a person or property to exercise functions; the authority to amend or withdraw a vehicle defect notice from another state; the authority to seize vehicles or things; and the power to move an unattended vehicle if causing danger or obstruction.

Certainly, in light of defective vehicles, we do not want them on the road, but I must say that it has been my experience, and from stories relayed to me, that there have been some brand new trucks being brought over to Adelaide from the Eastern States that have been defected en route on the Dukes Highway. Work that out. Brand new trucks. So, either there is a significant problem with how these trucks are set up for delivery or there is an overzealous inspector or police officer (one of the two). When some of these vehicles are up in the hundreds of thousands of dollars, you have to wonder at what is going on.

I note that South Australia will continue to allow some offences to be expiable: clause 183, liability of employer etc. for breach of mass, dimension or loading requirement; clause 261, liability of employer etc. for driver's breach of work rest requirement; clause 324, liability for record keeping; and clause 579, failure to comply with authorised officers' power to require reasonable help. Certainly with regard to the liability of employers for breach of mass requirements—and this is related partly to the chain of responsibility legislation in this state—it does make sure that anyone who is in charge of sending freight is responsible for those loads.

With regard to mass management legislation, where there is an increase in allowance so long as the trucks are governed under a scheme of reporting and inspection for roadworthiness, it certainly can work very well for all parties concerned. The only issue—and it was brought to my attention only the other day—with mass management is that the trucks need to have a monthly weight check so that they can see that everything fits within specification, with what they have on their paperwork with regard to their mass management limit and the way the truck is set up.

I had a constituent who carts a lot of potatoes—and we grow 80 per cent of the potatoes of the country out of the Mallee. The issue is that a lot of this work is done after hours. The trucks are loaded at night and then the trucks go into Adelaide, and they are struggling to find a weighbridge where they can do this compliance for their mass management arrangements. I know one of the operators concerned did contact the department about potentially using places like the Monteith weighbridge, but I can understand that there would be some issues with that, because it would be another matter of self-compliance.

You could set up a system where you would have the weight that the truck driver could visualise through a window perhaps, and have it shielded with some protective bars or mesh so that the machine could not get damaged. I can recall in past years that you could get access to either Viterra or Glencore sites with regard to bulk handling. Back in the days when they were Barley Board or South Australian Cooperative Bulk Handling sites, you would make arrangements with your local agent to leave the weighbridge on so you could check a load if you were going to be there after hours. That was part of the community service that used to go on with regard to people being able to check weights and it certainly worked very well.

Now we are seeing—and I can understand partly why it is happening, because of the issues around liability, etc.—that farmers, hay contractors and other people cannot access these weighbridges, so you have communities like the Karoonda area. I know the Karoonda district council are looking at a proposal to install a weighbridge and they are preparing to put up \$200,000, but they are still in the feasibility stage. They are looking at how they can manage it, because they figure that it certainly will not be cost neutral and it will be something that will be a cost to the council and obviously the ratepayers.

We want to have loads on the road that are safe and within the limits, yet we seem to be having less and less chance to make sure that the trucks are validated as far as their weight is concerned. I think the member for Schubert was talking about sending loads of grain out of the paddock and you are not too sure—even with pressure gauges on the side of the truck, you only have to be on a bit of an angle and you can have a truck several tonne out either way with regard to the weight specification.

Certainly, in regard to mass management, I think there needs to be a way for people to self-assess. It might take a bit of imagination within the department because, these days, the weighbridges seem to be used only for blitzes. They could somehow work out a system so that places like Monteith could be used by the industry for everyone's benefit so that people who are operating out of normal business hours, as many truck operators do, have an opportunity to check their weights. As I said, it would take a bit of imagination and enterprise by the department to set that up, but I certainly do not think it is impossible and I think it is something definitely worth looking at.

There are other issues around the liability of employers. The drivers' breach of work/rest requirements is very important. Too many times, especially where I live on the Dukes Highway, you see the results of trucks where drivers have gone to sleep and a lot of times fatalities are caused. Sometimes they are single-vehicle accidents and other times there are terrible impacts where two heavy transports have come together, and I can tell members that it is ugly, especially when innocent people have been killed or badly injured in the process.

A new feature in this bill is the internal-external review provisions. For example, currently, if a local council refuses access to a road, DPTI attempts to negotiate an outcome but will not act to override the decision of the council. The new process will allow a review by the department and then the minister, but requires approval of the regulator to proceed. There is still no appeal from this process to the District Court and this formalises current arrangements, but it makes it more cumbersome.

We need to have some better planning outcomes for road access to transport, especially B-double routes in this state. The grain handling industry select committee had discussions, both here and also in Western Australia, about how we could make access to B-double routes far better. The issue is that the grain has to come out and come in and the farmers do not want it sitting around. Many operators do operate B-doubles but, obviously, not all roads are gazetted.

I know, certainly in the electorates of the members for Flinders and Giles, some councils are keen to have full gazettal, and probably speed limited. There is probably an argument about what we limit them to—whether it is 80 km/h, and there might be differently graded roads for that as well—but the simple fact is that I imagine there are trucks that are getting a load when they need to (when the farmer is on the phone saying, 'We have got to get this load out') and the truck goes up the road, anyway, whether it is gazetted or not.

That is the wrong thing to do, but I think we need to make access a lot better. Certainly, in relation to what used to be called 'the first mile, last mile', now 'the first kilometre, last kilometre' in access to sites, especially in grain handling, you get a ridiculous provision where, in some cases, the trucks cannot tow the B-double for 30 metres off the main road into the site legally. They have to unhook and tow half in and then come back and get the back trailer. This kills productivity, quite frankly, and needs to be addressed.

I think a lot of improvements can be made in that area for B-double access because, let's be real, these trucks are heavily managed under mass management or under normal weight management regulation. I think that moving to a process, as they have been trying to do or have done in Western Australia—I know they have certainly been looking at it in Western Australia— where pretty well all the roads can be gazetted would be a far better outcome; but perhaps a speed restriction could be used so that we do not get the damage on the roads. I certainly know that the trucks are not going to get smaller, and there are some big rigs in operation throughout the country.

Under the regulation, heavy transport will be dealt with under the model law, and accordingly the Road Traffic Act will be amended to only cover light vehicles. However, drink and drug driving, careless and dangerous driving, excessive speed and Australian road rule requirements will continue to apply to heavy vehicles as well as light vehicles under the Road Traffic Act, and enforcement obviously will generally continue to be enforced by the South Australian Police Force and 20 to 30 enforcement officers from the Department of Planning, Transport and Infrastructure.

I note that we received on this side of the house submissions from the National Truck Research Centre, Australian Logistics Council, Australian Trucking Association and the South Australian Road Transport Association. I know the deputy leader has raised some questions in her debate, and there will be some questions raised during the debate about this heavy vehicle national law.

We do support the passing of this national law, but we want to see real outcomes for transport operators. It is a vital part of our economy. As I live on the Dukes Highway, I can hear those 600-horsepower trucks going past all night long. They are a vital asset to our economy in delivering loads east and west, and other freight operators north and south. We have to be careful, in the regulation regime that we preside over here, that we also make it fair and equitable for our truck operators to operate.

**Mr PEGLER (Mount Gambier) (16:26):** I rise to speak on this very important bill. It is extremely important for my electorate of Mount Gambier. We have a very large transport industry, and I certainly support the concept of national rules and protocols for the transport industry. It is probably very pertinent in Mount Gambier, where you can load a truck, go 20 kilometres down the road, go across the border and have a different set of rules, then go into New South Wales and have another set of rules. It is quite awkward for our operators.

I believe that one of the conditions that we must have is that our South Australian industry has representation on the Five Star Rating Review Committee and the Chain of Responsibility Review Committee. Both of these committees come under the National Heavy Vehicle Regulator so that the interests of our small to medium transport operators are taken into consideration. There must be a withdrawal process in place if it all goes pear-shaped. I believe that the minister should report to parliament three months and six months after the implementation of the National Heavy Vehicle Regulator as to its progress and performance.

I am advised that the South Australian Road Transport Association (SARTA) Board has held a lengthy and, at times, tense phone hook-up to consider whether or not to withdraw its longstanding support for the National Heavy Vehicle Regulator concept and the South Australian enabling legislation. This came about because of the incredible (literally) machinations that have been associated with the lead-up to and the events since the Standing Council on Transport and Infrastructure decision on 10 May, when a stitch-up deal was done between the federal and New South Wales ministers, with other ministers seemingly acquiescing to refer the nonsensical five star proposal to the NHVR, along with a \$6 million budget to develop and pilot the scheme.

A letter was sent to SCOTI ministers, including the South Australian minister, prior to the 10 May meeting, signed by 16 prominent operators, including the presidents of three peak body state associations, two past chairmen of the Australian Trucking Association, the managing director of one of Australia's largest truck operators, and a range of other prominent operators and small operators from all sectors of the industry, ranging from furniture removal to livestock to general freight. The letter reads:

#### Dear Ministers,

We understand that SCOTI will consider at its May meeting a proposal from New South Wales regarding the broad concept of proposals known as Five Star accreditation for the trucking industry.

We have taken the unusual step of writing an open letter to all Ministers who comprise SCOTI to ensure that you each have the opportunity to be fully aware of the broader views of the trucking industry regarding the Five Star concept when you consider that proposal.

At the outset, we stress that we and the vast bulk of the industry, including the representative bodies of which we are members, are fully committed to safe and compliant truck operations. We also accept and support the need to keep the regulatory regime including enforcement strategies and accreditation schemes, under review and for appropriate enhancements and reforms to be implemented to deliver demonstrable safety gains.

Indeed the industry has, as we are sure you are aware, made substantial gains in safety over the past few decades and we continue to pursue the safety agenda as a top priority. Moreover we are eager to see governments collectively lift their performance in the effective implementation of the vital Chain of Responsibility laws throughout the chain and in particular we believe that governments need to do far more in enforcing compliance with these laws by the other parties in the Chain such as consignors and consignees as well as maintaining an appropriate focus on the truck operators and drivers. This has been a weakness in the implementation of the Chain of Responsibility concept to date.

The one thing which we all are however utterly opposed to and reject as ineffective and unjustifiable is any proposal for the introduction of a new and extra level of accreditation as there are already enough, if not too many, such regimes.

Five Star trucking, as presently framed and as presented, would be just such an extra and unjustifiable scheme. In our experienced judgement, as people firmly committed to and with proven records of safety in trucking, the Five Star scheme would not add any safety gains in and of itself.

Secondly, proposals for a rating scheme, such as the Five Star proposal raise a number of serious and counter-productive consequences that would seriously threaten the effectiveness and equity of the scheme and in our view any assertion that such scheme would be 'voluntary' displays a fundamental lack of understanding, or denial, of the commercial reality.

We consider that the best approach for government and industry to continue to progress safety and compliance improvements throughout the chain of responsibility would be to assess the progress and lessons since the introduction of Chain of Responsibility laws some 6 years ago and identify:

- 1. What has worked well
- 2. What hasn't
- 3. Opportunities for improvement in safety and compliance; and
- 4. What changes/reforms to existing regimes, including accreditation schemes, would help deliver those improvements.

Accordingly, we and the vast bulk of the industry would be utterly opposed to any suggestion that the National Heavy Vehicle Regulator (NHVR) should undertake any project aimed at developing and implementing the Five Star proposal per se.

We would however support a broader project by the NHVR that is aimed at reviewing the CoR experience to date, as outlined above, including the performance of accreditation regimes such as NHVAS, WA Main Roads and Truck Safe in delivering safe and compliant truck operations with a view to recommending reforms and strategies to improve the overall safety and compliance levels of the trucking industry and all other parties through the entire Chain of Responsibility.

Any such project must be fully inclusive of the trucking industry from across the country throughout the project, if it is to enlist the wide support and subsequent participation of the industry and avoid the many pitfalls that inevitably arise from reforms developed in the absence of the key and representative participants.

The letter ends there. Having failed despite the support and involvement of the broad majority of the industry, to stop SCOTI from doing this, SARTA then shifted its focus to ensuring that the five star concept is considered by the National Heavy Vehicle Regulator properly, namely through an inclusive and transparent process, and in the context of a proper assessment of the experience to date of the existing chain of responsibility laws and regimes, including fatigue, mass and maintenance management, and accreditation schemes since their inception over the past five years.

This is critical as the industry and SARTA, from our national body and the ATA down, is of the firm view that there is no need or room for an extra layer of accreditation, especially one like five star, which even its proponents are unable to say would add any new or improved safety standards. The strong preference of industry, and the most practical approach is first to assess what improvements or reforms of the existing regimes could and should be implemented to deliver tangible safety gains before any serious consideration is given to the five star concept. Five star, as proposed by its proponents, would merely add costs for truck operators.

As proposed, it would not have any impact on one of the major remaining sources of compliance issues and safety concerns within the industry—the clients and especially the large corporate clients, including some supermarkets, for example. It would not cost them anything as all they would do is opt or not opt for truck operators with five stars whilst not being required by the scheme to do anything themselves to reduce or eradicate the fatigue problems they cause for truck drivers through inappropriate and often unlawful queuing and/or imposing unrealistic deadlines or other logistical problems.

SARTA has been pressing extraordinarily hard to secure what should have been a simple and reasonable thing: written commitment from the National Heavy Vehicle Regulator to establish committees or working groups to pursue a review of the chain of responsibility, experience and lessons since the laws were introduced five years ago as a first step in responding to the SCOTI decision of 10 May.

SARTA has been assured by the National Heavy Vehicle Regulator, but only ever informally and in somewhat hushed tones, that this would be the case, but they have been unable to secure written commitments to the open and transparent industry-wide consultative approach despite numerous attempts and promises. I am informed that SARTA has been seeking a meeting with minister Koutsantonis since 22 May to discuss their concerns on this, and they finally met with him last Friday.

I think the main point for all of us is: what is the government going to do to ensure that South Australian truck operators are not disadvantaged through this scheme? The National Heavy Vehicle Regulator must operate with a broadly inclusive approach and consult with the industry widely and nationally. We must ensure that South Australia and its needs are not dismissed by the National Heavy Vehicle Regulator. The minister must ensure that in future the industry's concerns are responded to appropriately. Other questions I have are:

1. Given that the National Heavy Vehicle Regulator is a watershed reform, what action is the government taking to ensure that all enforcement officers within SAPOL, DPTI, and all DPTI personnel are all fully trained on the new national laws and their administration?

2. Has the National Heavy Vehicle Regulator delivered the national training program and, if not, when will it be delivered?

3. Can the government guarantee the trucking industry that effective training of government personnel will be implemented by the commencement date of 1 September 2013?

4. If there is insufficient time for the general duties police to be trained, will the government restrict enforcement of the new laws to specialist police with the highway patrol and heavy vehicle task force units?

5. What action will the government take to work with trucking industries and bodies, like SARTA, to ensure that an effective industry-wide education program is implemented?

6. If the minister is of the view that changes for the South Australian truck operators are minimal, can the minister provide a list of those changes and will the minister ensure that the industry, including SARTA, is provided with that information in a timely manner?

If these training issues are not resolved, there will be significant problems that will impact adversely on the industry, adding costs to operators through unintended breaches and fines under the new rules and procedural requirements. As recently as last week, officials advised me that they had not received the National Heavy Vehicle Regulator training program and guidelines for the National Heavy Vehicle Regulator.

I can support this bill, provided that our South Australian industry has representation on the five-star rating review committee and the chain of responsibility review committee, which both come under the National Heavy Vehicle Regulator, so that the interests of our small to medium transport operators are taken into consideration. I repeat that there must be a withdrawal process in place if it all goes wrong. I believe that the minister should report to parliament three months and six months after the implementation of the National Heavy Vehicle Regulator as to its progress and performance.

**Mr TRELOAR (Flinders) (16:40):** I rise to make a relatively brief contribution before I hand back to our shadow minister, who is keen to get this into committee as, no doubt, the minister is as well. As has been mentioned by many of the regional MPs, heavy vehicle transport is so critical to our various electorates. The freight task that confronts our electorates, our state and the nation more broadly each and every day is significant. I understand the member for Chaffey had some figures as to the value of the industry itself. It made many other significant industries pale into insignificance when compared with the freight task that confronts this nation each and every day.

My understanding is that this bill has been developed out of a COAG agreement to establish a national system for heavy vehicle regulation that would be governed by one national law. I understand the terminology for this is 'harmonisation', which can only be a good thing. It follows a commitment to and legislation for both rail and marine vessels, which we have already debated in this place. Harmonisation of laws governing these sectors can only be a good thing because much of our transport task is interstate as well as intrastate. So, to have the same obligations and legal requirements right across each and every state can only be a good thing.

Full operation of the national law cannot commence until the states have passed their laws. My understanding is that New South Wales, South Australia and Victoria expect to pass their laws and commence operation by 1 July. We are almost there. Despite the best efforts of the parliament, we have not been able to quite manage it. The Northern Territory and the ACT will require more time but will follow. Western Australia is not a signatory to this agreement, which is somewhat concerning given that the full operation of the national law—

The Hon. A. Koutsantonis: They don't sign any agreements.

Mr TRELOAR: No, that's probably true, minister.

#### Members interjecting:

**Mr TRELOAR:** If I could ask the Deputy Speaker to call some order in the house, please.

The DEPUTY SPEAKER: I am sure you are good enough to protect yourself.

**Mr TRELOAR:** Essentially, the reform provides for national consistency—apart from the Western Australians who, of course, have not yet signed—but it is about reducing costs and increasing efficiency and is this not the main driver for all of our industries? I sincerely hope that this legislation is able to achieve this. The claim in support of the legislation is that will provide a more productive and safer industry.

