

HOUSE OF ASSEMBLY

Tuesday 10 September 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.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June 2013.)

Mr GRIFFITHS (Goyder) (11:02): I confirm that I will be the lead speaker on behalf of the opposition for the Liquor Licensing (Miscellaneous) Amendment Bill. This is a really interesting area for me. I am a bit of a process-driven person, so I appreciate the detail included in this matter. I think I said in the very first discussion we had in our party room that I respect the fact that, to some degree, it depends upon the age profile of the individual as to what their position might be when it comes to entertainment: what it has to be, when it is, where it is and all those sorts of things. It is fair to say, though, that the parliament assumes a very responsible role in ensuring that it puts in place the processes to allow licensing to occur, and it should never allow that authority to be lost.

I indeed recognise that, with the code of practice for late-night trading, there are, of course, roles for the commissioner—I do not deny that—but there is clearly a role for the parliament to take on, too. As part of my research on this issue I looked at a website where the words are not overly complimentary; there are liquor licensing laws and then there are a few letters after that. It has had about 5,600 hits and I think there is a lot of frustration about some of the intentions of the late-night trading code; however, there has been a lot of contact made at various levels on this matter.

It is important that we, on behalf of the community, recognise the fact that there is an enormous amount of effort being made for the safety of visitors and customers to these facilities, and there is no doubt about that. That is where operators themselves police. The regulators and the customers want to make sure that people have an opportunity to have a great day or night, early morning or total evening, but in safety. It is important that legislation is reviewed on a regular basis and that actions are taken where it is deemed appropriate.

I think it is fair to reflect upon the fact that there have been some terrible instances in recent times, not just in Adelaide or in South Australia but across Australia, where people have been attacked for no reason at all, and in some cases the result of that has been the death of that person. In other cases there are long-term injury issues that they and their families have had to deal with. These are issues that are impacting upon society as a whole, so I do respect the need for this debate to occur.

I am looking forward to the discussion that the Attorney and I will have, other contributions that will be made, and consideration that might be given to an amendment that is going to be proposed in relation to the 3am. The Attorney is shaking his head at me, but we will have a discussion about that. I will also have some questions and seek clarification on some other points, but I can say that in the absolute majority of cases there is agreement with what is proposed. However, there are some salient points that the Liberal Party does have some concerns with, one of which is the 3am, but we will talk about that in greater detail.

I note that this bill was introduced by the Attorney-General on 5 June 2013 and it is designed to amend the Liquor Licensing Act 1997. The bill has two purposes: to respond to excessive alcohol consumption, offending and public disorder; and to make amendments to streamline administrative processes and reduce red tape on industry and government. The Attorney in his second reading explanation stated that the relationship between excessive alcohol consumption, offending and public disorder is well established and notes the detrimental effects it has on the community as a whole, including the associated costs on the public purse through the provision of resources, such as police and emergency services.

The key purpose of the bill is to respond to excessive alcohol consumption, offending and public disorder by introducing a number of legislative measures which place a greater responsibility upon licensees to prevent excessive alcohol consumption occurring in their premises and better

equipping the Liquor and Gambling Commissioner, his staff and police to address problem drinking and alcohol-related violence in South Australia.

The bill intends the commissioner, including his staff and the police, to have increased power to take action against licensees for inappropriate mismanagement in relation to their licensed premises, including providing the commissioner with the power to impose a condition on a licence immediately (including a condition varying the trading hours) or vary or suspend a condition of a licence. Currently, the commissioner is able to place a condition on a licence. However, the condition is not effective until judicial processes have been completed. With an appeal lodged, the challenge is the often lengthy period of time that lapses before conditions imposed by the commissioner are enforced on a licensee or a licence.

In the briefing opportunity provided to me by the Attorney's staff and Mr Green, I raised a question on this point and it was reported to me that there have been instances of up to three years, I believe, where an attempt was made and an appeal process was undertaken before some form of resolution was reached, so I can see some sense in that. It does not remove appeal right opportunities, but those provisions will be enforced immediately, as I understand it, if the amendments that are proposed by the Attorney are successful.

As I confirmed, the Attorney-General's office provided me with an example where, at the time of the Liquor and Gambling Commissioner (Mr Paul White) being appointed to his role, which I believe was just over three years ago, a number of licensees had conditions placed on their licence. However, three years later, these conditions have not yet been imposed due to ongoing court proceedings. It is important to note the legislation will still provide licensees with the right to appeal the decision of the commissioner as per the current appeal and review process. However, the condition imposed by the commissioner will apply immediately and the appeal and review process will follow as part of that.

I note also that the penalty for persons who have behaved in a disorderly or offensive manner in or in the vicinity of licensed premises will be increased from \$160 to \$500. I totally and absolutely agree with that. Indeed, it is my intention to ask questions during the committee stage as to whether other figures were considered as part of that review and, if so, what they might have been. The commissioner advises that the current fee of \$160 does not properly reflect the serious consequences that can and do result from a person who is affected by alcohol behaving in a disorderly or offensive manner. Again, I confirm that this increase in the penalty is very strongly supported by the Liberal Party.

