HOUSE OF ASSEMBLY

Thursday 4 July 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:31 and read prayers.

TORRENS UNIVERSITY AUSTRALIA BILL

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (10:33): Obtained leave and introduced a bill for an act to recognise and provide for the operation of Torrens University Australia. Read a first time.

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (10:34): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill recognises Torrens University Australia through an Act of the South Australian Parliament, and insofar as it is within the legislative powers of the State, facilitates the provision of higher education services by the University.

Established as a private company under the Corporations Act, Torrens University is a welcome addition to the South Australian higher education sector and will in time, make a significant contribution to Adelaide as a learning city.

The outcome of this Bill is to acknowledge Torrens University as part of the global Laureate International Education brand and will ensure the University is recognised in South Australia alongside other universities.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the Bill.

4—Recognition of University

This clause recognises Torrens University Australia, and provides that it is not an agency or instrumentality of the Crown in right of South Australia.

5—Principles to be observed by the University

This clause sets out that Torrens University Australia should establish principles to be observed by the University in respect of the management of the University.

6—Declaration of logo

This clause enables the Minister to declare a particular design to be a logo of the University, with such logos forming part of the official insignia of the University and hence being protected under proposed section 7 of the measure, as well as other applicable State or Commonwealth laws.

7—Protection of proprietary interests of University

This clause creates an offence for a person to use certain names and insignia without the permission of the University, and sets out procedural provisions in respect of how that permission may be given. The clause also confers a right to seek an injunction restraining a breach of the proposed section in the Supreme Court.

8—Gifts etc to University

This clause clarifies that a person may, by their trust, give property to particular elements of the University, rather than just the University as a whole.

9—Minor's legal capacity in relation to contracts etc

This clause enables minors—that, is students under the age of 18 years—to enter contracts in relation to their education at the University, and other matters to be prescribed by the regulations.

10—Governing body of University to notify Minister of certain events

This clause requires the governing body of the University to advise the Minister of changes to its composition, and of the occurrence of other events of a kind to be prescribed by regulation.

11—Annual report

This clause requires the governing body of the University to provide the Minister with an annual report of its operations. This report must be laid before both Houses of Parliament.

12—Regulations

This clause is a standard regulation making power.

Debate adjourned on motion of Mr Gardner.

MOTOR VEHICLES (PERIODIC PAYMENTS) AMENDMENT BILL

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (10:35): On behalf of the Minister for Finance, obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959; and to make related amendments to the Stamp Duties Act 1923. Read a first time.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (10:36): I move:

That this bill be now read a second time.

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

Leave granted.

The Motor Vehicles (Periodic Payments) Amendment Bill 2013 makes amendments to the *Motor Vehicles Act 1959* to provide an additional option for motor vehicle registration renewal payments, that is, by monthly direct debit. This will offer flexibility to vehicle owners and help families manage their finances by allowing more frequent, but smaller payments to be made by a convenient, automated means.

The Bill will enable motor vehicle registration and associated fees, including third party insurance premiums, to be paid periodically by a debit to a specified account.

Currently, the Act does not allow vehicle registration periods to be less than three months nor does it allow registration to be paid by means of an automated debit or charge to bank or credit card accounts. The Bill rectifies this by allowing the Registrar of Motor Vehicles to create a 'Periodic Payment Scheme' and requires the Registrar to detail the terms of the Scheme by notice published in the Gazette.

The Bill establishes the framework for the Scheme and the Gazette notice will provide the detailed rules for its operation. This will enable the Scheme to be modified to embrace technological advances whilst still clearly setting out participants' obligations.

This Bill sets out minimum requirements for the Scheme. These include:

- identifying the methods by which a person can apply to be part of the Scheme;
- how a person can cancel their participation;
- setting a minimum period before the expiry of a vehicle's registration when a debit payment can be made (to avoid the risk of the owner driving unregistered);
- the circumstances where the Registrar may cancel a person's participation in the Scheme;
- the consequences for failing to comply with the Scheme.

The Registrar may also specify classes of vehicles and types of registration eligible for the Scheme. It is intended initially that heavy vehicles and vehicles registered conditionally will not be able to be reregistered via direct debit. Light vehicles including motor bikes and trailers will be eligible.

So that the Scheme runs smoothly, the Bill requires participants to notify the Registrar of any change in their particulars or circumstances that may affect their registration fees. It introduces an offence provision for failure to comply with the requirement which corresponds to the existing offence for not notifying of change of name or address.

The Bill also amends the Act and the *Stamp Duties Act 1923* to enable payments which occur at the same time as registration, such as compulsory third party premiums and stamp duty, to be paid for the same period of the registration.

The Scheme will provide for participants to enrol and manage their registration electronically through a customer portal. Participants will be notified by email or short messaging service (SMS) that their registration fees are due; notifying when a payment will be attempted and providing notifications of failed and successful debit or credit card transactions.

Registration payments will have to be received by the Registrar a set time before the expiry of the registration. The participant will receive reminders, but if payment via direct debit cannot be effected, the participant will be notified that payment must be made through the other registration channels, such as at a Customer Service Centre or by credit card over the phone. Vehicle owners continue to be responsible for ensuring that they do not drive their vehicles whilst unregistered.

Vehicle registration fees represent a significant regular payment for many South Australian families. This Bill, by allowing the creation of the Periodic Payment Scheme, will have the positive effect of enabling the public to manage their bill paying effectively and to lessen the likelihood of people inadvertently forgetting to pay their registration fees. This will particularly benefit families, concession holders and others in the community on limited budgets.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Insertion of Part 2 Division 3A

This clause inserts new Division 3A into Part 2 of the principal Act. The new Division consists of new section 24A, the effect of which is to enable the Registrar to establish a scheme for the periodic payment of registration renewals and associated fees. The new section requires the scheme to be published in the Gazette, and also makes procedural provisions relating to the scheme, as well as creating an offence where a person in the scheme fails to notify the Registrar of certain changes.

5—Amendment of section 99A—Insurance premium to be paid on applications for registration

This clause makes a consequential amendment to section 99A of the principal Act in respect of how the periodic payment scheme affects that section.

Schedule 1—Related amendments to *Stamp Duties Act 1923*

1—Amendment of Schedule 2—Stamp duties and exemptions

This clause makes a consequential amendment to Schedule 2 of the *Stamp Duties Act 1923* in respect of how the periodic payment scheme affects the payment of stamp duties under that Act.

Debate adjourned on motion of Mr Gardner.

APPROPRIATION BILL 2013

Adjourned debate on motion:

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

(Continued from 3 July 2013.)

Mr VENNING (Schubert) (10:37): Just before I begin my comments on the estimates committees, I want to bring to the attention of the house the passing of a South Australian icon and a Barossa legend, Mr Peter Lehmann. To Margaret and the Lehmann family our sincere condolences, and I will raise this matter later.

I feel a slight tinge of sadness as I will never again participate in an estimates hearing in this place, but I do say that with a smile on my face. Unfortunately, as has been the case, I have not received many straight answers throughout this hearing process. I think it is time the parliament looked at the standing orders to address some of the anomalies and the crazy practices that happen during our estimates process. Premier Weatherill has been a cabinet minister for 4,303 days.

The SPEAKER: The member for Schubert will be seated. It is contrary to standing orders to use people's Christian names, nicknames or surnames in this place. The standing orders are there for a good reason. The member for Schubert has been here, like me, for 23 years. I ask him, in this his swan song on the Appropriation Bill, to refrain from breaching standing orders.

Mr VENNING: Thank you, sir. I will rephrase and do the best I can to the Premier. I will just leave the other word out. I did put his title in there. He has been a cabinet minister for

4,303 days and he has helped make every decision in that time. We have seen a decade of cuts from Labor, and we certainly saw that right throughout the whole estimates process.

Primary production in South Australia is our largest export industry and the most important contributor to the state's economy. Yet again, this budget takes an axe to this sector. Why? Because it is a soft touch. It is a sector that is supposed to be our economic saviour in the wake of the cancellation of the Olympic Dam. Even the Governor, in his opening speech of this parliament, commented on the number one priority: clean, green food. This is just hypocrisy! Forget all of the rhetoric and all of the politics—it just does not stack up. You say one thing and you do another.

The recent budget sees the government's net appropriation to PIRSA fall from $89 million to $77 million, including $4 million less for SARDI which, I remind the house, was the brainchild of the Lynn Arnold government—and I was here when it happened. SARDI has been a fantastic success story for South Australia, but full-time employees fell from 1,052 in June 2012 to 961. The priorities of Labor have been such that every year they have taken the axe to primary industry. We have a previous minister sitting over there and he does not comment; so it has been a sad indictment on this government.

Just last night, I attended my 21st Koonunga Agricultural Bureau and we did relate the facts, and the president of the advisory board was present. Again, it is sad to realise that this government has cut the funding for the advisory board. Basically, the board now has to fund itself and basically relies on volunteers to run a very large movement in South Australia. The Agricultural Bureau Movement is highly successful, particularly in the Barossa where there are four branches. It is unbelievable that they would make this cut—I think $168,000 was the budget for the whole advisory board and now they have a part-time officer and they basically fund all of the programs themselves. It is an absolute disgrace.

I am so disappointed that the minister was unable to provide an answer to my question on why growers are unable to access the old vines that form the old vine collection at the Nuriootpa Research Centre. I eagerly awaited her response, and I will make sure that I will follow up if one is not forthcoming soon. It is really very important that the vignerons in my electorate, especially the Barossa Valley, have access to these because there are no others available. What happens is the plant breeders go and cut some vines from existing vines and, of course, that is lowering the gene pool considerably. You need to go back to the parent stock which is there, and the reasons we are told are quite ineffectual and not right.

Health is always an interesting hearing to be involved with and I was pleased to be in there and to be able to ask several questions pertinent to not only country South Australia but, specifically, the Schubert electorate. Although, given the mess that the Weatherill Labor government has made of our economy, a recent report for the South Australian Centre for Economic Studies said that the state has experienced its biggest downturn since the 1990 recession. It confirms our economy is in a recession.

I can say that I was not hopeful for positive responses to the questions I raised, but how could I let the opportunity go without a question on the new Barossa hospital and the need for a dialysis service in the Barossa? As predicted, the minister did not provide any new information on any of these important issues. In relation to my questioning on whether a new health facility for the Barossa is still high on the list of public works, he basically ruled it out unless federal funding was forthcoming.

Ten years ago, when I was on Public Works Committee, this hospital was listed as priority one. If the Kerin government had been re-elected in 2002 it would have started, and I have letters and correspondence to prove the fact. Now I have to say it has never been further away and it is not even on the drawing board, and that is not fair. This government, I think, have changed their priorities completely and they do not have it on their forecast at all. Of course, all of the money is going to come here on North Terrace.

I know the member for Light is sitting here, and this would affect some of his electors because they do attend the facilities in the Barossa—it is not up to standard and just not acceptable—just not acceptable at all. People cannot believe it, they come to the beautiful Barossa—a magnificent region and a magnificent place—but do not get sick, do not go to the hospital, because the infrastructure there is way below standard. As I always say, the quality of service you get from the staff in this hospital is just fantastic, but it is not fair that they have to work in facilities like that; and you as a patient have to be looked after in a very much substandard facility. But, again, I pay credit to those who work there.

Regarding the dialysis services available in our country hospitals and any plans to expand dialysis in country areas, including the Barossa, the minister said, 'There are no current plans to extend dialysis in regional South Australia other than what is currently there.' It is pretty rough to expect people to take three or four days out of every week to drive a couple of hours to Adelaide, spend all day and then drive home again. Whereas if the facilities were closer, particularly in the Barossa, they would save themselves probably four hours a day, and that is 12 hours a week.

Can I say, being very careful and cautious, that we had the loss of our icon this week. He was on dialysis. I know that Margaret put herself out hugely, as did his friends, to get Pete to dialysis, and the fact that he has gone is sad indeed. I just wish that country people were thought of, because the hassles of having to get people to life-preserving machines like this ought to be a higher priority.

The HAC system, which replaced hospital boards some years ago, has been a dismal failure, and I question the minister regarding any plans there may be to rejuvenate this structure. The minister responsible is not encouraging, despite his acknowledging the importance of the operation of HACs in regional South Australia. He said that the government has no immediate plans to do a review into the current arrangements.

I am very pleased that the opposition has announced that, when we get into government, it will re-establish hospital boards. I have a previous history with hospital boards, and I have to say that most of them, not all, worked very well. It gave local ownership of hospitals to the communities, and that is what we as MPs should be encouraging, not what we have now.

I have representatives on two HACs, one in Mannum and one in Barossa, and I have difficulty finding anybody to represent me on these because they go along and they become public servant talkfests. All my representatives want to do is to work out what should be the service to the local community, not talk all the time about the system from the public servant point of view. The negative responses I have received clearly demonstrate that country health services are not a priority for this current Labor government now or into the future.

As this is my last estimates committee report, I cannot help but compare this one with the first one I did in this place in July 1990. Today, after 11 years of Labor in South Australia, things are really in a serious mess. When I came into this place in 1990, we had the Arnold Labor government and, of course, we had the State Bank at its height—and you were here, sir—and things were pretty desperate.

We went to the polls two years later and, of course, the result was such that the Liberal opposition became the government and won all but 10 seats. In fact, I sat over on this side in government. I sat in the middle of this bench, and they called me the captain of the B grade. I said then, and I have said since—

The SPEAKER: You used to interject from behind me.

Mr VENNING: Yes. The rump of the Labor Party, the 10 who were left, felt very vulnerable because we were in front of them and also on the side of them. I said then, and I say again today, that I do not know why we as an offshoot of the Liberal government did not form the opposition, because we could have. We could have taken 11 members away from the government, and they could have still governed comfortably and we could have been the opposition, and the then the opposition would have been totally starved of any honour or any facilities or anything else. But, no, being gentlemen and true professionals, we did not do that, and we allowed the opposition to be the opposition with only 10 members. But that was pretty horrific.

Then the Liberal government started straightaway to rebuild this economy by looking at its asset management, selling off assets and getting us back into a very good financial position. Until 2002, things were going along extremely well, with our getting back the AAA rating, which we regained in 2003. Of course, now we see what has happened with subsequent estimates and budgets. Here we are, we are back in serious trouble again—more serious, I believe, than the State Bank because we do not have the assets to be able to manage ourselves back into the black.

This is my last estimates report, and it is sad because it is nice to finish a career saying you are leaving it better than when you found it, but I am sorry that I cannot say that. In fact, it is decidedly worse—much worse. Can I say, 'That says I failed'? Yes, you could argue that I have not been able to put the case, but I think all MPs have to look back and say, 'We are all going to be judged in this period of time,' because I really do think we are in serious trouble.

Today, after 11 years of Labor, things are really in a serious mess and a lot worse than people realise or the media are prepared to report. This Labor government, and South Australia, should be in a much better position than it is today with yet another budget deficit, spending more than we actually earn—more than we have—for three out of the last four, and state debt now heading for its largest ever of $14 billion.

We have suffered 11 years of financial mismanagement and reckless spending under this government and we really cannot take any more. State debt is fast approaching $14 billion, the highest in our state's history. That is $14 billion, with a B not an M. It is billion. And we are only a small state. Debt has been growing at $4.2 million per day every day for eight years. Fourteen days of that would build a new Barossa hospital. It is all about priorities and what you do with your money.

Paying interest is all very well. I have paid interest most of my business life, but you have to spend the money on a project that is going to have an outcome that is positive to be able to produce more, to give you more liquidity, and to make the bank manager smile. In this instance, it is totally the opposite. When you are paying $2.6 million a day in interest, on our GDP, the alarm bells ought to be sounding very loudly. This year's deficit exceeds $1.3 billion, the highest in the state's history. Nobody is getting concerned about that? Nobody is worried about that? The financial journalists just say, 'Well, that's how it is nowadays.' What have we got to show for it? That is what we have to consider. Are our roads all in pristine condition?

Honourable members: No!

Mr VENNING: Have we got all our outback airports sealed?

Honourable members: No!

Mr VENNING: Have we got our pipelines painted?

Honourable members: No!

Mr VENNING: We got one bridge painted. Talking about estimates, that bridge painting exercise again, as I said, raises the question—and the former minister raised it; he was the minister at the time, the member for Elder—of the figure of $680,000, which it was going to cost. Who sets that figure and who questions it? Who in the government says, 'This can't be right'? Who does that? I should have asked the question in estimates but I did not, and I should have.

I ask the minister again now: who was going to question this figure, when I painted it for a cost of around about $2,000? Of that $2,000, a large lump was for insurance, I can tell members, because I could see what could happen because I did create a public nuisance. Yes, we did stop the traffic and, yes, people were hanging around and there could have been an accident, so I had the insurance. That was the biggest lump of it.

Irrespective of that and call it what you like, it did focus on a project that really was out of control. The minister set the EPA onto me and they came up four times. I told them to lock me up. Would I do it again? I said, 'Yes, I would, and I am not going to seek forgiveness.' The whole thing brings a smile to your face but, seriously, it should not have got to that. The minister should have said, 'That's ridiculous, we'll get the painters in,' just like I did, 'and knock it over in two or three days', and the government could have got out of it for $10,000, $15,000 or $20,000—who would have cared—and that would have been the normal thing to do. That is what the problems are.

The facts are that the revenue has grown by 3 per cent per year. You have had the money over these years, and you have really wasted it. In my final gasp, things are pretty bad. How would a private company address this situation? I have been a businessman.

Mr Goldsworthy: Sack the CEO.

Mr VENNING: Yes, you would sack the CEO and you would change the management. How bad can it get before somebody says, 'Enough is enough'? Who is the umpire? Is it the federal government that says, 'Hang on, you are exceeding your limit'? Who is going to be out there saying, 'Hang on, you've reached your limit'? I think we are well over that now. Somebody has to say, 'Your ability to repay this debt has exceeded your capacity.' I think the only way is that we have to cut our spending to only the essential things, particularly infrastructure, because it is now hurting us, particularly roads—not footbridges but roads.

I can understand that the Labor government has done some good projects and one of them was the duplication of the highway from Adelaide to Port Wakefield. That was a good project and

you got value for money. I cannot understand with the Northern Expressway, which is a great project, why you then put all this traffic onto the Port Wakefield Road, and you did not put the three lanes right through because, as soon as you get onto it, you bring it from three lanes back to two, and you have an automatic jam. The land is there on which to put the third lane. It is not a big deal at all. You should put the three lanes right down to Gepps Cross.

Anyway, I do not know why you do not carry out the rest of the freeway plan and go through underneath the bridge on the expressway and go across the salt pans and link straight into Port Adelaide. If that is the plan, why don't you do it, or are you saving that for the election? It is obvious that we need to get rid of this bottleneck that is Gepps Cross, and it certainly is. If you put that in there, you will take half of that away. I have certainly enjoyed my processes here in estimates over my time here in parliament. I only wish I could be more positive with my final speech.

Mr VAN HOLST PELLEKAAN (Stuart) (10:57): I rise to make my summary contribution to estimates and I share very strongly the opinion of the member for Schubert that we should not be in this financial situation. We just should not be in a situation where our debt is going to peak in a few years' time at nearly $14 billion. We all know that over the majority of the life of this government, income, primarily from GST, has extensively exceeded budgeted income, yet spending exceeded budgeted spending even more than that, and that is what has really got us into this situation.

We have no need, if you look back over the last 11 years, to be in the really difficult financial commercial situation that our state is in at the moment. The government keeps throwing up the emperor's clothes-type budget which says, 'Look, just trust us, we are going to be in deficit for a couple of years and then we are going to be in surplus for a couple of years and then it will all be okay.'

After nearly 12 years of that sort of performance and that sort of explanation, nobody—I am sure not even the government members—believes it any longer. Nobody believes that those promised surplus years are going to come because, after nearly 12 years, they just have not come. Every year we take a step forward and we will just be in deficit for a few more years, and then we will get in to surplus after that, but the 'after that' never ever comes.

It is a real shame for the government, it is a shame for the opposition and it is a shame for the people of South Australia that we are in that situation because of overspending, and it is just a flat-out fact that income for the majority of the life of this government has exceeded what was budgeted, but spending has exceeded what was budgeted by even more, and that is a real shame. So, our whole state has missed out, and I would certainly put forward that the regional areas of our state have missed out more than the city, but certainly our whole state has missed out.

With regard to some of the specifics of the estimates, it is a fairly long, gruelling and, in some ways, unfulfilling process to go through for government and opposition members. I probably appreciate estimates, I would have to say, more than most of my colleagues, more than most people here. I think it is the one chance that you get to sit down and ask, for the allocated amount of time, the questions that you would like to ask of a minister. Even though it is frustrating because you might not get straight answers, or you might get too many Dorothy Dixers, or you might get extensive opening statements, after all of that is done there is some time left for opposition questions, and I think that is valuable time and I appreciate that.

I would also like to put on record my appreciation of minister O'Brien for the fact that, while I did not always get a straight answer, because if there was an opportunity to push the question somewhere else or answer differently (he did take it occasionally), to his credit he did not waste one second on opening statements, he did not waste one second on Dorothy Dixers, and he did for the most part answer my questions very directly, so I thank him for that, and I am happy to put that on the record.

Nonetheless, those answers did provide information which I am sure the government as a whole would be quite embarrassed and ashamed about, and the opposition quite frustrated and disappointed in, and the public perhaps quite angry about. Minister O'Brien did answer very directly, but as a minister in this overall government he obviously had to provide some information which is not flattering to the government, and that is just basically unavoidable. I was here for almost all of the day that minister O'Brien sat answering questions, from the first all the way through to the last estimates committee.

The ones that I was obviously directly involved with as shadow minister were police and corrections. Of the police time, the two hours that we got to deal with police, quite a few very concerning issues came up. One of them was with regard to the Community Safety Directorate. Let me just say right at the start that this is a very important issue for the government and the opposition. It is an important issue for the public and for professional and volunteer emergency services workers, and other people who are involved with community safety.

For me, it is not an issue about Tony Harrison, former assistant commissioner. Tony Harrison was offered a job, and he decided to take it. It is as simple as that; it has nothing to do with him. It is, though, a bit about how and why he was offered that job by the government, and it is a lot about how that position is going to be funded, and not just his but the other positions in the Community Safety Directorate.

I certainly understand the issues about seconding people from agencies, bringing them together to do this work and having those agencies provide funding, but when those agencies, in this case, unanimously say they do not know what this Community Safety Directorate is meant to do, they were not consulted in the lead-up to its formation and they do not want to be spending any part of their budget towards it, you get a pretty clear message. You get a very clear, very straightforward message.

The opposition hears that message loud and clear and says, 'Well, it doesn't look like there is a lot of value in that.' The government, of course, is taking the opposite position and saying, 'Oh, no; there is extraordinary value in that. There is gigantic value in it. It's very important. We can't tell you exactly what it is yet, but we're sure it's going to be very important. It will be wonderful for the community'—just like the surpluses that are coming some time down the track.

Minister O'Brien had among his advisers by his side Commissioner Burns. I have to give Commissioner Burns credit, too, for not dodging any questions; he answered as directly as he possibly could, and he stuck to his guns on this issue. He has told the public through the media that he does not know what the Community Safety Directorate is for and he does not want to contribute to it, he does not see value in it. He has told the Budget and Finance Committee of parliament exactly the same thing under oath, and he told the estimates committee exactly the same thing.

In fact, his words were, and I paraphrase this, but it will be an accurate paraphrase—the minister allowed him to answer some questions directly and some he advised the minister—'I told the government I do not want to contribute any money. If I am directed to, if I am told that I must, well then certainly I will, but short of that, I am not putting any police budget towards the Community Safety Directorate.' You cannot ask a person to give more direct information.

It is worth highlighting the fact that the amount of money involved here, just from the police, is very significant. The direct salary is $244,000—a pretty healthy salary. You would like to get some results for that. Once you build in superannuation, car, leave and sick entitlements and all of those sorts of things, it comes up to $303,000. The minister and the commissioner were not aware of that $303,000 figure, but I can tell the house, and I did at the time in the estimates committee, that it is accurate because it was provided by the police through a supplementary report to the Budget and Finance Committee, so I have every reason to believe it is accurate.

That $303,000 would go an enormously long way within the police budget to providing other resources. That might be two or three other officers out there on the beat, on the frontline fighting crime. It might be $303,000 per year that goes to fulfilling some of the government's election commitments from 2010, not one of which has been fulfilled yet. So $303,000 is a very significant amount of money within the budget, and commissioner Burns said, 'Yes, I don't want to be spending this money out of my budget,' so we investigated this a little bit and said, 'Well, what has actually happened?'

A week or so earlier, it was reported in the media that the minister and the commissioner had come to an agreement and the police were going to be funding that $303,000. How has this come about? This was my question through the minister: 'Were you directed?' The minister said that he had not directed the commissioner, because he had actually been overseas at the time and had not played any direct role in that whatsoever, and that he certainly had not directed the commissioner to do it.

I asked whether the acting police minister, in the police minister's absence, had directed the commissioner to do that and was told that no, that had not happened either. I said, 'Short of being directed, you are not going to spend the money but you are going to spend the money. Who directed you?' The answer came back: Treasury. The answer came back that, because SAPOL are

going to finish the financial year which has just finished four days ago with about $5 million in surplus—good to know that one of the government departments can manage a budget—Treasury said, 'It's okay, you can use some of that money to pay for the $300,000 for the Community Safety Directorate.'

Every member here knows that any government department that finishes the financial year under budget does not get to keep the money. It goes back to Treasury. They can apply to cabinet to keep the money, and there may be, on occasion, very good reasons why they might be allowed to keep that money. There is a fairly detailed, fairly rigorous, fairly difficult (and understandably so) process to go through to get to keep that money, unless the money is to go to a pet project of the government, so it seems. That rigorous process was not necessary in this case.

It was not necessary for commissioner Burns or minister O'Brien to go to cabinet, cap in hand, with many good reasons about why they wanted to retain some of that $5 million. I am yet to find out whether Treasury said, 'Look, I know you are going to finish with about $5 million surplus. What we would like you to do is just spend $300,000 of it straight away, please, and you will finish now with just a little bit less than the $5 million,' or whether the entire $5 million (in round figures) was returned to Treasury and then Treasury said, 'Right, we've got your money. Now we will kick it back into the Community Safety Directorate directly on your behalf.'

So, we do not know exactly how it has happened. What we do know is that the government's own process has not been followed. We in the opposition suspect it is because it would be exceptionally embarrassing for the government if that Community Safety Directorate were to fold, because we in the opposition believe that it was a pet project of former police minister Rankine.

We are not sure exactly why former police minister Rankine thought it was so incredibly important that assistant commissioner Tony Harrison, who was unsuccessful when he applied for the commissioner's role, be given a different job. We do not know why that is. As I said before, no doubt former assistant commissioner—currently community safety director, I believe is the right title—Harrison is a very capable person with a lot to contribute to the state, but what we do not know is why it is so important that he has this job that none of his peers in the senior ranks of community safety and emergency services believe he should have.

Why is it that the government managed to thwart their own process of returning all surplus funds at the end of the financial year to Treasury and, if necessary, making a cabinet submission to get to retain some of it? Why is it that Treasury can say, 'Oh look, this is a very important government priority. We understand that the Commissioner of Police and SAPOL in general do not want to spend this money, but we are going to make it happen on your behalf anyway'? We do not understand exactly how that is because that was not possible to be gleaned from estimates.

I will tell you one thing that we do know: every single other senior executive from every single other government department must be looking at this with great interest. They must be looking at this and thinking, 'Oh, that's how it works when there's a project you don't want to do. How can I make this work for me when there's a project I do want to do? How can I make this work for me when there's a project that I think of at the last possible minute and it doesn't seem to be quite right? I am going to have a bit of a surplus.

I could certainly have spent the money out of my surplus sooner if I had known all about this, but right at the very end of the financial year I have an unbudgeted, unplanned and unfunded pet project. Can I talk to Treasury and see whether there's a way that I can kind of circumvent the system and get this money transferred back towards this pet project?' I am sure every single government department senior executive is looking at that and saying, 'I wonder if I can beat the system the way Treasury and the government are beating the system for this particular project.'

That raises real concerns for the opposition, for me as a shadow minister, I am sure for every one of my colleagues, and quite likely government members as well. Quite likely government ministers are thinking, 'Goodness, what sort of can of worms have we opened up? What are we going to do now when other departmental senior people say, "You know that little trick that you did for the Community Safety Directorate; you know the way that you got the Commissioner of Police to pay for something that he didn't want to pay for? Well, we are going to use it this other way now."'

Ministers will be looking at that. Everybody will be looking at that and saying: (1) 'What is so special about the project that can't be disclosed?'; and (2), 'How can I use that trick myself to get taxpayer funds spent through the government on a project that the key people in all the supporting

agencies do not actually want to contribute to?' For me, that was one of the most revealing issues that came out of estimates.

Another very revealing issue that came out of estimates on the Corrections side of things was that of new prison beds being built—expansions to existing prisons—capital money being allocated, but operational money not being allocated. So, you have a four-year forward window with estimates and if you have capital money allocated for a prison expansion, for beds to be up and running and operational and used, say in two years' time, it would be very logical to say, 'Right! We are thorough. We are organised. We know what we are doing. We are good financial managers. We had better put some operational money into the budget for the two years after that.' But, no, that is not the case at all.

That is not the case at all with the expansions that have been committed in this budget, and it is not the case in regard to 60 extra beds at Mount Gambier. In fact, it is not the case with the 108 beds that are very soon to be completed—in six months or so, at the end of the year or the very beginning of next year—at Mount Gambier. This is the first year that any money has been put in for those beds because it is actually in the current financial year that they will become operational.

I wonder if that is a way to make it look like you are going to be in surplus, when you know you are not. Is that a way to make it look like you are going to be in surplus? You say, 'Well, we've got these capital step-outs. We're wonderful people; we're a great government. We're spending capital money on these important projects,' but you forget to fund their operation after they are built.

You know you are going to have to; you know that the money is going to be necessary. It is not possible to run extra beds in a prison without extra operational funding for the prison, but you leave that operational money out of the budget, potentially because it will make your budget position look good. Minister O'Brien told me that that is the way it has always been done and that is the standard government procedure. I do not believe that is appropriate when you know it is necessary to spend the money.

You know you will get zero value out of your capital expenditure if you do not have operational money in the budget and it is well inside your four-year budget estimates period. It is actually just flat out wrong not to include that money in the budget. It is flat out wrong: it is bad accounting, and guess what? It improves your predicted surplus versus deficit position and it will contribute towards looking like you are going to be in surplus when you know that you are not.

Mr GOLDSWORTHY (Kavel) (11:17): I am pleased to make some comments in response to the estimates committees. As I said in my budget speech a couple weeks ago, I have been here for 12 budgets, so I have been here for 12 budget estimates committees, and I have to say that things really have not changed tremendously in the way the government views and deals with budget estimates committees.

Obviously, the government determines the committee program, using one minister in the committee for the full day, but it is my understanding that departmental officers, senior officers right down through the ranks of the department, spend literally weeks and weeks, if not months, preparing for estimates. You can see that they all come into both chambers with massive volumes of notes and information in their folders in anticipation of any and every question the opposition may ask.

It has been my observation that in the morning the ministers and everybody are supposedly on top of their game, and the opposition certainly does not wane in its efforts to seek information. However, it seems to me that over the period of the late morning and afternoon, and into the concluding parts of the committee, the ministers seem to tire and they look to take more questions on notice as the day progresses. In the morning, they are sprightly and supposedly on top of everything and dealing with their senior departmental people for advice, but it is my observation that, as the day goes on, they tire and they say basically, 'We can't be bothered looking that answer up; we'll take it on notice.'

I think that is very poor because it is really flying in the face of the time that all the departmental people spend—as I said, weeks and weeks, even months—in preparation for estimates. I know: people tell me. It is no secret. Public servants tell us that they get bogged down with work and cannot focus on any other thing because the minister, their staff and the government put so much pressure on the bureaucracy to prepare for estimates, but many questions are still

taken on notice. It has been my experience, from when I was a shadow minister, that it takes many weeks, if not months, to receive a response to the questions that are taken on notice.

I had the pleasure to be part of the health services estimates committee, the finance estimates committee and also the correctional services committee with the member for Stuart, who eloquently and articulately spoke about some of the issues within correctional services. What is glaringly obvious—the budget highlighted the fact and the estimates committees confirmed the fact—is that this government cannot be trusted. It was highlighted in the budget. The government has promised six surpluses, but what do we have? Zero surpluses delivered. In seven years we have had only one surplus delivered, and that did not even reach the forecast amount.

This government has a track record of never realising its forecast budgets, and the estimates committees confirm that fact. I will highlight one specific point. I think it was the first day, the member for Morphett was the lead person on behalf of the opposition, it was during the health section of the estimates committee, and he asked the health minister about Public Service cuts and what cuts, if any, would be made to nurse numbers. The minister said, in an around about way, that there was no guarantee that nurse numbers would not be cut.

That is in direct contrast to what the government's line has been for many budgets, particularly since the budgets got into trouble, that there would be no cuts to front-line services. The mantra the government has been spraying around is that: 'Okay, we might have to adjust'—I think the number is around 6,000; I am happy to be corrected on that—'but we will not cut front-line services: doctors, nurses, teachers, police, emergency services personnel, those areas of government.'