I have talked about the reliance upon heavy vehicles in the nation's transport. It is a huge industry. It must be competitive and it must be productive. Often we forget that our transport industry does not just need to be competitive and productive within the nation itself but, as a nation of exporters, we also need to be competitive against other nations who are competing in the same marketplace—that global marketplace that we compete in with our agricultural products, all our primary industries and mineral exports.

They all need to be competitive because many of the other nations have just as good a product and do it just as efficiently and more cheaply than we are able to do. The global marketplace is a very competitive place, and for us to survive, with a strong economy, we need to compete in that marketplace.

The regulations on our trucking industry are significant, and as regulators in this place, we take our responsibilities very seriously. My concern often is that we regulate many industries far too much, and maybe we are on the verge of that or maybe we have already passed that point with regard to the heavy vehicle industry. We need to be conscious, I think, as regulators that, in discussions and debates such as this, we do not be prohibitive in what we impose on our various industries. I think that the trucking industry has seen all too many regulations that have made their industry less flexible, let's say, than it has been in the past.

It is a very safe industry. There are relatively few safety issues around the nation. For the number of trucks that are on the road each and every day, it is an incredibly safe industry—and fear not, when there is an incident or an accident the press are only too keen to report it very quickly and what it might bring.

It is also about compliance. Obviously, the cost of compliance is as significant as well. It is important for all truckies and truck operators to comply with the regulations and to deal with the red tape that is imposed upon them. There have been a few concerns raised about the five-star accreditation rating that will be imposed as a result of this bill. My concern is particularly around small operators and whether they will have the capacity to be able to meet the accreditation standards that are needed on this. It is always much easier for a big company or a big industry to address and absorb the costs of accreditation and regulation.

The member for Hammond mentioned the gazettal of roads. What I have seen in my electorate (the electorate of Flinders) and more broadly across the whole of Eyre Peninsula is that, more and more, the road train configuration is being used to transport particularly the grain harvest but the freight task generally. I think that we all need to recognise that the trend is going to continue towards bigger trucks in a quest for efficiency and productivity. The freight task confronted, particularly at harvest time, by individual farm operators and also the trucking companies that transport the harvest not just to the local silos but also the export ports, is daunting to say the least, and it needs to be squeezed in—often two and three million tonnes are transported within a few weeks of the year.

The gazettal of roads is important, it is vital. It has not been a smooth process. Often councils and the department have a different approach, a different concept, about what roads should be gazetted and how that might be achieved. Certainly, truck drivers would like to see more roads gazetted. Personally, I, too, would like to see more gazettal of roads. 'The last mile, first mile' discussion still is very prevalent. By that I mean that particular point in the route where the road train leaves the farm gate, and there is often a distance on a road before it reaches a gazetted major road, where there is a difficulty with regard to legalities—and the same exists at the other end often when approaching the local depot.

We have four major highways in the electorate of Flinders. There is the Tod Highway, which I have spoken about often and the difficulty that trucks have operating on that highway, given the narrowness of the road carriageway and the number of bends that are involved. Then there is

also the Eyre Highway and the Flinders Highway. These highways carry much of the freight task for us. I think that it is important that common sense comes into the enforcement of some of the rules we are putting in place. I would ask that the offer of timely inspection and affordable inspection be given to truck operators and also that the enforcement of such regulations is carried out in a diligent, but not too enthusiastic manner, because I have no doubt that all operators are trying to do their best.

Certainly some questions will need to be asked in committee about the burden of proof on the chain of responsibility. Of course, the chain of responsibility is becoming more elaborate and more expensive as we speak. Often, operators right through the chain are not necessarily aware of their responsibilities. I understand some of this burden of proof is being negotiated at the moment. That may come out further in the committee stage, but generally, I think we are supportive.

I know we are supportive of the intent of the bill. I just urge a word of caution for this parliament and other jurisdictions into the future to be conscious of the amount of regulation we put on an industry that is already very efficient and productive so that we can remain efficient and productive in a global economy which is paramount to the profitability and opportunity that our economy might have in the future.

**Mr VAN HOLST PELLEKAAN (Stuart) (16:51):** I am very grateful to have the chance to speak about the Heavy Vehicle National Law Bill 2013. As the member for Flinders said, transport is absolutely vital to most industries in South Australia and throughout Australia and, whether that is from the supply or the demand side; the cost of freight is absolutely critical. This bill is about trying to harmonise laws across states so that ideally costs can come down, and we in the opposition support that wholeheartedly.

The member for Flinders also said that he has some concerns about whether we are already overregulated—and I share some of those concerns—but I do not think that harmonising laws necessarily means that that is going to increase the burden of regulation. Harmonising the laws means that essentially we are trying to have consistent laws across the states, and that is a very positive thing. In addition to that, there may be an argument to actually reduce or remove some of those laws, or scale them down, or reduce some of the regulation, which I think would also be a positive thing.

The cost of freight is absolutely vital, so anything that goes to making our freight industry more efficient is a positive move. In the electorate of Stuart that I represent, there are thousands upon thousands of freight movements every day and, as the shadow minister for police, I have a particular interest in this issue as well.

I can also say very clearly that the vast majority of truck drivers and the vast majority of transport companies operate in a very responsible and very positive fashion, and they should be commended for that. Just as we have laws prohibiting people from committing murder—and it is only because we need that for the tiny percentage of people who might ever consider it—a lot of these laws are the same when it comes to the transport industry. The majority of operators are trying to do the right thing and are prepared to fit in.

In terms of harmonising the laws and trying to reduce the cost, as I have said, that is very positive, but that does not guarantee the harmonisation of costs across states. An issue that has come to me very regularly is the cost of registering heavy transport vehicles in South Australia compared to the cost of doing so interstate. This is essentially a national industry, and it is a national industry because so many of our freight operators are working across state borders.

It is a national industry because the freight operators that only ever work within any of our states are typically doing exactly the same thing within their states. There are not too many examples of unique styles of transport. There are certain types of cranes that might be on the road somewhere—I can think of the AB-doubles which is essentially a double road train with a B-double road train all in one vehicle. They go up and down the Stuart Highway and there are some of them operating in WA.

I can think of some quite unique vehicles in WA. There are side tippers, so a B-double plus a double road train that has a bladder in it. They run out to the mines, they take the fuel in the bladder inside the tipping unit of the truck out to the mines, then roll the bladders up, transport them back on the roofs of the trucks and bring ore back from the mines to the port. So, there are certainly some examples, but the vast majority of what happens in freight is happening consistently across our nation, which is a good reason to have harmonised laws and a good reason to have very consistent registration costs as well.

The people in my electorate who are being penalised by the cost of registering prime movers and various trailers in our state do not understand, and I do not understand, why it is that we have these extra costs. So, I hope that by the opposition supporting this legislation we can take a step towards flattening out the costs that we have between states. I can think of an example brought to me very recently by a constituent, who is actually a trainer for heavy vehicle drivers. That is how he makes his living. He is a responsible person running a responsible business. The vehicles that he has to register cost more in South Australia to register than anywhere else.

He has also come to me, which is very concerning, with an issue whereby the description of vehicles within the DPTI computers can even cause different levels of registration costs. He has one vehicle which, if you look at it one way, technically has the capacity to tow more than he ever would so his registration cost is significantly high. The reality is though that he does not actually have the towing equipment attached to that vehicle to ever do that towing. So, he is going through a very difficult time at the moment, and I am doing everything I can to help him try to explain that he is paying more registration within the state for that vehicle than he actually needs to.

So, there are issues which I hope this legislation will sort out. Certainly, the very standard basic things like common speeds and common weight restrictions should be very straightforward to sort out. Grain carting, which I know the members for Hammond and Flinders have mentioned, is absolutely vital to this. This is an industry which sometimes goes across states, but whether it is in Victoria, New South Wales, Western Australia or South Australia, it is typically the same type of work going on all over the place so it makes good sense to have the same type of laws.

I have a fear for our industry in South Australia, and other places as well, that outside of the laws that state governments apply, life is going to get very hard for the small end of grain growing and grain carting. Some of the rules imposed by the receival sites—not the government, but the receival sites—will make it very difficult for small vehicles to come in. I am particularly concerned at some of the rules and regulations being imposed within receival sites using health and safety as the reason for their imposition, and while that may certainly be true they are being pursued quite vigorously because the receivers of the grain have a desire to only receive larger trailers into their receival sites because that would make their business far more efficient.

If they can only bring in larger trailers instead of smaller trailers, there is the same amount of paperwork, the same amount of checking, the same amount of drivers coming in and out, and all that sort of thing. I understand why, for their own commercial purposes, they would like to do that, but it is going to make it exceptionally hard for the small farmers who might have their own small trucks and do not actually pay a contract carter to come in. So, there is a lot of pressure on the transport industry and there is a lot of pressure on drivers, transporters and growers who do their own transport and in many cases do not even grow enough, they do not sell enough of the grain to warrant a large professional carting company coming in with a large truck. So there is a lot of pressure and I hope that some of these harmonisation laws will ease some of the pressure on grain growers.

There is also an issue in this legislation with regard to the impounding of vehicles. Again, I wholeheartedly support the fact that laws should be the same across the board. I had a constituent come to me because his truck was impounded because his driver had seemingly broken the law, and I certainly understand that you cannot have irresponsible drivers out there. However, once it was all absolutely clear that there was nothing wrong with the truck, the trucking company, the behaviour of the organisation or the owner of the trucking company and it was clearly to do with the driver himself, the truck stayed impounded for a long time, and that is an enormous imposition on a small to medium-sized business.

I hope that a lot of those impositions can be sorted out by this legislation as well, because certainly if the transport company is dodgy then hold them up, impound their vehicle and do everything that we need to do. Whether they are carting things that they should not be carting, tampering with speed regulators or are unsafe or inappropriate in any other way, certainly sort that out. However, once it is clearly established that it is not the vehicle and it is not the transport company but it is only the driver and his way of going about his driving, totally separate of the transport company and in no way condoned by the transport company, the vehicle has to be released from impoundment as far as I am concerned.

Following on from some comments from the member for Flinders, I also hope that this legislation might help free up access to gazettal of B-double routes and also double road train routes in my electorate, particularly in grain carting season. That is a very big issue, particularly with B-doubles, but live cattle transport is also a big issue. The most recent issue that has been

brought to my attention is the desire of local graziers and transporters to have the Jamestown to Hallett Road gazetted for B-doubles. I have a query over whether the corner of the Jamestown-Whyte Yarcowie Road (the Cockburn Road), where the Road from Hallett intersects with that, is quite appropriate, but it might well be possible to make some modifications there.

These are issues that go a long way to making our industries more broadly more efficient. If we can get a double road train carting cattle instead of a single or a B-double then all of a sudden the operations of every single grazier and beef producer who requires transport on that road or through that part of the state becomes much more efficient. That is a very important issue in the electorate of Stuart, which I represent, and no doubt in many other places across the state.

Crane registration is another area that has been brought to my attention, which I hope the harmonisation of these laws can help. There are different requirements in different states for crane registration. Cranes are fairly unique vehicles: big cranes that go out on the main roads with rubber tyres. You can have one crane that is a certain length and does not require an escort in one state, but another crane of a shorter length might require an escort in another state. That causes a lot of difficulty for operators, because the people who operate these large cranes are very often going interstate, particularly between South Australia and Western Australia, in my experience in the electorate of Stuart. Again, I hope that is another area that can be sorted out.

I will conclude by saying that I have not gone through every aspect of the legislation, because I know our shadow minister, the member for Bragg, has dealt with and will continue to deal with that very forthrightly, professionally and in great detail. However, I did want to put on the record some of the issues that come to me as a local member in this area. I will finish by saying again that it is important that we all recognise that the vast majority of heavy vehicle transport operators and heavy vehicle transport companies do do the right thing, and they should be acknowledged for that. I hope that this legislation will enable them to make their businesses more efficient so that every other business that requires heavy vehicle transport can become more efficient, whether that is a supplier or a receiver of goods meeting demand.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:04): I want to thank members for their contributions to the debate, especially the Deputy Leader of the Opposition. Her contribution was extensive and covered many of the issues facing heavy vehicles. The fact is that the bill is strongly supported by the transport industry and has the potential to drive innovation and efficiencies in the road transport industry and to improve heavy vehicle driver safety and broader road safety outcomes across the country.

The bill implements a significant national reform that is part of the COAG agreement to deliver a seamless national economy. A national regulator overseeing a national law for heavy vehicles will reduce duplication and allow efficiencies of scale. A national regime will enable innovations in the regulation of heavy vehicles in one jurisdiction to be applied across the nation to the benefit of the entire transport industry and, most importantly, our economy.

The national law brings together into one legislation a number of national model laws developed over the last two decades. Most obligations are not new in South Australia because we implemented the reforms as they were approved, for example, heavy vehicle driver fatigue and the chain of responsibility (which places duties on off-road parties to take reasonable steps to ensure they do not cause drivers to commit offences). Some new elements have been included at the request of industry, for example, a formal system for internal and external review of decisions, including review of access decisions.

The industry was involved in the development of both the national law and the associated national regulations. Industry representatives were involved in joint workshops with state and territory transport officers to develop the regulations and had the opportunity to comment on successive iterations late last year. The national regulations were approved by transport ministers in February this year, made by the Queensland Governor on 30 May and then published on the New South Wales government's legislation website on 31 May as required.

Before I go into all these details, I want to answer one question by the members for Schubert and Hammond that concerned me about the access to private property. I want to be very clear about this and I want to read this into the record. All jurisdictions have notified a small number of instances where they will change or vary the national law in response to justice or enforcement agencies safety or infrastructure considerations. It has been agreed that jurisdictions will ensure industry and the national regulator are aware of the differences and will consider whether the variations continue to be necessary.

This state notified the ministerial council in August 2012, as required under the intergovernmental agreement, that, at SAPOL's request, I am advised, it would diverge from the national law in a small number of minor ways in order to retain existing enforcement powers for some current offences. Inconsistencies can cause unnecessary regulatory burden for interstate operators. It is considered that South Australia's divergences and supplementary provisions will have minimal impact on the heavy vehicle industry, as they only affect enforcement powers or maintain existing offences for non-compliant behaviours. As such, they will contribute to making a level playing field for law-abiding operators but providing more tools to be used against those in the industry who cut costs by breaking rules. SAPOL is of the view that retaining these existing powers—not new powers—and offences supports their role.

The idea that we will have enforcement officers kicking down people's front doors to search their garages and issue defect notices is not accurate, I am advised. I am advised that it is only if vehicles are for sale, and the powers are there for, basically, I am advised, caryards and lots where trucks are for sale. It is not for the examples the member for Schubert gave, where he talked about officers entering private properties unannounced at any time of the day or week to inspect vehicles for roadworthiness. That is just if there is a for sale sign on the truck or it is advertised for sale. I am also advised that those inspections would only occur during office hours. I think, while people are right to have concerns about their rights on private property, it is also important to be informed in the debate about what the parliament is told.

So, rather than go through all these very important points the department have prepared for me, I think we had best get into committee and get the questions answered for the opposition and try to conclude this bill as quickly as possible. In advance, I would like to thank the officers for all the hard work that they have done, the briefings that they have made, the preparation of the bill and the long work that they have done. This bill began well before I became minister, so thank you in advance for all your hard work and efforts, and I am sure that the opposition have enjoyed the briefings that they have received. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

**Ms CHAPMAN:** On clause 1, I will ask some general questions in respect of the preparedness for the new legislation. Perhaps before doing so, I also place on the record my appreciation for the advisers of the minister's department in assisting with the research and background on this matter. I did formally confirm our appreciation during the debate, but that has been ongoing and I appreciate the same. Consistent with that also is that of some stakeholders who have continued to correspond. Mr Steve Shearer, who is well known to this house, is the Chief Executive of the South Australian Road Transport Association.

The minister, I am sure, would have been aware that when the Australian Transport Association met recently in Queensland, our very own President of SARTA, Ms Sharon Middleton, was recognised with a national award as a Woman of the Year in the trucking industry. Her contribution has been outstanding and we thank her for her continued service in that role as she ably represents so many in her industry.

Minister, given that the National Heavy Vehicle Regulator legislation is a watershed reform, what action is the government taking to ensure that all enforcement officers within SAPOL and/or DPTI administration personnel are fully trained on the new national laws and their administration, which we understand will now attempt to be put into place as of 1 September?

**The Hon. A. KOUTSANTONIS:** I am advised that there will be two training sessions held between DPTI and SAPOL on 19 and 24 July. SAPOL will have 15 of its trainers in attendance to receive the briefings. They will then disperse and, I assume, train officers. Ultimately, that is the responsibility of SAPOL. The DPTI officers will be trained at those same two sessions by the national regulator, I am advised, and we will have as many operators as the department thinks is required to enforce the national regulations.

I will get more details to the member between houses. A total of 20 trainers will be attending the sessions, 15 from SAPOL, and five from DPTI. If that is incorrect, I will get you some

more details. I think the scenario here is that the national regulator does the training, trains up our trainers, and our trainers then go forth and do their work with their respective officers.

**Ms CHAPMAN:** That is a two day training session by the sound of it for each of the groups, both in SAPOL and DPTI, and I note that that is obviously fairly imminent, but is that going to be sufficient, minister? Are you satisfied that the trucking industry can be reassured that that will be sufficient and effective training to be able to implement this on 1 September?

