HOUSE OF ASSEMBLY

Tuesday 23 July 2013

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

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

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

Adjourned debate on second reading.

(Continued from 4 July 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:02): I rise to speak on the Serious and Organised Crime (Control) (Declared Organisations) Amendment Bill 2013, and indicate that I will be the lead and only speaker for the opposition on this matter. This is a bill to amend the Serious and Organised Crime (Control) Act 2008. That principal bill was born in a stampede of enthusiasm for a commitment from the government to declare war on bikie gangs—otherwise known as outlaw motorcycle gangs—and criminal groups, in particular in concert to commit serious and organised crime. The bill introduced a new regime of anti-association laws.

Mr Speaker, you will be familiar with this legislation because, of course, you were the principal driver, as then attorney-general, of this legislation. In your and your government's zest for a distinctive approach to clothe yourselves in self-praise, the government chose a path of a declaration by executive decision. So vain in that approach was the determination in the bill, that the introduction of the measure of issuing a declaration to outlaw a particular group and to prevent their association was to be done by none other than the Attorney-General. That ultimately did not see the light of day, although, of course, it came into the legislation.

There are also other measures to issue control orders or public safety orders, which were to be issued by application to a magistrate, or a police officer determining to issue those respectively. Nevertheless, the reason this principal measure of a declaration outlawing the association of particular groups ended up in the High Court and indeed was struck down.

The principal act, having become the subject of proceedings in the now famous case of Totani, and subsequently Wainohu's cases, the whole situation, of course, needed to be remedied. To repair these circumstances and indeed to expand some of the ranges of offences, the government then tabled the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill 2012 in February 2012.

It was the subject of some comment at the time. Again, Mr Speaker, you would recall the opposition's plea in late 2009, after the determination in the High Court of the first of those decisions, that we should come back to the parliament and remedy that matter. Nevertheless, that did not occur. For whatever reason, your government was persuaded not do to anything about it; it did not seem to be of a pressing nature. The election came and went in 2010—subsequently, so did you—and under the new regime, ultimately, eventually, finally, in February 2012 that legislation was introduced.

Similarly, in 2011, a bill was tabled in the Western Australian parliament and the New South Wales government tabled their bill in February 2012, I think a day after our amending bill had been introduced. At the time, the Attorney-General said, in his contribution, that:

> ...the redraft was to be based on the Western Australian bill when in doubt on the presumption that the states would stand together on the basic issue so far as possible...

No application, it should be noted, has been made to declare an organisation since the 2012 bill here in South Australia under that legislation. On 14 March this year, however, the High Court dismissed a constitutional challenge to a comparable Queensland law in the case of the Assistant Commissioner Condon v Pompano Pty Ltd [2013] HCA 7. The Queensland act is the first of its kind in Australia to have withstood the constitutional challenge.

The New South Wales government responded promptly, and within a week (on 21 March) of that judgement being delivered, they tabled legislation, and the New South Wales Attorney-

General stated that their amending bill proposed to adopt those aspects of the Queensland model which were considered and upheld by the High Court. They were as follows:

1. the declaration of a criminal organisation will now be made by the Supreme Court of New South Wales itself rather than an eligible judge of the Supreme Court.

2. the test to obtain a declaration of an organisation as a criminal organisation is to modified to provide a test which, amongst other things, requires that the continued existence of the organisation is an unacceptable risk to the safety, welfare or order of the community. 'This test represents a hybrid of the test proposed by the 2012 [NSW] bill, as well as adopting the "unacceptable risk" test used in Queensland and approved by the High Court.'

3. the detailed criminal intelligence mechanisms of Queensland are adopted—the Police Commissioner will make an application to the Supreme Court to have material declared to be criminal intelligence. 'The New South Wales legislation will now be brought in line with the Queensland provisions which have withstood challenges in the High Court.'

4. the bill provides for a criminal intelligence monitor to have a role in the proceedings...'While the High Court's decision on the Queensland legislation did not focus on the existence of the monitor, the monitor's role was described as one aspect which tended to support the validity of the Act.'

The situation since March, and since the prompt action of the New South Wales government in response, is that on 18 June this year, the opposition received an invitation from the Attorney-General to meet and confer about our state, remedying our circumstances and the need to progress that urgently.

There was a submission put to us that the progress of this matter needed to be addressed with some haste and, for reasons which I will not go into today, the opposition accepted that it was reasonable for this matter to be given higher consideration in the sense of progress than would normally be the practice in the parliament. The initial briefing took place on 3 July this year, and a subsequent briefing on more detail of the bill (once disclosed) was provided on 10 July with the Attorney-General's advisers, the Solicitor General, Mr Martin Hinton, and senior SAPOL representatives, and I thank all of them for their provision of advice in the course of those briefings.

The concerning aspect for us is not that there was a need to progress this matter—and there are certain circumstances where governments do need to act promptly and it is reasonable and responsible for oppositions to accommodate that. I think that this opposition has continued to act in a responsible manner to ensure that that occurs when necessary in the interests of the protection of our state's citizens, or for the advancement that, in exceptional circumstances, would override the normal procedural progress through this parliament.

However, there are two aspects that are concerning and I place them on the record. One, is that no explanation has been given to us as to why it took this government four months to get its act together when it took the New South Wales government seven days, and particularly given the broader extent which their bill covered in legislation and the narrowness of this ultimate bill in its remedying of the circumstances arising out of the court decisions.

Secondly, whilst that invitation was given and accepted by the opposition, it would be well known to the people of South Australia that the very next day after the first meeting, the particulars of the amending legislation and the need to hasten them through—not just the parliament but to bring them forward for the protection of South Australians—was, of course, on the front page of *The Advertiser*. This was not just a general indication of the government's intention to, again, crackdown on this unacceptable behaviour and to produce legislation which was going to be valid, but to point out the urgency of doing so, all of which we have been asked to keep in confidence, and we then find it splashed over the newspaper.

I indicate to the government that the opposition will continue to act responsibly when appropriate and when a reasonable meritorious submission is put to us. What we will not accept is to be treated like idiots and be expected to act responsibly but then find that there is a publication of material which we are asked to keep confidential across the front page of the paper or, indeed, any media outlet. That is unacceptable.

Nevertheless, we are here and, as I say, the government seems to expect us to act hurriedly for the reasons that it has pointed out to us and which we have acceded to. It seems that the New South Wales' government has got its act together and is able to manage to deal with its provision. In any event, four months later we have this decision in response to Pompano's case and again, in round three of this legislation, the Attorney-General said:

It is clear beyond argument from this discussion that the constitutionality safe course is to replace 'eligible judges' with the Supreme Court and to make consequential amendments to the Act. ... 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.

We could not agree more with the Attorney in that sentiment expressed in that contribution. What is missing, however, is that, without a convergence between the Australian criminal organisation laws around the country, we think there could obviously be increases. Without the support of that convergence we lose out on increasing the constitutional robustness of our own regime; it increases the likelihood that other states will support South Australia in defending any Constitutional challenge; and it avoids South Australia maintaining a legislative regime which is seen as more vulnerable constitutionally and, therefore, risks making our scheme a target for those to seek to challenge the laws.

The aspects of this, the last two areas, as grounds for convergence, do not depend on an assessment of the Pompano case or the anticipation of future High Court judgements. However, the South Australian bill provides limited convergence. Unfortunately, when we look at the bill, the statements of the Attorney-General do not adopt the last three elements of the New South Wales bill which I have outlined.

What is absolutely stunning to the opposition is that, notwithstanding the Attorney's statement, during the briefing we received advice from a Solicitor-General that the government did not even seek legal advice on those elements. I find that a stunning omission. I do not know why the government chose not even to get advice on that, but that is disappointing to the opposition. The statement of the Attorney-General made in this house, consistent with a statement made in the preceding year about the importance of convergence between the jurisdictions, seems to be of one statement but inconsistent with the action in failing to even take advice on these other matters.

The criminal intelligence process, in particular, is a clear divergence between the Queensland and New South Wales schemes on the one hand and the South Australian bill on the other. Criminal intelligence, of course, is secret police evidence not available to the respondent. The Queensland and New South Wales jurisdictions now require the police commissioner to make an application to the Supreme Court to have material declared to be criminal intelligence rather than the police commissioner making that determination.

South Australia, of course, will continue to have the police commissioner in that role. I think it is fair to say that, whilst your aspirations (as idealistic as they may have been at the time) were to give the police commissioner and the attorney-general of the day very special privileges in this ground-breaking legislation that you introduced, the current Attorney-General's implacable (to be fair, I think I have to water this down) closeness to the adherence of this principle of keeping the police commissioner in this role is still concerning, especially when, on the one hand, he has made statements to this house about how important it is that our jurisdictions be at one if we are to face High Court challenges in the future.

Nevertheless, the current Attorney, with the government's support, is following your lead, Mr Speaker, and keeping the police commissioner right up there in a critical role inconsistent with the obligations that would need to be made by the police commissioner in going to the court, as would apply in Queensland and New South Wales.

I will place on the record some aspects of this, because, as I have indicated, it is the opposition's position that we will support the passage of this bill, unamended, through this house, because we have acceded to a number of aspects, but we are concerned about a number of matters. Members will be aware that criminal intelligence is a key divergence from the normal operation of the adversarial system of justice. In Pompano's case, the High Court upheld the validity of the provisions:

The Court held that while the provisions may depart from the usual incidents of procedure and judicial process, the Supreme Court nonetheless retains its capacity to act fairly and impartially. The Court held that the provisions do not impair the essential characteristics of the Supreme Court, or its continued institutional integrity.

The majority judgement stated, quote:

...if an adversarial system is followed, that system assumes, as a general rule, that opposing parties will know what case an opposite party seeks to make and how that party seeks to make it. As the trade secrets cases show, however, the general rule is not absolute. There are circumstances in which competing interests compel some qualification to its application. And, if legislation provides for novel procedures which depart from the general rule described, the question is whether, taken as a whole, the court's procedures for resolving the dispute accord both parties procedural fairness and avoid 'practical injustice'.

The majority considered that, in the context of the court's inherent powers, the court can protect procedural fairness, and the legislation's procedures for criminal intelligence are not valid. Involving the Supreme Court in a criminal intelligence declaration increases the capacity of the Supreme Court to maintain procedural fairness both in the declaration of criminal intelligence itself and in proceedings receiving that evidence. Of course, Queensland and New South Wales provide for a criminal intelligence monitor, whose function it is to monitor each criminal intelligence application as well is a declaration of control order proceedings.

While the Pompano decision does not explicitly insist on the three elements, there is value in having convergence and the three elements are likely to make our laws less likely to offend constitutional law in that they support procedural fairness and reduce the risk of practical injustice. It is a mystery to us as to why the government did not take this up to ensure that we, as much as possible, protect South Australians against the risk, further cost, delay and humiliation in applications to the High Court.

The Law Society of South Australia have provided a submission. It may be seen as being at a late hour, but it arrived yesterday. In fairness to them they too have only had a very brief opportunity to consider the bill, so they chose to present yesterday a submission jointly authored by the Australian Lawyers Alliance. It is well known to this house that the Law Society has taken a view on the original legislation, back in the 2007 debates, that they regard that this legislation is not appropriate at all. They confirm their opposition to the legislation as they consider it restricts innocent associations between individuals and groups, criminalising essentially non-criminal behaviour and liberally defining and authorising the use of criminal intelligence in this and other legislation without the appropriate safeguards.

That is a statement that has been made again, the sentiment of which we in the opposition understand, but that debate has been had. We have supported the government in the opportunity to have the initiative to issue declarations under an anti-association approach. So, we have had that debate; that has been lost as far as the Law Society's position goes and we are on to the next stage. They do, however, present some argument to support recommendations that they think would significantly improve this bill, some of which I have already traversed because the opposition has taken up those initiatives. I will just summarise their position as provided to us.

They recommend firstly that the SOCCA legislation should expressly provide for the applications for a declaration and revocation of a declaration to be filed in the Supreme Court. On that matter, whilst it is implicit, we would not have any objection either way if the government felt that that was a way of absolutely making it clear.

The Law Society and Australian Lawyers Alliance are perhaps a bit sort of gun-shy, given the progress of other legislation in recent times. They are a bit concerned about what the government might try to do, so they are really presenting an argument that the act should not be silent on this issue. It needs to be absolutely clear, so they are seeking that recommendation. If the government were to support that, then I do not think we would have any problem with that, but, as I say, we have only just received this submission.

The second recommendation is that the rank of police officer required to verify an application for a declaration should remain as superintendent or above; that is, presenting a position where a senior police officer either at or above the rank of superintendent should be necessary. It essentially means that the senior police officer would have to actually read the affidavit material and make that assessment, and that that higher level needs to be part of the verification process. It helps to satisfy the attempt, I think, to ensure that only applications of merit and substance are made. They make the point that it is important to reduce where possible the risk of unworthy applications succeeding and they see that as an important aspect.

The third recommendation is that section 18 should be repealed and not be amended as proposed in the bill. The rules of evidence should apply to all proceedings under the legislation. To some degree, I have touched on that, but it seems that the government is intent on progressing without that protection.

The fourth recommendation is that the proposed amendment to the Serious and Organised Crime (Unexplained Wealth) Act 2009 should not be made. I have not said a lot about the unexplained wealth amendment. This has been slipped in. It has been presented to us as being necessary to ensure that other approaches to be taken in managing this question of organised crime are not undermined. It seems that other jurisdictions, on inquiry at briefings, have decided that it has not been necessary for them to go down this route, but nevertheless the presentation to

us has been to err on the side of caution to ensure that there is not an undermining of strategic approaches that are proposed that this is necessary to pass.

The other aspect that was presented to us (this, I think, was in the second reading as well) is that this is necessary, and in any event it is really in similar terms to section 39Y of SOCCA legislation, and therefore is really just consistent with that. The Law Society makes a number of submissions on this, but on that point it states the following:

> We note that proposed s43A is in similar terms to s39Y of the SOCCA. We make the general observation that the existence of s39Y does not in any way justify the inclusion of s43A for several reasons including the following:
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> i) the objects and purposes of the SOCCA differ markedly to that of the Unexplained Wealth Act. The SOCCA seeks to protect the community from the commission of offences by implementing measures designed to prevent crime occurring. In this respect it could be said that s39Y is justifiable from a public policy perspective in that it is similar to a law enforcement purpose (which is typically expressed in legislation as a purpose for which information may be obtained and used). The Unexplained Wealth Act, however, is a civil proceeding with the object of attacking financial gain from past suspected crime. A feature of the legislation is that there need not be any proven criminal activity for an unexplained wealth order to be made.

They expand further on that submission. They also point out that section 39Y is controversial. For much of the same reasoning as they had advanced, they consider therefore that to be an undesirable provision. Finally they claim that section 39Y will be considered during the forthcoming review of SOCCA. The end result may be that it will be repealed or amended.

I thank Mr White and Mr Boylen for making that contribution. It does add some other dimension to the unexplained wealth act proposal. It seems, on the face of it, that the police are keen to cover all bases, and we understand that. It is not surprising that police would look to every opportunity to have legislative capacity to be able to do their job more easily, more quickly and more efficiently, but we, of course, in the parliament have to look ultimately at the interests and rights of others, including those who may be the subject of one of these applications under the anti-association laws or a declaration under that.

We raise these concerns. We are sympathetic to some of the issues that have been raised by the Law Society and we thank them for that contribution, ever attentive to the important rights of individuals in South Australia. It is an interesting debate. The opposition, however, has supported the government's initiative to the extent of having extra special responsibility and legislative power to try to address what is criminal activity, unfortunately disproportionately, apparently, in the hands of a few in organised crime.

The very nature of it and the danger of it to South Australian citizens have elicited the support, therefore, of the opposition in giving this option a go, but the South Australian government, I think, needs to have a clear message that it cannot play around with this type of legislation and expect that it can produce some novel and headline-grabbing approach to something without there being consequences. The public of South Australia have already paid a very high price for that.

Secondly, the senior members of the police force, who have the onerous responsibility of detecting and investigating these difficult cases and dealing with serious and organised crime, which is a dangerous business, need to be reminded of the fact, I think, that the parliament is giving them a very special responsibility and that it should be used in limited circumstances and that it should be exercised responsibly, and I am sure that, in the hands of good and decent persons leading the police department, that will occur. Unfortunately, sometimes there are those in any organisation who provide the lowest common denominator. That is one of the things about which we have to be cautious and alert to in parliament in the laws that we make.

With the passage of this legislation, I give to the police department and the personnel who are going to be exercising this law the very committed assurance that the opposition wants to support them in their being able to deal with this tawdry task and to be effective in its administration. Ultimately, we will look to the guidance and determinations that are issues and the protection provided by the Supreme Court determinations under the declarations.

We are giving them a difficult task. It is still novel. There are some consistencies, and we hope that we will now not have unnecessary and costly claims in the High Court. We can only hope that it is the case that we will diminish serious and organised crime in this state and that our citizens are protected and that we also ensure that we limit the risk of their having to pay Martin Hinton, or anyone else from our legal profession, to go off to the High Court and plead for the merciful interpretation of what we intended here in the parliament.

Mr PEGLER (Mount Gambier) (11:38): I rise to intimate that I will be supporting the Serious and Organised Crime (Control) (Declared Organisations) Amendment Bill. The purpose of this act, when it originally came before this house, was to protect the general law-abiding citizens of this state from the violence and standover tactics of criminal organisations and their members.

As a government and as a governing body, when we can see that some other state is doing something better than we are, I think that we should always change our acts or our bills to reflect those changes. I certainly support the intention of this bill to change the process of having eligible judges determine serious and organised crime gangs to having the Supreme Court do it. I believe that, in this process, we will see fewer challenges in the courts and it will give everybody a clear definition of the way forward. I will certainly be supporting this bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (11:39): I will say a couple of things very briefly. First of all, in respect of the material that has been provided by the Australian Lawyers Alliance and the Law Society, we have had only a very short time to consider it, but my advice is that none of those is a matter of substance.

Can I say, Mr Speaker, that I only hope that the shadow attorney, in particular, takes as much notice of the letter that the Law Society has written to him about another bill, namely the Legal Practitioners Act, as they do about everything else because it is asking them to withdraw all their amendments. I also thank the member for Bragg for what I understood to be a ringing endorsement. As eloquent as it was, it lacked the one thing that the shadow attorney was able to bring to the debate which is brevity. I will read onto *Hansard* the very nice letter that I received yesterday from the shadow attorney, saying:

> Dear John,
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> Thank you for your letter of earlier today on the Serious and Organised Crime (Control) (Declared Organisations) Amendment Bill 2013.
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> I advise that the Liberal Party Joint Party Room has considered the Bill and agreed to support the Bill without amendment.
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> We support the consideration of the Bill in both Houses being concluded this week.
>
> Yours sincerely,
>
> Stephen Wade
>
> Shadow Attorney-General

I commend the shadow attorney's style to the member for Bragg. In this particular instance it is refreshingly to the point and helpful, but nevertheless I thank the opposition for their support in this matter. Their cooperation in having this matter move quickly through the parliament this week, through both houses without amendment, will be received with great relief by both the people in the Crown and SAPOL, who are doing very valuable work in this area. I thank all members for their cooperation in this matter and, of course, the member for Mount Gambier, thank you very much for your support as well.

The SPEAKER (11:42): The deputy leader criticised me in my capacity as the former attorney-general for introducing a serious and organised crime bill whereby the attorney-general declared organisations to be criminal organisations. I will make plain to the house the reason that was done was for the attorney-general to take responsibility to the house and to the electorate of South Australia for those declarations and not foist that responsibility on judicial officers. I understand the second approach is different but that is why the first approach was taken.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (11:43): I move:

That this bill be read a third time.

Bill read a third time and passed.

PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

Adjourned debate on second reading.

(Continued from 6 June 2013.)

Mr HAMILTON-SMITH (Waite) (11:44): I rise to advise the house that the opposition will be supporting this measure and to raise a range of concerns and issues linked to it. As we know, the minister introduced the bill on 6 June and its aim is to 'regulate the variation of conditions and applications of laws relating to lead emissions' from the Nyrstar smelting facility in Port Pirie. The government argues that the effect of the bill will be to provide regulatory certainty for investors for a proposed transformation of the smelting facility. I thank the minister for the departmental briefing that was provided to opposition members on 18 June.

The history of the Port Pirie smelter is one that will focus the attention of the parliament and the community for some months and years to come, because crucial decisions are in the wings that will affect everyone in this state. The Port Pirie smelting facility was established in 1889 and is celebrating its 124 year anniversary. It was originally owned by Broken Hill Associated Smelters to service ore from that project. The smelter later transitioned to Pasminco, then Zinifex, then Nyrstar around six years ago. On a number of occasions the plant has faced receivership or closure.

The smelter currently processes lead, zinc, copper, silver and other precious minerals principally sourced from overseas, with some local provision from the Broken Hill mine. The plant is strategically linked to Nyrstar's overseas mining operations and its Tasmanian smelting operation, which forwards by-products such as paragoethite and leach products from Hobart to Port Pirie. The economic significance of Nyrstar to the South Australian economy is very, very significant.

The future of the plant is in doubt, and has been for some decades. Nyrstar is currently the largest employer in Port Pirie, with around 858 employees and 2,500 indirect jobs in a town with a workforce of about 5,240 and a total population of about 14,000. The closure of the plant would have a dramatic effect on the township and the Upper Spencer Gulf economy, and would be a crushing event in the seat of Frome. Other enterprises include the port, agribusinesses, light engineering and a range of small businesses, but without Nyrstar the core of the community in the Port Pirie precinct would be crushed. According to the company, Nyrstar Port Pirie's value-add to GSP is about $518 million per annum.

I now want to address the transformation proposal upon which this measure hinges. A $350 million reinvestment in new technology is proposed at the Nyrstar plant, with further investment to follow at a later time. A $15 million prefeasibility study into the transformation proposal is currently being conducted, assisted by a $5 million grant from the South Australian government which the South Australian Liberals, on this side of the house, were pleased to support. The transformation will result in Nyrstar becoming an advanced polymetallic processing and recovery facility, to be commissioned in 2016.

The $350 million funding package is to be comprised of a $150 million investment from third-party investors, guaranteed by the commonwealth government's Export Finance and Insurance Corporation, a $100 million sale of silver futures from Nyrstar, and $100 million in investment by Nyrstar. I refer to a public statement made by Nyrstar on 23 May 2013 titled 'Port Pirie Transformation Update', where it confirmed those arrangements. Of course, these are important, and I remind the house of them because without these arrangements successfully proceeding there will be no future for the plant.

The crux of it is that the company has signed an implementation agreement with the Australian Export Finance and Insurance Corporation (EFIC), the export credit agency of the Australian federal government, with respect to the EFIC-supported tranche of the funding package for the proposed transformation of the Port Pirie smelter into an advanced metals recovery centre. There was an announcement about this on 3 December 2012, which indicated that Nyrstar had reached an in-principle agreement with the Australian federal government and the South Australian government with respect to the funding of the transformation.

The capital investment required for the transformation, as I mentioned was $350 million (around €280 million) and is to be financed by the funding package comprised of the $100 million from Nyrstar, the forward sale arrangement ($100 million), and the $150 million via restructured investment to third-party investors benefiting from a guarantee from EFIC.

Nyrstar's announcement on 23 May was a very important milestone in the funding package for the transformation. The implementation agreement provided a framework and a timetable for this component of the funding package. The terms of the agreement remain confidential, but completion was subject to a number of conditions, including final ministerial approval following completion of the final investment case.

The support of EFIC continues to be a crucial element in Nyrstar's investment decision and underlines both Nyrstar and EFIC's contribution to the transformation. This bill is crucial to the success of these arrangements. Without the removal of the regulatory uncertainty that this bill seeks to satisfy, the financial arrangements that underpin the transformation are at risk.

On 28 February this year, the state government announced that the transformation had been awarded major development status, facilitating an efficient development and approval process, and we were happy to support that. Nyrstar announced in its first 2013 interim management statement that on 10 April 2013 it had sold forward to February 2014, which was the expected date by which the transformation funding package would be affected, five million troy ounces of silver at a price of approximately $US28 per troy ounce.

The current intention is that this position would be rolled into an $A100 million forward sale component of the transformation funding package in February 2014. On 24 April, the South Australian government confirmed its contribution of $A5 million towards funding Nyrstar's investment case which, as I mentioned, was expected to be completed by the end of 2013, with a report due in the first quarter of 2014.

In essence, these financial arrangements, if they are to succeed, require the successful passage of this bill. The successful transformation and upgrading of the plant would result in Nyrstar producing a much higher profit margin and significantly reducing its emissions. Nyrstar initially approached the state government, as I mentioned, in 2011 in anticipation of new Environment Protection Authority regulatory arrangements which imposed a more stringent emissions standard for the smelter.

The new EPA standards were introduced in July 2012. The proposed smelting facility will contain contemporary technology that is utilised in only a small number of sites globally. The smelting process can handle much larger, complex and varied ores and therefore will operate at a much higher profit margin. If the transformation proceeds, the facility is expected to be profitable for a conservatively estimated 30 years, with the potential for the technology. These are important points for the house to note.

On my numerous visits to Nyrstar, it has become very, very apparent that no change is not an option. It was put to me that, if you were proposing to build the Nyrstar plant in its current form today at Port Pirie, it would simply never get up. It is a very environmentally unfriendly bit of infrastructure at the moment. That is why we need to assist this transformation. I think the response of the commonwealth and state governments has generally been adequate. In 2011-12, the state government, as I mentioned, was approached by Nyrstar seeking significant capital input to aid in the transformation of the Port Pirie smelter.

In late 2012, the case management for the Nyrstar transformation had been allotted to the Olympic Dam taskforce led by Mr Bruce Carter, with support from DMITRE Deputy Chief Executive, Paul Heithersay. The result is, as I have mentioned, the Commonwealth Export Finance Insurance Corporation's $150 million guarantee; the $5 million state government grant towards the feasibility study, which I have also mentioned; and an in-principle $115 million state government guarantee and indemnity, which was brought to light during the recent budget, and I quote:

> ...in respect of certain potential environmental, health and property liabilities to assist with the attraction of external financing for the proposed Port Pirie smelter upgrade. The guarantee/indemnity will come into effect once the feasibility study for the upgrade has been finalised and accepted by Nyrstar.

It is important to note that the guarantee will only come into effect if the Nyrstar board approves the transformation proposal. We were initially advised that that approval might occur late this year, 2013. We have since been advised that that approval may now be deferred into the first quarter of 2014. Can I be quite frank with the house in indicating that the opposition has concerns about the time it has taken to advance this matter.

This bill, as I mentioned, was introduced back on 6 June. We feel that it could have been dealt with very expeditiously. There has been a couple of sitting weeks since then, and we could have been having this debate back in June or much earlier in July. Instead, the government has taken until today to bring it forward. I think that that is regrettable because we need to provide to the board of Nyrstar a tick in all the relevant boxes so that they are able to make the corporate decision they need to make in the best interest of the state, their own corporate interests and the people of Port Pirie. In my opinion, we have wasted valuable time.

Of course all of this is occurring in the overlay of a forthcoming federal election, which may or may not see a change of government—I certainly hope it does—but one would assume that the

arrangements entered into with EFIC and the federal government authorities will hold no matter what happens during the federal election but, of course, these events are also unfolding in the context of a forthcoming state election in March.

I would certainly hope that we get a decision from the board of Nyrstar prior to the state election, and I would certainly hope that there is no event which seeks to delay the board's decision beyond the March election. I think people need to know before the March election what is going to happen with the Nyrstar plant. I think they need certainty and direction and, if there is to be any point of difference between the major political parties, and any choices to be made, the people of Port Pirie and Frome deserve a right to know the facts and the choices before the election.

So, I would be very concerned if there was any action this parliament, this government or, for that matter, the federal government, might take between now and March that would seek to postpone a decision point. The fact that it has already slipped out to February next year is disappointing. It would have been better to get a decision late this year. Having said that, we certainly will not be looking to delay this in any way whatsoever as an opposition.

I want to go back to the risks to the taxpayer of South Australia and to investors in Nyrstar. The $115 million state government guarantee and indemnity, highlighted in this year's budget for the first time, is being provided to give greater certainty to potential third-party investors in the transformation. In effect, we are providing an indemnity to private investors, which is not something to be baulked at. If all goes well, the opposition has been advised by the government that that indemnity will not be called upon. However, one must assume that things do not always go well, so the reality is that there is $115 million of taxpayers' money on the table here that could potentially vanish. I think that adds weight and gravitas to this debate and members should look at that figure in a very sober way when considering their position on this bill.

Nyrstar may face potential environmental, health and property liabilities in the future that could force the company's Australian operations into difficulty. I think we need to be open in acknowledging that. The bill is an associated measure to mitigate against potential legal actions going forward. Of course, these are problems not unique to Nyrstar that many companies have to square up to.

I remind the house that the opposition has supported the $5 million taxpayer contribution to Nyrstar's feasibility study and that, at every step of this process, we have offered our bipartisan support in the best interests of the state, Nyrstar and the people of South Australia. I just make that point because I remind the house that the opposition and those on this side of the house always put the best interests of the people of South Australia first. We have not sought at any time to play politics with this; we have not sought at any time to try to take points of difference for political reasons. In every decision we have made about Nyrstar, we have thought about what is best for the people of Port Pirie, Frome and South Australia, first and foremost.

Can I just commend the work of the Liberal candidate for Frome, Kendall Jackson, who has done a fantastic job and represented us at the public meeting that was held up there recently when there was a briefing to the community. She has kept me (and our side) very closely informed of concerns within the community as this process has evolved. She is a fantastic representative of her local community and she will be a fantastic champion for the state Liberal Party at the forthcoming state election. I can say to the people of Frome that they would be very well served should she become the member at some point in the future. I am not sure if the current member for Frome would agree with me on that, however, that is my earnest view.

I just want to point the house to the possible options going forward at Nyrstar because I think we need to approach this, as I mentioned, in a very sober way. Option one would be that the Port Pirie plant could close and Nyrstar could walk away. I think we all need to face up to this as a very real prospect. Remediation tasks in that event would be very substantial.

I am advised that Nyrstar's corporate structures are largely located overseas and that the capacity of the state and commonwealth governments to seek remedy from Nyrstar's European offices may create some difficulties in the event of a collapse. I am advised that the remediation responsibility might be left to the state and commonwealth governments either in partnership with Nyrstar or on a stand-alone basis, and that Nyrstar's operations in Hobart might also face closure. I think we all need to face up to the fact there is a chance that the board could decide to walk away.