In relation to the late night code of practice, even though it is not specifically part of the bill, the discussion that is occurring in the public forum is linked to this also, so it is my intention to talk about that during the debate on this bill. To support the state government's objective to ensure that the sale and supply of liquor occurs in a manner that minimises the risk of intoxication and associated violence and antisocial behaviour, the bill provides for issues related to the late night code of practice, which has been out for several months and is intended to come into force in October.

In December 2012, the minister released for public consultation a draft late night code of practice. Following feedback and criticism of the draft code, including positive feedback and concerns and issues being raised, the state government acknowledged the importance of undertaking consultation with industry and interested parties, including health agencies and the South Australian police force. I have been advised that consultation with industry and stakeholders has occurred over the past six months. I have been advised that the late night code of practice is a compromise to the proposal of 2009 to give the commissioner and police the power to shut down licensed venues. Proposed legislation to close all licensed venues between the hours of 4am and 7am was not supported by the opposition in the other place.

Measures under the code of practice within the bill include: venues will not be able to accept new patrons after 3am (this does not mean that the venues will be closed but means that no bar hopping will occur); the state government/commissioner will have the power to regulate the provision of alcohol between midnight and 7am; the use of metal detectors, high-definition CCTV, drink marshals, as well as an early morning ban on glassware, happy hours, shooters and doubles, will be implemented; clarification of the definition of 'intoxicated' (includes behaviour as a result of illicit drugs) will assist in prosecuting offences—that is, selling liquor to intoxicated persons is a breach under section 108 of the act. The minister might like to correct me if I am wrong, but it is interesting to note that, in 2012, only six people were charged with serving alcohol to intoxicated

persons. However, I do believe that the figures were provided by the South Australian police force. I confirm the fact that the code is intended to come into force on 1 October 2013.

I also want to talk briefly about red tape measures. Measures that are intended to streamline administrative processes and reduce the regulatory burden on industry and regulators include the following. Amendments providing for industry-wide approval as an approved person. The current requirement that a person must be approved for each premises at which they work is unnecessary as they are subject to the same tests in respect of each application. The changes will remove unnecessary regulation and cost to licensees.

Again, I completely agree with this measure. Indeed, a former staff member of mine who previously operated a hotel spoke to me about this some time ago and about the frustration that operators have where they want to employ staff but it is necessary to go through the current process for each staff member who might work in multiple facilities. For those who are appropriately recognised as a staff member, this is a significant improvement on the current provisions.

Another good move relates to the display of licences. The act requires a licensee to keep a copy of the licence and to display all conditions of the licence at or near the front entrance to the premises at all times. The expiation fee will still apply, but it is intended to reduce the fee from \$1,200 to \$160, which is a good regulatory move.

In relation to minors, amendments are proposed to reduce the confusion for licensees and inspectors regarding the areas of licensed premises that are prohibited to minors by improved display of information on minimum age of access at the entrance of the premises. It should be known by people that I think the improvement here is a good one. We live in a mature society; there should be an understanding by people that minors are not permitted to go into certain areas of licensed premises. I understand that there might be some degree of confusion in facilities that have open and more restricted areas of access, so it is important that that occurs.

In relation to the definition of entertainments, currently, the act prohibits a licensee, other than one who holds an entertainment venue licence, from using any part of the premises for entertainment without a licensing authority issuing an entertainment consent. The bill amends the definition of 'entertainment' so that it no longer includes a visual display by means of a television of any size. If you go into most hotels you will see a variety of TVs, quite large in size; some would be deemed to provide entertainment in themselves, so I think that is a good move also. Approval to hold a club licence: the change will permit the holder of a club licence to also be a company, limited by guarantee, being a company established for non-profit purposes. An example of this is the South Australian Jockey Club.

Dry areas: there is a significant improvement here, I believe. To streamline the process through which dry areas are proclaimed the bill amends the act to remove the requirement that a dry area prohibition be imposed by regulation. It is proposed that applications will be made by council to the commissioner which will then be assessed by council—that means local government authorities across the state. In the case of long-term dry areas, they will be forwarded to the minister for approval while short-term dry areas will be approved by the commissioner. All of us in this room probably would have been approached by councils in an area looking for support for that so I think that is an appropriate measure we have taken.

I recognise that in a briefing by Mr Greene on 6 June, only very shortly after the bill was issued by the Attorney, he told me that the office had undertaken extensive consultation on the bill with industry, including the Australian Hotels Association of South Australia. I sought feedback from the AHA and contacted Mr Ian Horne who certainly reinforced to me that essentially they are satisfied with the bill. However, they do have a concern—and these are his words to me—with the 3am lockout of the state and it is that issue, I suppose, that the opposition has taken up not just on behalf of the AHA but in other areas as well. Mr Horne further conveyed to me that there is not a problem with enforcement and that police officers work well with hotel owners to enforce existing laws. Last year he told ABC Radio that early closing hours were not the solution to alcohol-fuelled violence.

I referred at the start of my contribution to a Facebook page 'The New Liquor Licensing Laws Suck' which I had a look at this morning and I think it had 5,559 hits or something on it. It has been in existence for probably about six months now and the page is dominated by the opinion of young people who are questioning the need for changes, as is evident by the name of the Facebook page. I encourage other members to have a look at it.

I respect that these are young people who want to go out and have a good time. I hope that they are not young people who have been impacted by an inappropriate action which has disillusioned them about it all. They have probably seen some things that are not right but the older sections of society have to consider the impact of it so it is appropriate that we are talking about it.