What do we see on the first day of estimates? The health minister has gone back on that commitment, broken that promise and has said, 'We can't guarantee that nurse numbers won't be cut.' He then went on to try to flower it up and spin it up into a way that nurses—from memory—constitute 40 per cent of the health services personnel numbers, and those sorts of statistics. It confirmed the fact that the government cannot be trusted.

In relation to the finance section of the estimates committee, which I was a member of, and the Minister for Finance, the member for Napier, the member for Davenport was the lead on this side of the house in that committee. There was some interesting information that came out of that committee as well. There was a question asked in relation to allegations of fraudulent activity within Services SA. That is my understanding of the questioning from the member for Davenport.

On those allegations of fraud, the answer basically came back that they were being investigated and that the person has had some of their authority and responsibilities removed. They were not actually stood down or put on leave without pay, or whatever course of action can take place. That was an interesting question asked of the minister about allegations of fraud. It is very important that, once the investigations have been finalised and the outcome is known, that information is provided to the opposition, particularly to the shadow treasurer (shadow minister for finance), so that he knows the outcome and the issues surrounding those allegations, given that they are being investigated.

Another interesting piece of information came from the finance committee. The minister was asked, 'Have any formal or informal discussions taken place with the Motor Accident Commission about providing funding for upgrade works at the Festival Centre?' We know that $100 million has been pulled out of the Motor Accident Commission and put into proposed transport infrastructure—

Mr Whetstone: Pet projects.

Mr GOLDSWORTHY: Yes, the member for Chaffey says 'pet projects'. It is a pity that the electorate of Kavel, and the work needed in my electorate for interchanges along the freeway, did not get any of that $100 million, but we live to fight another day and continue to lobby the government for those works. I will talk about that a little later if I have some time.

The minister was asked if there had been any formal or informal discussions between government and the Motor Accident Commission regarding any funds to carry out upgrade work on the Festival Centre. The minister prevaricated, he looked to the left, he looked down, he looked around, he looked to his advisers and said (and this is my understanding, my interpretation) that no formal discussions had taken place. The member for Davenport then pushed along a bit with that line of questioning, and about three or four questions later the minister again prevaricated and said

'maybe', or words to the effect of, 'We're not sure, there might have been some informal discussions take place.' So what is the truth?

We had the Minister for Transport appear in a media interview (I think it was on the Sunday evening news) saying, 'No, definitely no discussions have taken place, no plans for the Motor Accident Commission to fund anything here on the Festival Centre.' But what we want to know on this side of the house is: what is going on? This government is shrouded in secrecy. We have seen examples time after time of how the government puts this cloak of secrecy around these things, and we have been exploring that in the house over the last couple of days with other very serious matters concerning our children.

What is the truth about any potential Motor Accident Commission funding? Be open, be honest, and give us some information that we can actually trust you about. As we have seen, and as I have said, this budget and the estimates committee process continue to confirm the fact that the government cannot be trusted.

As I said earlier, I was also a member of the Correctional Services committee. The member for Stuart outlined some issues as the shadow minister for that area. He highlighted some issues in relation to the lack of any evidence that there is any operational funding being provided for the increase in prisoner accommodation. That makes me think that this government has not given up on its policy of 'rack'em, stack'em and pack'em'; that they will find any nook and cranny for another bed in a prison and, okay, that is another allocation, if you want to call it that, another bed or area of accommodation for an additional prisoner number without any increase in funding to provide facilities for their correctional services officer to manage an increase in prisoner numbers. We have highlighted that in previous years, too, in relation to the government's ongoing policy of 'rack'em, stack'em and pack'em'.

I would now like to comment on some issues within the budget in relation to transport infrastructure, which would have been included in part of the estimates committees process. The member for Chaffey highlighted previously that $100 million out of MAC has gone to pet projects. We have talked on this side of the house about how we think the government and the federal government have their priorities completely wrong in relation to transport infrastructure. The superway down on South Road-Grand Junction Road is a wrong priority, but they are the government and they can make the decisions how they want to, and so be it.

I want to talk about the $24.9 million that was highlighted in the budget in relation to the work proposed on the South Eastern Freeway. It is not actually included in this year's budget. The papers say that it is in the forward years, and it is in partnership with the federal government. We will see how that transpires in the foreseeable future. The total amount that was highlighted is $24.9 million, and it is split into two parts: there is a $16 million tranche to go to improving the corridor signage and so on between Crafers and Bridgewater, I understand; then there is another $9 million to be expended on laneway work. However, there is no commitment, no mention or no funding for any improvements on the existing interchange or any new interchange at Mount Barker.

I had a briefing this week from senior officers within the Department of Transport, and I was very appreciative of that. The chief of staff in the minister's officer arranged that for me. The information that came from that briefing, I certainly found worthwhile. As I have said, there is some engineering work being done in relation to the existing interchange at Mount Barker, and that is certainly necessary because we have had instances where the traffic exiting the freeway at the Mount Barker interchange and exiting the freeway coming into Mount Barker has been so heavy that, at times, it has banked up on the exit ramp and onto the freeway corridor, and that is a highly dangerous traffic situation.

So, I think that work is certainly necessary. I know that there has been a dollar figure put on it, and I have encouraged the government to accelerate the funding proposal for that particular work. Also, obviously, there is an ongoing requirement for the second new interchange at what we locally refer to as the Bald Hills Road interchange, and I understand that engineering work and proposals and the like are continuing, and that is basically a two-stage process. I certainly encourage the government to accelerate those proposed works as well.

I also want to talk about what we call the Dumas Street park-and-ride proposal. That is certainly a necessary piece of infrastructure in the township of Mount Barker and the plans for that park-and-ride have changed—developed, if you like—and they are looking to take in some land close to the TAFE facility. But it has had an impact, and this is an important local issue. This is

certainly not a trivial issue; this is a very important local issue. It is having an impact on the facilities that house the Mount Barker Christmas Pageant floats because the park-and-ride is going to consume the area of the sheds that house the floats.

The local council has been liaising with PIRSA for a long time in an effort to secure some space out at the old Flaxley research centre site, to move the floats from the Dumas Street site out to the old PIRSA site at Flaxley, the old disused research centre. But it seems that PIRSA is really dragging the chain on this issue so, in this place and from the point of view of the place I hold here, I strongly encourage PIRSA, the minister and his staff to work on this issue. The Christmas pageant is a very important community event. It is the largest pageant of its type in the state, apart from the Adelaide pageant. I encourage the department to work out a resolution to that problem.

Mr WILLIAMS (MacKillop) (11:37): It is certainly not the first time, and I doubt whether it will be the last time, that I make comment about the process involved in estimates because I suspect the process, if possible, is getting even worse. The theory of the estimates is that it gives the parliament the opportunity to question ministers, who, with the aid of their staff, give detailed responses to matters that are in the budget papers so that the parliament can have a better understanding of how the taxpayers' money is being spent.

The charade continues. I do not know what the estimates process itself costs the taxpayer but I am led to believe, and have over many years, that the agencies spend a fair bit of time preparing briefing notes for their ministers. I have no idea how many hundreds or thousands of hours of work go into that, but I believe it is considerable. The parliament spends quite a bit of time going through the process, but what comes out at the other end is of very limited use—very limited use.

Mr Whetstone: That's the whole idea for the government.

Mr WILLIAMS: As my colleague the member for Chaffey says, that's the whole idea for the government. That may be the case, but it is not what the parliament should get out of the estimates process. What we should be getting is openness, accountability, and answers which go to the nub of the question and deliver information to the parliament so that we can make a judgement on whether the taxpayers' money has been spent appropriately.

To demonstrate the frustration, I give the example of the minister for sport and recreation, the member for Mawson. I had the pleasure of having 90 minutes to question the member for Mawson on the budget lines relevant to sport and recreation. The chairman said to the committee, 'We'll give the minister about 10 minutes to make an opening statement,' or I think he said 10 minutes. The minister made an opening statement that went on for some 17 or 18 minutes, did not really give us any information, and it was basically a treatise on how wonderful this government was.

It was an election speech really. It gave the parliament no information or very limited information on how effectively taxpayers' money was being spent in that portfolio area. That would have been bad enough to take up a considerable portion of the time allowed but, during the course of the rest of the balance of the 90 minutes, the chairman invited government backbench members to ask questions. I think there were six questions posed by backbench members, all of which caused the minister to basically regurgitate most of what he had said in that first 17 minutes.

Mr Pengilly: To keep him out of trouble.

Mr WILLIAMS: It was designed wholly and solely to keep him out of trouble and make sure that the opposition had very limited time—and much less than half the 90 minutes—to ask probing and insightful questions about the use of taxpayers' money in this particular area. It is a travesty that the parliament is abused in this way, and I am not the first and I will not be the last, I am sure, to make these comments, but I think it is a nonsense that we have opening statements in the estimates process; it is an absolute nonsense. If we must have them, they should not go for more than four or five minutes; they should only be there to provide new information which is not already in the public arena. I can assure the house that there was absolutely nothing in that minister's opening statement that was not already common knowledge or in the public arena, or had been available through the daily press.

If there was some new feature or function that had been taken on board or a new program, then I think it is probably reasonable that the minister has a few minutes to open the committee hearing to give some detail of that. It might have led the parliamentary members to ask further questions on that, or it might have highlighted something that they were, until that time, unaware of;

but that is certainly not what happened. So, that is a great pity, but there were some interesting questions and some interesting answers given. One of the Dorothy Dixers—and I will read it out—asked by the member for Kaurna was, and he referred to a budget page and then asked:

> …what the government is doing to support the growth and development of sport and active recreation in regional South Australia?

Now that is a really probing question to get down to the nitty-gritty of what taxpayers' money is being spent, and how it is being spent, and how effective it is. The answer was as follows:

> The government has made a significant commitment to supporting sport and recreation in regional South Australia in 2012.
>
> Regarding Starclub field officers, of the projects most advantageous to regional areas, the employment of regional Starclub field officers by the Office for Recreation and Sport is paramount.

The minister went on for about a page in the *Hansard*. At one point I got to ask a supplementary question and it went exactly to that bit that I read out about it being paramount that the Office for Recreation and Sport employs field officers under the Starclub program. It turns out that one of the things that the Office for Recreation and Sport does is that it gives sporting grants to various community organisations, local government and individual sporting clubs. It is those organisations which employ the Starclub field officers. So, on one hand the minister tells the committee, 'Aren't we so wonderful by giving all these grants,' and then, on the other hand, the minister tells the committee, 'Aren't we wonderful by employing these Starclub field officers.' In reality both of those statements are about the same outcome.

You cannot have it both ways, minister. That is why the estimates process should be a process which reveals that sort of spin, and it is very difficult to do it because time is limited and ministers obfuscate to fill out virtually the whole of the time. I will not talk any further about sport and recreation other than to reiterate that I thought the vast majority of the 90 minutes was an absolute waste. Can I say, I was disappointed, when I did ask that particular minister specific questions about the expenditure of taxpayers' money, the minister had little or no idea, and referred to his officers and a lot of time was wasted with the officers coming up with the answers to the question.

I would have thought that a minister, when the budget is published, would go back to his office, sit down with the budget and make out that he or she was the shadow minister, and say, 'What questions would I ask?' and make sure they had in their mind the answers. That is what they should be having their agencies prepare for them. It seems, from my experience of this year's estimates—and nothing has changed from previous years—that is not the way ministers behave, it is not the work or preparation that they make.

It is unfortunate because certainly the minister for rec and sport is very good at making speeches, opening things, launching sporting things, and having his photograph taken, but I do not know that he has a very deep understanding of what is going on in his agency and the effectiveness or efficiency with which taxpayers' money is spent to promote sport and recreation in the state.

I had a little bit of a better time with the Minister for Industrial Relations. We had quite a meaningful session, particularly on WorkCover, which is an area I previously had a responsibility in, and I have over many years done a lot of research into our WorkCover system. One of the things that I do in preparing for the estimates is go back and read previous year's estimates questions and answers to get a bit of an insight into what might have occurred previously. I was somewhat surprised when I will read last year's responses from the then minister. The WorkCover hearing was held on 21 June last year. The WorkCover annual report to 30 June, which is only nine days later, as we all know, gets handed to the minister by statute by 30 September and it usually gets tabled in this place in early October, so some three or four months later.

When I read the responses that then minister gave (the member the Playford) and compared those responses with what actually appeared in the WorkCover annual report, there was a huge discrepancy, so much so that I do not know that the then minister had any idea what he was talking about. If he did, that is even worse—a very dangerous situation. I can assure you that the committee 12 months ago was told things which certainly were not borne out in the fullness of time when the annual report for the agency became available.

It was rather disturbing, when I was preparing for the estimates questioning—and WorkCover is very interesting thing to prepare estimates questions for—because I found only two references to WorkCover in the whole of the budget document, and both references contained

basically one word, and basically informed us that WorkCover was a part of the government. It gave us virtually no other information. Obviously, as a shadow minister you need to utilise other sources of material to come up with some questions you might put to the minister. We had an hour to ask the minister questions, and I do not know that we could have done a good job just basing our questions, technically, on what was revealed in the budget about WorkCover.

I went back and read a variety of materials, and fortunately there has been a significant change. When I was last responsible for the opposition on WorkCover, the Auditor-General had no powers to audit WorkCover. That changed in 2008, and now the Auditor-General reports extensively on WorkCover, and thank God for that. It is very revealing to read the Auditor-General's annual report pertaining to WorkCover. A lot of information is now available to the members of the parliament about the failings that are happening in WorkCover. It is pretty obvious to us that WorkCover is an organisation that is not fulfilling the role the parliament has asked it to fulfil.

We have this burgeoning unfunded liability, which in my personal opinion may well see the demise of the whole scheme as we know it. We cannot keep racking up hundreds and hundreds of millions of dollars of unfunded liability—I will not use the word 'debt' because technically it is a little different—albeit that at some stage the money will need to be found. We cannot keep racking up hundreds and hundreds of millions of dollars, year on year, and expect the scheme to continue on indefinitely. That just cannot happen, yet this government has gone down that very path for the last 11 years.

This government has seen that the problems with WorkCover and the unfunded liability have just continued to grow, and everything they have done to try to arrest that has failed. The legislative changes made in 2008 were dramatic. They did pit the government against the union movement, but the changes that they brought about, the outcomes and the bottom line for WorkCover have been miniscule, if anything. The reality is that the WorkCover unfunded liability continues to grow.

Last year, the committee was told that we were about to turn the corner, that things had changed, that the level of complaints had become less and that the only reason the unfunded liability had increased was because of the change in the discount rate, that it was basically a paper figure, 'Don't worry about it. It will go away. The discount rate might change back in our favour and it will disappear.' The Auditor-General said in his report, when he was talking about the $600 million-odd change in the fortunes of WorkCover, that only about half indeed was due to the change in the discount rate. The other half—about a lazy $300 million—was about a failure within the scheme. That has been going on and on, year on year, and the government continues to turn a blind eye.

I asked the now minister, the member for Enfield, a number of questions about this. One of the questions I asked was: why is it that WorkCover sets itself a probability of sufficiency level of 65 per cent when the Australian Prudential Regulation Authority sets for every private insurer a probability of sufficiency of 75 per cent? The Motor Accident Commission here in South Australia sets itself a probability of sufficiency figure of 80 per cent. Why is it that WorkCover sets that figure at 65 per cent? I pointed out that the Auditor-General said that if WorkCover used a figure of 75 per cent instead of 65 per cent, it would make the unfunded liability look $143 million worse.

Here is a scheme which has a record of failure over the whole tenure of this government, yet it sets a probability of sufficiency for its fund 10 per cent lower than any private insurer would get away with but makes its numbers look $145 million better. I did not get a response that made me feel happy. I quoted the WorkCover charter. This charter was signed by the previous minister only 12 months ago in late June. The charter says, amongst other things:

> The Government expects the WorkCover Board to uphold its fiduciary duties in the annual setting of the average premium rate. The Government expects that the scheme should be fully funded as soon as practicable, having regard to the above objective.

Given that, I asked the minister: why does the board of WorkCover continue to set the average premium rate well below where it should be to fund the scheme? And that is just to fund the scheme for the relevant year, not to try to recoup the past failures—the nearly $1.3 billion or $1.4 billion of unfunded liability.

I asked the minister another question to which I did not get a satisfactory answer. I asked him: in the face of the actuarial advice given to the WorkCover board last December, why did the board come out in March this year and again set the average premium rate at 2.75 per cent when the actuarial advice was that it had to be at least 3.37 per cent just to cover the claims cost for the

current year—that is for this year that we have just entered. That was just to cover the claims cost. It had nothing to do with helping to unwind all that unfunded liability sitting on the books of WorkCover.

Why is it that the board does nothing, and the government does nothing, and the minister does nothing when the actuary does a hindsight calculation to go back at the end of each year just to check its figures and see whether its earlier advice was accurate? The actuarial advice to the board, again in December last year, was that from 2009 until the current period the average premium rate would need to have been over 3 per cent, yet it has not been over 3 per cent for years because the government, at the time of the 2008 legislative changes, decreed that it would get the rate down. The government promised that it would get the rate down, and the only reason that the board is setting the rate at the level it is is that it is trying to fulfil a promise for the government. It is an absolute disgrace.

WorkCover is doing nothing for anybody in South Australia. It is not doing anything for injured workers, it is not doing anything for those injured workers who find themselves with a long-term incapacity to work, and it is certainly not doing anything for the state's economy. This government continues to sit on its hands—worse than that, this government is receiving high-level expert advice, yet it fails to do anything about it, and the minister could provide no satisfactory answers to the estimates committee.

Mr WHETSTONE (Chaffey) (11:57): Sitting through estimates really was a very frustrating time for myself, as it sounds like it was for many opposition members. Sitting through estimates did give me time to ponder what we achieved and what actually came out of estimates. The worth of the process is probably the biggest factor I jotted down when I was twiddling with my pen in absolute dismay at the opening statements and the Dorothy Dixers.

As the member for MacKillop has just said, the opening statements and the Dorothy Dixers are just reannouncing something that has already been announced. It is something that has been on the public agenda for some time. It has been on the front page of the papers, on radio and on TV, but they continue to shine their boots, get up there and really just feel proud of a nothing statement.

I see that the government is making an art form of not answering questions, not dealing with the issues and not giving the information that the estimates process has been designed for. It is really about the government giving away very little so that they cannot be held accountable for their answers and their decisions. In the real world, I wonder how successful the process would be. Having said that, I would like to thank the chairs of both A and B committees. I think they did an outstanding job, as did the acting chairs and their standing up to take up some of the slack is to be admired. The members for Lee and Giles did great jobs as Chair.

I also acknowledge the heads of departments and their devotion to their respective ministers. Obviously those heads of departments have spent many hours, weeks, or in some cases probably months preparing, and I was privileged to speak to a couple of heads of department who said that they had been giving briefings, giving advice to ministers to within an inch of their political lives because the ministers and their departments were very fearful that the real information was going to be leaked out into the public arena. I find that very sad.

What does the estimates process really cost the taxpayer of South Australia? I think we would probably be shocked to know what the dollar value to answer ratio would be. It is something that will go on, and the way the government positions itself through the estimates period is the way the government will do it. The only way that that is going to change is potentially if this side of the house gets into government and really shows some foresight and some real authority about not trying to be such a destructive, proud government without any accountability.

Sitting in estimates, I did have some responsibility for several shadow portfolios. I sat in on estimates to listen in some cases but I also sat on the committee, and I would like to just reflect on particularly the Minister for Mineral Resources and Energy, Housing and Urban Development, and Transport and Infrastructure. I think he was quite forthcoming with answers to questions and I think it is out of character for minister Koutsantonis to actually be forthcoming without beating his chest in one way or another, but I considered him to be across his brief and I gave him a pass.

Minister Fox came in as Minister for Transport Services. She had a cold. Minister Fox should have stayed in bed; I think she got a resounding fail. The Minister for Finance—minister O'Brien—seems to be across his brief. He did not come in with opening statements; he did not take Dorothy Dixers; he was honest with his answers. His department was well briefed and they worked

well together. If he was not across the answer, his department had the answer and I think he took very few questions on notice. I think that was probably pretty good value for taxpayers' money, so I give him a pass.

Then, moving along, I had the sad displeasure of sitting in for multicultural affairs. Minister Rankine had plenty to hide and there was no doubt about that. She gave a glowing endorsement, as I see it, to the next minister for multicultural affairs, and that would be the Hon. Jing Lee in another place. It was an audition for a local current affairs program on the issue of the Vicki Antoniou show and it really was sad to hear the slanging match across the chamber. It really achieved very little. It is sad to say that I left before the end of the session, because I was absolutely appalled at the slagging, so the minister got a fail.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr WHETSTONE: The member for MacKillop has just mentioned the Minister for Recreation and Sport. Sadly, I was not part of the committee, but I did observe a very disappointing performance by the minister for sport and rec. He just did not have the answers. He continually relied on his department. Look, I will give him some slack, he has not been the minister in that role for very long, but he is clearly not around the detail of this department. He is very good at giving statements without having to read a prepared paper, but I am not at liberty to give him a grading on recreation and sport because I was not part of that committee.

However, I was part of the committee on tourism. I thought the minister was quite disappointing, particularly in not being able to answer questions on information around visitor information centres, not being able to give any real value or real evidence of what regional tourism means to the South Australian economy and not being able to give any real numbers on just exactly what the cost spend ratio is with metropolitan tourism or with regional tourism. It is my view that the regional tourism brand is what brings this state's tourism industry together. I think that was something that he was not prepared to give any detail on. So, all in all, the minister got a high fail.

We move on to the Minister for Agriculture, Food and Fisheries and Regional Development. This was a very, very sad indictment on what this government's priorities are in regional South Australia. We see what the budget has done to agriculture and regional development and if we look at what the budget lines have said over time, there was this grandiose statement that the department had put more money into biosecurity, it was putting money into clustering, premium food and wine clusters, and yet the minister, who has been briefed, as I said, to within an inch of her political life, was inaccurate, lacked detail and spent more time on cost recovery than on policy.

It was a very sad indictment on something that is probably one of the state's premium economic drivers, and she received an absolute fail. Moving on. We looked at the Minister for Volunteers. As a new minister, I was pleased. He has a department that he has obviously worked with. I guess my view after the process was that perhaps he could learn a lot from the member for Morphett, shadow minister McFetridge.

The SPEAKER: Member for Chaffey, we are not to use Christian names—

Mr WHETSTONE: Yes, I understand that.

The SPEAKER: —surnames or nicknames. It is of long usage. It is in the standing orders for good reason. It prevents quarrels.

Mr WHETSTONE: Yes, Mr Speaker, and I was getting to that. I was actually going to give the Minister for Volunteers, Disabilities, Youth and Social Housing a pass. So, I am not here to slag off at everybody. I am giving an honest view of how I thought ministers performed. Moving on. One of my great passions in this place, undeniably, has been the River Murray, water and the environment. I did sit in to listen to minister Hunter give his environment answers, his sustainability and conservation answers, and he crawled across the line. There were some, I guess, highlights in what the commonwealth government has tipped into a large need for a sustainable environment.

Once we got to water, the river, the department for water, SA Water, I thought that the minister, albeit he has been classified as a nice guy, a nice person, is a fairweather water minister. He is definitely not across his brief. Being a water minister for as long as he has he should have a much better knowledge of the basin plan. It is the most important reform package in the history of the River Murray. He gave no detail. He gave no evidence of what the intergovernmental

agreement had achieved. It is something that has taken seven long months to put in place and it really was a sad indictment, because, as I hear it, the minister is trying to make the River Murray one of his key priorities in his portfolio, and I, quite rightly, think that he did a very average job. So, I gave him a very, very low pass.

Just moving into some of the issues, particularly, in agriculture, on face value with the announcements on agriculture and biosecurity, we saw this fantastic $1 million fruit fly funding over four years. I went out to the media and said that I thought it was a positive result for biosecurity, but of course we looked into the detail: dollar for dollar. It is all about this cost-recovery mechanism. Not only is it embedded into the minister's DNA but it is also the way that the government is treating agriculture and the way that it is treating the regions. It is all about cost recovery: 'We are not prepared to stand by you and support you as an industry.'

It is not just about standing by the industry with regard to fruit fly but about standing by South Australia. It is not about supporting industry so that they can actually have clean, green, first-class premium food to be exported. Let's face it, has any person in this room who has a peach tree in their backyard ever bitten into a peach and found a mouthful of maggots? Just visualise that. That is what biosecurity is there to prevent: it is about preventing fruit fly coming into this state. I think that South Australia has done a fantastic job in keeping this state fruit fly free. It is about the government putting the priority on cost recovery back on industry.

It is not about giving people freedom to go into their backyard to bite into a peach and know that they are not going to get a mouthful of maggots. The sterile fruit fly program is a $700,000 a year program that was put into place to retrieve sterile fruit flies from Western Australia. Obviously, we are now seeing that we are going to import those flies from overseas. It is a cost-saving measure, but what sort of a risk is it putting this state at to keep our fruit fly free mantle?

We looked at premium food and wine clusters. The minister could not really give us any insight as to what that means to South Australia. The minister was asked the question: 'What is premium?' 'A nice bottle of wine is premium.' But minister, you have to be able to articulate more than what a nice bottle of wine is. I am sure you are well-credentialled to know what a good bottle of wine is.

Could I give you a few tips, minister? It is produce grown in a clean, green environment; it is value-added within this state; it has maximum returns to the local economy; and it is presented as a standout product. It is marketed as something that needs to be put on the top shelf, not the bottom shelf, and not just exported in the hope we have a market for it. It is something that is promoted to the market as the number one product—a go-to product. It was very sad that the minister could not articulate that.

Again, as I have said, it all comes back to cost recovery. In relation to the reprioritisation of service delivery and implementation of administrative efficiencies to eliminate any duplication, there is not much there that you can duplicate, minister, because there are very few people left in the departments that you oversee. Minister, that is why you have to fail.

Concerning regional health, I would like to touch very briefly on the regional upgrade of the Berri hospital in the Riverland which was costed at $41 million. As we saw last year, suddenly they found a $5 million or $6 million saving. How could they find a $5 million saving when it was a costed, tender process? Please tell me that? What has happened is that we now have rooms with no chairs and we have rehabilitation with no pool. We have services that need to be put in place to make a regional hospital work so that people do not have to travel many miles and they do not have to use the PATS. What they need is to go to a one-stop regional hospital.

Mr Speaker, I am grumpy, and the reason for that is that I am participating in Dry July so that I can help raise money to put one chemotherapy chair in our chemotherapy unit—the brand-new unit at the regional hospital that has no chairs! That is absolutely outrageous. I am sure the previous minister for health would understand that those budget savings must have something to do with why there are no chairs and why there is no pool at that hospital. It really does beggar belief.

We also looked at the Health Advisory Councils. Some of those HACs have money within a building fund for those hospitals but they cannot access the money. They cannot spend the money that has been fundraised by the community or bequeathed to the hospital. Why can't they do that? Because that money has to be used as a budget bottom-line exercise. That is just such a sad indictment. That money should be used to better the hospital, it should be used to put better

facilities in the hospital. I understand that the health budget is under pressure, but there is money there that could be for the betterment of the hospital.

That money has been put there by the community, it has been bequeathed to the hospital, yet it is sending the message to the fundraisers, to the elderly people and to the people who want leave in something of memory of their contribution to a community, and they are saying to me, 'Why should we fundraise? Why should we bequeath money to that hospital when the government is just going to scoop in and use it as a budget bottom line?' It really is a sad indictment of what this government is doing with our health system in regional South Australia.

Obviously, regional development is something that is very important to the regions of South Australia. We have seen the state government redraw its funding to the RDAs. Obviously, once the state government withdraws its funding, there is some commonwealth money that is put there, but all of a sudden the RDAs are almost that cash strapped they have to go to local government to get the money to put into the Regional Development Australia bodies.

When they go to local government, and they need some funding to keep them afloat, where do you think that money is coming from? That's right, Mr Speaker, it is coming from the ratepayers. Again, that is putting more pressure on ratepayers, and the reason it is putting more pressure on ratepayers is that the councils are having to dish out money to the RDAs to keep them afloat, so rates go up. So, that is cost of living. Again, that is sending a very cynical message to the people of South Australia that the regions are not quite as important as they could be.

We looked at the Riverland Sustainable Futures Fund, and the Minister for Regional Development even got her facts and figures wrong there. We have $5.1 million remaining in that fund. She initially said that that money would be used to leverage out of a Murray-Darling Basin Regional Economic Diversification program. During estimates, she said that it was going to be leveraged out of a Water Industry Alliance program. That is wrong—that is absolutely wrong. So, the minister needs to get a brief—let me tell you, she really needs to get a brief. It is a sad indictment on agriculture.

I know my time is running out, but before I sit down I want to talk about the intergovernmental agreement. What a sham! Seven long months we have been waiting for that, yet we still cannot get any guidelines of how we are going to access that money. We still cannot get any information on what the Premier signed. The Premier signed an intergovernmental agreement that is going to make huge difference to the sustainability of this river. Still no information.

The Hon. J.D. HILL (Kaurna) (12:18): I will not speak for long. I rise to respond to a couple of things the honourable member for Chaffey said in relation to country hospitals. I did not hear everything he said, so I apologise if I get some of the detail wrong. I want to make some general observations about country health. It is something that members on the other side speak about greatly but, as I have said in the past, they speak from a point of ignorance. They know little about the workings of country healthy generally, they know a little bit about some of the issues in their local communities, which is part of their role.

What we have tried to do in government is to make sure that people in country South Australia have very good access to health services wherever they happen to live and, to that end, we have invested heavily as a government over the years of our term to make sure that people in country South Australia do have greater access to services.

In my term, I know the amount of elective surgery which was done in-country increased. So, more patients were able to get elective surgery in their country communities so that they did not have to come to Adelaide for services. I know that we had more renal dialysis chairs placed in country South Australia so that fewer people from the country had to leave their communities and move to urban areas in order to—

Mr Pengilly interjecting:

The Hon. J.D. HILL: I would say to the member for Finniss: if he wants to contribute—

Mr Pengilly: But they weren't all funded by the government.

The Hon. J.D. HILL: If the member for Finniss wants to contribute to the debate, he can certainly do so. It may well be the case, as the member for Finniss said, that there were contributions from others, but overwhelmingly the investment was from the taxpayers of this state—the funds that were allocated to health and then spent by the government to ensure that we had a

much better network of renal dialysis in country South Australia. We are also building up mental health services in country South Australia, and that is going on as we speak.

The member for Chaffey mentioned the issue of cancer chairs, or chemotherapy chairs. I am not aware particularly of the issue or the hospital that he was referring to. What I do know, though, is when I was first made health minister I became aware that there was very little chemotherapy done in country South Australia and I thought it was quite appalling, to be honest. I was surprised—and I have mentioned this in this place before—when I visited the Port Pirie hospital, which is a relatively small country hospital, that it was doing something like 25 per cent of all the country chemotherapy, not because people were coming from other parts of South Australia to Port Pirie for chemotherapy: it is just that they, of their own initiative, had developed a chemotherapy service. Even servicing that relatively small community, they were contributing about 25 per cent of the total that was done in country South Australia.

In other words, the vast majority of people in the country who needed chemotherapy had to come to Adelaide. Of course, as we know, if you need chemotherapy, it is not just one trip, it is multiple trips, and usually, as the course of the chemotherapy proceeds, you get sicker and sicker and you feel really poorly towards the end of it. It was a very big burden on those individuals and their families and I was really determined to do something about it.

Fortunately, the commonwealth government, the then Prime Minister Rudd (now Prime Minister Rudd), had an initiative to establish some cancer centres in country South Australia and we were able to get together a package which meant that Whyalla was to become a major cancer centre in our state. We received one of those centres.

Working with Dorothy Keefe, the head of oncology at the Royal Adelaide Hospital, we are developing (and I know the current Minister for Health and Ageing made some announcements about this just recently) a network of cancer services through, I think it is, 13 or so country hospitals in the bigger communities so that wherever you live in the country you are within reasonable distance of a service that can provide chemotherapy. This has to be done very carefully, of course, because you are relying on people away from the major cancer services to deliver the treatments. It is easy enough to deliver the drugs to those areas but you have to make sure that the services are provided in the appropriate way.

I am not sure exactly where all of those hospitals are at but it is being rolled out over time. It involves training and also technology to make sure that there is a common database so that the dosages and the processes used to deliver the chemotherapy are able to be supervised appropriately. It does take time, but it is being rolled out. We will get to the stage where, as I say, I think it is 13 but it might be15 country hospitals across South Australia in the larger communities will have chemotherapy. This will be a huge boon for country South Australians.

It is really, I think, just the beginning of the networked approach to health that we can get through the establishment of one local Country Health network. Prior to the establishment of Country Health, there were 40 or 50 individual hospital boards who were competing with each other, often, to provide services in their communities without any cohesive, overall strategic approach to delivering services in the country.

What I keep wanting to say to members opposite is that this strategic approach which is run through Country Health means that we can do something like the Country Health chemotherapy centres because we are planning to do it across the state. If you left it up to the individual hospitals like Port Pirie, you would have one hospital that might be doing it but that would be the only one—there might be two or three of them, but you are not going to have a network across the whole state.

That is an approach that I think is really worth investing in. I am sure the minister will follow up about the particular chair at the centre the member refers to but what I do know is that we had resources to ensure that the 13 or 15 hospitals will have the appropriate resources. I honestly do not know what the problem is there, but I am sure it is something that can be addressed.