Can I just signal to the house and to the company that should a state Liberal government form office in March, if Nyrstar decided to close its operations, it could look forward to a very aggressive and energetic pursuit by a future Liberal government to ensure that their obligations

with regard to remediation of the site were effected. If we form government in March, we will not see the people of Port Pirie and the taxpayers of South Australia left with the task of cleaning up the site without the financial involvement of the company.

We will use whatever resources are available to us as a state government in cooperation with the federal government, internationally and nationally, to ensure that Nyrstar, as owner of the plant, is held financially accountable for any costs associated with a decision to abandon the site and walk away. I just want to make that signal very clear to the company and very clear to the house, and I would be very disappointed if the current government took a different view.

Of course, by far the preferred option, the second option, would be for the transformation to proceed. In the same breath I say to the company that this side of the house, if we form government in March, will do everything we humanly can to ensure that Nyrstar has a vibrant future at Port Pirie, because in this event the plant could have a future of 30 years of life, it would remain viable, and it could set about a longer time frame using cash revenues from the transformation to build its operations. Port Pirie's future would be secured in the short to medium term, and this is by far the preferred option.

Of course, there is a third option, and that is no change, just to bat on, as we have, with no transformation. I do not really see that as an option. Nyrstar continuing its operations over the short term, with the government forced to ease the regulatory burden upon the company by compromising health and environmental standards for many years to come, I think is not really a viable option. This risks negative impacts on the health of the community and would create a dangerous precedent on environmental and public health grounds. Essentially, there are only two choices: close the plant and walk away or effect this transformation. By far the preferred option is the latter. Our signal from this side of the house to the company is that that is the decision that we want you to make when the board decides this matter, and that is the decision that we will help you to effect.

I want to refer you to the bill directly, because it seeks to vary the application of regulatory and legislative conditions relating to lead emissions from Nyrstar's smelter in Port Pirie. In effect, the government seeks to provide regulatory certainty to Nyrstar by locking down the health and environmental standards which the company must meet. The device used in the bill is to allow the minister for industry to intervene if the Environment Protection Authority seeks to vary the agreed maximum lead-in-air condition without consultation and approval of the manufacturing minister and Nyrstar. The bill will only take effect six months after the completion of the transformation.

I also want to make reference to the likelihood that this matter could be referred to a select committee. There have been discussions between the minister and myself indicating that the government's preference is to refer the matter to such a committee, and perhaps we can deal with that when the minister actually moves that way. In general reference to that proposition, can I say that we will be supporting that. I must say that I initially had misgivings about whether that was even necessary or whether it would add any value to the process. I think in this case the government has clearly negotiated with all the relevant parties and consulted fairly thoroughly; so has the opposition.

I have certainly spoken to the council, to the company, to various stakeholders, and, as mentioned, with Kendall Jackson and the community, and everyone seems to be in support of this measure because it will not only provide jobs and security for the economy of Port Pirie, but it is going to actually reduce health impacts and improve health outcomes for the people of Port Pirie; so I find no dissenting voice to this proposition. I think again that raises questions about whether or not a select committee would add any value to the process by enabling further consultation.

Having said that, I understand that there is a potential argument about whether or not it is a hybrid bill. In my spirited discussions with the clerks about this, can I say that my personal view is that it is not a hybrid bill. I accept there may be a case but, of course, having examined this matter thoroughly, I see the definitions in the 12 December 1912 joint standing orders of the houses of parliament relating to private bills and I note that, in respect of whether or not bills such as this are a hybrid bill, our joint agreement, dated 1912, says this:

> The following bill shall not be Private Bills, but every such Bill shall be referred, after the second reading, to a Select Committee of the House in which it originates:—
>
> A. Bills introduced by the Government whose primary and chief object is to promote the interests of one or more municipal corporations or local bodies, and not those of municipal corporations or local bodies generally.

B. Bills introduced by the Government authorising the granting of Crown or waste lands to an individual person, a company, a corporation, or a local body.

It then goes on:

There shall be an Examiner for Private Bills for each House (hereinafter styled 'the Examiner'), who shall be appointed by the President or Speaker, as the case may be.

Based on that definition, I doubt whether this bill would qualify as a hybrid bill. There is an argument that it confers a benefit on a private company but, as the joint standing order specifies, it, as a joint standing order, deals with municipal corporations or local bodies. I think there is a real question mark about whether Nyrstar qualifies as either a municipal corporation, which I would argue it certainly does not qualify as, or a local body, which I would argue it does not qualify as.

Even then, there is no granting of crown or wastelands in this case to an individual person, a company, a corporation or a local body. It is rather that we are dealing with matters to do with environmental controls and, in effect, to do with the minister's ability to direct the EPA. So, I think, in terms of our joint standing orders, this does not qualify, in my opinion, as a hybrid bill, and I would be quite happy to argue that case to you, Mr Speaker, and to the house.

Having said that, and following guidance from the clerks, I readily acknowledge that there is some precedent where the house has chosen to take a broader application of the joint standing order and to include, on a number of occasions, private corporations or companies within the terms of that joint standing order. I think that is a reflection of the fact that this house has, in the past, adopted some sloppy practices.

I am one who believes that two wrongs do not make a right, so I would be inclined to argue to you, Mr Speaker, and to the house that we should stop doing so and make one of two choices: either stop declaring bills as hybrid bills that do not meet the criteria set out in the 1912 joint standing orders of the houses of parliament or, alternatively, do what the other place has done; that is, examine, as an example, their standing order 268, which has extended its interpretation of these arrangements to include any matter which, under subparagraph (b) of that standing order, authorises the 'granting of Crown or waste lands to an individual person, a company, a corporation, or local body,' but which has certainly taken a view under subparagraph (a) that any measure that has:

...for their primary and chief object to promote the interests of one or more Municipal Corporations, District Councils, or public local bodies, rather than those of Municipal Corporations, District Councils, or public local bodies generally.

I think their definition is a little broader and we could consider whether or not we need a separate standing order of our own.

I might have been prepared to argue that if I thought that the select committee was going to slow the matter up for several months, because select committees are notorious for doing that, but the minister, in the spirit of progressing the matter, has assured me that there will not be a delay with the select committee arrangements and that the matter will not be held up. I know we are going to deal with that in due course and so, for that reason, will be supporting that select committee arrangement.

Can I just add that I think the minister has also provided two other very good arguments for a select committee that do have merit. One is that it is highly likely that it would go to a select committee in the upper house, because of their standing order No. 268, and, quite rightly and understandably, the minister and shadow minister in this house would want to be members of a select committee, should it be held, rather than to leave it to the other place.

Secondly—and I think it is probably the most compelling of all arguments—the minister makes the case well that should at some point in the future any issue arise with regard to legal actions against Nyrstar that are health-related, the house would want to demonstrate that it had covered every avenue in respect of thoroughness in the way it deals with this matter, and that a select committee would attest to that. I think that is a very compelling argument. I thank the minister for allaying my concerns about whether a select committee was needed and assuring me that it is. For that reason we will be supporting that.

Can I talk for a moment about the politics of this entire measure, because I think, as with all issues before the house, there is an element of politics involved. A closure of the plant would have a dramatic and far-reaching effect on the economic, social and political future of this state; let there be no mistake. Can I just say that, in light of the problems that General Motors Holden is facing at

Elizabeth, with an uncertain future at the moment, the coming together of these two issues would be an economic tsunami for this state. To have both General Motors Holden and Nyrstar leave the state at the same time would transfix the attention of whoever forms government after March for at least a term and possibly longer.

The restructuring packages that might be needed to deal with both issues would be overwhelming in tight budgetary times, and I think all members, before they consider their decision on this bill, need to take that into account. It is quite possible that, if the board decides against the transformation in 2014, a wind-up at Nyrstar could be swift. It is likely that the state and federal governments would be asked to provide significant funds for the restructuring, as I have mentioned. The taxpayer might also be left with a large remediation liability and would then have to tackle Nyrstar at a national and international level to ensure that their obligations were met. This could expose the state budget to hundreds of millions of dollars in contingent liability, something that is not presently budgeted for.

A refusal by state or federal governments to participate financially in the transformation could precipitate a negative decision from the board. A rejection of the bill by the parliament might also put an end to Nyrstar. I think we all need to be just straight up about it. I have mentioned the potential risks of litigation going forward related to health concerns, another reason why this transformation needs to be agreed to. The health and wellbeing of the people of Port Pirie should be our first and principal concern.

I have talked about the timing of the board's decision, originally set for October, now slipped to February. It may well be that it slips further. I hope not, and I would certainly be looking to insist that we get a decision in February, so that we all know where we stand well before the state election.

I have mentioned the extent of consultation by members on this side of the house with, firstly, Glenn Poynter, Nyrstar Port Pirie general manager. I have certainly talked to the local MP, the member for Frome. I know he is very keen to see this matter advanced. I have talked to, at various times, both the mayor and the general manager of the council about this issue. I have mentioned that Kendall Jackson, our candidate up there, has represented the party thoroughly during all of the consultation phases.

The opposition has made numerous visits to Port Pirie. I personally have visited the plant. I know the leader, Steven Marshall, has also visited the plant, along with shadow cabinet members. We have held conferences and party seminars up there, we have been regular visitors and participants in the seat of Frome, and we intend to continue to be. So, we are well versed on this issue and very keen to see the matter acted upon.

In summary, the worst outcome for South Australia would be for Nyrstar to collapse at Port Pirie. It would leave the state government, or any future state government, with the challenge of economic restructuring in the Mid North, combined with a massive remediation liability, and our state government's ability to seek a remedy from Nyrstar would be part of that challenge. I can tell you that, if we are in government, we will be very energetic should that occur. So, my message to Nyrstar is: approve the transformation and get on with the future.

The best outcome for South Australia would be that transformation and to see it proceed smoothly. In this event, a modern plant is likely to continue to be profitable, as I have mentioned, for a very long period to come. Nyrstar's processing capacity would ensure that South Australia's mineral resource industry will add much greater value to the broader economy and potentially make a range of potential resource projects much more cost-effective. The continuation of Nyrstar's current operations is untenable on environmental, public health and economic grounds. Without the transformation, the company's future beyond 2016 is limited.

I think that there has been enough time spent on consultation and preparation for this matter before the house today. What the house needs to do is to decide the issue. I understand that it will go to a select committee in the course of this week, but I would certainly hope that the matter comes back to the house on Thursday, after consideration by the select committee, and that we deal with it and decide the issue here this week. The government, as I have said, has already taken, in my opinion, too long to bring this matter forward.

What we now need to do is to ensure that it is dealt with by the House of Assembly this week so that we can go into the parliamentary recess knowing that it will go to the Legislative Council in the first week of sitting after the break. They then need to deal with it, they then need to decide the issue, and they then need to have it proclaimed so that the board has this matter

finalised so that it has the information it needs so that it can make a decision. On this side, we have done everything humanly possible to progress this matter, and we will continue to do so in a spirit of bipartisanship. It is in everybody's interest to see this bill passed swiftly. I commend the bill to the house.

Mr BROCK (Frome) (12:23): I also rise to support this bill. Let me make it quite clear at the start that I am very appreciative of the government's bringing the bill forward. The bill gives certainty not only to Nyrstar's in-principle support for a new plant at Port Pirie but also for potential developers coming in and also for potential partners for funding the shortfall.

The member for Waite has indicated that he has had discussions with me, and I certainly have had meetings with the member for Waite regarding this, and I thank him for that. More importantly, I thank all of the key players in the lead-up to this program (the in-principle agreement between the federal government and Nyrstar), including the state government and also the federal government. It was a very long, very tedious and nervous wait for the people of Port Pirie, in particular, to understand where we would be going with the transformation of a new plant in Port Pirie.

I must also make it public here that I did spend 30 years of my working life at Nyrstar down there, and I have seen from when I first started in 1978 up until my retirement in 2008 the transformation of the technology and the reduction in the lead emissions coming from that plant. That has been a great transformation. The blood lead levels of our children in Port Pirie have been over-exaggerated, in my opinion, over-publicised and unwarranted. The people of Port Pirie have done everything they can, and there have been massive improvements there. I think that the media have not portrayed us fairly and given the people of Port Pirie a fair go.

Also, I publicly acknowledge that two of my stepsons are currently working at Nyrstar and that many of my friends still work at Nyrstar. Many of my friends and associates in Port Pirie and the region are dependent on the success of Nyrstar and its continuation in some form. I am very supportive of its continuation in a new format.

Leading up to the in-principle support, I have to say that I was an annoying factor to the Premier, in particular, to minister Koutsantonis in his role leading up to this, and also to any federal member I came in contact with. Whether it was a member of the federal government or somebody in opposition, every time I had the opportunity I would talk about Nyrstar and the importance of these issues. Sometimes people on the federal side were not aware of the importance Nyrstar has to the community of Port Pirie.

I know that on both sides of the house here everybody understands the importance of this industry, not only to Port Pirie and the region but also to the South Australian economy. I continue to lobby the ministers, the Premier and the senators from both sides of federal politics to ensure that when this is being discussed it is at the forefront of everything, and that is what has happened now. It has gone forward. The in-principle support has been agreed to. I hope that this bill goes through with no objection because integration is very important to the Nyrstar board, Port Pirie and Hobart and, if one goes down, the other goes down. People do not understand that. Both sites need to be vibrant, healthy and profitable, otherwise Hobart will also be a catalyst for Port Pirie to go down.

I want to see this bill go through with tripartisan support, not only bipartisan. We must remember that here we have crossbenches. We are not members of the Liberal Party, we are not members of the government. We are here to represent our communities, so I want to see tripartisan support and for it to be very public from this house here. When it goes to the Legislative Council, I want to be able to see people think seriously about the future direction.

Consider that the current plant is over 130 years old; it is old technology. The centre plant there was a pilot plant. It is still going. What can we expect? Everything changes on a regular basis. I implore the members of the opposition to liaise with their colleagues in the upper house and the government side to ensure that when it gets up there it is debated professionally, honestly, seriously and sensibly. I want to be able to see a positive response go to the Nyrstar board to say that the South Australian government, the South Australian parliament, are all supporting this legislation going through. The last thing we want to see is some member on either side or from whichever party to start to put the negative in there and the uncertainty to the Nyrstar board.

This is very important not only to Port Pirie for economic growth but also for certainty. The people of Port Pirie have been promised many things over many years from both sides of politics, and we have got nothing. We have had promise after promise. The people of Port Pirie are sick

and tired of having promises and nothing happening. This is something that even the people of Port Pirie now are saying. I have had to do a lot of convincing and say that I am very positive of this going through.

When it started there was uncertainty to the degree that Nyrstar lost many very valuable and highly qualified tradespeople who moved on. They have gone to the mines, they have gone to the resources sector, they have come to Adelaide. The people who are suffering from this are our community. Nyrstar have many long-term employees who have been very loyal over many years, some people having been there for over 50 years—families, generation after generation. We want to have this new transformation plant to be able to have security in Port Pirie in my community, for my friends and my family, and to say that we are going to be there for another 30 years and having that security.

Also, the lead in the blood of our children is an issue we are all very passionate about. I am sure that whichever side we are on, we consider it important. The lead in the blood of our children is a very big issue, and has been over many years with the smelter. Pasminco was the first one; it went into receivership, and then it started to acknowledge it. Then Zinifex came in, and the general manager said, 'We have an issue with the lead in blood; we have a responsibility.'

Everyone else was saying that it was not their responsibility, but Zinifex took ownership of that and started to deal with it. Then Zinifex itself was sold to Nyrstar. To Nyrstar's credit, it has continued to take ownership of reducing emissions. It has a very strict EPA licence and has regulatory 24 hours a day, seven days a week, 365 days a year monitoring. Nyrstar has its own monitoring facilities there in conjunction with and additional to the EPA's.

I think that for far too long the way Port Pirie has been portrayed in the media is something that is not justified and not warranted. I cannot wait until such time as this new plant gets into Port Pirie and it is announced, because I will lead the charge there with the mayor and the CEO to make certain that this is the new Port Pirie. I do not care what they have been doing before; I want to see a positive attitude and security not only for my family but for the generations to come and for the community and the region of Port Pirie as well.

Whilst at the start there was a fair bit of jostling around with this bill, a bit of uncertainty about it and a bit of political stuff, I must honestly say that there was a bit of confusion about whether the minister should have the final say if the EPA had to change the licence after the settling in period of the new plant. The member for Waite has indicated that he is not playing politics on this side, and I agree. I do not want to play politics with this bill. I want to see this bill in here; it is a very good bill.

In my discussions with minister Kenyon we talked about this; I said that I wanted to have a public forum in Port Pirie, and we had a public forum in Port Pirie. As most of our country members will understand, if you call a public forum in the community sometimes you get only a small number, but we had about 80 people there. We had a very good meeting. The minister came, and we had the professional people and the scientists come up, and they answered questions and explained it very clearly to my community. If my community is okay with this bill, then I am okay with this bill. I do not care what people in Adelaide think about the bill; this bill relates to my community, my people, and if my people in Pirie say, 'Go for it, member for Frome,' I will do that. I have had unwavering support to pass this bill, to make sure it gets through the parliament.

The member for Waite has made a couple of comments. If this bill does not go through, or if the plant transformation does not take place, what is the damage to Port Pirie? First up is if the transformation does not happen. We understand about the economic collapse and so forth; we have so much uncertainty in this country and the world at the moment that the last thing we want to have is some industry go down. The people of Port Pirie have lost confidence, businesses have lost confidence, because of the uncertainty politically and the negativity from the media.

We have people who are looking at coming into Port Pirie to live, and then they see the media stuff about the lead in the blood of children, etc., and they say, 'We're not coming to Port Pirie.' They do not give us a chance. There is just as much pollution in other areas of our state and in Australia, but we seem to be getting the worst scenario. We have people who want to develop in Port Pirie, but as soon as they hear about this lead issue they walk away.

I cannot tolerate this any more. I want to be able to see this new plant go forward. It will reduce the emissions coming out, but at the same time we all have to take ownership of our own health; no matter who it is they need to take ownership of their own health and do all the precautionary stuff. If we continue the way we are the moment, with the same plant and no change,

then I believe that the security of the smelters will not be guaranteed. It will not give any confidence to our community, it will not have the economic growth factor, and it will affect lots of issues, including for the Port Pirie Regional Council, because house prices will go down, capital value will down, there will be less in rates and so fewer services.

If we close the site, as the member for Waite has indicated—it is an old site; it is a massive site, and I do not think people understand the enormity of the site until such time as they see it—there would be an enormous clean-up. There would be hundreds and hundreds of millions of dollars' worth of clean-up. The other thing and the best idea is transformation for a new plant. That is the only way to go; it is the answer to all our questions.

I have liaised with the member for Waite, and I appreciate that the member for Waite has come in and we have had some discussions regarding this. I have had the opportunity to put my point of view across to the member, and also to minister Koutsantonis, minister Kenyon and the Premier. I have also done a lot of lobbying in Port Pirie. We have had regular meetings with the general manager of Nyrstar, and I have had meetings with the board.

I have had meetings with the entire Port Pirie Regional Council, the CEO, the mayor and the councillors. I have had meetings with the chamber of commerce—I will make this public: I am on the executive of the Port Pirie Chamber of Commerce. The chamber of commerce has had meetings with all the key stakeholders, including Nyrstar. One of the things we have not mentioned here is Regional Development Australia. We have had meetings with them, because again they are part of the team that needs to push this going forward.

Hopefully, this bill would have gone through this house at the end of this week, or by the end of next month at the very latest; I acknowledge that if there is no objection from the House of Assembly, I would be very grateful for that. I cannot wait until it goes through the Legislative Council, and I cannot wait until the bill comes back here for ratification and is passed, and then we put that to the Nyrstar board and say that this parliament is all for the transformation for the new plant. I am looking forward to that very good day. I commend the bill to the parliament.

Mr GRIFFITHS (Goyder) (12:36): I enjoy being in this chamber and listening to people who know about the implications on a community of the legislation that we debate. I commend the member for Frome for how he put his position and his total support for the bill, and reiterated a lot of the comments and issues raised by the member for Waite in doing that.

I have never lived in Port Pirie; for me, the closest I have lived was about an hour directly east of Port Pirie. In looking for a bigger regional town for the 5½ years I lived in Orroroo, Port Pirie was it. It just dominates the skyline; there is no other way to describe it. When you are heading towards Port Pirie, you look towards the community and it is it.

It is obvious to me that the growth that has occurred in Port Pirie from its very beginnings—and I note that the industry has been located there for 124 years—has occurred around that activity being there. It is intrinsic to its importance there, and it is absolutely critical from a regional and state perspective that we do all that we can to make sure that Nyrstar remains, and that the confidence exists in the community and the surrounding region to be sure that that business is going to be there, and is welcomed there, because of the growth opportunities that it will have.

It is a great town, too, as are the people. I used a lot of the business services there at the time I lived in the Mid North and experienced the helpful attitude that existed amongst the business operators. I think this has been exemplified every time we have ever been to Nyrstar. When we have been shown around the site and talked about the difficulties that they as a business face from their global perspective, their Hobart operations, their international exposure, it has become obvious to me that this is a really important one.

In the seven and a bit years that I have been in parliament, I have been so pleased about the level of support that has existed for its business activities, while also understanding that words have been said about health issues (and we will talk about that later), but it is clear to me that every person in this chamber wants to make sure that it is there.

I have great respect for the health issues. The member for Frome has referred to that, as has the member for Waite. I am aware of the tenby10 project, which started in the early 2000s and which was focused on improving the lead levels to ensure that the younger people in that community were cared for, that the emission level was brought down and that health would not be a concern.

When I look at this bill and note its impacts, yes, I am pleased to see a business operation, but also importantly the emission level that might come out of it and the health result for that community which is an absolute key one. The member for Frome is quite right about the bad press that has been too easily circulated by many, unfortunately, who have not known the place, the people, the community, and the importance that the industry plays, and it has been too easy to speak negatively.

There are some challenges there; there is no doubt about that, and that is why the community has recognised the need to act upon that, and Nyrstar and its predecessors have recognised the need to act upon that and, collectively, they have worked together to try and put in place programs that will help the health of the community. It is coming down, and projections that I have seen show an increasing reduction in emissions and an increasing healthy outlook for young people. I have found Nyrstar to be an exceptionally professional organisation. When you look at the fact that, I think, there are 850 employees and, I believe, from the briefing that I had when I was up there, there are over 1,000 contractors who worked—

An honourable member: 300 contractors.

Mr GRIFFITHS: —300 contractors, sorry—but then it is the multiplier effect of each of those people who work there, and the impact upon employment and job opportunities in the area that really bring it up to several thousand (I think 2½ was an added-on figure that I saw) and, out of a population of about 14,000 people, that is so significant. So, the parliament will debate this, and there will be a variety of opinions expressed in another place, I think it is fair to say, but the level of support that will exist in the House of Assembly is important.

I have noted the indemnity provisions that exist here and the potential for up to $115 million. I am grateful for the fact that the member for Waite arranged a briefing opportunity at which Mr Carter and Mr Heithersay and other staff members came in as a taskforce charged with this one, and they were quite open with us about the details. I can understand the reasons why it is there, and I know it is a gradually reducing indemnity fund on the basis that potentially there might be some form of class action that might be raised in future years, but I think it is an appropriate level of investment from a state government as a sign of the belief that it has in the industry and in the existence of that region.

It does present some challenges; there is no doubt about that, and it is important that it is managed as well as we can but, by doing it—and I think the minister in a private conversation to me mentioned the fact that it is a very creative solution and a good one for the government to take up, and it was a suggestion by Mr Carter—it shows the high level of input that has been sought to try and get right not only the funding situation but also the indemnification and the bill.

The member for Frome has been quite strong about the fact that he is particularly focused on what the people of Port Pirie say about this bill and that it has their total support. I think that, when any member of parliament who might want to come in and debate the pros and cons of legislation hears the message that a community supports its implications, and its outcomes, that is a very strong message. So, hopefully, there are people in other chambers of this parliament who are listening to some of that also.

I know that the next eight months are probably going to be a very challenging time, not only from a political perspective but also from the Nyrstar board's situation. My understanding is that it is in early 2014. All of us are waiting with bated breath that with this commitment of $350 million towards infrastructure and technology improvement opportunities comes a very strong commitment from the board in seeing the level of support that exists for it to make that final decision.

As a state, we have suffered from the Roxby Downs delay that has occurred there for a number of years. It is so important that Nyrstar looks at this, even though they have only owned this facility for a relatively short time, as one of the key ownership businesses that they operate, and that they recognise the linkages it provides to South Australia, Tasmania and the nation. What it does around the world is significant because when you look at its output and the material that is extracted from what is brought to Port Pirie, and you see the value of that—I think it is $518 million for gross state product—that is just so important, and you can not afford to disregard that.

With others, I look forward to the swift passage of the bill. I am sure that the select committee discussion on this, while it might not be a long one, will be briefed in a variety of very important matters, and I hope that it continues to support it. There will be a few more people speak. The interesting debate (which a lot of us will probably listen to) will appear in the upper house in questions and issues that might be raised there but, from an opposition perspective, and as a

person who is also regionally based and not that far away from Port Pirie and Frome, I know that people who I have spoken to in my electorate recognise its importance and want to see it supported, and I am pleased that this bill does that.

Mrs VLAHOS (Taylor) (12:44): I would like to speak today to support the Port Pirie Smelting Facility (Lead-In-Air Concentrations) Bill 2013. This bill, as many speakers here this afternoon have already mentioned, is critically important to this state's economic development and future and to the community of Port Pirie.

Nyrstar is a smelter and is the largest employer in Port Pirie, as the member for Frome has already mentioned. Community members have suffered for many years from the uncertainty about this smelter just as many people in the northern suburbs have suffered with the GMH decision. I have great sympathy for the community in that respect because I know how it affects the conversations we have in schools and how it affects the people you meet in community clubs. That is not a great way for our state to move forward, and the member for Frome can attest to the cloud of uncertainty that surrounds this, and he spoke very eloquently about that earlier.

The smelter employs 725 employees and there are about 120 contractors who are affected by this. Roughly, that is about 2,500 people who rely on the smelter for their livelihoods in this town. One in five people in Port Pirie rely directly on the smelter and that has a huge impact on the township. Nyrstar represents 98 per cent of the people employed in the town's manufacturing sector and it is a huge issue.

Investment for the economic future of Port Pirie is vital, not just for this local area but for our whole state. It is part of the idea of a manufacturing future (and an advanced manufacturing future) for our state, and the proposed investment of $350 million to upgrade the smelter is vital.

The bill is instrumental in the transformation of this 120-year-old smelter and making it a modern place. The processing centre is an advanced poly-metallic processing and recovery facility, and the upgrade will allow a diversification into many metal products that are required in the modern world. The proposed technology to be used in the upgrade of the plant is state-of-the-art and proven. It is not an uncertain technology; it is one that will be needed and required throughout the world and has a ready market for its products.

It would be remiss not to talk about the cleaner air that will result from this, the reduced environmental footprint that will help the smelter be economically sustainable, and also the township and the children who are growing up there. The bill introduces a post-upgrade framework for lead-in-air concentrations, and the EPA will have the scope to consult with Nyrstar and the manufacturing minister to enforce this and the EPA will be able to propose changes in lead-in-air concentration limits.

Air lead concentrations are expected to be reduced by at least 50 per cent, which is great news for the community and for the children who are growing up there. As a mother who has young children, I am sure every other family in that township would be grateful for the certainty of job opportunities, but also a healthy future for all of their families and the children who are growing up there.

So my comments are very simple: we need this project to go ahead for our state and for our regional economies, but particularly for Port Pirie. We need to grow our advanced manufacturing in this state and this is the one way that, with simple cross-party support and with the help of the Independents, we can move the state in the right direction through supporting new investment opportunities for the benefit of all and for healthy communities.

Mr PEDERICK (Hammond) (12:48): I, too, rise today to speak to the Port Pirie Smelting Facility (Lead-In-Air Concentrations) Bill 2013. I must say that the chimney stack at Port Pirie has long been something that you look forward to seeing on the road up to Port Augusta—it is certainly something to see when you have gone on the trek through to the north. This is very important to this state, and I note the comments made in this house today, and the member for Waite has put our position very, very well.

I note that, in June, the government introduced this bill, and its aim is to regulate the variation of conditions and application of laws relating to lead emissions from the Nyrstar smelting facility in Port Pirie. What I am pleased about in this bill is that there does seem to be an element of common sense and the element of common sense is that nothing can be done in regard to any change in the maximum lead emissions in the air unless there is consultation between the company, the minister, and the Environment Protection Authority. I think that is absolutely vital to

ensure that this plant keeps going. Over its 124-year history it has had several owners, and it has had a varied history. I will continue with my remarks.

The idea of this bill is to make sure that there is investment certainty for any investors who may want to be involved in the proposed transformation of the facility. Members have mentioned today, and the member for Frome mentioned it in here as well, the blood lead level in children. I note the programs that Nyrstar has put in place—the tenby10 program—to try to keep those levels down. I also note that it has been raised in the media many, many times and it has had a negative impact on the Port Pirie area, so anything we can do to make it better for the community, to have a successful production site, the better it is socially, environmentally and, obviously, economically not just for the area but for the state.

As I said, the Port Pirie smelting facility was established back in 1889. It has been around for 124 years. Broken Hill Associated Smelters opened the business, and then it later transitioned through to Pasminco. My wife, in a former life as an environmental scientist with, I think, Kinhill engineers at the time, did some environmental work around the Pasminco site pre 1999. The plant then went to Zinifex and then Nyrstar, who are the current owners, from Belgium took over the establishment about six years ago.

There have obviously been many issues over those years, but you have to congratulate a business that has run for that long in this state. With the current business climate in this state, a lot of businesses do not last 12 months; they just do not make it. Under whatever ownership, even if there has been receivership issues, as there have been in the past, or going into administration, people have seen the need to keep this plant open. Not only does the lead come down from Broken Hill but over the last few years lead from the Terramin Angas mine at Strathalbyn (which, sadly, is winding up its profitable resource) has gone to Port Pirie for smelting as well.

The smelter currently processes lead, zinc, copper, silver and other precious metals. As I said, it is owned by Belgian operators. It is linked to those overseas operations, as well as being very much tied in to the Tasmanian operation. As we have heard today, the future of the plant is in some doubt and has been for many years. As has been noted here today, Nyrstar is currently the largest employer in Port Pirie, with about 858 employees, and that there are 2,500 indirect jobs in a town with a workforce of 5,240 and a total population of 14,000.