I also noted that on 11 June this year the *InDaily* (the electronic newspaper) published an article regarding the state government's late night trading code. Within the article it referred to Deakin University Associate Professor Peter Miller who criticised the state government's late night trading policy, calling the code 'the type of policy you have when you don't have a policy'. He further commented that:

We have a mountain of evidence that tells us that if you want to actually reduce violence you need to restrict trading hours, and lockouts don't actually do that.

He then said:

Everything's happening by 3 am already, it's too late.

InDaily reports that the police commissioner, Mr Gary Burns, endorsed the late night code and said it would also reduce alcohol-related violence. I reflect that, indeed, in comments that I have had from police officers there is support for the code to be put in.

To support the policy the Attorney proposes to implement through this bill the code—and he uses the following statistics to help support it. There are some questions I want to ask on one area; I do not question it but I want some further clarification. The Attorney noted in his second reading contribution that there are approximately 12,500 hospital admissions and 600 deaths attributed to alcohol in South Australia per year.

I know we live in a society where alcohol is a legally allowable thing for people to consume. I would like some clarification, though, that of those 12,500 admissions how many were related to areas that are linked in with this bill in some way with the code provisions, probably with the late night trading code. There are some future references. I think SAPOL data indicates that in 2008-09 in the Adelaide CBD 58 per cent of victim-reported crime was related to alcohol but for 12,500 admissions to be related to alcohol is a significant figure.

I would like to know how many of those related not to the consumption on a personal basis, as that might be long-term health issues that have been reported there, but to entertainment precincts. Indeed, of the 600 deaths per year in South Australia, they cannot be entertainment precinct issues; they must be related to the long-term consumption of alcohol. So, I would just like some clarification on that.

I am aware that Consumer and Business Services has written to all licensees in South Australia to inform them of the introduction of the code, which is intended to come in from 1 October. I am also advised that there are currently 40 venues in South Australia that do trade between 3am and 7am—if the minister can correct me if I am wrong, I would appreciate that—and that every other venue is actually closed or should be closed.

Within the 2013-14 budget, I note that the Office of the Liquor and Gambling Commissioner carried out 25 taskforce operations (inspections of licensed premises) in 2012-13 financial year, and it is anticipated that there will be 30 in the 2013-14 financial year. Taskforce operation inspections occur in addition to other types of inspections, to monitor the behaviour of licensees and traders to ensure that complaints against the responsible service of alcohol are actually administered.

I want to again enforce that I understand that it is appropriate that we discuss this, because it is an absolute key issue. Within the CBD and other areas of South Australia where there are issues occurring and action has been taken—I am aware that Coober Pedy is one, and some work might have also occurred in Ceduna; I am not sure whether there might have even been some areas of Port Lincoln.

Mr van Holst Pellekaan: Whyalla.

Mr GRIFFITHS: Yes, Whyalla. So, it has been undertaken across the state in various areas. Indeed, the Leader of the Opposition sent me a tweet late yesterday which referred to a media report of a news story which stated alcohol-fuelled violence is harming up to 70 people a week across Australia. When you hear that, and then you think of that times by 52, you do get very worried about it; so, I understand that is why we are talking about this, and that there are measures being taken across the nation.

New South Wales has been quite strong in some areas. They have facilities—one is mandatory, and two are non-mandatory—to allow people to sober up a bit; that is what they are doing there. I have read reports of what is occurring there, and I see that there is an opportunity for South Australia to move forward too. I am also aware, as I understand it, that the Social Development Committee of the parliament is undertaking a report on this matter, or at least research is being done on the situation in New South Wales and is going to form part of the report that they complete, which is going to be presented to the parliament.

I have also spoken to people from across the industry, and I have enjoyed my discussions with them, because it has given me a bit more background. I just wanted to highlight, as part of my contribution, some of the issues that have been put to me by them. Aspects of the bill which improve the legislative compliance and efficiency are fully supported—there is no doubt about that. At least one operator has the majority of the code provisions in place voluntarily, but I believe that in his situation it is a 4am start, not 3am; I think that might be HQ.

Considerable anxiety exists about the late-night code proposal and the desire of the minister and government to give powers to the commissioner to make rules that should be the right of the parliament or the courts, but not an appointed officer. That has been raised with me by several people. Again, I go back to what I said at the very start about the role of the parliament versus the role of an individual and the authorities that can go there too.

The use of the provisions to be included in section 43 for conditions attached to a licence instead of taking action as currently allowed under section 120—the concern is that the introduction of licence conditions immediately, even with appeal rights, could impact on the financial viability of the business. In this case, I go back to the briefing information provided to me. I understand there are quite often lengthy delays in between a decision being made and it eventually being enacted—current circumstances—and that has been turned around with this bill.

Another concern is the implementation cost of the code requirements (as an example, CCTV). Is it possible, if the minister has some information on that, or if the department or the commissioner have done research on that, just to give an estimate of what the cost might be to industry to do that? There are also privacy issues related to CCTV in private areas. Never having been involved in these private areas, I have been told by others about some of the services that might be provided in these private areas, and I am wondering how extensive the CCTV network extends to those areas. Or, is it limited to open space where there are 200 patrons or more? I am wondering whether the minister could provide some definitive answers about how extensive it is intended for the CCTV network to be placed within the facility.