In relation to the other matter the member for Chaffey raised, which is the HACC funds, I do not believe the arrangements have changed particularly. What I was keen to ensure when we set up Country Health was that the HACC funds were applied in a way which was consistent with the overall strategic goals of Country Health generally but the specific hospitals in particular.

That is the same view I had as minister in relation to city hospitals, and I am thinking now more about city hospitals than country hospitals. With the Women's and Children's Hospital, in

particular, there is any number of groups who want to raise funds for kids who have cancer and kids who have health problems, as the member for Adelaide would no doubt know as the hospital is in her electorate.

There are probably a dozen or so charities that raise funds, and I think some charities are very good, very responsible and very keen to work in a collaborative way with hospital managers and doctors about the application of those funds; others are very demanding and want to produce things which are not on the priority list, and they say, 'Well if you don't let us do that, we won't give you the funds'.

So, I wanted to make it very clear in the way in which we ran health that there was only one set of priorities, and only one plan. You cannot have individual groups doing things which are contrary to the plan, and we have seen a lot of that through country health over the years, where the most famous example, I suppose, was the ambitions of those in Mount Gambier to have a hydrotherapy pool. They raised funds, they got money from all sorts of sources, and they had hundreds of thousands of dollars, and it eventually came to nought because it just was not capable of being delivered, and it was not consistent with the overall strategic goals. In the end I had to bring legislation to this place to allow the fund to be dissolved and the money sent back to the people who gave it or, if they wished, it could be put to another purpose.

I think that is a really good example of where you have a great lot of local passion and desire to do something good but, without it fitting in to an overall strategy. I think what we were trying to do, and I am sure it is still the case, is to make sure that those funds which have been raised by volunteers and generous benefactors are used strategically rather than in an ad hoc way.

I know there are provisions that allow some discretion. I cannot remember exactly the total that can be used by any HAC in any individual year, but they can expend funds to a certain limit. If they want to spend a lot of money, it has to go through a proper process, and I would have thought that people who raised funds would want a proper process to be put in place so that those funds are not wasted. We might have a disagreement about what that process is, but I would have thought that the principle is essentially a sound one. With those few words, I conclude.

The SPEAKER: The member for Finniss—who will make his own contribution rather than making it during the contribution of others.

Mr PENGILLY (Finniss) (12:27): I always make my own contribution, sir. I was interested to hear the member for Chaffey give a snapshot and record his points out of 10 for government ministers. I have sat through the estimates process now for nearly two terms and find it a completely pointless waste of time in many respects. I found we got more out of it when former premier Rann and former treasurer Foley were in their heyday. They actually answered questions and, even though they play acted, in particular former treasurer Foley was always ready to take questions and give as good as he got, and it was always entertaining, if somewhat raucous, in whichever chamber they happened to be in, I might add.

I seriously question whether this estimates process is not an enormous waste of time and money—a waste for the government, the opposition and the Public Service. I am of the personal view that we would be far better served with estimates similar to those done in the Australian Senate, where it has to get busy and do the work, and it could be something that those in another place might find a useful exercise and, given the amount of sitting hours they have, putting them into estimates may be a much more useful purpose served.

I make some general comments on estimates. For example, I was there when one minister talked for 17 minutes in his opening statement, and I find it absolutely ridiculous. They do not answer questions. Some of them attempt to battle their way through it with spurious answers, and others are required to turn around to their public servants, or those on the left or right, to seek urgent answers. To keep me entertained, what I found amusing was when someone sitting in one of the rear galleries had an answer to a question and all of a sudden they came flying to the table to give the minister the help they needed. It was like George Custer's cavalry, quite frankly, but fairly regularly they did not quite get there in time.

I hope that in the event that this side of the house is fortunate enough—if the good people of South Australia wish—to be elected to the government next March we will see estimates take a different format. As to the time wasted, we would be better off sitting in the houses, quite frankly, than sitting there for five days chewing up valuable time when we could be doing something more useful.

I read the *Hansard* of the estimates committees on matters I was interested in. The answers from some members on this side have covered them. When you get down to a couple of subjects that seriously impact on my electorate—and I will talk about the effect on the farming community of the natural resources management board's operations on the Fleurieu Peninsula—there is a singular lack of desire for ministers to get involved.

Along with the Hon. David Ridgway from the other place, I met with a group from the farming community at Victor Harbor a couple of weeks ago. They are savage about the imposts that are being put on them. They are not in the least impressed, and they almost said to us on the day, 'A pox on both your houses.' We are letting down the rural sector of South Australia. They are reminded of who the government is, and they are reminded that the government is run by the Public Service and they could not give a toss about people who are producing food and fibre for the world, and that is a sad indictment on the current government.

I return to the issue, yet again, of the ongoing marine parks debate. What is taking place at the moment is quite beyond comprehension in relation to the propaganda being put out by the department, under the banner of PIRSA or the Department of Environment, and the nonsense that has been perpetrated in relation to marine parks. The organisation RecFish is a disgrace, it is an outrageous disgrace. It has been bought off by a government that has no conscience whatsoever. The announcements from RecFish, in my view, are just ridiculous. They are completely and utterly—and have been for some time—bought off by the current government, and they are just a mouthpiece for the government.

The piece in the *Sunday Mail*, I think it was, a couple of weeks ago tried to explain how recreational fishing will continue to occur in marine parks; it is a disgrace. The professional fishing sector in my electorate, and in other areas, is objecting very strongly to what is being proposed when the sanctuary zones come in. I think there needs to be great deal of passion and common sense and business sense—and that is something this government completely lacks. Only one minister, the Minister for Finance, has had any business experience whatsoever. I pooh-pooh the Premier saying he had a small business. I bet by the time he finished it was even smaller, quite frankly. The only minister or member who has any business experience over there, as far as I know, is the finance minister, and he gets a pretty raw deal from his own side fairly regularly.

They just do not understand. They do not understand the fishing industry and they do not want to understand the fishing industry. Certain ministers run around lauding the great food, or the wine, or the seafood we have in South Australia and saying how wonderful it is. I think 70 per cent of our seafood is now imported from overseas—a nod of agreement from the member for Flinders. Why on earth this government wants to set about destroying the seafood industry and the fishing industry defies comprehension.

Fortunately, the Liberal Party has fully understood what is going on, and our leader—the past leader and the current leader—shadow ministers and the party generally have come out and said that, if elected next year, we will completely revisit this sanctuary zone nonsense and hopefully prevent a lot of damage. Fishermen do not want to get paid out. They do not want compensation; they want to catch fish. That is what they want to do. Whether it be rock lobster, abalone, scalefish—and the list goes on—that is their job. Every time I hear one of these weak-bellied ministers on the other side talk about what wonderful food, fish and whatnot we have, they should want to get out and have a good look at things and see how it really works.

As I expand a little bit, the Fleurieu farmers, in relation to water meters, dams and low-flow bypasses, have had an absolute gutful of this government. They have had an absolute guts-full of the bureaucracy and the way they are being treated. They do not like being told what to do and how to do it. I have a case of one family in Inman Valley. When the husband's father, who fought in World War I, came home nearly 100 years ago, he dug a dam. He is now being told that he has to put a meter on it and he is not allowed to use so much water. It is an absolute damn nonsense. It is no wonder they are upset. Again, if we were lucky enough to form a government after next year's election—

Mrs Geraghty interjecting:

Mr PENGILLY: —it is well and truly—well, there are a fair few on the other side that are not going to be here. If we are able to form government—

Mrs Geraghty: No, that's by choice.

Mr PENGILLY: —it is one thing that we—well you better stand again, Robyn. One thing that seriously needs addressing are these rampant, out-of-control natural resource management boards and departments that are riding roughshod over people who are going about their lives in an honest manner and trying to earn a decent living.

I do not think I need to expand any further. I go back to where I started and say that, in my view, the estimates are a failure. We might as well put in freedom of information requests, because we will get more information that way than from what we learn from estimates, and you will not get ongoing diatribe from ministers who really do not have a handle on their portfolio or who do not have a good brief on it. I am not quite sure that I agree with the member for Chaffey on all his markings, but there are too many important things going on in this state outside of this place. Members of the government need to go out to regional and rural South Australia with open ears and listen to what is really going on.

In my view, at the moment, what took place in this chamber yesterday over the education issue and the issue of sexual abuse of children is appalling. I have no doubt that there is far more to this than we know about and there is a common thread right through it if you go back over past education ministers. I think there is a lot more to come out of it. I sincerely hope that heads will roll. It is an absolutely fundamental principle that we treat our children properly and they are looked after, wherever they are. Whether they are in institutions or at school, they should not have to suffer what they have.

I think it is horrendous, and I commend particularly the member for Unley for exposing a lot of what has been exposed over the last few months. I hope that he exposes even more. In my view, as I said, there are people in positions who should not be in those positions, whether it be in this place, whether it be working for ministers or premiers, or whether it be in the education department, who should be removed once and for all for their failure to properly address the issues surrounding children in this state. With those few words, I resume my seat.

Ms SANDERSON (Adelaide) (12:40): I also rise to speak on the estimates committees. This was my third year of sitting on the committees and I was fortunate enough to sit in on many of the different portfolio areas that are of great interest to me and also of great concern to my constituents, including education, health and social housing, along with several other portfolios of Treasury. It was interesting to see the different styles of the ministers, the different aptitudes or ability to answer the questions, and also how some of them were quite aggressive and angry in answering and some just answered the questions, which is what I would expect to happen.

There is one thing that concerns me about estimates. I do not mind there being opening statements. It is fair enough if the minister wants to spruik the relevant information and the highlights that are happening, but I find it quite odd that there would be three government members who also ask questions. I would have thought that they would be able to ask their own minister in their party room. Instead of ministers being asked questions as a platform for them to give long speeches, they have the opportunity to do ministerial statements, and grieves are also available for that purpose. There are also Dorothy Dixers in question time.

I do not understand why you would not talk about it in your own party room rather than make us sit through and listen to your questions with pre-prepared answers when we only have a very limited amount of time to ask very important questions. It is the job of the opposition to hold the government to account and I think that the amount of time that we are given to do that in estimates should not be eaten into by questions from the government to the government, with pre-prepared answers. That is one issue that I have with the process.

I have a few different concerns that are of particular interest to my electorate, one being Adelaide High School and the zoning issues for the students in Prospect and Walkerville. As we know, on Tuesday 16 March 2010 the government made a promise that it would be expanding four of the most popular suburban high schools in order to cater for up to 250 extra students at Adelaide High School. They said, for example, 'To expand the zone to include, for instance, the students of Prospect and Walkerville.' The residents of Prospect and Walkerville took that to be a promise and, from speaking to governing council chairs who were around at that time, they believed that that meant the council areas of Walkerville and Prospect, because they had been on the committees that had submitted a report in 2008 to the then minister for education which explained and showed the dire need for a school or access to Adelaide High School, either through expansion or through a second campus.

Given that they were on the committee that presented the report, when the minister responded to that report by saying that the students in Prospect and Walkerville, for instance, would be included in the expansion, they believed that to be a promise and some of them voted for Labor on that basis. Through FOI documents, I have some letters from some very angry people who voted Labor believing that to be the case and now they feel very misled. I know that I had to withdraw the word 'misled', but they were given information that led them to believe one thing, which is now looking like it might not happen.

When questioning the minister in estimates about the residents in Walkerville and Prospect, it was pointed out that that was just 'for instance' and there was no obligation given to the residents, and there is no obligation now or in the future that any of them will be included, and 3½ years later we are still waiting for the zoning to be released. Regarding the figure of up to 250 students, the member for Kaurna pointed out that 'up to' could actually be one student or 10 students. 'Up to' does not even mean 250, so I find it quite inappropriate that the government, in an election grab four days before an election, gives the appearance of offering 250 places for students in Prospect and Walkerville, by the year 2013 I might add.

Now we find that it will only be 50 per year because you have to start at year 8 and allow for the numbers to go through and the earliest would be 2015. If you then allow for the five different intakes, you are looking at the year 2020 before the extra 250 places are actually available at Adelaide High and there is still no guarantee that any of those places will be realised by students in Prospect or Walkerville. It is quite astounding and very disappointing for the residents in my electorate.

Another big issue is the Women's and Children's Hospital car park. We have seen in the media in recent weeks reports of nurses carrying scissors back to their cars at night because they have to walk through Parklands and it is quite far away from their cars. The Minister for Health has been quoted on the radio and on the record as saying that he is not in the business of providing car parking. Elizabeth Dabars was quoted as saying that providing access to a hospital is equally as important as providing the actual hospital. I tend to agree that, if you have a hospital that your staff and your patients cannot access because of inadequate parking, it is very difficult to say that you are really providing a very good service.

I find the minister's stance on this issue quite confusing because if you believe that it is not the government's role to provide car parking, then why in the budget is there $7.559 million allocated for metropolitan hospital car parking? This, when questioned, was for the expansion probably of the Lyell McEwin Hospital's car park and that was due to the expansion of the Lyell McEwin Hospital of 100 beds. The Women's and Children's Hospital also has an upgrade of $64.44 million in the budget, which I would assume means there is going to be some expansion of services, unless you are just redecorating at a very high cost.

Why, on the one hand, when you are expanding the capacity of the Lyell McEwin, can you spend money on hospital car parks, yet when you are expanding the capacity of the Women's and Children's Hospital not only will you not expand the hospital car park you are looking at selling the hospital car park? We all know that if the car park is sold to a commercial enterprise the existing discounted rates that all the hospital staff get cannot be guaranteed in the future. You cannot put that in a contract. Certainly you might be able to cap the price for the first few years if you reduced the price of the car park, so therefore you are going to lose money on the sale.

The car park, from my understanding, brings in revenue of $1.2 million to the state government every year, so I also find it quite concerning that you would sell an income-producing assets when we are heading to the biggest debt levels—even higher than the State Bank—and we have a deficit and we need forms of income to pay off the debt that this Labor government is leaving us with. Besides the irresponsibility of selling a hospital car park that provides a service, it should be expanded, and at no point have I ever indicated that the government should be the one paying for the expansion of the car park.

However, there are plenty of private companies and private investors who know that car parks are a very good income-producing asset, so there is no reason why the Stadium Management Authority might not be interested in adding a few levels there, and there is no reason why the Women's and Children's Hospital Foundation, which is already a part owner of the car park, might not look into expanding the car park. I just find it very disturbing that the government, out of desperation for money, would look at selling the Women's and Children's Hospital car park.

The other hypocritical thing about the sale of that car park, because the government is not in the business of providing car parking, is a recent announcement of the $12 million spent on the Entertainment Centre car park and that will provide 600 car parks at $4 day. If you multiply that for workers who work five days a week, if they worked 52 weeks a year, that would bring in potentially at the maximum $612,000, yet, because we are in massive debt, if you calculate the interest on $12 million at, say, 5 per cent, that is about $600,000 on interest.

If you add any repairs and maintenance and the fact that on Monday, when my staff member drove past that car park at 8.30 in the morning, there were 700 places still available, if you count that it is not going to be full all of the time and there are repairs, maintenance and electricity costs and everything for a car park, they have just built a $12 million car park that will lose money and they are looking to sell a car park that actually makes money, which we desperately need, especially after selling income-producing assets such as the lotteries and the forests.

So, for the safety of the nurses and the staff in the area, for the residents who live in the area who already have cars parked all around them and for the patients who try to access the hospital who cannot get parks—and we hear every day on the radio more and more examples of people having difficulty parking in the area and, mind you, this is before the oval is even up and running, and this has been going on for years—I find it astounding that the government would seek to sell that asset. With that, I will end my comments.

Mr TRELOAR (Flinders) (12:50): I indicate that I am the final speaker from this side on this particular topic. I think that all contributions thus far have been wonderful. In my first term I have come to the fourth series of estimates and each year I note that there is much criticism of the process, from all parties, and yet nothing seems to change. Nobody particularly enjoys the estimates. The opposition tends not to get the answers that they want to the questions. The ministers do not particularly like being grilled over budget lines over a long period of time. I am sure the departments do not particularly enjoy the weeks and weeks they spend preparing for the process. However, having said that, it is the opportunity that we have as an opposition and, indeed, a parliament to question the executive, the government itself, on its budget, its budget lines, its expected expenditure and the value it expects to extract from that expenditure.

It was interesting to see the programming of the estimates. My understanding, and certainly it is the opinion of our shadow ministers, is that the time allocation given to some topics was not adequate and in other topics it was far beyond what was absolutely necessary. Much has been said already of the ministers of the Crown taking the opportunity during estimates to give opening statements. I understand that they have that opportunity. I sat in on a couple of committees where the minister took in excess of 15 minutes to make an opening statement, making inroads into valuable time, time that could be better spent, in our opinion at least, taking questions on the budget line.

All that time and effort was spent, particularly by the department members, preparing for the budget process, just to see the ministers take the opportunity to make opening statements excessive in length and which really could have been done in another forum. As the member for Adelaide quite rightly pointed out, there are opportunities for ministerial statements at any point during the parliamentary sitting week. So, rather than use that valuable time to say how good and constructive the government is, it would be far better to open themselves up to the questioning from the opposition and the parliament.

It is all about the budget. Ultimately, that is what the estimates are about. It is about the state's budget. Unfortunately, (sadly) we see a dreadful set of figures yet again. The expected budget deficit, after 11 years of a Labor government, predicted is $1.314 billion. The debt is approaching $14 billion. These are figures that each and every member of the opposition have highlighted, but for the sake of putting it on the record we will do it once again. In the last seven years, Labor has delivered six budget deficits, and in each one of those deficit years it promised that the budget would be in surplus. In the seven years to 2014-15, Labor has promised $2.6 billion in surpluses. In fact, they are delivering $3 billion in deficits.

It is really quite simple to me: if you run a deficit, your debt increases. Is there anything too difficult in that? I would not think so. After six years of deficits (and with another forecast) we can then understand how the debt is occurring. The interest bill that Labor will owe on its debt will reach $952 million per year—that is almost $3 million a day. To put that into context, South Australia's interest payments will be larger than the entire police budget.

There has been a choice by the Labor government which has flagrantly disregarded the warnings of the Auditor-General. The government continues to overspend, and there will be a stark difference come 15 March next year when South Australians have the opportunity to make a choice between what I believe is a tired and inept government, as opposed to the current opposition led by our capable leader which is determined to repair the state's finances and provide the confidence and framework that will enable business to thrive once more in this state.

I did take the opportunity to ask some questions during my time on estimates, and I thank the ministers for the answers they gave. I also asked questions which I was not able to get answers to, so I will be following up on those. The questions related particularly to my electorate of Flinders. Of particular interest to me was a budget line that I picked up on for the first time when the budget was released. In fact, I did not get wind of it at all, but it relates to a $14 million spend on the Tod Reservoir.

The member for Bragg, representing the shadow minister for the environment, questioned the Minister for Environment on how this money would be spent and the answers we received were not particularly satisfactory. She asked, 'can you just explain what this $14.5 million is going to be spent on?' The minister responded:

> The answer is in two parts. Part of the construction is for an increase in flood capacity.

Well, Mr Speaker, I can tell you that it is very unlikely that the Tod River Reservoir will flood, given that two of the three streams that direct water into the reservoir are, in fact, directed past the reservoir at the moment. So it is taking very little water. The second part of the answer was that the minister had been advised that:

> ...we need to bring the dam up to Australian national standards. I am further advised that SA Water is in negotiations with an entity to use non-drinking water for a commercial operation.

This certainly does not surprise me given the interest in mining exploration that is occurring on the Eyre Peninsula at the moment. Certainly, a big part of the issue of any future mining development or, in fact, the development of any other industry—further to what is already in existence—will put great demands on our existing water supply. So I am not surprised that there are discussions going on with regard to a new entity, but I would like to know exactly how the money is going to be spent and if we are going to get value, if the taxpayer is going to get value for the $14.5 million. Mr Speaker, I seek leave to resume my remarks at a later point.

Leave granted; debate adjourned.

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

SEAMAN, SIR KEITH

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:00): By leave, I move:

> That the House of Assembly expresses its deep regret at the death of the late Sir Keith Thomas Seaman KCVO OBE, a former governor of this state, and places on record its appreciation of his distinguished service to the state; and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

The Reverend Sir Keith Douglas Seaman, who died peacefully at his home in Tasmania last Sunday, was born at Tatachilla, in McLaren Vale, in 1920. He was one of eight children in a family that was actively involved in the life of the local Methodist Church. Like many of his generation, he spent his early adult years in war service. During the Second World War, he served with the RAAF, in which he held the rank of flight lieutenant.

After the war, he resumed civilian life as a clerical officer in the Public Service, studying part time at university to earn arts and law degrees. He followed this with further study for the ministry in the then Methodist Church, serving first at Renmark. From 1958, he achieved increasing public prominence through his work at what was then the Adelaide Central Methodist Mission. The work of the mission continued as UnitingCare Wesley Adelaide, still from its base in Pitt Street in the city.

During the years until 1977, many of them as superintendent of the mission, Keith Seaman became widely known for his commitment to social welfare. He played a leading role in the establishment of the Lifeline telephone counselling service and was a prominent broadcaster on

radio and television. As superintendent of the mission, he publicly joined the campaign in the 1970s for decriminalisation of same-sex practices.

During the 1970s, he was appointed to the national commission on social welfare, established by the Whitlam Labor government. In 1976, he was president of the South Australian Methodist Conference, on the eve of most Methodist, Congregationalist and Presbyterian parishes joining to form the Uniting Church.

He was appointed as governor in September 1977, the second successive minister of religion to serve as state governor. He succeeded Pastor Sir Douglas Nicholls, whose ill-health cut short his term in that office. Keith and Joan Seaman brought to Government House a no-fuss style of approachability and engagement. The knighthood in October 1981, it was said at the time, came as a sudden surprise and in somewhat unusual circumstances.

Still serving as governor, he was made a Knight of the Royal Victorian Order, a form of knighthood that is the personal gift of the sovereign, not the result of any process of recommendation for honours. His knighthood was conferred while Queen Elizabeth and the Duke of Edinburgh were in Adelaide after attending the Commonwealth Heads of Government meeting in Melbourne. Sir Keith and Lady Seaman continued to serve until April 1982, when the late Sir Donald Dunstan became governor.

In 1983, Sir Keith was appointed chair of the then state government committee which recommended grants for voluntary agencies. This continued a commitment to serving the community which characterised his adult life. It was something of a family tradition. An older brother, Gilbert Seaman, was a long-serving and distinguished official of the state Treasury, serving as under treasurer from 1960 to 1972. Gilbert Seaman is credited with much of the work which underlay Sir Thomas Playford's transformation of this state's economy.

The Reverend Sir Keith Seaman is survived by his daughter Christine, his son John and 10 grandchildren. I extend condolences to his family and friends. I also place on record our appreciation of his long and meritorious public service. I commend the motion to the house.

Honourable members: Hear, hear!

Mr MARSHALL (Norwood—Leader of the Opposition) (14:04): I rise to second the motion on behalf of the South Australian Liberal Party and I offer our most sincere condolences to the family of Sir Keith Seaman, the governor of South Australia from 1977 to 1982. Sir Keith served this state with great dignity and diligence. His five years as Governor were marked by a commitment to remain one of the people despite the obvious privilege and trappings of high office. This clear desire to remain active within and accessible to the wider community was born from a life dedicated to social welfare prior to assuming the role of Governor.

Indeed, it was social welfare and social justice that were the hallmarks of Sir Keith's long and illustrious career, from his student days studying law and arts at the University of Adelaide to serving as flight lieutenant in the Royal Australian Air Force during the Second World War and being ordained as a Methodist minister at Renmark in 1954. His work as a minister of religion and his obvious passion for community saw him play a significant role over almost 20 years at what was then the Central Methodist Mission, later to become UnitingCare Wesley and, most recently, Uniting Communities. During this time, he was also a counsellor for Lifeline, a broadcaster on 5KA and a robust advocate for youth.

On being appointed governor, Sir Keith managed to maintain strong links to the social welfare sector in South Australia, and he never once wavered from what had become a lifelong commitment to the care and wellbeing of others. This commitment was rewarded with a knighthood bestowed by the Queen during her 1981 visit to South Australia and in 2003 as a most deserving recipient of the Centenary Medal. In so many ways, Sir Keith Seaman was the embodiment of community virtue and service.

He was a no-fuss governor, a man who would often leave the confines of Government House to walk around the city, stopping to chat with passersby. He was a clever and articulate governor who would often stay up past midnight writing his speeches in longhand for the next day. He was a caring governor, a man who always saw the inherent good in people. His son John has reflected on this publicly in recent days by saying, 'He was well respected by all people in every walk of life.' This seems a most fitting and appropriate tribute. I endorse this motion and reiterate the Liberal Party's condolences to the family of Sir Keith Seaman at this very sad time.

Honourable members: Hear, hear!

The Hon. S.W. KEY (Ashford) (14:07): I would like to pay tribute to Sir Keith Seaman. Certainly, when I knew him, he had not been knighted. He was the main preacher at the Maughan Methodist mission church that I attended regularly. He also was a great encourager of young people (at that time I was a young person) and made sure that there were lots of different fora that we could meet in.

One of the most famous was the Rendezvous Club at the Maughan Methodist Church, where a number of people under the age of 25 would meet and have cordial and coffee and also fellowship. Also, we would be organised to go on different expeditions to places like the equivalent of the Belair National Park. There were very healthy, and usually sport-related, activities that we were encouraged to participate in.

Keith Seaman would always come along with us and was part of the life of the party. He was a great communicator, as has already been said, and someone who was very easy to talk to. One of the things that really impressed me about him was his commitment to Lifeline, which my mother eventually became executive director of for the Maughan Methodist Church. He wanted to make sure that there was another person on the end of the phone when people were in a crisis situation or just needed someone to talk to. I think members in this house would agree that Lifeline continues to be a fantastic resource for people in South Australia.

The last thing I would like to say is that I am not sure about other people's experiences of sermons in church, but his sermons were always interesting and thought-provoking and sometimes questioned some of the principles and morals held by those of us in the congregation, and they also quite often had an international theme and made sure we were thinking about how we could do our best to make things better. So, vale to Sir Keith Seaman, and my condolences to his family.

Honourable members: Hear, hear!

Dr McFETRIDGE (Morphett) (14:10): I rise to support this motion. Sir Keith Seaman is yet another example of the fine people we have in South Australia who do a job, not only as governor, but also as part of the community and, in this particular case, the church. I can say that I only encountered Sir Keith Seaman once, or I should really say that he encountered me. I was turning into Chandlers Hill Road at Happy Valley and, next thing, this car hit the back of my car.

I had my vet's four-wheel drive at that time and there was a big step and tow bar on the back. I got out and there was no damage to my car, and this gentleman stepped out, very apologetic and quite shaken up, and it was Sir Keith Seaman. I looked at him and I looked at his car and I said, 'I'm sorry I stopped so quickly.' With that we parted our ways, and I do not have any whiplash, and I certainly was impressed, even by that brief encounter, that the man was a true gentleman.

Motion carried by members standing in their places in silence:

[Sitting suspended from 14:12 to 14:20]

SCHOOL TRANSPORT POLICY

Mr PISONI (Unley): Presented a petition signed by 117 residents of South Australia requesting the house to urge the government to take action to review the department's school transport policy, specifically the restrictions placed on government and non-government students in accessing the department's school buses.

GAMBLING ADVERTISING

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: It is no secret that Australians love a punt. For many South Australians it is seen as a mainstream leisure activity, a bit of harmless fun that brings pleasure and excitement and that is enjoyed responsibly by the vast majority of people. However, for some South Australians gambling is a problem, a harmful addiction that can ruin lives. There can be no doubt that gambling has infiltrated our sporting culture to the extent where the two are almost

inseparable. When the betting odds in AFL are mentioned almost as often as the score, it is clear that gambling advertising in sport is inescapable.

There has been a growing tide of concern amongst parents who, like me, are concerned about our children being exposed to a prolific amount of gambling advertising during sports broadcasts. We have seen television networks give prominence to betting odds and returns prior to and during live telecasts, with discussion by commentators linking the form of a team to the returns for betting on its success. We have seen betting odds and returns run across our television screens during live coverage of sports. This behaviour seems to normalise gambling as part of watching sport. It is for this reason the government is taking steps to bring forward restrictions on live odds advertising and a raft of reforms to gaming machine laws.

If implemented, these reforms will go a long way in helping reduce the intolerable burden of problem gamblers in our communities. I can announce today that the Independent Gambling Authority has completed the consultation phase and has considered all submissions into its review concerning live odds advertising. The IGA will now proceed through the formal steps of implementation and will by notice in the *Gazette* prescribe the advertising code of practice. It will mean that from 1 August South Australians will no longer be bombarded with live odds advertising on commercial television, pay TV, radio or at sporting grounds. It will mean celebrity bookmakers will no longer be able to integrate themselves into the coverage or blur the lines between commentary and advertising.

For those betting agencies who breach the regulations, they face on-the-spot fines of $10,000, fines of $100,000, and withdrawal of the authorisation to operate in South Australia. The banning of live odds advertising is just one step the state government is taking to minimise the harm of problem gambling. According to the Productivity Commission, of the $19 billion gambled by Australians each year, 60 per cent is lost to the pokies. Approximately 600,000 people play the poker machines each week, but only 15 per cent of those players account for 40 per cent of all losses.

This 15 per cent represents the problem gamblers: people who are addicted to poker machine playing, who are most often the people who can least afford to lose so much. Currently, a player can lose an average of $1,200 per hour on a standard Australian poker machine. It is imperative that all of us in this place take problem gambling seriously and do not miss the opportunity to address problem gambling that continues to have such a devastating effect on too many South Australians.

PAPERS

The following papers were laid on the table:

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

Liquor Licensing Act 1997—Late Night Trading Code of Practice

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

Flinders University—Annual and Financial Report 2012
University of South Australia—
Annual Report 2012
Financial Report 2012

VISITORS

The SPEAKER: I would like to welcome to parliament the Flinders University Labor Club, who are guests of the member for Port Adelaide, and Para Hills High School, who are guests of the Minister for Health and member for Playford.

QUESTION TIME

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:26): My question is to the Premier. Can the Premier confirm that, far from receiving any sanctions for their mistake, today the government has gazetted pay increases for Mr Blewett and Mr Harvey, which now take their pay increases to $60,000 and $47,000 respectively per year since December 2010 when they made their unacceptable mistake?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): Yes, the honourable member is right. On a yearly basis, the ministerial advisers' salaries are gazetted in the ordinary course.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:27): A supplementary, sir.

The SPEAKER: If it be a supplementary.

Mr MARSHALL: How does the Premier justify today's pay increase to the families of the western suburbs school, given that his own pronouncements in this place have said that Mr Harvey and Mr Blewett's actions were completely unacceptable?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): The wages are published in the ordinary course. There is accountability to the broader community about the salaries of all of the ministerial advisers. Every ministerial adviser has their salary published in the *Gazette* on a yearly basis.

Ms Chapman interjecting:

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

HOUSING CONSTRUCTION APPROVALS

Ms BETTISON (Ramsay) (14:27): My question is to the Minister for Housing and Urban Development. Can the minister please update the house on housing construction approvals in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:28): I thank the member for this very important question. The government remains committed to the housing construction sector in South Australia. That is why when the housing construction industry came to us seeking assistance, we acted. That is why this government made the bold decision in October to introduce the housing construction grant and the subsequent decision to extend the program until the end of the calendar year.

Combined with stamp duty concessions and the First Home Owners Grant, home buyers can save up to $39,830 on a property. That is nearly a year's wage for many hardworking South Australians. Since introducing that stimulus, we have seen fantastic results in building approvals in South Australia. The latest ABS statistics show that the number of dwelling approvals rose by 15 per cent in May, on seasonally adjusted terms. This comes on top of an 8.9 per cent increase in April. That is a fantastic result, considering nationally there was a fall of 1.1 per cent in May.

The signs are even stronger when you look at the trend term results. According to the latest ABS statistics, dwelling approvals are 21 per cent higher than a year earlier. This is nearly three times more than the national growth rate of 7.1 per cent in the year to May 2013. In trend terms, building approvals in South Australia have now increased for 11 consecutive months. By every measure, there is strong and growing evidence of an underlying trend towards a welcome recovery in the local housing sector. This recovery has been supported by this government's decision to provide significant assistance to homebuyers, particularly people wanting to build a new home or buy an off-the-plan apartment.

In May, 377 homeowners took advantage of the state government's construction grants. To date, 1,627 homeowners have taken advantage of the program. That is an extra 1,627 homes being built in South Australia, and an extra 1,627 homes supporting our construction industry and keeping our tradies employed. The government is proud of our achievements to provide affordable homes for South Australians while supporting the housing construction industry. Our path to support and stimulate our economy is clear. I think that is a clear indication that the government's program is working and we are calling the opposition to support us in this program.

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

The SPEAKER: Before you do so, I call the member for Heysen to order for repeatedly interjecting during the Minister for Infrastructure's answer. Supplementary, member for Davenport.