**The Hon. A. KOUTSANTONIS:** Well, if it is not, we will conduct more, and that is the first thing to say. The second thing is that, in my experience, the associations that deal with the movement of freight throughout South Australia, indeed, the nation, are always concerned about implementation of regulations on their operators and in their vehicles, and sometimes we get it right and sometimes we get it wrong. Sometimes we need to have a more gentle touch, especially in the early implementation of new national regulations. I hope that the department knows that the parliament would expect that the regulations, as being implemented through a national process, would be given a relatively light touch.

I can say that of my officers. I cannot say that of SAPOL. SAPOL operates under general orders from its commissioner. The commissioner is the one who advises his officers on how to interact with the public and enforce the laws, not the government—we simply set them. I hope that there is a very high level of understanding from the regulators especially in the early months, if not the first year of operation of this new national law, because there are going to be teething problems.

I do not think it is going to be seamless. I think there are going to be mistakes made. It happens with any implementation of any new policy. Hopefully we get it right. If more needs to be done, we will do it. It is too important not to get it right. So, we will wait and see, but if feedback comes back from the industry that the regulations are being enforced in a very onerous way, then I will obviously instruct the department to conduct further education programs in regional South Australia, and I think that the department is aware of that.

**Ms CHAPMAN:** The minister has identified that the police training will be under the supervision of the Commissioner of Police and I accept that. There is a special squad, I suppose, in the police force, that deals with this. I think there are 15 or 20 people still left in that group who are the heavy vehicle specialist team, if I can give them that status, in the road transport authority, is it, within the police department?

Mr Whetstone: Yes.

**Ms CHAPMAN:** The member for Chaffey ably assisted me there. As I understand the answer, your understanding is that the police commissioner will in this training session ensure that the specialised squad will be trained up, and if there needs to be extra work done for the police personnel generally who might be involved in road traffic management, that will be a matter that will be attended to on the basis of requirement. Is that right?

The Hon. A. KOUTSANTONIS: Absolutely. The first thing I will say is that SAPOL have their own operations, which answer to the commissioner. I am also advised that all sworn officers can implement these laws, so a level of training would need to be delivered across the state to all SAPOL officers, especially those in rural and regional communities. If there are problems outside of that special squad—I do not like using the term 'special squad'—if there are issues amongst general sworn officers about how this law is going to be implemented, we will communicate that with the commissioner, if there are errors being made in the enforcement of the regulations. I assume that SAPOL will be doing that. SAPOL's trainers will be trained by the national regulator at these two sessions, and then it will be their responsibility to train general sworn officers as well as the special heavy vehicle group within SAPOL; but if more needs to be done, we will do it.

**Ms CHAPMAN:** Aside from the enforcement training, in respect of general education for the industry, whether that is through its representative bodies or otherwise, can the minister outline what program is proposed and what the scheduling of that is for education in relation to the new national law?

The Hon. A. KOUTSANTONIS: I am advised that it will be the responsibility of a national heavy regulator to conduct their information sessions. I am also advised that they will be making information available through their website (nhvr.gov.au). I am also advised that there will be a call centre that operators can call to get information. I do not have that number with me, but I will get that number for the opposition so that they can disseminate that to their constituents. I am also

advised that, through the general channels that we currently have to consult with industry in South Australia, through DPTI, those consultation groups will be actively spreading information about how the new regulations affect South Australian-based companies and the impacts of those regulations.

**Ms CHAPMAN:** If it is the view of the minister that overall the changes for truck operators in South Australia will be minimal, is it proposed that there will be any kind of summary list of amendments that are new as result of the national law prepared and available for the industry? I appreciate that we are going to have a whole new national model law. We have our own maintenance of provisions, but there are some new things that will apply now to South Australian drivers and operators that did not before.

If there is going to be a summary of amendments, that would be helpful. Obviously everyone is going to take some time to get used to the whole new scheme—who is going to be handling it and who are the new people to contact, and all those things—but as this is apparently not a wholesale change to what we currently have, it would be helpful if that could be indicated.

**The Hon. A. KOUTSANTONIS:** I am advised that we have not prepared differences between the current state laws—the state laws that we are retaining—and what will be different with the new national laws. I suppose the assumption is that we are moving to a national scheme. It was not really contemplated that we would do that but, to be helpful to the opposition, we are happy to do that for the industry and prepare a list of what you can currently do and currently cannot do and, under the new legislation, what you will be required to do.

Again, I will say that that is really the role of the national regulator. It is no good, in my opinion, creating this national body to oversee a new series of national laws to govern the movement of freight, then having each jurisdiction coming up with its own series of what you should be doing—that has got to be uniform. I suppose, because it is a once off and it is new, you may want to do that but, again, I think that is something the National Heavy Vehicle Regulator should be compiling themselves.

I think what I will instruct the department to do is to work with the National Heavy Vehicle Regulator to do that. After the bill travels to the upper house, if it is successful, I will speak to other ministers about whether we should have a fact sheet on the National Heavy Vehicle Regulator website. The call centre number is 1300 MYNHVR (My National Heavy Vehicle Regulator)—how convenient. So, I think it is a good idea and I think it is something we should do across the board for all the jurisdictions. It is a good idea.

**Ms CHAPMAN:** During the course of the contribution made by me and touched on by other members, various comments were made on the issue of the use of the defect power. To be relieved of the defect is quite an onerous process in South Australia, relative to accessibility to independent operators, for example, just over the border. I gave some examples. Is it the situation that, irrespective of where the vehicles are registered, there is an opportunity so, if there is a defect notice issued on a truck in South Australia, under the national regime, they will be able to get relief of it from an independent service facility over the border, say, in Mildura?

**The Hon. A. KOUTSANTONIS:** There are a number of issues with this that I want to make clear to the house. First and foremost, SAPOL retains the discretion on defects when issuing defect notices, and that is something that I cannot interfere with. So, what that means is there are requirements that SAPOL have about officers who issue defects and about how they are cleared.

Under the National Heavy Vehicle Regulator—the new national law—if you have an interstate registered vehicle that is operating under the national law and the South Australia Police issue a defect notice, you may have that removed in your home jurisdiction, and vice versa. If you are a South Australian operator and you get the work done, and the issuing officer, or the closest police station, I am advised, sees that the work has been done, they can give you an extension on the time required to get the defect cleared, if the work has been proceeded with.

Now, where we come into difficulty is with the discretion of the officer. The discretion of the officer is the grey area throughout the entire country with how we issue this. I cannot direct the police commissioner to allow privately certified repairs to be an acceptable outcome for a defect.

## Ms Chapman interjecting:

**The Hon. A. KOUTSANTONIS:** No; police have been very specific about retaining their discretion, based on attitude and based on the circumstances of the defect being issued. The thinking nationally is that commissioners of police across the country have wanted to maintain a lot

of that discretion for road safety benefits. If you like, between the houses, I can ask the commissioner to give you a briefing about that discretion that they wish to maintain.

I know that it is frustrating for a lot of operators, especially people who are issued defects in rural and remote areas and who are being forced to come into the CBD or Regency to have their defects removed. It is very expensive, it is very onerous; I understand that. It is not ideal. I would like to find a solution that can solve the issues that both the commissioner and SAPOL have and also our issues about regional certification, with perhaps an accreditation of selected people throughout regional areas. But sometimes it is not about the work, it is about a change in behaviour, and that is something that no piece of legislation can deal with. It is hard for me to put into words, but I think that what the commissioner is attempting to do is to use this process to alter behaviour.

**Ms CHAPMAN:** Minister, that is exactly why we are here. This very parliament exists for the purposes of identifying areas where we want to change the law or make new laws to make provision in relation to issues. Whilst I appreciate and the opposition is supportive of their being retention of a lot of extra powers and a lot of extra processes that will both accommodate the requests of the police commissioner, we think, on balance, they are serving South Australians well. So, it is not a matter for the police commissioner to dictate what he or she wants in the course of enforcement: it is a matter for this parliament.

I accept that the government has acceded to the wishes of the police commissioner in this tranche of legislation being preserved for the purposes of this. But be under no allusion, the opposition does not accept your assertion that this is a matter of the police commissioner requiring this and therefore retaining that discretion is something that is in his or her purview: it is a matter for this parliament.

Other states seem to be able to work, inconsistent, I think, with what you have said in suggesting that this is around the nation. Victoria works on the system that they do not require the release of the defect to be at the discretion of a police officer, that power being there pending a review by Regency or authorised facility. In Victoria, this question of police discretion for extensions, etc., is not the issue.

In relation to what can happen interstate, going across to Mildura is a classic example because it happens to be one of the towns over the border, but there are similar situations down in the South-East, if you are a non-South Australian registered operator and you come into South Australia and you fall foul of the provisions, you can go back to your own private certifier, so to speak, and have the matter dealt with. That is not harmonious; that is not the same.

We are happy to leave this discretion with the police, but what we want to be able to do is to have some capacity to be able to allow local people to still utilise a private certifier. That is the difference. It is not a national thing. We are keeping a very peculiar aspect here in South Australia. It is a matter which we do have power to deal with if we want to. I think that you also would have power, minister, as the author of regulations, if you wished. But it is something that we would ask the government to reconsider. It is a major problem for a number of the truck operators in regional South Australia.

One of the extra things that has come to my attention in the last few weeks is that it is not just the time taken to come to Regency or the time and delay in waiting for the appropriate days to open in the Riverland or in any other rural town. What is also a problem, I am told, is that some of the big operators make block bookings. So, they might take a booking scheduled time for half a day or a day to cover any of their trucks that might need to be reviewed and assessed, and then they can cancel them later if they do not need them. If they are big enough, I suppose they enjoy that privilege. But, again, it makes the little operators more alienated from being able to obtain relief in the lawful removal of the defect by assessment. I would ask that that be reviewed.

The Hon. A. KOUTSANTONIS: Let us be clear: I am not saying the police commissioner can decide legislation. I understand what your point is, but we have sought his advice and he has given advice back and the government accepts it.

Let us be clear, though; I am advised that the police can clear minor defects, but they may not have the expertise to do it and they can refer it to DPTI. Generally, an amend notice to the vehicle—if repaired—means that it can be driven until it is inspected. Again, there is a discretion in there for officers, and I suppose the grey area here is that discretion given to officers. That discretion is something that the commissioner and police are very keen to maintain and the government supports that view. **Ms CHAPMAN:** Still on clause 1, I refer to five-star accreditation. This has come in as a late entry in the issues of concern on this bill and it has come in because the big operators and the big associations at the national level have been squirrelling away on working for this process. It has now been published and now everyone seems to know about it. Not surprisingly, it is a new level of accreditation. It has a level of acquiescence by the big operators, because it is something that if it is going to be introduced they can 'afford' to be able to carry it out, but to the distress of the smaller operators, many of whom operate in South Australia that would find this a cumbersome and unnecessary further level of red/black tape, or whatever you want to call it.

Minister, my understanding is that you oppose the introduction of five-star accreditation. If you do, I would like you to be making that clear and, if you do, would you advise the house as to what action you have taken to put representations to either the national regulator or Mr Baird, as the chair of the board, which covers these matters to ensure that that not be introduced?

The Hon. A. KOUTSANTONIS: That is an interesting question from the Deputy Leader of the Opposition, and I notice she did not give us her point of view on five-star rating. The government does not support five-star rating. It is a Liberal initiative from New South Wales by roads minister Duncan Gaye. He asked the SCOTI meeting to endorse a pilot program to be held in New South Wales. I could be wrong about this, but I understood, through discussions with colleagues, that he was attempting to have a national trial of the five-star rating across the country. Western Australia, South Australia, the Northern Territory and Queensland did not accept that, but I understand Queensland was quite interested in it, as was Victoria. We are not—and I call on the opposition to support the government's view on five-star rating.

However, if the South Australian Road Transport Association and other interested groups come to me and say, 'We have looked at the five-star rating, it is actually not as bad as we think it is and we would like you to have a look at it and may be conduct a trial,' then I will look at it. But I am not going to do anything that is going to disadvantage small to medium size enterprises in South Australia for the benefit of the large freight companies on the eastern seaboard. I think that would be detrimental to freight in South Australia.

Like I said, I do not support it in its current form; however, if Mr Shearer and the other associations who are looking at it come to me and say, 'Well actually, we have been involved in its implementation; we have been involved in the trial; we are on the national bodies that are looking at this; we are getting representation; we like the five-star rating; and we think five star-rating could work quite well in South Australia,' then the government will look at it. What I will not do is be surprised at a SCOTI meeting, the night before, by a Liberal minister who says, 'This is a great idea, we should do it nationally.' Let us be very clear about that. I am sure the New South Wales' government thinks it has wonderful benefits, and minister Albanese supported the trial, but I do not think it is right for South Australia in its current form. If the trial comes out and local users in South Australia are happy with it then I will consider it, but in its current form I oppose it, and to this day I still do not know what the opposition's view on it is.

**Ms CHAPMAN:** The proposed committee structure for continuing the ongoing issues, some of which we have canvassed during the debates on second reading, in particular the chain of responsibility, general accreditation (some of which we have just discussed), enforcement, the first mile last mile issue, these are all outstanding matters which, hopefully, will play out in the new national scheme to operate in a fair and equitable way. There is a committee being established, I think, minister, as you well know, to try to cover these aspects.

There is some concern raised at our state's level as to what representation they will have on the committee structure that sits under the board for the monitoring of the general efficiency of the new national regulator scheme and the issues, as I say, that I have outlined. What action have you taken to ensure that South Australia does have a representative on those committees, and is that a matter that is going to be resolved in the near future, and if so when?

The Hon. A. KOUTSANTONIS: While the department is looking for the work groups, I met with SARTA and Mr Shearer and Sharon, and I have to congratulate her on her award, it is a great coup for South Australia. In terms of the five star work, Mr Shearer said to me that they were very keen to get onto that advisory panel. When I met with him he said to me that they had not been invited to join. I understand the department made some discreet inquiries of the national regulator and I understand that today SARTA has been invited to join that body of work, although if that is incorrect I will come back to the house and correct it but that is the advice I have just received, that SARTA has been invited—yes, they have.

In terms of the other constituency bodies that are working out, those have not been finalised yet. As it is finalised about who will be represented on all of those work streams, whether it is last mile or whether it is all the other issues that the deputy leader raised, then obviously we would like South Australian representation. Mr Vincent Tremaine is on the board of the regulator. He is a South Australian and a constituent of mine. He will be a fierce advocate on behalf of our state and our freight users, as will DPTI. DPTI is always going to be an advocate for South Australia, as will whoever is the minister for transport in South Australia, whether they are Labor or Liberal or Independent. I think at all SCOTI meetings, states that are west of the New South Wales border advocate quite strongly together.

I know that the new chief minister is very keen to have greater cooperation between South Australia and the NT in terms of national road laws and how they work, so we will be advocating on their behalf. In terms of the five star work, which is what I think you are really getting at, SARTA have been asked to join. I am not sure of the benefit of that for them, given that it is a trial in New South Wales, but it is their choice to be on there. I know that they are very concerned about it, but I think it is about keeping their options open.

As I said earlier, and as Mr Shearer has told me, it could be that five star is something that they would like—it could be, it may be—depending on how this trial goes. They have taken a proactive decision to try to get involved in the trial to see what its implications are and to see what its implications are for smaller users. If they like it, we will sign up and if they do not like it, we will not. I have just been advised that progress is being made, but a formal invitation has not yet been received by SARTA to join that body of work. So, work is in progress to have them receive a formal invite.

Clause passed.

Clauses 2 to 39 passed.

Schedule.

**Mr WHETSTONE:** In the national law that creates the heavy vehicle regulator, who will be responsible for managing registration, and regulating standards of heavy vehicles, including mass and dimensions and so on? The question is: will the establishment of a national regulator require additional resourcing from the state government?

The Hon. A. KOUTSANTONIS: I am advised that registration has been deferred so it will be maintained by the current jurisdictions. For what period, I will get advice and get back to the member. In terms of resources, my most recent memory is that we will be doing it out of existing resources. For our requirement, it will be a budget process so that should not be an issue for us, but I can get more detail on that between the houses.

I think the last part of the question was who will be doing the mass and volume, did you say?

Mr WHETSTONE: Mass and dimensions.

The Hon. A. KOUTSANTONIS: DPTI will still be managing that, I am advised.

**Mr WHETSTONE:** Minister, can you give us assurances, if there are additional resources from the state government, that funding for the national regulator will not be taken out of other regional projects such as road maintenance?

The Hon. A. KOUTSANTONIS: They are separate budget lines. It is not how the budget operates. I want as much money as possible for road maintenance, as much as I can possibly get out of the budget process. The budget process is that the Treasurer allocates to individual lines and, once that money is allocated, I do not then go on and say, 'I will take this money out of road maintenance and put it into the national heavy vehicle regulator.' That money that the budget allocates, which is what the parliament allocates me, is what I use on road maintenance. I do not chop and change through it. It is a budget process.

**Mr WHETSTONE:** Minister, moving on to chapter 1, part 2, section 5, it defines key terms in the national legislation, and it provides:

responsible person, for a heavy vehicle, means a person having, at a relevant time, a role or responsibility associated with road transport using the vehicle, and includes—

an owner or an operator of a weighbridge or weighing facility. Under the bill, will the national regulator recognise weighbridge certificates already issued, or will weighbridge owners and operators have to reapply for new certification?

**The Hon. A. KOUTSANTONIS:** I do not have that information here. Can I give an undertaking to you that, between houses, I will get that answer to you?

**Mr WHETSTONE:** Thank you. We will move to chapter 2, part 1, section 27, page 90. It outlines the main purpose of chapter 2, which is focused on registration of heavy vehicles. The section states that one of the main purposes is to provide for a system of registration that prevents or minimises safety risks. The primary complaints I am getting from operators is the excessive amount of regulation that they see is strangling the industry. Can the minister point out two specific examples of where this legislation reduces regulation, or red tape, thus making life easier for the businesses and truck operators?