Licence enforcement not being used enough previously has been an issue put to me by a few, where they respect the fact that the laws exist to provide for that to be done. They do know about the excellent work being done by police, of course. We would hope for more police to be in that area, but they just enforce the fact of the relatively low number of convictions when laws have previously existed to allow that.

They have raised the question of public safety outside of the venues. I note that part of the code is the regulation efforts to actually maintain those areas where people are waiting to get into a club and the public information that has to be provided about public transport from 9pm, so there are efforts being made there. There was a question raised with me by a few people about why the code provisions do not apply to the Casino. I understand that is a very significant operation looking to invest in the state. No doubt, all of us want to see that investment to occur, so I just put that on the record.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: Not my intention, minister. They enforced with me the recent New South Wales initiatives, such as sobering up centres, to reduce alcohol-related violence. As I have reflected upon before, there is one established in the more central location, where it is mandatory as long as the police officer believes that there are issues related to the need to put that person in there. There are two non-mandatory centres that New South Wales has also established, where the person has to agree to go in. It allows them to go in and, in safety, sober up. That is a positive step forward.

There is absolutely no doubt, for me, that offenders have to actually be held responsible for it, and that is where a lot of it comes to. We all get so frustrated when we have seen examples of the inability of a system to identify who an offender has been or the inability of people who might

have been witnesses to an offence to identify who it is. In some cases, I feel that there is a lack of witnesses coming forward because of the fear of repercussions.

I know, in my own case, on one weekend that I was in Adelaide, my son was with a group of friends in the CBD and rang me at about 3 o'clock to come and get him, because he and his group of friends had been involved in an altercation with some people, who were actually on a bus. One of his friends was knocked unconscious and taken to hospital. My son was hit also and had some issues related to that, so it is important that we try to educate as much as we can to make the situation a lot safer for everybody.

I also want to put on the record, I suppose for the benefit of the public reviewers at a later date, that Mr Green also provided me with a copy of the details from when the draft code was first released last year compared to what the code that will come into force on 1 October is. Venues were initially intended for 2am (now it is from 3am) and to not serve discounted or free alcohol from 12am. I do note that that has been removed due to legislative restriction, which is addressed in the bill.

To not supply more than four drinks at a time was in the draft, and that has been removed in this code. The restricted use of glassware was from 12am in the draft, and now in the code it is 4am. 'Ensure that food is available'—that was in the draft, and that has been removed. Nothing to promote the rapid consumption of alcohol from 2am—that has been changed in the code just gone out to 4am.

The Hon. J.R. Rau: We had to because of the legislation.

Mr WILLIAMS: Yes, the minister confirms they had to because of the legislation. In the draft, not serving drinks with more than 30ml of spirits from 2am has been changed to 45ml of spirits from 4am. Closing footpath service areas and outdoor areas accessible to the public from 2am is identical, and prohibiting re-entries and new entries from 3am, again, is in the code.

The display of information about taxis and public transport at all times has only fractionally been changed to make it from 9pm onwards. That would be for venues with more than 200, and that is also identical. High definition CCTV at all entrances and exits at all times for all venues in the CBD is also identical. The use of metal detectors to screen customers upon entry is continuing. To have designated drink marshals has been changed slightly to only apply to facilities with 200 patrons or more. To have an on-duty staff member with first aid training has been continued, but only for facilities with 200 patrons or more.

The changes as part of this bill are to expand the objects of the act to include that the sale and supply of liquor occurs in a manner that minimises the risk of intoxication and associated violence and antisocial behaviour; to allow the commissioner for liquor to impose a condition on a licence immediately; and to better define intoxication, which we might talk about later on when we get down to the bill itself.

I do have a general question which extends a bit to a question that I posed to the minister in estimates where I talked about inspections that are intended to take place and, indeed, if there were going to be more resources put into it and, if so, was it at a cost? The minister, in his answer to me in estimates, noted that additional resources had been provided in previous years and that there were people out in the field and it was not intended to put in more resources from this. The minister is nodding his head in agreement, but if I can please get on the public record confirmation that if there are additional resources, how many, and if so, at what cost?

The Hon. J.R. Rau: We can deal with this in committee, if you like.

Mr GRIFFITHS: That is all right. There are some things I want to take up in committee. I know there was also a report to the Legislative Review Committee which, as I understand it, was put into parliament to lay on the table from 4 July. I take it that that means that this is considered to be a regulation which lays on the table for 14 sitting days and a disallowance opportunity exists. I am not saying I am going to do that, I just want to ensure that if the commissioner's Late Night Trading Code of Practice is laid on the table that it is considered to be the regulation and those provisions still apply.

We will talk about the amendment that I am also suggesting as part of the committee work. I have talked to a lot of people about this and some of the feedback that has come through to me I think is worthy of putting onto the record. If we want a vibrant city, we have to have a safe city. That is very true and that is why you are doing things. A safe city is not created by keeping people at

home and inside after dark, so we create a forum and the Adelaide Oval investment and the footbridge is all an example of that, of trying to get more people into the CBD.

The person I spoke to noted that, from their perspective, international evidence strongly supports that the more people out and about, the safer an environment will be. I have to believe that too. If there are more people around there is more chance of safety in numbers.