HOUSING CONSTRUCTION APPROVALS

The Hon. I.F. EVANS (Davenport) (14:31): Following the minister's comment 'on every measure', can he confirm that South Australia's dwelling unit approvals are down 2.3 per cent in the 12 months to May, the worst performance of mainland states?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:31): It is typical of the opposition to take one—

Members interjecting:

The Hon. A. KOUTSANTONIS: When I am talking about building approvals I think the opposition should hang their heads in shame, because the government's programs are working and they are backed up by the stats, and every time South Australia succeeds a little part of them dies. They cannot stand to see the government's policies working.

Mr PISONI: Point of order: the minister is entering debate.

An honourable member interjecting:

The SPEAKER: I agree that the Minister for Infrastructure is submerged. The leader.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:32): My question is to the Premier. As the Premier indicated yesterday that Mr Blewett and Mr Harvey were entitled to expect that the department was handling allegations at the western suburbs school, is he saying that ministerial staff are always entitled to assume departments are handling matters without the need for any follow-up?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:32): No, I am not. What I am doing is relying upon the express findings of Mr Debelle. I know that those opposite are disappointed with some of the findings of Mr Debelle, but his express findings are this: that we were—not only Mr Blewett and Mr Harvey, but we were (the whole office) entitled to assume the matter was being appropriately handled by the agency.

Mrs Redmond interjecting:

The SPEAKER: The member for Heysen is warned the first time.

The Hon. J.W. WEATHERILL: They can complain as long and as loud as they like, but that was the express finding that was made by Mr Debelle, and he explained his reasons. One of the reasons was the nature of the email itself. It said that somebody had been arrested and removed from a school, parents were being informed and we should rely upon local knowledge; so, the nature of the communication itself. Further, the observation that there was no follow-up briefing about the matter and there were no briefings, even when the relevant minister—in that case, me—was at the very school; not even one briefing to suggest that there was a raging controversy occurring.

Also, what Mr Debelle accepted was the analysis that the chief of staff gave to him in his evidence, and he adopted it expressly in his reasons that he gave for his finding, and that is that, in matters of this sort where there is a large government agency that has expertise, matters of sensitivity, such as police matters, where one would expect that they should be handled without the intrusion by ministerial advisers in operational matters of the state, it was entirely appropriate for us to assume that the matter was being handled appropriately.

I know that there has been some disappointment expressed by those opposite. They were hoping for so much more from the inquiry, but I can say that the parents who have had the opportunity to read this report have found it comprehensive and readable, and they have been urging us to get on with the business of actually implementing these recommendations. That is precisely what we are doing, and we take a further step today.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before a supplementary, leader, I call the member for Morialta to order and warn him a first time. I call the member for Davenport to order and I warn the deputy leader for the first and the second time. That will be the deputy leader's final warning. Supplementary, leader.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:35): Given the Premier's answer, can the Premier advise, then, what purpose his ministerial advisers actually serve if they do not need to keep themselves informed of departmental actions on critical issues?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:35): The difficulty with the honourable member's question is that it suffers from the problem of him not listening to my answer, because my answer actually indicated that it was proper for ministerial advisers to exercise a proper function of oversight. I was going to the question of the findings that were made by Mr Debelle in this particular case and, in this particular case, he found that they were entitled to assume the matter was being dealt with properly because of the nature of communication, the lack of any follow-up communication and also because of the relevant relationship—

Members interjecting:

The Hon. J.W. WEATHERILL: Mr Speaker, I am getting a barrage of interruptions from those opposite.

Mr Marshall: We haven't even started the barrage.

The SPEAKER: Will the Premier be seated? I call the Leader of the Opposition to order. Premier.

The Hon. J.W. WEATHERILL: This is an important matter, and it should be dealt with calmly. I know that those opposite are finding it a little difficult, but—

Mr Marshall: Just get on with your answer.

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

The Hon. J.W. WEATHERILL: There was, I think, a very beneficial discussion within the report produced by Mr Debelle about the actual role of ministerial advisers. There was a very important discussion in there about the role of ministerial advisers and their relationship to a paid professional Public Service and the relevant separation of roles, especially for a professional Public Service that has the responsibility to discharge these particularly sensitive matters.

I would invite those opposite to read it carefully because I think it actually does repay reading, and it does set out, I think, very sensibly where the lines of demarcation are. I think, though, it also makes some important points about ensuring that ministers are not taken by surprise when matters are raised with them publicly and, of course, ministerial advisers should keep them informed so they are not put in that position.

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: No, they didn't. As it happened, I was not put in the unfortunate position of actually being surprised, because the matter was never raised with me by anybody in any forum, whether it be parents or otherwise. I must say my inconvenience or otherwise is, in the scheme of things, a very small matter compared with the very egregious breaches that occurred at the level of the agency about ensuring that parents were informed. That is the critical issue here.

My convenience or otherwise, or my embarrassment about being doorstopped by some media outlet and somehow not being prepared, is at nought compared with what was going on where there were parents asking for other parents to be informed about this matter and they were denied that opportunity. That is where there are very significant criticisms. They are matters we are now addressing, and we are acting immediately to put in place the recommendations of Mr Debelle to make sure these things do not happen again.

COMPULSORY THIRD-PARTY INSURANCE

Mrs VLAHOS (Taylor) (14:38): My question is to the Minister for Health and Ageing. Can the minister please tell the house whether there will be continuing savings for motorists from the government's CTP reforms?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38): I thank the member for Taylor for the question. From this week, South Australian motorists will be able to enjoy substantial savings on their CTP premium when they renew their car

rego. In Adelaide, most families will receive a saving on their premium of around $100 for a typical class 1 passenger vehicle for 12 months.

Businesses will also benefit for 12 months, with metropolitan taxis saving more than $1,000 on their premium, large trucks more than $400 and light goods vehicles more than $120. All country motorists will also receive pro rata savings. From 1 July 2014, for the first time, accident victims in South Australia who suffer very serious injuries that they will not recover from will receive lifetime treatment, care and support, regardless of who, or indeed if anyone, was at fault. This support will be funded by a new levy. I note that on the weekend the Leader of the Opposition, while talking about CTP reform, said, 'Come exactly this time next year there's going to be a massive increase in excess of $100.'

Mr PISONI: Point of order, sir. The minister is not responsible for the Leader of the Opposition, and it is debate.

The SPEAKER: I am not sure that it is debate. The member for Unley is right, and I will listen carefully to what the Minister for Health has to say.

The Hon. J.J. SNELLING: This claim is simply not true. The opposition demonstrating their desperation. They will say and do anything to talk down the government's reforms and deceive South—

Mr PISONI: Point of order, sir.

The SPEAKER: Minister, are you finished?

The Hon. J.J. SNELLING: I have more, sir.

The SPEAKER: You have more. Could it bear some relationship to the question?

The Hon. J.J. SNELLING: Happily, sir. While there will be a new levy to fund care for the catastrophically injured, the CTP premium will drop even more—

Mr Pisoni interjecting:

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

The Hon. J.J. SNELLING: While there will be a new levy to fund care for the catastrophically injured, the CTP (compulsory third-party) premium will drop even more when it starts in 2014-15 and the combined cost of the CTP premium and the levy will still be about 10 per cent less, on average, than what CTP insurance would have cost without the government's reforms. I repeat: there will be a continued saving for South Australian motorists. I think it is staggering that while the government is taking genuine action to actually do something to reduce the cost of living, all the opposition can do is criticise.

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: A point of order, but before you do so, I heard the voice of the Law Society up the back and I think it is the member for Heysen who needs to be warned a second time. Member for Stuart, point of order.

Mr VAN HOLST PELLEKAAN: Sir, since you have supported my telepathic ability to predict debate in the past, I ask you to do so again, standing order 98.

The SPEAKER: I will listen carefully to the coda of—

The Hon. J.J. SNELLING: I have concluded my answer.

The SPEAKER: You have completed the concerto, excellent. The leader.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:42): My question is to the Premier. At any point since it was revealed that Mr Blewett received the email advising of the rape of a seven-year-old child at a western suburbs school, has Mr Blewett ever offered, tendered, attempted to or actually resigned his position as chief of staff, and if so how did the Premier respond?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): I point out that there is an error in the recount of the question by the Leader of the Opposition. He persistently, and

on different occasions, uses inflammatory language to describe what the chief of staff was told. He was not told about a rape of a child at a school. The email that he in fact received is set out in Mr Debelle's reasons. It is inflammatory to say that. It is simply erroneous to say that. The answer to the question is no.

RIVERBANK PRECINCT

The Hon. M.J. WRIGHT (Lee) (14:43): My question is to the Minister for Housing and Urban Development. Can the minister inform the house about how the people of South Australia can have their say about the draft Greater Riverbank Precinct Implementation Plan?

The SPEAKER: You are able to assist with that?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:43): Yes, sir, I am. I thank the member for this important question and his keen interest in the riverbank, because he is a keen runner along the riverbank. On Sunday, Renewal SA held a community open day at the Adelaide Convention Centre to launch the month-long public consultation period for the draft Greater Riverbank Precinct Implementation Plan released last week.

The Greater Riverbank Precinct Implementation Plan will be the road map to guiding investment and development along the riverbank from Gilberton through Bonython Park to Bowden. The Greater Riverbank Precinct vision encompasses areas that include the Botanic Gardens, the Adelaide Zoo, the Adelaide Oval, the Convention Centre and the Festival Centre, and all of that lies along the River Torrens, with supporting fields, universities, cafes, restaurants, walking, running and cycling trails.

The Greater Riverbank Precinct Implementation Plan is a long-term visionary piece of work. Renewal SA has been charged with guiding, coordinating and facilitating the future renewal of these areas to leverage off the significant investments made in the Adelaide Oval redevelopment, the SAHMRI construction, the new RAH construction and the Adelaide Convention Centre redevelopment. The development of this precinct is something that all South Australians have a stake in, and the community will be able to further shape the future of this precinct through the second stage of public engagement, which was launched at this community open day held between 10am and 4pm.

The open day provided South Australians with the opportunity to see and comment on the vision for the Greater Riverbank Precinct. Wall and floor panels were on display which explained the vision—and I noted that the Deputy Leader of the Opposition came along to have a look and was very good in giving her points of view—with future opportunities for renewal and how past community feedback has shaped the proposed direction.

To add to the atmosphere and vibrancy of the day, there was an array of activities and entertainment, all indicative of the type of experience that visitors can expect when venturing to the precinct. There were musicians, roving performing artists, yoga demonstrations, BMI testings which I did—I got a 24 and I am very happy with that—live artist paintings, kids' activities (including minigolf and the Adelaide Crows handball program), a gondola photo booth and food and wine tasting. About 1,500 people attended the event, with almost 500 Post-it note suggestions stuck to the display area and 170 completed feedback forms submitted. In the days following the event—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: That is the type of attitude you get from the Leader of the Opposition, Mr Speaker. He is all complaints and no vision.

Members interjecting:

Mr Pisoni: Point of order.

The CHAIR: Member for Unley.

Mr Pisoni: It is disorderly to respond to interjections.

The CHAIR: Yes, it is disorderly to interject, also. The minister will not respond to the heckling of the Leader of the Opposition.

The Hon. A. KOUTSANTONIS: Sure, sir. In the days following the event, a further 120 surveys have been submitted online, and the initial analysis has indicated overwhelming

positive support for the vision to develop the precinct. The engagement process will continue through July with an interactive website at riverbank.sa.gov.au, online discussion forums and a roving community display to be located at the Adelaide University Hub Central until 11 July and the Adelaide Convention Centre atrium foyer from 15 to 26 July.

The government wants to create a place for everyone, whether you are watching a football game, seeing a show at the Festival Centre or visiting the new world-class Casino, all linked by pop-up cafes, playgrounds and tree-lined paths. We want to improve the way in which the city moves and the way people move through it. Overall investment in the precinct has the potential to generate thousands of new jobs in both the construction and operational stages and increase visitor and tourist numbers.

Renewal SA is working in partnership with the Adelaide City Council and other state government agencies to prepare a road map for renewal of the greater Riverbank precinct over the next 20 years. Following community and stakeholder consultation, a final Greater Riverbank Precinct Implementation Plan will be prepared that includes an implementation schedule and identifying options. Mr Speaker, I commend that process to the house and encourage all members to get involved.

CHILD PROTECTION

Mr PISONI (Unley) (14:48): My question is to the Minister for Education and Child Development. Will the minister advise when she personally was made aware of the child sex offence charges laid against an Adelaide gymnastics business operator after her office was contacted on 6 May by a concerned parent?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:48): I thank the member for Unley for this question and an opportunity to outline to the house the circumstances that occurred following receipt of the email from that particular parent. My office received an email on 6 May from a mother who was concerned about a person running a gymnastics club. She had heard rumours about the operator but had not been able to get information when she approached the local police station about whether these rumours were true or not. Let me stress that this person was not an employee, volunteer or contractor of the Department of Education and Child Development, so I just want to place that—

Mr Pisoni: Aren't you the child protection minister? Child protection, is that your role?

The Hon. J.M. RANKINE: Do you want me to answer your question or do you just want to interrupt?

The CHAIR: The member for Unley is warned.

The Hon. J.M. RANKINE: I think it is important for everyone to know that this was not an employee of a government department. The mother advised that she attended a privately run gymnastics club at a private recreation centre and other parents had called her alleging that the operator was facing child sex charges. She stated that she had already approached the local police, as I said, seeking information about the matter before contacting my office. Her email ended by saying:

> I understand that in your position you must get a lot of requests and complaints. Can I please ask that you simply consider this issue, pass on my concern as a resident in your district and if there is any way that you can make a change to the current system that you consider the innocence of a child important.

She was concerned that a person charged with child sex offences could continue to have access to children while on bail. My office responded to her within seven minutes of receiving her email and spoke with her that afternoon and exchanged a further two emails over the following days. The mother was provided with information, and my office asked her to contact us with any new information that came to light. No further contact was received from the mother. We had no details about either possible charges or bail conditions. As I said, this was not an employee of my department. I did, however, seek advice from my department, including whether the recreation centre and gymnastics club had lodged Child Safe Environment statements, in accordance with the Child Protection Act.

After receiving advice from my department, I asked my chief executive to raise this matter with the interagency task force, which includes an assistant commissioner of police and the Crown Solicitor, and I specifically asked about bail conditions. We had become aware that bail conditions did not preclude the person being in the presence of children. They did require that children aged

under 17 must be accompanied by an adult when around this person and that he could not make physical contact with a child under 17.

Upon receiving the interagency task force advice, I corresponded with both the Minister for Police and the Attorney-General seeking advice about bail conditions and their enforcement. During this time, the Attorney-General was working on changes to legislation, which were announced yesterday. I commend him on this work, and I assume the opposition will support the proposal wholeheartedly. I understand that this bill includes changes to automatic bail conditions to prevent people working with children while having been charged with sexual offences against children.

The SPEAKER: Minister, is that before the house now? No, it is not before the house. In any case, your time has expired. The member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (14:53): Supplementary if I may, sir, because the minister did not answer the question as to when she was advised. Can the minister tell the house when she advised the police minister and the Attorney-General?

The SPEAKER: It is a supplementary. Minister—

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:53): No, that was not the question. You asked me when I found out.

The SPEAKER: Minister, that seems to be a supplementary. Would you care to answer it?

The Hon. J.M. RANKINE: Thank you, sir. I think that it was in the week of receiving, or in a week of receiving, the email from the mother, we checked that, in fact, the police minister had been alerted to these issues. I sent a minute to the Attorney-General and the Minister for Police. I think that I signed that on 19 June, the day I received advice from the interagency task force.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:54): Supplementary to the answer. We have heard that your department was informed by this person on 6 May. When did your department make you aware of this query?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:54): I am sorry, you have misheard. My office received an email on 6 May.

Mr MARSHALL: When were you informed about it?

The Hon. J.M. RANKINE: That is not what you asked: you asked when my department informed me of it.

Mr Marshall: That is exactly what I asked.

Mr Pisoni: I asked that question, and she didn't answer it.

The Hon. J.M. RANKINE: No, it is not. You need to listen to what you say. I was aware of this—

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

The Hon. J.M. RANKINE: I was alerted to this on 7 May. Can I say that, in less than two months of this mother contacting my office, this government has legislation ready to be discussed in this house.

CHILD PROTECTION

Mr GARDNER (Morialta) (14:54): I have a supplementary, sir. Is the minister suggesting, therefore, that the legislation being introduced into the house is in response to this being raised by the parent?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:54): I am happy to say the answer to that question from the member for Morialta is that, having received the memorandum and having been made aware of the matters raised by the minister in

the remarks she has just made to the parliament, my officers decided that it was important that the legislation—which I understand I will be seeking to introduce very shortly—included provisions which would mean that in the future a circumstance such as this could not occur because there would be mandatory bail conditions; and it is therefore the case that the legislation which will be introduced this afternoon contains amendments to the Bail Act.

It is because, amongst other things, matters such as this matter have been drawn to my attention, and those of my officers, that that legislation contains those measures. I thought it was made reasonably clear in the minister's remarks a little while ago that that is exactly what she had done and that is exactly what had happened.

CHILD PROTECTION

Mr PISONI (Unley) (14:55): Supplementary, sir.

The SPEAKER: There are a lot of supplementaries.

Mr PISONI: What did the Minister for Education do to immediately protect the children who were placed in danger by this gymnasium operator, who were being—

The SPEAKER: I think we have got the idea.

Mr PISONI: —left in the care of a man charged with child sex offences?

The SPEAKER: The member for Unley will resume his seat. Attorney-General.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:56): Let me just get a couple of things clear. First, this individual is not, and has at no relevant time been, an employee of the minister's department or, indeed, any of the agencies attached—

Mr Marshall interjecting:

The Hon. J.R. RAU: Beg your pardon?

The SPEAKER: The leader is warned for the second time. That is his final warning.

The Hon. J.R. RAU: The minister has no direct employment relationship with this particular individual through which the minister could give any direction to one of her instrumentalities or departmental officers, or anything of the sort. The second thing that we need to bear in mind in relation to this matter, and I have made some inquiries about this, is that this individual was on bail.

The conditions of bail were—as I understand it and as I am advised—that this individual was not to be in a situation where they were in the presence of a child under the age of 17 years unless the child was accompanied by another adult and they were not to physically touch any child under the age of 17 years. Those bail conditions were, I believe, police bail conditions attached to the original release of the individual from custody.

The situation is that a person who is released on police bail, in the absence of a breach of that police bail and until such time as their matter is determined or the bail order is otherwise varied, is entitled to remain at liberty subject to those conditions. The situation in this case was that that is exactly what was happening to this individual.

Mr Speaker, can I say this, and this is some information which might assist the honourable member in understanding the extent to which SAPOL was attempting to keep an eye on this individual. I am advised that, since the time of this individual's initial arrest, SAPOL officers have been monitoring compliance with the bail conditions by covert attendance at the place of work. Bear in mind the place of work is not a place where this individual is an employee: it is a place of work where this individual actually is the business owner and operator.

It is my information—I have been advised by SAPOL—that, as I said, SAPOL officers made, and have continued to make, covert visits to this individual's place of work and during those visits I am advised that SAPOL did not detect any occasions where there was a breach of the bail conditions. SAPOL saw this as an important part of monitoring this individual as part and parcel of the bail conditions. In addition to this, I have been advised that SAPOL took the further step of initiating a human source in position to provide information regarding this individual's compliance and there was no information supplied by this person, either, indicating any breach of the bail conditions.

In those circumstances, given that the minister had a direct role in respect of this individual by reason of this person being a departmental officer, and given that SAPOL had taken the entirely appropriate and, actually, very thorough steps of making inspections and having a human source around the place, none of that having revealed any information which was sufficient for them to then take that forward to ask a court to exercise discretion to vary the bail conditions, it is difficult to see what the minister, in particular, but SAPOL or anybody else, in the absence of evidence, could have successfully applied to a court to have varied. The legislation that is to be introduced into the parliament this afternoon will overcome this issue because there will be a presumption in favour of strict bail conditions and it will be an exception to get out of those conditions, not an exception to get in to them.

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport says it is anticipating debate. Well, the bill is not before the house; it hasn't been introduced. The member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (15:00): Thank you, sir. My question is to the Minister for Education and Child Development. Is the minister saying that she is only responsible for the child protection of children in government schools and, if so, who is responsible for children outside of that bailiwick?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:01): I have explained, I hope, in the last answer, the mechanisms to the present time—and if we don't have this legislation go through the parliament shortly it will continue to be the case—what the arrangements are for the supervision of people on bail. We also know that if a person is not just a person on bail, but is a person who is a former offender and, therefore, on the child register, there is a whole range of things that might be done which this legislation that we are going to be looking at this afternoon will also strengthen.

It is the police, I emphasise again, who are the people who deal with people on bail, and the individual concerned, so far as I am aware, is one of those people who was a former offender, in respect of whom there is a record and in respect of whom there is a registration on the child sex offender's register. So, the mechanism of supervision for this particular individual is through bail.

CHILD PROTECTION

Mr PISONI (Unley) (15:02): A supplementary, sir, if I may?

The SPEAKER: Supplementary.

Mr PISONI: Is the minister aware—

The SPEAKER: To which minister is it directed?

Mr PISONI: I have just asked the question; it is a supplementary question to the minister.

The SPEAKER: To the Attorney-General.

Mr PISONI: Thank you, sir, the Attorney-General. Is the minister aware of a SAPOL statement just now released that says:

> Prior to Mr Pisoni's weekend attendance at an eastern Adelaide police station, SAPOL had not received any correspondence that suggested the man had breached his bail conditions.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:02): Yes, I am aware of that. I have received notification about this matter recently which is sourced from SAPOL and which indicates precisely that, which I was trying to explain in an earlier answer I gave. Not only had they not received information, according to the information I have, but they had taken steps for some considerable period of time to have covert operatives in the field trying to find out whether, in fact, this particular individual was in breach of these conditions. So, they weren't simply sitting there waiting for somebody to complain, they were also there on the front foot, as I am advised, having both occasional covert visits to the place of work to see whether there had been compliance with bail conditions and, in addition to this, initiating a human source in a position to be able to provide information regarding compliance, and neither of those turned up any information of assistance to the police.

REGIONAL BUSINESS

Mr PEGLER (Mount Gambier) (15:04): My question is to the Minister for Small Business. Can the minister inform the house about state government support for small business in the regions?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:05): Can I take this opportunity to acknowledge the work the member for Mount Gambier has done in facilitating this process. He has put the company in touch with relevant people in the government, and does a great deal of work on behalf of his electorate, and I am very, very pleased to have been able to help him on this occasion. I am pleased to inform the house of the state government's support for a Beachport-based seaweed company. Australian Kelp Products will use a $38,000 state government grant to upgrade its processing equipment in an effort to expand its business.

Founded in 1995 by Bevan and Susan Mills, Australian Kelp Products selectively harvests seaweeds from the beaches of South Australia's Limestone Coast. The grant will be used to purchase two new drying racks and fund an engineering upgrade at the company's processing facility near Millicent.

Australian Kelp Products has the only commercial seaweed licence in South Australia and currently produces liquid kelp fertilisers and dry seaweed products for livestock supplements. Along with the $38,000 grant, the company is also investing an estimated $47,000 to secure additional equipment required to process large amounts of seaweed. By increasing its seaweed processing capacity, Australian Kelp Products believes it can expand on its export potential and create a high-value industry right here in South Australia.

In 2011 the company undertook a feasibility study in partnership with Flinders University, which looked at opportunities to extract high-value products from seaweed. I am pleased to offer this funding on behalf of the state government to assist Australian Kelp Products with the necessary infrastructure upgrades that will help capture these opportunities.

The Limestone Coast region is unique due to its mixing of cold, nutrient-rich Atlantic waters and the warm gulf streams of Gulf St Vincent, which results in more than 1,140 distinctive species of seaweed. Seaweed has a complex chemical structure and can be manufactured into new products for a variety of markets. Australian Kelp Products currently supplies a range of kelp products to sustainable agricultural companies nationally, and through these partners also exports to Brazil, New Zealand and South Africa.

I would also like to place on the record my support for Regional Development Australia Limestone Coast for their support of this project. I am confident that with the purchase of improved processing equipment they will be able to increase their production levels and potentially expand into a new range of products. We know that small and medium enterprises are a significant component of the state's economy, and this grant will help support a growing South Australian enterprise to build its capacity to develop and sell high-value niche products both here and overseas.

CHILD PROTECTION

Mr PISONI (Unley) (15:07): My question is to the Attorney-General. How is it possible that it required the attendance of the parent taking photos at the site before the breach of bail conditions was identified?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:07): I thank the honourable member for the question. I think it is important that we understand exactly what the law is now in respect of bail, as opposed to what we hope it will be after the legislation that will be introduced later today is, hopefully, passed through the parliament. The situation with bail is, first of all, there is a presumption in favour of bail. We have made exceptions for that in particular instances which have to do with people who are serious repeat violent offenders and people who are firearms offenders and serious and organised crime offenders, but the general proposition remains that a person is entitled to bail just as a person is entitled to a presumption of innocence until proven guilty. The present arrangements, the present law—

Mr PISONI: Point of order, sir: the question was about the breach of bail, not the establishment of bail.

The SPEAKER: The Attorney-General will join up his remarks.

The Hon. J.R. RAU: Thank you, Mr Speaker. I am attempting to set the scene for the honourable member for Unley, so that he sees it in its full majesty. As I was saying, the story is that we have a person charged with an offence. The person has a presumption in favour of bail, they have a presumption of innocence. The bail conditions are set. The bail conditions are set with regard to the nature of the offence which, in this case, is an allegation, at this stage unproved, of improper conduct involving children. The conditions of bail say specifically that you cannot touch children under the age of 17 at all, full stop, and you may not be in the presence of children under the age of 17 unaccompanied, full stop.

In order for that person to be in breach of their bail conditions they must have failed to comply with one or other or both of those conditions. In order to establish that to the satisfaction of a court under the present law the onus rests on those wishing to change the rules to establish to the court the reason for the change. The onus does not sit on the person who has the bail conditions to explain why the conditions should continue if there is no evidence suggesting they are not working.

It appears that the member for Unley, at a point in time, turns up at a police station with something which was evidence of some description satisfactory for the purposes of the police. From what I have been able to understand about this matter, it seems fairly clear that, until that particular material had been produced, the police had no evidence of a failure to comply with the conditions of bail by this particular individual.

It is not as if they had sat there and been unconcerned about the matter because, as I have explained already to the parliament, I am advised that the police had had intermittent visits of an undercover nature of a human source to keep them appraised of what was going on. In those circumstances, it is difficult to see, in the absence of any evidence, what sort of application could have been made to the court and what grounds could have been established to warrant a successful application to vary the bail conditions.

Bear in mind, again, that under the present law the court would have regarded the fact that to have completely banned the individual altogether might well have meant the individual ceased to have any employment at all. To do that in the absence of any evidence of there being any misbehaviour by the individual is obviously a serious matter. We as a government have decided that, even though that is such a serious matter, in the cases of child sex offenders, we are going to make that the presumed position. The legislation we are bringing forward to the parliament is very, very tough.

Time expired.

Mr PISONI: A supplementary, if I may, sir.

The SPEAKER: Perhaps just ask a question.

CHILD PROTECTION

Mr PISONI (Unley) (15:11): Did police interview parents at the gymnasium involved to inquire as to whether the gym instructor had been touching children?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:12): I am not sure I got the full detail of that question. Could I please have that again?

Mr PISONI: The question was, Attorney-General: did the police interview parents at the gymnasium to inquire as to whether the gym instructor, who was on bail, was touching children or had been touching children or whether there were witnesses to him touching children?

The Hon. J.R. RAU: I have no information as to the precise methods by which the police conducted whatever inquiries they conducted in relation to this matter. What I can say and what I have been advised is that the police have made covert visits. Whether they spoke to individuals or not—

Mr Pisoni interjecting:

The Hon. J.R. RAU: I am not sure—

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

The Hon. J.R. RAU: I am not sure of exactly the methods, but I am confident that South Australia Police are perfectly capable of conducting an investigation or an inquiry and they have a great deal of experience at it. I have no reason to believe that any of the inquiries they made—including the fact of taking the unusual step of having a human source secreted in the actual establishment, giving them, in effect, real-time ongoing information about what was going on there—were inadequate ways for the police to conduct an investigation about the matter.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:13): My question is to the Minister for Education and Child Development. Does the education department's email system house all communications on a server, and can the minister advise whether the email server keeps all email correspondence saved, as required under the State Records Act?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:14): I am the relevant minister in relation to that matter. I will take the matter on notice and bring back an answer.

OZASIA FESTIVAL

The Hon. P. CAICA (Colton) (15:14): My question is to the Minister Assisting the Minister for the Arts. What will be the highlights of the upcoming 2013 OzAsia Festival?

Mr WILLIAMS: Point of order: surely that is not a serious question. Surely that is a theoretical question and is surely not a serious question.

The SPEAKER: No, the OzAsia Festival, I believe, will happen and I believe it has a program, and the minister is about to tell us about it.

Mr WILLIAMS: I do not know how the minister can possibly work out in advance what the highlights are going to be.

The SPEAKER: The anticipated highlights. The minister.

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: This had better be a good point of order.

Mr VAN HOLST PELLEKAAN: Standing order 97: the question contains argument and assumption that there will be highlights.

The SPEAKER: I am very tempted to have the member for Stuart leave the chamber. That is a bogus point of order designed to obstruct the business of the house. I call him to order and I warn him for the first time. The minister.

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (15:15): Thank you, Mr Speaker, and for those on the opposite side, I can assure you that there will be highlights and I suggest that you actually attend a festival, perhaps, member for Stuart, and then you will find out for yourself. Last week, the program for the 2013 OzAsia Festival was launched, and there are items in it which may be of interest. Since it began in 2007, the OzAsia Festival has been a very successful vehicle for celebrating and enjoying the rich artistic and cultural traditions of Asia, as well as the increasingly strong links with Australian culture.

The OzAsia Festival has helped to position South Australia as a leader in Asian-Australian cultural engagement and continues to do so. The festival helps us to understand the diversity and dynamism of contemporary Asia. It acknowledges the significant cultural contribution of Asian culture to Australia's multicultural identity. As with previous years, the 2013 program encompasses theatre, dance, music, film, literature, exhibitions and food. It is important to note that the OzAsia Festival has great support from South Australians, Asian communities, audiences and sponsors. This festival also continues to garner an excellent reputation on a national level. It will run from 13 September until 29 September. It plays host to 28 performances and 47 events, featuring 195—

An honourable member: Just the highlights will do.

The SPEAKER: Just the highlights.

The Hon. C.C. FOX: Just the highlights?

The SPEAKER: Yes.

The Hon. C.C. FOX: Well, there are so many, Mr Speaker, but let me speak about one in particular. Those opposite can jeer and laugh at the arts, but it is very interesting. In relation to the highlights, those opposite seem to be quite happy to turn up at the launch of programs with highlights, at the arts events that are highlighted here, and yet in this place their colleagues ridicule it. So, perhaps you should work out where you stand on the arts, whether you—

The Hon. G. Portolesi: It's pretty clear.

The Hon. C.C. FOX: It's pretty clear: a bunch of philistines.

Members interjecting:

The Hon. C.C. FOX: So you are happy to turn up and eat and drink, but you want to mock them here. That is a very unusual combination.

Members interjecting:

The Hon. A. Koutsantonis: Why don't you get one?

The SPEAKER: I call the member for West Torrens to order and I ask the minister—nay, I instruct her—to give us some highlights.

The Hon. C.C. FOX: Okay, here is a—

Members interjecting:

The Hon. C.C. FOX: I think you will find that the Moon Lantern Festival is one of the most popular highlights not only of the OzAsia Festival but actually of every single festival that occurs in South Australia. It is attended by hundreds—nay, thousands—of children and their families, and is enjoyed by people from all over this great state. You will be pleased to know, member for Chaffey—because I know he is a great supporter of the arts; he is arts all over!—that there are even people from the regions who come to enjoy this, so great is its reputation. So, can I encourage those opposite—particularly the member for Stuart, the raging artistic fiend that he is—to come on in and enjoy one of our festivals, instead of just sitting there and knocking it, because everything that is good about this state—

The SPEAKER: Yes, that will be quite sufficient, minister. Thank you. The deputy leader.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:19): My question again is to the Minister for Education and Child Development. The Premier may wish to take it, given his stated area of responsibility. Was the email server referred to in respect of the education department's email system searched as part of the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:19): I thank the honourable member for the question. I know those opposite are very keen to cast doubt on the findings of Mr Debelle. We have a royal commissioner with royal commission powers. We had the head of the forensic unit of the police who conducted a comprehensive search. The details of that search are contained and are fully described within the pages of the Debelle inquiry, so I invite the honourable member to consider that. It sets out in detail all the steps that were taken, which were extensive. All of those steps were taken and they have led to the conclusions that Mr Debelle has reached.

Ms CHAPMAN: Supplementary.

The SPEAKER: Yes, supplementary, deputy leader.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:20): My question is again to the Premier. In the event that there is no identification of whether the server in fact was searched in the Debelle inquiry, will the Premier agree to bring that response back to the house and confirm that?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:20): I have made my response to the parliament and those opposite can sit here and cast doubt on the findings of a royal commissioner all day and all night but we accept the findings that were made by the royal

commissioner—the same findings, I might add, that I was called upon to indicate whether I accepted yesterday.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:21): My further question to the Premier is: upon completing his role as education minister, on what date was the request made to wipe his office computers and who made this request—the request being consistent with the requirement of the State Records Act that official records made or received by a minister's office only be deleted with the permission of the manager of the State Records office?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:21): I thank the honourable member for her question. Of course, this policy that deals with computers has been in place since the 1980s and one only needs to actually for a small moment consider what it involves. If one were to send back a computer that is being used in a particular office, it would make sense to send that computer back in a way that did not contain confidential information. That is the simple proposition at the heart of the way in which this is managed. Of course, those opposite seem to be missing one rather rich point here: there was one computer that was retained and that was mine. It was not sent back, so it was capable of being fully searched.