The closure of this plant would have a dramatic effect on Port Pirie and the Upper Spencer Gulf economy, and it would be a crushing event in the seat of Frome. We note that there are other businesses that function there. Obviously there is agriculture, agribusiness, the port, light engineering and a range of small businesses, but Nyrstar is the key. Nyrstar is the key in Port Pirie, and it would crush the core of the community if it did not survive.

The $350 million reinvestment in the new technology proposal at the Nyrstar plant would follow at a later date. At the moment, a $15 million pre-feasibility study into the transformation proposal is being conducted. The state government gave a grant of $5 million, and we supported that grant being used for that process. What we are hoping comes out of this whole transformation is that the Nyrstar plant at Port Pirie becomes an advanced polymetallic processing and recovery facility to be commissioned in 2016.

Out of that $350 million funding package, there is $150 million of investment hoped to come from third-party investors. This will be guaranteed by the commonwealth government's Export Finance and Insurance Corporation, a $100 million sale of silver futures from Nyrstar and a $100 million investment by Nyrstar. We have noted that there was supposed to be a decision on this made by the Nyrstar board in October, but that decision has now been put out to February 2014.

Obviously, this transformation is needed so that there can be a higher profit margin and so that the emissions can be reduced. Anyone who has had anything to do with lead, as I have with briefings up at Port Pirie and also in regards to the Terramin silver and lead mine opening up at Strathalbyn again, knows the impact that lead could have on the community. The people who are most at risk here are the children and the very young children from pre-birth onwards.

I certainly know that, with the mining process down at Strathalbyn, none of those actual work clothes go off-site, apart from being washed. The workers do not go home. They have to go to work, get into their work clothes and have showers before they go home so that none of that contaminant can be taken home to the family.

Nyrstar approached the state government in 2011 in anticipation of new regulatory arrangements, and new EPA standards were introduced in July 2012. If there is a new smelting facility built, it will contain contemporary technology that has only been used in a small number of sites globally, and the smelting process will be able to handle much larger, complex and varied ores and will operate at a much higher profit margin.

It is expected that we will see an extra 30-year lifespan from this upgrade, due to the potential of the technology. We note that, in 2011-12, the state government was approached by Nyrstar seeking significant capital input, and the case for the management of the Nyrstar transformation was made to the Olympic Dam Task Force, led by Mr Bruce Carter with support from DMITRE deputy chief executive Paul Heithersay, in late 2012.

We note that, since that has happened, we see the commonwealth's Export Finance and Insurance Corporation's $150 million guarantee to third-party investors, with a $5 million state government grant towards the prefeasibility study and the in-principle $115 million state government guarantee indemnity in respect of certain potential environmental, health and property liabilities to assist with the attraction of external financing for the proposed Port Pirie smelter upgrade. This comes into effect because of any liabilities that might come about. This money may not be needed, but it will be available, if it is needed, under government guarantee.

Obviously, the board of Nyrstar has to approve this proposal. As we have stated today, we have supported the contribution to Nyrstar's feasibility study and we support this bill with the full transformation to go ahead. Of the possible outcomes, especially if things do not change, if the Port Pirie plant closed and Nyrstar walked away, the remediation costs would cripple both state and federal governments. So, we need to get on board and support this bill to make sure it goes ahead. We note that there would also be a risk that the whole Nyrstar operation—not just here in South Australia but also in Tasmania—would come to a close. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

ADOPTION (CONSENT TO PUBLICATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ENDING LIFE WITH DIGNITY BILL

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 154 residents of South Australia requesting the house to urge the parliament to support the Ending of Life with Dignity Bill to provide for the administration of medical procedures to assist with the death of terminally ill persons who have expressed a desire for the procedure.

WEST LAKES STADIUM PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 1,217 residents of Charles Sturt and greater South Australia requesting the house to urge the government to take immediate action to ensure that West Lakes (AAMI Stadium Precinct) is not rezoned as Urban Core Zone so as to permit high-rise high-density buildings and loss of open space, but that any new development follow the existing ambience, amenity and dwelling style characteristic of West Lakes.

ANSWERS TO QUESTIONS

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

BUDGET PAPERS

286 Mr MARSHALL (Norwood) (5 September 2012). With respect to 2012-13 Budget Paper 4, vol. 12, p. 118—

What are the details of the breakdown of sub-program 1.1 'Policy' and how much of the $29 million in expenses is tied into Federal funding?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport): The Minister for Sustainability, Environment and Conservation has received this advice:

With respect to the 2012-13 Budget Paper 4, volume 12, page 118, the detailed breakdown of the sub-program 1.1 'Policy' amount of $29.085 million is as follows:

Employee benefit expenses	$17,587,000
Supplies and Services	$9,120,000
Depreciation and amortisation expenses	$1,382,000
Grants and subsidies	$947,000
Intra government expenses	$5,000
Other expenses	$44,000

Of this $29.085 million, $61,000 is tied in Federal funding.

REGIONAL COMMUNITIES CONSULTATIVE COUNCIL

438 Mr VAN HOLST PELLEKAAN (Stuart) (6 November 2012).

1. What was the budget for Regional Communities Consultative Council in each year since 2009-10 and what are the details of this expenditure?

2. What is the budgeted allocation for the Council in 2012-13 and 2013-14, and what is the breakdown of this expenditure?

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

1. The budget for the Regional Communities Consultative Council in:

Year	Budget	Expenditure
2009-10	$95,000.00	$95,163.50
2010-11	$94,000.00	$77,179.84
2011-12	$95,000.00	$47,057.40
2012-13	$95,000.00	As per budget model
2013-14	$95,000.00	As per budget model

This includes the provision for remuneration of the Chairman, catering, venue, facilities, equipment and vehicle hire, publications and papers, advertising, airfares and accommodation/meals.

The Terms of Reference of the Regional Communities Consultative Council was reviewed in 2011 when the Committee was reformed, which has resulted in the Regional Communities Consultative Council reviewing its work program to better focus its efforts, which resulted in lesser expenditure in some financial years.

2. The budget allocation for the Council in 2012-13 is $95,000, the expected breakdown of this budget would include remuneration of the Chairman, catering, venue, facilities, equipment and vehicle hire, publications and papers, advertising, airfares and accommodation/meals.

The budget allocation for the Council in 2013-14 is $95,000.

CENTRAL AUSTRALIA RENAL STUDY

485 Mr MARSHALL (Norwood—Leader of the Opposition) (4 December 2012).

1. How many times has the South Australian government met with representatives of the Commonwealth, Northern Territory and Western Australia governments to consider the recommendations and key findings of the Central Australia Renal Study?

2. When were those meetings held, who represented the South Australian government at those meetings and what were the key outcomes of those meetings?

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

1. The South Australian government has met twice with representatives of the Commonwealth, Northern Territory and Western Australia Governments to consider the recommendations and findings of the Central Australia Renal Study.

2. The ministers from each jurisdiction held a teleconference on 14 June, 2012, to discuss progress made in the carrying out of the recommendations. Results of the study to date have included Alice Springs becoming the hub for dialysis services in central Australia. This has been carried with several Anangu Pitjantjatjara Yankunytjatjara (APY) lands residents receiving haemodialysis in Alice Springs.

Another recommendation was bringing in a respite mobile haemodialysis service provided to the APY lands, which began in October, 2011. Eight visits have occurred since this time, using the Northern Territory Renal Dialysis Truck, allowing haemodialysis patients from the APY lands to attend respite dialysis closer to their home communities. Further visits are planned in 2013, including the establishment of South Australia's own mobile dialysis unit, allowing an increase in visits to remote Aboriginal communities across South Australia from mid 2013.

A working group meeting held in October, 2012, included Departmental representatives from the jurisdictions to carry out actions agreed between ministers. South Australia was represented by Ms Sinéad O'Brien, Executive Director Health System Development, SA Health, and Dr Peter Chapman, Chief Medical Advisor, Country Health SA Local Health Network.

FINES AND PENALTIES

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (20 June 2012) (Estimates Committee A).

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

The decrease in 2011-12 was mainly due to a reduction in revenue relating to lottery licensing.

The increase in 2012-13 mainly relates to revenue originally included in the budget to reflect changes to the fines collection process.

MULTICULTURAL SA

In reply to **Mrs REDMOND (Heysen)** (21 June 2012) (Estimates Committee B).

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs): I have been advised:

In 2012-13, Multicultural SA has provision for 53.2 FTE staff.

The staffing includes a pool of casual interpreters and translators, which collectively represent 30.1 FTE staff.

The balance of the staffing provision includes:

- 1 FTE is the Director;
- 0.5 FTE is the Chair of the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC);
- 5.7 FTE working in finance, administration and executive support;
- 5.9 FTE working in community and government relations policy and projects, writing and communication, grants and events;
- 10 FTE managing and delivering interpreting and translating services.

VICTIMS OF CRIME FUND

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

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

In August 2012, an alleged, significant fraud against the Victims of Crime Fund (the Fund) was uncovered by Crown Solicitor Office (CSO) staff. The alleged fraud was reported in accordance with the Department's Fraud and Corruption Framework, the Auditor-General was notified and a police investigation was initiated.

In addition, the department immediately engaged its independent internal auditor (PricewaterhouseCoopers (PWC)) to undertake a review of existing controls in relation to specific processes for the assessment and payment of Victims of Crime compensation.

As a result of the PWC review, additional controls have been added to the existing processes to mitigate the risk of inappropriate or fraudulent payments from the Fund. The CSO immediately implemented the new processes for Victims of Crime claims assessment and payment.

ROYAL BIRTH

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:05): On indulgence, on behalf of all South Australians, I am pleased to congratulate the Duke and Duchess of Cambridge on the joyous occasion of the birth of their first child. The birth of a child is, of course, an occasion of great joy and happiness for a couple, and it is a wonderful time. I wish the royal couple the very best on their news of last evening.

I also extend our congratulations to the broader royal family, the Prince of Wales, the Duchess of Cornwall and, of course, the Queen and Prince Philip on the arrival of the newest member of the royal family. On behalf of all of the people of South Australia, I send them our best wishes and wish them all the best for the future.

PAPERS

The following papers were laid on the table:

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

Appointments to the Ministers Personal Staff—pursuant to the Public Sector Act 2009—Report

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

Regulations made under the following Acts—
- Community Titles—General Variation 2013
- Graffiti Control—General
- Strata Titles—General Variation 2013

Rules made under the following Acts—
- District Court—Civil—Amendment No. 24
- Supreme Court—Civil—Amendment No. 22

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

Regulations made under the following Acts—
- Fair Trading—
  - Fuel Industry Code—Display of Prices
  - Related Acts
- Liquor Licensing—
  - Dry Areas—
    - Golden Grove Area 1
    - Moonta Bay and Port Hughes Area 1—Wallaroo Area 4

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

Regulations made under the following Act—
- Controlled Substances—Poisons

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

Rail Safety Regulator—Annual Report 2012-13

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

Education Adelaide—Charter 2012-13

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

Local Government Grants Commission South Australia—Annual Report 2011-12
Regulations made under the following Act—
Forest Property—Fees 2013

By the Minister Assisting the Minister for the Arts (Hon. C.C. Fox)—

Adelaide Film Festival—Charter

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

Regulations made under the following Acts—
Environment Protection—Beverage Container
Wilderness Protection—Entry to Zones—Camping

FRINGE BENEFITS TAX

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Last week, the commonwealth government announced that it would abolish the statutory formula method for calculating the fringe benefit tax payable on cars. This decision has raised significant concerns, particularly among local car manufacturers and components suppliers. Already Holden and Toyota are estimating a significant impact on demand for vehicles, with flow-on impacts for suppliers. More broadly, this issue is damaging confidence in the industry, and I believe that urgent action is required to address these issues.

Last week, I spoke to the commonwealth Treasurer, the Hon. Chris Bowen MP, and I met with the commonwealth Minister for Innovation, Industry, Science and Research, the Hon. Kim Carr, to express my concerns about this policy change. I have also met with a range of industry participants since the policy change was announced last week. Like me, they believe that state and commonwealth governments can take immediate steps to increase demand for Australian-made cars.

On the weekend, I wrote to the Prime Minister to put forward positive proposals that will assist the industry. These proposals are some among many options that may assist the car manufacturing industry. The first of these proposals is to delay the abolition of the statutory formula method for Australian-made vehicles until each manufacturer's new platform vehicle has come into production, which would enable manufacturers to factor the impact of the change into their business case for these vehicles. In the meantime, it may create an incentive for greater purchasing of locally-made vehicles for fleets.

I also met with the Federation of Automotive Parts Manufacturers. They highlighted to me Australia's position as a world leader in using LPG as a vehicle fuel, which is available factory-fitted in the Holden VF Commodore. In addition to our leadership in LPG, Toyota's Hybrid Camry is the first mainstream Australian-built hybrid car. These vehicles are much more fuel efficient and are making an important contribution to reducing the impact of vehicle travel on the environment. I agree with the proposal put to me that further reform to the fringe benefits tax should be considered to exempt hybrid and LPG vehicles from the fringe benefits tax to provide an incentive for fleet buyers to consider these vehicles first.

FAPM has also put to me concerns about the current threshold of $60,316 for the luxury car tax and the effect this has on locally-manufactured mainstream vehicles being subject to that tax. My view is that, when introduced, the tax was not intended to apply to mainstream locally-produced vehicles. The threshold should be raised from its existing level to $70,000. This will reduce the number of Australian-made cars that face the luxury car tax and reduce its impact on the local industry. These three proposals to change government policy are significant, but the most important support we can provide is to urge more Australian governments, businesses and families to buy Australian-made cars.

Mr Hamilton-Smith interjecting:

The Hon. J.W. WEATHERILL: No; it's exactly the same.

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

The Hon. J.W. WEATHERILL: It's exactly the same position. The South Australian government has a strong record of buying Australian-made cars. Ninety-nine per cent of our current passenger fleet and 100 per cent of our current order book are Australian made. The commonwealth government and the Victorian government have a similarly strong record of support.

We need to ensure that Australian businesses and community groups that buy locally made cars are recognised publicly for their support. The South Australian government has launched a campaign for businesses, local government and community groups to pledge publicly that at least 80 per cent of their future passenger car purchases will be Australian made.

Yesterday, Anglicare committed that it would be switching its 175-strong fleet over to locally built Holden Cruzes. Today, I announced with Mayor Aldridge that the City of Salisbury would be joining our campaign. I look forward to making many more announcements into the future with companies that are backing our local industry. The most important responsibility of this government—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: —is to stand up for our state's interests.

The SPEAKER: I call the deputy leader to order.

The Hon. J.W. WEATHERILL: This is a commitment to South Australia that transcends party politics, at least on this side of the chamber.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: Last Monday I joined the Premier in announcing the appointment of Mr Tony Harrison to the position of Chief Executive of the Department for Education and Child Development. This appointment followed the resignation of Mr Keith Bartley who has decided to return to the United Kingdom for personal and family reasons. I take this opportunity to place on *Hansard* my appreciation for the work that Mr Bartley has undertaken since coming to South Australia in 2011. Much change has taken place in the department since that time, and I know Mr Bartley was committed to continuing that important process.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is called to order.

The Hon. J.M. RANKINE: However—

Mr Pengilly interjecting:

The SPEAKER: Alas, the member for Finniss no longer has benefit of clergy. He is called to order.

The Hon. J.M. RANKINE: However, to do so would have placed unreasonable pressure on his health and his family responsibilities back in the UK. Mr Harrison has joined the department after a long career with South Australia Police that saw him rise to the rank of Assistant Commissioner. Last year Mr Harrison was appointed Director-General for Community Safety. He has strong experience in child protection and has managed both operations and policy within SAPOL in addition to local service delivery. Mr Harrison has been the president of Minda since 2010 and has established a reputation for high quality leadership and public administration.

To ensure that our focus on education is in no way diminished, the Premier and I also announced the elevation of Mr Garry Costello, Head of Schools, to the new position of Chief Education Officer. As Chief Education Officer Mr Costello will be responsible for school education and curriculum. This includes school improvement and student achievement for the public school and care system in South Australia. Mr Costello's clear directive is to ensure that improvement is

evident at the classroom and student level and also in the processes and programs that support public education and child development.

Prior to Mr Costello's appointment as Head of Schools, he was a regional director, principal, assistant principal, student counsellor, English coordinator and teacher. Following his appointment in 1997 as principal, Mount Gambier High School enjoyed a period of rapid improvement under his stewardship. Academic results moved from low achievement to well above the state average. In 2001 and 2003 Mount Gambier High School was selected by *The Australian* newspaper as one of Australia's top 10 schools in recognition of the 'sustained and dramatic improvement'. In 2006 Mr Costello received the Teaching Australia award for the best national achievement by a principal.

I am confident that the partnership of Tony Harrison, Garry Costello and Mr David Waterford, as the recently appointed Deputy Chief Executive for Child Safety, will bring renewed leadership to the department and ensure swift implementation of Mr Debelle's 43 recommendations. Already, many of these—

The SPEAKER: Minister, is this extempore or do you have copies for members of the house?

The Hon. J.M. RANKINE: I had copies with me, but unfortunately there was a mistake in them. I am happy to bring the copies back to the house once they are corrected.

The SPEAKER: Do go on.

The Hon. J.M. RANKINE: Already, many of these recommendations are close to finalisation, and I am happy to inform the house that of the 35 recommendations that fall to the Department for Education and Child Development 18 are complete or are scheduled to be completed by the end of this month, and the remainder are to be completed by the end of this year. The Department for Communities and Social Inclusion has also increased its staffing in the criminal history screening unit.

Of the seven recommendations that fall to the Attorney-General's Department, four relate to the release of the edited and unedited versions of the report and associated transcripts, and two recommendations are proposed amendments to the Child Sex Offenders Registration Act and Summary Offences Act. Both these amendments have been included in the Child Sex Offender Registration (Miscellaneous) Amendment Bill, which was introduced into the house on 3 July and debated in this house this week. One recommendation involves amendment to the Information Privacy Principles, and is in progress.

In summary, all recommendations are scheduled for completion by 31 December this year, with 18 due for completion by 31 July. Yesterday, cabinet approved the drafting of amendments to section 11 of the Children's Protection Act 1993 in response to recommendations 26 and 27, which relate to making notifications to the Child Abuse Report Line.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. L.R. BREUER (Giles) (14:19): I bring up the 2012-13 annual report of the committee.

Report received.

QUESTION TIME

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:19): My question is to the Premier. Why did the Premier exempt himself from cabinet deliberations relating to Mr Debelle being given royal commission powers?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:20): Because I thought it was the appropriate thing to do. By then, it had become obvious that the matters that were under consideration concerned issues in my office; that was not the case when the original inquiry was established. I don't think there was any need for me to do it, but for the question of appearances, I decided to do that.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): Supplementary.

The SPEAKER: If it be a supplementary.

Mr MARSHALL: Yes: did any other cabinet ministers exempt themselves from these cabinet deliberations, and if so, which ministers?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:20): I am not going into the question of parliamentary, ministerial and cabinet processes. I am speaking for myself and the decision that I have taken. I am not going to be revealing what decisions were taken by other ministers; that is not something that we routinely do. But, can I say that I was, by that stage, a very significant subject of the inquiry, and I thought it was appropriate that I absent myself.

Members interjecting:

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before you do so, I call the member for Heysen to order.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:21): Was it a conflict of interest for the former education minister, the member for Hartley, not to exempt herself from cabinet deliberations in relation to the inquiry that was investigating her?

The SPEAKER: Supplementary to the Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:21): Well, it is implicit in the answer to the first question: of course, no. Indeed, the outcome of the royal commission was that the former minister for education was utterly found to be without fault in any respect—

Members interjecting:

The Hon. J.W. WEATHERILL: Utterly without fault in any respect; not the subject of any adverse criticism. In fact, by implication, it was found that she was poorly served by an agency which put her in a very difficult position in answering public questions.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before we consider a third supplementary: I call the member for Unley to order; I warn the deputy leader for the first time; and I call the member for Morialta to order, so he can enter his own name.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:22): My supplementary is again to the Premier: given the fact that both he and the former minister for education (the member for Hartley) were the subject of the Debelle inquiry, or certainly part of that inquiry, why is it appropriate that the Premier exempt himself from the cabinet deliberations but not the former minister for education?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:22): I didn't acknowledge that she had not exempted herself; I frankly can't remember. Secondly, it is completely irrelevant; she was not the subject of the inquiry. What was being inquired into was the fact that there were two sources of advice: some advice from the Police agency and some advice from the Education agency.

That inconsistency was the matter that was being inquired into. The inquiry itself found that she had taken all appropriate steps and had not behaved in any manner that was the subject of criticism. I think those opposite need to maintain a little bit of consistency about the Debelle inquiry. Did they decide that they support the findings of the inquiry, or don't they support the findings of the inquiry. When it suits them—

Members interjecting:

The Hon. J.W. WEATHERILL: When it suits them—

Members interjecting:

The Hon. J.W. WEATHERILL: When it suits them—

Members interjecting:

The SPEAKER: Premier, would you be seated? I warn the member for Heysen for the first time, and I warn the member for Hammond for the first time. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. They are content to cast doubt on the findings of the inquiry, but the findings of the inquiry that I was a witness of truth, that my staff members were witnesses of truth, get no attention from those opposite, because they want to cast doubt on the essential findings. I know they are disappointed that they didn't get what they wanted out of this inquiry, so they want to have a further royal commission, so they—

Members interjecting:

The Hon. J.W. WEATHERILL: You had a finding by a royal commissioner, and it is utterly inappropriate to cast doubt on the integrity of that finding. We have never done that. We are the ones that established this inquiry. I know those opposite suggested that this was an unnecessary inquiry; we believed it was necessary, and it has provided a very strong road map for us to provide the reforms that are necessary for this system.

Mr MARSHALL: Sir, can the Premier—as a supplementary—

The SPEAKER: Is the leader looking for a fourth supplementary?

Mr MARSHALL: Correct.

The SPEAKER: No, I think you will have to await the next question. Member for Ramsay.

ADELAIDE THUNDERBIRDS

Ms BETTISON (Ramsay) (14:24): My question is to the Premier. Can the Premier update the house about the recent success of the Adelaide Thunderbirds in the 2013 ANZ Championship?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:24): I share in the joy that South Australians experienced in celebrating this fantastic victory for South Australia, and I, for one, am happy to enjoy when South Australia has a success. We do enjoy it when South Australia has a success. I had the great pleasure of attending the game along with what seemed to be about 100,000 screaming girls, from where I was sitting at least.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: No, there were definitely girls shouting next to me, I can tell you. It was a fantastic experience. The team did a fantastic job. It was an incredibly tight match. They maintained their discipline right to the end. It was very exciting. The Firebirds, of course, did their best but, in the end, we managed to win by two goals. It was a fantastic atmosphere, a full house, and a great spectacle, both for the sport and, of course, for the spectators who were at the premises—about 9,000 people cheering on every goal and intercept.

The premiership capped off an outstanding season for the Thunderbirds, adding to their remarkable record over the past 17 seasons. The Thunderbirds' popularity is highlighted by the fact that grand final tickets sold out within an hour. Their domination of the season in 2013 is reflected in the national squad with four Thunderbirds players named in the 17-player Australian Diamonds Squad for the upcoming five-test Constellation Cup against New Zealand.

In addition, Thunderbirds coach, Jane Woodlands-Thompson, was named coach of the year for the championship all-star team. Jane is an outstanding Australian coach boasting a winning strike rate of just under 70 per cent in her six seasons in charge. This year Jane guided her Thunderbirds to a club record, 13-game winning streak. Netball SA oversees 37 associations, 320 affiliated clubs and 28,000 registered players, and I am sure that this premiership win will only enhance the game's popularity and appeal in South Australia.

I would also like to wish Natalie von Bertouch all the best on her retirement as captain of the Thunderbirds. She is a great athlete, and she is leaving as national captain and a double premiership captain. Natalie has made a magnificent contribution to Australian netball, and we want to congratulate her and also all of those magnificent Thunderbird players who put on such an

entertaining show and are fantastic role models for our young people. They really are wonderful ambassadors not only for the game but for South Australia.

The SPEAKER: The leader, with that fifth supplementary.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:27): No, I move on, sir. My question is to the Premier. As the Premier exempted himself from cabinet because of his involvement in the case at the centre of the Debelle inquiry, how is it appropriate that prior to their preparation for cabinet, the terms of reference for the Debelle inquiry were sent for consideration to the very staff under investigation?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:28): I thank the honourable member for his question. The relevant terms of reference were settled by cabinet. That is who settled the terms of reference, and it was appropriate that the Minister for Education's office was dealing with them, because that is where the inquiry initiated, but the matter was sent to cabinet, and cabinet signed off on those terms of reference. The inquiry was a thorough inquiry. A very substantial report has been prepared with 42 recommendations, upon which the government is acting.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:28): Supplementary sir; when did the Premier become aware that Jadynne Harvey was involved in drafting the terms of reference for the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:29): Those opposite are trawling through the most minute detail to try and keep alive—

Members interjecting:

The SPEAKER: Order! I call the member for Kavel to order and I also warn the member for Unley for the first time.

The Hon. J.W. WEATHERILL: The relevant fact here is that cabinet is the one which decided what the terms of reference should be—terms of reference that it immediately took into this parliament and read to the parliament. I noticed at the time there was no criticism of the terms of reference by those opposite and—

Members interjecting:

The SPEAKER: I warn the member for Heysen for the second time; there will be no further warnings. I warn the member for Hammond for the second time and there will be no further warnings. I call to order the member for Davenport.

The Hon. J.W. WEATHERILL: Thank you Mr Speaker. I can't help those opposite if there is not something in the report that they can hang their hat on that they actually wanted to see in that report.

Mr Gardner: There is plenty, you are just not acting on it.

The Hon. J.W. WEATHERILL: I know that there was enormous disappointment—

Mr Gardner: You are just not doing anything about it.

The Hon. J.W. WEATHERILL: I know that there was enormous disappointment in that week we were last in this parliament when they looked at the report, flicking through, trying to find the adverse finding that they were going to—

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Premier, there is a point of order and it would be, of course, the disruptive conduct of the member for Morialta, for which I warn him for the first time. Is there something else?

Mr VAN HOLST PELLEKAAN: Yes, sir; my point of order is in regard to Standing Order 98; the Premier is debating. The question is very clear: when did he become aware that Jadynne Harvey was drafting the terms of reference?

The SPEAKER: We can't have debate, can we? I will listen closely.

Mr VAN HOLST PELLEKAAN: Thank you sir.

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: My answer is: it is irrelevant. The cabinet decided upon the terms of reference that those opposite did not challenge when they were brought into this house. You see, Mr Speaker, the way it works there is that they were hoping for so much more and, when confronted with—

Mr PENGILLY: Point of order.

The SPEAKER: Point of order, member for Finniss.

Mr PENGILLY: Sir, I ask you if indeed the Premier is not debating the matter?

The SPEAKER: Yes, the Premier does appear to be debating the matter. Has the Premier finished?

The Hon. J.W. WEATHERILL: Yes.

The SPEAKER: Good.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): A supplementary: did Simon Blewett have any role in drafting the terms of reference to the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31): I have made it clear that cabinet decided upon the terms on which the inquiry would take place, and those opposite were told about the matter.

Members interjecting:

The Hon. J.W. WEATHERILL: Of course my office was involved in considering the terms of reference for the inquiry, and those opposite had the opportunity to consider the terms of reference of the inquiry. I must say the proof of the value of the terms of reference is, in fact, in the report. The report is a valuable contribution and a comprehensive analysis of all of the circumstances.

Let's go to the heart of the matter. Are you suggesting that Mr Debelle did not do a good job? Are you suggesting that he didn't consider matters that he ought to have considered in reaching his findings? No; there is no substantial criticism except a willingness to trade on the politics of child sexual abuse.

Members interjecting:

Mr Goldsworthy: Shame!

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

SMALL VENUE LEGISLATION

The Hon. S.W. KEY (Ashford) (14:32): My question is directed to the Minister for Business Services and Consumers. Can the minister tell the house about whether he thinks the government's small venue legislation is adding to the vibrancy of the Adelaide CBD?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:33): I thank the honourable member for her question. After thinking about her question for a moment, I can say unequivocally: yes is the answer to that question, but I ought to give some more information. Yes is hardly enough.

I am able to advise members—and they will be delighted to hear this, I am sure—that the first licence under the government's small venue legislation was approved by the Liquor and Gambling Commissioner just a fortnight ago. The new venue—which is one that is possibly known to a number of the Festival aficionados here—is called Little Miss Miami, which is an offshoot of what was Little Miss Mexico. That operated, as I said, during the Fringe last year and now it has been opened again under this new umbrella, and I understand there has been significant interest from the public.

Little Miss Miami will add to a growing diversity of licensed premises in the City of Adelaide's CBD. I can advise the house also—this is some more good news—that there are five other applications that are currently going through the small venue licence process with Consumer and Business Services. That is five more of these very interesting little venues. The government's new small venue licence allows entrepreneurs here in Adelaide to establish their own type of venue and business model without being burdened by unnecessary regulation and red tape. The government undertook the task of reforming South Australia's liquor licensing laws because this is a government that wants a vibrant city that all South Australians can enjoy. This is a government that believes in small business and enterprise.

Members interjecting:

The Hon. J.R. RAU: Well, you can laugh.

Mr Marshall interjecting:

The SPEAKER: Would the Deputy Premier be seated. I call the leader to order, and I notice the Minister for Manufacturing was unruly earlier on, so I call him to order also. Deputy Premier.

The Hon. J.R. RAU: Thank you, Mr Speaker. I am concerned that people do not take seriously the support that we are actually trying to give small business and entrepreneurs, and I think it is disappointing that the Leader of the Opposition finds that funny. This government wants to encourage local young entrepreneurs to stay here and invest their money in the state. This is a government that has a positive agenda for this state, that has refused to listen to the naysayers. We have put small venue legislation through the parliament, against some serious opposition—

Mr Marshall interjecting:

The Hon. J.R. RAU: You'd like me to talk more, would you, about where the opposition came from to this particular proposal? I would be happy to talk to you about that, but perhaps not now; I am answering an important question. The creation of the new small venues will complement the government's record investment opportunities in the City of Adelaide CBD.

The redevelopment of the Adelaide Oval will mean far more South Australians spending their time and hard earned money in the city, and new local businesses will profit, including these new small venues. I would like to congratulate Little Miss Miami in being the first small venue to open in Adelaide, and I wish the owners every success in their new business. I hope that this is the first of many small venues to open up in Adelaide in the coming months.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:37): My question is to the Premier. In relation to the email advising Simon Blewett of alleged sex abuse at a western suburbs school, has the Premier asked how Simon Blewett can be certain that he did not send the email to the then minister, given that Simon Blewett does not recall who he sent it to?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:37): This is a complete demonstration of a point that I was raising earlier—

Mr Gardner: Just answer the question.