The Hon. J.R. Rau: Unless they are full to the brim with alcohol.

Mr GRIFFITHS: True. This person went on to say to me that there has been no evidence presented to support the intention that the few premises which have 24-hour licences are the source of our problems. I do know that there was some action taken in early January against 13 facilities, I believe, which has been on hold for some time. It would be interesting to know if the minister has any additional comments on that and about how that links in.

This person proposes that rather than punishing the venues, a range of different measures can be introduced or better enforced which will make our entertainment precinct safer. They gave the example of the car parking issues that exist in Hindley Street—has there ever been any thought to removing some of those, even if they are on the peak nights of Friday and Saturdays and in the early mornings to make them taxi rank stands so there are more opportunities for people to get in and out quickly?

The standards of our taxi services need to be improved so that young females—and this was a lady who spoke to me—can feel safe travelling alone in a cab. That is a wider-ranging issue and I have spoken to the Taxi Council about this too. There is no doubt that for the 1,100 or 1,200 taxis that are on the road, you are completely safe in 99.99 per cent of those. But there are some concerns there.

One of the problems confronting police is the fact that, if they do arrest an individual, there is a concern that they have to take up an enormous amount of time in actually taking them back to the police station and going through the processes of that, which could take up to several hours, therefore taking an officer away from roles. The New South Wales example of mandatory centres—or non-mandatory centres, actually—might be a way of looking at that in the peak CBD area.

It is important that we develop some sort of on-the-spot infringement fine that could be issued. I note that that is from \$160 up to a \$500 fine, but it all depends on the number of those that are actually issued, because word of mouth spreads very quickly about people who have been caught and it encourages others to make sure they do the right thing. There is no doubt about that.

There was a question raised about the number of police who are actually operating in these peak entertainment areas on these nights. I would be interested if the minister could confirm that with me. Obviously it is an operational matter but, from the liquor licensing issue, there must be a lot of dialogue that occurs with the commissioner about the number of police who are scheduled to work. I would be interested to know the numbers and also the time frames in which those numbers are operating on those Friday and Saturday nights and early mornings.

This person has gone on to suggest this time-out bus, which is a bit like what New South Wales has done, where there is a chance for people who are obviously under the weather (or whatever term you want to use for it) to get away, to cool down and sober themselves up a bit, and I wonder if there has been any thought to that sort of resource. I know it comes at a cost but it also comes at a potential saving if those people are not out there creating issues for others.

The person did go on to say that all premises that are licensed have that licence subject to meeting all licensing requirements. Accordingly, if there are any issues between the licensed premises and violence and alcohol-fuelled behaviour, the existing licence requirements need to be properly enforced. That goes back a bit to other submissions that have already been put on the record, stating that the laws do currently exist. That is the concern of some sections: the laws are currently there but they may not be being utilised in the way that they were intended to be.

Proprietors advise that licence inspectors, according to this person's feedback to me, rarely walk into the premises and certainly not at the late-night and early morning hours as they should. We know about the targeted programs, and I have referred to the 25 last year and the 30 this year. But I would be interested to know, of the inspectors who are out there, how many are actually out at those peak times and what number of inspections might take place at those peak times, too.

An issue has been put to me that there should be better lighting for the lanes and alleyways. I presume that relies upon some negotiation with the Adelaide City Council and the

business premises also about trying to improve public safety there. I think I have read about Adelaide City Council's putting up an investment in CCTV, and I am just wondering whether the government is contributing towards that, expanding upon it or helping with it.

A suggestion was put to me about more street seating in lit areas to actually encourage people, instead of being in these facilities, especially in the warmer months, to take the opportunity to actually be part of a group that will sit and talk for a little while without necessarily having alcohol with them.

Before I sit down, I just want to reinforce the fact that the Liberal Party has never supported the mandatory closure, and that goes back to earlier debates in the previous parliament about this. The amendment we are proposing is a continuation of that policy that we have held for a long time. The amendment we are proposing is to section 11A and is not designed to impinge upon any other authority that the commissioner or the minister have in proposing a code. The late-night trading code is, I understand, the third code that I think the commissioner has put in place. It purely relates to the ability to introduce a code provision that will impact potentially quite significantly upon a business.

I do recognise that, because there is not bar hopping, there will be people who stay there until they decide to leave. I do not doubt that, and there are no doubt some venues that are probably more popular at different times of the evening too, so they might miss out on an opportunity for that next level of client to come to them, but the question I pose is: what is the effect on the value of the business? If it is licensed to operate across a certain period of time but a code provision is put in force, is there some level of detrimental effect on that and will that create some financial pressures for them?

There are other members who want to make contributions to this. There will be some questions in the third reading on it and obviously the debate about the amendment, but I do commend the minister especially in the last six or seven months for the consultation that has occurred on this. I do know it is across the industry. I do know there has been a lot of public discussion about the late-night trading code, so it is not something that has suddenly come out of it.

It has been out there for a while. It has been talked about and there has been dialogue with the operators about this. I know they have had preparation time to get ready for things. I am not looking to make any investment that has occurred a waste of money: I am just looking to have a discussion about the impacts that restrictions on time and opening of doors might have. I look forward to the contribution of other members.