An honourable member: And it was.

The Hon. J.W. WEATHERILL: And it was.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:22): Supplementary: is the Premier satisfied that someone did actually provide the request or is he saying it was not necessary?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:22): What I am saying is that Mr Debelle has set out very clearly in his report the extensive steps that were taken to analyse not only the sworn evidence and all the relevant material, but also the relevant records—records that were retrieved from Telstra, records that were retrieved from computers, records that were retrieved from USB sticks. All of that is set out in horrible detail in the Debelle report. It is there for all to see and, on that basis, he reached his findings and he reached those findings not on some uncertain basis but on the basis that he was entirely satisfied about the matters that he found.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:23): Again, my question is to the Premier. Does the Premier agree that, if emails contain allegations of rape or sexual misconduct toward a child, they would be classified as official records and therefore be entitled to be preserved?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:23): What I do agree with is the findings that were made by Mr Debelle, and that is the importance of centralised files and records keeping. Things that document records and central files that concern matters of this sort—that is, very serious, critical incidents—should be the subject of a central file. All relevant documents that go to those matters should be kept on those files and they should become official records that are kept on those files. That is an explicit recommendation and it is a recommendation that we accept.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:24): My question again is to the Premier. Is it the case that, when the opposition lodges a freedom of information application with the ministerial offices following a reshuffle, all electronic ministerial office records prior to the reshuffle will be deleted?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:24): I don't know the answer to that question. It is a matter for FOI officers that make the relevant inquiries. They are

independent. They make their own judgements about what records they access and that is entirely a matter for them.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:25): Supplementary. Premier, the FOI officers, as you indicate, will make an identification as to what will be released or not. My question, and I put it to you as the Premier responsible for the state records, is to seek confirmation about whether that information in the former minister's office is being deleted.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:25): I don't entirely understand that question, and I don't know whether the honourable member does either. Can I say this: there is no doubt that there were some difficulties with centralised record keeping in relation to this matter, and that has been the subject of adverse comment by Mr Debelle.

It certainly did not assist the former ministers, ministers Rankine and Portolesi. Both of them were not well served by the fact that there was no centralised file that could assist them in receiving accurate and timely information to allow them to answer questions in relation to this matter.

Can I say that what we have seen over the last few days is a very serious report that provides a wonderful source of guidance to make sure that these things never happen again in South Australia. I think it will stand our system in good stead. I know that those opposite have sought to prosecute a case but I must say the case they have sought to prosecute has been wholly unconvincing.

GRIEVANCE DEBATE

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:27): The extensive list of coronial findings, autopsy reports, medical assessments, judicial determinations, witness statements, victim and offender testimonies, royal commissions and the like with respect to child protection cases only serves to remind us of the diverse and cruel methods of maltreatment of children that have been inflicted by others. They are heart wrenching and disturbing.

There is another list of inquiries, reports, reviews, royal commissions and the like that have considered the failure of personnel, departments, agencies and governments to provide adequate protection and support to children, certainly in many instances less graphic but equally disturbing. My concern is whether South Australians can in fact trust the Premier's response to these reports and recommendations, evidenced again this week.

The most recent of these reports is undertaken by the Hon. Bruce Debelle providing his report on the independent education inquiry released on 1 July 2013, and I thank him for his extensive work and advice. In 2002, the then new government announced the Robyn Layton QC inquiry into child protection. This was widely welcomed and the report ultimately widely applauded.

Since that time, in 2004, the government established the child deaths and serious injury review committee. Subsequent to that, the guardian for children of young people was appointed, and then the council for the care of children, all consistent with Ms Layton's recommendations. On 6 May 2004, the Premier, the then minister for families and communities, stated this to the parliament:

> I accept my responsibilities for the children in my care, and we are taking steps to address those very issues. Indeed, at a public forum just a few days ago, I admitted that the child protection system is in crisis, and it is.

He went on to say:

> Frankly, despite two substantial responses to the Layton report—the first tranche involving expenditure of $58.6 million over four years and a further tranche of reforms involving the recruitment of an additional 73 staff costing $3.6 million each year—there remain deep and systemic problems within our system of child protection. But one of the important things we have done is change the culture of the system. There has been a culture at the very top...there is an important piece of information that members of this house should be aware of and it concerns the culture that has been endemic within these agencies that deal with child protection. A culture has existed among people at the most senior levels of government—and I am talking now of a period prior to our term of office—where they simply did not want to hear the truth about child protection and they went to extraordinary lengths to prevent themselves being told the truth.

I interjected, in fact, and he went on to say:

> The member for Bragg invites me to name them. I say that senior members of the advisory body sought to communicate to the previous government that this system was in crisis and, in fact, emissaries were sent by the previous government to tell them that they should not use inflammatory remarks to describe the child protection system. Indeed, they went further. (The member for Finniss knows this and he should sit forward and listen to it.) They set up structures to ensure that those agencies could not get the message through. That is the way the previous government dealt with child protection—cover-ups and lies. They created a culture of bullying and cover-up.

Those statements were made to this house by the now Premier, the then minister for families and communities, in which he confirmed, firstly, that there was a problem—indeed, a 'crisis', he described—some nine years ago. Secondly, that there was a cultural problem that he appears to have remedied. Thirdly, that there was a cover-up in the previous administration at the highest level of those in the department authorities responsible for this.

Here is a Premier who during the lifetime of this government has sat in the cabinet and has undertaken the roles and responsibilities of minister for education, minister for families and communities, and the minister responsible for the Housing Trust and Housing SA services in this state. It is a disgrace that he should now say to us that he cares to ensure that our children are protected—they clearly are not.

REGIONAL CAMPUSES, ATAR SCORE

The Hon. L.R. BREUER (Giles) (15:32): Firstly, today I want to pay tribute to one of those unsung heroes connected to our parliament and that is one of the ministerial chauffeurs who is leaving the service and, in fact, had his last day at work yesterday. After 50 years in the Public Service, and almost 20 years as a ministerial driver, Mr Steve Rollison—who I am sure everybody will know (the big tall guy with the moustache)—retired yesterday. He was the driver for minister Gago for some time.

I want to pay tribute to him as I think often the drivers' work goes unnoticed and unappreciated, and I always found Steve Rollison to be the epitome of what a good driver is about. He was a loyal, supportive, professional and gave wonderful service to whoever he drove. I want to wish him well in his retirement and his coming surgery, and I want to say thank you to him on behalf of all of those he served. Good luck Steve. Have a great trip around Australia and I will see you on the road somewhere.

For some seven or eight years I have fought to have teaching degrees at our regional campuses of UniSA in Whyalla and also in any other country region where it was possible, including Mount Gambier. For years, the Whyalla campus was very supportive of this and fought alongside me, as did the community, but could not get the education school of UniSA to do this. We were never given reasons except cost. I believe they just could not accept the concept of moving the school out of the metropolitan area. This was despite the fact that FIFO lecturers (fly-in fly-out lecturers) were operating in other schools. Local expertise was available in our town, and at least 50 or 60 people who I knew of in Whyalla were actually studying externally through interstate universities.

Country parents, at that stage, could not afford to send their children to Adelaide to study. Our schools were crying out for teachers, but we kept getting 'no'. So I was delighted when it was announced last year that teaching was to be introduced from 2013. But now I find out there are only five or six students enrolled in the course—what has happened and why? Again, I believe it has been sabotaged by metropolitan mentality. The reason is this: there was put on them a high Australian Tertiary Admission Rank (ATAR) score that applied to applicants to UniSA's Bachelor of Education (Primary) Degree, which is the course that commenced for the first time in February this year, not only in Whyalla but in Mount Gambier also.

In a nutshell, UniSA's School of Education, based in Adelaide, set an entry qualification, or an ATAR score, at 85, and this applied to all applicants irrespective of whether they were applying to study in Adelaide or Whyalla/Mount Gambier, although locally we had absolutely no input into this score. This is a very high score (I believe that it is the same for journalism and even for some medical courses) and it compares with only 65 for the Edith Cowan University at Bunbury, and they usually range from about 65 to 75 for most education programs on regional campuses across the country. This is despite the fact that it is known that country students do tend to get lower ATAR scores because of situations in their schools—they do not have the facilities and the teachers you get in metropolitan areas. They do get a regional loading, but it is still very difficult for them to get a score that high.

Charles Darwin University, which runs education programs online, has a lower ATAR score; hence, we lost applicants to them. As a consequence of setting such a high ATAR, the acceptances onto the program were much fewer than we had hoped for. Several good applicants from Whyalla schools were denied a place on the program. I understand now that there are still about 50-odd young people in our region who are studying externally through other universities out of the state.

I believe that the local campus is trying to negotiate with the School of Education to lower the ATAR score for regional students in 2014, but I think that they are hitting brick walls, and I think that this is very unfortunate. I am extremely disappointed. Why do we continue to have these hurdles put in place? We just want our children to be able to get a university education, we just want to get teachers trained in the area so that they will teach in our schools.

We have plenty of nurses, social workers and accountants because they are trained locally: train them locally and they will stay. Give opportunities to our young people from the country whose parents cannot afford to send them to Adelaide. It costs so much to send your child to Adelaide. The School of Education must amend this score, they must look at this. I also urge the minister to take note: let our young people out there in our country areas get an education.

EQUAL OPPORTUNITY IN SPORT

Mr PENGILLY (Finniss) (15:37): Some months ago—in fact, in summer, whenever that was—I was contacted by constituents of mine from Yankalilla who are actively involved in bowls. They brought to my attention the situation regarding the Equal Opportunity Act in South Australia and the effect on men's and women's bowls and open bowls on what was undertaken through a complaint by a couple of female bowlers back here a couple of years ago and the effect of it.

It is interesting. I followed through on this, and I got in touch with Bowls SA and consequently was put in touch with the subcommittee of Bowls SA which was looking at that. Indeed, one of the people on that subcommittee is from my electorate.

I had been working away for many months on this and became acutely conscious that many bowlers were highly uptight and upset over the fact that they were being dictated to over the Equal Opportunity Act and the ramifications of this decision that was taken. So, I had some legislation drafted and I held it for a while and did quite a bit more consultation—

Ms THOMPSON: Point of order, Mr Deputy Speaker. I would like a bit of clarification about whether the member is, indeed, anticipating debate. I recall that he and one other member have given notice of a bill relating to this matter.

Mr PENGILLY: I have given notice of a bill, but I have not introduced a bill, sir.

The DEPUTY SPEAKER: The member is in order.

Mr PENGILLY: As a result of this, I had considerable consultation with many people, and I have been working through to get a result and to take something to my party room and to ultimately bring it to the house to seek some rectification of this problem which originated out of the bill from 1984. It must have impacted fairly deeply on the government because members got a letter from Bowls SA raising the subject; whereupon, they must have flown into some sort of apoplexy and decided, 'Well, we can't let the opposition grab all the glory on this. We'd better get busy and do something about it.'

What transpired is that yesterday, when I was ready to introduce my bill, up pops the member for Taylor and introduces an almost identical bill. I am very pleased that the government has decided it needs to get on board here, but they are a bit late. The bowls community and the wider public are well aware of what has been going on. I look forward, when the bills are debated, to getting a good outcome for the bowling community of South Australia. I think it is a ridiculous situation that the government has chosen to try to undermine this side of the house by trying to get the glory, but the message will be out there well and truly.

Bowls in country areas is enormous, as it is in the metropolitan area. However, the situation in the bush is that the numbers are quite often not there for men's bowls or women's bowls separately and, indeed, they have open bowls and they ask some of the ladies to play voluntarily in the men's bowls, and vice versa, as far as I know. The fact that they were threatened that they had to let them play was just blatantly ridiculous—I think so.

There are some areas where bowls would not survive if they did not mix it up. However, they should not have the threat of legal action being taken against them in so far as they

must have women in men's bowls or they must have men in women's bowls. It is just blatantly ridiculous. I look forward to the debate when, ultimately, these bills are introduced. I look forward to hearing from many members. Apparently, the Parliamentary Bowling Club had a meeting today, as far as I know.

Mr Whetstone: New president.

Mr PENGILLY: There is a new president, I am told. I am sure they will swing right behind it. If it is the immediate past president, the member for Schubert, I introduced him to members of Bowls SA for a meeting back here a couple of weeks ago.

Mr Whetstone: The member for Hammond was unopposed.

Mr PENGILLY: The member for Hammond is now the president, unopposed, I take it. So that is good news. As I say, I think the parliament needs to come together on this and do something about it sensibly and get it sorted out so that the thousands and thousands of bowlers in South Australia can go about their business uninterrupted.

COMMUNITY SUPPORT ORGANISATIONS

Ms THOMPSON (Reynell) (15:42): I thank the member for Giles for paying tribute to Steve Rollison and other drivers. Steve was the first driver I had, so he says he trained me. Subsequent drivers have found it difficult, at times—temporary subsequent drivers, I should note—to live up to his standards. I think the people in the department of finance who administer this program have not always understood the role of drivers and, fortunately, they seem to have made many improvements and people of Steve's calibre are now being recruited. They provide an amazing service to the people who serve this parliament and, particularly, who serve this state and really enable the people of the state to get the most out of their officers.

My main purpose in rising today is to talk about some of those organisations in the community that beaver away and just make things better for other people in the community, often those who are not doing so well. The member for Florey spoke the other day about a quilting group that she knows of that provides support to people not only locally but all around the world. I have a local group, too, that is doing this sort of work—the Knitwits, which was formed in 2005 following successful knit-ins held at a number of southern libraries in which participants made knitted squares and created blankets for donation to local charities.

Many women wished to continue their new friendships, as well as making a contribution to those less fortunate in the south, by making a range of useful items using knitting and sewing skills. One group now meets at Woodcroft Library to knit and natter, with a second group meeting at the Hub Library, with about 20 women regularly attending each monthly session and more women working mainly from home. The support of the two libraries in providing free space and access to facilities has been essential to the success and longevity of these two groups.

Special mention needs to be made of three women who have been key to keeping the Knitwits going: Bobbie Dalby, for coordinating the Knitwits for the past eight years; Pam Worrell, who is very creative in making a range of children's clothing out of leftover material and wool; and Wilma Iremonger whose yearly donations to the Pamper Hamper, that I collect for victims of domestic violence, led to the involvement of Knitwits with our office. The Knitwits provide many goods, which I am honoured to say, they bring largely to my office for further distribution within the community. Items made by Knitwits include blankets, hats, scarves and socks, baby clothing and toys, children's jumpers and trousers, adult jumpers, reading mats and book bags, and children's aprons for cooking and garden programs. Toiletries are also regularly donated.

Services that have benefitted include: The Smith Family; domestic violence services; services for single mothers; services for the homeless; aged care homes; Anglicare; Fred's Van; children's centres; kindergartens; local primary schools; and the Noarlunga Hospital. In terms of the hospital, one recent donation was of a large bag of little teddy bears that will be provided to children who have undergone surgery there. Quite large donations have also been sent to Aboriginal families in the APY lands, and to overseas charities through Carry for Kids and Wrap with Love.

With their generous donations of time and skill, Knitwits members are making a significant but mostly unrecognised contribution to the southern community. Blankets, hats and scarves provide warmth for the elderly and the homeless; the Smith Family literacy program is supported with reading mats and book bags; many local primary schools can now provide each student with

an apron for cooking or gardening; and women and children escaping domestic violence gain comfort from colourful handmade children's clothing, cuddly toys, and toiletries.

It is not just the warmth that is provided by these goods, it is the reassurance to people who are doing it tough that other members of the community care about them, and they are giving up their time and skills to provide some comfort for them. The Knitwits support each other as well, offering women a time for friendship, fun and shared goals. The Knitwits are one of those community organisations that makes our community strong, and I thank each and every one of them for their generosity.

DRY JULY

Mr WHETSTONE (Chaffey) (15:47): I rise today to speak about something that I have joined only a few days ago, and that is Dry July. I would like to speak about what Dry July actually is, what it does and what it achieves. I think it is a fantastic initiative, as does the member for Flinders, who has also joined up to Dry July. The member for West Torrens is shaking his head. I will get grumpy by the end of the month, don't you worry!

It really is a fantastic initiative to raise money to help improve the lives of adults living with cancer. I joined the Riverland Dry July team to recognise the importance of helping to improve cancer services in the region. Around 20 staff members from the Riverland General Hospital in Berri are giving up alcohol for the 31 days of July, as well as a number of other locals, to support the event.

More than 15,000 people nationwide have signed up to Dry July, which aims to raise more than $4 million for cancer patients and their families. A bit of history about Dry July is that the concept began in 2008 when a few mates decided to put down their schooner glasses to raise money for their local hospital in July. That year over $250,000 was raised and 1,000 people signed up. In 2009, six cancer services around Australia received funding, and 4,000 people signed up, raising $1.3 million. In 2010, 10 cancer services across Australia were represented, and Dry July went national and raised $2.4 million by 9,000 participants. In 2011, 11,500 people signed up to raise over $2.8 million for 13 cancer services.

In 2012 Dry July went international, welcoming the Auckland City Hospital, where 2,000 New Zealanders signed up and raised over $550,000. A record-breaking number of 15,000 Aussies have now signed up to raise $3.7 million. Overall, prior to this year, Dry July has raised over $11 million from 43,000 people who have participated.

Dry July is a not-for-profit organisation created to help improve the lives of adults living with cancer. For those 31 days of July, I will be raising funds for the Riverland General Hospital in Berri. When I say that I am going to be raising funds for the hospital in Berri, I am targeting a chemotherapy chair. That chemotherapy chair is one of four that the hospital needs, with the upgrade of the hospital. We have a chemotherapy unit, but we do not have the chairs. I have put my hand up, and, being part of Dry July, my target is to raise $6,000 in order to put one of those chairs into the unit.

This is also a chance for me to raise awareness of individual drinking habits, the value of a balanced, healthy lifestyle and a healthy attitude to alcohol consumption. Also taking part is Country Health SA's regional director of the Riverland Mallee Coorong region, Wayne Champion; the Barmera-Monash senior football coach, Shane Uren; and Berri Barmera Council mayor Peter Hunt. Peter Hunt I know loves a little drink every now and again, so he and I will be sharing Dry July.

Raising money for chemotherapy chairs is part of the hospital's redevelopment and, as I have said, four chairs are required. My target is to raise $6,000 so that we can put one of the four chairs into that unit. Currently, inpatients are treated at the Queen Elizabeth Hospital, and that goes to the heart of why we need a review of the PAT system. People travelling from the regions to the QEH do suffer hardship, and it is a very long drive to access cancer services.

One of the hospital's research foundation's major projects is a new accommodation building for Country SA cancer patients. Funds from Dry July will enable the fit-out of these units. Funds to upgrade chemotherapy will mean families can be with cancer sufferers in regional areas; many cannot travel to Adelaide. In conclusion, I am proud to be taking part in Dry July, raising funds for the Riverland General Hospital in Berri. I would urge others to get involved in the future to help support those living and dealing with cancer.

POLKINGHORNE, MR G.

Mr BROCK (Frome) (15:53): I congratulate the member for Flinders and the member for Chaffey for doing that. The cause that the member for Chaffey is raising funds for is absolutely fantastic. I have been very fortunate that I have been able to secure chemotherapy beds for the Clare Hospital and also the Port Pirie Hospital. Again, I certainly agree with the member. I have already got a motion up, and the review of the PAT scheme is underway. I encourage the government to look very seriously at the whole lot.

Today I have the privilege to speak about Gary Polkinghorne, who just received an OAM in Port Pirie. Gary is a very unassuming person who has dedicated a very large part of his life to helping less fortunate people not only Port Pirie but also the surrounding regions. Gary has volunteered with the St Vincent De Paul Society in Port Pirie region for many, many years. Gary has been the backbone of the society, serving in various positions, but in particular has held the position of treasurer for the past 17 years.

Gary's health has deteriorated over the past couple of years; however, this has never stopped him from being able to not only carry out its duties but also to assist those people who may require the services of St Vincent De Paul. These services may include obtaining groceries for people who are in such a predicament that they have no food in the house, and also helping people who may not have any accommodation not only for themselves but also for their children. Gary has been in an on-call position for emergency demands that are ever increasingly becoming the norm for the society. These demands come from people requiring medical services, assistance with clothing, plus meals and other activities.

Gary is the person that the priests within the organisation and people in the community go to for assistance, and Gary never fails to accommodate their requests. Gary is always seen in the community doing various activities, whether that is purchasing food stuffs or promoting the services of the society. Gary's journey with St Vincent de Paul Society began in the 1990s when, completely out of the blue, Gary suffered a heart attack and had to leave his full-time employment at the railways, for which he had been working for the last 37 years. He started volunteering at Meals on Wheels for one day per week delivering meals.

He was then approached to see if he would be interested in volunteering with St Vincent de Paul for a couple of days, and the rest is history. He has been actively involved for 17 years, carrying out numerous tasks, including cutting up clothing, general pick-ups, deliveries, and then finally, as I mentioned before, 16 years as treasurer. He joined the society because he likes to help people out, and as Gary has mentioned to everybody, he is one of those people who will help anyone who asks for his help.

Gary relates one of these instances being where a young man came in looking for a phone card to be able to call his mum in Western Australia. This gentleman was completely broke, but this man came back after a couple of days after getting the phone card from Gary, and told Gary that, from his contact with his mother, he was delighted to be able to be reconciled and was going back home to live with his parents. As is Gary's philosophy, family is the foundation of our society.

Another occasion is when a person from Tasmania came into the society looking for assistance to get to Adelaide from Port Pirie and stated that his uncle was the Bishop of Hobart and would have no problems getting any money back. Gary was very sceptical about the truth of this statement. However, after a couple of days, a phone call was received from the Bishop of Hobart thanking Gary for his kindness and that a cheque was in the mail to reimburse the society and also a donation towards the society.

Gary has been well supported during his journey by his very dedicated and loving wife, Margaret, who Gary regards as the backbone of the whole show. He has also mentioned that, without the support of his wife and family, he would never have been able to do what he has done in the last 17 years. Gary and Margaret will celebrate their 47th wedding anniversary later this year, and I sincerely wish them well.

Again, congratulations to a very unassuming man who rightly deserves this great medal. These awards should go to people who are unassuming and are normal laypeople, not to the high-flying people who do not really understand some of the societies.

APPROPRIATION BILL 2013

Adjourned debate on motion:

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

Mr TRELOAR (Flinders) (15:59): I will attempt to take up where I left off just prior to lunch. I think I was on water. I was speaking about the expenditure allocated to the Tod Reservoir. I note with interest that there is no allocation of funds as yet to address Eyre Peninsula's ongoing potable water security issues. We will wait to see with interest the findings of the Natural Resources Committee of parliament, who are currently undertaking an investigation, of course, into Eyre Peninsula's water supply and the management thereof, and expect that, at some point in the near future, there will be an allocation of funds to address the security issues.

Back on the budget, I have to say that the Premier and Treasurer—one and the same, of course, part-time in both—has attempted to explain away his financial mismanagement, which we have spoken about much in this place since the handing down of the budget, by blaming a revenue downturn. The reality is very different: revenue has actually grown by 3 per cent per year in the last four years; there has, in fact, been $3.8 billion worth of unbudgeted spending under the Labor government; and we should never forget the GST revenues and various federal government grants. The people of South Australia simply cannot accept the Treasurer's claim that he has a revenue problem.

I will refrain from going over the same ground as our leader, shadow treasurer, and many other contributors from this side. Suffice to say that they have expertly articulated the story of this government. It is an unfortunate story. It is a story of deficit, debt and losing the AAA credit rating. Goodness knows what is going to happen when interest rates go up. Our interest rate repayment costs are going to be much higher than any other state's, of course. Increasing taxes and charges are hurting businesses and ratcheting up the cost of living pressures on hardworking South Australians.

We all know how much small businesses are suffering in the current environment, but I would like to put on record some of the state taxes and charges that affect not only the people of the state but my electorate of Flinders, and right across the regions. Major household fees and charges continue to outpace inflation. Over the past year alone, property charges have increased at twice the rate of CPI, state taxes have increased at three times the rate of CPI, electricity bills have increased at greater than five times the rate of CPI, gas bills have increased at seven times the rate of CPI, and water bills have increased at a staggering 11 times the rate of CPI. No wonder households are suffering.

All of these increases put pressure on household budgets, and it is certainly true in the regions. We often hear ministers and members of this government carp and whine, 'Well, what would you do about that?', but this is really missing the point, because in fact it is their record in government that we are talking about here and it is their budget. They have simply run out of puff, run out of ideas and they have resorted to playing the man, trying to deflect attention from their economic record. The people of South Australia will not be fooled. Unfortunately, the government has nobody to blame but itself.

The South Australian Centre for Economic Studies in the last week outlined a study which indicated that, in their view, South Australia could well be in recession. Certainly all the indicators are suggesting that. It was interesting to read some of the press reviews of the budget. In fact, the *Financial Review* suggested that this government 'are optimistic in rebounds in revenue and promises of cost cutting'. *The Australian* said that, 'Truth be known, after almost a dozen years of Labor government, South Australia has squandered its opportunity to reset the economy.' Finally, from *The Australian*, they were wondering, in fact, whether Australia can afford two Tasmanias.

Of course, Tasmania has historically been at the bottom of the tree as far as economic activity goes amongst the Australian states, and South Australia is now languishing down the bottom. I remember a much revered and famous former Labor premier, Mr Donald Dunstan, suggested in the 1970s that Adelaide could well become the Athens of the south. Well, I would suggest to the house that that prediction is finally coming true.

To finish off, I will quote from the media once again, an article I saw in the local press this last week, which summarised the state of our state. It was put very succinctly, and it is a summary I would agree with. It was stated that we have a strong agricultural sector, a new logo and not much

else. It is time for this state to reprioritise, and the voters of the state will have that opportunity on 15 March of next year.

Mr PEGLER (Mount Gambier) (16:05): I rise to make comment particularly on the estimates committees. I think it is essential that there is some form of review of the budget, but I think that the present process is completely flawed. There are five days of estimates. This all comes at enormous expense. A lot of resources are put into place and a lot of time is taken up by ministers, our shadow ministers and our public servants in a process that I believe is completely flawed. Often the opening speeches by the ministers take up a lot of the time and then of course there are the Dorothy Dixers asked by the people in government and often those answers are longwinded and just go over what the minister said in the first place.

By the same token, I believe a lot of the questions that were asked right throughout this whole process leave a lot to be desired, and there must be a much better way to do it. I also think it is completely flawed that shadow ministers who happen to be in the upper house are not the lead questioners on behalf of the opposition. As far as I am concerned, we do have to have a process in place to review the budget and to get a much better understanding of the budget, but I believe the present processes do not work.

I did listen to some of the contributions from those in the Liberal Party and I hope that if they are ever on the other side of the house they remember what they have said here today, because, whilst they were being critical today, if they are ever on the other side, I hope they do make those changes. As I said, we do have to have a process in place, but I think we should all come together to work out a much better process so that parliament and the governments of this state can work a lot better.

Motion carried.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:07): I move:

That the remainder of the bill be agreed to.

Motion carried.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SERIOUS AND ORGANISED CRIME (CONTROL) (DECLARED ORGANISATIONS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:08): I move:

That standing orders be so far suspended as to enable the introduction forthwith of the Serious and Organised Crime (Control) (Declared Organisations) Amendment Bill.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:10): Obtained leave and introduced a bill for an act to amend the Serious and Organised Crime (Control) Act 2008; and to make a related amendment to the Serious and Organised Crime (Unexplained Wealth) Act 2009. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:10): I move:

That this bill be now read a second time.

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

Leave granted.

In 2007-08 the Government began the process that would lead to the enactment of the *Serious and Organised Crime (Control) Act 2008*. Section 4 of that Act says:

4—Objects

1 The objects of this Act are—

(a) to disrupt and restrict the activities of—

(i) organisations involved in serious crime; and

(ii) the members and associates of such organisations; and

(b) to protect members of the public from violence associated with such criminal organisations.

2 Without derogating from subsection (1), it is not the intention of the Parliament that the powers in this Act be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

On November 11, 2010 the High Court, by a majority of 6-1, decided that at least in so far as the Magistrates Court was required to make a control order on a finding that the respondent was a member of a organisation declared to be a criminal organisation under the Act, that court was acting at the direction of the executive, was deprived of its essential character as a court within the meaning of Chapter III of the Commonwealth Constitution and that section was, therefore invalid (*South Australia v Totani (2010) 242 CLR 1*). The net effect of that decision was that a key part of the legislative scheme in the Act was inoperable. That, in turn, meant that the legislative scheme for attacking criminal organisations and their members was rendered ineffective and the essential objectives of the Act thwarted.

In 2011-12, the Government prepared extensive amendments to the Act in light of Totani and the subsequent decision of the High Court to invalidate the New South Wales equivalent legislation in *Wainohu v New South Wales (2011) 243 CLR 181*. These amendments represented, on the best advice then available to Government, an attempt to place the legislation and the accomplishment of its aims on a sound constitutional footing. The amendments were passed and came into effect as the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*.

Since the 2012 amendments, no application has been made in relation to any organisation. However, SA Police, the Crown and other Government legal experts have been preparing applications based on the scheme as amended in 2012. In the meantime, the High Court has heard and delivered judgment on a constitutional challenge to the equivalent Queensland legislation. The Queensland Act differs from both versions of the South Australian Act. The High Court dismissed the challenge and upheld the validity of the Queensland scheme in Assistant Commissioner *Condon v Pompano Pty Ltd & Anor [2013] HCA 7.*

The Queensland scheme is contained in the *Criminal Organisation Act 2009*. The Act provides that the Supreme Court of Queensland, on application by the Commissioner, may declare an organisation to be a 'criminal organisation' if the Court is satisfied that some of the organisation's members 'associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity' and the organisation is 'an unacceptable risk to the safety, welfare or order of the community'. In considering whether to make a declaration, the Court must have regard to various matters, including information before the Court 'suggesting current or former members of the organisation have been, or are, involved in serious criminal activity, whether directly or indirectly and whether or not the involvement resulted in convictions'.

If an organisation is declared to be a criminal organisation under the Act, the Supreme Court may, if certain conditions are met, make control orders for members of the organisation and persons who associate with members. Control orders may prohibit the person subject to the order from doing various things, including associating with members of any declared criminal organisation or with other controlled persons and applying for or undertaking stated employment. That an organisation has been declared to be a criminal organisation is also relevant for the making of other orders under the Act.

It is immediately apparent that the Queensland scheme is almost identical to the current South Australian one, except that the jurisdiction to declare an organisation a criminal organisation in Queensland is conferred upon the Supreme Court as a court but in South Australia, the jurisdiction is conferred on what the South Australian Act calls an 'eligible judge' acting as persona designata. South Australia chose the eligible judge model in 2012 because Western Australia, the Northern Territory and New South Wales then used it, and because the eligible judge model used by New South Wales had not attracted unfavourable High Court comment in the decision in Wainohu.

Like South Australia (and, indeed, all jurisdictions that have such legislation) the Queensland Act had extensive provisions easing the strict rules of evidence in the area of what is commonly known as 'criminal intelligence'. South Australia was the pioneer in this area and the constitutional validity of the South Australian provisions was upheld in *K-Generation v Pty Ltd v Liquor Licensing Court (2009) 237 CLR 501.* South Australian criminal intelligence provisions were standardised in the constitutional model by the *Statutes Amendment (Criminal Intelligence) Act 2012*. This is centrally relevant because the challenge to the Queensland statute in Pompano was a challenge to the operation of the criminal intelligence provisions in that Act.

The majority was constituted by Hayne, Crennan, Kiefel and Bell JJ. They said:

> Contrary to a proposition which ran throughout the respondents' submissions in this case, noticing that the Supreme Court must take account of the fact that a respondent cannot controvert criminal intelligence does not seek to deny the allegation of legislative invalidity by asserting that the Supreme Court can be 'relied on' to remedy any constitutional infirmity or deficiency in the legislative scheme. Rather, it points to the fact that under the impugned provisions the Supreme Court retains its capacity to act fairly and impartially. Retention of the Court's capacity to act fairly and impartially is critical to its continued institutional integrity.
>
> In this respect, it is useful to contrast the impugned provisions of the [Queensland Act] with the [New South Wales Act] considered in Wainohu. It will be recalled that the [New South Wales Act] provided that an eligible judge need not give reasons for declaring an organisation to be a declared organisation. That an eligible judge could choose to do so was not to the point. The [New South Wales Act] was held invalid as repugnant to or inconsistent with the institutional integrity of the Supreme Court of New South Wales. But in the present case, the [Queensland Act] does not in any way alter the duty of the Supreme Court to assess the cogency and veracity of the evidence that is tendered in an application for a declaration of an organisation as a criminal organisation.