The Hon. J.W. WEATHERILL: I will; I will answer it at length, and by the end of it you will be interjecting because you will not like hearing what I am about to say.

Mr Marshall: As long as it's not repetitious.

The Hon. J.R. Rau: Not repetitious! What about the questions?

The Hon. J.W. WEATHERILL: That's right; as long as it's not repetitious. A royal commissioner—not just some guy—was appointed to inquire into these matters. They heard evidence—they heard evidence from everybody they wanted to hear evidence from. That did not happen accidentally; it happened because they were compelled to be there by royal commission powers. They heard what those people had to say.

They also engaged the head of forensic technology from the South Australian police force who trawled through every piece of evidence that he possibly could, including my computer, a laptop that was held at home by me, which was not scrubbed, contrary to the suggestions by those

opposite, and including every other backup computer in government. He looked at all of that material and he spoke to all of the relevant parties.

He looked at the fact that there was not one shred of departmental briefing about any of these matters, through the whole of the history of this matter, to my office. He heard all of our sworn evidence, and he made a decision that he found both myself and both of my advisers as witnesses of truth.

He also reached a view that he is entirely satisfied that I was not advised about these matters, and he did not say that lightly. Former Supreme Court judges do not make conclusions of that sort lightly. It is utterly outrageous—utterly outrageous—for the Leader of the Opposition to come into this place and pour scorn on the findings of the royal commissioner in relation to this matter. I remember standing in this place—

Mr Whetstone interjecting:

Ms CHAPMAN: Point of order, Mr Speaker—

The SPEAKER: The member for Chaffey is called to order. Is this a point of order?

Ms CHAPMAN: It is a point of order, sir. This is a very important subject, as you well know, and the Premier is not addressing the relevance of the question. The question was not what Mr Debelle did in this inquiry—

The SPEAKER: It's how can the Premier be sure?

Ms CHAPMAN: It was whether the Premier asked Mr Blewitt; that was the question.

The SPEAKER: Has the Premier asked, yes?

Ms CHAPMAN: Has the Premier asked? That's what we want an answer to.

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: Not only have I asked him those questions; Mr Debelle has asked him those questions. It's not my state of satisfaction that is relevant or important here. When I made my state of satisfaction about these matters clear in a ministerial statement, the Leader of the Opposition looked across at me and said, 'Nobody believes you.'

Mr Marshall: Sorry?

The Hon. J.W. WEATHERILL: 'Nobody believes you.' That's precisely what you said, and the royal commissioner found contrary to your suggestion.

Members interjecting:

The Hon. J.W. WEATHERILL: So, that is precisely against your conclusion.

Members interjecting:

The SPEAKER: Will the Premier be seated? The Leader of the Opposition will withdraw and apologise for that imputation.

Mr MARSHALL: I withdraw and apologise for that imputation.

The SPEAKER: Thank you. While we have this pause, I warn the member for Chaffey for the first time. Is there any more, Premier?

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:40): Supplementary, sir. Is the Premier asking us to accept that Simon Blewett can deny any recollection of receiving, reacting or acting on the email in question, while Mr Blewett absolutely does remember that he, quote, 'did not advise the minister'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:40): We're asking the people of South Australia to accept no less than the findings of a royal commissioner and, if you had any decency, you would do the same. Don't come in here and impugn my credit—

Members interjecting:

The Hon. J.W. WEATHERILL: Don't come in here and impugn my credit when you have no basis for doing so.

Members interjecting:

The Hon. J.W. WEATHERILL: Don't you impugn my credit when you have no basis for doing so.

Ms CHAPMAN: Supplementary.

The SPEAKER: No. The deputy leader will be seated and, given her outrageous behaviour, she won't be granted a supplementary. I warn the deputy leader for the second time. She is a hair's breadth from being ejected from the chamber. I warn the member for Morialta for the second time. Is there a point of order from the member for Finniss?

Mr PENGILLY: Sir, I believe the Premier was imputing improper motives against members of the opposition and I ask him to withdraw.

The SPEAKER: And what was the imputation?

Mr PENGILLY: Basically, that we were making up porkies about what was going on. I would have to check the *Hansard*, but the words were loud and clear, in my view.

The SPEAKER: Well, will you bring the *Hansard* to me when you obtain it and I will adjudicate at that time.

The Hon. P.F. Conlon: I wouldn't bother.

The SPEAKER: I call the member for Elder to order. The member for Mitchell.

INNOVATION VOUCHER PROGRAM

Mr SIBBONS (Mitchell) (14:42): My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister update the house on how the government is assisting South Australian small businesses through the Innovation Voucher Program?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:42): I thank the member for Mitchell for his question. He has a very keen interest, of course, in manufacturing, having worked in that area before and continues to look forward to it prospering.

I am pleased to inform the house that a $35,000 grant under the state government's Innovation Voucher Program has been approved to help SMR Technologies diversify its manufacturing and innovation capabilities. Members would be aware that the government's Innovation Voucher Program connects research and development organisations like SMR Technologies with local small to medium enterprises to solve technical problems and to encourage greater innovation within the manufacturing sector.

SMR Technologies will use this grant to develop and manufacture an electronic infusion pump to administer intravenous medications and treatments at home. They will work with CPIE Pharmacy Services—a South Australian owned and operated company that produces intravenous medications—to develop the technology, which has an estimated global market of $6 billion.

This partnership was facilitated by the government through the Innovation Voucher Program and it is anticipated that it will bring a number of benefits to the state. CPIE Pharmacy Services will be better placed to compete with multinational companies which are competing hard for a share of South Australian and national markets. This will lead to economic benefits through increased export potential as well as greater employment opportunities at both CPIE Pharmacy Services and SMR Technologies.

SMR Technologies is a great example of what can be achieved by developing a diversification strategy and working closely with education institutions and industry bodies to find and develop advanced manufacturing opportunities. SMR Technologies Sales and Marketing Director, Mr Sam Vial, has said that, and I quote:

> The Innovation Voucher Program has provided the integral financial support to allow CPIE to utilise SMR's depth of experience in product design and manufacture and has also allowed for SMR Technologies to continue to expand its capabilities.

This is exactly the kind of energetic and innovative thinking that this state needs. I remind members to encourage companies in their electorates to explore what options might be available to them under the Innovation Voucher Program. Guidelines, applications and information are available at www.dmitre.sa.gov.au/ivp.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:44): My question is to the Premier. Have all responses to the please explain letters sent to 11 public servants who were referred to in the Debelle inquiry been received, and what disciplinary action will now be taken?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:45): I am advised that seven responses have been received as of earlier today. One person, as I understand it, has been given an extension. I do not have the detail around that. Two are outstanding and one person remains on leave in relation to their situation.

Mr MARSHALL: The second part of the question is: what action has been taken?

The Hon. J.M. RANKINE: Yesterday, as I understand it, was the deadline for receipt of those letters. As I said, one person has had an extension and two letters remain outstanding. The CE will now peruse those responses and determine what action needs to be taken.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:46): My supplementary is to the Premier. Why is the government taking action to discipline education department staff while taking no action with ministerial advisers?

The Hon. J.J. SNELLING: Surely a supplementary has to be asked to the minister who answered the question?

The SPEAKER: The member for Davenport can help me on that question, can he?

The Hon. I.F. EVANS: Former speakers have always ruled that the government can determine who answers a question. Our question was to the Premier. The Minister for Education took the answer. It is quite in order for the opposition to then ask the same minister, the Premier. If the government wants someone else to answer it, they can. Speakers have long ruled the government can decide who can answer the question. We have asked the supplementary to the same minister we asked the original question.

The SPEAKER: I've got the point. I think the member for Davenport is correct. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:47): There is a different employment relationship. The education department employees are the responsibility of the chief executive and my ministerial staff are my responsibility. Different processes apply and I have made my decision in respect of my two staff. The obligations under the Public Sector Act and the Education Act kick in and are presumably governing the processes of the chief executive.

Mr Pisoni interjecting:

The SPEAKER: I warn the member for Unley for the second time. The member for Mount Gambier.

FOOD AND WINE INDUSTRY

Mr PEGLER (Mount Gambier) (14:47): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the latest grants to support the potato industry and the wine industry in training their workers for the future?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:48): I thank the member for Mount Gambier for this very important question, because it goes to the heart of our state's productivity and, of course, our state's economy.

Mr Whetstone interjecting:

The SPEAKER: Would the minister be seated? I warn the member for Chaffey for the second and final time. Minister.

The Hon. G. PORTOLESI: Members and South Australians are well aware of our state's reputation as the nation's wine state. We also have a bit of a leading role in relation to potatoes. Potatoes represent 20 per cent of Australia's vegetable production, and we grow 80 per cent of the nation's washed potatoes. The member is nodding. That is why we have awarded more than $50,000 to the potato and wine industries to ensure workers have the skills and knowledge to meet increasing production demands in what is a competitive national and global marketplace.

In relation to the wine industry, we are working together with Vinpac International, which is located in the very heart of our premium winegrowing regions in the Barossa Valley and McLaren Vale. Vinpac is Australia's largest third party wine bottling service provider, which bottles and packages around eight million cases a year. This is expected to increase to 11 million by 2016. Vinpac will use state training funds to upskill trainers and assessors so that its regional workforce is better prepared to manage increased production and accreditations, while maintaining national and international high standards.

Funding for Potatoes SA will help prepare a workforce development plan that will take into account a whole value chain approach over the five key potato-growing regions to cover the attraction and retention of workers and their skills development. That means that producers right across the state—in Kangaroo Island, the Mallee, the Riverland, Murraylands, Northern Adelaide Plains and the South-East—will benefit from this partnership between government and industry.

I am pleased that this project will also inform a pre-employment program to help unemployed youth in northern Adelaide to access qualifications in production, horticulture and employment opportunities. I am very pleased that this support is completely in line with the state's priority to develop our premium food and wine from our clean and green environment.

FOOD AND WINE INDUSTRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:51): A supplementary, sir.

The SPEAKER: A supplementary on spuds!

Mr MARSHALL: Absolutely, sir. As the minister points out, it is an extraordinarily important industry here in South Australia.

The SPEAKER: Yes; go ahead.

Mr MARSHALL: Thank you. How many people are employed in the South Australian potato industry, and is the minister aware of industry concerns that the government's proposed water allocation plans will adversely affect the employment in this important South Australian agricultural sector?

The SPEAKER: The minister.

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:51): Thank you, sir.

Members interjecting:

The Hon. G. PORTOLESI: I don't understand why they're laughing. I am very happy to raise the water allocation issues with the minister in another place, which is the entirely appropriate thing to do. As for employment numbers, I am very happy to bring back a more specific answer if that is easier to do.

The SPEAKER: Has the leader exhausted that line of questioning?

Mr MARSHALL: I think so, sir.

The SPEAKER: The leader.

MINISTERIAL ADVISERS, CODE OF CONDUCT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:52): My question is to the Premier. Why does South Australia not have a separate code of conduct for ministerial advisers, given that other states do?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:52): As it happens, other states have precisely the same arrangements as we do, I think, if you're talking about Western Australia. I think that a number of other states have very similar arrangements where a

code of conduct applies to the public sector generally. In the opposition leader's rush to get a cheap headline yesterday, he should have actually checked that that is, in fact, the case—that our code of ethics applies to the whole of the public sector, which covers, of course, ministerial advisers.

MINISTERIAL ADVISERS, CODE OF CONDUCT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:53): Supplementary, sir. Is the Premier suggesting that ministerial staff are bound by the code of ethics for the South Australian public sector, which states, 'Political neutrality of the public sector is at the heart of its professional ethos?'

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:53): Yes, the public sector code of ethics does apply to ministerial advisers; it is directly applicable to them. Of course, some of the clauses there are not directly relevant to them because they are, of course, ministerial advisers rather than the professional Public Service. But to be absolutely clear: the advice we have from the Commissioner for Public Sector Employment is that it applies—and that is consistent with the situation in a number of other jurisdictions.

MINISTERIAL ADVISERS, CODE OF CONDUCT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:53): Supplementary, sir. Just for clarity: is the Premier indicating that all ministerial advisers are acting at all times with political neutrality?

Members interjecting:

The SPEAKER: Premier, will you be seated. The Leader of the Opposition is warned for the first time, and the member for Stuart is called to order. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:54): Thank you, Mr Speaker. Our advice is that the code, in fact, binds ministerial advisers because they are members of the state public sector. Of course, there are some clauses that are not relevant to them because they have a specific role as ministerial advisers. All of the things that the honourable member set out in his clever little media release yesterday, such as accepting gifts—

The Hon. A. Koutsantonis: Like Kevin Naughton.

The Hon. J.W. WEATHERILL: That's right—conflicts of interest, other employment—all of those matters that were set out in his media release yesterday, trying to get a cheap toe on a blog, have all been addressed in the code of ethics.

Mr PISONI: Point of order, Mr Speaker: 127. The Premier is—

The SPEAKER: 127?

Mr PISONI: Imputing improper motives on the Leader of the Opposition, and I ask him to withdraw.

The SPEAKER: I am very close to naming the member for Unley because that is a point of order without merit and designed to obstruct the business of the house. I ask the member for Unley not to detain the house again with points of order of such low quality. There might be points of order that might be taken against the Premier's answer. Imputing improper motives is not one of them.

STATE EMERGENCY SERVICE CALLOUTS

Mr ODENWALDER (Little Para) (14:56): My question is to the Minister for Emergency Services. Can the minister inform the house how recent extreme weather conditions have been responded to by the State Emergency Service?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): I thank the member for Little Para for the question. We are all aware that there was a stark reminder of the contribution of volunteers over the past few days when strong winds, icy conditions and heavy rain gripped much of our state.

The State Emergency Service responded to more than 750 calls for assistance between Thursday and Sunday. Approximately 500 SES volunteers provided almost 7,500 hours of assistance to the South Australian community over these four days. Volunteers responded throughout the day and night to a range of incidents across the state, including trees falling on residential property, damage to buildings and minor flooding.

While all SES units across the state were active, the most calls for assistance were from the Adelaide metropolitan area, the Mount Lofty Ranges and the Fleurieu Peninsula. In Victor Harbor the South Coast SES unit attended to more than 100 jobs—and I saw them out and about on Sunday morning—while the Onkaparinga unit also attended to nearly 100. Crews from the Country Fire Service and the Metropolitan Fire Service provided assistance at many of these tasks.

Due to the extended operations, the State Control Centre was activated at SES State Headquarters and an incident management team was established at the SES Netley facility. These facilities remained operational on a 24-hour basis and were staffed by a combination of SES and CFS employees and volunteers.

Members of the public were kept informed through a number of formal media conferences held jointly by the SES and the Bureau of Meteorology as well as through frequent social media updates. It was revealing to observe the increased use of social media to publish information and the way in which members of the community embraced it and responded. As an example, one update on the CFS Facebook page attracted dozens of comments. Here are two examples:

> Well done to all. Such wonderful, dedicated and brave people that work tirelessly and unconditionally to help others in all conditions. Thank you and well done for all your efforts.

> Great commitment and service from SES and CFS; my family watched you removing the fallen tree at Bridgewater Oval yesterday, in pouring rain and near dark conditions. You looked tired but you carried on with your work until the job was done. Well done to all involved, the community is grateful to you all.

I am happy to report that requests for SES assistance from the general public reduced dramatically on Sunday night as weather conditions began to ease. In light of this, a decision was made to stand down the Incident Management Team and State Coordination Centre. On behalf of the government and all members, I pass on our sincere thanks to all emergency services personnel who worked so diligently and effectively to ensure community safety.

REGIONAL EVENTS AND FESTIVALS

The Hon. J.D. HILL (Kaurna) (14:59): My question is to the Minister for Tourism. Minister, what recent developments in funding for local events and festivals have occurred?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:59): I thank the member for Kaurna for the question. Recently I announced the regional events and festival program funding for 2013-14. This program is designed to support tourism events held in regional South Australia with financial and marketing support for events which generate an increase in the number of visitors and lift the profile of our tourism regions interstate. The Regional Events and Festivals Program also incorporates the Community Events Development Fund. The Community Events Development Fund is aimed at smaller, more community-based events which are ready to grow. This fund provides a smaller sponsorship to a maximum of $5,000 per event.

A total of 24 events received sponsorship for this financial year, including nine under the Community Events Development Fund and 15 under the Regional Events and Festivals Program. Seven of the 15 events will be granted new multiple-year sponsorship agreements. These events will receive funding for their events in the 2013-14 and 2014-15 years. Applicants are assessed on whether the event is important to the state or tourism region, whether they underpin the region's brand and align with the region's destination action plan, and if they support the government's priorities, particularly premium food and wine from our clean environment. The successful applicants for the 2013-14 Regional Events and Festivals Program are:

- the 6/18 Hours of Melrose, a really good mountain bike event up through the Flinders Ranges;
- A Brush with Art, again in the Flinders Ranges and outback;
- the Flinders Ranges Outback Epic mountain bike race;
- the Barossa Duathlon championships;

- the Bay to Birdwood Classic;
- Crush, in the Adelaide Hills;
- Hoot! Adelaide Hills Jazz Festival;
- the Winter Reds Cellar Door festival in the Adelaide Hills;
- the Ceduna Oysterfest, of course a great event coming up over in Ceduna;
- the Tunarama Festival;
- the Clare Valley Cruise;
- the Clare Valley Gourmet festival (and it is good to see the member for Frome over there, a big supporter of everything that happens up in Clare);
- the Coonawarra Cabernet Celebrations, down on the Limestone Coast;
- the Fork and Cork Festival, again on the Limestone Coast;
- the Fleurieu Art Prize, on the Fleurieu Peninsula;
- the Fleurieu Peninsula Golf Championship;
- Goolwa Regatta Week;
- Willunga 175, which celebrates Willunga's 175th birthday—

The SPEAKER: Excuse me, minister: did you open your answer by saying that you had announced these grants?

The Hon. L.W.K. BIGNELL: Yes; I am just announcing them now—

The SPEAKER: Where did you announce these?

The Hon. L.W.K. BIGNELL: We put out a press release.

The SPEAKER: So they are readily available from another source?

The Hon. L.W.K. BIGNELL: If the media run them; but, alas, they may not run them so—

The SPEAKER: Yes, alright; I think we have—

The Hon. L.W.K. BIGNELL: I think it is important for all the members over there; a lot of their regions are featured here and I thought they would want to know.

Members interjecting:

The Hon. L.W.K. BIGNELL: We get four minutes.

The SPEAKER: Do go on.

The Hon. L.W.K. BIGNELL: There are also:

- the Bank SA Sea and Vines Festival in McLaren Vale;
- the Kangaroo Island Cup (and I am sure that the member for Finniss is a keen race-goer);
- the SA Truck and Ute Show (that's a beauty, that one);
- Sounds by the River; and
- the Murray Man Triathlon, up in the Riverland.

REGIONAL EVENTS AND FESTIVALS

The Hon. I.F. EVANS (Davenport) (15:02): I have a supplementary question.

The SPEAKER: A supplementary! But wait, there's more.

The Hon. I.F. EVANS: I just want to ask a supplementary of the minister. For those grants approved for festivals in his own electorate, did the minister approve them or did he declare a conflict of interest and ask another minister to consider those applications, as he does with sports grants?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:02): These were approved by the South Australian Tourism Commission and passed on to me. I had no influence at all in any of these grants, particularly the ones in my area.

STRENGTHENING LOCAL COMMUNITIES CONFERENCE

Mrs GERAGHTY (Torrens) (15:03): My question is to the Minister for Communities and Social Inclusion. Can the minister update the house on some of the outcomes of the 2013 Strengthening Local Communities Conference?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:03): I thank the honourable member for her question. Last month I officially opened the Strengthening Local Communities Conference at the Woodcroft Community Centre. The conference provided an excellent opportunity for representatives from community centres across South Australia to share ideas and exchange information on the collective impact approach to addressing ideas around the wellbeing of children, families and neighbourhoods.

The collective impact approach—or 'promise neighbourhoods', as it is known in the United States of America—starts with community conversations about what is important to people locally, with all interested parties agreeing to goals, actions and ways to measure progress. I understand that internationally the collective impact approach has brought together people from local communities, government, business and other groups to improve educational outcomes for young people, reduce crime rates, address poverty and improve health and wellbeing in local communities.

Participants were fortunate enough to hear from the key guest speaker, Dr Michael McAfee, who is the director of Promise Neighbourhood—Investing in Every Child, Cradle to Career, from San Francisco. Dr McAfee spoke about the importance of results-based accountability, performance indicators and agreed actions, and how these tools can support collective impact efforts at a community level.

I am pleased to see that here in South Australia many community centres and organisations have been working together to embrace a similar approach. I would especially like to acknowledge the contribution and work undertaken by Community Centres SA, the peak organisation which has proven to be a leader in forming a strategy around implementing a collective approach in South Australia.

Community centres act as a focal point for the delivery of many services that support the most vulnerable in our community. The Gawler Community House, for example, in my own home town of Gawler is an example of a community centre working for their local community. They run an op shop to raise funds and deliver IT skills and literacy courses to assist people who actively participate in work and community life, amongst many other programs and activities.

To this end, I was pleased to announce at the conference that the state government will contribute $80,000 over the next two years to support Community Centres SA's Together SA initiative. The Together SA alliance will provide opportunities for the community to work in partnership with the non-government sector and with government to create sustainable improvements on complex social issues like wellbeing, health, housing and community safety, and to increase participation, capacity and resilience of communities.

CHILD PROTECTION

Mr PISONI (Unley) (15:06): My question is to the Minister for Employment, Higher Education and Skills. How does the minister justify Jadynne Harvey continuing as her chief of staff, given Mr Debelle's findings that Mr Harvey fell short in his duty to his then minister?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:06): I thank the honourable member for his question. Ministerial advisers are engaged by the Premier, and the same remarks that I have made consistently on numerous occasions about this matter apply to the circumstances of Mr Harvey.

Just to repeat them, for the honourable member's perspective: of course there have been findings that a mistake has been made; that has been drawn to the attention of the relevant adviser. My assessment was that this particular adviser had given excellent service to both the government and to the state.

I do want to say something about Mr Harvey: his work during the Mullighan inquiry to support the survivors of child sexual abuse is one of the great contributions that have actually been made in the Public Service in South Australia. I think it is utterly outrageous that individual staff members are having their names dragged through the mud just for purely political purposes.

The Hon. I.F. Evans: Check the *Hansard*!

The SPEAKER: Earlier, the member for Finniss took a point of order saying that I should require the Premier to withdraw and apologise for imputing improper motives to the opposition. He has kindly supplied me with *Hansard*. The Premier says, 'Don't you impugn my credit when you have no basis for doing so,' to which the member for Finniss replies:

> ...I believe the Premier was imputing improper motives against members of the opposition and I ask him to withdraw.

Of course, the correct preposition should be 'imputing proper motives to', but I refrain from warning the member for Finniss, and I do not warn the Premier, nor require him to withdraw and apologise.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (15:08): My question is to the Premier. Has the Premier been advised as to whether the then minister for police or his office were advised by SAPOL of the rape of a seven year old at a western suburbs school in December 2010?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:08): Just to assist the member for Unley: there was a royal commission, as I recall, which began towards the end of last year and has recently reported that looked extensively into all of these matters. As I recall, the document was an extensive inquiry into precisely the matter to which the honourable member refers in his question. Just to assist him, perhaps; if you go to the appendices in the royal commissioner's report—incidentally, the report itself runs to some 281 pages, I might add—

Mr PISONI: Point of order: this was a question to the Premier as to whether he—

The SPEAKER: Could I hear it again? What is the question?

Mr PISONI: The question was, has the Premier been advised as to whether the then minister of police or his office was advised by SAPOL of the rape of a seven year old at a western suburbs school in December 2010? The member for Lee, currently, that is, sir.

The SPEAKER: Deputy Premier.

The Hon. J.R. RAU: The member for Unley is quite right in suggesting that back then, at that time, the relevant minister was in fact a different person to the current minister, but the situation is this: that the royal commissioner has inquired into all matters relating to this particular event. He has provided a 200-and-something page report, and I take him to Appendix I in the report (you do not have to read it now) which is in the form of a letter dated 16 November 2012 to the chairperson of a particular school—without mentioning the school—and I quote briefly from that letter:

> You will note that, not only must I inquire into what occurred in relation to the arrest and conviction but I must also make recommendations as to procedures that should be put in place should such an event occur again.

And that is exactly what he did.

Mr PISONI: Point of order, sir: that was no way anywhere near the answer for the question. The question was simple. The question was to the Premier, and the Deputy Premier answered it—

The SPEAKER: Is this a commentary on the question? Because, if it is, you will be leaving the chamber.

Mr PISONI: I am asking for the question to be answered, sir.

The SPEAKER: I am very close to throwing the member for Unley out. That is pure obstruction of the business of the house. It amounts to, 'I did not like the minister's answer.' Does the Deputy Premier have anything to add?

The Hon. J.R. RAU: I could repeat my answer again, Mr Speaker but, in deference to you, I won't.

The SPEAKER: No—good. Member for Davenport.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (15:12): Supplementary.

The SPEAKER: Supplementary, member for Davenport.

The Hon. I.F. EVANS: Will the minister take on notice and bring back an answer to the house to the question: was the former minister for police notified of the incident referred to in the member for Unley's previous question?

The SPEAKER: Yes, well that is the grownup's way of doing it. Deputy Premier.

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): As I have already indicated in my previous answer, there has been a royal commission into this particular matter—into every aspect of this particular matter—and the royal commissioner has made it very clear that he has received every cooperation in investigating every aspect of this matter. That is where the matter rests.

CHILD PROTECTION INQUIRY

The Hon. I.F. EVANS (Davenport) (15:12): Supplementary.

The SPEAKER: It is not going to be the same supplementary, is it?

The Hon. I.F. EVANS: No.

The SPEAKER: Good.

The Hon. I.F. EVANS: Can the minister confirm that the royal commission inquired into whether the former minister for police was advised of the incident referred to in the member for Unley's previous question and, if so, what did the royal commission say? If not, will the minister take the question on notice and bring it back to the house tomorrow?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:13): I thank the honourable member for the question. It is not for me to read the report for him. I have already indicated and I have directed members' attention to the passage in the documentation attached to the report, where the royal commissioner explains very clearly that he is looking into every aspect of the matter. He had carte blanche to make any recommendations he wished and he did, 43 of them as I recall. Those recommendations range over all matters that he considered in his inquiry to be matters of concern or requiring improvement.

ABILITIES FOR ALL INITIATIVE

Ms THOMPSON (Reynell) (15:14): My question is for the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the recent graduation ceremony for students with disability as part of the Abilities for All program?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (15:14): I thank and acknowledge the work of the member for Reynell in this regard. I was very pleased to attend the Abilities for All Graduation Ceremony at the Convention Centre along with His Excellency, the Governor.

The Abilities for All initiative is run by the Bedford Group, as many members opposite would know, with the support of half a million dollars of funding by the state government. And we know that Bedford has a great track record of working to improve opportunities for people with disability. Bedford does this by providing unemployed South Australians with disability with a mix of accredited and non-accredited training which assists them to gain employment.

This program has been operating since 2005 and this year's graduation event recognised the achievement of around 200 people who took part in the program over the last year. I can report that 134 people completed a certificate II level qualification as part of a pathway into employment. I was pleased to learn that 30 of those have already gained employment as a result, and that is fantastic.

I would like to take this opportunity to congratulate the men and women from communities across South Australia who have taken up this challenge. Some have gained training in

landscaping while others have learned new skills in the areas of business, digital media, retail disability work, and community service. The Abilities for All initiative typically achieves an 80 per cent qualification completion rate for its participants, with 30 per cent of those going on to find employment as a result of their improved confidence and skills.

I would like to take this opportunity to acknowledge the work done by Bedford. I would, in particular, like to acknowledge the chair, Colin Dunsford—he was there, of course—and Sally Powell and her entire team at Bedford. They do a great job.

CHILD PROTECTION

Mr PISONI (Unley) (15:16): My question is to the Minister for Education and Child Development. After a concerned parent phoned the minister's office raising the alarm in relation to the alleged child sex offender operating at a southern suburbs gymnastics centre, why did the minister wait a month before contacting police?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:16): These are the same questions that we had last time—

Mr Pisoni: Sorry to inconvenience you, but it is a fairly important issue.

The Hon. J.M. RANKINE: The fact of the matter is when the parent contacted our office, they did not know whether anyone had been charged or not. They were trying—

Mr Pisoni: And you didn't tell them; you hid behind section 71A. You got it wrong.

The Hon. J.M. RANKINE: They were trying to find out whether that was the case or not. Quite frankly, we were operating on the basis of rumour. Nevertheless, if what this parent was saying was true, we were concerned that someone would have bail conditions that allowed them to have access to children. That is why I contacted the Attorney-General and the Minister for Police: firstly, to ensure the bail conditions were being complied with and, secondly, to close a gap in the legislation. I am pleased to say that within two months we had legislation in this house to fix it.

CHILD PROTECTION

Mr PISONI (Unley) (15:18): I have a supplementary question: how many children attending the southern suburbs gymnastics centre were exposed to the alleged child sex offender during the four-week period when the minister failed to tell the police?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:18): Why didn't the member for Unley tell the police?

Mr Pisoni: I did.

The Hon. J.M. RANKINE: No you didn't.

Mr Pisoni: I asked the police commissioner.

The Hon. J.M. RANKINE: No you didn't.

Mr Pisoni interjecting:

The Hon. J.M. RANKINE: You asked him to confirm, because you had no more information than I did.

Mr Pisoni: What did you do? Nothing! You did nothing for four weeks!

The Hon. J.M. RANKINE: That is not true. We acted on it straightaway.

Mr Pisoni: You did nothing for four weeks!

The Hon. J.M. RANKINE: We had it with the interagency taskforce; we had it to the Attorney-General; we had it to the police minister.

The Hon. T.R. KENYON: Point of order, sir.

The SPEAKER: Point of order from the Minister for Manufacturing.

The Hon. T.R. KENYON: Sir, I am not that far away from the minister and I am having very great difficulty hearing her on account of the interjections from the member for Unley.

The SPEAKER: Yes, well the bellowing of the member for Unley may lead to the loss of an opportunity to ask a further question. Minister for Education.

An honourable member interjecting:

The SPEAKER: Well, it won't. Member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (15:19): My question is to the Minister for Police. Is the alleged child sex offender operating a southern suburbs gymnastics centre who breached his bail conditions still in contact with children or still operating the gymnastics centre?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:20): No, he is not.