Mr VAN HOLST PELLEKAAN (Stuart) (11:40): I rise to support the comments of the shadow minister for consumer and business affairs on this very important issue. I am a former publican in the outback. I have held quite a few liquor licences—me, my company and my business partners—four, in fact, and four of them simultaneously. It does not make me an expert on this issue because it is a long way from Hindley Street (I acknowledge that), but it gives me some insight into the issues and I spent some years running licensed venues. One of them, in fact, was a 24-hour liquor licence—24 hours a day, seven days a week, non-stop for 365 days a year, serving alcohol. Certainly, on Good Friday and Christmas Day, and other times throughout the 24-hour cycle, there were different guidelines and rules about what you could do and how you could serve your alcohol, but it was pretty well non-stop.

The other important thing I would like to say, as did the member for Goyder, is that the Liberal Party opposition agrees with almost everything in this bill and it would be a great shame if the area that we disagree with the government on was turned into something bigger than it actually is. We really do understand how incredibly important it is to deal with this issue. We really do understand the issues about alcohol abuse and the health issues that result from alcohol abuse (alcohol-fuelled violence), and many other very important issues that affect our state are not to be overlooked and we do take them very seriously.

As the member for Goyder said, we agree with the minister and the government on the vast majority of issues in this bill, but we do not agree with the 3am lockout or, as some people call it, the 3am lock-in. I can also say quite openly that I have no desire to be drinking anywhere at 3am—I cannot see why that is necessary—but there are plenty of people, plenty of adults, we know, who are legally entitled to do so and who have a different opinion, and they go about taking up their right very regularly.

In relation to this issue of the 3am venue, I would like to put on the record clearly that it has received favourable feedback in Whyalla and a couple of other places where it has been used, but I

think the distinction is that a regional centre such as Whyalla and the CBD of Adelaide (which is really where it would be in effect) are very different places. The number of premises and the number of patrons are extremely different and they require totally different management, and the number of risks on the streets late at night in Adelaide compared to other parts of our state are very different as well.

I am especially concerned about the likelihood, if this comes into effect, that on a Friday or Saturday (or any other night of the week, potentially) at 3am on Hindley Street, or other CBD locations, there would genuinely be mayhem. I do not mean mayhem in a global catastrophe sense but mayhem in terms of managing the precinct and venue responsibly when people flow onto the street because they do not want to be locked in or locked out, depending on your perspective. I have heard a lot of people use both terms, including the police. That would be a very serious issue.

We are only talking about this because there are lots of people. If there were not lots of people in these late-night venues at 3am, we would not even be talking about this issue. So, by definition, there are a lot of people who will be caught up in this. Some will choose to stay and some will choose to go, but the reality is that anybody who leaves a venue after 3am will not be able to re-enter another one.

I think that has significant risks, particularly for more vulnerable people, and particularly women. That is in no way trying to say that women are less responsible for themselves than anybody else, but they are, by definition, less physically capable of looking after themselves on the streets, although perhaps more mentally capable. Women would be put at risk, and they have said this.

Young men perhaps could be at risk as well when they are alone on the street late at night and cannot enter a venue for either another drink, something to eat, protection or whatever it might be. They might be at risk of violence from other men. If someone is locked out of a venue, perhaps inadvertently, and separated from their friends, a man or a woman, they will certainly be at greater risk on the streets than if they were with their friends on the street.

We all know that people have mobile phones and can call their friends, but that may not work because the friend is perhaps intoxicated and not quite as alert as they should be (and we are only even discussing these things because that is exactly what is happening at the time; if that was not the state of play this issue would not be being discussed), or they might be in a night club and cannot hear the phone ringing. So, the friend might be outside, inadvertently locked out, and the rest of the group of friends are inside, not knowing that their friend or colleague is outside, and would not even be aware of it.

So there is great risk of people being locked out of venues and on the streets, and that puts the police in a very difficult situation. The police do everything they possibly can to keep people safe on our streets and in licensed venues as well, but having potentially an influx of people onto the street at or after 3am, who cannot re-enter other facilities, will make the job of the police even more difficult.

I say very clearly that the real issue here is about the operation of the venues, it is about the way the licensees go about their work and, equally, perhaps more importantly, it is about the way the customers, the patrons, go about their business, how they behave and how they go about their night out. I will never agree that it is up to a patron to hit the town, paint it red (as the expression goes) and, when it does not turn out well, say, 'It was somebody else's fault because I was not looked after properly'. Certainly there is a strong responsibility to look after patrons, but there is an even stronger responsibility for everyone who wants to be a customer in these situations to be responsible as well.

I wonder about the possibility that venues will increase the prices they charge after 3am. After 3am the people running late night venues know that the customers who are in their premises cannot drink anywhere else, except perhaps at home or at a friend's house. They cannot leave those premises and go to another venue, so no doubt there will be the temptation to increase prices after 3am when, essentially, you have a captive audience, when people there will have no choice, if they want to keep drinking in that part of town, but to drink exactly where they are. It really is the operation of the venue and the behaviour of the patrons that is most important.

It might interest this house to know that, when I was running a 24-hour liquor licence in the outback, I actually chose to close between midnight and 6am on weeknights for quite a few reasons, the main reason being staff safety in that situation, which I am sure is quite different from

Hindley Street. I was very uncomfortable with the fact that my staff, late at night in a remote place, could have to confront a whole range of people or events that might come along in the middle of the night, out of the blue, and put them at serious risk.