It is not pellucidly clear that the majority were of the opinion that having the declaration function performed by the Supreme Court, as opposed to an eligible judge, was crucial to the validity of the legislation. It is certainly clear that the ability of the court to ensure the delivery of procedural fairness was central and it is also clear that the majority regarded the inherent characteristics of the judicial function as central to validity. It is, of course, easier to find these matters where the deciding authority is a court acting as a court. An 'eligible judge' has no such inherent jurisdiction or inherent characteristics to fall back upon.

For French CJ, the provisions of procedural fairness were central. He said:

> The effect of Pt 6 of the [Queensland Act] upon the normal protections of procedural fairness is significant. On the other hand, the Supreme Court performs a recognisably judicial function in determining an application under that Part. It is not able to be directed as to the outcome. It retains significant inherent powers and its powers under the [Uniform Civil Procedure Rules] in relation to the proceedings. The process is analogous in some respects to that used in the determination of public immunity claims in the exercise of the inherent power of the Supreme Court. The provisions of Pt 6 relating to an application for a criminal intelligence declaration do not impair the essential and defining characteristics of the Supreme Court so as to transgress the limitations on State legislative power derived from Ch III of the Constitution.

It is clear that, for Gageler J, the fact that it was the Supreme Court was central to validity:

> There should be no doubt and no room for misunderstanding. Procedural fairness is an immutable characteristic of a court. No court in Australia can be required by statute to adopt an unfair procedure. If a procedure cannot be adopted without unfairness, then it cannot be required of a court. '[A]brogation of natural justice', to adopt the language of the explanatory notes to the Bill for the [Queensland Act], is anathema to Ch III of the Constitution.
>
> Chapter III of the Constitution admits of legislative choice as to how, not whether, procedural fairness is provided in the exercise of a jurisdiction invested in, or power conferred on, a court. Procedural fairness can be provided by different means in different contexts and may well be provided by different means in a single context. The legislative choice as to how procedural fairness is provided extends to how procedural fairness is accommodated, in a particular context, to competing interests.…From that starting-point, it is sufficient to engage in an analysis that leads to the conclusion that nothing in the scheme of the [Queensland Act] or in procedural rules not excluded by the [Queensland Act] is necessarily sufficient to address that unfairness if it arises, but that the Supreme Court of Queensland retains inherent jurisdiction to stay a substantive application if unfairness becomes manifest. (emphasis added)

It is clear beyond argument from this discussion that the constitutionally safe course is to replace 'eligible judges' with the Supreme Court and to make consequential amendments to the Act. The Northern Territory did so in 2011 (*Serious Crime Control Amendment Act 2011*). After Pompano was decided, New South Wales amended a Bill already in Parliament to do so (Crimes (Criminal Organisations Control) Amendment Bill 2013). Victoria legislated using the Supreme Court in the *Criminal Organisations Control Act 2012*. The trend is clear. South Australia must now stand with the others, and with that legislative model that has been definitively ruled to be valid.

The opportunity has also been taken to make some minor adjustments to the Act that, on advice, are consistent with constitutionality and ameliorate the effect of transition to a court based system.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Serious and Organised Crime (Control) Act 2008*

4—Amendment of section 3—Interpretation

This clause amends section 3 to remove the definition of *eligible Judge* in addition to other definitions used in connection with provisions relating to eligible Judges.

5—Amendment of section 5A—Criminal intelligence

This clause deletes a provision of section 5A that is relevant only to proceedings before eligible Judges.

6—Repeal of section 8

Section 8, providing for the appointment of eligible Judges, is repealed by this clause.

7—Amendment of section 9—Commissioner may apply for declaration

Section 9 provides for applications for declarations to be made to eligible Judges. Under the section as amended by this clause, applications are to be made by the Commissioner of Police to the Supreme Court. A number of consequential amendments are made to the section, including the replacement of 'statutory declaration' with 'affidavit'.

The section as amended will also include a new requirement for the Commissioner to make a copy of an application available for inspection by a person whom the Court considers should be provided with an opportunity to inspect the application.

8—Amendment of section 10—Publication of notice of application

The amendments made to section 10 by this clause are consequential on the fact that applications are to be made to the Supreme Court rather than to an eligible Judge. Notice of an application is to advise interested parties of their rights in relation to making or providing submissions to the Court at the hearing of an application.

9—Amendment of section 11—Court may make declaration

Section 11 currently provides that an eligible Judge may make a declaration on an application under Part 2. This clause amends the section to replace references to eligible Judges with references to the Court.

10—Amendment of section 12—Notice of declaration

Section 12 provides that a declaration is of no effect until notice of it is published as required in the Gazette and in a newspaper circulating generally throughout the State. Under the section as amended, the notice will be of no effect until published as required unless the Court otherwise directs.

11—Amendment of section 14—Revocation of declaration

Section 14 provides for the revocation of declarations on application by the Commissioner or a person or organisation of a kind specified in subsection (1). As amended by this clause, the list of persons who can make applications will include persons whom the Court considers should be entitled to make an application in the interests of justice.

12—Substitution of section 15

This clause repeals section 15 and substitutes a new section.

15—Procedure at hearings

The proposed new section provides that the following are entitled to make oral submissions at the hearing of an application under Part 2:

- the Commissioner;
- the organisation to which the application relates;
- any person who is alleged in an affidavit supporting the application to be a member or former member of the organisation;
- any person who is a member or former member of the organisation or other person who may be directly affected (whether or not adversely) by the outcome of the application;
- any other person whom the Court considers should, in the interests of justice, be entitled to make submissions.

A party referred to above (an *interested party*) may also, with the permission of the Court, provide written submissions.

If an interested party is not the applicant, he or she may file affidavits in response to the application, and the applicant may file affidavits in response to any affidavit filed by an interested party. At the hearing, the applicant or an interested party may adduce oral evidence or cross-examine a person who has given evidence or provided an affidavit if the Court considers that it is in the interests of justice to permit the evidence or cross-examination. The Court may require a person who applies to adduce evidence or cross-examine another party to file a notice of contention specifying the grounds on which the application is made.

13—Repeal of section 16

Section 16, which requires an eligible Judge to make reasons for a declaration or decision available, and to ensure that the reasons are published in the Gazette, is repealed by this clause.

14—Amendment of section 18—Practice and procedure

Section 18 as amended by this clause will provide that, in proceedings in relation to applications under Part 2, the Court is not bound by the rules of evidence but may inform itself on any matter as it thinks fit. The Court must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

15—Substitution of section 19

Section 19 is repealed as the regulation making power provided by the section is no longer required. A new section, providing that the commencement of an appeal against a declaration does not affect the operation of the declaration, is substituted.

16—Amendment of section 22—Court may make control order

Section 22 as amended by this clause will require the Court, in determining an application for a control order, to have regard to the reasons given by the Court for making any relevant declaration.

17—Amendment of section 22A—Interim control orders

Under section 22A as amended by this clause, the Court may make an interim control order if satisfied that it is appropriate to make the order in all of the circumstances.

18—Amendment of section 22C—Variation or revocation

Under section 22C, an application for the variation or revocation of a control order can only be made by the respondent with the permission of the Court. The section currently provides that permission may only be granted if the Court is satisfied that there has been a substantial change in the relevant circumstances since the control order was made or last varied. Under the section as amended, the giving of permission to make an application is entirely at the discretion of the Court.

19—Amendment of section 22D—Right to object if interim order made ex parte

Section 22D currently requires that a copy of a notice of objection be served on the Commissioner of Police by registered post at least 21 days before the day appointed for hearing of the notice. As amended, the section will simply require that a copy of the notice be served on the Commissioner by registered post.

20—Amendment of section 39U—Representation of unincorporated group

The amendment made by this clause is consequential.

21—Amendment of section 39W—Costs

The amendments made by this clause are consequential.

22—Amendment of section 39Y—Use of evidence or information for purposes of Act

This clause amends section 39Y to make it clear that information properly classified as criminal intelligence may be used by law enforcement and prosecution authorities for the purposes of the Act and may be admitted in evidence or otherwise used in proceedings under the Act.

Schedule 1—Related amendment of *Serious and Organised Crime (Unexplained Wealth) Act 2009*

1—Insertion of section 43A

This clause amends the *Serious and Organised Crime (Unexplained Wealth) Act 2009* by inserting a new section based on section 39Y(1) of the *Serious and Organised Crime (Control) Act 2008*. The section provides that evidence or information obtained by the lawful exercise of powers under an Act or law may be used by law enforcement and prosecution authorities for the purposes of the Act and is not inadmissible merely because it was not obtained for the purposes of the Act.

Debate adjourned on motion of Ms Chapman.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:11): Obtained leave and introduced a bill for an act to amend the Child Sex Offenders Registration Act 2006; and to make related amendments to the Bail Act 1985; the Criminal Law (Forensic Procedures) Act 2007 and the Summary Offences Act 1953. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:12): I move:

That this bill be now read a second time.

The Child Sex Offenders Registration Act 2006 requires child sex offenders to register with the Commissioner of Police. These people are known as 'registrable offenders'. Depending on the offence or offences for which the registrable offender has been convicted, registration is mandatory for eight or 15 years or life, or for a discretionary period specified in a court order. Under the act these registrable offenders are required to make an initial report to SAPOL of certain personal information, must report annually and must update SAPOL when certain information changes. Registrable offenders are precluded from undertaking child-related work.

In response to a request from the Commissioner of Police, the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2013 was drafted to:

- significantly tighten and strengthen the reporting requirements under the act;
- create a new category of a serious registrable offender for whom the Commissioner of Police will have enhanced monitoring powers, including the power to order electronic tracking, search their premises and require far more frequent reporting;
- amend the Bail Act 1985 so that unless a bail authority is satisfied that a person accused of a child sex offence poses no risk to the safety and wellbeing of children, the accused will be subject to a bail condition that they cannot engage in child-related work;
- ban all registrable offenders from working as taxi or hire car drivers;
- update the list of commonwealth child sex offences that trigger operation of the state act;
- for a limited category of child sex offenders, empower the Commissioner of Police to modify the operation of the act;
- strengthen provisions so that persons charged with a child sex offence, or suspected of committing a child sex offence, must provide police with details of their employment;
- empower police to contact employers to verify the information provided by the accused person and notify the employer of the charge.

The last two changes implement recommendations 28 and 29 in the report of the independent education inquiry, undertaken by the Hon. Bruce Debelle.

The bill takes a balanced approach to ensure that children are better protected and to ensure that the act targets those offenders who pose a risk to the safety and wellbeing of children. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Serious Registrable Offenders and Electronic Tracking

SAPol requested enhanced powers to enter and search premises of high risk registrable offenders.

The Bill contains amendments that create a new category of offender called a 'serious registrable offender'. Under these amendments, any registrable offender who commits:

- on at least three separate occasions a class 1 or class 2 offence; or
- on at least two separate occasions a class 1 or class 2 offence against a person or persons under the age of 14 years,

will be deemed a 'serious registrable offender'.

In addition, the Commissioner of Police may also declare a registrable offender to be a 'serious registrable offender'. This decision can be appealed to the Administrative and Disciplinary Division of the District Court, and on application by the registrable offender the Commissioner of Police must provide written reasons for the decision.

Under the Bill, an authorised SAPol officer will have the power to enter and search the premises of a serious registrable offender to ensure he or she is complying with his or her obligations under the CSOR Act. In addition, by way of written notice the Commissioner of Police will be able to require a serious registrable offender to report more frequently.

The Commissioner of Police will also have the power to impose a condition on a serious registrable offender that they wear or carry an electronic tracking device. If the serious registrable offender removes or does not carry the device in order to attempt a breach, the act of removing or not wearing the device is a breach itself. It is important to note that the Commissioner of Police does not currently have access to the technology to implement electronic tracking of offenders. The purpose of this amendment is to ensure that the Commissioner of Police is positioned to use this technology when it becomes available.

DNA

The Bill contains amendments to the *Criminal Law (Forensic Procedures) Act 2007* such that registrable offenders may be required by SAPol to provide a DNA sample. This will allow SAPol to collect a DNA sample when a person first becomes a registrable offender, as well as collect samples from any current registrable offender (allowing a back-capture of the DNA of those persons currently registered).

Under these amendments SAPol will be authorised to conduct a simple forensic procedure on current registrable offenders even if they were sentenced before the State's first DNA legislation, the *Criminal Law (Forensic Procedures) Act 1998*, commenced on 25 July 1999.

Penalties and Offences

Currently, there are two offences created under the CSOR Act, being:

- Section 44 offence of failing to comply with reporting obligations, with a maximum penalty of $10,000 or 2 years imprisonment; and
- Section 45 offence of furnishing false or misleading information in purported compliance with the CSOR Act, with a maximum penalty of $10,000 or 2 years imprisonment.

The Bill includes an amendment to create a new more serious offence with an increased penalty of 5 years imprisonment and a fine of $25,000. SAPol support this increase.

This higher penalty applies when a breach of the CSOR Act (or the provisions of false information) involves working with children or reportable contact with children.

Change of Name

The Bill inserts new restrictions concerning registrable offenders changing their name.

Under the amendments, a registrable offender will not be able to change their name unless the Commissioner of Police consents.

Initial Reports and Reporting Timeframes

The Bill includes amendments whereby registrable offenders are required to make their initial report to police within 7 days of release from custody or from sentencing.

In line with this change amendments have also been drafted that reduce other time frames, such as the time frame for reporting changes in personal circumstances, to 7 days. This consistent approach should reduce any confusion for registrable offenders as to what their reporting requirements are.

The Bill also proposes amendments to cure an issue identified by SAPol whereby an offender cannot be registered in SA under the CSOR Act unless they spend 14 consecutive days in SA. This time frame will be shortened to 7 days to be consistent with other reporting time frames, as well as to reduce the ability to border hop to avoid registration. Other time frames, such as reporting travel, are also being reduced.

Valid Passports

The Bill also sets out a number of amendments whereby registrable offenders are required to:

- present any valid passports at their initial report and provide and update passport details annually (as part of their relevant personal information); and
- present their passport when returning from overseas travel.

Paedophile Restraining Orders

Currently, at the time that a paedophile restraining order (PRO) is made against a person, a court may also order that the person comply with the CSOR Act. However, if this application is not made at the time the PRO is made, there is no power to apply to the court at a later date for the person to be subject to the CSOR Act.

The Bill changes this and contains amendments such that an application may be made to the court by a police officer at any time, in regards to a person who is the subject of a PRO, for an order that the person comply with the reporting requirements of the CSOR Act. In such cases the court will determine for how long these reporting requirements will apply.

Enhanced Reporting Requirements

To address concerns raised by SAPol with respect to the administration of the CSOR Act, the Bill includes amendments to give the Commissioner of Police the power, by way of a notice served on the registrable offender, to specify:

- an actual date on which the registrable offender must make their annual report to the Commissioner of Police in accordance with the CSOR Act; and/or
- that the annual report must take place at the current address of the registrable offender.

In addition, the Commissioner of Police has the power to declare that a registrable offender:

- who has a low risk of re-offending may make their reports by alternative means, such as email or via a secure SAPol database; and

- a registrable offender, who is physically no longer able to comply with the reporting requirements of the CSOR Act, is exempt from the reporting requirements of the CSOR Act.

These amendments address some practical difficulties experienced by SAPol, particularly in regional areas whereby authorised police officers may visit a registrable offender at their home in a remote or regional area for the purpose of completing their annual review in person and the person may refuse to undertake the review on that day. There may also be numerous registrable offenders in that area and officers are unable to currently arrange reviews to occur within the same period of time.

This new process will allow the Commissioner of Police to notify the registrable offenders in one regional area of a date, time and place for their annual reviews, allowing officers to undertake numerous reviews in an area during one visit. This process also allows authorised officers to actively arrange the annual reporting, rather than rely on the registrable offender to undertake their annual report within the specified time frame.

Given that it is inevitable that some of the registrable offenders will become incapacitated making reporting impossible, these amendments also ensure that for such offenders an exemption may be granted.

Contact with Children

Under the Bill, there are substantial amendments to tighten and clarify the reporting requirements of registrable offenders with respect to contact with children. These amendments will require registrable offenders to report both supervised and unsupervised 'reportable contact' with children once there has been three occasions of that contact within a 12 month period, and to make this report within 2 days of the third contact occurring.

This proposed amendment was developed through extensive consultation with SAPol and with reference to the Victorian Law Reform Commission Report (the VLRC Report) into a review of the laws governing the registration of sex offenders and the use of information about registered sex offenders by law enforcement and child protection agencies.

Under the Bill 'reportable contact' is defined as:

- any form of physical contact or close physical proximity with the child; or
- any form of communication with the child (whether in person, in writing, by telephone or other electronic device).

where the contact with the child:

- occurs in the course of the person visiting or residing at a dwelling or supervising or caring for the child; or
- involves the person providing contact details to the child or obtaining contact details from the child or otherwise inviting (in any manner) further contact or communication between him or her and the child.

For the avoidance of any doubt, the Bill also specifically provides that 'reportable contact' includes contact that is supervised.

Under this proposed amendment, if a registrable offender has any sort of the above 'reportable contact' with a child on three occasions within 12 months from the date of the first contact, it would be reported. The report would be due within 2 days of this third occasion.

This could be a combination of any of the types of 'reportable contact' for example, it would cover a person who may spend the night at their home on one occasion, but then follows that contact up with two emails.

This amendment also removes any reference to the contact being 'unsupervised' as this is difficult to define and most importantly, there have been cases where offending has occurred whilst the child and offender were in the company of others (for example, under a shared blanket in a dark room whilst watching television in the company of others). Furthermore, grooming can occur even if contact is supervised, i.e., in the company of others.

Tightening these time frames means that this regular 'reportable contact' with children is reported sooner and allows an earlier assessment by SAPol of any associated risk to the child.

Criminal Intelligence

The Bill amends the CSOR Act such that any criminal intelligence used by the Commissioner of Police in making a decision is protected.

For consistency across the statute books, the Bill inserts a proposed definition of 'criminal intelligence' that is identical to the existing provision within the *Serious and Organised Crime (Control) Act 2008*.

In the Bill, 'criminal intelligence' is defined to mean:

> 'information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety'.

Under the Bill, if any decision is made by the Commissioner under the CSOR Act because of information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

Furthermore, under the amendments contained within the Bill, in any proceedings under this Act, the court determining the proceedings:

- must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and
- may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of Superintendent.

This proposed provision will ensure that information acted upon that is 'Criminal intelligence' is protected throughout any appeal process and is also consistent with the existing provision within the *Serious and Organised Crime (Control) Act 2008*.

Taxi Drivers and Children

The Bill amends the CSOR Act so that taxi-drivers and hire-car drivers are inserted into the definition of 'child-related work'. This means that under the CSOR Act it is an offence for a registrable offender to be a taxi-driver or hire-car driver.

Currently under the CSOR Act, registrable offenders are precluded from applying for or being engaged in work (which includes volunteering) involving contact with a child in connection with a number of areas of work. However, driving a taxi is not included.

Bail

The Bill amends the *Bail Act 1985* so that every person charged with a class 1 or class 2 offence is subjected to an automatic condition of bail that the person not engage in child-related work. The condition can be varied or revoked by the bail authority but only if there are cogent reasons for doing so, and only if the bail authority is satisfied that the applicant engaging in child-related work will not pose a risk to the safety and well-being of children.

Summary Offences Act

The Bill amends section 74A of the *Summary Offences Act 1953* to give police officers the power to require a person to state the name and address of that person's place of employment if the police officer has reasonable cause to suspect that the person has committed, is committing, or is about to commit a sexual offence involving a child.

This amendment implements Recommendation 29 from the Report of the Independent Education Inquiry.

Commonwealth and State Offences

A number of child sex offences that were contained within the *Crimes Act 1914* (Cth) have been repealed and replaced with offences now in the Criminal Code. Under the Bill, the list of class 1 and class 2 offences that trigger the operation of the CSOR Act are updated to reflect these changes. Any new Commonwealth child sex offences are also listed.

Section 270B of the *Criminal Law Consolidation Act 1935* ('the CLC Act') creates the offence of assault with intent, being the offence of assaulting another person with the intent to commit an offence against the person (as well as other offences to which the section applies).

Currently, a person charged with an offence against section 270B is not captured by the CSOR Act, even if the offence they intended to commit is listed as a class 1 or class 2 offence that trigger the operation of the CSOR Act.

Therefore, the Bill makes amendments to the CSOR Act so as to include within the list of class 1 and class 2 offences the offence of assault with intent, when the offence intended to be committed is a class 1 or class 2 offence.

Temporary Modification of Reporting under the CSOR Act

In order to ensure that SAPol powers and resources are directed towards those offenders who pose the most risk to the safety and well-being of children, the Bill amends the CSOR Act such that the Commissioner of Police has the power to modify the operation of the CSOR Act with respect to a limited group of offenders.

As the number of persons registered under the CSOR Act increases it will become more difficult to continue to monitor all registrable offenders. Resources should be directed towards those offenders who pose a risk to safety and well-being of children, but at present the same resources must be directed to all offenders regardless of their level of risk.

The Bill makes amendments to the CSOR Act such that registrable offenders who have been convicted of the following offences will be eligible to apply to the Commissioner of Police for a modification of their reporting obligations if the offender meets certain criteria:

- an offence against section 49(3) of the CLC Act (unlawful sexual intercourse) with a person under the age of 17 but above the age of 14;

- an offence against section 56 of the CLC Act (indecent assault); and
- an offence against section 58 of the CLC Act (gross indecency).

Under these amendments, the registrable offender must have been registered under the CSOR Act for 12 months, have undertaken their first annual report, and have not breached the CSOR Act at any time.

In addition to the above criteria, under the Bill the following registrable offenders would be ineligible to make an application to the Commissioner:

- offenders who refuse to participate in a risk assessment; or
- offenders who have breached the CSOR Act; or
- offenders who have offended against more than one victim; or
- offenders whose victim had not reached the age of 14 years; or
- offenders who were more than ten years older than the victim at the time of the offence; or
- offenders who committed the offences or offences against a victim with whom they had contact with via child-related work.

In addition, when making the decision to modify the registrable offender's reporting requirements under the CSOR Act, the Commissioner of Police will be required, to the extent that it is possible, to take into account the following factors in making a decision:

- a risk assessment undertaken with respect to the offender;
- any victim impact statement;
- the sentencing remarks;
- the offences charged, any prior convictions and any offences taken into account during sentencing; and
- any other information the Commissioner of Police considers appropriate (which is noted in the Bill as including whether or not the victim consented and whether any consent of the victim was obtained through grooming).

In making a decision about whether reporting requirements should be modified for a registrable offender, the Commissioner of Police must provide reasons for the decision if requested by the registrable offender.

Under the Bill, there is a right of appeal from a decision of the Commissioner of Police which would be heard in the Administrative and Disciplinary Division of the District Court.

If a registrable offender, who has had his or her reporting requirements modified, reoffends, their original offence(s) will count towards any future operation of the CSOR Act and in addition, any modification of the reporting obligations will be automatically revoked upon conviction.

The Commissioner of Police can also revoke the modification if there is any change in circumstances.

Ultimately, this proposed reform is about getting smarter about how the CSOR Act operates. At the moment, the same resources have to be dedicated to both high and low risk offenders. SAPol have asked for the ability to modify reporting requirements for certain low-risk offenders so that resources can be 'freed up' to be applied to the offenders who pose a risk to the safety of children.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of section 4—Interpretation

This clause inserts definitions for criminal intelligence, reportable contact, registrable repeat offender and serious registrable offender. Criminal intelligence has the same meaning as in the other Acts in which it is used. Reportable contact is defined in proposed section 13(4). A registrable offender is a registrable repeat offender if he or she has committed on least 3 separate occasions, a class 1 or class 2 offence, or on at least 2 separate occasions, a class 1 or class 2 offence and the victim was less than 14 years old. A serious registrable offender is a registrable repeat offender or a registrable offender who has been declared to be a serious registrable offender under proposed Part 2A.

5—Insertion of section 5A

This clause inserts a new section as follows:

5A—Criminal intelligence

The proposed section provides that if a decision is made under the Act by the Commissioner, based on information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds. The Commissioner may not delegate the function of classifying information as criminal intelligence for the purposes of the Act except to a Deputy Commissioner or Assistant Commissioner of Police. The proposed section provides that the court determining the proceedings must maintain the confidentiality of the criminal intelligence. The provision is consistent with those in other Acts dealing with criminal intelligence.

6—Amendment of section 6—Who is a registrable offender?

Section 6 is amended to clarify the wording of (4)(a) and (b) and to add an exclusion for 2 class 2 offences more than 15 years ago.

7—Amendment of section 9—Child sex offender registration order

Currently, the Magistrates Court may make an order that a person comply with the requirements of the Act at the same time as a restraining order is made under section 99AA of the *Summary Procedure Act 1921*. This clause extends that power and provides that the Magistrates Court may make an order that a person complies with the requirements of the Act at any time while the person is subject to a restraining order under section 99AA of the *Summary Procedure Act 1921*.

8—Amendment of section 10—Appeal against order

Section 10(1) is substituted so that an appeal against the making of a child sex offender registration order by the Magistrates Court lies to the Supreme Court constituted of a single judge.

9—Insertion of Part 2A

This clause inserts a new Part as follows:

Part 2A—Serious registrable offender declarations

10A—Serious registrable offender declarations

The inserted provision provides that the Commissioner may declare a registrable offender to be a serious registrable offender if satisfied that the registrable offender is at risk of committing further class 1 or class 2 offences. The Commissioner may revoke the declaration, at any time, on his or her own initiative or on application by the serious registrable offender.

10B—Appeal against declaration

This provision gives a right of appeal to a registrable offender who is aggrieved by a decision of the Commissioner in relation to him or her under proposed Part 2A.

10—Amendment of section 11—When initial report must be made

Amendments made by this clause reduce the time by which an initial report must be made to 7 days in all cases, from 28 and 14 days respectively (depending on the category of the registrable offender).

11—Amendment of section 12—When new initial report must be made by offender whose previous reporting obligations have ceased

This clause reduces the timeframe within which registrable offenders whose previous reporting obligations have ceased must make a new report from 28 or 14 days (depending on the circumstances) to 7 days.

12—Amendment of section 13—Initial report by registrable offender of personal details

This clause has 2 purposes. Firstly, it expands the personal details that a registrable offender must report to include his or her postal address for service, the names and ages of any children that the offender usually resides with, the names and ages of any children that the offender will have reportable contact with and, where the offender has a valid passport, the passport number, date and place of issue and date of expiry of the passport. Secondly, the clause defines *reportable contact*. Reportable contact occurs if an offender has, on 3 occasions within a 12 month period, had any form of physical contact or proximity with a child (whether supervised or unsupervised) or any form of communication with the child (whether in person, in writing, by telephone or other electronic device) while the person is visiting or residing at a dwelling, or caring for or supervising the child or involving the provision, or obtaining, of contact details or any other invitation of further contact or communication.

13—Amendment of section 14—Persons required to report under corresponding law

Under this clause a registrable offender under a corresponding law will be required to report under this Act if he or she remains in the State for 7 or more consecutive days (currently 14 or more).

14—Amendment of section 15—Registrable offender must report annually

This clause allows the Commissioner to set the date on which a registrable offender must make an annual report. If the Commissioner does not specify a date, the default date is the end of the calendar month in which the anniversary of the last annual report by the offender under this Act or a corresponding law falls.

15—Insertion of section 15A

This clause inserts a new section as follows:

15A—Serious registrable offender may be required to make additional reports

The inserted section allows the Commissioner, by declaration, to impose additional reporting requirements on a serious registrable offender if the Commissioner has reason to suspect that the offender may not comply with his or her reporting requirements, or poses a risk to the safety and well-being of children. A declaration by the Commissioner can only operate for a total of up to 2 years. The proposed section also, however, allows the Magistrates Court, on application by the Commissioner, to impose additional reporting requirements and such an order is not subject to the same 2 year limitation. A declaration or order under the proposed section ceases to be of any force or effect on the expiration of the serious registrable offender's reporting period. A definition for *additional reporting requirements* has also been inserted, and limits an order being made that requires a registrable offender to report more frequently than monthly.

16—Amendment of section 16—Registrable offender must report changes to relevant personal details

This clause shortens relevant reporting periods under section 16 from 14 and 28 days to 7 days. The clause also requires changes in personal details occurring during a suspension of reporting requirements to be reported within 7 days of cessation of the suspension.

17—Amendment of section 17—Intended absence from South Australia to be reported

A registrable offender who intends to leave South Australia for a period of 7 consecutive days or more will be required to report intended travel details within 7 days of the intended travel. Currently, registrable offenders are only required to report absence from South Australia if the registrable offender intends to be absent for 14 or more consecutive days.

18—Amendment of section 19—Registrable offender to report return to South Australia or decision not to leave

Amendments made to this section shorten the timeframe within which a registrable offender must report on his or her return to South Australia or where he or she has decided not to leave the State. In addition, if the registrable offender travelled out of Australia, he or she must present his or her passport for inspection and copying within 14 days of his or return to South Australia under the section as amended.

19—Insertion of section 20A

This clause inserts a new section as follows:

20A—Report of reportable contact

The proposed section requires that a registrable offender report *reportable contact* with a child within 2 days of the reportable contact occurring. This means that reporting is required within 2 days after the third occasion of contact with the child.

20—Amendment of section 21—Where report is to be made

These provisions expand on the locations that registrable offenders might make their reports. Offenders must, if directed by the Commissioner, report from their usual residential premises or at a particular police station or, if no such direction is given, must report at a place approved (either generally or in a particular case) by the Commissioner.

21—Amendment of section 22—How report is to be made

These amendments specify various reports that must be made in person. The provision, however, allows a registrable offender to report by electronic means (including by email or other form of electronic transmission) if the Commissioner so approves either generally or in the particular case. In addition, the amendments clarify the position for children and people with a disability that makes reporting impossible or impracticable.

22—Amendment of section 23—Right to privacy and support when reporting

This clause is consequential to the increase in flexibility in terms of where a registrable offender can report.

23—Amendment of section 25—Additional matters to be provided

The section as amended requires that if a registrable offender attends to report in person, he or she must provide a copy of his or her current passport for inspection and photocopying. Currently, this is not a reporting requirement.

24—Amendment of section 32—Suspension of reporting obligations

Changes made by this clause are consequential to the insertion of Part 5A and clarify that a period during which reporting requirements are suspended will not count towards a total reporting period expressed as a number of years.

25—Insertion of section 36A

This clause inserts a new section as follows:

36A—Division doesn't apply to additional reporting obligations

The proposed section provides that the provisions about reporting requirements in Division 5 do not apply to additional reporting requirements under proposed section 15A (which will be governed by the relevant declaration or order).

26—Amendment of heading

The change to the heading to Part 3 Division 6 is consequential to the insertion of proposed Part 5A.

27—Amendment of section 38—Order for suspension

This clause has 2 purposes. Firstly, it makes a minor terminology change, directing the Supreme Court to consider the 'safety and well-being' of children, rather than only the sexual safety of children, when making an order suspending reporting requirements. Secondly, it directs the Supreme Court, when making an order suspending reporting requirements under the Act, to consider whether the registrable offender has ever been subject to a declaration or order under proposed Part 2A or proposed section 15A.

28—Amendment of section 44—Offences of failing to comply with reporting obligations

Section 44 is amended to create a further offence of failing to comply with a reporting obligation relating to reportable contact with a child without a reasonable excuse. The maximum penalty for the offence is a $25,000 fine or imprisonment for 5 years.

29—Amendment of section 45—Offences of furnishing false or misleading information

The amendment to this section makes it an offence to furnish information in relation to reportable contact with a child that the person knows to be false or misleading in a material particular, the maximum penalty being $25,000 or imprisonment for 5 years.

30—Amendment of section 48—Notice to be given to registrable offender

This provision is consequential and provides that a registrable offender be given notice of certain matters under the Act.

31—Amendment of section 60—Register of child sex offenders

Amendments made by this clause provide for information relating to declarations under Part 2A and 5A and requirements under section 66G to be recorded in the Register of child sex offenders.

32—Substitution of heading to Part 5

The change to the heading of Part 5 reflects that the Part will be broader in scope under the proposed measure.

33—Amendment of section 64—Interpretation

Amendments to this section have 2 purposes. Firstly, the definition of *child related work* is expanded to include taxi services and hire car services. Secondly, consequential to the insertion of section 66, the amendments provide the circumstances in which proceedings are considered finalised for the purposes of the Part.

34—Insertion of section 65A

This clause inserts a new section as follows:

65A—Offence to fail to disclose certain matters to Commissioner

This provision allows the Commissioner to give a person arrested or reported for a class 1 or class 2 offence a written notice requiring the person to provide the Commissioner with information as to whether or not he or she currently engages in any work, has applied for any work, or will commence engaging in any work, as well as the details of that work. A notice under this section must be served on the person to whom the notice relates personally and is not binding on the person until so served. In order to effect service, a police officer may require a person to remain at a particular place, or detain the person for a period of up to 2 hours. A person who fails to comply with a notice given to the person under the proposed section is guilty of an offence, and may be liable to a maximum penalty of a $10,000 fine or imprisonment for 2 years. Further, the inserted section allows a police officer to make such enquiries as the officer thinks necessary to verify information required under a notice, including advising any employer or prospective employer of a person that the person has been arrested or reported for a class 1 or class 2 offence.