**The Hon. A. KOUTSANTONIS:** I have some answers for your previous question about registration. We are aiming to introduce registration for the regulator by July 2015, so we will be maintaining it for another year and a half, maybe two years. The regulator will be dealing with mass and dimension load restrictions and vehicle standards. DPTI will do the on-road work under a service agreement. If you need more information other than that, I will get some more for you between the houses.

In terms of a national reform, I will give you one: one permit for travelling across the country rather than one for every state you travel through and the one gazettal notice for road trains and B-doubles rather than having to carry gazettal notices from multiple jurisdictions. Australia is unique for a number of reasons. For the purposes of this bill, it is unique because a landmass of this size being one country is unique in the world. The idea that travelling from Brisbane to Perth would require multiple jurisdictional applications for passes, gazettal notices and approvals is madness. Having a nationalised network, which means you can have one approval to carry across one country, makes sense.

That is a very simplistic answer to a very complicated question, because the complexities of that are that Western Australia have very separate views about what they believe they should be doing and what the implications are for their industry about taking up these provisions. The reality is that Western Australia is well served by these reforms because it will make it easier to get fruit and produce to Western Australia and make it easier for their producers to export out of Western Australia. Quite frankly, I think the attitude towards national reforms by some Western Australian politicians on both sides of parliament is a bit parochial and unnecessary and is more about a narrative of who they are rather than about actually getting good bureaucratic outcomes.

We should be able to load tomatoes from Virginia onto a road train and get them to Brisbane or to Perth without having multiple gazettal notices in the glove box. I think it makes a lot of sense to almost everyone, and that is why I would imagine every industry group that you have spoken to overwhelmingly supports the notion of one regulator for one country, but what they are concerned about is the devil in the detail when it comes to how this is actually going to work and whether they will be worse off or if it will be more expensive or more onerous. Trust me, I do not want to make it more onerous. I want to make it as simple as possible.

**Ms CHAPMAN:** Chapter 2, part 2 is the registration scheme and this of course is to establish the registration scheme that would regulate the eligibility for registration. The question has arisen and I think the member for Chaffey has been advised of this; that is, the differences for truck operators include, for example, in Queensland there is no requirement to pay stamp duty when registering a truck, whereas in Western Australia registration is much cheaper. This whole question of what the registration fees are is another matter, but my question is: will the implementation of this national law across Australia result in similar structures and procedures being used across the borders for the registration scheme?

**The Hon. A. KOUTSANTONIS:** The nationally agreed registration level is what the state will be charging. The states insisted on keeping their ability to charge their own fees for those rates.

#### Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: No, but Western Australia, for example, have refused to implement these changes, so their registration fees will be cheaper but they will not be getting the benefit of a national scheme, and it is disappointing. My view is that Western Australia will eventually sign up to the national scheme because their industry will compel them to do so. While

there may be some short-term benefit in publicity in terms of them getting more registrations in Western Australia than everywhere else, the reality is what will happen is moving freight into those jurisdictions will become more expensive because of red tape and the onerous burden.

# [Sitting suspended from 18:00 to 19:30]

**Ms CHAPMAN:** I acknowledge that it is agreed that each of the jurisdictions will maintain, at least for the foreseeable future, their own regime of the cost of registration and the structure to which that will apply. My question actually was, is everything else apart from cost going to be the same, that is, the same rules in respect of the capacity to be able to register, apart from the money amount?

The Hon. A. KOUTSANTONIS: I am advised that individual jurisdictions will maintain their current levels. I am advised that individual jurisdictions will retain their individual costs for stamp duty, third party compulsory insurance and registration, but I think it is important to note that the administrative fees for various applications set out under the national regulations are similar to the current South Australian fees. Fees for services provided by the regulator will be based on full cost recovery. In the first year of operation, the fees for service will be the same as under the current jurisdictional laws. Registration fees will continue to be set nationally through the national vehicle charges determination.

The National Transport Commission is currently consulting with stakeholders nationally on a new determination to take up freight from mid-2014. This determination, I am advised, will take into account the costs of heavy vehicle regulation. There may be some small increase in registration fees in the longer term; however, we should see a decrease in real terms, and it should benefit from the increased productivity resulting in improved access and more efficient regulation.

So, as it stands, if you are currently registered in South Australia, you should see no real increase in fees going to the national scheme. If you decide to register your vehicles and move your operation to another state, ultimately you will pay their fees and charges, but someone operating as they would be now out of South Australia, should see no real change and in the long term should see a net decrease. Yes, Western Australia is charging less for its registration because it is not signing up to the national scheme, and I think that is to the detriment of the nation.

**Ms CHAPMAN:** I will try for the third time, minister. I am not talking about the disparity in fees. It is noted and acknowledged that each of the jurisdictions is going to keep its own regime of fee scale. I ask for the third time: are all the other regulations and rules going to be signed up to be the same under the national code in respect of everything else?

The Hon. A. KOUTSANTONIS: Stamp duty.

**Ms CHAPMAN:** That is one example I gave, but the registration requirements under part 2, you will see in the new national code, will have a whole lot of rules apply, for example, when a vehicle is being towed, etc. Under the new scheme in part 2, is everything else going to be the same across the country except Western Australia?

**The Hon. A. KOUTSANTONIS:** If you are excluding the examples you used previously, like stamp duty, because jurisdictions will retain their own stamp duty regimes, then, yes, the national law will be consistent across jurisdictions.

**Ms CHAPMAN:** Currently, if a truck has federal registration—there are restrictions in South Australia in relation to unloading—how will this bill address the inconsistency of unloading restrictions between the states, or is that because there is some other provision in the other bill that we are yet to have a look at and determine?

The Hon. A. KOUTSANTONIS: I am advised that when the bill comes into operation the commonwealth will repeal the first piece of legislation, which will bring into line all jurisdictions for unloading.

**Ms CHAPMAN:** Still under part 2, the regulator may grant an exemption if they are satisfied that an unregistered vehicle will not pose a significant safety risk, which is one of the provisions here. This is clause 41(1)(b)—Restriction on grant of registration exemption. By what criteria will the regulator determine whether a heavy vehicle poses a significant safety risk?

**The Hon. A. KOUTSANTONIS:** I am advised that, given this chapter has been deferred for later implementation, that standard has not been developed. I imagine that that definition would be in the act once that regulation is implemented.

**Ms CHAPMAN:** Is the minister aware of how many unregistered heavy vehicles are anticipated to qualify for the exemption?

#### The Hon. A. KOUTSANTONIS: No.

**Ms CHAPMAN:** Will the current exemptions automatically transfer or will heavy vehicle operators need to reapply to the national regulator for an exemption? If the heavy vehicle operators will need to reapply, can you outline the process by which they will apply for an exemption?

**The Hon. A. KOUTSANTONIS:** I am advised that the transitional provisions will be three years for permits and five years for gazettal exemptions, but, if that is not accurate, I will get back to you between the houses.

**Ms CHAPMAN:** I refer to part 5—still on the registration scheme—for written off and wrecked heavy vehicles. The registrar is obliged under this proposed law to keep a register of all written off and wrecked heavy vehicles.

The Hon. A. KOUTSANTONIS: Sorry, say that again.

**Ms CHAPMAN:** The regulator must keep a register of all the written off and wrecked heavy vehicles. Does a register of all written off and wrecked heavy vehicles already exist at state level and, if so, how is that administered? Will the onus lie with the heavy vehicle operator to inform the national regulator if one of their vehicles is written off or wrecked?

**The Hon. A. KOUTSANTONIS:** In terms of the notification provisions, we anticipate, I am advised, that they will be developed through the regulations. Currently, in South Australia, they are kept through the Registrar of Motor Vehicles. So, for wrecked or written off vehicles, a list, for lack of a better term, is kept by the registrar, but the notification provisions will be developed through the regulations of the national law.

**Mr WHETSTONE:** Minister, I refer to chapter 3, under Vehicle operations—standards and safety. Of the national law prescribed standards with which heavy vehicles must comply, those standards can relate to heavy vehicles themselves or components of equipment of heavy vehicles and noncompliance is punishable by fine. Can you outline specific ways in which the national law enhances public safety and amenities?

The Hon. A. KOUTSANTONIS: I think the intuitive answer to that question is that, as you develop standards over a period of time through industry consultation and association consultation with regulators, and you harmonise that across the country, what you are going to get are the highest levels of safety. Just one example the officers have given me is towbar couplings. Obviously, when you are hauling very heavy loads at speed across country, some roads may be different to others and you would want to have a certain standard of towbar coupling. By developing a national framework around this, you are going to get improvements in safety from all jurisdictions.

It is usually a race to the top rather than a race to the bottom. So, you usually adopt the best standard, the most common-sense standard, the one that is going to provide the best safety outcomes. What the national law does is give certainty to users across the federation about these national standards, which will improve safety as you travel from Queensland, through the NT, down to South Australia, maybe off to Perth, rather than having to change towbar couplings across every jurisdiction, which is just crazy. So, that is one example of how you would improve it.

If the question is how does a national standard of vehicle safety improve safety across the regulatory framework, having the same standards in Queensland as you have in Adelaide and as you have in Perth means that, as you travel across the country, the level of safety that has been developed throughout, since we have been moving freight around the federation, means you are going to get a very high standard of safety not only for the drivers but for everyone else on the road. I think it is intuitively common sense that you are going to get better outcomes through having one national framework that covers it all.

**Mr WHETSTONE:** Minister, this is an example: a road train of over, I think, 23 metres, has to have a bullbar with a certain safety strip under the bullbar—it is a catch strip. If you have a vehicle on a national road that is under 23 metres, it does not have to have a bullbar or the strip. That is the issue that I have. That strip is designed so that a vehicle will not be sucked underneath

the heavy vehicle in a head-on accident, for example. If a 23-metre heavy vehicle hits a car, it is going to run over it and squash it flat. This is my concern: any heavy vehicle over 23 metres has to have a bullbar and a strip under the bullbar; what is stopping a vehicle under 23 metres running a car flat to the ground?

The Hon. A. KOUTSANTONIS: When you are developing national laws—I accept your argument that there are inconsistencies in common sense. Whether it is 23 metres or 22.5 metres, the momentum and speed of a vehicle that size is going to do a lot of damage and it makes sense to have consistency across that. What we are doing now is we are taking the first step in harmonisation. We are simply transferring the current standards that we have now—no less and no more—to a national scheme.

I do not expect the national regulations to be frozen in time in 2013 and that they will never evolve. Obviously the very valid point that you make will be something that the national regulator will consider. Whenever you are regulating the movement of any type of freight—whether it is trains, trucks, heavy vehicles, taxis; whatever it is—things evolve and change and you cannot rely on regulations that are frozen in time. If we did not have the national framework, I imagine that we would eventually evolve and come up with what you are talking about, which is making sure that cars cannot be sucked underneath these vehicles, no matter what size they are, and you would develop a state-based framework that would ensure that all vehicles have bullbars that would stop that, as will the national heavy vehicle regulator.

Think of it as a snapshot in time: you take a photocopy of the regulations as they are today and you transfer them over to a national regulator, but the work does not stop; you are continually upgrading. I accept what you are saying: it is common sense. What we are saying is that it should be nationally consistent. I will give you an example of why a national law will be better. Let us say, for example, that you wrote to me about that issue and I said, 'The member for Chaffey is absolutely right. We should immediately regulate to stop what you were just talking about.' If we did not have a national framework, if people are required to have that type of bullbar in South Australia, would that mean that we could stop all freight coming from New South Wales into South Australia that is not compliant?

Even though the suggestion you have made makes a lot of sense, it would be better to have a national heavy vehicle regulator that could do that nationally rather than just a state-based regulator doing it. My short answer is: do not see this as regulations being frozen in time and remaining like this for all time onwards; what we are doing is we are transferring what we have got now to the national vehicle regulator and we expect them to continue to do work to improve the harmonisation and things that you are talking about. I think that is what you are getting at.

**Mr WHETSTONE:** Yes, it is. It is something that has been an oversight right around the country. It is an oversight in something that I think should be part of regulation. How will the national regulator determine the period for which an exemption for a category of heavy vehicle will apply?

#### The Hon. A. KOUTSANTONIS: Can you explain?

**Mr WHETSTONE:** Yes. It is still part of chapter 3, part 2. It is a period for which a vehicle standards exemption applies.

**The Hon. A. KOUTSANTONIS:** I think I answered that earlier when I said for a gazettal exemption it is five years, for a permanent exemption it is three years—the transition periods.

**Mr WHETSTONE:** Exemptions for individual heavy vehicles can be done through an application process to the regulator under chapter 3, part 2, division 3, Exemptions by Permit, where the regulator may grant an individual vehicle standards exemption for a period of no more than three years. How will the national regulator determine the period for which an individual exemption applies?

The Hon. A. KOUTSANTONIS: The advice I am receiving is that if it is a consistent exemption that has been granted multiple times in the past, it is commonplace, we know how it operates and it would generally be for three years. If it is something that is new, something that is being trialled or if it is something that we have not seen before and a particular company is seeking a particular exemption that is not consistent with how we have understood it to operate, it may be a shorter period. Again, that makes common sense. Generally, the rule is three years if it is just the routine exemption that we tick off regularly. If it is something completely new, then obviously it would be for a shorter period.

**Mr WHETSTONE:** Once that permit expires, does the heavy vehicle operator have the option for reapplying for a permit?

**The Hon. A. KOUTSANTONIS:** Yes, I am advised you can. Like any exemption it is not that you get one shot in the barrel and that is it; you can apply as many times as you like.

**Mr WHETSTONE:** What sort of a time frame is expected for the granting, or a denial, of a permit?

**The Hon. A. KOUTSANTONIS:** I am not sure I am in a place where I can answer that because that would be a question for the national regulator. I can speculate, and my speculation would be that it would depend on the complexity of the application. If it is something that we have done traditionally and regularly over time, it would be very quick. If it is something that is new and unique and we have not seen before, it could take longer—or it could be specified within the act.

**Mr WHETSTONE:** What I am trying to explain is that for something like a purpose-built vehicle, something that is customised, there would have to be time frames for granting a permit because of the year of manufacture and the time that it would take to have inspections for a one-off or a purpose-built vehicle.

Chapter 4 discusses vehicle operations under mass, dimension and loading. Including regulating mass, dimension and loading, there are currently a number of arrangements between operators of heavy vehicles and escort pilot-type services. I would be concerned if any of those arrangements changed under the national law. How will the national law affect escort pilot arrangements for wide and heavy loads?

The Hon. A. KOUTSANTONIS: I am advised, member for Chaffey, that the transitional provisions will be that every jurisdiction maintains its current practice, and that there are committees, which obviously involve the associations that deal with this, who are formulating what will be the national harmonised policy. I would be very keen, as you would be, to make sure that there is no change that will be to the detriment of our users. However, there will be a nationally harmonised scheme eventually. Whether that is in three years or 12 months will depend on the body of work done by the committees that are looking at this. My guess is it will be longer rather than shorter, which will mean that our current provisions will remain. I am sorry I do not have a better answer for you.

**Mr WHETSTONE:** Moving on to restricting road access: the national law allows for road access restrictions, even if heavy vehicles in question comply with the mass and dimension requirements, if it would endanger public safety, damage road infrastructure or adversely affect public amenities. Under chapter 4, part 6, how many roads in South Australia currently have restricted access for heavy vehicles and will change under the national law?

The Hon. A. KOUTSANTONIS: I am advised that there will be no changes to the gazetted routes, so there will be no net loss of routes. Whether the national laws allow for greater access to routes, I would have to get back to you between the houses.

**Mr WHETSTONE:** I guess as an example, minister, some of the roads in South Australia are gazetted for B-triples or road trains and we have other roads that are not. Are you anticipating any trials to be done on roads here in South Australia?

The Hon. A. KOUTSANTONIS: I think it is fair to say that the industry is always looking for greater access to routes and they are always pushing the department to allow them greater access to routes. That is a good thing, because roads are the arteries of our economy, so we want to free them up and get freight moving. It is a good thing. Obviously, the department has concerns when the industry comes to us and says, 'We think this type of vehicle of this size and this mass can use this type of road.' The department says, 'Well, we don't think so.' Then it becomes a political question where I would instruct the department to conduct a trial.

There are a few issues like that ongoing, but in terms of any specific trials that are underway right now, I am not aware of any. I know that we were conducting a speed limit trial for some heavy vehicles. I am not sure where we are with the remainder of that past Port Augusta, but I can get back to you about that.

**Mr WHETSTONE:** Obviously for roads to comply to national speed changes or road changes, roads have to be built to a specification, so before you can actually give permission for any heavier road rating to be put onto any of the highways, those highways would have to comply

with the heavier axle loading. So, would any of our national highways be able to receive a heavier axle load in trialling bigger configurations of trucks to meet a national standard?

The Hon. A. KOUTSANTONIS: Let us be very clear about this, if there was a national requirement to upgrade roads to take a heavier load than we currently have specification for on national freight routes, we would expect the commonwealth to kick the can. South Australia is the size of France and Germany combined, so if we are going to be improving freight routes from New South Wales to the Western Australian border we would expect, if it is a national requirement, that the commonwealth would kick the can. The advice I have received is that we average out the requirements on our roads and that average is allocated to heavy freight movement.