There was a reason why this venue had a 24-hour liquor licence: because we had 24-hour customers. It was very close to Woomera and the Narrunga tracking station and to Roxby Downs. It was very close to a whole range of customers who, for all the right reasons, had a 24-hour cycle that was out of kilter with what most of us would consider normal, so it was quite responsible for this venue to have a 24-hour liquor licence, but I decided to change that. It was an operator decision and not an enforced decision or new law; nobody came along and said, 'You have to do this, you have no choice'. It was an operator decision that I made primarily for the safety of my staff.

Just as an aside, one of the greatest challenges that we faced at the time of deciding to close at midnight was how to lock the doors. We had locks on the doors but no keys because the doors had not been locked for probably a decade, so that was interesting but we managed to get over that, of course. It really should be an operator decision. We have rules and regulations and they get tighter as time goes on with regard to the responsibility of venue operators, as do the rules and regulations that apply to the behaviour of patrons. I think the issue here is to make sure that people act responsibly, not to lock them in or to lock them out.

Let me say in conclusion, I think this bill may well have some very serious unintended consequences for a whole range of people, including the police who have to manage the streets 24 hours a day. The opposition does very genuinely agree with the vast majority of things that are included in this bill. This is the area, though, that we do not agree with.

Let me remind the house of the difficulties that existed decades ago at 6pm when we had 6pm closing, essentially for the same sorts of reasons. It was a different time, different community, different expectations, but broadly there was a view that there was no need, that it was inappropriate and people who were drinking after 6pm were probably going to cause trouble and mischief. That led to the 6pm swill, and I am sure that no member of this house wants this legislation to lead to the 3am swill. The 6pm closings did not work, and I suspect that the 3am lockouts will not work either.

Ms SANDERSON (Adelaide) (11:52): I rise to speak on the Liquor Licensing (Miscellaneous) Amendment Bill. As the member for Adelaide, most of the licensed premises that would be affected by this bill are in my electorate and I have had considerable correspondence with those businesses. I have taken quite an interest in Hindley Street from a safety aspect and because it is known to be a vibrant area but sometimes also a problem area.

I have been involved in two of the Adelaide City Council's safety audits that are done between 11pm and 3am where you visit and look at the lighting and the safety and all the different considerations along Hindley Street. I have also doorknocked every business during daylight hours to get feedback. I have also been on another walk with the head of the west end night traders where I was able to enter most of the venues in Hindley Street so that I could see for myself. Not being a late night party person myself, I had not been into most of the venues before but as the local member I feel that it is important to know what is going on.

Some of the residents in the city—in fact, some of the Neighbourhood Watch stalwarts for the south-west Neighbourhood Watch—would say that there is quite a beat up on safety and that they have lived in the city for 50 to 60 years and there has been no increase in alcohol fuelled violence, there has just been a greater increase of media attention and more awareness brought to it.

I had my office try to verify—you know, let's find out what is the extent of the problem that we are dealing with here. Certainly you could say that there is a problem if there is even one lot of alcohol fuelled violence in a city and that there is a problem because we do not want any violence in a city. However, you need to examine the extent, you also need to examine the possible ways that you can reduce that. My office tried to get figures for Hindley Street but they are not available. You can get local government areas and you can also get the city council areas but my office has been unable to get street by street figures where you can get a comparison over the last 10 years, for example, to see whether there has been an increase in violence. Is there a problem or is this just the media? Either way, there need to be things done to make Hindley Street safer but is this the right way to go about it?

From my safety audits I could give you a list of 100 things and 100 ways that we could make Hindley Street better and safer. Things have been mentioned by other members so far such as better lighting. There are some alleyways. My office was on North Terrace for about eight years, and in Woodsons Lane, for example, every Monday morning there would be vomit, urine and broken glass on my way to work. So there needed to be better lighting; perhaps there needed to be more toilets available, some urinals, the pop-up urinals that they have in other countries. There are certainly no drinking fountains, there is a lack of lighting, there is a lack of seating. There are many ways that we could improve safety.

Safety is absolutely one of my priorities. I recently visited the Melbourne City Council CCTV camera control room and their control panel, where I saw how they manage safety in their city. They have 70 cameras with two staff watching those cameras 24 hours a day. I visited the Adelaide control room, and there were five staff, from memory, and four of them were only monitoring alarm calls to buildings, and there was only one person monitoring all of the cameras in the city, which is absolutely impossible. So, basically the system of cameras, the way I see it, in Adelaide is more responsive or reactive; if there has been an incident then it will show up. However, it could be used proactively with proper staffing levels, in my opinion.

On one of the safety audits that I did, when I was walked back to my car in front of Parliament House, clearly there was a gentleman who walked up and down North Terrace three times purposefully bumping into people coming in the opposite direction. In my opinion, there should be a CCTV camera in front of Parliament House, and I am certain there is. If a police officer was proactively watching that, they would have sent someone out immediately, because even I could tell that that person was going to be staying in the city until they found someone who would respond to their aggressive behaviour and start a fight. They went up and down in front of Parliament House looking for trouble, and in my opinion they should have been watched on a CCTV camera, and someone should have noticed that behaviour and had them move on immediately.