CHILD PROTECTION

Mr PISONI (Unley) (15:20): My question is for the Minister for Police. Can the minister advise the details of the covert operation monitoring the bail conditions of the southern suburbs gymnastic centre's (that is now complete) owner charged with alleged child sex offences?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:20): Funnily enough, given the fact that member for Unley has been bellowing all afternoon, I actually could not hear the question.

Mr PISONI: Can the minister advise the details of the covert operation monitoring the bail conditions of the southern suburbs gymnastics centre owner charged with the alleged child sex offences?

The Hon. M.F. O'BRIEN: Well, I can't, because it was covert.

Mr Pisoni interjecting:

The SPEAKER: Alas, one cannot have a free kick after the siren unless one obtains it before the siren sounds.

ABORIGINAL REGIONAL AUTHORITIES

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:21): I table a copy of a ministerial statement relating to Aboriginal regional authorities made earlier today in another place by my colleague the Minister for Sustainability, Environment and Conservation.

GRIEVANCE DEBATE

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:21): The Labor state government is lost on the question of Holden and what to do about transforming Holden into the future. We have had the debacle in the last week of a Labor prime minister throwing the Holden manufacturing business into chaos and confusion by changes to the FBT rules that affect fleet purchases. He did this without consulting with the only Labor premier on the mainland, the Labor premier responsible for the Holden plant. To just go out there and make a car plant announcement like that without even checking with your state Labor colleagues reflects the level of dysfunction within Labor governments both federal and state.

The effect of this decision has been to cause orders to be thrown out the door by leasing companies around the country, with a dramatic and immediate impact on home-based vehicle manufacturers. What has the Premier done about it? Instead of ringing up the Prime Minister and demanding an audience, flying up to Canberra and saying to him, 'Reverse this decision', we have had the Premier instead going to Melbourne for guidance to see a more junior minister and consult and come back with a so-called 'four-point plan' that he says will soften the problem.

Well, the fact is that what we needed from the Premier was leadership. What we needed from him was for him to stand up to the Prime Minister and say, 'This is the wrong decision; it is a rotten idea, reverse it.' Instead, he has demonstrated weakness, he has demonstrated that he is not prepared to take this up with the Prime Minister. As far as we are aware, he is yet to speak to the Prime Minister on the issue and certainly is yet to meet with him. What it tells us is that the Premier and the Prime Minister are not talking and are not communicating and that the result is problems for Holden and for the local manufacturing industry here in this state.

These four points that the Premier has come up with, let me just run through them. The first point is to encourage more people to buy locally manufactured cars. Well, hello? Isn't that a stunning new announcement. There is nothing new in that. Everyone from all sides of politics and industry has been calling for that for years. There is nothing new in that; it is complete and utter nonsense.

The second point is to exempt those manufacturers that produce LPG or hybrid cars from the new FBT arrangements. Well, I have checked on this, and there are no hybrid cars produced here in South Australia by Holden. They have a small role in LPG production; it is certainly not their main business. There are limited benefits for that proposal as far as South Australia is concerned.

His third proposal is to exempt local manufacturers from the new FBT rules. The Premier said he opposed tariffs. In effect, he now wants to create one set of financial circumstances for customers who buy imported cars and another set of financial circumstances for those who buy local cars. You either support tariffs or you do not. You either support financial imposts on imported cars or you do not. You cannot have a bet each way, and that is what the Premier has done.

Finally, he says we need to increase the luxury car tax from around $60,000 to $70,000, and it was reported that way in the *Sunday Mail*. Of course, what the Premier overlooked is that that would have the effect of reducing the purchasing price of an imported vehicle by anything up to $500 per vehicle. It is going to make the VW Golfs, the BMWs, the Pajeros and the Subarus more affordable, and they compete with Holden.

So, today he has come into the house and made a statement that appears to qualify that position. He is now inferring in his statement today that he only thinks the increase in the luxury car tax should apply to mainstream, locally produced vehicles, whatever they are. Of course, he overlooks the fact that only the Caprice really triggers over that $60,000. Your average punter hardly buys the Caprice.

The Premier is in disarray on this. He had an opportunity to show courage; instead, he has shown weakness. He has shown that he is not communicating with Prime Minister Rudd, who clearly is not communicating with him. He had an opportunity to be strong; instead, he has been weak. He has had an opportunity to show leadership; instead, he has shown failure and the losers in this are Holden and the South Australian workforce.

INTERNATIONAL FORUM FOR RECONCILIATION AND PEACE

Mrs VLAHOS (Taylor) (15:26): I would like to speak today about an event I attended on Saturday 13 July at Influencers Church in Currie Street. It was a fantastic opportunity to meet with the local African Australian community who were hosting the event. The event was the International Forum for Reconciliation and Peace, which was holding its first meeting in South Australia.

Foreign dignitaries from Uganda were present, including Ambassador Dickson Ogwang, Reverend Sam Mukabi Zema and the Honourable Justice Mike Chibita. All three of these men actually have remarkable stories of courage and personal perseverance in their countries. They have overcome oppression and adversity in their birthplaces to become the leaders they are today.

Community leaders and members of the local African community also attended, including forum organisers Prosper Baeni, Jackson Kinchimba and Pastor John Nkombera. All of these people are involved with the Peniel Free Pentecostal Church near my area. I would also like to mention an ex-constituent of my local community, Mr Mark Mudri, who was very kind to invite me along to the event that day. He is certainly a great believer in the positive options for this state and the inherent good in all of us.

Many of the local attendees are in the northern area of my seat and it was great to get to know them. They are part of the growing African community in the areas of the City of Salisbury and the City of Playford. In fact, the African connection and the African community in my area is a wonderful story that is glowing brightly.

The community spirit is often seen in the most unexpected place, such as with the stories of Manyok Ajak and Gabriel Atem, both of whom are from South Sudan and fled more than 10 years ago from the war and persecution there. One of the recent stories that I look forward to hearing from them this week, as I host the SES for a special thank you dinner in the upstairs dining room, is their volunteer work with firefighters in their homeland and the work they do with the SES at Edinburgh.

Another example of this community spirit is Floribert Kibangula, president of the Congolese community group BRICA. Floribert is working with the Congolese across the state to provide programs that help educate members about government services and organise social activities. They have an active membership that is passionate about their community and caring for it. These are just some of the wonderful migrant community stories I hear in the north most days and these are the elements that make our society so rich and healthy in the north and are why we are continuing to prosper and grow and attract more people to the growing community in the north.

For many reasons, when I speak to these people, one of the things that I say is, 'We are all in this together.' It is a far better philosophy than being on your own. In fact, healthy communities are grown through community leaders who try to support their communities and help grow new leaders after them. I look forward to working with these new emerging African communities and churches in my area, because I sincerely believe that their faith and love of community have brought them together and I look forward to working alongside them in the years to come.

DINGOES

Mr VAN HOLST PELLEKAAN (Stuart) (15:30): I rise today to speak again on behalf of my constituents and other people in outback and country South Australia about the alarming number of dingoes below the dog fence. This is actually the sixth time that I have spoken here in parliament about this problem, including speeches about overabundant native species and declared pests, which is exactly what dingoes are below the dog fence. They are a declared pest. They are meant to be eradicated. It is actually a property owner's or manager's responsibility to remove dingoes, to destroy them below the dog fence.

The vast majority of pastoralists are responsible in this area and try very hard, but they are not keeping up with it. They are not keeping up with it for several reasons. The most concerning of all is the fact that so many pastoral leases are now not being used for pastoral production. That is quite reasonable in many cases. Pastoral leases are used for cultural pursuits, for mining activities, for tourism or for environmental pursuits, but the reality is that if you are a lessee of a pastoral lease you must still do everything within your power to destroy dingoes below the dog fence.

Dingoes are getting out of control. The quality of the dingo fence is always an area for concern. It is always an area that you cannot take your eye off, but that is not actually the issue at the moment. Floods come down and wash out a bit of the fence, and the fence cannot physically be accessed for a few weeks. Dogs come in, then the fence is repaired, and then the dogs are locked in.

That is the problem that we are having at the moment, following quite a few good seasons in outback South Australia, which has been very welcome and very good and positive for the environment and the pastoral industries, but it has meant that all species living wild are thriving. Positive native species are thriving, but also pests—rabbits, cats and foxes—are thriving, and also native dingoes, which should not be there below the dog fence, are thriving.

Unfortunately we are getting to the stage now where they are breeding up below the dog fence faster than they can be controlled, and more effort, more work, and more resources need to be put into this very serious problem. It is not at all uncommon. I can name many pastoralists in South Australia who have shot 10, 20 or more dingoes already this year on their properties. That is the sort of plague proportions they are in. If we do not get onto this issue, we will not have a sheep industry in South Australia—sheep for meat or sheep for wool.

There is already a very strong trend of people below the dog fence swapping from sheep to cattle for that reason, when typically it is possible to make more money out of wool than it is out of beef. They are swapping for this reason; they are swapping because they are really concerned about the dingoes. We are at the stage now where the effort that has been put into it, the good effort by many people working on this problem, those on NRM boards, local pastoralists and others, is just not keeping up with it. It is not keeping up with it because the people with pastoral leases, not using them for pastoral purposes, are not putting the effort that they need to put into their properties to address this problem, so their neighbours are all suffering.

I raise this today because I want to put to this house a suggestion that was given to me by Mr Bill McIntosh AO—a very respected person in outback South Australia, recently retired chairman, after many years, of the Outback Areas Community Development Trust and more recently the Outback Communities Authority—that a working group of pastoralists living, working and operating their businesses below the dog fence should be put together, and the government should consult with this group. We should have a small group, perhaps half a dozen people, to

address exactly this issue, that represents all the geography across the state below the dog fence. We should use their knowledge, use their experience and listen to them; listen to them and find out firsthand exactly what needs to be done.

This is the sixth time I have addressed this issue in this place and through many press, TV and radio interviews, and yet the government is not responding in the fashion that is required to address this problem. So, please put this working group together, as suggested by Mr Bill McIntosh, and deal with this issue. We will not have a sheep industry in South Australia if it goes on much longer. It is perceived as an outback problem, as a pastoral problem: this will be a problem for Port Lincoln, Port Augusta, Berri and Mount Gambier if this issue is not addressed and not addressed soon. Our sheep industry cannot and will not survive with the number of wild dogs, dingoes and interbred dogs, now thriving below the dog fence.

PORT ADELAIDE

Dr CLOSE (Port Adelaide) (15:35): I have had occasion previously to inform the house about the work being undertaken to activate the Port as part of a larger strategy to develop the Port over the coming years. Today, I wish to give an update on the progress of those early activation works. The works have been funded through a combination of state and local government money and are being managed by Renewal SA.

The first project to be completed was the placement of sand at Cruikshank's Corner to allow rowboats access to the inner harbour. It facilitated the outstanding rowing regatta on Australia Day this year, the first of many. While the sand was never intended to form a recreational beach in the sense of kids with buckets and spades, in fact, the beach is rarely empty, with local fishers in particular finding it a handy place from which to cast a line.

An ongoing project which has been going well is using the services of Renew Adelaide to fill shops with eclectic small businesses, which add considerably to the attractiveness of the area but are hard to finance from scratch. The three empty shops in the government-owned central building, extensively refurbished and saved from crumbling by this government a few years ago, have been filled first. Renew Adelaide is currently going through a process to extend this model to privately-owned shops further along St Vincent Street. I have also been pleased to see in recent times that new businesses have sprung up along St Vincent Street, most recently along the eastern stretch, with the existing angle parking.

One of the more highly anticipated activation projects is putting in angle parking along the western stretch of St Vincent Street, called for by the traders along that stretch who want to create the high street atmosphere, such as Semaphore Road or, indeed, St Vincent Street east and Lipson Street. What they are wanting is for customers to be able to pop in and out of their shops by parking right in front. This project will get started towards the end of August, although the surveying work and planning have already been done.

Renewal SA has also been working with the Port Adelaide Chamber of Commerce on business activation projects, such as free wi-fi hotspots around the Port, and they are working on the upgrade of the exterior of some buildings around the heritage precinct to make the area more attractive, including the visitor centre at Black Diamond Corner. More major civil works are the bike path around the inner harbour (well underway already) and the soon to be commenced outdoor area for the Harts Mill, Adelaide Milling Company precinct.

This area will include a playground, very long overdue for the Port heritage area. I called for a playground when I was first a candidate for the by-election because, as a parent, I know how good a drawcard it is to have a place for kids to play for free, letting a parent have a coffee and watch over them. I am sure that I will not be the only person to claim credit, and I have no problem with that: success has many parents. There is much more to come, but things are really getting underway, and I will continue to keep the house up to date with progress.

COUNTRY HEALTH SA

Mr WILLIAMS (MacKillop) (15:38): Today, I rise to bring to the attention of the house the disturbing outcomes with regard to the delivery of health services in my electorate. We all know what has happened in the Keith area, in the north of my electorate, over the last couple of years because of the government's withdrawal of funds from that community's hospital. Now I want to bring to the attention of the house what is happening in the south of my electorate, in my home town of Millicent, where there is to be a serious downgrade of services if Country Health SA is allowed to get away with the proposal.

Country Health SA has been in negotiations with the doctors of the Millicent medical clinic for at least two years. Similar negotiations have been ongoing in other parts of the state. Those negotiations have been quite protracted in some parts of the state; Millicent is one of those places, and Victor Harbor is another, which I am sure members are aware of.

The stumbling block in the negotiations seems to be Country Health insisting on the doctors in the clinic providing a certain number of hours of on-call duty to provide service in the local hospital. Because of the requirement that the doctors in the clinic to provide for their own clinic, it means that only a certain number of hours are available—and doctors these days also like to enjoy some sort of work-life balance, which seems to be the buzz phrase around these days. Unlike years ago when doctors committed themselves to a community 24/7, 365 days a year, that just does not happen in today's world.

The most disturbing thing that has happened in Millicent is the proposal to shift the birthing unit at the Millicent Hospital completely to Mount Gambier. Over a period of years, there has been a move to shift expectant mothers to Mount Gambier if there is any sign the birth might be risky, including mothers who are having their first child where there is no history of their ability to deliver a normal delivery. They are automatically shifted to Mount Gambier. As a consequence, the number of births occurring in the Millicent Hospital has dropped from about 110 a couple of years ago. Before that, it was over 200 but that has dropped back to about 35 in the last year.

Rumours have been around for about a month now about the possibility of the birthing unit in the Millicent Hospital being moved. As recently as late June, early July Country Health has been denying those rumours and has been saying quite publicly that there is no move to downgrade the services, yet there now has been revealed through a leaked letter that the acting head of Country Health, Acting Chief Officer, Dr Peter Chapman, wrote a letter on 12 June, and I will quote from the letter:

> Further to my correspondence dated 31 May 2013 and our meeting held on Thursday 6 June 2013, I confirm the following expectations...

He went on to say under the heading of 'Obstetric services':

> Due to local workforce shortages, obstetric services will in future be offered from the Mount Gambier District Health Services.

Back in late May, early June the decision had already been taken to shift the service to Mount Gambier, yet right up until the end of June the Country Health Service had been denying that to the local community. Not only that, but more recently after the announcement about a week ago, Country Health has said that they will continue the antenatal and postnatal services at the Millicent Hospital. Again, I believe that my local community are being deceived because, without a birthing unit, it will not be possible to continue to provide those postnatal and antenatal services simply because we will not have the doctors or nurses with the relevant skills available to deliver those services.

Country Health has failed this community in my electorate at Millicent miserably. What they should have been doing over the last couple of years is ensuring that we had the GPs in the local community, in the local clinic, with the relevant skills to provide the suite of services that the community deserves. I am very afraid that there is an agenda within Country Health to close down the acute services in my local hospital at Millicent. I am very afraid that this is furthering the work of Country Health in diminishing the role of acute hospitals throughout regional South Australia.

Time expired.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:43): First of all, I note the passing of Mary Gallnor, the great Liberal Party councillor and party member, and acknowledge the work and contributions she has made on a number of issues, including voluntary euthanasia, decriminalisation of sex work, equal opportunity, antidiscrimination, and other progressive social justice issues. I know that a number of members from the Liberal Party, and certainly from the Labor Party, are well aware of the fantastic work that she has done over many decades. She will be sadly missed. Condolences to her family, certainly from me and the Ashford electoral staff who got to know Mary very well over the last few years.

I have been researching, as is my wont, some of the international models that we could look at in South Australia. I note that 11 million citizens of Belgium have had the right to choose how and when they die for the last decade. In my view, Belgium is very similar to Australia in many

ways. We both love beer and chocolates, we are partners in NATO's International Security Assistance Force in Afghanistan, Belgium is the birthplace of Aussie Kim Clijsters, and the Belgians do not take themselves too seriously.

Belgium hosts the headquarters for the European Union and NATO; french fries and Guylian chocolates originated there; and the creator of Tintin, Georges Rémi, is a Belgian. Similar to Australia, Belgium is largely secular; however, it is different to Australia in that the Roman Catholic Church is the dominant Christian religion. It is interesting to note that the Belgian parliament voted for voluntary euthanasia in 2002 but in South Australia, after 13 attempts, we still have not voted for the same right.

Belgium has a long history of high quality and widely available palliative care. Palliative care workers realised that even with the best palliative care it is not possible to provide everyone with a dignified death. Palliative care workers and voluntary euthanasia advocates worked together over many years to support the introduction of voluntary euthanasia legislation. It seems that in Australia, unlike in Belgium, palliative care and voluntary euthanasia are viewed as mutually exclusive concepts.

This historical—and sometimes hysterical—antagonism between palliative care and voluntary euthanasia is clearly unfounded. In all jurisdictions where a form of voluntary euthanasia or medically assisted dying is available, funding for palliative care has increased. If I have a terminal illness I want the best palliative care available, but when even the best palliative care cannot make my life bearable then I want to have the right to die with dignity.

Palliative care physicians acknowledge that they cannot always relieve all the symptoms of a terminal illness, nor is good quality palliative care available to everyone. The majority of people who make use of voluntary euthanasia around the world are suffering from cancer, are well educated, and in an older age group. They have made an informed, adult decision to choose voluntary euthanasia. When it is my time I want to be able to openly discuss with my carers my request to die while I still have some dignity, before I am unable to take care of my personal hygiene and when I am still capable of making that decision.

In a 2005 obituary the *British Medical Journal* acknowledged Dame Cicely Saunders as 'more than anybody else...responsible for establishing the discipline and the culture of palliative care'. Dame Cicely Saunders founded and built the first and most famous hospice, Saint Christopher's, which opened in 1967. By the time of her death in 2005, Saint Christopher's had trained more than 50,000 students and spread palliative care programs based on the Saint Christopher's culture to more than 120 countries. Members of parliament here may wish to note that in 11 years in Belgium palliative care seems to have worked well, even though voluntary euthanasia is part of that care.

PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:48): I wish to continue my remarks in regard to the Port Pirie Smelting Facility (Lead-in-Air Concentrations) Bill 2013. Just before lunch I was talking about possible developments that could happen in relation to this facility, especially ones that could happen if we do not support the bill in this house.

There is certainly an option in option two where, in the event that the transformation proceeds, the plant will have a future 30-year life, as I spoke about earlier. This would ensure the viability of the plant and set a longer time frame, using the cash revenues from that transformation. As a subset of this action, Port Pirie's future would be secured for the short to medium term.

There is another option (option three) where if there is no change and no transformation, Nyrstar continues its operation over the short term and the government is forced to ease the regulatory burden upon the company by compromising health and environmental standards. This risks negative impacts on the health of the community and would create a dangerous precedent for environmental and public health grounds.

As I spoke about earlier, the bill seeks to vary the applications of regulatory and legislative conditions relating to the lead emissions from the Nyrstar smelter in Port Pirie. What the bill is trying to do, as I indicated earlier, is lock down the health and environmental standards which the company must meet, and the device used in the bill is to allow the Minister for Industry to intervene if the Environment Protection Authority seeks to vary the agreed maximum lead-in-air condition

without consultation and approval of the Minister for Manufacturing, Innovation and Trade and Nyrstar themselves.

We understand that there is a proposed select committee, and we have been informed that there have been negotiations between the minister and the member for Waite, who is leading the bill on our side. I understand that if that select committee is formed it will possibly meet very shortly and, hopefully, bring this bill back to this house on Thursday so that there are no unnecessary time lags in this legislation moving forward.

If we want to talk about some of the risks and opportunities in regards to this legislation, the closure of this plant in Port Pirie would have dramatic and far-reaching economic, social and political implications. It is quite possible that, if the board decided against the transformation in 2014, a windup would be incredibly swift. It is likely, as I mentioned before, that the state and federal governments would be asked to provide significant funding for economic restructuring, and the big hit which could really hit the taxpayer might be the remediation liability and limited means to pursue Nyrstar, who are based in Belgium.

If it is not scary enough, with the state of the budget at the minute with a threatening blowout of a debt out to $14 billion, this could expose the state budget to hundreds of millions of dollars in a contingent liability. A refusal by state or federal governments to act in this way financially in the transformation could precipitate a negative decision from the board. Also, a rejection of the bill in this parliament might also put an end to Nyrstar.

I talked earlier about the potential of a class action, and that is where the $115 million guarantee indemnity provided by the state government may be called upon in order to protect people, especially the investors, in this situation. This risk is wound down over time as the indemnity winds down over a seven-year period. As mentioned before in this house this morning, the health and development impact of lead-in-air emissions in Port Pirie has received considerable media and government attention for decades. Knowing how these things are reported at times, a lot of the time negative media seems to get good press.

It is noted, as I said before, this is where the company has to work with the Environment Protection Authority and the appropriate minister to make sure that an overall result of the transformation will result in significantly lower emissions, and it is also noted that this bill is particularly narrow and limited in its application.

In summing up my comments: obviously, the worst outcome for not only South Australia as a whole but Port Pirie as a regional community would be for Nyrstar to walk away. This would leave a real problem as far as economic restructuring in the Mid North, and a massive liability. We have seen some of these liabilities here locally with the new Royal Adelaide Hospital build, where well over $100 million has been spent on cleaning up that site to build the new Royal Adelaide Hospital.

The best outcome for this state would be for the transformation to proceed smoothly. We know that, from what we are told, if this bill does go through, a modern plant will be able to operate and be profitable for at least the next 30 years and, obviously, work can happen after that into the future to keep a viable lead smelting operation in Port Pirie. I have talked about what can happen with regard to class actions, etc., but so long as everything is properly managed, a successful transformation at the site should be quite achievable.

Nyrstar's processing capacity would ensure that South Australia's mineral resource industry will add much greater value to the broader economy and make a range of potential resource projects more cost effective. With this transformation it will make Nyrstar's operation tenable for the future and, as I said, for at least the next 30 years and potentially longer with more work into the future.

I would like note in my closing remarks that in 2012, the smelter at Port Pirie produced significant amounts of commodity-grade lead, zinc, silver, copper cathode, gold and sulphuric acid. It is noted that there were 158,000 tonnes of lead metal, 31,000 tonnes of zinc metal, 3,000 tonnes of copper cathode, 13.8 million tonnes of silver, and 56,000 ounces of gold produced. It is noted that wages and salaries paid to families depending on this plant to operate at Port Pirie total around $270 million each year, and from these wages about $100 million is paid in tax. Nyrstar's value-add contribution to South Australian gross state product is around $518 million per annum and Nyrstar also adds some $1.6 billion to the value of South Australia's economic output.

I am very pleased to see this legislation in the house. I think we need to do it to make sure we have a viable facility up there at Port Pirie for the community. I acknowledge the work of our

Liberal candidate in the area, Kendall Jackson, who has been doing great work in keeping us informed on this side of the house about what is happening with regard to the facility. I would also like to acknowledge the Nyrstar operators and their staff for the full briefings that they always provide when we visit. I know I have been to at least two of those and they do a great job of keeping us in the loop whenever we are in the Port Pirie area as to what exactly is going on.

Ms BETTISON (Ramsay) (15:57): I rise today to talk about and support this bill and its importance to the Port Pirie community. What this bill represents is what this government is all about, that is, supporting business, supporting community and in line with government—so business, community and government working together. This bill is about introducing and operating bath smelting technology to the Port Pirie smelter, supported by regulatory certainty for 10 years. This will provide a number of benefits to the Port Pirie community—economic, environmental and social benefits as well. The Port Pirie community has endured many years of uncertainty and speculation about the future of the smelter.

The community now has a pathway to a more certain future with this bill. Along with other elements of the South Australian and Australian government's agreement with Nyrstar, announced in December 2012, this provides a key element of support for the transformation of the smelter to secure substantially reduced lead emissions and long-term security for Nyrstar workers. I spent a lot of time growing up in the country and I know how important it is in a small country town to know that there is job certainty in the future. I am very proud of this government's working to support the people of Port Pirie.

What the long-term security will imply is the ease for replacing an existing 60-year old sinter plant with modern, enclosed bath smelting technology, the best available for lead smelting. This enables dedicated systems to more fully capture gas emissions that contain lead and other materials, resulting in dramatically reduced emissions levels for the facility. This will result in improved environmental outcomes capable of meeting more stringent environmental standards that are required in today's modern world and by environmental regulators, including the state's Environment Protection Authority.

Reduced lead-in-air emissions will contribute to improved health outcomes for the Port Pirie community. Exposure to lead deposition in the environment is a major contributor to elevated blood lead levels in young children aged zero to four years and particularly for children up to two years of age. Reduced emissions means reduced levels of lead deposition and, as a consequence, will lead to an improvement in blood lead levels and in the number of children whose levels are below the Australian guideline of 10 micrograms per decilitre. The aim is for air lead concentrations to be reduced by at least 50 per cent, and the number of children below the guideline for blood lead is projected to improve from 75 per cent to 90 per cent.

The smelter is Port Pirie's largest employer. It currently employs around 725 employees and 120 contractors. Of Port Pirie's total work force, this represents around one in five people who directly rely on the smelter for their employment and livelihood and 98 per cent of the people employed in the town's manufacturing sector.

The smelter's operation supports a wide range of local businesses through ongoing maintenance and servicing requirements. A supported investment in this technology upgrade delivers ongoing employment and business opportunities for the regional community, and with the introduction of new technology, opportunities for training and development in new skills and knowledge.

This technology upgrade will deliver a long-term commercial and sustainable future for the facility, the community and the region. It will deliver better environmental and health outcomes for the community and surrounding region. It will provide certainty and confidence to residents of Port Pirie for decades to come. Importantly though, these outcomes would not be achieved without the support from government to Nyrstar and its investors in the form of environmental performance certainty for the upgraded facility. This is what this bill delivers to Nyrstar, investors and the Port Pirie community.

Ms THOMPSON (Reynell) (16:02): Many members here have noted the great benefits to Port Pirie, its residents, the regional community and also to residents of Tasmania that will be enabled by this bill. However, as I come to the end of my term in this parliament, I want to put on record my appreciation of the way in which this bill has been developed.

It occurred to me while I was thinking about this matter that I first came into contact with the organisation that is now Nyrstar when I was involved in a committee providing a recommendation

to minister Cornwall on some matters relating to the health of the community in Port Pirie. I was then involved in another committee providing recommendations to a minister whose name I cannot remember. It looked at the measures which were necessary to allow women to work in the smelter. That might seem a bit strange now, and I do not know how many women are in fact working in the plant, but it was important that given this was the major employer in Port Pirie, all residents—regardless of gender—had the opportunity to work in the area.

What was also important at the time was that every time a specific group such as children and women was focused on benefits accrued to everyone. All workers in the smelter were going to be safer as a result of analysing what was necessary to allow women to work safely in the smelter. Indeed, there was some consideration that men's reproductive capacities were also affected by lead. The evidence there was not as clear—it is a long time ago and I do not remember all of the details—but it was clear that all workers were going to be better. However, these negotiations, discussions, considerations, were not always easy. Not only did one government agency not agree with the others, but the negotiations with the companies that preceded Nyrstar were not always cooperative and the end was not always mutually agreed; so, I was really pleased to see the way this bill had been produced.

I commend the minister for the establishment of the joint Nyrstar government task force, which was established in May 2012, to deal with a range of matters relating to the proposed Nyrstar transformation. This task force was led by an eminent South Australian, Bruce Carter. I thank him also for giving his considerable expertise towards solving this issue of how Nyrstar could continue to prosper in a healthy way for all the residents of Port Pirie, and not only prosper as it is, but to transform itself to provide greater potential for the South Australian economy in moving from lead to a wider range of mineral substances, although I recognise that there are other substances at the moment.

The state government's case management approach is to coordinate expertise and input of officials from a range of key state government agencies, such as the Department for Health and the Environment Protection Authority, using a structure of eight working parties to assist the progress of this important project. The proposed transformation of Nyrstar at Port Pirie includes a range of complex matters that are being addressed in parallel by the task force and the working groups. These working groups have been considering such diverse areas as environmental improvement, the targeted lead abatement program, the development assessment process, feasibility studies, legislation and legal agreement.

The future of Nyrstar, as we know, is intrinsically linked to the future of Port Pirie and its residents. The work of all the state government officials, commonwealth government officials, Nyrstar and community members, who have put themselves forward to help solve this problem and get a good strong future for Nyrstar in Port Pirie, is greatly appreciated, and I commend that work to the house. The cooperative manner, the problem-solving focus of these groups, has been very important and is something we can all learn from. Thank you.

Mr VENNING (Schubert) (16:07): I have had a long personal association with this Nyrstar smelter. We always referred to it as 'Port Pirie smelter'. It is probably not very sexy to say that today, but that is what it always has been. It has been the most pivotal business not just in Port Pirie but for the whole region for many, many years. In fact, ever since 1889 it has been there, and it built the port infrastructure and, of course, in later years the bulk handling of grain is able to add to that wharf and use it. Then it became a pivotal port back in those years chiefly because BHAS was there.

Yes, it is the largest lead smelter in the world. Of course, we know that lead is not compatible. I know all about lead because I rubbed it off a bridge not long ago. It is a mineral that is not compatible to human living. Over the years much has been done to alleviate it, particularly when you consider all those houses in the Pirie West area. Most of those houses were completely stripped. They got rid of all the lead dust, and some were totally replaced. The cost of that was huge. I do not know who actually met that cost, but it was massive. Then, of course, there was the building of the huge stack which was put up there to protect Port Pirie.

Port Pirie has been called all sorts of things over the years, affectionately, and one name was 'sulphur city'. I have not heard anybody call it that for many, many years, certainly since that stack has been there, because the stack is visible for miles and miles around. In fact, when you are flying around, the top of the stack is up with you in a lot of cases.