So, if our roads can take a certain average this is what we allocate to them. If a national regulator came to us and said, 'We want you to take a higher standard, a heavier load', we would then say, 'Well, okay, who's going to pay for it?' You cannot expect a taxpayer base of 1.6 million people to do that. We would require commonwealth assistance. So, I think the commonwealth and a national heavy vehicle regulator would be very keen to try to minimise those impacts and make it consistent, and maybe take an average of the entire nation, something like that.

**Mr WHETSTONE:** Getting towards the back of the pack here: enforcement. Chapter 9 regulates enforcement of the national law, starting on page 314. I am concerned about the resourcing the state will have to provide and I am interested to know of the burdens that might be placed on our police forces and the department of transport, trade and infrastructure, the chain of responsibility. How will the national law affect the chain of responsibility for law enforcement?

**The Hon. A. KOUTSANTONIS:** The current chain of responsibility will remain unchanged, so the requirements that are in place now will remain. If I know SAPOL, if it needs more resources it will ask for them.

**Mr WHETSTONE:** So, will the national regulator be responsible for enforcing penalties against drivers, owners and operators of heavy vehicles?

**The Hon. A. KOUTSANTONIS:** I am advised that the offences that would be prosecuted would be conducted by SAPOL and DPTI officers and they would be done within the Magistrates Court, or higher, if necessary, based on the national law. So, it will not necessarily be the national regulator imposing fines or penalties, it will be the local jurisdictions, based on the national law.

Schedule passed.

Title passed.

Bill reported without amendment.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (20:05): As our Kurdish brothers leave the chamber, I move:

That this bill be now read a third time.

Bill read a third time and passed.

### STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (20:05): I commend the bill to the house.

Bill read a second time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban **Development) (20:05):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## **APPROPRIATION BILL 2013**

Adjourned debate on motion:

That the proposed expenditures referred to Estimates Committees A and B be agreed to.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (20:07):** Can I say that, after a week of estimates, I am refreshed with enthusiasm for the legislative progress of this bill. I am not highly comforted by the degree of confidence that I have in the government in either preparing the budget or, indeed, applying it. Largely, this arises from the fact that, after six days of estimates for me, and I think some other members have obviously spent considerable time in committee, we are really none the wiser on a number of matters. This is disappointing, because the very purpose of having estimates is for ministers to present, with their senior executive members of staff in their departments, to provide the detail that sits beneath the budget.

We have an opportunity to ask some questions about the details but, with all the pictures and budget speeches and all the expanded self-congratulatory remarks that are made by Treasurers year after year since I have been in this house, I have found, increasingly, over the last 11 years that they have become more and more filled with grandstanding, self-congratulatory statements of ministers as to what they have either done or what they proffer to do. That is very disappointing—not because they are not entitled to make statements about this (they issue press releases, give public statements, make ministerial statements and answer Dorothy Dix questions in parliament) but they still seem to have a need to fill the time available for useful information for the parliament with this self-congratulatory approach.

This year for the budget 2013-14 and the forward estimates we are talking about a \$15 billion annual budget, and the application by various ministries were, in my personal involvement on committees, covering: the Attorney-General's department; Courts Administration Authority; planning department; transport and infrastructure divisions; urban development, particularly the Urban Renewal Authority; emergency services; women; agriculture, food and wine; forests, environment, water and natural resources including EPA and Zero Waste SA; and SA Water, including the now separate Department for Water. These were the portfolios that I had the pleasure of sitting in on during the committees. The ministers that I sought information from included ministers Rau, Koutsantonis, Fox, O'Brien, Gago and Hunter.

I wish to place on the record my appreciation to you, Mr Deputy Speaker, as an excellent chair, and, indeed also the member for Giles, for her patient deliberation of committees which I attended. It is a sometimes tedious task but, nevertheless, I think you both undertook that admirably, and I think that that should be acknowledged. Obviously, our senior clerk staff were in attendance and we thank them for doing that.

This is a time where the executive elite of departments sit with their minister or ministers and are available to provide counsel and wise advice to them to provide this information. A number of aspects are deeply disappointing, but one which is so apparent each year is that members of the department, particularly at the senior level, provide from their departments, an enormous amount of material which they make available to the minister for the purpose of estimates, and possibly 1/100th of it ever gets to see the light of day. That is very disappointing for those who undertake a lot of work to identify how money is going to be spent, provide information and, yet, it never translates through the minister's mouth to the committee, which I think is a disgraceful waste of resources.

It is disappointing to the extent that I support the estimates process but I am very much reminded of the new administration in the Northern Territory. They now have a situation where the ministers attend, usually for the day—sometimes for 12 hour days—but they come along to estimates with their advisers, having received notice from the opposition representatives on the committee as to what topics of interest and areas they would seek advice on, and the detail to be particularised, and they bring the relevant advisers with them, and they get on with the job.

They spend a productive day or half day, or whatever the length is justified by the extent of the portfolio that is under consideration, and it works efficiently. I am advised by the Northern Territory Attorney-General that it saves an estimates cost of about \$4½ million in estimated time for departments in the preparation of material that never sees the light of day. I think that that is something to be considered as to how we might approach estimates in the future.

Of the disappointing aspects this year, some of which I have seen over the time, one is that the overall time for very large portfolios, for example with the Department of Planning, Transport and Infrastructure Mr Hook accounts to five ministers, and the overall time provided for this very senior portfolio—over a billion dollars in the budget—is an hour. That to me is just unacceptable. Each year I enjoy up to an hour for the status of women but, I have to say, for a less than, or just over now, \$2 million budget, it seems to be an excessive amount of time. Not surprisingly, when I asked the minister about a number of areas of her portfolio she did not have many answers; but I will come back to her in a moment.

I will also identify that each year there is a draft representation of a schedule presented to the opposition. There is apparently a period of negotiation. I just want to place on the record that this is not a negotiation. We are told by the government what is convenient to them. Even if there is a known overlap of portfolios from the nominated publicly known shadow ministry representative, they do not seem to give a tink about that. Nevertheless, the assiduous work of our opposition whip this year was able to negotiate some transfer of jurisdictions so that we could at least ensure that the committees have the full complement of shadow ministers or another nominated party.

It just happens that I am the opposition's House of Assembly representative on a number of other portfolios from another place, so I had a fairly extensive list this year. It seems to me, if I could suggest an improvement in this regard, we need to have the minister available on a day to cover the portfolios that they might be responsible for. We do not want to unfairly inconvenience them and have them back on different days. Pick a day in that week, or 10 days, that is convenient to them and be available all day and give it some realistic allocation of time.

As I say, unfortunately, another aspect of time—and this has been repeated—is that there are serial offenders in the ministry in this regard. They have changed a bit over the years, but a couple of them have never given up on this in the time that they have been in cabinet. Their way of managing to avoid any real scrutiny or information giving is to fill up as much as they can the time in a statement, usually self congratulatory, certainly self glorifying statements, about things that they have done and say they are going to do. I suggest that this really just indicates to the committee either inexperience or failure on their part—

Mrs Redmond: Inadequacy.

**Ms CHAPMAN:** Yes—to be able to either understand their portfolio or their preparedness to volunteer information. It could be a churlish sort of reaction, but it seems to me on the face of it that they simply do not have a grip of their portfolio, and that is very disappointing. We had limited time, even within the schedule, to be able to provide information to the committee.

Finally, the most outstanding is the stunning failure of a number of ministers to provide any answers at all of any substance even during the time they do answer questions. This is really disappointing because either they fill up the time with their own pre-prepared statements or, alternatively, they fail to provide a timely response to the information sought, or at all. Each year we hear of the indication of direction by the chair of the committee that there is an expectation that by a certain date within a few weeks' time we are to receive the answers that are taken on notice. Do we ever see them in the same year?

#### Mrs Redmond: Never.

**Ms CHAPMAN:** Never, in the 11 years, the member for Heysen. Today I picked up some answers to some questions that were tabled today, from October last year. We are very often into the next financial year by the time we get answers from the preceding year; it is extremely disappointing. It is very illuminating watching these ministers over the years as to how they address their portfolios and how easily they are exposed to their lack of understanding of their own portfolios. The identification of topics of interest is one thing, but to have no answers indicates either an inadequate or a foolish ignorance of their own portfolios.

Can I just come to the ministers in particular. The Attorney-General, who also covers planning, this year, for the first time that I observed, had a public display of conflict in *The Advertiser* on the day of his own estimates. We had, you would recall, a statement by the Chief Justice, who is also the executive head of the courts authority, make statements that were published in *The Advertiser* in which he identified that there would be a significant delay in trial time as a result of a failure to fill vacancies in judicial appointments. There was a display of what seemed to be a childish spat in response, giving this implicit threat that the head of the CAA would be removed; that is, the Chief Justice is likely to be removed as the head of the CAA—

Mrs Redmond: For daring to speak out.

**Ms CHAPMAN:** —for daring to speak out, as the member for Heysen says, about an important area of responsibility that he had. We did see the rather meek withdrawal of that during the committee, when the Attorney had a change of heart in presenting an attempt to restore a cordial and civil conversation with the Chief Justice and all sorts of promises to continue to negotiate and resolve these issues and so on.

But we had a public display of, I think, disgraceful behaviour with this implicit threat, withdrawn as it appeared to be at the commencement of the estimates but which does not resolve the real issue; that is, the Attorney-General must take responsibility for the allocation of the total resource. Sure, the head of the CAA has a role in giving advice and, over the years, chief justices have, I think, appropriately earned the respect of former attorneys to be able to present their proposals.

They have to work within a certain parameter; they understand that. They can have a legitimate complaint if they feel that they are unable to comply with their statutory obligation to provide a judicial system and courts services if certain funds or resources are withdrawn. Why should they not be able to make that statement? Other heads of departments do not usually, although the police commissioner has been fairly vocal in the past 12 months.

I make the point that, although other chief executive officers are silenced under their contracts and other things, I think a very unfortunate precedent was being set here. For there to be this public display between an Attorney-General—the first law officer of the state—and the Chief Justice was tawdry and should not be repeated.

Minister Rau is the Minister for Planning. We had an interesting session on the URA—this is the urban renewal authority. Clearly now they are into the business of debt. Like every other statutory corporation of the government that is drowning in unfunded liabilities like the WorkCover Corporation, this year we found that the urban renewal authority is now up to over \$450 million worth of debt. It is just a staggering revelation.

Minister Koutsantonis, I would have to say, apart from his level of self-praise which was pretty much nauseating, did have a refreshing style with a prompt delivery of answers. Of all the ministers in my committees, I think he certainly demonstrated the highest level of understanding of his portfolio. He should be applauded for that. When cornered, he gave the usual predictable responses and generally would go on the attack, but, apart from that, I have to say, there was a general level of understanding which was impressively refreshing.

Unfortunately, minister Fox (Minister for Transport Services), of course, on the other hand, was predictably, as usual, inept, uninformative and hardly able to make any productive contribution. She is about on a par with the services of her buses at the moment. Her level of competence in relation to any understanding or providing any useful information to the committee was completely deficient.

Minister O'Brien, as usual, was frank. He was able to present the committee with a prompt response. He did not fill it up with all sorts of unnecessary information. I think he was generally helpful to the committee; I thank him for that. The emergency services portfolio is very important and we had some important issues to consider. I think he certainly gets the academy award for his contribution.

### Mr Gardner: The gold star.

**Ms CHAPMAN:** A gold star or ministerial star this year. Minister Hunter was a new boy for me, after 11 years. It was the first time I think he had been to a committee at which I was present. I think he has a reasonably quick grip of the environment department, a part of his portfolio. Unfortunately, I think his understanding in respect of the water obligations is quite deficient. The River Murray for him is something that has been signed up for in some fantastic agreement entered into by the Premier, yet his understanding of the living Murray, the real Murray and the people who are on it and the industries that survive on it, has completely escaped his thought process. However, in respect of general environment matters, he seems to be interested and adept.

SA Water: well, here we go! They could not even get the spelling of one of the most significant rivers on the West Coast correct. I think the biggest area of concern for SA Water is that this is just a machine of spending. It is an apparatchik that is not only harvesting money through the most grotesquely high water prices that South Australians are now facing but also going on a continued spending spree.

We found out only a couple of days ago that the visitor information centre at the desalination plant cost some \$3.2 million, for everyone to rush in there with their iPads to have a look at a facility that we are not even going to be using. It is obscene to think that we have this extraordinary expense going onto people's water bills for a facility—I do not even need to repeat the detail—about which the federal Auditor-General was scathing in his comments concerning the application of funds to expand that from a 50-gigalitre to a 100-gigalitre facility. It is a disgusting waste of money that the government should wear not as a badge of honour but as a badge of shame.

I have left the best to last. If we on this side of the house have the privilege of government next March, I am going to miss minister Gago: she has been a treat! Unfortunately, her capacity to make any useful contribution to her portfolio areas—she was not disappointing again this year—was as utterly useless as it has been in preceding years.

#### Time expired.

**Mrs REDMOND (Heysen) (20:27):** I had hoped, when the budget was brought down on 6 June I think it was—an auspicious day, 6 June; I seem to think it has some historical significance—that with the new part-time Treasurer and part-time Premier we might get a new style of budget estimates that was actually informative. The member for Bragg has already enunciated in almost exactly the same order the very same issues that I was going to raise, and I seem to remember raising time and time again after estimates in this place.

The Hon. P.F. Conlon: And no-one was listening.

**Mrs REDMOND:** The member for Elder says, 'And no-one was listening,' and that has been very clear indeed. Over the 11 years and 12 budgets that I have done in this place, the government has made an art form out of avoiding giving answers. Although, I must admit, the member for Elder and the former treasurer, Mr Foley, did at least have enough knowledge of their subjects to be good ministers to deal with in the sense that they at least answered the questions as much as they could.

The Hon. P.F. Conlon: Never took a Dixer in 11 years.

**Mrs REDMOND:** I was about to say, neither the member for Elder nor former treasurer Foley had the habit of doing Dorothy Dixers. Like the member for Bragg, I am bewildered by the way the estimates process, for a start, is timetabled. As the member for Bragg said, you can have a situation where a huge department like transport, planning and infrastructure gets the same time allocation as Aboriginal affairs, which has two whole pages out of the nine volumes of the budget.

Ms Bedford: Does that matter? Isn't Aboriginal affairs just as important?

**Mrs REDMOND:** It matters, member for Florey, because it seems to me to be a deliberate attempt by the government to avoid having any real assessment by the opposition, on behalf of the people of this state, of what is in this budget. We have always understood that the government has the right to bring down its budget; we have no control over it and do not have any right to stop it like we would a regulation. We do not have any chance to really debate any of it and we do not get any say in it.

It is already brought down when it comes into this place and the problem is that we, on behalf of the people of this state, only have the estimates process through which we can ask the government for some more detail on what is now a complex budget of over \$15 billion—approaching \$16 billion—yet we have this ridiculous situation.

When I was shadow attorney-general, for instance, I used to get 45 minutes for the Attorney-General's Department which covered all sorts of aspects of this state. Yet, as I say, yesterday there I was helping with the Aboriginal Affairs portfolio (which literally had two pages in all of the budget) and we had a bigger time allocation of one hour. That just seems to me to be a nonsense.

This budget delivered to the people of this state the biggest debt and the biggest deficit that have ever been delivered and I think the only comfort the new Treasurer (part-time Premier) can take in that is that they will not always be the biggest debt and the biggest deficit. I am quite convinced, given the way they have got the economy of this state going, that they will be replaced by an even bigger debt and an even bigger deficit when we get to the Mid-Year Budget Review shortly before the election. It saddens me that the government does not want scrutiny on these things.

That is the problem with it, that not only is there this ridiculous system of having shadow ministers in the upper house who are not allowed to come into the estimates process and actually ask their own questions but, as the member for Bragg spoke about earlier, there are the enormous costs. I think she said the Northern Territory has actually calculated how much they would save—or how much they do save—by actually adopting a different and better process.

We make no complaint about the fact that the government is the government; it has the control of the Treasury and it is entitled to decide how the state's money in the budget will be spent. But it should be open to the scrutiny of the opposition and what we see is this enormous waste of money. I know for a fact that at the time that the budget is on, these very senior public servants— some of them paid hundreds of thousands of dollars a year in very senior executive roles in the Public Service—are dragged in here and sit in here hour upon hour, and when we ask a question, the response we get is, 'I'll take that on notice.'

It is just a nonsense. Those people are not only sitting in here for hour upon hour, but I know that they have spent weeks—some of them months—preparing for the estimates process which, in itself, means that they are not spending time doing the job that the department is meant to be doing, only to come in here, sit here and then not provide answers to questions.

Like the member for Bragg, I have had the same experience. In fact in June this year I was receiving responses to questions that I had put on notice that I did not have a chance to ask in estimates last year. They went on notice in June last year and I was getting the answers after the budget came down in June this year. How is that a satisfactory way to run the budget and the state and the estimates process?

I put it to you that it is simply a nonsense to call it any sort of a process. It is just an enormous waste of money and I have often said that it would be better to have some sort of briefing from each minister and those of us who want to go along to each one could go along and ask whatever questions, put some questions on notice and then have a day with the relevant people asking the relevant questions.

The amount of time that is taken up by ministers then who are often incompetent and certainly inept in avoiding answering questions during that estimates process is extraordinary. I know that, during one of the estimates processes that I was involved in the last couple of days, one of the ministers made an opening statement of 17 minutes. I have had that occur when I have only had 45 minutes to ask the questions.

You literally get to the situation where, having dragged all of these highly-paid people in here, set up everything and got it all underway, there is an opening statement for 17 minutes. I would then get to ask three questions, often the response would be, 'Sorry, I am taking that on notice.' Then there would be three Dorothy Dixers from the other side with no time limit as we even have in question time and all the more time taken up so that I would not get more than five or six questions out in the time allocated for the whole of the estimates for an important area like the Attorney-General's Department.