35—Substitution of section 66

This section substitutes a new section 66 as follows:

66—Offence to fail to disclose arrest or report

The proposed section creates 3 new offences. Firstly, a person engaged in child-related work who is arrested or reported for a class 1 or class 2 offence must disclose that fact to his or her employer within 7 days of being so arrested or reported. Secondly, a person who applies for child-related work and who has

been arrested or reported for a class 1 or class 2 offence must disclose the arrest or report to his or her prospective employer at the time of making the application. Finally, a person who has applied for child-related work and who, while the application is still current, is arrested or reported for a class 1 or class 2 offence must disclose that fact to his or her prospective employer. Child related work includes work performed under a contract for services. The maximum penalty for each offence is a $5,000 fine. Under the inserted section, the Commissioner may give a person a notice advising of his or her obligations under the section and the consequences that may arise if the person fails to comply with those obligations. If a person is given a notice, the Commissioner must ensure that a determination is made, within a reasonable time, as to whether to charge the person with a class 1 or class 2 offence. It is a defence to a charge of an offence under the section if the person did not receive notice or was otherwise unaware of the obligation, or if the person did not know that the work was child-related work.

36—Insertion of Part 5A

This clause inserts a new Part which provides powers for the Commissioner to modify the reporting requirements of registrable offenders in appropriate cases as follows:

Part 5A—Modifications and suspensions granted by Commissioner

66A—Power to make declaration modifying reporting obligations

The proposed section gives the Commissioner a general power to make a declaration, on application by a registrable offender, modifying the offender's reporting requirements under the Act. The Commissioner may require that a registrable offender participates in a risk assessment prior to considering an application. The proposed section also provides factors the Commissioner must take into account and sets out circumstances in which a declaration may not be made.

66B—Power to make declaration suspending reporting obligations of registrable offender with disability

Under proposed section 66B, the Commissioner has the power to suspend a registrable offender's reporting obligations if satisfied that the registrable offender has a disability that makes it impossible for the offender to satisfy his or her reporting obligations and does not pose a risk to the safety and well-being of children. The Commissioner may exercise this power on application by a person or of his or her own motion.

66C—General provisions relating to declarations under Part

The proposed section provides that applications for a declaration under the new Part must be made in the prescribed manner and form and be accompanied by the fee (if any) prescribed by regulation. An application for a declaration under the new Part may only be made if more than 12 months have elapsed since the last application was made by the person. In addition, the Commissioner may vary any declaration made at any time, and may revoke a declaration if the person is arrested for a class 1 or class 2 offence, or if any of the grounds upon which the declaration was made change.

66D—Appeal to District Court

This proposed section provides for an appeal to the Administrative and Disciplinary Division of the District Court by an offender who is aggrieved by a decision made by the Commissioner under the new Part.

37—Insertion of sections 66E, 66F and 66G

This clause inserts 3 new sections in Part 6 as follows:

66E—Change of name of registrable offender

This provision requires that a registrable offender obtain the Commissioner's written permission before changing, or applying to change, the offender's name under the *Births, Deaths and Marriages Registration Act 1996* or a law corresponding to that Act. A failure by the registrable offender to obtain the Commissioner's written permission before changing or applying to change his or her name is an offence which carries a maximum penalty of a $10,000 fine or imprisonment for 2 years. In addition, a court that convicts a person of an offence against the section may declare a change of name registered under the *Births, Deaths and Marriages Registration Act 1996* in relation to the person to be void.

66F—Power to enter and search premises

This provision gives a police officer the power to enter into, break open and search any premises that the police officer suspects on reasonable grounds are occupied by, or under the care, control or management of, a serious registrable offender. In exercising the power, the police may inspect, or remove and inspect, any computer or device capable of storing electronic data at those premises. In addition, if data stored on a computer or other device being inspected or removed by a police officer requires a password, the registrable offender must provide the password. Failure to do so constitutes an offence, with the maximum penalty being imprisonment for 2 years.

66G—Tracking devices

This provision allows the Commissioner to issue a requirement to a serious registrable offender that he or she wear or carry a tracking device supplied by the Commissioner for the purpose of monitoring his or her whereabouts. The serious registrable offender to whom it is issued must wear or carry the device, take reasonable care to maintain the device undamaged and comply with all reasonable directions

of the Commissioner in relation to the device during the period for which the requirement applies. The Commissioner may vary or revoke a requirement under this section at any time, on his or her own initiative or on application by the serious registrable offender. The proposed section also includes appeal provisions for a registrable offender against decisions made by the Commissioner under the proposed section.

38—Amendment of section 67—Confidentiality of information

Changes to this section are consequential.

39—Insertion of section 72A

This clause inserts a new section as follows:

72A—Service

The proposed section inserts standard provisions regarding service, necessary to allow the service of notices and other documents on registrable offenders.

40—Amendment of Schedule 1

This clause updates Schedule 1 by designating new relevant State and Commonwealth criminal offences as class 1 and class 2 offences.

Schedule 1—Related amendments

Part 1—Related amendments to *Bail Act 1985*

1—Amendment of section 11—Conditions of bail

This clause amends the Bail Act to provide that a bail applicant who is charged with a class 1 or class 2 offence will be subject to conditions that the applicant agrees not to apply for, or to engage in, child related work. A bail authority may only vary or revoke those conditions if satisfied that there are cogent reasons for doing so and the applicant for bail will not pose a risk to the safety and well being of children.

Part 2—Related amendment to *Criminal Law (Forensic Procedures) Act 2007*

2—Amendment of section 20—Offenders procedures

The effect of this provision is that any person who is a registrable offender under the *Child Sex Offenders Registration Act 2006* may be subjected to a simple identity procedure (i.e. the taking of prints of the hands or fingers or the taking of forensic material from a person by buccal swab or finger-prick for the purpose of obtaining a DNA profile) under the *Criminal Law (Forensic Procedures) Act 2007*.

Part 3—Related amendment to *Summary Offences Act 1953*

3—Amendment of section 74A—Power to require statement of name and other personal details

Under section 74A a police officer may require a person to state their personal details if he or she has reasonable cause to suspect that the person has committed, is committing, or is about to commit, an offence or may be able to assist in the investigation of an offence or a suspected offence. At present 'personal details' is defined to include a person's 'business address' but the proposed amendment would provide a broader alternative that is applicable where the police officer has reasonable cause to suspect that a person has committed, is committing, or is about to commit a sexual offence involving a child or children and that includes the name and address of any place where the person works as an employee, independent contractor, volunteer or in any other capacity).

Debate adjourned on motion of Ms Chapman.

MINING (ROYALTIES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (16:16): Obtained leave and introduced a bill for an act to amend the Mining Act 1971. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (16:16): I move:

That this bill be now read a second time.

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

Leave granted.

In the 2012-13 Mid-Year Budget Review, the Government announced reforms to the timing of royalty payments collected by the State, for producers with expected annual royalties in excess of $100,000 required to make royalty payments monthly in arrears from 1 July 2013. This Bill reflects those reforms for mineral producers who pay royalties under the *Mining Act 1971*.

This change to royalty collections was estimated in the Mid-Year Budget Review to provide a one-off benefit to the State of $31.6 million in the 2013-14 financial year.

The revised payment arrangement aligns South Australian royalty payments for large mineral producers with the timing of royalty payments in some other Australian jurisdictions. In addition, it aligns large mineral producers' royalty payment arrangements with royalty arrangements for South Australian petroleum and geothermal producers.

The amendments set out in this Bill have no impact on producers with an annual royalty liability of less than $100,000.

Mineral royalty provides a significant income stream to South Australia, collecting $119 million in royalty receipts in 2011-12. Approximately $79 million of the total mineral royalties collected in 2011-12 was paid quarterly due to specific producer indenture terms which differ from payment conditions set out in the current *Mining Act 1971*.

Amendments to indenture arrangements will be progressed separately to this Bill.

Only around 30 producers of a total of around 300 mineral producers in the State are expected to be affected by these changes. The 30 producers represent almost 95 per cent of the total mineral royalty revenue received by the State.

While legislation changes the timing of payments for major producers, the administrative arrangements previously applied will not change. Specifically all producers that may pay royalties on behalf of a grouping will continue to do so as they have done over the years. To ensure there is consistency and clarity, the mineral producer likely to have an annual royalty liability of $100,000 or more will be nominated as a designated miner captured by the proposed amendments.

In accordance with the *Mining Act 1971*, producers are currently required to provide a six monthly return with their royalty payment which summarises production and sales data relevant to the royalty period. While the new payment arrangements will require major mineral producers to make monthly royalty payments, the returns will continue to be required on a six monthly basis in July and January (covering the preceding six months) for all producers, minimising any administrative burden for producers.

In March each year, a 'notice of assessment' will be provided to each designated mining operator setting out the monthly payment schedule, for the next financial year. A transitional provision included in the Bill allows for the initial notice to be given after the Bill is passed.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure is to be taken to have come into operation on 1 July 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 17D—When royalty falls due (general principles)

This is a consequential amendment in view of the enactment of proposed new section 17DA.

5—Insertion of section 17DA

17DA—Special principles relating to designated mining operators

New section 17DA will introduce a scheme under which mining operators who satisfy criteria set out in subsection (3) may be required, by the Minister, to pay royalty monthly in advance in respect of a particular financial year on the basis of estimates made by the Minister. The scheme will include half-yearly adjustments to take into account actual royalty calculations, and the Minister will be able to vary any assessment from time to time and to extend any date on which a payment of royalty would otherwise fall due.

Schedule 1—Transitional provision

1—Transitional provision

The Schedule sets out a transitional provision that will allow arrangements to be put in place so that the new scheme can be operational in relation to the 2013/2014 financial year.

Debate adjourned on motion of Ms Chapman.

WATER EFFICIENCY LABELLING AND STANDARDS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 19 June 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:17): I indicate that I will be speaking on the Water Efficiency Labelling and Standards (South Australia) Bill. This was a bill which, I understand, was introduced by the Hon. Ian Hunter in another place on 1 May this year. I have not read the debates, but I understand that it was passed, otherwise there would be little point of it being here, no doubt. In any event, this is a bill which implements a number of recommendations of a review of the Water Efficiency Labelling and Standards scheme (WELS).

The opposition will be supporting this bill as I assume, without having read the debates in the other place, that is exactly what we did in another place. However, there are a number of aspects of this bill that I wish to outline for the digestion of the house.

The bill will effectively apply the Water Efficiency Labelling and Standards Act—I was going to say 2005, but I do not think that is right. What has happened is that there was a scheme established back in 2005 under that act, and that had been developed as a result of the then Howard government—goodness me, I wish they were back in Canberra—developing an initiative as part of the then Council of Australian Governments' National Water Initiative, which set about establishing a scheme to provide certain efficiency labelling and standards to apply to water products, and I will expand on that in a moment.

As I understand it, in 2010, there was a review of the WELS scheme that had been established under the Howard government. I might not be right, but as I understand it, this was conducted as part of the previous commonwealth legislation which would necessitate there being a review. If I am incorrect on that, it might have been done on a voluntary basis.

It is not unusual legislation, especially when it is new and introduces new concepts, that there be a sunset clause or, alternatively, an automatic review of the new and novel legislation and, as I understand it, that is what occurred in this instance. In any event, there was a review. I am further advised that the Standing Council on Environment and Water agreed to most of the recommendations and, as a consequence, this bill was established.

I have also been provided with a copy of the Water Efficiency Labelling and Standards Amendment (Scheme Enhancements) Act 2012, which is the commonwealth act to amend the Water Efficiency Labelling and Standards Act 2005 and for other related purposes. That legislation has obviously passed, otherwise it would not be described as an act. In any event, I do note that the principal provision of the commonwealth legislation, which, as I said, came about as a result of the review and the recommendations that were made, is to establish a registration of WELS products.

I stand to be corrected, but as I understand it again, the previous 2005 legislation made provision for there to be a WELS scheme, but it did not result in there being a compulsory registration process. There were optional registration opportunities, as I understand it, but there were provisions for a number of other aspects to operate in each of the individual jurisdictions. Schedule 3, part 2 of the commonwealth 2012 act repealed the old 19(2) to (4) and substituted the following:

> (2) The WELS standard must require the products to be registered for the purposes of specified supplies of the product.
>
> (3) The WELS standard may require one or more of the following:
>
> (a) that the products comply with specified minimum water efficiency requirements for the purposes of specified supplies of the product;
>
> (b) that the products comply with specified minimum general performance requirements for the purposes of specified supplies of the product;
>
> (c) that the products comply with one or more requirements relating to plumbing imposed by or under a law of a State or Territory, as in force from time to time;
>
> (d) that a specified type of person or body certifies that the products comply with one or more requirements relating to plumbing imposed by or under a law of a State or Territory, as in force from time to time;
>
> (e) that the products be WELS-labelled for the purposes of specified supplies of the product.

The original WELS scheme was a joint initiative between the commonwealth, states and territories. As I say, my understanding is that it was a voluntary scheme and that it has morphed into a mandatory scheme. This is this compulsory registration model.

The objective of the whole exercise was to implement uniform water efficiency labelling and standards throughout Australia. The scheme legislates the minimum water labelling information and water efficiency standards that must be displayed at a point of sale, as well as through advertising on specific plumbing, sanitary and whitegoods products. Apparently, this does not include any energy information and, from what I read in the commonwealth legislation, that appears to be the case. As I say, the genesis of this scheme was under the Howard government.

The legislation which has been passed in addition to the commonwealth act that I have just referred to is the Federal Circuit Court of Australia (Consequential Amendments) Act 2013, the Water Efficiency Labelling and Standards Amendment Act 2011 and the Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Act 2006. I am not entirely sure where the Antarctic seals come into this and I do not suppose they would be compulsorily labelled or tattooed with an energy efficiency label but, nevertheless, you never know: it might be part of the government's new management of abundant native species or New Zealand fur seals. It would be a novel approach, no doubt, but, in any event, that is the legislation which apparently is the subject of amendment.

The most concerning aspect of this legislation for me—and I think it is fair to say that there are sceptics dotted around the parliament, not just on my side of the house—originates from the concern that we are so often told that having a national scheme, having a consistent regime of regulatory obligation harmonising our rules and regulations for a particular practice or outlawing of certain behaviour or obliging people to actually positively do certain things, makes it easier and simpler and cheaper for the general consumer and/or industry representative if it relates to an industry obligation.

In this instance, my understanding of the objective is to provide enhanced information that is clear and consistent, wherever you might buy certain products, for the consumer's benefit and to assist them in the selection of the purchase of certain products which utilise water. That is not surprising because, from a consumer's point of view, general household use is the one for which they have a direct responsibility to acquire the furnishings and amenities, and therefore they are likely to have an interest in the attributes of its water efficiency.

Members would be aware that there has been a wave of development of laws to enhance information availability for consumers. In our state, this has been over a number of decades, but particularly since extensive consumer legislation in relation not only to the quality of the product and/or the merchandise but also to the accessibility to information for the consumer credit obligations that might surround the acquisition of products.

It is not surprising that this was developed because, firstly, of accessibility and entitlement to knowledge about people's legal rights—that if they purchase a product it should be of a certain merchantable standard and that consumers are entitled to rely on the material that is published about the benefits and attributes of a certain product or service. Consumer law has developed, so as the public became more informed of their entitlements to have access to this sort of standard they also demanded to have corresponding, adequate information to be able to service the enforcement of their rights and obligations in relation to these standards.

That is one aspect of it, but I think the other is that the public expect and have developed an increasing thirst for the entitlement to have all the information about a product so that they can make an informed choice. It is not just a question of who I might sue down the track if something was represented that was not actually fulfilled in the product when it was acquired and in operation, but they want to know that information up-front so that they are able to make an informed choice about the product.

Recently, I was advised that the loyalty of consumers for the purchase of products in the context of buying things from supermarkets is worth about 2 per cent on the question of cost. The extension of that assertion, which I have no reason to suggest is not right, is that people will select a particular product within a range of products according to a number of things: cost, quality, advertised performance, verification of third-party endorsement of other parties, colour, origin of its manufacture or production, and whether it is local or imported.

These are all features of the multitude of reasons why people select certain products, but it seems that the desire to buy local or the passion for a particular colour is subservient in the end to questions of cost. That is hardly surprising. I might look into a shop and see a beautiful Versace creation. I often describe the member whose picture hangs on our wall—Mrs Joyce Steele, the first female member of the parliament—as wearing what I call her Versace blue outfit.

In any event, I might see a garment displayed in a window or, these days, on the internet somewhere (I am not sure if you can buy the Versace products on the internet), look at it and think, 'Goodness, that is absolutely gorgeous, that is just what I need for the next Journalists' Ball,' and I might decide that this is something I would like to buy. It ticks all the boxes: it is nice in its design, it is attractive in its colour. I work out that they make it in my size, but when I click on the button for the price I view that it is $10,500, and I rethink that purchase.

I rethink that purchase because it becomes apparent to me that, as attractive as it is in complying with all my other objectives, it does not quite balance the cost option; therefore, I might go off and buy a more suitably priced piece for my capacity—this is no reflection, I might say, just in case I am somehow or another sued above parliamentary privilege, of any denigration of Versace products—for $250 which might do the job, which might be sufficiently suitable to wear multiple times and which would be a much more sensible purchase, so I go down that line.

Overlapping all these usual features of why we buy products, and of the consumer's choice of the features they are looking for, are two or three areas; one of them, I think, is who makes the product and what were the working circumstances of the product. If we are using clothing as an example, I might be impressed by the fact that I can buy a copy Versace design for a gown that was made in Burma for $280.

I might be attracted to that price, but I might undertake an inquiry as to where it was made, find it was made in a country where there are substandard working conditions for those poor wretches who are expected to make it, and I make an ethical decision that, even though something out there was very much more attractive financially, it offended my sense of what was acceptable in its development and, therefore, I reject that product. That is one of the new things that I think has become very significant in the purchase of product.

To consider even the production of food and the methods whereby food is produced has attracted another area of interest for consumers, and concern in certain circumstances, to ensure that when they acquire a product, or they are looking to select a product, they have to be satisfied that the meat, chicken, or eggs, for example, have been matured and/or developed in an environment which is humane to the animals or creatures we are about to consume. This has added another level of significance in the consumer's mind when they select products.

A third area is that they are looking for efficiency. They are looking to acquire a product that has either been manufactured or developed with conscientious attention to the use of resources, including water and energy. These are particularly acute in South Australia because not only do we have a limited capacity of production of our power but we also have very limited access to water resources.

That is not just because we have a drought every now and again that causes us to focus our attention on the plight of the River Murray but also because we have infrastructure in South Australia that only accumulates a reserve of water that will provide for metropolitan Adelaide and other services that now rely on SA Water's network for a very short term relative to Australia. I think, in South Australia, we have 1½ years supply of water in our reservoirs, dams, bladders and other things that we have around the state to hold our supply, whereas interstate other major metropolitan areas have a very significantly greater capacity to hold and therefore years of supply to be able to get them through drought periods more easily, for example.

Back to the consumers, they are also looking, when they buy a product, to be satisfied (if it is within a reasonable price range) with its water and energy consumption for, I suppose, two reasons. One, to satisfy themselves that they are not perpetuating an abuse or waste of precious resources. It makes consumers feel good when they buy a product that does not waste resources. Secondly, that when they turn on the product—for example if it is a washing machine—they will be satisfied that it will use the least amount of water as possible.

For example, dishwashing manufacturers and retailers often advertise how water conscious they are in ensuring that the amount of water used in a full cycle is, as best possible, less than that which would be used if the same amount of dishes were washed in someone's sink. I accept, of course, that this is highly subjective. The member for Giles, for example, might be very efficient. She lives in a dry district.

Whyalla, of course, is on the edge of a desert, the beautiful city that it is. When she is home washing her dishes, I would expect, having had that background, that she would be very water conscious anyway. Probably, when she has finished washing her dishes in a bowl (with the

Velvet soap to make sure that it was able to be reused), she would promptly take it out to the garden and make sure that it is reused. Probably similarly, when she is doing her—

The Hon. L.R. Breuer: When it's brown, flush it down. When it's yellow, let it mellow.

Ms CHAPMAN: When it's yellow, let it mellow—yes, I have heard of that. I will come to the toilets in a minute, and I will of course take the member for Giles out of the next section. Just while we are on dishes, this is something that is considered by the product producers and the retailers to be a great aspect of their promotion of the product, if they can justify that the water that is going to be used in the cleaning and sparkly rinsing of these products in the dishwasher is going to be less than what is used in the bowl.

I do not think there is any doubt that the claim that providing that information to the consumer is helpful to the consumer and that it would influence some consumers in the way they select their product. For some, the higher level of water efficiency, whether in the generation of the product, as I say, or in its use when it comes to be placed in their home, will be a feature that will weigh heavily on them when they select the product.

I think it was an important initiative of the Howard government to legislate, as best as possible, to have some level of commitment to this across the Australian borders to make this information available and consistent. Consistent with Liberal policy, we took the view, and we remain of the view, that very often it is better—in exceptional circumstances perhaps it is necessary—to allow the consumer to have that choice. We are not necessarily of the view that it is necessary to introduce a mandatory obligation for the display of water efficiency labelling and standards to ensure that we adequately provide for consumer choice and information.

It also goes to the question, whether it is mandatory or voluntary, as to whether the water efficiency is the only aspect of concern. I think we know the answer to that is no. Clearly, cost is a major factor. Again, I will use the member for Giles because I know that she would be absolutely efficient when it came to the selection of whitegoods for her home.

She might look at a range of washing machines or dishwashers and look at all the efficiency aspects of it and think, 'Well, this is an aspect that I need to consider and I am conscious of it,' and when she selects the product she has taken out a subset that it is water efficient, and then she goes back and looks at the question of cost, colour and size to fit into the space in her home at Whyalla.

After all that, having been very water conscious, being very cost conscious, being very attentive to all the things that a responsible person would do in assessing the pros and cons of a particular selection, she then goes across to the one that has an Australian flag draped all over it—in its colour—and ultimately makes a purchase that has nothing to do with cost, efficiency or the size to meet her particular household needs.

I cannot answer—and I do not think anyone in the house can answer—how people balance these different aspects or features when considering the acquisition of products. I think in the modern day, if I were to make a stab in the dark anecdotally, that water efficiency or power efficiency is a factor that would attract the attention of most purchasers, at least initially, I think I would be right.

I think there are two reasons for that: first, there has been a general development of interest and understanding of natural resource use; and, secondly, because water costs now are so extraordinary, are so high, have raced up the level so quickly that it would be hard to imagine how any adult person who has to pay a water bill these days would not have it uppermost in their mind.

It is concerning that we are not going to have any relief from that. It is concerning that we, on all accounts, can expect that we are going to have another increase in water costs before the end of the year. Probably most disturbing for me—and I think other members would be worried about this as well—is that we have introduced some alternate water supplies: one, of course, is the desal plant which I will not spend any time on because obviously we are not going to be turning it on for the purposes of production or our use, and it is a very expensive piece of infrastructure and it is very expensive to produce water from it.

However, I will mention the purple pipe water; that is, the reused water from our treatment plants at Glenelg and I think some comes from Bolivar—I may be wrong; it may all come from Glenelg. It is transported in purple pipes to the City of Adelaide. I mention that because they have to have special purple pipes for that water. The purple pipes indicate to anyone who might be digging in the area or thinking of letting their dog drink from it, if they are in a parkland, that it is not

for human consumption because it has only been treated to a level that is suitable for growing roses, watering lawns, etc. So, we have notices by the colour of pipes to alert the outside world that non-potable water is being transported through those pipes.

I am getting to my point, which is that, unfortunately, even if you were to access that water, which I think some councils (Adelaide City Council) and possibly even some schools have signed up to—and they are able to use that water in non-human consumption environments. I do not know whether they are currently able to do this or not, but if they are able to use that sort of water in their washing machine in a school boarding house facility, for example, then they would need to take into account the cost of that water. The amount that is used—especially if it is on the basis of providing for washing facilities for a boarding house, where there may be 100 children or more living there, then this is a very expensive exercise because, unfortunately, even purple water is very expensive.

I think the former minister for water, who is listening intently to this debate, actually acted at some stage to slightly reduce the formula to ensure that it was a little bit more equitable in its cost, and that was great. Actually, it was the day that he escorted me down to view the magnificent new information centre at the desalination plant, and I thank him for his most gracious company on that day. I did have a bit to say about it during estimates, only because it seems to be very disappointing that we are going to have this beautiful visitor centre down there—$3.2 million worth or something—with beautiful little iPads for everyone to have a look at, to walk over grounds for a desalination plant that is going to be turned off.

Nevertheless, I remember it was on that day because we discussed the question of the price of purple water—that is this recycled water from the treatment works at Glenelg. On that very day, I was pleased to see that he actually announced the new formula, and I read it with interest. I thought, 'He is on the ball, this minister. He has actually taken up this advice quickly.' Then, of course, I actually worked out what the formula meant and I thought that this was such a tiny drop in the bucket of relief, unfortunately. Nevertheless, at first blush I was most impressed and I was joyous at the fact that he had responded to my pleas for some relief on the cost of water.

I will come to this question of how water efficiency labelling will assist the consumer. I think the bottom line is, yes, it will assist. Why is it necessary for us to make this a compulsory registration process? I do not know. I still do not understand why it is necessary to make it compulsory. We are the party that believes in choice and supporting labelling. If you are going to use it, it should be consistent. There seems to be a good marketing case for the owners, manufacturers, retailers and promoters of products to use water efficiency, just like energy efficiency, as one of the tools in the toolbox, as they say, to help sell a product, and it is an advantage to offer that information. Otherwise, if that is not the case, I would be surprised as to why so many under the voluntary scheme apply it and use it, and we obviously see it out there today.

The likelihood of there being a direct promotion of products that are water efficient but fail on other relevant factors, which are not disclosed, is a matter of concern. For example, what if a particular dishwasher, while we are on dishwashers—after the member for Giles has sensibly selected hers and installed it, other consumers come along to buy a dishwasher and they are impressed by the label that says that this particular product is more water efficient than others in the range, and they buy that product based on the compulsory promotion of and registration of consistent water efficiency labelling for products that are displayed on the product.

As a result of being attracted to that issue, they do not have presented to them other information about the circumstances in which the product was made, and I go back to the example of the fake Versace dress which is made in Burma. What if a particular product has an impressive trade name but, on further inquiry, is actually made in a country of origin and in a circumstance in which the factory conditions were really unacceptable and unethical and certainly not to the standards that Australians would expect in our own country? What if that information has not been displayed and therefore the choice is made on the alleged water efficiency, rather than these other important aspects?

When we start introducing regimes which require, in this case, the registration of products and the identification of water efficiency—just as we might do for electricity efficiency, just as we might do for the disclosure of an obligation to provide the total amount of repayments under a consumer credit agreement, not just the interest rate or the weekly payments—we then give that preference over other features which actually might be more deserving of display and/or advice to

the prospective consumer. I wince a bit when I read legislation which imposes an obligation which is compulsory.

I now turn to the model that has been adopted. Having passed federal legislation, the proposal is that each of the states would pass their legislation to accept the formula and obligations laid down in the commonwealth act. We have a number of ways of having uniform implementation of a certain regime in Australia in a legislative sense. Sometimes we pass a law in every state or territory which is exactly the same. Sometimes we say as a state, 'Look, we will hand over our power on this to the commonwealth' and they make a law and we just tap into it and do not make anything inconsistent with it. Sometimes we agree that the commonwealth will make a law and then we will just allow that to be adopted into our jurisdictions. That law will then become our law as a state model and we will then apply it, and that ensures another way of achieving some consistency.

My understanding is that New South Wales has adopted the same type of model already, that Tasmania has a bill (it may or may not have passed) and, similarly, Victoria and Western Australia have indicated their agreement and/or sympathy to participate in this scheme. I am not sure as to whether that has advanced or not over the last few weeks, but as of at least last month my understanding is that they had not yet introduced bills. We are following the third model, as I understand it; that is, we are going to follow the lead from Canberra. It is not something I have always cherished but, nevertheless, that is the way we are going to do it.

As I have said, the aim of this legislation is to be more efficient, effective, fair to registrants and informative to consumers. The ring of that is just so inviting. Unfortunately, so many times we have seen the reality not come into effect. I do not think this bill has come into the house but I did read recently that it is the intention of the government to introduce electronic registration of conveyancing. Just to give you an example of where some of these things can go terribly pear-shaped, what happens is that each of the jurisdictions has developed its own legal processes.

We have different rules about how we transfer and deal with property. South Australia has, I think—and we should be proud of this—an excellent scheme in which the registration of property is secured under a Torrens title system which has served us in good stead and of which, as I say, we should be very proud. When we go into an electronic conveyancing system to have this harmonious opportunity to have the same set of rules around the country, I would expect that we in South Australia will be the worse for it.

We have started with a good scheme. It has been copied and adopted around the world in other jurisdictions. We have enhanced that scheme, including the searching and access to information under our registration system, which is electronic and which people can do from their offices now. There is a public register which is a very tidy unit in its operation. I certainly fear that this rush to harmonise and have the same around Australia is going to weaken us into a model that is inferior to what we currently enjoy in South Australia. That is disappointing.

The other thing that sometimes is not recognised when we rush to this harmonisation approach is that the case law that sits behind the rights and responsibilities of the various parties that are relevant to a particular aspect that is being harmonised has been interpreted by courts and tribunals in each of the jurisdictions in a different way. Each of them has built up a body of case law that is different, not surprisingly, because firstly it is interpreting system that is different around the country and secondly because it has developed in a different way.

You have bodies of case law that are not harmonised and they are not about to be, so what we do is go through this sometimes uncomfortable period, unfortunately with a model which is often the lowest common denominator, having to start with a whole lot of new transitional and regulatory reforms to go with it and then build on a whole lot of case law in its interpretation and applicability. I am not the great disciple of this national harmonisation. I commend the Howard government for discussing and developing a water efficiency labelling scheme. I am concerned, however, that the approach has now tightened after this review into a mandatory scheme which is in the model in this way.

The other aspect that I just place on the record is that it should be remembered that, when the COAG, in considering the review of the Standing Council on Environment and Water, reached this agreement to use this model, this is a model that will allow the commonwealth to make the changes in its bill and we will then be obliged to carry that amendment that they have made the decision on. There is an answer to those who say, 'Well, that isn't really right. There won't be any changes to the federal position unless there has been full consultation with all of the different states.'

Presumably they will go along to another ministerial council meeting of some combination, and they will reach agreement and there will not be any changes to the federal system without there being a formula of approval at the state level. I do not know whether one state or territory can veto that but, in any event, there is a process where usually a majority will follow. That always concerns me, because adopting the model which says that we just absorb and follow and adopt the commonwealth model into our scheme has some concerns.

There is one final thing I would say in respect of the arrangement as to how this will operate. As I understand it, the registration fee arrangements will follow from this, because obviously with any compulsory registry process there are fee arrangements that will subsequently be charged as a result, with the aim of simplifying and streamlining the registration process. The other aspect in its approaches is that it will also subsequently line up with the commonwealth definition of supply and will include many more products.

The other aspect which I find interesting is that by using this model, the offence committed if one breaches the obligations—presumably, refuse to register, fail to register, fail to register in the correct time, provide inadequate information, etc.—will be treated as an offence against the commonwealth. I do not know about you, Mr Acting Speaker, but I do not have a lot of confidence in the application of the services provided in a number of commonwealth departments being any better than what our state departments provide. Furthermore, they are geographically much more remote from ours.

It is sometimes unfair to make a generalisation like that, but I am always mindful of how the federal representatives will frequently say to the state representatives, 'Look, we know how to manage this. We can provide a higher level of service. We have more resources available to us. We have more qualified people to attend to it.' I often think of the example of AQIS, which is the federal body responsible for protecting us against importation of disease, and the scandal that erupted when they failed to protect us even against horse flu, for goodness sake.

This is the national hotshot team that is supposed to be protecting us. In South Australia this is a very big issue; I am sure it was in others. I remember the state minister, who was, I think, then the minister for health, the member for Kaurna as he is now, had issued a directive under his regulatory powers under the public health laws of the day that all horses and asses and donkeys and various other animals of that—

The ACTING SPEAKER (Mr Odenwalder): Equine.

Ms CHAPMAN: Equine—family had to be restricted in where they could travel. You could not take them from one paddock to another, one property to another or transport them in a truck or anything else. So, there were lots of things that came about, and not just inconvenience but the massive exposure to financial consequence as a result of the incompetence of the federal body.

Whenever I am told it is important we recognise that we have all of these benefits by the federal arena taking responsibility, it does not inspire me with confidence. There is a litany of examples as to why we would do that. I am still at a complete loss as to why even local governments appear to be hell-bent on wanting to establish a financial relationship to be secured by the constitution to provide them with finance, they say, for infrastructure projects. I often say to them, 'How can you possibly expect that you are going to get or be assured of any better service from a federal agency than you are from the current state administration?'

I am certainly not going to wander into the murky waters of the standards that currently apply in some government departments. I think that, overall, our government departments and the members in them are professional and do a good job, but it does concern me that when we look to reform that, as in this legislation, we seem to be placing a high level of responsibility on our commonwealth colleagues in the parliament and in their departments and in the enforcement agencies that will recognise this as a commonwealth law.

Again, the critics of me on that aspect may say: 'Well look, we'll still prosecute these cases through the local Magistrates Court. We will simply be apply commonwealth law', and I just find that quite extraordinary. However, we are assured that the Department of Sustainability, Environment, Water, Population and Communities has received 119 submissions on the scheme, specifically in relation to the funding arrangements, registration fees, rules and processes, compliance and enforcement and further development, and that the assurance is given by the government advisers on this matter that industry is supportive of the scheme.