I certainly am very much aware of the history of this place because, as a younger person, I had a business association—I will declare that—with this company. I used to have a bit of a contract for the supplying of machinery, particularly the buying of their older surplus machines—a lot of which came onto the farm—and also for the supplying of some product for the smelters in the early days, mainly with BHAS.

I also say that the employees of BHAS and, no doubt, those of the subsequent companies, were very important people in our community. When I was the president of the Crystal Brook Show Society, we had a fantastic arrangement with the workers of BHAS because they had the picnic grounds at the Crystal Brook creek. Can I say there were several people there, and Pud Demarco was only but one.

Mr Brock interjecting:

Mr VENNING: Mr Brock was another. These people were quite legendary. On Crystal Brook show day, they would allow us to use their grounds down at the creek, which was a marvellous thing for the dog show and all sorts of things. On the day after the Crystal Brook show, they would put on a barbecue down there for us, after we had cleaned up the oval. This is the sort of wonderful cooperation these people offered.

Of course, the smelters picnic was always held at the Crystal Brook Showground back ground and they used to run a train down there. It was a special train that ran from Port Pirie to Crystal Brook. It brought all the people down and would take them back again. They had sports and a lot of the famous cyclists used to race their bicycles on the smelters picnic day, so it was a big family day.

The point I am trying to make is this business has been pivotal to the whole region—not just as a business but also as a cultural and personal attribute that we all certainly appreciated. That is in the past, and I pay tribute to all those people who worked at BHAS. I have been in the BHAS—do they still call it that at the club?

Mr Brock: Community club.

Mr VENNING: —the community club in Port Pirie. It is quite interesting to go in there a time or two and share a lot of the memories with the members. Is Pud Demarco still with us?

An honourable member interjecting:

Mr VENNING: He has passed—not very long ago. He was a legend. He had a shorter haircut than me—at least he had hair. I just want to pay tribute. When BHAS handed it on, of course, then we had Pasminco—I knew several of the chairmen of the Pasminco company at the time—and then it was Zinifex and now Nyrstar. There are 858 people working there as employees, but the workforce is 5,240 and there are 2,500 indirect jobs in the town and the region.

Even though, as a parliament, we have to understand this business, even though it is the largest lead smelter in the world, it is a bit tricky because we have to consider people's health. The blood lead levels in the young people in Port Pirie, as the member for Frome would know, have always been a concern.

I do not know what the real answer is but, I think in this instance, we want to see this intervention, particularly the $150 million investment from the third-party investors, guaranteed by the commonwealth government's Export Finance and Insurance Corporation, a $100 million sale of the silver futures from Nyrstar and $100 million invested by Nyrstar. The money needs to go in. We have had several meetings up there, and I know that the company is going to do all it can, because it is a very important business.

Can I say that it is all very easy to flick this business off and say, 'Look, we will take it somewhere else,' but regional employment in South Australia, as you know, sir, and we all know, is pretty difficult. Here is a major employer in a regional community and it is in a pivotal place. I only hope that, in the years to come—there is a move afoot now—we can increase the port activity in Port Pirie and, in fact, somehow provide the capacity to handle larger ships, not just for Nyrstar but also so that they can bring in product for reprocessing and then export the product as well.

Mr Brock: I am working on that now, Ivan.

Mr VENNING: We are, I know—everybody is. Everybody is talking.

The Hon. T.R. Kenyon: Brockie already is.

Mr VENNING: Yes, so is Kendall Jackson. She is talking about it as well. It is a big subject. Let us look at it. Port Pirie is a fantastic place to benefit from this. The railway line is there—a major railway line. We have large grain silos there. It is the centre of the wheat belt on this side. I know we are talking about ports on the other side of the gulf, but most of the wheat is grown on this side, year in, year out. I know we get some great crops from the other side, but they are nowhere near as reliable as the crops on this side. Over the years, in my younger days, I would have taken hundreds and hundreds of truckloads of wheat to Port Pirie. The boats came in and they loaded up. It was very efficient and we all appreciated the service we got very much.

Of course, now that the port is no longer big enough or deep enough for these big ships, we are putting it on rail at Crystal Brook and it goes to Port Adelaide. Thank goodness we now, thanks to minister Conlon, have a deep sea port down there. I do give accolades when they are required and I give him that. It is great that we have a deep sea capacity there. It is the only one on this side of the gulf, and that is a disgrace; we need to have some more.

When we consider what this facility does and how important it is, I am pleased to hear the government members—I did miss the member for Frome's speech, but I will read it in a minute—are supportive of this, because certainly we all are. Yes, we are all very vigilant, because today when you sell wheat overseas, the detection equipment is now so sensitive that they can pick up traces of heavy metals. This is why, even though we are 36 kilometres from that stack, we are aware of a slight increase in that.

For all our sakes, if we can do something about this we should. Without labouring the point—we do not want to create anything scary out there—we are very much aware that we are in a prime wheat growing area and all these years we have existed very well with the smelter being there. All I can say is, I am going to be gone from here in 8½ months, so I just hope with all hope that this business can continue well into the future, because it has been part of our history, particularly in regional South Australia, and I hope it will long be that way.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (16:16): There are just a few points I want to raise. I agree with just about everybody's point that Nyrstar is an incredibly important company for Port Pirie. It is quite clear with employing such a large percentage of the town at any one point that were this smelter to close there would be catastrophic consequences for the local community. While we are still waiting on the final investment decision from Nyrstar, it is fair to say the government is doing everything it can to make sure that this investment decision is a positive one, that they decide to reinvest in their plant, in fact build a completely new plant, and to continue processing lead, silver and other minerals at that location. It is certainly something I am very keen to see.

The member for Waite talked about the indemnity that would accrue to the government as a result of this bill and the agreements made with Nyrstar. I just want to make sure the house is clear that the indemnity is not a general indemnity; it is in fact an indemnity that relates only to certain decisions, environmental decisions, made by the government that would affect the continued operations of Nyrstar as result of decisions made around environmental conditions and regulations. That is what the indemnity will be based around and it declines over time. For every year our silver is delivered from the new plant, that indemnity declines over time.

The member for Frome spoke quite eloquently about the effect on his community and the importance to his community of the Nyrstar thing. I should point out that the member for Frome has been an absolute champion for this project. He has never missed an opportunity to talk to the government, to talk to investors, to talk to the company, to talk to anybody who will listen about the importance of this project and what they can do to help it get along. I would just like to acknowledge that, that the member for Frome has done everything he possibly could to get this deal and this rejuvenation happening.

He talked about being annoying, and just for the record I want to confirm to him and to the parliament that he did get to the point of being annoying with his vociferous campaigning on behalf of this. Just so that no-one is in any doubt, the member for Frome is right, he almost annoyed people because he was so keen to talk to people. He did not, of course, and everybody understands that he was advocating passionately and in a dedicated fashion on behalf of his community, as he always does.

I would suggest to Nyrstar, should they make the investment decision and build the plant, that they might want to call it the Geoff Brock plant, the Geoff Brock refinery. That might be an appropriate recognition of his contribution to this project. I do not know that he will be campaigning

for that—I do not think he will, but it would be worth considering and I might put it to them when they come over next.

The member for Waite has raised some questions about the select committee. My inclination is to agree that it is, in fact, a hybrid bill and therefore needs a select committee to go through it. However, even if you accept the arguments put forward by the member for Waite, and he went through them in some detail, it has been the practice of this house to do this for a long time. It is a practice that I am not necessarily disagreeing with, to be honest, because, if we are going to confer a benefit on an individual company, it is important that the parliament has the opportunity to give it an extra degree of scrutiny.

In general, we need to be very cautious about bills that give a benefit to a particular company. We should not go around doing this at a moment's notice, which we do not, of course. However, when one does come up, it has been the practice in the past. I was a member of the committee that looked into the indenture bill around the Penola pulp mill. The member for MacKillop, I think, was on that committee as well, and the member for Ashford, if I remember rightly, was also on that committee. That was an important piece of legislation and, because it was conferring a benefit on an individual company, it was important to give it that scrutiny, which we did. That is why I think that it is important that the house has the opportunity to give this bill an extra degree of scrutiny, and we will do that in good time.

I thank the opposition for allowing the bill to pass speedily through the house. Hopefully, it will; I do not want to anticipate how things may go, but certainly the opposition has been very cooperative in dealing with this bill. I think that I will do the thanks in the third reading, assuming that we get to that point. There are a lot of people who have got us to this point. I will name them at a later point, but I would like to thank them for their contribution.

It has been a long and arduous process, in many ways, getting to this point. It has been complicated, and there has been a great deal of dedication shown by a great number of people, ranging from those who are working on getting the investment decision and getting the government support package created and then in place, right through to the parliamentary counsel, of course, and those involved in the drafting and the negotiation of the bill. I will name them at a later point, but I would like to put on the record now the fact that a large number of people have been involved in getting the bill to this point. With those few words, I commend the bill to the house.

Bill read a second time.

The DEPUTY SPEAKER: I advise the house that this is a hybrid bill within the meaning of joint standing order No. 2.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (16:23): I move:

That this bill be referred to a select committee pursuant to joint standing order No. 2 (private bills).

The DEPUTY SPEAKER: The member for Waite.

Mr HAMILTON-SMITH (Waite) (16:24): Thank you for your guidance, Mr Deputy Speaker, that this is a hybrid bill. For the reasons mentioned earlier, I would love to have a discussion with you about that, but I think that it is probably more appropriate that I take that up with the Speaker himself in person and work out a process to bring something back to the house for a decision. As indicated earlier, the opposition will be supporting the select committee, so I second the motion.

Motion carried.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (16:25): I move:

That a committee be appointed consisting of the Minister for Transport and Infrastructure (Hon. Mr Koutsantonis), Mr Hamilton-Smith, Mr Griffiths, Mr Brock and the mover.

Motion carried.

The Hon. T.R. KENYON: I move:

That the committee have power to send for persons, papers and records, and to adjourn from place to place, and that it report on 25 July 2013.

Motion carried.

The Hon. T.R. KENYON: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

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.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.R. RAU: By way of a brief preamble, this legislation commenced its life in this parliament in May 2010 when, after the last election, there were certain matters which remained contentious. Mr Speaker, in a former role, and the member for Bragg in her then role, both made undertakings to the people of South Australia about what would happen post-election irrespective of what the outcome of the election was. In good faith, in May 2010, a bill to achieve those outcomes was brought before the parliament. It was then that it hit choppy waters.

Ms Chapman interjecting:

The Hon. J.R. RAU: Well, I am not sure it hit choppy water, it became becalmed. Perhaps 'becalmed' is a better way of putting it, and then nothing happened and then, as if by magic, nothing happened. Then it was referred to a committee in another place and then, of course, nothing happened. It went on and on and on. Now here we are in July 2013, and the bill has come back to us again.

It has taken on a slightly more elaborate form since its original day. It is a bit like the snowball rolling down a very large mountain—it has become bigger as it has gone on—but a lot of the material in the bill that went to the upper house has been accepted. I am pleased that has occurred, and a number of the propositions that members in the other place have put forward, although not necessarily providing 'improvement' (I think that is the euphemism they use in that place), certainly can be tolerated; however, there are a number which, for fundamental reasons, are unacceptable.

I want to explain a few of the critical issues from the government's point of view, and we can then deal with the individual passages as we go. I will just explain this for members who might be interested in this matter. There are two main issues in this bill that remain in contention. The first issue relates to how-to-vote cards and the second to postal voting. I want to briefly explain the points of contention on those two issues, so that members understand the context of what will follow.

The issue in respect of how-to-vote cards is this: as people might remember, at the last state election there was some concern expressed about particular tactics employed in some electorates whereby how-to-vote cards which might, to the unseasoned observer, appear to be from Family First advocated, in effect, a second preference vote for a Labor candidate. There was a quick acknowledgement by everybody that that was an undesirable practice and I have sought, since May 2010, to do what can be done to make it illegal for a repetition of that to occur.

However, let us very clearly bear in mind what the mischief was that we were worried about there. The mischief was not that someone could advocate for a second preference vote; that was not the mischief. Indeed, it is entirely legitimate that a person running for office in this country should be able to say—given that we have a preferential system—'If you don't vote first for me, consider voting No. 2 for me.' What is wrong with that? The answer is that there is nothing wrong with that; indeed, I would contend that to say it is illegal for an individual standing for parliament to communicate with their potential voters and say, 'If you don't put me No. 1 at least put me No. 2,' is a breach of the implied constitutional right of political freedom of expression.

Why should it be that I can say to my constituents, 'Vote No. 1 for me,' and that is okay, but state law says that I cannot ask people who do not vote No. 1 for me (because they might, for example, vote a minor party as No. 1) to vote for me as No. 2? I think there are fundamental constitutional issues about that.

There was a High Court decision some time ago when the federal government attempted to prohibit or interfere with political broadcasting—and people here would remember that that went to the High Court—and the High Court said that there was an implied freedom of political

expression in Australia. That is not confined to the federal sphere. It is something inherent, endemic in the constitution. It runs through the fabric of the whole of the commonwealth.

I get back to my point—and this is very significant for the way in which we are wishing to treat these amendments: I genuinely believe that these amendments are repugnant from a philosophical point of view, they are repugnant from a constitutional point of view, and they are misconceived because they are attempting to solve a particular problem, which was basically this: one candidate passing themselves off as another candidate; in other words, a particular candidate from party A dressing up in the costume of party B and advocating a second-preference vote for party A. The problem was not the advocacy for the second-preference vote. The problem was the misleading costume in which that advocacy was clothed; that is the problem.

The Hon. M.J. Atkinson: Hear, hear!

The Hon. J.R. RAU: That was the problem.

The Hon. M.J. Atkinson: Exactly.

The Hon. J.R. RAU: To follow my costume analogy a bit further: the member for Bragg is entitled, at the next election, to seek first-preference votes from constituents in her electorate (and I suspect she will). There will be a Labor Party candidate in the electorate of Bragg who will run a fearsome campaign and seek first-preference votes also from the same electors in Bragg. There will probably be others there: the Greens, Family First, the Marijuana Party—who knows how many other people—

Ms Chapman interjecting:

The Hon. J.R. RAU: Well, perhaps not in Bragg.

Ms Chapman: In Croydon, yes.

The Hon. J.R. RAU: Okay. The—

The Hon. M.J. Atkinson: The Palmer United Party.

The Hon. J.R. RAU: The Palmer United Party, the Mint Julep Party—I do not know who they will be, but they will be there. Let us say that it gets close to election day and, unexpectedly—

The Hon. M.J. Atkinson: The member for Bragg is hard-pressed.

The Hon. J.R. RAU: —the member for Bragg is hard-pressed! The member for Bragg has had a shocking poll result from headquarters in Leigh Street. They have stopped drinking their cappuccinos; they have put them down. There are beads of perspiration appearing on their foreheads: 'My goodness! The member for Bragg is in trouble; all hands on deck,' goes the message.

What do they do? They realise that neither the Labor candidate—that hardworking individual—nor the member for Bragg are going to receive a majority of the first-preference votes, and that canvassing the Greens and the others for their second preference will determine who the next member for Bragg will be.

The amendments that are being put forward here will prevent the member for Bragg or our hypothetical Labor candidate from going out and saying, 'Look, I'm the member for Bragg, I'm not pretending to be Bob Brown. I'm not pretending to be Bob Brown; I'm the member for Bragg, I'm in the Liberal Party. But, for goodness' sake, if you can't vote for me No. 1, vote for me No. 2.' The member for Bragg will not be allowed to do that. That is absurd.

Mrs Geraghty: It's not fair.

The Hon. J.R. RAU: It is absurd, it is not fair, and in my contention, it is unconstitutional. I do not think we need embedded in our electoral act a provision which will render elections in 2014, or 2018, or 2022 potentially being upset on the basis of court of disputed return arguments because people were denied the opportunity of putting out second-preference campaign how-to-vote cards.

Ms Chapman: Have you got the Crown Solicitor's advice on that?

The Hon. J.R. RAU: I will get back to you on that. The thing I would like to say is this: I acknowledge that Family First were mightily upset by what happened, and I say they were entitled to be agitated about what happened, but what they were actually upset about was somebody

distributing material which appeared to the uninitiated to be their material; that is the problem. It was not the advocacy for a second-preference vote that was the problem.

So the original bill—and I want members to consider this—we put up that went to the upper house said this: early on in the piece, you will file a how-to-vote card. The member for Bragg would file one, the Labor candidate in Bragg would file one and so on. That would go into the Electoral Commission. That how-to-vote card would have a photograph with the member for Bragg on it, no doubt shaking hands with the Leader of the Opposition, smiling in front of a—

Ms Chapman: Burnside tree.

The Hon. J.R. RAU: Burnside tree—a lively tree inside a large building surrounded by fairy lights.

Ms Chapman interjecting:

The Hon. J.R. RAU: Right, fair enough. Anyway, there would be a very latte sort of photograph, there would be 'Liberal Party of South Australia', there would be a logo, and there would be 'written and authorised by Mr Jeff—

Ms Chapman: Green.

The Hon. J.R. RAU: —Green', written at the bottom of it, and it would say, 'How to vote Liberal in Bragg' and it would say, 'Number one, Chapman; number two, Bloggs; number three, Smith; and number four, Jones.' That is what it would say. Our legislation said, if during the campaign period, up to, I think, over the last week—

An honourable member interjecting:

The Hon. J.R. RAU: No, ours. Up to three days before the election, the member for Bragg could change just one thing on that paper; that is, she could change the order of preferences. She could not change the artwork, she could not change her picture, but she could change the order of preferences. That, of course, would not be operational from the point of view of the registered ticket that was appearing in the polling booth because that would be set much earlier.

It would not be operational for the purposes of deciding whether an otherwise invalid vote would be counted as a formal vote because they would have reference to the original filed how-to-vote card, but the member for Bragg could distribute on the day a how-to-vote card which was substantially identifiable but had different numbers—

The Hon. M.J. Atkinson: With three days' notice.

The Hon. J.R. RAU: With three days' notice.

The Hon. M.J. Atkinson: But could not do it otherwise.

The Hon. J.R. RAU: But could not do it otherwise.

The Hon. P. Caica: What if they had sacked the leader? Would the picture still have the leader on it?

The Hon. J.R. RAU: Now, interesting point. The question is, 'Why should this be allowed to happen?' Some people might ask, 'Why should they be able to do that?' I will tell you why they should be able to do that, and the member for Bragg, with due respect, would do well to consider this as well. I will give you an example, which was pointed out to me by Mr Green, who has a bit of experience in Queensland.

The Queensland Liberal National Party discovered fairly late in the piece that one of their candidates in a particular electorate was a member of a certain organisation which obtained a lot of prominence in Germany in the 1930s, and this was regarded as being unhelpful to his chances of election. It was also regarded as being unhelpful to have him as a member of the Liberal Party team because this gentleman, wearing a particular type of clothing, sporting particular armbands and so on, was not seen as being consistent with the Liberal Party message and, so, they disendorsed him, as they were entitled to do.

Because the nominations had closed, they then changed who they wanted their votes to go to, for the purposes of what they handed out on the day. I recall another time, again in Queensland, a lady with red hair endorsed for the seat of Oxley by the Liberal Party and then, after being endorsed for the seat of Oxley, this lady, assisted by a very clever fellow who later on became a

member of the upper house in New South Wales, I believe, plus another man who had a shaved head—I cannot think of his name either.

The Hon. M.J. Atkinson: Pasquarelli.

The Hon. J.R. RAU: Mr Pasquarelli.

Ms Chapman: Oldfield and Pasquarelli.

The Hon. J.R. RAU: Oldfield and Pasquarelli, yes, those two rascals. There we have the endorsed Liberal candidate for Oxley who has Oldfield in one ear and Pasquarelli in the other and makes a very interesting speech which attracts a great deal of attention and means that the safest Labor seat in Queensland up to that point falls to this person at the forthcoming election. But her message is not well-received by headquarters and they disendorse her. So she winds up entering the federal parliament as an Independent for Oxley—not as a Liberal member for Oxley. She did not get there because the Liberal Party kept her on their how-to-vote card. In fact, they tried to make sure she did not win, and they continued to try and make sure she did not win. None of her offsiders won anywhere either, for that matter—

The Hon. M.J. Atkinson: By a variety of methods.

The Hon. J.R. RAU: By a variety of methods—and we do not need to go into the various methods that people went into. That went quite badly for a period of time; in fact, it went so badly, the Liberal Party I think wound up with seven or eight seats held in the Queensland state parliament by people more or less in her camp.

The Hon. P. Caica: Eleven.

The Hon. J.R. RAU: Eleven, was it?

The Hon. P. Caica: I think it was.

An honourable member: We got rid of Gunn while we were at it.

Ms Chapman interjecting:

The Hon. J.R. RAU: Anyway, that is my point. Here is another hypothetical for people: the member for Bragg has been negotiating with the Calathumpian Party and has agreed to get their preferences in an exchange of preferences in Bragg in what is promising to be a very hot contest. Then it turns out that either the Calathumpian Party is associated with Saddam Hussein and the member for Bragg no longer wants to be associated with the Calathumpian Party, or it turns out the Calathumpians have dudded her, because they have actually done a deal with the Labor candidate and they were only going to tell her on the morning when she bobbed up and saw that the how-to-vote cards were not quite what she expected.

So the member for Bragg has decided, 'I'll fix you, Calathumpians; I am actually going to renege on my deal too. I am going to change my how-to-vote cards.' Or the Calathumpians are identified during the election period as being a prescribed terrorist organisation under the commonwealth terrorism act. Are you still going to force everybody to hand out how-to-vote cards when you cannot even reorder the number on the ticket? That is the absurdity that we have got back from the Legislative Council.

I am very happy to say that if you are going to be an advocate for a second-preference vote—or third-preference vote, for that matter—you need to make it very clear who you are and not pretend to be somebody else. We do not have an argument about that. But that is not what the amendments in the Legislative Council seek to achieve. What they, in effect, seek to achieve is to prohibit second-preference campaigns full stop.

The second-preference campaign, I think, is a legitimate political tool, and it is legitimate for people to do it provided they own up to who they are and do not pretend to be somebody else. As my daughter would say, 'Wear your own onesie; don't wear someone else's onesie' because some look like giraffes, some look like panda bears and whatever. That is the thing. As long as you are wearing your own onesie, it should be okay and that is our position on this. That is the first point.

An honourable member interjecting:

The Hon. J.R. RAU: It is a big one. By saying a few things now, hopefully I do not have to say as many later. So that will be a relief for everybody, including me. The second point is in relation to postal voting, and I just wanted to say something about that. In Australia we have a system whereby people are expected, as part of their responsibilities and participation as a citizen

of this country, that once in every four years they go to the car, they get in the car, they drive the car to the school, they get out of the car, they spend five minutes standing in a line, they collect a piece or many pieces of paper in a ritual that is very familiar to all of us—we have just been talking about it—or they in fact say, 'No, keep your pieces of paper, I don't want them'—whatever. They queue up for a couple of minutes, they have their name crossed off the list and they participate in the great Australian celebration of democracy called voting.

The Hon. M.J. Atkinson: With a blunt pencil.

The Hon. J.R. RAU: With a blunt pencil. It is in exceptional circumstances where a person is infirm or they are in hospital (or something else) where it is reasonable for that obligation to turn up and vote to be lifted from their shoulders. That is fine. The postal vote is the preferred mechanism for this to occur. If you have a look at the number of people using postal votes over the last few years, you would see that if you compare 2002, 2006 and 2010 the number of people going for postal votes is accelerating in an exponential curve; in fact, I think the last election it was 100,000-odd people.

What we are seeing before us is basically the idea, which is happening by stealth, without any parliamentary supervision, without any agreement, without any debate, of our system being turned from a system whereby you go and you vote in a polling place, unless you are infirm, to one where we have basically postal voting with all the rorts and problems that has got attached to that in the same ways you might have for local government. There is a threshold question: is that good enough?

My answer to that is, clearly, no, it is not good enough, but if you have a legitimate reason not to be participating in that process by voting in person, sure, make an application, get a postal vote. That is fine—and there are criteria in the act which we do not seek to disturb—but if you ask yourself the question why are so many people seeking the postal votes, I will give you the answer, and in this answer lies the real mischief that we are trying to deal with.

The answer to the question is this: both major political parties have for their own particular reasons decided that there is some advantage to be had by running what goes euphemistically under the description of a postal vote campaign. That involves them in writing to every member on the roll in their electorate and saying, 'Oh, hello—

Ms Chapman: That's been happening forever.

The Hon. J.R. RAU: No, it hasn't been happening forever, not like—

Ms Chapman: Yes, it has.

The Hon. J.R. RAU: No, it hasn't. What happens is this: they write a very pleasant letter: 'Would you like a postal vote?' Remember, most people out there are sane enough not to be interested in politics all the time; they are just getting on with their lives. They are not like us, they are getting on with their lives. They receive a letter from the member for Bragg or the member for Bragg's opponent saying, 'Would you like a postal vote?' It looks like the member for Bragg, or her opponent, is offering an indulgence personally to this person and it implies that were it not for the member for Bragg or her opponent that individual would not be getting a postal vote. Wrong—completely wrong. They are entitled to a postal vote or they are not. It is as simple as that.

The Hon. M.J. Atkinson: They have to have grounds.

The Hon. J.R. RAU: They have to have grounds; indeed they do. But, why is it that the major parties do this? Let's all put it out there. We know why they do it. Number one: you gain intelligence. You find out who it is that is likely to be a postal voter, and because you find out who is likely to be a postal voter you think, 'Aha, if I can get them to vote early, if I can get my electoral material into their letterbox and nobody else has got their material in the letterbox, they'll vote for me because it's easier to vote for me than vote for everybody else, and I'll get that vote. The other side won't even know this character is voting, the other side won't get to speak to this person or canvas them for support, and I will gain an advantage.'

Now, what this is a bit like, Mr Deputy Speaker, is Europe in the early 1960s—lots and lots of missiles pointing at each other, mutually assured destruction, an arms race, or whatever you want to call it, both sides spending huge amounts of money harassing people with these letters, getting people into the system who really should not be there, by proper analysis, because they do not even have the inclination of their own motion to do this and, more importantly, contaminating

the whole electoral process by putting political parties in the equation that delivers you the right to vote.

I do not mind political parties canvassing for your vote once you have got it, and that is exactly what our bill states. We said here that not only the Liberal Party and the Labor Party, but anybody who is a candidate, will be provided with access to the roll of people who have asked for postal votes, so it is a level playing field. If we want to canvass them we can, if the opposition want to canvass that they can, but there are no secrets. We do not have our secret list and they do not have their secret list. Member for Mount Gambier, Independents would have access to that list for the first time as well, as would the minor parties, because, now, members of minor parties and Independents have no idea who these people are.

All we wanted to do was to say, 'Political parties, butt out of this business of looking for postal voters. Let the Electoral Commissioner do that.' The Electoral Commissioner can do that. The Electoral Commissioner will receive whatever applications they receive and there will be a register available. So, the member for Croydon will be able to access, on a daily basis, an updating list of people within Croydon who have sought a postal vote, as will whoever his hapless opponent might be, not that it will do them any good.

Firstly, I am not objecting and the government is not objecting to people getting postal votes—provided they come within the criteria, no problem—but we should not have the fingers of political parties involved in the process of obtaining those votes. The political party can legitimately canvass for that vote, once it has been secured by the Electoral Commission, and we will make the information available publicly for that purpose to occur, but we will get the political parties out of that space altogether.

This is, as much as anything, about cleaning up the process. It is about not only the right thing being done but the right thing being seen to be done. It is about getting any suggestion of there being grubby behaviour or sneaky tactics or misleading and deceptive correspondence influencing voters removed from the equation. It is a transparency issue.

Again, the opposition, for some reason, does not want to participate in this particular reform, or, alternatively, they want to shovel the responsibility across to the Electoral Commissioner and say, 'Alright. You, the Electoral Commissioner, must spend hundreds of thousands of dollars on writing to every single voter in the state, asking if they would like a postal vote.'

In estimates, the member for Elder asked some very probing questions of the Electoral Commissioner, and on record is her objection to these provisions and her costing as to how much they would cost. It is in the hundreds of thousands of dollars, which she does not have to waste on such a silly proposition. I know I have gone on a little bit but, luckily, you will not hear all of that again because I think I have sort of explained the general situation. There is another concern about issue of writs. For some reason, the opposition want to say that the writs must be issued 35 days out from an election—it is presently 28.

The Hon. M.J. Atkinson interjecting:

The Hon. J.R. RAU: Yes; why do we want to take the thrill out of the election? Surely there has got to be some mystery. It is like the royal couple. Surely we did not want to know in advance whether it was going to be a boy or a girl. The mystery of the election: I hope this does not constitute any form of disrespect but it is like going to the Greek Orthodox Church and forcing them to open the curtains while all the stuff is going on. That is the mystery. That is the bit you want to preserve.

If the mystery is going to be on day 35 or day 36 or day 28, for goodness sake, do we have to be that prescriptive? We know when the election is going to be—that is carved into a basalt tablet sitting somewhere on Mount Sinai already. Why do we have to get so preoccupied about when the writs are issued? We do not think that is a useful addition. There are lots of other things in there which we think do not constitute 'improvement' in any objective sense, but do constitute 'improvement' which is not offensive and, therefore, we do not wish to take issue with them.

The CHAIR: The minister has made a brief opening statement and I will offer the same opportunity to the Deputy Leader of the Opposition. At this stage, we are only speaking generally about the amendments, then we will go through them sequentially.

Ms CHAPMAN: I am pleased to hear that, sir, because we have received the government's indication of myriad amendments from the Legislative Council, some of which are agreed to and some of which are disagreed to, so that places in contention a number of proposals

in any event and we will need to consider those. We have before us today some amendments that are proposed. I am not sure again if these are fully reinserting what has been proposed in the original bill or whether they are an amendment to that. I appreciate the indication of the Attorney as to the general gist of the areas of dispute on the two main areas, the writ issue I noted on the 35 as compared to 28 days, and I appreciate his summary of the government's position on that.

Obviously, this is not going to go anywhere fast because of the disagreements that are noted, so I do not propose to make any great submission on it at this point. We will consider these during the course of its progress back to the Legislative Council, because obviously there is a disagreement here in any event. The formality, I expect, will be if they receive the notice of disagreement they will flick it back and we will be in a deadlock conference before the end of the week. That is what I am assuming we are hoping, unless of course the government ensures that it is not listed until we can have a look at their proposals.

The CHAIR: We have a series of amendments from the Legislative Council and we have some amendments that have been put forward by the Attorney which deal with those—my apology. Member for Croydon.