For a government that says that they were going to be accountable—indeed, yesterday in Aboriginal affairs, minister Hunter said, 'We expect to be held accountable'—I just dearly wanted to have the time to ask, 'In what way have you ever been held accountable?' At no time since I have been in this place, particularly on Aboriginal affairs, which as the member for Florey says is an extremely important area, have they ever come anywhere near meeting any targets as far as improving outcomes for Aboriginal people. What I wanted to ask the minister was: in what way and when are you going to expect to be held accountable for your utter abject failure in this area? But of course, we did not have the time and opportunity to ask that.

#### The Hon. L.R. Breuer interjecting:

**Mrs REDMOND:** Yes, I asked a very important question about the APY lands, and that was just how much money is this government putting into the APY lands, because when I went up there last year, I was not only saddened and shocked, but appalled that the few thousand people who live up there, who must have many millions of dollars spent in that area on their wellbeing year upon year, can be living in the abject squalor that you find up there. It just makes no sense. That was the most important question for me to ask and hence I did not ask the minister the other one.

I really do not know that there is much more that I can usefully contribute in terms of the estimates report, though, because ultimately, I do not believe that the estimates report does what it was originally intended to do, and that is to give the opposition, on behalf of the people, the

opportunity to question the government about the detail of the budget and to get proper replies to reasonable questions about just where this state's money is being spent.

We have seen this government waste more money than any other government has ever seen, and I mean waste: \$500 million a year over and above budget for the first seven years comes into the coffers of this state, and yet we have a debt which is blowing out to \$14 billion, which is going to cost the people of this state \$2.6 million every day just to pay the interest on a debt we should not even have, and yet this government does not seem to believe that it should be held accountable, even in terms of answering questions as to where on earth the money has gone in relation to its spending agenda.

**Mr PISONI (Unley) (20:37):** I stand here in the chamber debating the estimates process for the sixth time, I think it is, as the shadow minister for education and the fifth time as the shadow minister for further education. In that time, I have faced five ministers of further education and four ministers of education. I think that tells a lot about the priorities of this government. Of course, the further education and training portfolio is the most interesting one, because that is where the Labor government tends to put its new ministers. It tries them out in the training position.

I think it is a bit confused about what the purpose of the training portfolio is. The training portfolio is there, of course, for the general public and the government to support people who are in training programs, but Labor's view is that the training portfolio is the portfolio for training up ministers. We have seen that time and time again, except of course for the last reshuffle where we saw, for the first time I could recall, a minister going backwards from the education portfolio—the member for Hartley—back into the training portfolio. I thought it was interesting that the minister felt vindicated today by the Debelle report.

Mr Gardner: It's an ambitious interpretation.

**Mr PISONI:** A very ambitious interpretation, says the member for Morialta. I think that anybody that experienced the painful way in which the member for Hartley managed her education portfolio—it was not just the managing of the sex abuse in schools issue that started under the Premier when he was education minister: it was every aspect of the portfolio that she was struggling with, not even having a briefing when she took over in the education portfolio. I can see members on this side shaking their heads saying, 'How can that be? How can it be that a minister would come into a portfolio as complex as the education portfolio and not have a briefing?' It is absolutely extraordinary.

The new minister is the fifth minister of education this government has had in its time in office. Anybody who was in the chamber would have thought it was an extraordinary situation, the time and the effort of the minister's staffers and departmental people in going through every single word that I had said in recent years as shadow education minister and using them to develop a point of attack on me, the member for Unley. It was extraordinary.

In the meantime, we have one of the biggest crises in the education system in South Australia, not just the recent Debelle inquiry, whose findings went to cabinet on Monday and were released to the public on Monday afternoon, but the fact that we have fewer students now in South Australia gaining a pass mark in their ATAR in STEM subjects, that is, maths, chemistry, physics, etc., not just in percentage terms, but fewer in overall numbers gaining an ATAR in year 12, a pass mark ATAR or equivalent in year 12, than when this government set the benchmark in 2003 to increase that by 15 per cent. If you look at the latest strategic plan, the target of increasing that by 15 per cent by 2014 has been pushed out to 2020.

What else has happened in that time is that we have seen NAPLAN results in South Australia continually deteriorate. When NAPLAN first came to South Australia (as it did with all the other states) in 2008 South Australia sat at what I would describe as around about the middle. We were comparable to Victoria, New South Wales and the ACT, who dominate the results, but year after year we have deteriorated, in numeracy in particular, but numeracy and literacy, to such a stage where we now do not meet the national minimum in 20 out of 20 categories. It is a shocking situation for a government that continues to boast about the money it is spending on education, and which has a leader who said that he was going to be the education premier.

Let us look at the record of education in South Australia under Labor. It is an extraordinary record. If you go through the nearly 300 pages of the Debelle report you can see there is a rot that has developed in our education system within central office. The Premier was on the radio on Monday suggesting that those who were criticising the government in the way it was managing the education portfolio were attacking teachers, but the facts are that this government has not been

supporting teachers. Read the Debelle report. This government has not been supporting teachers. Teachers have been left hanging under this government, with no support at all. It has been an absolutely shocking situation.

The estimates process was, as I said, an interesting one, with the member for Wright as the new education minister. I asked questions about the number of recommendations. Do you remember this? It was just one business day before the Debelle report was released. The minister said she had seen the report and been briefed on it, yet she could not tell me how many recommendations were in the report. As a matter of fact, we all heard and saw Mr Bartley whisper in her ear the number of recommendations but she still refused to answer that question. The minister refused to answer any of the questions on the Debelle inquiry, even though she had a whole room of advisers. She would argue that she did not have that information with her.

We learnt that the minister was not sure whether departmental policy was adhered to regarding political activity in DECS schools when the former prime minister visited Mitcham primary school to launch the so-called Gonski reforms (the new funding model), where she also introduced the federal Labor candidate for Boothby—a clear breach of the guidelines and policies set by the department of education.

What else did we learn? We had it confirmed that face-to-face teaching time, this year, in 2013, includes 10 minutes for students to eat their lunch. We learnt that an extra \$28 million was collected from schools above the budget in the way of school fees and other revenue measures. That is \$28 million above the \$85 million, to a record \$113 million. The forward estimates have been adjusted with an extra \$29 million to \$30 million every year based on that.

The government says that schools choose to do that and schools decide what their fees are going to be. I put it to the minister that the reason that is happening is that schools are forced to do it because of the cuts that are starting to bite now very hard, in particular—the cuts that were introduced by the former education minister, the Premier, in his first budget as education minister. One hundred million dollars has been taken straight out of schools in response to the recommendations from the budget review after the election. That is what has pushed up school fees.

Of course, parents are not going to see their schools deteriorate if they have a choice. You have schools where parents are lining up to send their kids—in my electorate in Glenunga and Unley, and at Brighton, where school fees are \$700, \$800 and \$900. Go to Victoria and there are no school fees. When a Victorian talks about a school fee, they talk about the cost of an excursion or a camp, not for getting into the classroom, as we have here in South Australia. That has reached record levels under Labor.

The minister also refused to explain how the budget estimate figure of around \$40 million in other revenue was arrived at. She flatly refused. She said it was too much work for her department to explain how that figure was arrived at. That is a sign of true arrogance if ever I have heard it. Why the minister bothered turning up at budget estimates is beyond me, when she refused to answer many questions just because she did not want to, she did not know or it was too much work to bring it back to the estimates committee. The resistance that minister Rankine has to scrutiny as a minister is extraordinary.

The Westminster system has served this country since federation and at a state level since the 1850s. The Westminster system has served this country well and relies on a robust opposition and a free press. It relies on a parliamentary process that is open to scrutiny, yet this minister finds it offensive that members of parliament want to know what she is up to in her portfolio.

It is interesting that the minister boasted about the funding program for school fencing, for graffiti and to minimise the chance of fires, but she then had to concede, when I asked a supplementary question, that \$2 million had, in fact, been cut from the budget in Mr Weatherill's first budget as education minister back in 2010. Two million dollars had been cut from the fencing budget.

We also tried to learn details about another restructure on 8 April—the Brighter Futures restructure—but the minister was not able to confirm any details. She was not able to explain what would happen to the regional offices and she was not able to explain where those staff would be deployed when those regional offices closed down. As a matter of fact, there was supposed to be an announcement today about what was happening—3 July—in the next stage of the Brighter Futures program. I have not seen that announcement, I have not seen that release, I have not seen a press release, and principals have not advised me that there was any announcement today.

This is another indication of a department that it is disarray and a minister who is out of her depth. The minister was not able to explain any of the detail of the Brighter Futures program, when it would start or where staff would be deployed, and how many staff would go. She would not rule out 1,000 DECD employees being cut out of the department either. I gave her the opportunity to rule that out and she would not rule it out—1,000 job cuts in DECD.

We are none the wiser about what the structure of the department will be next week, next month, next year because yesterday the minister appointed Mr Peter Allen for yet another inquiry into the education department. Despite the fact that Mr Bartley was hired to change the culture and the attitude of the education department back in 2011, we have a retired bureaucrat from Victoria being paid \$100,000 to report on what Mr Bartley should have identified after being here for two years as the chief executive of the Department for Education and Child Development. It is a very sorry state, and today in the parliament the minister could not rule out if we would see another restructure of the education department after Mr Allen had completed his report.

The lack of detail and the minister's reluctance to hand over any information about the Office of Non-Government Schools was also very extraordinary. If you look at the budget paper, there is no detail about the Office of Non-Government Schools. We learned that it has a salary budget of about \$1.4 million and about 13 staff. I was not able to establish what the CEO's salary was—that was refused—and I was not able to obtain a list of the positions of those other 12 staff in that office, nor was the minister able to tell me the total cost of running the office, such as the office costs and the other costs that are booked up against the Office of Non-Government Schools. She said 'Oh well, it is just in with the other staff in the department.' It sounds like an extraordinary accounting process, I have to say.

It needs to be remembered that neither the Catholic sector nor the independent sector were consulted about the establishment of the Office of Non-Government Schools—an extraordinary situation here in South Australia. The minister could not advise on how many families were engaged in legal action with the department. She confirmed that there was no compensation fund for victims of sex abuse in schools, yet the Premier told parents on the release of the Debelle report that the government is taking full responsibility, but it made no contingency. There is no signal out there that we want this fixed in a hurry and we are going to make sure that if we have done you wrong, that you are compensated. It did not even occur to them—and the look on the minister's face and the adviser's face when I asked that question. They were completely startled by the question of compensation for victims of sex abuse and their families in our schools.

We learnt today, yesterday and Monday that no mates of the Premier will be sacked—an extraordinary situation. I know what Mike Rann would have done. Immediately he would have held those ministerial staff to account, and they would no longer be on the payroll, and that would be the end of the matter; but, no, Premier Weatherill much prefers to look after his mates, because it is his mates that have put him in the job that he is in. It makes you wonder what sort of deal was done with Mr Blewett and Mr Harvey for their loyalty and taking the knife for the Premier on this issue. Nobody believes that the Premier was not told.

EBA obligations added \$93 million to the cost of the budget, but that did not include the funding of the 10 minutes for children to eat their lunch, face to face. That is unfunded, so what is happening now is that schools are closing 10 minutes earlier. And what happens? It is 10 minutes per day, so we have students getting 50 minutes less tuition each week at a time when South Australian students are falling behind other students around the country in numeracy and literacy. There is \$152 million in unspecified savings from 2012-13 to 2015-16. It is still not identified; the department does not know where those savings are coming from.

The teacher renewal program was an interesting result. Last year—and it expired on Sunday—the department got approval from the ATO for a tax exemption for teachers who qualify for the \$50,000 bonus. However, the department did not go ahead, because this was another one of Premier Weatherill's harebrained schemes from when he was the education minister. It has been challenged in the Equal Opportunity Commission, because the applications to replace those jobs are capped at a certain level of experience, which has stopped literally thousands of teachers who have been on short-term, unsecure contracts for a decade from applying for those full-time positions.

This is a minister who said in a previous answer that they did not discriminate on the basis of age in the department of education. We learned about the spin that was used at the last election by Labor to fool the residents of Prospect and Walkerville that, by 2013, their children could attend

Adelaide High School. It was interesting that the member for Kaurna was quick to point out in a point of order that, 'No; up to 250, not 250.' A true con.

### Time expired.

**Mr PEDERICK (Hammond) (20:58):** I rise tonight to give my contribution with regard to the estimates process. I must say, in a lot of ways it does not get any better. I only say that because, apart form the fact that it is good to try to get information out of government ministers, we do not have government ministers who approach estimates with the same style as some former members of this place. There are not too many things on which I would agree with the former member for Port Adelaide, Kevin Foley, but he would come into this chamber and sit there and basically say, 'Give it to me.' He would sit there for the time he was allocated and take opposition guestions for as long as he had allocated.

What we have is a situation that has happened over time, certainly since I have been here, since 2006, where ministers do not want to have sustained questioning and try to put forward a deal to reduce their time. And when you have some portfolios that only have half an hour anyway, what is the point of reducing the time? What happens is that you get some ministers who will come into this chamber or the other place and give a 10 or 15 minute speech, and you have only half an hour allocated for that portfolio, and then, if you are really unlucky, you will get a couple of Dorothy Dixers thrown in. As far as getting good information is concerned, it is somewhat diluted.

I certainly think there should be some reform of the process. I think we could have a longer time for it. I think all ministers should do as other ministers have done in the time I have been in this place, that is, just sit there and take the questions.

If your departments are up to speed, as I am sure most of them should be, they can give you the appropriate answers if you do not have them. It has certainly happened during the estimates process that some ministers have said, 'We will have to come back to you on that,' and that is fine as well. We would rather get the facts, if not straightaway then down the track.

In relation to estimates, I want to talk about the primary industries portfolio, which we have seen, over the last several budgets, basically have the financial guts ripped out of it. We had a Premier who had a new beginning when the Olympic Dam project fell over during the last 18 months, and suddenly we had a government that was advocating that agriculture was going to be the new shining light. There has been a lot of talk about premium, clean, green food but, for the last four years, we have had \$80 million cut out of that primary industries budget and hundreds of jobs.

We have got farmers out there who wonder if there are any extension officers left to give advice to our farmers out there on the land. What we have seen is, as a matter of course, private consultancies having to set up to fill the void left instead of the once great advice we used to get from our independent services from people working in the primary industries sector. There are certainly a few of these agronomists left in Rural Solutions, but that has had the heart ripped out of it. There are certainly not too many left, in the broadacre sense, giving this advice to our farmers in South Australia. It just makes a tough job tougher.

Farmers have been working against the high dollar. It has been coming back a bit in recent times but, even though we have had a couple of reasonable seasons, the lack of government support for this very important sector is unbelievable. This is a sector that puts up to \$16 billion annually of finished food into the state's economy and it so often does not get recognised as a sector for what farmers, food producers and other people involved in the food sector do for this state economy.

Another big issue in regard to the agriculture funding sector is the South Australian Research and Development Institute (SARDI). We saw the government, because it wanted to offload it and because it was treating agriculture as something they did not want to know about, offload SARDI and the assets to the University of Adelaide. We finally got the absolute acknowledgement during estimates that that deal is finally, totally gone.

I was concerned about this deal as to where it was going and what would happen to the assets. We have many valuable assets here in South Australia but, sadly, because of budget cuts and lack of recognition for agriculture, those assets have been left run-down. Obviously, when the university did their due diligence, they could see that they might be entering into a world of pain.

Certainly, in the last few years, I have made several visits to the Minnipa research station on the Eyre Peninsula. They do excellent work in the field of dryland farming techniques, and there could not be a better place to have a research station. I guess we should be thankful that that is there. It really is only kept up, I understand, because it is part of the national program. If we were not part of the national program, I am sure the government would have found a way to get rid of that valuable site.

There are other sites that are on board. We have got Turretfield and we have got Struan. I went down to Struan during the last 12 months. Even just picking up on a few things that staff and agronomists would say to me down there, the place is a shell of its former glory. You could see in their eyes that it is not what it used to be for valuable research in both our crop and pasture-growing research areas and also with our stock production.

We look at a site like Flaxley, which has been abandoned because we do not do the dairy work here in South Australia anymore—that gets operated on in Victoria as part of the national process. Yet, this is land where there is a whole range of ideas coming out from places like the Mount Barker Council and others who have ideas on what they can do with this country, if the government realises it, because they are not using it and certainly it could be used for research. But the government need to decide what they are going to do with this land.

What we need to see instead of this dilution of funding to agriculture and these platitudes that fall on farmers' ears about what this Labor is supposedly doing for agriculture and food producers in this state, we actually need to see some funding put back in. One thing through the estimates and the budget process is that it has in the budget about the 120 jobs that were going from last year's budget to this financial year's. I had one of the advisers say to me afterwards during a break in estimates, 'Oh well, it is how you read it. It is really not that many jobs,' and I said, 'Well, why did you draw the budget up like that if it is not that many jobs?' What happened is that these jobs were supposed to be there in last year's budget but they were not jobs that were put into these areas, so why were they budgeted for? There are obviously some very poor accounting practices going in here as far as working out what staff levels there should be.

If you read it, as I did, in the budget line for the agricultural area, under SARDI, there are over 50 staff going there. It is a job cut because why would you budget for those numbers and then suddenly those numbers are not put in place so they are just not there? There is so much work that could be getting done here in this state as far as research and our agriculture sector, and not just in agriculture but in our fisheries sector. Sadly, it looks like the onset of marine parks down the track with this government taking management of fisheries away from the Fisheries Management Act where we have one of the world's best managed fisheries in this state, yet we seem to have these zealots who think they can manage an already well-managed fishery another way.