The further reassurance I place on the record is that, apparently, there have been no concerns from the South Australian submissions. I have not read them personally, but we have been given that assurance. So, with that contribution, I indicate that the opposition will be supporting the bill.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (17:13): The Water Efficiency Labelling and Standards scheme is a joint initiative between the commonwealth, state and territory governments introduced nationally in 2006 and supported by complementary legislation in South Australia and other Australian jurisdictions. The WELS scheme serves to encourage the take-up of water-efficient appliances by consumers by requiring that water efficiency and performance information is available in a standard and robust form at their point of sale.

In this way, those looking to purchase WELS appliances, such as clothes washers, dishwashers, showers, taps and toilets can make informed purchasing decisions. The WELS scheme also provides for minimum water efficiency standards. Such standards currently apply to clothes washing machines and toilets and I am informed that there are plans for considering whether they may also apply to a number of other products in the near future.

In addition, I also understand that consideration is being given to the application of WELS labelling requirements to additional products not currently covered by the scheme, such as evaporative air conditioners. The WELS scheme has been proven to deliver a significant community and industry benefit, including water and energy savings and avoidance of greenhouse gas emissions. An independent analysis of the WELS scheme in 2008 estimated that, nationally, the scheme would, over the period 2006 to 2021, save 800 billion litres of water and more than nine million megawatt hours of energy, and result in the avoidance of more than six million tonnes of greenhouse gases.

The original commonwealth WELS act, in 2005, received broad support in the Australian parliament when it was first introduced. Since then the commonwealth act has been amended several times, with those changes also receiving broad political support. These amendments have been made for various purposes, including to improve the scheme's efficiency, to ensure that registered WELS products are fit for purpose, to enhance funding arrangements and to strengthen compliance. As a result, South Australia's WELS act 2006 is not currently consistent with the commonwealth act, with the result that the essential purpose of WELS legislation, to ensure local application is consistent with the national approach, is somewhat diminished.

Consistent application of the WELS scheme within and across jurisdictions is important for the effectiveness of the scheme and for ensuring a level playing field. In the absence of legislative consistency, there is the potential for different requirements to apply to importers and incorporated enterprises under the commonwealth WELS legislation compared to an unincorporated business that manufactures WELS products for trade solely within South Australia.

The bill before the house today will ensure that South Australia's WELS legislation is brought back into line with the commonwealth WELS act, and also mitigates the likelihood of needing to amend South Australia's act as a result of any future administrative changes to the national legislation. It will also reduce potential confusion and any administrative burden that businesses might otherwise face if differing requirements apply under state and commonwealth WELS acts. The bill will do this by applying the commonwealth water efficiency laws as laws of this state. The bill also allows for South Australia to vary the commonwealth water efficiency laws as they apply within South Australia, should it be appropriate.

The passing of this bill by the South Australian parliament will continue this state's strong role in water management locally and nationally. I would like to thank members of this house for their time and consideration of this legislation, and I also thank officers from minister Hunter's office as well as from the department for their assistance.

Bill read a second time.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (17:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

[Sitting extended beyond 17:00 on motion of Hon. L.W.K. Bignell]

STATUTES AMENDMENT (DANGEROUS DRIVING) BILL

Adjourned debate on second reading.

(Continued from 5 June 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:18): I rise to speak on the Statutes Amendment (Dangerous Driving) Bill 2013. The Attorney-General introduced the bill on 15 May this year. Brief as it is, it does two things: one is to amend the Criminal Law Consolidation Act 1935, in particular section 19A—Causing death or harm by use of vehicle or vessel, and section 19AC—Dangerous driving to escape police pursuit etc.; secondly, it amends the Road Traffic Act, in particular section 46 regarding reckless and dangerous driving. In each of these instances, the prosecution is currently required to prove that the accused drove in a manner dangerous to 'the public'.

The government argues that the courts have interpreted the phrase too narrowly and, as such, 'the public' is not read to encompass a wide range of persons. The remedy that is proposed in this bill is to amend the respective sections I have referred to, to extend the definition and, in fact, to widen it to include 'any person'.

The opposition has considered the bill and will not be opposing it. There are a couple of aspects that are still under consideration, so I just record that it is possible that we may wish to provide some contribution to an amendment in another place. There has been some movement on this and so, although there will be a little time between now and the other place considering this matter, we will of course endeavour to identify any amendment as soon as possible.

The Attorney cites the 2008 case of R v Palmer (2008) SADC 122, to outline the basis of this bill. Essentially, in that case the accused was charged with causing death by dangerous driving. The accused performed dangerous manoeuvres on private property. The vehicle fell onto its side and crushed a passenger's skull. The judge directed the jury to return not guilty verdicts for the following reasons.

Firstly, the relationship, which was one of friendship, between the three passengers and the driver negated the view that passengers were to be regarded as members of the public. Secondly, the activities in question took place on private property and away from any road. Thirdly, the accused and his three passengers were all knowingly engaged in a form of skylarking. Fourthly, the four willingly got into the vehicle in question together for the purpose of amusing themselves with a particular and somewhat dangerous form of recreational activity, directly connected with the driving of the vehicle in tight circles with the steering wheel on full lock and the accelerator applied. Fifthly, the activity constituted a danger to all four of them but to nobody else. Sixthly, in circumstances where it is proper to regard the activity as a part of a joint escapade on the part of the accused and the passengers, they being the only persons endangered by the activity, then it was not proper to characterise the passengers as 'the public'.

The judge commented that his conclusion may have been different had section 19A read driving in 'a manner dangerous to any other person' rather than 'a manner dangerous to the public'. The judge applied the reasoning of the New South Wales Court of Appeal case in R v S, which had a similar tragic outcome to the behaviour of those in a motor vehicle. The New South Wales parliament has taken into account their decisions, and they have already moved to amend their legislation in terms similar to the bill before us.

In the case of R v Breuker (2011) SADC 64, the charge was laid when an individual died after either falling or jumping off the back of the accused's vehicle whilst it was moving, landing awkwardly and, tragically, fracturing their skull. The event occurred on a fenced-off netball court that people were setting up for a ticketed event. Members of the public had not yet started to arrive. The judge considered the case of R v Palmer, which, of course, related to the exercise when the four boys were skylarking in their vehicle, and applied the reasoning of the New South Wales Court of Appeal in R v S.

They noted Chief Justice Gleeson's comments in R v S that there can be forms of relationships between the accused and the deceased which negate the conclusion that the passenger is to be regarded as a member of the public. In that case, the accused, the passenger and the victim are considered to be engaged in skylarking, engaging in a risky activity, a joint

escape and, as such, it was improper to characterise the passengers as the public. There are other legal principles that were applied, which I will not detail for the purpose of this debate.

One of the aspects that has drawn the attention and concern of some of the members of the opposition is how this might affect the motorsport industry and contributors. Section 25 of the South Australian Motorsport Act 1984 provides for the non-application of certain laws to areas declared by the responsible minister to be areas for a motorsport event under the Motorsport Act. Section 25(1a) provides that respective sections of the Criminal Law Consolidation Act and the Road Traffic Act, which are to be amended by the bill, do not apply in relation to 'a vehicle or its driver while the vehicle is being driven in a motorsport event within the declared area and during the declared period for the event'.

Clipsal 500 and its predecessor, Sensational Adelaide 500, is a motorsport event which attracts a declaration under the Motorsport Act. Since 1999, no other motorsport events, except the 1999 Le Mans, have had the privilege of being conducted within a declared area and, as such, the provisions of the RTA and CCCA have applied. The Sporting Club of South Australia owns and operates the Collingrove Hillclimb in the Barossa Valley and holds races at the Mallala Motorsport Park. They are both private venues.

Members would probably be aware that this is a bill which does not bring this law on to private property. The three identified offences can already be applied to dangerous driving on private property. The case seeks to avoid the relationship of the parties to affect the application of the charge. In other words, irrespective of what the relationship is between the parties, who might be either driver, contributor or conspirator or someone who is jointly responsible and victim (or victims)—all of that relationship between those parties will effectively be irrelevant with this amendment. The bill, however, in widening the scope of the offence, is likely to result in its being applied to an accident that occurs on a private motorway, such as Collingrove Hillclimb, even if the deceased consents to the activities.

There are some aspects here in relation to the criminal liability that might follow for those who engaged in motorsport activity, even if the other participants, spectators and the like all consent in the participation of the event. Accordingly, the bill significantly reduces the individual's personal freedoms, and there are obviously concerns about how we deal with other motorsport activity.

It should also be noted that section 5 of the Road Traffic Act applies only to public roads. The bill proposes to widen the class of persons from 'the public' to 'any person'. It appears that this would widen the offence to capture instances where people decide to engage in dangerous activity on our roads, overcoming relationship characterisation.

The initial concern—certainly when I looked at this bill at first blush; I was sitting in the chamber when it was tabled—was to immediately consider whether this would have an unfair and inappropriate application to persons who were operating farm vehicles, in particular where family members (on a farm, for example) drive a vehicle on their property that does not need to be registered.

In particular I refer to whether it might attach a criminal liability to persons—often young persons, sadly—who might be driving quite legally on a property in an unregistered motor vehicle or piece of farming equipment; whether this would potentially attract some criminal liability, or at least the investigation of that in the event of some terrible accident.

One of the tragedies that is recorded in our own reports in this parliament each year is I think in the annual report of the Premier's department where it lists under SafeWork SA a summary of persons who die in work situations. Tragically, a very concerning number of people die on farm properties. A summary of the event is given. Sometimes they are a farmer or some other person who is operating a tractor. We all know that tractors can be very dangerous vehicles. We have special roll bars on them and all sorts of things—

Members interjecting:

Ms CHAPMAN: I am getting to those. I can think of a young man in my own class at school whose wife, just after she had delivered twin baby girls, when they were just weeks old, got on a tractor to attend to some duty on the farm and the tractor flipped over and crushed her to death instantly. This young man not only lost his wife but he was left the responsibility of raising baby twin girls. These are tragic consequences. I look at these things every year in the annual

report and ask myself: how can we try to remedy this? How can we add some other blanket of protection for those who are exposed to the risk of death or serious injury in these circumstances.

Just recently my own brother, who is very adept on farm equipment—he rides vehicles, cars, tractors and the like—was on a quad bike. These bikes are notoriously dangerous in any circumstances where they are on an incline. The property he owns and operates on the north coast of Kangaroo Island is pretty steep. He was down in a creek and the bike flipped over and his arm was severely injured. He is still recovering from it. Luckily for him, he is alive.

Unluckily for our neighbour, 18 months ago she got out of her utility vehicle on a dam bank, it rolled back and she was pinned under the vehicle for two days. She was found alive but tragically died before she got to hospital. These are real and pressing cases of farm accidents, and they are all accidents to the extent that there is no culpable expectation of blame for other persons. These accidents often happen when someone is on their own, where relief is not immediately accessible and communication is not possible to ring for some help, and we see a tragic loss of life.

I will say that, before I came into this house, I am aware that at least on two occasions some attempts were made to give some legislative protection by imposing a criminal sanction for a level of negligence when people were injured in a farm situation. It seems that each time that is brought to a parliament or a committee of review it looks good at the time but the implication of this is dire.

The reason is this: if we go down the track of imposing a criminal sanction or exposing the risk of a criminal sanction, we will have to consider what impact that will have on people undertaking what is, on the face of it, a relatively dangerous occupation, namely, working with heavy equipment and stock in those circumstances—and, indeed, the impact on the people who enter the properties.

I could walk into a factory and I have to follow all the safety guidelines and stay on the blue painted dots as I walk around the factory and, if I do not, I am exposed to the risk that I might be hit by a piece of equipment or a loaded box might fall on me, for example, and cause me injury or death. You have to follow the rules. Similarly, people occupied in primary activity understand the risks and understand that the equipment with which they are working, including motor vehicles, can be lethal weapons.

For children on properties, people who are invited onto properties (visitors) and even trespassers, we have legislative protection to ensure that we act with some duty of care towards these persons and that they are entitled to some redress if they are injured or suffer loss as a result of negligent behaviour. To some degree, as I say, there is a strict liability with that.

For example, all of us have a strict liability for the dogs that we own if they bite somebody when they come onto our property because there is a strict liability obligation more than just: did you take into account that your dog should have been put on a chain or kept on a lead, and the like? We have these standards. At first blush, we were concerned about aspects of that legislation.

I make the point that, whilst there are some aspects that we would like to have tidied up in respect of motor sport activity and we would welcome the government's indication as to how they feel motor sport activity might be protected to the extent that there might be some rules, that is, people have to be seen to have acquiesced if they attend these activities or get into a car with a motor racing person, I cannot make any useful contribution on that in this debate. I do not know much about motor racing, nor do I wish to, to be honest. Nevertheless, it seems to be a practice that is widely supported and participated in.

It seems that all the people who rush off to the Clipsal races and attend these activities love it, and I fully respect that. It is not those who go to the Clipsal race who are in the gun here, it is the people operating at the amateur level. The sporting car clubs are very well patronised and they would like to have their concerns allayed. We, on this side of the house, consider that is a reasonable expectation.

Mr WHETSTONE (Chaffey) (17:41): I rise, too, to speak on the dangerous driving bill and express some concerns about what is being proposed with or without amendment. Since the government has put forward this dangerous driving bill, I have been absolutely inundated with calls from a wide range of people in my electorate of Chaffey who are concerned with what this bill will do to impact on their lives and businesses. I think that it is more about the onus that it is going to put on people operating their businesses as they do currently.

For motor sport enthusiasts, as the member for Bragg has just highlighted, some motor sport events will be exempt. There is concern in Chaffey, which I think is proudly passionate about motor sport, particularly for anything with a motor in it or anything to do with wheels, but it is a bit more diverse than just the wheels. I am a little unclear as to whether this dangerous driving bill will impact on river users because people have ownership of some of the water line in some cases. People have freehold. Will it impact on when we have our local world famous dinghy derby? Will those competitors be impacted on? I will touch on that a little bit later.

In the electorate of Chaffey, which is 16,500 square kilometres and incorporates a lot of farming country, river country and river flat, there are approximately 40,000 people there. Of that, there are about 3,000 food producing businesses. In those food producing businesses, the bill as I understand it will have an impact on those private farms. We also have quite a few motor sport parks and motor sport complexes that are part of the electorate and they, too, have gained recognition right around the nation. Again, will the introduction of this bill demonstrate a lack of understanding about the way in which free enterprise and farming communities live and work?

In one fell swoop Premier Weatherill has shown just how he seems to be out of touch with what regional and rural communities are about, and that entails owning a farm, owning wide open space land. I guess previously we had a right to use that land for the way we operate our farming, the way we operate our lifestyles, but the Liberal Party is always happy to consider measures that we could take to enhance road safety, but this particular piece of legislation as I see it goes far beyond what is reasonable and I will not be going down without raising my concerns.

The current dangerous driving legislation refers to driving occurring in a manner that is dangerous to the public which usually requires the act of dangerous driving to occur on a public road. So, if a person drives dangerously on a private property, that does not expose any risk to a member of the public unless they are acting in a dangerous manner. It also means that victims of dangerous driving on a private property may not legally be considered a member of the public, and this could also operate to exclude liability on the grounds of dangerous driving in the case of an accident on a private property.

The bill widens the scope of dangerous driving offences by allowing it to include any person rather than just the public, and I understand that police already have the power to investigate and act on incidents involving death or injury on private property, but this new legislation goes beyond the scope of what is fair and reasonable.

I guess through consultation with my community, I have identified a number of significant problems with the legislation: obviously farmers trying to run their businesses; the motorsport industry; families teaching and using vehicles to operate their business; and enforcement and implementation. I will start with farmers trying to run a business. Most here would understand that it has been part of farming history that farmers use vehicles for all types of reasons.

They also use vehicles for pleasure, for recreation, and for running their businesses in any which way they choose. They have already been burdened with the rising costs of running their businesses and the way they get around some of that cost burden is to use their vehicles with family members to engage in mustering or bringing in livestock, checking troughs or irrigation, or the mandatory running from one point to the next. It really is going to make life much harder for them.

Farmers in my electorate have raised a number of concerns with me; for example, what the bill means for registration of vehicles used solely for farming purposes. Many farmers have vehicles which will never leave the private property and which are only used for activities like carrying hay, mustering, as I have said, and transporting feed to animals. What will the provisions regarding the defecting of vehicles mean for those vehicles used only on private property?

A vehicle might be purpose-built to go out and feed livestock, or to go out and check water, or to spray weedicide, or to run wires to upgrade fencing, and sometimes those vehicles do not have a door, and sometimes they do not have indicators or lights. What does it mean for those sorts of vehicles? There is a wide range of issues that the farming population is looking at with caution and concern, and this bill is going to impact on their running the businesses that they have run for many years.

I have already mentioned that motorsport is something very dear to my heart, and very dear to many of my constituents in Chaffey. Obviously this bill is going to have an adverse impact on those engaged in motorsport, but the current legislation regulating the motorsport industry under

the South Australian Motor Sport Act, allows for the non-application of certain laws to areas declared by the minister for a motorsport event.

Current dangerous driving laws do not apply in relation to a vehicle or its driver while the vehicle is being driven in a motorsport event within the declared area and during the declared period of an event. We must always remember the issue of consent which, I think, is particularly important when we are dealing with motorsports. Participants are always aware of the risk involved when competing in motor sports, and this allows them to make a conscious and informed choice to do those activities.

The bill would extend to apply to those people who have actively given consent to taking part in motor sport. Imposing criminal liability on someone where the deceased has provided informed consent will have severe consequences for individuals, communities and the motorsport industry at large. There are businesses, including in my electorate of Chaffey, that rely on the motorsport industry as a form of income.

For any 4X4 enthusiasts in the chamber, the Loveday 4X4 Adventure Park is a prime example. Obviously the operator of the park is extremely concerned that this legislation would, quite frankly, destroy his livelihood. The park has all sorts of facets around motorsport—4X4 adventuring, theme tracks. It has a track that I have driven over, with 120 mounts after one another, and it really is quite an experience. Around 20,000 people visit the park every year. The owner likes to consider it a safe 4X4 park.

Other examples in the electorate include the speedways at both Renmark and Waikerie. The Riverland Junior Motocross Club has been ingrained into my family life for many years both though myself and my son, who competes on a regular basis. What sort of impact will it have there?

We have enduros and sporting car clubs that have raised their own concerns about the bill and the potential drastic ramifications that this could have on the industry. A lot of families have set up their own tracks—their own motorbike tracks, their own car tracks, and their own enduro tracks. What sort of impact is it going to have on them? Is it going to take away their right to enjoy some pastimes and pleasure time on their own property?

There are indirect consequences of this bill for those interested in and engaged in activities. They have to accept the danger that comes with where these tracks are located. The benefit of having designated motorsport areas like the Loveday Adventure Park is that participants can enjoy motorsport in a safe and secure area. Imposing criminal liability where consent is given in a regulated environment like a motorsport park will push people to go to more dangerous, unregulated areas, where the risks of motorsport are even higher.

If you restrict any motorsport pastime—as I do, I lived on my orchard for many years—and close parks and lock up areas, people will explore further, they will cut fences, and go further afield to explore other places where they can ride their motorbikes or vehicles. Remember, too, that motorsport events are also an important tourist attraction in regional areas. The Waikerie Enduro has been a national event. Where does the bill leave that event? People come from all over the nation to race their off-road trucks and buggies. It has been a signature event in the electorate of Chaffey for many, many years.

In terms of young people learning to drive, many people living and working in regional areas teach their children, their friends, how to drive, but they teach them how to drive in orchards, on farms, normally on tracks, and it gives them the opportunity to learn how to handle a vehicle. In a lot of those instances, it gives them the opportunity to handle a vehicle that they would not necessarily be able to handle on a road. This bill really is taking away, or putting at risk, the opportunities that young people in regions have.

In terms of enforcement and the issues with implementation, the bill also has a number of practical problems. How on earth is the government expected to be able to police and enforce this? Does the government honestly expect police to be out there roaming the regions, entering every private property they drive past to check whether there is any dangerous driving going on? Is the government going to be prepared to put extra police resources out there?

How is it going to police watchdogging for people who are out potentially driving dangerously on their properties? What sort of resources are going to have to be put in place to deal with it? Again, to me, it sounds like it is going to be a massive imposition on SAPOL and the

regional police forces. What kind of burden are we looking at, and how much more is this going to cost the taxpayer?

Will this detract from the police operation in other areas? How will the government be prioritising the development of police, and will police be taken out of areas where there is real crime going on and where law enforcement is needed, so that they can potentially chase a farmer or an operator out there spotlighting or teaching their kids to drive or a group that are out there testing their vehicle or motorbike on a track that has been purposely built?

There are many unanswered questions, and that will impose significant burdens on the implementation phase of this legislation. In conclusion, to me, I see this as a bandaid response that disproportionately affects farmers and particularly those living and working in the regions. The government has clearly failed to conduct any reasonable or in-depth consultation with rural and regional communities; otherwise they would have realised how absurd this legislation really is.

Obviously, the Liberal Party welcomes any attempt to improve and enhance safety on our roads. We are always willing to listen to the government as to how it can improve safety standards, but a bill that goes too far in targeting people going about their private business on their private property is something that we will not stand for.

Of course, the Liberal Party holds the utmost respect for individuals' freedom, and this bill is an attempt to remove the freedom from those living and working in rural and regional areas. I will look at this bill further, because I feel that this is a serious burden on particularly people in regional and rural areas. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ELECTORAL (MISCELLANEOUS) 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, after line 10—After the present contents of clause 4 (now to be designated as subclause (1)) insert:

Section 4(1), definition of *how-to-vote card*—delete the definition and substitute:

how-to-vote card means a card, in the form of a ballot paper, indicating the manner in which a vote should be recorded by a voter, and includes a split how-to-vote card (within the meaning of section 66A);

No.2. Clause 5, page 3, line 15 [clause 5(2), inserted subsection (6a)]—Delete 'of 5 years' and substitute:

expiring 1 year after polling day of the general election second occurring after the person's appointment under this section

No.3. Clause 5, page 3, lines 18 to 20 [clause 5(2), inserted subsection (6b)]—Delete subsection (6b)

No.4. New clause, page 6, after line 29—Insert:

13A—Amendment of section 47—Issue of writ

Section 47—after subsection (2) insert:

(2a) In the case of a general election for the House of Assembly, the writ or writs for the elections in all House of Assembly districts must be issued 35 days before the date fixed for the polling in each district under section 48.

No.5. New clauses, page 6, after line 37—Insert:

14A—Amendment of section 66—Preparation of certain electoral material

Section 66(2)(d)—delete paragraph (d) and substitute:

(d) in the case of how-to-vote cards, must—

(i) be received by the Electoral Commissioner not later than 4 days after the day for nomination; and

(ii) comply with the requirements set out in section 66A(5) (as those requirements apply to how-to-vote cards submitted by a candidate); and

(iii) not otherwise be a card that the Electoral Commissioner must refuse to register if it were being submitted for registration under section 66A; and

14B—Insertion of section 66A

After section 66 insert:

66A—Registration of how-to-vote cards

(1) Subject to this section, any person may, within the prescribed period, submit a how-to-vote card to the Electoral Commissioner for registration under this section.

(2) A person submitting a how-to-vote card under subsection (1) must, at the time of submitting the how-to-vote card, provide—

(a) the prescribed number of copies of the how-to-vote card; and

(b) an electronic version of the how-to-vote card, in a form and format prescribed by regulation.

(3) The following provisions apply to the submission of a how-to-vote card for registration by a person, other than a how-to-vote card submitted by or on behalf of a candidate:

(a) the person must make a declaration in the prescribed form;

(b) the person must provide a copy of the written consent of the candidate to whom the card indicates the first preference should be given;

(c) the person must provide the Electoral Commissioner with any prescribed material.

(4) The Electoral Commissioner must, as soon as is reasonably practicable after a how-to-vote card is submitted under subsection (1), and in any event by no later than 5 p.m. on the day on which the prescribed period ends, register the how-to-vote card unless the Electoral Commissioner is satisfied that—

(a) the how-to-vote card does not comply with the requirements in—

(i) section 66(2) (other than the requirement in section 66(2)(d)(i)); and

(ii) subsection (5); or

(b) the how-to-vote card is a card that may not be submitted in accordance with subsection (7).

(5) The following requirements apply for the purposes of subsection (4)(a)(ii):

(a) the how-to-vote card must clearly identify the person, political party, organisation or group on whose behalf the card is to be distributed;

(b) in the case of a card that contains a logo, emblem or insignia belonging to the person, political party, organisation or group on whose behalf the card is to be distributed—the logo, emblem or insignia must be not less than the relevant prescribed size;

(c) the how-to-vote card must indicate the manner in which it is suggested that a vote should be recorded by a voter by—

(i) being marked so as to indicate a valid vote in the manner prescribed in section 76(1) or (2); or

(ii) if the card is submitted in relation to a House of Assembly election, having printed on each card, immediately before the surname of the candidate to whom the how-to-vote card relates, a figure '1' surrounded by a square together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;

(d) in the case of a how-to-vote card submitted by or on behalf of a candidate—

(i) the how-to-vote card must indicate that the first preference vote should be given to the candidate; and

(ii) if a voting ticket has, or 2 voting tickets have, been lodged under section 63 by or on behalf of the candidate and the how-to-vote card is of a kind referred to in paragraph (c)(i), the order or orders of the remaining preferences indicated on the how-to-vote card must be consistent with the order or orders of preferences set out on—

(A) that voting ticket; or

(B) 1 of the 2 voting tickets; or

(C) in the case of a split how-to-vote card—both of the 2 voting tickets,

(as the case requires); and

(iii) subject to subsection (6), if a how-to-vote card has been submitted for inclusion in posters under section 66 (the *initial submitted how-to-vote card*) by or on behalf of the candidate, the how-to-vote card must have substantially the same appearance as the initial submitted how-to-vote card;

(e) the how-to-vote card must not—

(i) be likely to induce an elector to mark the vote of the elector otherwise than in accordance with the directions on the ballot-paper; or

(ii) contain offensive or obscene material;

(f) the how-to-vote card must contain the endorsement 'Registered by the Electoral Commission of South Australia' at the bottom of the card.

(6) Despite subsection (5)(d)(iii)—

(a) if an initial submitted how-to-vote card in relation to a candidate is of a kind referred to in subsection (5)(c)(i), a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that a vote should be recorded by a voter in the manner described in subsection (5)(c)(ii); or

(b) if an initial submitted how-to-vote card in relation to a candidate is of a kind referred to in subsection (5)(c)(ii), a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that the voter indicate all preferences in accordance with subsection (5)(c)(i); or

(c) if an initial submitted how-to-vote card in relation to a candidate is a split how-to-vote card, a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that a vote should be recorded by a voter in accordance with either of the 2 alternative orders of preferences indicated in the 2 voting tickets; or

(d) if an initial submitted how-to-vote card in relation to a candidate is not a split how-to-vote card, a how-to-vote card submitted for registration by or on behalf of the candidate under this section may be a split a how-to-vote card,

(but the how-to-vote card submitted for registration must otherwise have substantially the same appearance as the initial submitted how-to-vote card).

(7) If a how-to-vote card is—

(a) submitted for registration—

(i) by or on behalf of any candidate or candidates; or

(ii) by a person; and

(b) registered under this section,

no further how-to-vote card may be submitted for registration under this section—

(c) by or on behalf of that candidate or any of those candidates; or

(d) by that person,

(as the case may be).

(8) As soon as is reasonably practicable after registering a how-to-vote card under this section, and in any event by no later than 5 p.m. on the day on which the prescribed period ends, the Electoral Commissioner must—

(a) make a copy of the card available for inspection at the office of the Electoral Commission; and

(b) publish a copy of the card on a website maintained by the Electoral Commissioner.

(9) For the purposes of this section, how-to-vote cards will be taken to have *substantially the same appearance* if the cards are identical except for—

(a) the size or shape of the cards; or

(b) the fonts used in the cards; or

(c) the material or medium on which the cards are printed or published; or

(d) any other matter prescribed by the regulations for the purposes of this subsection.

(10) In this section—

prescribed period, in relation to an election, means the period commencing on the day after the day fixed for the nomination and ending at noon on the 8th calendar day before polling day for the election (regardless of whether that day is a public holiday);

split how-to-vote card, in relation to a how-to-vote card submitted by or on behalf of a candidate in respect of whom 2 voting tickets have been lodged under section 63, means a how-to-vote card that suggests that a vote should be recorded by a voter in accordance with either of the 2 alterative orders of preferences indicated in the 2 voting tickets (by setting out on the 1 card both of those 2 orders in 2 representations of the ballot paper to which the card relates).

Note—

Section 112A provides for an offence of distributing, during the election period for an election, a how-to-vote card that has not been registered under this section, or submitted for inclusion in posters under section 66.

No.6. New clauses, page 7, after line 11—Insert:

15A—Amendment of section 71—Manner of voting

(1) Section 71(1)—delete 'An' and substitute:

Subject to subsection (2), an

(2) Section 71(1)(b)—delete 'in the case of an elector entitled to do so by virtue of subsection (2)—'

(3) Section 71(2)(b) and (ba)—delete paragraphs (b) and (ba)

(4) Section 71(2)—before 'entitled' insert 'only'

(5) Section 71(3)—delete 'In addition, a' and substitute 'A'

15B—Amendment of section 73—Issue of voting papers

Section 73(2)—delete 'ground of the applicant's entitlement to make a declaration vote' and substitute 'prescribed kind'

No.7. Clause 16, page 7, after line 13—Before subclause (1) insert:

(a1) Section 74—before subsection (1) insert:

(a1) The Electoral Commissioner must, in respect of an election, send a form for the application by an elector for the issue of declaration voting papers to every address on the electoral roll for the electoral district, or districts, to which the election relates.

No.8. Clause 16, page 7, lines 18 and 19 [clause 16(1), inserted subparagraph (ii)]—Delete 'who has applied for the issue of declaration voting papers under subsection (1)(b)'

No.9. Clause 16, page 7, lines 28 and 29 [clause 16(2), inserted subsection (6a)(a)]—Delete 'who have applied for the issue of declaration voting papers under subsection (1)(b)'

No. 10. Clause 16, page 7, lines 32 and 33 [clause 16(2), inserted subsection (6a)(b)]—Delete 'who have applied for the issue of declaration voting papers under subsection (1)(b)'

No. 11. New clause, page 8, after line 19—

17A—Amendment of section 78—Right of elector to receive ballot paper

Section 78(2)—delete 'Where a person claiming to vote' and substitute:

Subject to this Act, where an elector who

No. 12. New clause, page 8, after line 29—Insert:

20A—Amendment of section 100—Reviewable decisions

Section 100(1)—after paragraph (c) insert:

(ca) a decision by the Electoral Commissioner as to the registration of a how-to-vote card; or

No. 13. Clause 21, page 8, after line 36—After inserted paragraph (ab) insert:

(ac) if the advertisement is authorised for a relevant third party—the relevant third party's name appears at the end; and

(2) Section 112—after subsection (2) insert:

(3) In this section—

relevant third party means an organisation or other person, other than a registered political party, candidate or natural person, who—

(a) as at the day of publication of the advertisement to which subsection (1)(ac) relates, intends to spend more than $2,000 on electoral advertisements—

(i) if the advertisement is published in an election period—during that election period; or

(ii) in any other case—during the election period for the next general election due to occur; or

(b) spent more than $2,000 on electoral advertisements during the election period for the general election immediately preceding the day of publication of the advertisement to which subsection (1)(ac) relates.

No. 14. Clause 22, page 9, line 3 to page 10, line 24 [clause 22, inserted section 112A]—Delete inserted section 112A and substitute:

112A—Distribution of how-to-vote cards

(1) During the election period for an election, a person must not distribute, or cause or permit to be distributed, a how-to-vote card.

Maximum penalty: $5,000.

(2) Subsection (1) does not apply to the distribution of a how-to-vote card—

(a) that has been submitted for inclusion in posters under section 66; or

(b) that has been registered under section 66A; or

(c) that is a compilation of more than 1 how-to-vote card of a kind referred to in paragraph (a) or (b).

(3) The presiding officer at a polling booth may request a person reasonably suspected by the presiding officer of distributing, or causing or permitting to be distributed, a how-to-vote card at or near that polling booth on polling day—

(a) to produce for inspection any how-to-vote cards in the person's possession; and

(b) to hand over all how-to-vote cards other than ones referred to in subsection (2)(a) or (b).

(4) A person who fails to comply with a request under subsection (3) is guilty of an offence.

Maximum penalty: $1,250.

(5) In this section—

distribute includes make available to other persons.

No. 15. New clause, page 10, after line 40—Insert:

25—Amendment of section 126—Prohibition of advocacy of forms of voting inconsistent with Act

Section 126(2)—Delete 'marked so as to indicate a valid vote in the manner prescribed in section 76(1) or (2).' and substitute:

—

(a) marked so as to indicate a valid vote in the manner prescribed in section 76(1) or (2); or

(b) identical to a card—

(i) submitted for inclusion in posters under section 66; or

(ii) registered under section 66A.

At 17:58 the house adjourned until Tuesday 23 July 2013 at 11:00.