The Hon. M.J. ATKINSON: Everyone in the house remembers the dodgy how-to-vote cards of the 2010 general election, but no-one mentions the dodgy how-to-vote cards of the 2006 election.

Ms CHAPMAN: Point of order. We are in committee on the amendments. The Speaker had the opportunity to canvass a number of these matters during the normal debate of this matter.

The Hon. P.F. CONLON: This would be standing order number?

Ms CHAPMAN: Oh, be quiet. Go back to your legal practice.

The CHAIR: You do have to refer to a standing order number.

The Hon. P.F. Conlon: I do not own one like you do.

Ms CHAPMAN: As to what relevance the 2006 election would have to the amendment No. 1.

The CHAIR: I am allowing a bit of freedom to start off. Once we move into the bill clause by clause, obviously we will be confined to that. There is no point of order. The member for Croydon.

The Hon. M.J. ATKINSON: Clearly, the member for Bragg does remember the dodgy how-to-vote card scandal of 2006 and does not wish me to refer to it. When I was Attorney-General I brought an electoral bill into the house. One of the clauses of that electoral bill was to say that election material could not be issued in the election period, supporting the candidature of a candidate, unless it was authorised by the candidate or the candidate's registered political party.

Had that clause become law in time for the 2010 election, the so-called 'dodgy how-to-vote cards', the 'Put your family first' cards, would have been unlawful, because those how-to-vote cards to which the opposition objects were purporting to be how-to-vote cards for the Family First Party, a registered political party, and they were not distributed with the consent of that registered political party.

The Liberal Party opposed that change to the law in 2009. Why did the Liberal Party oppose that law? Because at the 2006 election, in the state district of Mawson, the Liberal Party had distributed just such cards, designed to deceive Family First voters into thinking that the how-to-vote card distributed by the Liberal Party was in fact the official Family First how-to-vote card.

Before the 2006 election, the Australian Labor Party and the Family First Party had reached an agreement about a particular bill before the parliament and as a consequence of that agreement, the Family First political party was going to issue a split ticket in the state district of Mawson; that is, on one side of the how-to-vote card were preferences to the Liberal candidate, the sitting member, and on the other side of the how-to-vote card were to be preferences to his Labor challenger. To defeat the registered how-to-vote ticket of the Family First Party, the Liberal Party arranged for how-to-vote cards to be distributed purporting to be Family First how-to-vote cards, giving the preferences exclusively to the sitting Liberal member.

That is why I proposed the amendment I did in 2009, and it is the guilty conscience of the Liberal Party in 2009 which caused it to oppose that provision, a provision that would have prevented the Labor Party, or some of its candidates, doing exactly what the Liberal Party had

done in Mawson and, I think, Light, in 2006. That is why we are still grappling with this problem when it could have been fixed in 2009. The member for Bragg told the house:

> ...the need for this legislation, is sadly, in my view, a direct result of the misconduct—the very low standard of conduct—of the Australian Labor Party...they should be...embarrassed that there is a need for the introduction of this new regime.

How short is the member for Bragg's memory: the 2006 incident in Mawson and the 2006 incident in Light have gone down the memory plughole, flushed away and not mentioned. The member for Unley said, 'The acts of treachery by the ALP in key marginal seats.' How would the member for Unley have described the conduct of his own party in the state district of Mawson and the state district of Light in 2006?

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: No, I am not rewriting history; I am just giving you a broader conspectus, inviting you to look just one election further back. So, the mischief that the 2009 amendment was designed to address was, to use the words of the member for Unley, 'the treachery of the Labor Party'.

Ms CHAPMAN: Point of order, sir.

The CHAIR: Point of order—what number?

Ms CHAPMAN: Can I ask you to give—

The CHAIR: What number?

Ms CHAPMAN: If I can put this to you: to accept that, at this point, the former attorney, the member for Croydon, is now reflecting on the vote of the parliament on his infamous 2009 legislation, which, of course, failed miserably, and he is reflecting on that vote by re-debating the merits for dropping it down.

The CHAIR: The advice I have received is that it is a different parliament, so he is not out of order but, of course, the member does need to ensure that his comments are related to the amendments before us.

The Hon. M.J. ATKINSON: Indeed. I am a supporter of remedying this mischief.

Ms Chapman interjecting:

The CHAIR: Order!

The Hon. P.F. Conlon interjecting:

The CHAIR: Order! The member for Croydon has the call.

The Hon. M.J. ATKINSON: I am all for remedying the mischief, as long as we are clear on how enduring the mischief is. I move on now to the declaration votes. Perhaps the Attorney will correct me if I am wrong, but subsets of declaration votes are postal votes, absentee votes and pre-poll votes, and there are probably some others I just cannot think of at the moment.

The Liberal Party has historically done very well from postal votes. Indeed, if on election night the Liberal candidate and the Labor candidate in an electorate end up roughly equal on two-party preferred vote cast on the day, we can assume that the Liberal Party candidate will gain from the counting of postal votes, and because postal votes form such a high proportion of declaration votes, normally this counting favours the Liberal Party.

Mr Gardner: Not always.

The Hon. M.J. ATKINSON: Well, the member for Morialta says, 'Always.'

Mr Gardner: I said, 'Not always.'

The Hon. M.J. ATKINSON: Not always—no, I agree with him. Not always but in the great majority of cases. The defect in the Liberal Party's reasoning is that if we have more and more postal voting, somehow this will advantage the Liberal Party. I do not think that follows. If one gets rid of the criteria for eligibility for a postal vote and says that everyone who wants a postal vote can have a postal vote, I think we are going to see a change in the composition of the postal votes when they are counted.

More electors are presenting to cast prepoll votes, and that is a growth area which is reducing the number of people voting on the day. Indeed, I have thought with a view to being re-elected that I should put more effort into getting newly arrived migrants, new Australian citizens, to vote prepoll where they are not approached by myriad how-to-vote card distributors and can get into the prepoll booth unmolested, that would be a better method of making sure they vote formally. But I think for the reasons the Attorney-General gives, that would be undesirable because I think election day is an important ritual and that all those who can vote at their local church hall or school or institute building should do so.

If we get to the situation that the Liberal Party is canvassing whereby a very high proportion of the vote is cast well before election day, then the last week of campaigning, the big stories of the last week, the scandals of the last few hours—and one goes back perhaps to 1949 and to Jack Lang's claim that the then Labor prime minister, Ben Chifley, was a money lender influencing the outcome of the 1949 election at the last minute. That will be confined to history because when these big events occur in the last week, it will not matter very much because a very high proportion of the population will have voted postal or prepoll. I am not sure that that is a good thing for the reasons that the Attorney-General gave.

To those who place a great reliance on a postal vote campaign, I remind members that the late Gordon Bilney who was the member for the federal division of Kingston ran a massive postal vote campaign for the 1996 general election. He studied the results of his electorate and he is convinced that a majority of the postal votes he solicited in that campaign were cast against him.

Mr PEGLER: I believe that the how-to-vote cards and the dirty deals that happened there have to be fixed up but, most importantly, this issue of declaration voting papers by post and other means. I think the Attorney-General was correct in what he had to say but I would also say that when both political parties have sent those out to the electors, a lot of my electors felt that that had actually come from the Electoral Commission, not from the party itself, and they thought they were official documents rather than what they were and, as far as I am concerned, it is a completely underhand trick and I believe that the bill should fix that problem.

I do not agree with what the Legislative Council has suggested, that 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. I think that is a complete nonsense and I could not agree with that. I will be supporting the bill as it stood from this house, without that amendment on the postal voting papers in particular.

The Hon. J.R. RAU: I thank the honourable member for his contribution. I appreciate his support for these measures; I think they are responsible measures. I also thank the member for Croydon for adding that very important historic perspective which—

The Hon. M.J. Atkinson: It was anticipated by the member for Bragg.

The Hon. J.R. RAU: It was anticipated by the member for Bragg, but it does demonstrate that the honourable member's lengthy service in this place enables him to, in a Graham Gunn fashion, reach back into the mists of time and retrieve very important matters that are lost to others. I can run very quickly through these, given what the member for Bragg has said—

The CHAIR: Just do them one by one, starting off by moving your first amendment.

Amendment No. 1:

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

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendment in lieu thereof:

Clause 4, page 3, after line 10—After the present contents of clause 4 (now to be designated as subclause (1)) insert:

(2) Section 4(1), definition of *how-to-vote card*—delete 'a particular candidate or group of candidates suggests that'

What I am doing is seeking to restore the definition originally intended to be adopted in the government bill, which includes modification originally moved in the Legislative Council. It was a government amendment there, that was in response to feedback we had between the houses. This amendment, as reflected above, deletes 'a particular candidate or group of candidates suggests that' from the definition of how-to-vote cards in the Electoral Act to extend the definition to include a

card lodged or distributed by a person or third party to accord with section 112A of the government's original bill.

Motion carried.

Amendment Nos 2 and 3:

Ms Chapman interjecting:

The Hon. J.R. RAU: I think the member for Bragg will be happy about this, though. I move:

That the Legislative Council's amendments Nos 2 and 3 be agreed to.

Motion carried.

Amendment Nos 4 to 6:

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

That the Legislative Council's amendments Nos 4 to 6 be disagreed to.

Motion carried.

Amendment No. 7:

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

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendments in lieu thereof:

Clause 17—

Page 8, line 15 [clause 17, inserted section 74A(1)]—After '(an *application form*)' insert:

except in accordance with subsection (1a)

Page 8, after line 16 [clause 17, inserted section 74A]—After subsection (1) insert:

(1a) Despite subsection (1), a person may on receipt of an unsolicited request or an application form from another person (an *applicant*), distribute, or cause or permit to be distributed, an application form to the applicant, provided that the application form is an official form published under the authority of the Electoral Commissioner.

I have moved that the house disagrees with the amendment made by the Legislative Council but, in order to partly accommodate what has been raised, I have put forward what is, I guess, a halfway proposition in the form of the amendment moved to clause 17, page 8.

Significantly, the difference between this and the provision that was moved by the Hon. Stephen Wade, I think, in the other place is the word 'unsolicited' in the first line. That obviously draws a distinction between a request that has been solicited and one that has been unsolicited. Secondly, there are the words 'official form published under the authority of the Electoral Commissioner'; in other words, it distinguishes between the official Electoral Commissioner's printed material and some other material published by a third party which might bear logos and other bits and pieces.

Ms CHAPMAN: I would like to say a few words about this matter. This is the postal voting proposal which, as currently proposed by the Legislative Council, would preserve the right for parties to issue a postal vote application. The government's hybrid version of that is noted and we will consider it in due course.

I just wish to place on the record that the opposition does not accept the assertion that the increase in postal voters in elections between 2002 and 2010 (which were three elections: 2002, 2006 and 2010) which the Attorney claims has now accelerated to over 100,000 voters has been a result of any activity by major political parties seeking to solicit votes in this way, that is, presenting themselves as some sort of authority to provide the privilege and opportunity to the prospective voter to be able to have a postal vote, and that this in some way has induced the voter to exercise their vote by postal vote.

That contention is completely rejected; there is not one shred of evidence for that. In fact, on the face of it, the reason that it is totally inconsistent with the information that there has been an accelerating use of postal vote applications is the fact that major parties in each of those three elections have exercised the right, which they have had to date, to issue an invitation for a postal

vote application. The thing that is consistent with each of these elections is that both major parties have actually issued the letter.

I do not disagree with the fact that there has been an increase in postal vote applicants; I do not disagree with that at all. I would suggest to the house that the principal reason for the increased use—given the consistency that the parties have given this imputation to voters all the way through—is that the public firstly do travel a lot more. They are more mobile, and they do find it difficult to be able to identify where they might be on election day specifically. Some know that they are going to be unavailable to a place of polling; they check their diary and know that they are going to be away.

I think we do agree with the assertion by the Attorney—if he was making this point; I think this was implied in his oration—that the public have become wise to the fact that this can be a convenience for them, that is, to use the postal vote application and get it out of the way. They might not be quite sure what they are doing, or they might be sure—they might be sure that they are going to the football and they do not want to be interrupted on that day—so they use it as a means of convenience.

We do agree that if somebody does elect to deal with a postal vote prior to polling day, they miss out on the opportunity of being apprised or aware of events that might occur after they have cast their vote which, if they were able to vote on polling day, would have been available to them, but that is a choice they make. They might be certain of the way they are going to vote, irrespective, or they may miss out on that opportunity, but that is a decision they make.

I do not doubt for one moment that people are more mobile; they do want the flexibility and they do want to ensure they have had a vote, even if they vote early and miss out all of that worthy information that comes cascading into their postbox, Twitter, and email during election campaigns. They will be deprived of that if they vote early, but it is a convenience tool.

I just place on the record that the opposition does not accept that this is in some way to manage the tawdry practice of major political parties in trying to harvest the vote of innocents by using this ploy. I think it was described as removing the risk of grubby and misleading information being presented to these innocent voters, and in some ways producing a level of transparency. Those assertions are utterly rejected by the opposition. I indicate that we support the Legislative Council's position on this, and accordingly do not accept the government's foreshadowed amendment, but will certainly give it consideration when we have had the opportunity to do so.

The Hon. J.R. RAU: I want to make two very brief comments in response.

Ms Chapman interjecting:

The Hon. J.R. RAU: It is better to get it on the *Hansard* so that people can reflect on it in due course, that is all. The first comment is that to the extent that the comments made by the member for Bragg are suggesting that matters of convenience should—and I am not sure if she was saying this and, if I have this wrong I am happy to be corrected—but to the extent that she is saying that matters of convenience should bear upon whether a person receives a postal vote or not, I think that that is something that obviously we disagree on but, more particularly, she disagrees with herself, if that is what she is saying, because in the second reading speech on the member for Fisher's bill, on 1 November last year, the honourable member went into some considerable detail about her philosophy regarding the voting system. I will pick one excerpt from this:

> So I am not into having an electoral system just to make it easy to cover for those who are just too ill-informed or will not deal with the fact of what the rules are in relation to voting. It is not that difficult.

At another point here, the honourable member makes the point and I quote:

Ms Chapman: Totally irrelevant.

The Hon. J.R. RAU: Anyway I am not going to read the whole lot because the honourable member remembers all of this.

Ms Chapman: Well, if you're going to quote it, quote it properly.

The Hon. J.R. RAU: Am I allowed to tender *Hansard* to put it back into *Hansard*?

The CHAIR: No.

The Hon. J.R. RAU: I am happy to read it:

In Australia we have compulsory voting as is often described. In fact, we do not have compulsory voting, we have compulsory attendance for the purpose of being identified as having turned up.

This does go to the point about whether it is voluntary to turn up or not.

We can take the ballot paper, we cannot take the ballot paper, we can scribble on it, we can properly complete it, we can throw it in the bin if we like, we can eat it, we can do anything we like with it but we do have an obligation via law to turn up and have our names crossed off. If we do vote, though, we have a system of rules which apply. We have a system which has been identified over a very long time...

Then you go on to other matters. The other point I wanted to make was—

Ms Chapman: What was your first point?

The Hon. J.R. RAU: To the extent that the honourable member was suggesting that there is something glorious about the voluntary nature of bobbing up, and inconvenience should be sufficient because you want to go to the footy, I am just saying that it does not line up with the honourable member's own words. That is the point I am making. That is it. Full stop.

The next point is the fact that there is not one scintilla of evidence to suggest that there is any reason for this to happen, and the government has basically pulled this out of thin air or some other place less desirable. Can I say this, because it is relevant, and I am quoting here from the Electoral Commissioner's document of 16 November 2012 (and this is the actual commissioner not me):

The issuing of postal vote applications by political parties and their involvement in the collection and return to ECSA continues to confuse electors and, for the 2010 state election, generated considerable media coverage and concerns relating to party involvement. It is strongly recommended—

This is not me, this is the Electoral Commissioner—

that the Parliament consider restricting or removing the capacity for political parties to distribute postal vote applications.

That is the Electoral Commissioner, not me, so when the honourable member says there is not support for this, we don't agree, it's just some sort of crazy idea, well if it is to be characterised as a crazy idea, it is a crazy idea dear to the heart of the Electoral Commissioner who, after all, is the independent person who has to police this act. It is something that the Electoral Commissioner has asked this parliament to do, and we are trying to do it, and thank you again, member for Mount Gambier, for supporting the Electoral Commissioner. Anyway, I would like to put that.

Motion carried.

Amendments Nos 8 to 10:

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

That the Legislative Council's amendments Nos 8 to 10 be agreed to.

Motion carried.

Amendments Nos 11 and 12:

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

That the Legislative Council's amendments Nos 11 and 12 be disagreed to.

Motion carried.

Amendment No. 13:

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

That the Legislative Council's amendment No. 13 be agreed to.

Motion carried.

Amendment No. 14:

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

That the Legislative Council's amendment No. 14 be disagreed to.

Motion carried.

Amendment No. 15:

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

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendment in lieu thereof:

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 submitted for inclusion in posters under section 66.

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 3) BILL

Adjourned debate on second reading.

(Continued from 5 June 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:31): I rise to speak on the Statutes Amendment (Attorney-General's Portfolio)(No.3) Bill 2013. I expect to be the lead and only speaker on behalf of the opposition and indicate that the opposition will be supporting the bill. I propose to make a brief contribution. This is a bill which was introduced by the Attorney-General on 5 June. It is purported to seek to address a number of technical issues in relation to the following acts: Criminal Law Consolidation Act 1935; Criminal Law Sentencing Act 1988; District Court Act 1991; the Evidence Act 1929; Legal Services Commission Act 1977; the Supreme Court Act 1935; and the Trustee Act 1936.

The three areas of reform, as such, are in the following categories: firstly, to amend the legislation to change the terminology used in the District Court and Supreme Court Rules by reference to discovery and taxation to become 'disclosure' and 'adjudication', respectively which is clearly consistent with modern use of the words. The process of discovery would be familiar to a few of us here in the parliament, but for most they would see it as being their reward of some adventure rather than actually a process of production of documents and records and the rather tedious task that then follows which is certainly not an adventure, but sometimes it has some surprise results.

Of course, the Attorney and I and a few of us might be familiar with the taxation process, but for most people it is not a process of determining whether there is a reasonable cost that is being claimed in litigation. For most people it relates to some devious expectation from the Australian Taxation Office or the State Taxation Office which is to deprive them of some funds. So again, this is the supplanting of contemporary words to cover those practices. There is a proposed amendment to the Criminal Law Sentencing Act to require the Minister for Correctional Services to take into account the likely impact a decision to vary or discharge a bond will have on a registered victim where an impact statement was furnished to the court at the time of sentencing. The third area is in relation to automatic suppression orders.

There are proposed amendments to the Evidence Act to rectify unintended consequences arising as a result of the passage of the Statutes Amendment (Courts Efficiency) Reform Act 2012. I do not think it is necessary to identify that detail; that has been canvassed, on this occasion, in sufficient detail in the second reading.

The bill does specifically, though, propose under section 71A(5) of the Evidence Act that the relevant date is the date on which, 'the Magistrates Court is to determine and impose sentence—the date on which a plea of guilty is entered by the accused' thereby preventing an automatic suppression order remaining in place indefinitely. The amendment highlights the policy contrast between the government and the opposition. We oppose sexual offences being treated differently from other offences in terms of being accorded an automatic suppression order, and that provides some consistency with this reform. The opposition supports the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:37): Can I say quite sincerely to the member for Bragg I appreciate very much her succinct contribution and the support of the opposition for this bill. I know that there are differences that

have been well and truly canvassed in the past about the section 71A issue, but I am pleased that we just accept that we have agreed to disagree, more or less, about that. I am very appreciative of the fact that the honourable member and the opposition are being very helpful in allowing these matters, which are essentially of a minor nature, to go through and be dealt with swiftly. Again, I sincerely thank the honourable member and the opposition for their assistance.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (PERIODIC PAYMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:38): I rise to speak on the Motor Vehicles (Periodic Payments) Amendment Bill 2013 and indicate that I am not the lead speaker on this matter; indeed, the member for Davenport, I expect, will make a contribution in this debate, but I can indicate to the house that we will be supporting the bill. The bill amends the Motor Vehicles Act 1959 and also makes some amendment to the Stamp Duties Act 1923. I have directed my scrutiny and attention to this bill in particular to the amendments to the Motor Vehicles Act for which I have responsibility for the opposition as the shadow minister for transport and infrastructure. The issue of motor vehicle registration has been a matter that has been dear to my heart, particularly in the last 18 months or so, having most of the time covered the portfolio responsibility, on behalf of the opposition, for the Department of Transport.

The bill essentially provides for the new option of enabling owners of motor vehicles—this is light motor vehicles, not heavy trucks and the like—to have the option of monthly, direct debit payments of their motor vehicle registration. The government, particularly the Minister for Road Safety (minister O'Brien) has, via his office, provided briefings on the bill and I thank them for that, including the registrar of road safety. I have also had some material provided in writing from the minister in respect of material that I had sought as to the financial impact of this proposed measure.

Members will be aware that, historically, registration could be paid either three, six, nine or 12 monthly. In 2011, the state government abolished the six and nine-month options and cancelled registration stickers. There is no question that this innovation two years ago has caused some problems for the consumers themselves.

At the time, there was a presentation that there would be a significant financial impact on the budget by cancelling the use of stickers. These were provided as a disc in response to payment and were affixed to a motor vehicle windscreen and provided a number of things. Firstly, immediate observation could identify whether the vehicle was registered or not. Secondly, it was a reminder to anyone who got into a motor vehicle of the importance of checking.

I just place on the record that I am sure other members of the house as well would have received some plaintiff correspondence from their constituents when their stickers were removed. The opposition is of the view that this is an initiative that has a positive benefit to the budget. There are savings of some $4 million, I think, that were disclosed at the time, that were to be of benefit. I am looking at page 3 of the 2010-11 agency revenue measures. There were very significant positives as a result of the increase in motor vehicle registration administration fees from $6 to $7—we are talking some millions of dollars—and the cancellation of stickers. So, there is no doubt that there was a sort of positive revenue benefit in those changes.

There are still problems. I just want to briefly say to the house that I still receive a number of letters, emails and correspondence from constituents. One of the concerns, for example, is that, when there has been no notice of the renewal received, then people are not prompted by having had the stickers and can inadvertently be driving a motor vehicle without it being registered and insured. Members will be quite well aware that it is not the failure to register that attracts the enormous fines but, indeed, the failure to be insured that attracts now massive fines, so it is of major concern.

In the course of looking at this reform, whilst in principle we are prepared to support it—although we would be keen to look at some restoration of some of the other timeframes—it became clear that the department itself from time to time made mistakes and did not issue notices. We tried to remedy that by presenting a private member's bill to try to give a 14-day grace period to people. That was rejected by the government, and we have not been able to provide that relief to people. Just today—just today—I received an email from a lady who tells me a similar story. She writes to me as follows:

> Last week Wednesday the 17th July I had a very upsetting conversation with the dept of vehicle registration. After 30 years of driving registered and privately insured vehicles. I was not sent...a renewal notice for my vehicle that was newly registered 12mths prior. This was due to an error by the Dept of motor vehicles, they admitted my vehicle had some sort of freeze on it previously and they had not removed it after it was re-registered by myself. This is very upsetting to know I and my L-plate learner were left uninsured by no fault of our own.
>
> Now I have requested a letter stating their error so I can contest my $1070 fine in court, if the manager does not waive the fine. But once again I have been left with no reply. The charter for customer service states 90% of emails will be addressed in 1 working day. It is now 4 days with no reply.
>
> Please look into this. I am so upset that no matter how hard we try to do the correct thing the government has made me a criminal just to save money on a sticker that helped everyone!! Bring it back.

For the reasons I have explained, the opposition does not necessarily support the resumption of the sticker as remedying this problem, but this is the very problem that was raised with the department when we looked at some reform to give people grace. Here we have a situation where the assertion is that there had been an error on the department's fault, that it acknowledged it when the inquiry was made. She needs something in writing to be able to go over to the fines section to have that dismissed.

I was told when we were looking at the private members' remedy to this that there were mistakes from time to time, that they were acknowledged and usually sorted out, and that a request went off to the prosecution to withdraw the charge and the fine and it was all tidied up administratively. If that is the case, then for goodness sake, why am I still getting letters like this as late as today, which leave people in a very difficult position where they are trying to seek the grace of the department to actually do the right thing when it has on the face of it acknowledged that it was its error and it has not attended to the paperwork. This is just not acceptable that people be left in those circumstances.

I note also that the Minister for Road Safety has indicated in his contribution that the revenue will be neutral as a result of this initiative to allow a monthly direct debit option which, frankly, if it is any good should have been introduced at the time these other options were moved. Currently an administration fee of $7 is charged for each registration renewal, and a person paying quarterly would therefore incur $28 in administrative fees per year and a person paying annually would pay $7.

The new regime will provide that there is an administrative fee of $2 for each debit, so it will be $24 a year compared to $7 if you make the annual payment. The revenue is supposed to be neutral, according to this. When we had the briefing on this I made some enquiries about the model that was used to identify how that would be revenue neutral. The information has been provided by the minister and I thank him for that. It was referred to me electronically on Monday and we were able to get some of this information at least available for our side to consider. The modelling which is used suggests a neutrality, that is, that there would be a net operating balance in the financial year just gone (2012-13) of minus $100,000 (that is, a cost), minus $558,000 for the financial year we are in, minus $117,000 next year, and then $100,000, nearly $300,000 and over $400,000 in the further out years, out to 2017-18.

What is clear is that, for the purpose of calculating those figures, the budget impacts have been modelled on an assumption that there is a 15 per cent take-up rate over five years for those who take up the new scheme. It is further estimated that 15 per cent are currently 12-month payers. That equates, it is claimed, to about 230,000 vehicles enrolled for monthly debit payments by the end of the fifth year. There is no indication of how that has been estimated.

It seems that, on the information we are receiving in other opportunities for electronic payment, this is a very conservative estimate of the take-up of the use of this. We are talking well over a million vehicles in South Australia that we are dealing with and, usually, on other electronic take-up opportunities for payment, both the private and government sectors tell us that you can expect a significant uptake of this—certainly at a higher level than this.

So, if it were to move to 20, 30, 40 or 50 per cent over that five-year period, you could expect that there would be a harvesting of money like it was raining into the Treasury department, and I am sure that will put a smile on the Premier/Treasurer's face or, indeed, our shadow treasurer, who will be welcoming that with open arms when, in 236 days, he is the new treasurer of the state, we hope.

However, I make the point that the opposition is not fooled by these conservative estimates. I think that it is important that the government indicates what the realistic assessment is on the 15 per cent and on what basis that is relied upon. Obviously, we will be looking at it over the next 12 months to see whether there has been such a saving. I expect that there will be, as they say, in this next two years, still a cost of the adjustment of the new scheme. But we will need to look at that in the future to see what benefit there will be as a budget impact in the outgoing years. With that contribution, I indicate that the opposition will be supporting the bill.

Debate adjourned on motion of Hon. J.R. Rau.

[Sitting extended beyond 18:00 on motion of Hon. J.R. Rau]

STATUTES AMENDMENT (FINES ENFORCEMENT AND RECOVERY) 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 11, page 11, after line 20—After inserted section 65 insert:

65A—Annual report

(1) The Chief Executive of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act must, not later than 31 October in each year, submit to the Minister a report on the work of the Fines Enforcement and Recovery Officer for the financial year ending on the preceding 30 June.

(2) The report must include information prescribed by the regulations or required by the Minister.

(3) The Minister must, as soon as practicable after receipt of a report submitted under this section, cause a copy of the report to be laid before each House of Parliament.

No. 2. Clause 26, page 40, line 15 [clause 26, inserted section 14(1)]—Delete 'apply to the Court for a review of the determination ' and substitute 'appeal to the Court'

No. 3. Clause 26, page 40, line 18 [clause 26, inserted section 14(2)]—Delete 'application' and substitute 'appeal'

No. 4. Clause 26, page 40, lines 20 and 21 [clause 26, inserted section 14(3)]—Delete 'application can only be made under this section on the ground that the alleged offender did not commit the offence' and substitute:

appeal can only be made on the ground that the expiation notice to which the determination relates should not have been given to the alleged offender in the first instance because the alleged offender did not commit an offence

No. 5. Clause 26, page 40, lines 23 to 30 [clause 26, inserted section 14(4) and (5)]—Delete subclauses (4) and (5) and substitute:

(4) The issuing authority is a party to an appeal under this section.

(5) On an appeal under this section, the Court may—

(a) confirm the enforcement determination relating to the expiation notice; or

(b) vary or revoke the enforcement determination relating to the expiation notice,

and the Court may make any consequential or ancillary order that the Court considers necessary or expedient.

No. 6. Clause 26, page 40, lines 37 and 38 [clause 26, inserted section 14(7)]—Delete 'a review of an enforcement determination is not subject to' and substitute:

an appeal under this section is not subject to further

No. 7. Clause 35, page 46, lines 29 and 30 [clause 35, inserted paragraph (ba)]—Delete 'applications for review of enforcement determinations' and substitute 'appeals'

No. 8. Clause 36, page 46, line 34 [clause 36(2)]—Delete subclause (2) and substitute:

(2) Section 9A(1)(c)—delete 'a review under section 10 or 14' and substitute:

appeals under section 14

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

That the schedule of amendments made by the Legislative Council to the Statutes Amendment (Fines Enforcement and Recovery) Bill 2013 be agreed to.

Motion carried.

[Sitting suspended from 17:56 to 19:30]

MOTOR VEHICLES (PERIODIC PAYMENTS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The Hon. I.F. EVANS (Davenport) (19:30): I understand from the whip that I am the lead speaker on this issue. We are debating the Motor Vehicles (Periodic Payments) Amendment Bill 2013. As luck would have it, the member for Bragg has made a substantial contribution before the tea break on this particular issue and broadly covered most of the issues, so I will not have to hold the house long on this. Some people think there are two bills but my understanding is that there is one bill dealing with basically the same issue but it deals with stamp duty and motor registration.

Essentially, this bill simply sets out a process for the government to provide an option for the long suffering motorists to pay registration for certain vehicles on a monthly basis. The reason I say 'certain vehicles' is that it will not apply, as I understand it, to heavy vehicle transport, taxis or vehicles that need inspection before registration, which essentially means unroadworthy vehicles and the like. The government has worked out a scheme. As I understand this scheme, they will pay in advance for a monthly registration, so the February payment is for registration for the month of March, and that carries on through the registration period.