I also want to talk here tonight about issues with the River Murray. I asked questions of minister Hunter about establishing and implementing the inaugural Environment Protection Authority 2013-14 Compliance Plan. I wanted to talk about that because some people are concerned—and I have been in the past, certainly when I have seen some of the things that the EPA do and the compliance they force on people. I have been very concerned. Some people shake in their boots when the two words are said. The issue I have is what I call the precautionary principle which the EPA seem to use as far as management of most things environmental. I am not saying we should not have environmental management—of course, we should—but let's have real management. Let's not have people saying you can't develop this or you can't do that because there might be some waste going to the River Murray. Well, that is exactly what we are dealing with in this state.

A shack owner came to me and he was worried about the development approvals for an old shack at Younghusband he wanted to replace on the River Murray. This was just a little shack not very far from the edge of the River Murray, and it doesn't have a community wastewater management scheme just by the location. I think it is close to 15 shacks over several kilometres that would have to be connected if there was a community wastewater management scheme put in. Both financially and logistically it would probably be close to impossible unless you had an endless bucket of money and we know that there is certainly not that available, not at state level and certainly not at the local government level that would have to be involved in that program.

But here is this couple who have this old shack and it is running very nicely. It has the appropriate holding tanks for the black water and the grey water and they get them pumped out as they do appropriately. When it comes to redeveloping this site—as these people believed they could when they bought this property—they have been told no. Do you know why? Because the EPA said, you build a nicer shack, you might visit more often and you might fill the holding tanks

quicker. What a thing to say! Yes, you might go to your shack a bit more often if it is actually in a presentable state for someone to enjoy their leisure time.

These people have already invested \$300,000 and they have made a huge commitment for their lifestyle. Yet I get told at a briefing when I took this issue to the minister that we have to pull up this practice of replacing shacks because people might put holes in the holding tanks and it might run into the River Murray. That is why I asked the question in estimates in regard to the EPA. Instead of having this precautionary principle you have \$5.9 million of extra money over three years—surely that would pay for several staff to actually put in real compliance so that people could do the appropriate thing. But no, everyone is essentially a criminal and we will just put that in place.

There are so many issues and things that can happen as far as waste going into the river. We have seen the programs with houseboat compliance; we have seen the programs with the flood plain management and, of course, that all fell apart during the drought where we saw massive levels of acidic water going into the river. That is still happening to this day as nature is trying to heal itself in regard to that process.

I think we need some proper management as far as that is concerned so that people can appropriately have some decent outcomes for using their own funding. To me it seems like the politics of envy and it reflects on the government's decision in regard to shack sites like the Milang shacks in my electorate where the government will not allow any freeholding because someone might enjoy themselves on a parcel of Crown land.

In regard to Riverine recovery, which I am obviously very concerned about, having the electorate at the bottom of the river, I asked the question around the \$21 million that was allocated in the 2012-13 budget, yet only \$2.9 million was spent. Essentially, the minister's answer included facts around the issue about, 'Well, there was too much water there because we had high flows.' Thankfully, we have had high flows because that is the only way the river has healed itself in recent years when that water came back in 2010.

Instead of getting additional funding on top of what was allocated last year, we just see close on \$16 million carried over for the program. I note that there have been quite a few flood plain programs implemented along the way and analysis of new programs to come onboard like the Pike River flood plain, work on the Katfish Reach on-ground activity and Yatco Lagoon, and other programs that have come in place.

I must say that at the end of the extended answer the minister gave he offered me a briefing, and I would be more than happy to take him up on that because we need to make sure that we get the right outcomes for the river environment. If we get those outcomes right, we will see communities and irrigators and the right social outcomes happening right along the river's length.

Also in regard to the Department of Environment, Water and Natural Resources, I asked a question in relation to a point about the Lake Albert Scoping Study for the long-term management of the lake and the Narrung Narrows. I just asked minister Hunter about whether he would be consulting local groups in regard to that scoping study. I note that the Meningie and Lakes Action Group has put in a multi-point plan to both the state government, the opposition and also to the federal government and the Murray-Darling Basin Authority in regard to some of the things that need to be investigated down there.

Certainly at the Narrung Narrows there needs to be the investigation about whether the causeway that was put in I believe in the '60s should be pulled out and whether to extend the ferry so that we get better flow-throughs of water. We certainly need something happening there, because the water is I believe somewhere around 2,400EC after nearly three years of recovery after the drought ended. So we certainly need major investigation on what can be done there.

Another point out of this multi-point plan is the investigation that needs to be done and whether it is viable or not and feasible on an economic and environmental ground, and whether we will get the right outcomes on an interconnector between Lake Albert and the Coorong. The study might be done, and it might be worked out that, no, it is not good. But in the first look at something like that, it could be easy to see that there could be a good outcome with getting that salty water if it comes in through Lake Alexandrina, as it does in times of drought, goes into Lake Albert and has an outlet out the other end.

That would have to be fully investigated before something like that was in, but I certainly congratulate the local groups around Lake Alexandrina and Lake Albert, because they are very

keen to bring their issues to us in the opposition and also drive their issues to government to hopefully get some real outcomes. Something that really concerned me in estimates was the fact that the member for Chaffey asked the question, and I will quote:

Minister, I am wondering how you can conclude that representing South Australia's interests in the negotiations on the Murray-Darling Basin as a highlight in 2012-13 when your decision to slash the government's contribution to the Murray-Darling Basin Authority from \$28.6 million to \$14.3 million a year proved that there is a lack of total commitment to the river and its environment.

I think the question sums it up. It shows that there is a total lack. We heard the Premier in here over time, carrying on at whatever opportunity he could get, about returning more water to the river, forgetting about the constraints in getting 3,200 gigalitres per annum of water down to the Mouth, which is over six Sydney Harbours annually. It is just incredible to think that the government would cut the funding when we need vital funding in works down the track for the Goolwa barrages—which would be multi-hundred million dollar projects and potentially billion dollar projects in time to come—yet we have a government that is skint on this funding, worried that we will cross-subsidise the other states.

Time expired.

#### VISITORS

**The DEPUTY SPEAKER:** Can I just introduce Mr Steve Georganas, the federal member for Hindmarsh, and his colleagues. Welcome to Parliament House. The member for Goyder.

## **APPROPRIATION BILL 2013**

**Mr GRIFFITHS (Goyder) (21:18):** Thank you, Mr Deputy Speaker, and I welcome our visitors to the evening session also, which does not happen all that often, so it is actually a pleasure for us to be here after the dinner adjournment.

Members interjecting:

Mr GRIFFITHS: It is. I actually enjoy it. It's not that bad. It's alright—

Members interjecting:

**Mr GRIFFITHS:** Well, that's right. It is alright for these people that go home to their partners, but we regional members who are stuck here anyway feel like working, so we don't mind it so much. I am one of these people that actually enjoys estimates, I really do.

Ms Bedford: You've always been different.

**Mr GRIFFITHS:** The member for Florey says that I have always been different. I am not quite sure about that—boring sometimes. I actually do crave information, and for a person that has lived through this process for eight years now with a variety of responsibilities—sometimes asking questions each day of the six days, last year sitting quietly there for most of it and just asking the odd question but this time having a bit more responsibility—it is a great chance for collectively the greatest amount of information and knowledge to be available within the parliament about the budget.

When you respect that, each component of it becomes a quantum that equals \$16 billion and serves the people of South Australia, good, bad or different depending on where you come from. It is actually a great responsibility to make sure that it gets it right.

I know there is an enormous amount of effort the Public Service has to go through to ensure that they have answers prepared for each potential question. They have to work out what information the opposition might have leaked and ensure that their responsible minister is in charge of a level of intelligence about the budget that will allow them to answer each question confidently. We come in here and think we have the big scoop of the day and the government members will sit there and ask their questions too.

I thought that you, Mr Deputy Speaker, did exceptionally well in the role of Chair this year. I also thought the member for Giles chaired exceptionally well. Even though it is a lengthy process, it allows that level of knowledge to exist which I think can only be a good thing and a plus for the people of South Australia because it allows the parliament to ensure that the scrutiny exists of what the government is doing to make sure that the money is being spent as best as it possibly can.

I had specific responsibility in four question areas over the five days, only really sitting with a level of responsibility for two of those areas and assisting other shadow ministers for part of the other days, but I enjoyed each one of them. I do recognise that there is a variety of knowledge that comes in from the minister's position. In my time here (eight years) I have seen a level of improvement from individual ministers, who in the past may have frustrated me by reading out lengthy answers prepared by staff. This year, I believe I have seen, in some who I have challenged in the past, a greater level of confidence in the way they predicted their portfolio area. I am not saying that I agree with everything they have done or what they are saying, but at least there was a preparedness to provide a detailed answer. So, I appreciated that and the way in which answers were given, on most occasions.

From my point of view, I started on Thursday of last week with consumer and business services. As a person who is driven by the processes that exist in my life, in what I have done and in the areas in which I have worked, I actually appreciate the fact that Commissioner Paul White also has a very process-driven role to ensure that Consumer and Business Services runs efficiently. It has thousands and thousands of transactions, thousands of business registrations, many thousands of liquor licensing applications, be they short term or long term, it has a great responsibility to ensure that facilities are being run appropriately and the conditions attached to those are appropriate, it does have to pursue legal action sometimes and it is certainly dealing with late night codes when it comes to liquor licensing at the moment.

It has had to deal with, over the last 12 months, from a liquor licensing perspective in itself, some 1,900 businesses that have sought a revision of the fee structure that was put in place. So, that shows the level of challenge that exists for those businesses in trying to get how they operate right and to look at each of their costs, and for them the liquor licensing cost was a significant one.

I enjoyed the questioning opportunity for 45 minutes that occurred with minister Rau, Commissioner White and the other support staff there. There is not a real lot of potential money involved. It is about \$3.6 million, as I understand it, that comes in from liquor licensing fees per year. There are considerable dollars that have been outstanding and some effort that has had to go into recovering some of those debts, but it will be a challenging area during subsequent debate that occurs about late night codes and some regulation changes and, indeed, some red tape reduction areas too.

The second area I had responsibility for was regional development, and that was with minister Gago from the other place. The first question I asked there, as I always intended to do, was about the funding situation that exists for the RDAs. There are eight of them that operate in South Australia. One is based in metropolitan Adelaide and only has financial support from the commonwealth government. The other seven have, up until 30 June of this year, been a tripartite agreement between commonwealth, state and local government, which has worked exceptionally well. They stem from the amalgamation that occurred a few years ago, driven by previous minister Caica, of the area consultative committees and the previous regional development boards in the form of the Regional Development Australia structure and went down from 13 RDBs to seven RDAs.

The challenge for them, as flagged in the Mid-Year Budget Review of about two and a half years ago, is for a significant drop in funds. For them, from 1 July, which was the day the questioning actually occurred, was the loss of \$4.1 million. It was replaced partially with \$1.4 million spread amongst those seven equally, so \$200,000 each. The challenge then is for them to use entrepreneurial activities or increase fee-for-service arrangements to try to either put themselves in a position to be financially viable or to replace their full amount of dollars.

It is going to be a challenge for all of them and, from the individual conversations I have had with them, they have great hope of a greater level of support, not just for their activities but also financially, from a future government. I know, having been involved with at least two of them at a board level, that they are all focused on the economy of the region in which they operate. They have large areas and some people who have worked there for a long time have some great contacts within business activities. They certainly know what relationships need to be joined to expand upon opportunities that exist in those regions, and I have always thought they have done a good job. It is interesting, when their annual reports are printed, that they all highlight the Liberal programs they have undertaken and the hundreds and hundreds of jobs that they have created within their region.

That is why I am disappointed that, after a revised structure was put in place, probably only about 3½ years ago, that there has been such a significant change which will impact upon their viability. At a time when the economy is challenged, I think the greatest opportunity for all of us to do well is to support existing businesses and to help massage those who need some assistance,

and to help the vision of those who come to an area looking at an opportunity to develop. Without this resource being available, it is going to be a great challenge for them.

Associated with this loss of revenue is the challenge of retaining their staff, and it is these people who have worked, in some cases for many years, to develop relationships and know who to speak to and know who to put together for opportunities to become realities. That will be a challenge for them in the short term, because people want to ensure they have a safe position and, if they can see another role in an alternative organisation that might use similar skills that they have developed so that they have financial security, the likelihood is that they might move. That means a loss to the region in which they have previously worked and a loss of the opportunity that might have occurred in that region. I am saddened by that.

The Minister for Regional Development, also late in the 2012 calendar year, released a draft regional statement. I have had a lot of opinions put to me that the Regional Development Australia structures were not involved in the preparation of that. I know the Centre for Economic Studies had been contracted to some degree. I met with minister Gago, I think in February, and we talked about that. I got the impression from her that she wanted to see a significant revision of that draft regional statement that was out there.

It has been out in the community now for about four months, and inviting submissions to be made. I am still waiting patiently for some form of regional statement to come out which will not just be the previous collection of words about what already exists but a visionary position on what the opportunities are going to be to support those chances to make them become a reality. That will be a challenge for the minister over the short term, and I hope that within two months, at most, we have that.

I also noted in my questioning of the minister about the regional mining and infrastructure plans that minister Gago does not have direct responsibility for that: it is with the transport minister, minister Koutsantonis. However, there has been support there because it is targeted in three key northern areas of the state which will ensure that the mining exploration that is taking place is linked to what the infrastructure needs are and how these mining ventures can be developed in some way, because it is part of the great future economy of South Australia.

The challenge will be in the traditional agriculture areas where some of these mining developments are proposed. It is such a change of land use concept that, from an individual perspective, there will be apprehension. In my own electorate of Goyder, there is a significant proposal by Rex Minerals that is in the formal application stage at the moment. While communities have to take a triple bottom line approach (social, environmental and economic) in their assessment review, it is also an economic diversification opportunity for agricultural communities that have lived and died upon the success of the season, if I can use that term. Even though they have a great benefit through tourism that has developed in the last few decades, there is a chance to diversify their economy through a mining future—not fully, but partially, and one that adds to an existing reasonably strong economy and gives, I think, individual communities a great future. It will be an interesting time to see how that occurs.

Can I also talk about science and information economy, for which I had minister Portolesi, on Monday. This is a new area for me and, for a person who is not challenging himself all the time in the use of the sciences, I found the portfolio to be very interesting. When you talk to the people—while they use technology that might be somewhat different from what I have ever conceived I might be involved in—the basis of what they are trying to do is to grow the economy, so the linkages are actually significant. It was a pleasure to have Dr Jurgen Michaelis in the chamber and to ask him questions about the Thebarton Bioscience Precinct and the work that has been undertaken there to develop a 10-year master plan for the site, and I put on record the support that the West Torrens council has given towards that.

They have been established for some time. There are 90 businesses that operate from there. The employment opportunities for a start-up, especially, have been significant as has the growth that has occurred in those businesses. It shows that, with manufacturing being challenged in so many ways across the nation—not just in South Australia but in Australia—if we can educate ourselves and use these future technologies as a growth opportunity, our state will move forward. I fully support the investment that has occurred there. I wish it was a lot more because it is a great one for our state.

When I had the opportunity to meet with some people from the Australian Centre for Plant Functional Genomics, I was told about some budget cuts that had occurred there. There had been

a five-year funding commitment in place of about \$1.8 million, and it has dropped down to about \$270,000 now. There is federal support but they have also been wonderfully active in getting some business and government support from overseas. So if we can use all levels of funding support (because I think about 130 people work there), it provides a great opportunity to expand our own traditional agricultural activities.

It is also a great opportunity for the technology and the skills that exist in South Australia to become even better known on a world stage, and the boost to agriculture as a result of bringing their research to fruition will actually benefit our economy enormously too. There will be some exciting things there. They have some challenges. I had a good discussion with them about some levels of support that they are going to need in the future but it comes down to priorities, like all things do for governments and potential governments.

I was pleased to hear about the level of investment, some \$4.1 million over the next four years, including \$600,000 in the 2013-14 year, for the High Value Food Manufacturing Centre. My great frustration for a long time has been that we have been a wonderful producer of the raw product but we have allowed too much of it to be exported. For example, with food production, by adding to the high value opportunity, it will only grow our economy too, so that is a good choice.

I was very surprised in reviewing the budget papers that one thing that jumped out at me in the Science and Information Economy portfolio was broadband. I do respect that it is a federal responsibility but it was rather interesting to see that the previous number of premises in South Australia that were connected to broadband was 0.11 per cent for the 2011-12 financial year and the projection for the 2012-13 financial year was that it would go from that figure to 10 per cent, which is a 90-fold increase or thereabouts, but to only achieve 0.21 per cent—so only doubling; not a 90-fold increase in the 2012-13 financial year—was frustrating.

However, the revised target for the 2013-14 year is 2.5 per cent—still only a quarter of their vision for the previous year of 10 per cent—which shows that there has been a lot of challenges to try to get it right. My questioning concerned the fact that state government is involved in at least three or four committees involved with this broadband rollout. I asked the minister about regular updates to her. It appeared as though they had not been provided, but in an area where smart technology is going to be part of our strong economy in the future, there is frustration. So, that is going to be hard and at great cost. The various prices that you hear are between \$45 billion and \$90 billion so that will be a hard one.

One exciting area in the portfolio was STEM, which is the acronym for Science Technology Engineering and Mathematics. I was very pleased to hear that it exists in 54 schools and targets year 9 students. Given that education is part of our prosperous future and there is the need for all generations to ensure that they provide themselves with opportunities by their willingness to continue to learn, I was pleased that this program was working. However, I was frustrated when I recounted to the minister the result of my quick sums. There were over 700-odd schools, and if I worked on the basis that probably only one-third of those provides secondary education, then if we looked at 54 only, it came down to about one-sixth of the potential schools in South Australia has year 9 students focusing on this opportunity.

I am concerned that they are targeting only results from year 12 that might indicate a predisposition for students to do well in those areas, and that is the school they are looking at. It is an unmet opportunity if they are only focusing on those schools. I hope that as part of curriculum work individual principals look at the opportunities this presents and ensure they have staff trained to give all these young kids an opportunity, because it will be a strong part of our future.

For me, local government was last area that I asked questions about. I acknowledge the excellent two years that Mayor Kim McHugh served as president of the Local Government Association, and I wish David O'Loughlin, Mayor of the City of Prospect, all my best wishes for the next years. I met with president David probably about six times since he became president. I am impressed by the breadth of knowledge that he possesses in so many areas, but it will be a hard time for him.

The first question I asked the minister was about the AAA loss. I related it back to the fact that, as I understand it, there is a SAFA guarantee in place for the Local Government Finance Authority borrowings, and with an increase in interest costs as a result of the AAA impacting also on the local government borrowings, I asked what the additional cost might be. The minister was certainly aware that there was some \$560 million in borrowings for local government, but then

recounted to me that she thought that, with between 0.2 per cent and 0.25 per cent additional interest costs as a result of the AAA being lost, it was a minimal extra interest cost.

It depends on what you consider minimal to be. When it is a cost of living pressure—and that is how I related the question back, that it will fall upon property owners—it becomes something that all communities feel. That is an issue that, from a state government perspective, will also affect local government.

I also asked questions about ex-minister Wortley and when he was minister for local government and took an overseas trip. It was 18 days, as I understand it, travelling in Europe at a reported cost of \$47,000, and his wife and child were a part of the that. I questioned where the reporting is on the outcomes of that. There were some comments at the time; the Premier was quoted, the then minister was quoted, but I wanted to know what the outcomes were, because it all comes at a cost and it comes back to a level of accountability.

Minister Gago had not been provided with the details of what the trip involved and what the outcomes of it might be. She was not aware if there had been any policy opportunities that stemmed from that. So, for me there was a level of frustration about accountability across all areas where you need to assure an outcome. Yes, the money is spent. I respect that all members of parliament will travel from time to time, and for a minister it is even more so, but we need to ensure that the outcomes justify the expense, because it is the people who pay.

I also recognise that the government has done some work on the code of conduct with the Independent Commission Against Corruption, and that will impact on local government. We talked about Housing Trust transfers and the potential loss of rate revenue from local government. It is a much better situation from an LGA perspective than what was proposed about three or four months ago, with a lot fewer properties being transferred than it thought might have occurred.

We had a good discussion about the disaster fund and the review that has been undertaken, especially in the Mid North when exceptional rain circumstances cost those communities millions of dollars in infrastructure for roads—predominantly damage—and the exceptional delays that occurred in the allocation of funds. I enjoyed the four sessions.

**Dr McFETRIDGE (Morphett) (21:38):** It was my 11<sup>th</sup> estimates. Can I congratulate you, Mr Deputy Speaker, on the way you chaired the committees that I was involved with, and the same for the member for Giles. As you said in your introductory statements each time, estimates committees were a relatively relaxed and informal process. Can I say that you did allow questions to flow and you allowed the questioning of ministers to be more productive than it has been sometimes in the past.

I was pleased that the questioning of the ministers I had to deal with—minister Snelling, who is in the chamber tonight, and minister Piccolo—was civil. There were some areas where there was some banter, but it was nothing like I have experienced in the past with some ministers, where, unfortunately, it has degenerated to what could be best described as a shouting match. I must say, though, that the only part that I am concerned about is that there were a number of questions taken on notice, but I am looking forward to reading the answers to those questions on notice.

The other bit about estimates that I should mention is the continually puzzling fact that the upper house members are not able to come and question ministers in here if they have portfolio responsibilities. While we have ministers from the upper house come in and answer the questions, in my case, the Hon. Rob Lucas, who has the health shadow portfolio, was unable to come and ask the Minister for Health questions directly, but I was happy to do that on his behalf. I was happy to be able to question minister Piccolo directly, as he is from this house, and I will continue to question both ministers for other shadow ministers in other places and also for ministers who are my direct opposites in here.

I do hope to be on the other side of the whole estimates procedures next year, after the election. I look forward to developing policies in the next six to nine months that convince South Australians that it is more than time for a change. Having said that, the Health portfolio is one of the big ones. I think it is the biggest in the budget, with over \$5 billion in total. You do not get a lot of time for questions in estimates and, while there were some Dorothy Dixers in the earlier parts, I will give minister Snelling his due that, in the second, latter stages of questioning, particularly with mental health, ageing and substance abuse, there were no Dorothy Dixers and we were allowed to get a number of questions flowing on.

I should say though that some of the things that were revealed during estimates in the health area concerned me and certainly concerned others out in the broader public. Obviously, the first thing that was revealed was the reduction in nursing staff in our hospitals. I had some calls from nurses and nursing representatives who were not as well informed of possible changes as I thought they might have been, after listening to answers in estimates.

I think Professor Dabars, who is due to have a baby soon, is booking in for a caesarean she does not want to have anything to do with labour anymore. I look forward to seeing what actually happens with nursing numbers. They are vital to our hospitals. They have a broader role than we often use them for and, certainly, all of our doctors, nurses, professionals and staff working in our public hospitals deserve as much support as we can possibly give them.

The questioning on the outpatient services that are going to be delivered at the new Royal Adelaide Hospital was interesting. The chief executive assured the committee that all the same outpatient services that are at the current Royal Adelaide Hospital would be at the new Royal Adelaide Hospital. My understanding, from what former minister Hill had said, is that the range of services would not change but where they were delivered was going to change. I hope that the information the committee received from the current CE is correct and that all the outpatient services at the current Royal Adelaide do transfer down to the new Royal Adelaide Hospital.

I asked the minister about the cost of providing some of the radiology services at the Lyell McEwin Hospital. I mentioned the fact that the visiting medical specialist radiologists there had struck a very good deal with the government and were getting exceptionally well paid, in most people's opinions. In fact, their hourly rate varies from \$164.39 to \$248.99, but the catch is when they get the call-backs. That can be for a minimum of three hours and then, if it is on a public holiday, it is double time and a half, so they could get about \$1,400 for coming in for a 15-minute call-back.

I said to the minister at the time that I was aware that some teleradiology services were offering that for about \$100. I have to say that I was wrong. They are actually offering it for \$75. I have got a complete list here from the Royal Hobart Hospital of everything from plain radiographs and X-rays right through to CT scans. The radiation rate ranges from \$75 to \$85, and that is sometimes maxed up when there is a  $1\frac{1}{2}$  fee to about \$125.

It is a lot, lot cheaper than we are paying at the moment, so I suggest that the chief executive, the chief financial officer and the minister perhaps want to look at that. I am actually receiving more information from one of Australia's largest teleradiology services, which will reinforce the fact that we may need to reassess what we are paying for the patient X-ray reviews in South Australia. I am happy to help there, minister.

We are seeing the outsourcing and privatisation of hotel services at the moment with the new Royal Adelaide Hospital down there. I think Spotless are taking over the nonclinical support contracts. The changes that are being put in place in other hospitals we will be watching because there are, I think, about 400 jobs that are being looked at there. I hope that the negotiations are going to be carried out in a fair and equitable manner.

The thing you get to do as a member of parliament, particularly when you are in opposition—and the ministers too—is go around the world and visit places; you look at places and you ask people about how their systems are working. When our new Royal Adelaide Hospital was being first mooted and the patient care systems were being looked at, the hospital that was put up as an example of how it can be done was the brand new Queen Elizabeth Hospital in Birmingham, England.

A few years ago I went there and I spoke to them about how the PPP was being organised and asked them what the problems or issues were and their biggest issue was the non-clinical support contracts. That is the hotel staff—the cooks, the cleaners, some of the attendants, right through to the parking staff and receptionists. There is a whole range of non-medical staff; that is probably the best way to describe them and they are in the non-clinical support contracts.

That was the bit they wanted to bring back in. They said that was the bit that was costing them an absolute motza, and I understand that is an issue in other hospitals that are using a similar model to ours. So I will be watching what happens there and I would be giving advice to the government to be very careful about what we are locking ourselves into for the next 30-plus years.

I see in today's *Messenger* paper that the Modbury Hospital paediatrics ward is starting a Keep the Kids Ward program and I wish them the best of luck for that. There is nothing worse than

when kids get ill. Never mind your own kids—but even my grandchildren, when they get ill. They have been to the Women's and Children's here and what a fantastic range of caring staff they have at that hospital. The facilities are getting older, but the staff are absolutely first class.

You do worry about your children and you do not want to have to travel across the metropolitan area to get your kids sorted out. Having a paediatrics ward out at Modbury is something that I think we need to make sure we do preserve and the *Messenger* newspaper should be congratulated on their Keep the Kids Ward program that they are running at the moment.

Mental health is one of my portfolios and I am looking forward to the Ernst & Young review of mental health that is coming out soon. I did go to check on the health department dashboards this evening to see how many mental health beds we had available and how many we are short. Unfortunately, the whole website is down so I could not check. I do check regularly, and unfortunately there are chronic shortages of mental health beds in our public hospitals.

As an opposition member of parliament, when you are preparing for estimates you not only look at the budget papers but you look at the Auditor-General's papers and then you go and read all of the annual reports. In the annual report of the Chief Psychiatrist of South Australia, Dr Peter Tyllis, there is quite comprehensive data in there in the form of information in written form, but also charts. There is one that concerned me and there were explanations given in the estimates committee.

I will just tell the house that on page 16 of the Chief Psychiatrist's report, Table 2.3.2, it talks about restraint and seclusion incidents by age group and service setting. For the zero to 14 age group—that is little kids—in the child and youth section there were 25 children who had been either secluded or restrained and there was one in an adult setting. The explanations I received were that it would be extremely rare; there would be a one-to-one nursing ratio there.

I will just read what the New South Wales' Mental Health Deputy Commissioner said about seclusion in the *Sydney Morning Herald* on 9 June. He said, 'Seclusion is a failure in care'. The New South Wales Chief Psychiatrist, Dr John Allan, said that seclusion and restraints may help control a person's behaviour but had no therapeutic benefit.

I would like to see that we are not secluding and restraining mental health patients. There may be exceptional circumstances where we have to restrain people who are psychotic, but I am sure with modern chemical restraints now rather than physical restraints there are ways around that. Not being a psychologist or on the front line there, I wish these people well in dealing with some of these mental health patients we are getting through now who are intoxicated or are high on drugs. It is a real issue, but it is an area that we do need to focus on that we are doing what the Chief Psychiatrist said and that is giving therapeutic benefit, not just trying to make things easier for ourselves.

The other little issue that stood out for me in the Chief Psychiatrist's annual report was the number of mental health patients on detention and treatment orders who had absconded. They do not escape; they are not criminals. They had absconded, and there were a number of them. In fact, the number was 319 reports made for involuntary patients who had absconded. The problem for me was there were 62 of them who they did not know where they were. I think if you are trying to detain somebody and treat them, knowing where they are in the first place is probably a good thing. That is an area of concern. We should be making sure that people who do need treatment, and who through no fault of their own are sick or ill and are not criminals—they are not escaping from custody in a criminal sense—are getting that treatment. There are issues there in the chief psychiatrist's report.

The chief psychiatrist also talked about the fact that, while the number of mental health patients in EDs was not the consuming issue, they did take up an extraordinary amount of time in EDs. We do need to look at the way we are organising our emergency departments so that we are not getting a choking of the emergency department with mental health patients who are taking up an ED bed when they should be in a much better facility.

The broader range of portfolios that I have to deal with are with the Department for Communities and Social Inclusion. Can I just start that part of my contribution tonight by talking about the Community Safety Directorate. This was announced by the then minister for police Hon. Jennifer Rankine on 14 August 2012. Her press release stated:

A Community Safety Directorate will be established—bringing together the State's security and emergency management experts—in order to co-ordinate and plan for the future...

'The Directorate will further assist our ability to plan, respond and recover from a wide range of safety issues such as fires, natural disasters, crime and offender management and road safety—while building community resilience,' Ms Rankine said.

She went on in the press release to then say:

The Directorate will be a division within the Department of Communities and Social Inclusion (DCSI), alongside the State Recovery Office. This will ensure we have planning, emergency management and recovery working side by side.

Well, nobody in this place seems to want to own this particular directorate. We saw questioning of the Minister for Police and Minister for Emergency Services, and I certainly asked minister Piccolo about this yesterday. There are no satisfactory answers about what this directorate actually does, why it was formed and the consultation that preceded the announcement, and that is probably because there was no consultation. This is a classic example of an announce-and-defend Rann-esque style implementation of a policy. There was none of the discuss-and-decide we were promised under the current Premier.

What we have got here is the 'lone ranger' and the lovely fellow, Tony Harrison, a former assistant police commissioner, now as the Director General of the Community Safety Directorate. Mr Harrison is out there doing a job which I am not sure anybody understands. The Police Commissioner told another parliamentary committee that he does not really understand exactly what is going on with this.

He is on about \$303,000 a year—\$244,000 is coming from the police—but nobody seems to know where the other money is coming from, the rest of that top-up (about \$50,000). Minister Piccolo said it was not coming from DCSI. Minister O'Brien said he thought it was coming from DCSI. Nobody seems to know where it is coming from. Does anybody know what is going on with this directorate?

We have had SAPOL, SAFECOM, SES, CFS, MFS, Corrections and the Department of Transport all seconded with inputs into this directorate. What is it doing, where is it going and how is it going to be different from SAFECOM? How are the three chiefs of the CFS, SES and MFS going to be able to do their jobs with a directorate overseeing what they are trying to do themselves? I look forward to seeing exactly what happens there.

I am told that there are people in cabinet who would like to get rid of this directorate now, but the Premier is protecting this decision and does not want to be seen as backing down on what was really a silly announcement that was not consulted on. Ask the CFS and SES volunteers about that, because they are furious about not being consulted about it. The Premier should have the guts to say, 'Well, look, this isn't necessary. We have looked at it and Mr Harrison has looked at it, so let's go back to using SAFECOM for what it was designed for and have former minister Holloway actually look at and review that, so that we are able to do what was perhaps desired through what we have already got, and not by creating another bureaucracy, even if it is a sideways step.'

It was a pleasure for me to be at the DisabilityCare Australia launch on Monday morning. It is going to bring in a different world for the 32,000 South Australians with disabilities and their families and carers. It is a brave new world. They will have the ability to choose, the ability to plan and the ability to achieve their goals for their lives. I am very concerned that the government sees itself as a competitor for private enterprise in providing disability services, particularly when we hear that the WorkCover levies for some of these private providers, the NGOs, are going up by up to 116 per cent. There are increases of \$10,000 a month. One NGO's WorkCover levy is going up 38 per cent; it is going to go up by over \$1 million a year.

There are some that are going to lay off staff, there are others that are going to have to think about their whole future of providing services in South Australia. That is not what should be happening. The government should not be competing with private providers. We should be supporting them and getting out of their way. Reducing the WorkCover levy, for a start, would be something that we could do. These NGOs want to get on and do their job and give people who are under the new DisabilityCare Australia what they want; that is, the ability to choose the provider in the place that they want and how they want it.

Social housing. There are 5,000 Housing SA houses going to NGOs over a number of years. There are 1,000 going fairly shortly; they will be going for an initial three-year period in two lots of 500. I have had concerns put to me by some of the housing organisations, the benevolent societies and social housing providers, that this may be too big a lot to try to give to South

Australian NGOs. So, I hope we do not see interstate or international NGOs coming in and taking away opportunities from South Australians.

On top of the houses that are being handed over to the NGOs to provide social housing, they can leverage off of them and build more houses. I think they have to build another 100 each of low cost housing. They also then have to take on the maintenance of these houses, and I think it is about \$25,000 per house. It is a significant sum. We want to see that the whole of social housing in South Australia is being managed and managed well. I still have more questions to ask on this than the answers we got in estimates.

A couple of things to finish off on. The maintenance call centre that has been set up by Housing SA was transferred out to Contact 1-2-1, a private provider. There have been enormous problems with this and in estimates the minister acknowledged that there had been lots of problems. I hope those problems get sorted out.

I was very disappointed to hear the minister say, in answer to one of my questions about what is being done to give individual Housing Trust properties individual water meters, that the government has decided, after receiving a report, that it is not going to do anything about changing that unless there are special circumstances. Let me tell the minister that there are lots of special circumstances. People are being unfairly penalised for what selfish neighbours are doing, wasting water and using more water than they possibly should. It is not a fair and equitable outcome to pay for somebody else's excesses if you are living in a Housing Trust house and doing it tough, with the high cost of living that we have seen under this government.

There are a number of issues we have seen across my portfolios. I look forward to receiving answers to the questions that were put on notice and I look forward to being on the other side of the estimates process next year.

Debate adjourned on motion of Hon. J.J. Snelling.

# DEVELOPMENT (DEVELOPMENT PLAN AMENDMENTS) (NOTIFICATION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

### ADOPTION (CONSENT TO PUBLICATION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 21:59 the house adjourned until Thursday 4 July 2013 at 10:30.