I am assuming that the way this will be set up is that you will sign an authority for a variable amount so that you do not have to sign an authority each year but rather you sign one authority that says Her Majesty's government can plunder your account for whatever the 12-month registration fee and stamp duty requirement is, divided into 12 weekly portions, plus an administration fee as set by the budget of the day. Essentially one signature at the start of the process will offer that authority to the government of the day until you either sell the vehicle or dispose of the vehicle through accident or other means or wish to change your mind because of cash flow reasons or moving interstate or whatever.

This is a bill that the opposition supports. We see it as some logic to this particular measure. The government advises that there is a protection process in place in relation to what happens if there is not enough money in the account and then the owner of the vehicle becomes unwittingly unregistered and therefore uninsured.

While I will not go through the whole process for the house, as I recall it, it was along the lines of getting an SMS, an email, and three days later that process is repeated and then closer to the cut-off date there might be a letter sent and, if all of that does not work, then the vehicle becomes unregistered. So, as I understand it, there will be four or five goes of trying to contact the owner of the vehicle.

As I understand it, the process will also cover the lifetime support scheme levy when that levy comes into place after the next election, when the government has legislated to rapidly increase the cost of vehicles to the unsuspecting South Australian public by the introduction of an average $105 levy on various motor vehicles.

The reality is that we think this is a commonsense measure. We trust that the government's process works. We are not going to sit here and analyse the process to death; all the private sector has these periodic payments and there is a process that works. We see no reason why the government cannot do this. There was some discussion in the party room about whether you could pay by billpay, whether the car registration could be paid by billpay. Perhaps the minister, in his response to the second reading contributions, can clarify whether there is the ability to pay by billpay and if not why not, and whether there is a process in place to go down that path, and, again, if not why not.

This is a totally voluntary scheme. From memory, and my briefing notes tell me, the government has modelled it on about a 15 per cent acceptance rate. I think it will be a lot more than 15 per cent; I suspect it will be well north of 50 per cent who will sign up to this within a couple of years, because the reality is that these days people want convenience. Most people who have a car are always going to have it registered and insured, and they realise that they have no control over how much the government charges them.

The reality is that the government is going to charge what the government is going to charge, so I think a lot of people will just sign up and take the punishment, and take it on a monthly basis rather than a 12-monthly or a three-monthly basis. So the opposition supports the principle of this bill. As I said, we trust that the government has the process right, but if it has not got the process right it can expect to be—

The SPEAKER: Surely the member for Davenport is not winding up?

The Hon. I.F. EVANS: Mr Speaker, it is hard to wind up when I am getting interjections from the Chair. I realise that your partner in crime is probably chatting away there and distracting you on other matters, but it is unusual for a member to be heckled from the Chair. Normally that would probably attract a 10-minute sin bin for others, but not tonight. But I am going to wind up, in a spirit of bipartisanship, because I have never been one to hold the house unduly—unless Michael Wright was the minister, of course.

The Hon. M.J. Wright: Five hours 28.

The Hon. I.F. EVANS: It was five hours and 28 minutes, and a joyful speech to read and give. So, with those few comments, we look forward to the passage of this bill. The opposition has no need for a third reading, unless some of my colleagues have questions. However, some of my colleagues do wish to make a contribution on this matter.

Mr PEDERICK (Hammond) (19:38): I rise tonight to speak to the Motor Vehicles (Periodic Payments) Amendment Bill 2013. I note that leading up to this we saw the change, back in 2011, when the Labor government abolished the six and nine month payment options for registration and cancelled registration stickers. I think both these things caused some issues out there in the electorate. Certainly, people were happy to use the various options that were presented to them for periodic payment, but those options were taken away from them.

There was also the issue of taking away stickers. I understand that was something like a $4 million to $5 million budget saving, but it certainly makes it difficult for people who have several vehicles. In some cases, especially with farm businesses and larger farm businesses, and then you get into other businesses around the state, it may range into many vehicles.

It is not uncommon for a family to have two vehicles for the household, just as a family. For a small farming operation, you might have somewhere between five and 10 vehicles, and that could include several tractors for which registration is applicable, as well as vehicles registered on farm registration.

I am going on memory now, and I am assuming it still goes on, but I remember that I had a 6WD ex-Vietnam War international army truck as my seeding truck. It came out of New South Wales where it used to be a fire truck, and we put a seed and super bin on the back. We had that registered only to go through the property we owned and a property we leased at Tintinara. We went through the process and that was all fine; it worked brilliantly, actually.

When you look at the amount of vehicles people can have—I remember when it came in that farmers had to register their tractors. There was a lot of angst in the community about this because, in modern farming systems, you generally have to have at least three tractors on the go, whether they are involved in the actual seeding operations, or spraying and other operations that go on with the farm, including harvest and haymaking, etc. This caused some angst.

As I said, on a small property you may have five to 10 vehicles, and on bigger properties it is not uncommon for there to be up to 30 vehicles registered. The whole idea of scrapping the sticker debate, especially in light of just your cars and utility vehicles used around the property, can become problematic, especially with the latest round of fine increases in the budget, with fines exceeding $1,000 if you are not driving a registered vehicle and you get pulled over.

In regards to this legislation, I think it is a good idea to have the monthly payment option. We see plenty of registration fees now exceeding $500 per annum for a vehicle, and some are well above that. It just gives people the option to budget their payments appropriately, because in this

day and age, with the high cost of living, it is very difficult to come up with that amount of money in one hit.

I certainly think it would have been a good idea to introduce this option at the time that the government took away the option of having the registration stickers so that the public had the ability to use this monthly payment option—obviously, as the member for Davenport indicated, on a voluntary basis; people apply for it and can take up the option.

What we saw happen when the registration stickers were taken away, we had people travelling interstate, and there were issues with people just across the border—my electorate joins the Victorian border (it does at the moment; it will not at the election)—but people just go over the border and are pulled over for allegedly not having a registered vehicle.

This caused many, many problems for many, many people just going about their normal day-to-day business, and it took a long, long time for other jurisdictions to get the idea that we were not using the registration stickers. People could easily see—with the colour of the sticker, they soon realised the month that the car was registered and could tell it was a legally registered vehicle.

As the member for Bragg and the member for Davenport (as the lead speaker) have indicated, we are supporting this bill. I think it is very sensible and I think the modelling is probably a little bit light on in saying only 15 per cent of the population are going to apply for this. I think a lot of people will budget to spread the costs over 12 months, whether they have one vehicle, two vehicles or whether they have multiple vehicles that they can register under this proposal—for all the vehicles that they need to register—and it will bring better financial management issues into the realm for families and businesses so that they can manage their expenses a lot better.

I say this in light of our being the highest taxed state in this country, and anything we can do to at least spread the pain will help people pay their bills on time. As I have indicated, the Liberal opposition supports the bill but we note that there will be administrative charges when paying monthly and that, under the proposed direct debit scheme, each payment will incur a $2 administrative charge so that, obviously, if you move from annual payment to this payment, it will be $24 per year compared to $7 per year. In saying that, we certainly support the bill. I support the bill but it should have come into place at the time of the removal of registration stickers to save $4 million or $5 million which would have made life a lot easier for South Australian families.

Mr WHETSTONE (Chaffey) (19:46): I rise in support of the Motor Vehicles (Periodic Payments) Amendment Bill. I thank the department for their brief that they presented last week to the deputy leader and me, and it shone a light on a few of the issues that we had at the table. Obviously this is going to help the people who are struggling with day-to-day payment of bills and those who are struggling with the cost of living, but it is an initiative that will not only help those struggling to pay those bills but it is also getting money more quickly into the government coffers.

So if people pay for a registration upfront, and they pay their fees that come with it, they have their registration for 12 months. It is a positive cash flow exercise for the government to have that money coming in every month. One thing I have noticed with the people who are struggling with the everyday cost of living is that—and I have not actually had the opportunity to look at the numbers—the number of people who are driving around in unregistered cars is quite astonishing.

An honourable member: 58,000 fines apparently.

Mr WHETSTONE: 58,000 fines—it is a huge revenue raising exercise and I do not see that this monthly payment system is going to decrease the number of unregistered cars on our roads. I do think it will perhaps help the honest people and those who can afford it, but it will not help the people who cannot afford to register a car or those who are flouting the law and continue to drive an unregistered car, whether it is because it has a defect on it or whether it is because it is a car that they do not drive very often.

I know in some of the regional centres that a lot of cars driven on country roads are unregistered. Again, listening to what the member for Hammond had to say about the registration stickers or decals, they were not only a great indicator for the owner that their car was or was not registered but for the police or the authorities they were also a visual indicator of whether a car's registration was or was not current, depending on the colour.

Again, the sticker issue has been an ongoing issue. I continually get people, albeit a declining number, coming into my office complaining about the inconvenience and the cost of

unregistered vehicles. Everyone is not out there deliberately not registering cars. It is an oversight by some people.

I presume there are a lot of pensioners who are struggling with the cost of living and those pensioners are the people that this will potentially help. But do those pensioners have mobile phones? Do they have electronic funds transfer into their accounts? Some might presume yes in today's modern world, but if you look around at a lot of the humble pensioners, the humble aged taxpayer, they do not have those facilities. In a lot of instances they are old school and they are doing things in the old, conventional way.

This periodic payment probably will not help a lot of those people. In saying that, I think that there is a benefit in this periodic payment being endorsed by this side of the house and supporting the government with what it is wanting to achieve. Mr Speaker, I presume it will not help you with your pushbike registration, but it will help those who are looking to offset their cash flow and help their cost-of-living pressures.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (19:51): I will just make a few brief comments. In relation to the member for Chaffey—a well-thought-through series of propositions. I am disinclined to agree with him in terms of the number of unregistered vehicles on the road.

This measure, first and foremost, is a measure intended to address cost-of-living pressures for low income earners. It is a Labor Party measure, and my view is that it will reduce the number of unregistered vehicles on our roads.

We know that 60 per cent of South Australians go for three months' registration. I think that is an indication of the fact that registering a vehicle is a bit of a financial strain. So if we allow them to pay on a monthly basis, I believe that a lot of people who do not have the financial wherewithal to register on a three-monthly basis will get their affairs in order and avail themselves of the opportunity to pay by the month.

I am hoping that this measure will reduce the number of unregistered vehicles on our roads. That, in conjunction with the number of cameras that we are introducing and the technology that they have in place to read numberplates and immediately identify an unregistered vehicle, I think is going to be a great driver in reducing not only the number of unregistered but the uninsured in the sense of not having third party bodily insurance.

I am quite impressed with the comments made by the member for Hammond. He pointed out that it would have been a good thing if we could have introduced this measure concurrently with the cessation of windscreen labels. The government and the individuals sitting to my left in the box have probably been working on this for 14 to 18 months. It is a measure that not only had to be addressed in a legislative sense, but we also had to make sure that we had the technology in place and the interface with the banking system to ensure that this operated without a glitch, because if we were to get this wrong and we had literally tens if not hundreds of thousands of unregistered motor vehicles on the road in respect of compulsory third party bodily injury, we could have been in real strife. So it has taken us a little while.

The member for Hammond makes, I think, a legitimate comment; but we just wanted to make sure that when we go live with this it is glitch-free, everyone is registered and everyone is insured. I have got to say, I thought the member for Davenport's contribution was knowledgeable, well-informed, he was on top of the topic, and he made a very positive contribution to the debate. He asked me about billpay. I have checked it out, and I have been advised that the way that billpay operates is that you have to go into the system and make the payment; you cannot set it up for automatic monthly debit. Unfortunately, billpay will not operate, but we believe that with credit card access and access to bank accounts to draw down a bank account we have pretty well covered all of the sensible options.

Both the member for Davenport and the member for Hammond suggested the take-up will be in excess of 50 per cent. I have that feeling myself. I think this is going to be an extremely popular measure with the South Australian motoring public. We have been conservative and we have gone for the 15 per cent. We did not want to find ourselves in a position where we were embarrassed in terms of not being able to meet the parameters that we have injected into the budget.

I have got to concur with the member for Davenport and the member for Hammond: I think this is going to be a very, very popular measure with the South Australian public, and it could well be that within a matter of years we will be moving to 80 or 90 per cent. It is the way that most people like to organise their financial affairs. They do it with most insurance; they do it with a whole range of bill obligations. It is the way that most families organise their affairs. It removes that significant impost that comes in once a quarter or once a year. It makes for a far better way of managing your finances, and its take-up, I think, is going to be very much on the high side. Again, I congratulate all members of the opposition, including the member for Bragg, who always makes a very, very positive contribution to the debate, for their support for this measure.

Bill read a second time.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (19:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (19:59): I rise to speak on the Child Sex Offenders Registration (Miscellaneous) Amendment Bill. I indicate that I will be the lead speaker for the opposition and, subject to consideration of some issues that we would seek response on from the government, foreshadow that the Liberal Party is likely to move some amendments to this bill in the Legislative Council. The importance of this bill does not escape the attention of the opposition to the extent that all legislation, of course, is important, but the circumstances leading up to the presentation of this bill to be expeditiously dealt with in this house are well known to members of the house, and the opposition notes the significance of this legislation.

I will say as a general comment—it is sometimes unwise to make general comments—that the legislation that is proposed here is not a panacea for the resolution of a number of matters which, I think, the government has to acknowledge have been conducted in a most inept and inappropriate manner in relation to the protection of some children in this state and which have been exposed in recent times; nevertheless, we in the opposition are always mindful of the importance of trying to develop strategies and processes, sometimes legislative, to arrest the evils that exist in the community and where behaviour needs to be curtailed or conduct contained.

Members would be aware that this is a bill which amends provisions of the Child Sex Offenders Registration Act 2006. Mr Speaker, you were here and were, I think, probably the sponsoring mover of this legislation at the time. Certainly, it was important legislation. It was designed with the effect of requiring child sex offenders to register with the Commissioner of Police. Those persons were known then as registrable offenders and there was a period of registration that was mandatory, depending on the class of offence that they had committed. It was mandatory for eight years, 15 years or life, if a person committed a class 1 or 2 offence as specified in the act. As we are currently briefed, there are approximately 1,400 offenders registered in South Australia.

So, we are seven years down the track and the circumstances have prevailed where there needs to be some amendment. Registrable offenders are required to make, under this legislation, an initial report to SAPOL of certain personal information. They then are obliged to report annually and provide updated information to SAPOL when certain information changes.

This is legislation which is consistent with schemes around Australia. There is a Victorian Law Reform Commission report, dated 2012, which attracted my attention, in fact, some time ago to consider what we might do in some amending legislation and which became the subject of some private members legislation which I was looking at at the time.

Importantly, there has been the recent report of former Justice Debelle, inquiring into the conduct of a number of parties, including members of the government and the Department for Education personnel and others associated with a western suburbs school, and there are consequential recommendations from that report. There has been legislation under development

over the last two years and, obviously, the addition of these reports has been taken into account. So there are a number of areas.

In summary, this bill will: (1) strengthen the reporting requirements under the act; (2) 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 premises and require more frequent reporting; (3) 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; (4) ban all registrable offenders from working as taxi or hire car drivers; (5) update the list of commonwealth child sex offences that trigger operation of the state act; (6) for a limited category of child sex offenders, empower the Commissioner of Police to modify the operation of the act; (7) 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; and (8) empower police to contact employers to verify the information provided by the accused and to notify the employer of the charge.

The bill proposes to create a new category of offender called a 'serious registrable offender' and this new category features: (1) on at least three separate occasions, a class 1 or class 2 offence has been committed; (2) on at least two separate occasions, a class 1 or class 2 offence against a person or persons under the age of 14 years has been committed; or (3) there has been a declaration to be a serious registrable offender. Such a declaration can be appealed in the administrative and disciplinary division of the District Court.

What are the features, then, of a serious registrable offender, which is the feature of this new legislation? The person who has been declared a serious registrable offender is liable to: (1) have their premises searched by an authorised police officer; (2) more frequent reporting; and (3) a condition that they wear or carry an electronic tracking device. Members would be familiar that electronic tracking devices and/or electronic devices are used for the detention of some persons, most particularly when on parole or when in home detention. It is a way, of course, as it suggests, of tracing the movements of the person who is the subject of the order and is certainly something that has been very cost effective.

In fact, I can recall sitting on a juvenile justice inquiry committee chaired by the Hon. Bob Such. This was something that we felt was important in giving those the opportunity of home detention as distinct from being in custody, that they have an opportunity to serve time in home detention. The electronic device, of course, alerts the authorities in the event that someone were to leave a specified area. Usually, as I understand the operation of this electronic device, it would register some alarm in the event that a person moved further than a certain distance away from the home block. The tracking device was attached to a limb of the person under surveillance. It was a non-invasive, relatively cheap way of keeping people under surveillance.

At present, we are advised the commissioner currently does not have access to the technology to implement electronic tracking of offenders and there are no plans to do so. Distinct from tracking people if they move from a certain distance from the homing part of the apparatus, this is a different concept, that is to be able to track them as they move from a certain place. I am not sure why that is the case. I thought that we could all be identified just by where we are placed under satellite surveillance with our mobile phone. I do not know; perhaps the relevant authorities and the commissioner have not caught up with modern ICT. I am not quite sure about that. In any event, that is a matter, of course, for the resources to be made available.

The amendments place more discretion with SAPOL and the police commissioner to tailor reporting requirements and conditions around circumstances of individual offenders; the opposition supports this. This would support a risk-management approach and the resources to more efficiently target high-risk offenders.

There is an aspect of monitoring, which is the subject of this bill. Clauses 12 and 13 requirements on reportable contact are somewhat ambiguous, but the legislation specifies that contact must be reported if it occurs on three occasions within a 12-month period. A number of the opposition, from memory—certainly, the Hon. Stephen and myself—were provided with briefings on this. I cannot recall whether there were others present at the time, but we thank those who did provide the briefings on this.

It does seem a little unclear why the supervision should be attracted to obligations under this act after the events of numbers of occasions. What we understand as the general concept is

that the police have registered their concern, that they want to avoid over-reporting. I think that what they mean by that is that, if there is some accidental interaction momentarily with a child by a registered offender, they are trying to eliminate that by suggesting that there is a threshold of a multiple number of occasions before the obligation kicks in. That is the way I understand it. We will have a few questions in relation to that.

In essence, the bill, however, rests significant discretion in the police in circumstances where one would expect that would be exercised by a court. I would like to record the opposition's concern in relation to a number of these, which have been identified by our shadow attorney, the Hon. Stephen Wade, and I will record these for the benefit of *Hansard*.

Proposed section 10A rests discretion in the commissioner to declare an offender to be a serious registrable offender if satisfied that they are at risk of committing further class 1 or class 2 offences. Once a declaration is made, the commissioner may impose additional reporting requirements. The declaration may be for a specified period, which would be extremely long if a person is subject to life registration.

Section 48 requires that a written notice is to be given to the registrable offender 'as soon as practicable' but does not specify a period before the declaration takes effect. While a decision to impose a declaration is appealable, the declaration can have immediate effect. You could be served the declaration as the police come in to search your premises. There is a question from the opposition that the affected person should have the opportunity to access their appeal rights before it takes effect. That is an area of concern for the opposition.

Proposed section 66A allows the commissioner to modify reporting obligations of offenders. To guard against obligations on offenders being lightened on the basis of resources rather than risk, a declaration where it applies for more than a year or a second declaration perhaps should be granted on application to a magistrate. Under the spent convictions legislation, a similar key discretion is vested with a magistrate rather than the police.

Also, proposed section 66E requires the registrable offender to obtain the commissioner's written consent before changing their name. Under the current bill, this decision is unable to be appealed by the offender. Proposed section 21 gives police the flexibility to direct where the annual reporting of an offender is to take place, including at the premises of an offender.

So there are some areas of concern with this, remembering that this is not a regime or a scheme of registration which prevents child sexual abuse. Of itself it does not currently impose as a general rule provision for any onerous burden on the part of the offender. Essentially, it is a recording exercise. They register, provide addresses, provide notice of change of address, provide information in relation to their whereabouts and activity.

I think that the 2006 legislation could be seen as an opportunity at least for our law enforcement agencies to be able to check if somebody is on a list readily and be able to have some access to reliable and contemporary information which, if accurate, gives some aid to the law enforcement agencies to act quickly and respond to allegations when they are made in respect of parties who have shown some history of offending. It is an accessory to the tools of enforcement used by the agencies. It is not some panacea of protection.

It is not surprising to me or members on this side of the house that there have been events in the past few years when there has been exposure of an utter failure on the part of government and/or agencies to protect children in certain circumstances. I have said this many times but I will place it on record again in this debate on this legislation: at no time is it reasonable for anyone to accuse a government of being responsible for the sometimes obscene conduct that adults (often parents) inflict on their children. That is something that parents and/or guardians who are frequently the perpetrators of this type of offence should take absolute responsibility for and, where they are unwilling or unable to do that, then they should have certain punishment or incarceration or treatment required.

Where it is reprehensible is in circumstances where a government or its agencies are aware of either an offence having occurred or a child being at risk and they fail to act; that is a disgraceful circumstance. This most recent Debelle inquiry into the events that occurred in a western suburbs school highlights the utter failure of the government in that regard, and they can come up with 100 excuses in this parliament or outside to try to cover for those who have failed children in these circumstances. In my view, that is where they are accountable and need to act responsibly, and all the twisting around in trying to avoid some kind of accountability only casts the

government in lower estimation in the eyes of the public and I think politically they will suffer in due course.

In the meantime, they have a legal, moral and social obligation to ensure these children are protected. We will support governments where they need to be aided with extra legislative tools to do that where there is again some balancing of the right for people to have some peaceable recovery and rehabilitation. We respect that. Child sex offences are heinous crimes and one only has to look at those who are in custody in our prison system to understand the pecking order of criminals. These are the lowest of the low and they are treated as such in our correctional services facilities, sometimes to the extent that they need to be provided with special protection.

Certainly, they do not enjoy the status of criminal activity as do other crimes where children are not victims. Where children are concerned, particularly with sexual offences, I think the community within Correctional Services identifies this as being the lowest form of human conduct, where people have preyed on the vulnerability and exposure of young children, and they are sometimes treated very badly themselves as a result.

Nevertheless, the opposition thinks it is important to ensure that people are not badged or scarred or tattooed—publicly, I mean—in the sense of having to wear the odious descriptor of being a child abuser, that they have a chance to rehabilitate if they are prepared to undertake treatment and/or counselling and advice, and we should try to assist them. So this question of having people tagged and traceable under schemes of registration or electronic surveillance does not fit comfortably with that.

However, it is a balance, and from the opposition's point of view, in 2006 and even with these amendments, we are happy to accommodate that option, although there are some aspects that we may consider moving to amend in the other place. We will not hold up the debate here. I will have a few questions to ask on this matter in the committee stage, but I otherwise indicate that the opposition will not oppose the reading of this bill in the House of Assembly.

Mr VAN HOLST PELLEKAAN (Stuart) (20:21): I will not be too long, but I do want to make a contribution. This is a very important issue and a very important piece of legislation.

The member for Bragg has outlined the opposition's position and that of the shadow attorney-general very well, so I will not go over all that. However, I will just put on record that I have no doubt that all members of this place want to get this issue right, that regardless of the wide range of views in this house on a wide range of social issues, I am sure we all come together very strongly and very united in the view that child sex offences are completely inappropriate and that the way convicted child sex offenders are dealt with must be done completely appropriately.

I think the last few sentences made by the member for Bragg, our lead speaker, just a few moments ago were quite important in the sense that we are not trying to permanently brand or scar people, or cut them out of society, but certainly there are some things that you just cannot get away with and there are some things that just cannot be tolerated, and the risk of them happening again cannot be tolerated as well. So this is a very important but very difficult piece of legislation.

There are approximately 1,400 offenders registered in South Australia at the moment, and the aspect of this issue that I would like to touch on is that of police resources. Speaking not only as a member of this place but also as shadow minister for police as well as shadow minister for corrections, because there is a significant overlap here with that as well, the bill, as proposed, significantly increases the workload on police. Now, that is okay; being a police officer, being a police cadet, being a police commissioner is a hard job, and they accept all that. However, getting the police to do what would often be expected of a court is very likely to require additional police resources if it is going to be done well.

Police are already very stretched by changes to laws and registration that have come through this parliament in the last several years. Police tell me on a very regular basis that changes to the Summary Offences Act, the Firearms Act, the Serious and Organised Crime Act, the Forensic Procedures Act, and the Criminal Law Consolidation Act have all made their lives a lot tougher.

As I said, we are not here to make the lives of police officers easier, but the reality is that if we draw them into the implementation of all of these laws, and many times we draw them into work that is well away from their primary front-line duties without the commensurate resources, then there is an extra cost associated with this sort of legislation. I want to point out very directly that I see that as a risk in this bill as well.

Police will essentially be working very hard on monitoring, reporting and on management of known offenders, and, by definition, the majority of that work is going to take them away from the work which the majority of South Australians actually want them to be doing; that is, not managing people who have already been convicted of offences—that should not be the primary job of the police—but actually going out and finding other people and stopping them from committing offences, and if they have committed offences, apprehending them and passing them onto the courts and potentially to the Department for Correctional Services.

I would just like to wind up there and just make that point. The Liberal opposition is steadfast in its desire to find an efficient, effective, responsible way to manage convicted sex offenders, but it is not as easy as saying, 'Well, we'll just give police more work do to and they will do more monitoring, more reporting and more work away from their primary responsibilities,' because then there will be another cost that goes with that.

As the member for Bragg mentioned, there is a series of issues that the opposition wants to delve into, and the opposition will not oppose this bill here in this place, but may well propose some amendments in the other place.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (20:27): I thank the honourable member for Bragg and the honourable member for Stuart for their contributions in this matter. I just wanted to say a couple of things briefly. First of all, it is again unfortunate that if there are to be amendments to this bill, they are not being produced and filed in here so that we can have a chat about them, and so that the people in the other place can have the benefit of whatever collective wisdom this chamber can offer them, because it has been observed by others (not me) that that might help them on occasions.

The second thing I wanted to say was we need to bear in mind something very important about these offenders: these offences are not like, for example, an assault. They are not even like a murder, where an otherwise unremarkable citizen can be provoked through circumstance to behave in a way which is completely uncharacteristic of that person.

This behaviour is so far outside of the normal parameter of human behaviour that it is often the case—not always; I accept that—that these individuals are hardwired, if I can use that term, to behave in this way. I give the example of Mr O'Shea. Anybody who knows anything about Mr O'Shea's history would know that he has been a serial offender, and he is not the only one. There are a number of these people who have offended in a way which is repetitive.

There are certain distinctions between this particular type of offending and some other types of offending, which have a number of these offenders more likely to repeat their offence than might be the case, perhaps, for some other types of offence, which might be a once-in-a-lifetime event. So, I think there are good reasons for us looking at this matter very seriously, for that matter, because what has troubled me for some time is the appropriate balance between the obvious desire that in a civil society a person's liberty should be protected at all costs and, if they are imprisoned, they should serve their sentence and then be released.

That is a very important principle of any civil society. On the other hand, if a person's behaviour is so predictable by reason of long experience that one has to be concerned that even after serving a sentence—and, therefore, not subject to any control particularly under the parole system or anything else—it is highly likely on the basis of a person's history that they may reoffend, clearly we need to try and do something to protect society and, in particular, the innocent individual who might happen, through no fault of their own, to be in the same place at the same time as one of these people.

There are very serious issues here that need to be considered, and it is not easy, because at one end of the spectrum, after a certain point in time, you might argue that an indeterminate sentence is appropriate. Now that is an extremely harsh outcome for anybody but, on the other hand, you have to weigh up the risk to the community of some child becoming yet another victim in a person's career of successive victims. So, none of this is easy. Having listened to the member for Bragg, I am not clear exactly on what sorts of amendments are being foreshadowed and I am not inviting a conversation about that, because no doubt in the fullness of time I will see whatever it is that pops up in another place, as is usually the case.

Ms Chapman: I might ask some questions tomorrow when you are in committee.

The Hon. J.R. RAU: Okay. I wanted to give a bit of news to the honourable members here tonight.

The DEPUTY SPEAKER: Is it good news?

The Hon. J.R. RAU: I think it is good news, Mr Deputy Speaker. The good news is this: as a result of this matter being introduced into the parliament, I think on 3 July; and, as a result of SAPOL engaging with the Attorney-General's department since that time; and by reason of the fact that the legislation is now open, and I would have been doing this at the same time, but this has been accelerated slightly because we are trying to move through the timetable—

Ms Chapman interjecting:

The Hon. J.R. RAU: That is no criticism of the whip at all; that is just the way that it has happened. I intend to be tabling a couple of amendments tomorrow, and I wanted to make a general observation about what those amendments will deal with, and this is something that has been done in reaction to police turning their minds—

Ms Chapman: Even when you hurry, you can get it wrong.

The Hon. J.R. RAU: I am saying I think we have this right, but since the bill was introduced, SAPOL has said, 'Look, there is another matter that has occurred to us which maybe you can include while it is open.' I have considered it and I thought it was not a bad idea. Just so everyone is not taken by surprise tomorrow, I am proposing to file some amendments when we get into committee stage which basically deal with the situation where we have one of these offenders who goes AWOL, and the police do not know where they are any more, and they are not reporting—they not compliant, in other words.

So, we have one of these individuals, they are on the register, they become non-compliant and the police are unable to find this person. In those circumstances, the police say the fact of them being non-compliant with their reporting regime, and the fact of them being at an unknown address, or whatever, means that the risk profile for that individual has lifted considerably.

In those circumstances, the police have said that they should be in a position where, in contravention of the primary rule here where this information is kept confidential, they should, in the circumstance of the person going basically off the reservation, in the public interest be able to say, 'Look, we need to know where this individual is' and publish an image of that individual and the name of the individual in order to ascertain where they are so they can be brought back under control.

Mr van Holst Pellekaan: And say why they need to find that person?

The Hon. J.R. RAU: Yes, the honourable member asked me can they say why. The amendment would authorise them to say whatever is necessary for them to say so that they could, in effect, seek public assistance in identifying the whereabouts of an individual who had become noncompliant. I am just putting that on the table so people know that that is something that has been raised. It occurred to me, given the fact that the bill is open and I have had that request made of me, it would be appropriate for the parliament to be aware of that: number one.

Number two: I will be bringing a form of words in here tomorrow which will reflect that. It is obviously a matter for this house and, given the way these things often go, presumably the other place to consider what they wish to make of that. Otherwise, I think we are concluded with the second reading aspect of this and I would wish to have the matter adjourned now so that we can deal with the committee stage of this particular bill tomorrow, or whenever it is appropriate for that to occur.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

At 20:41 the house adjourned until Tuesday 24 July 2013 at 11:00.