There are plenty of proactive ways. We have red teams and green teams; we have got the Salvation Army; we have got the Edge Church; we have got so many groups of people available on Hindley Street to deliver coffees, or water, or help people, but they are not coordinated. One of them could easily be in that control room on a Friday night or Saturday night, possibly an older person or a person with a disability who cannot do the street walking and who definitely wants to help. They could easily be there coordinating, saying, 'There's a young girl sitting in the gutter in a laneway. Could you send your blue team around to go and see that she is okay?' There could easily be vans with sausage sizzles and food, that are helping people that have drunk too much and get them off the street or get them to a safe area.

I question whether a blanket restriction on all businesses, whether they are troublemaker businesses or not, is actually a fair thing to do. I question the restraint of trade. If these people have legitimately been awarded a 24-hour liquor licence, so they have gone through the proper process, and now you decide by legislation to blanket it and tell all of them that is no longer valid and they now no longer can admit anyone else after 3am in the morning, to me that is unfair. To me, that potentially reduces their income, which reduces the value of their business, which would affect, then, any debts they have against it and their ability to buy other businesses. It could affect a whole chain of businesses. When you devalue something you affect a lot more than just that business; it would affect everything that that business owner holds, so I do question that.

I question the retrospectivity that, if they do have a license that they obtained in a legal manner, you can then say, 'Well that's no longer available; we've changed the conditions, I'm sorry,' and you do not even have a valid reason. In New South Wales, for example—and it is something that I think should be considered—they have a bit of a points system, so if there are premises that cause trouble, why not restrict their licences, so that if there are 10 incidents in a year, their liquor licence might be brought back to 2am. If somebody has had five incidents for the year, they might have to shut at four and earn that privilege back.

Everybody is being punished, including wine bars and businesses that possibly even serve food or anything. I think it is unfair to punish everybody for the failings of a few, which brings into question whether it is even the premises that are causing the problem here. What about people's personal responsibility to look after themselves, to drink to their limits and to be responsible for their behaviour?

It was only in 2011 that South Australia brought in, through the liquor licensing provisions, an on-the-spot fine of just \$160 for offensive or disorderly conduct. There are a few problems that I

see with this: firstly, you must be in the vicinity of a licensed premises. I remember that, when this bill first came up and I was researching it, there had been a fight on a bus near Frome Road and there had been, I think, a stabbing in Rundle Mall at 2pm on a weekend. They are not in the vicinity of a liquor licence venue and they also did not occur between 3am and 7am. So, I think it should be covered under the summary offences, it should be an on-the-spot fine and it should be a lot higher.

In Victoria, for example, for a first offence of drunk and disorderly, there is a fine of \$704, which I think would make you really think about whether you want to go out and get drunk and be disorderly on the street. If you do that again, it is \$1,408. I think that fining the actual troublemakers with a really heavy hand might make them think about what they are doing. I think a \$160 fine, which is only in the vicinity of a venue—

The Hon. J.R. Rau interjecting:

Ms SANDERSON: You have put it up? Terrific.

The Hon. J.R. Rau interjecting:

Ms SANDERSON: That's good to know. It has been put up to \$500, so that is terrific. The other issue is that it should not only be in the vicinity of a licensed venue because the definition of 'the vicinity' is not clear. Many of the police who I have spoken to are hesitant to even use it because what is the definition of 'in the vicinity'? When I was on one of my night audits, I said, 'Surely that would mean the whole of Hindley Street, because there are so many licensed premises that, anywhere on Hindley Street, you should be able to receive an on-the-spot fine?' The answer was, 'No, you need to be in the vicinity of a licensed premises.' So, I think that is an issue as well.

I think that, if someone is drunk and disorderly anywhere in the city or anywhere in the state, they should be able to be fined and I think it should be under the summary offences and have more power than it has just being under the Liquor Licensing Act. There are many things that I think that we could do and we could do better to improve the safety of people in the city and the residents in the city as well.

One of the issues is the CCTV cameras. We are still waiting on the government's report and the city council's report to be released. While the city council and the Labor government have not actually got a plan—that we have seen, anyway—for CCTV cameras and better monitoring, better surveillance and proactive use of the cameras, they are wanting the venues to add another cost to doing their business and do what I consider is perhaps the job of the police, which is to have a camera system throughout the city and North Adelaide which is proactively monitored to stop trouble before it happens and not just be used to have evidence after the fact. It is too late, when somebody has been king hit and they are knocked out or brain-damaged or permanently disabled, to just have good footage to prove who did it. I think the cameras should be monitored properly and they should be used in a proactive manner to stop any violence.

Other issues that have been brought to my attention include the fairness of the exemption for the Casino and the troubles that will also cause on North Terrace if the only venue you can go to after you have left Hindley Street or other areas in the city is the Casino. I do not think they would want that trouble either. They are going to be put in a very awkward position with potentially drunk or disorderly people trying to get in. They will all be loitering around the front, which causes line-ups, which causes fights and which causes trouble.

Another issue that I can foresee is, when I have been on these visits to the city, a lot of people are sitting outside and eating. I would encourage people to eat if they are out clubbing, but, with this new lock-in, it means that you cannot actually leave to go and get food if you are with a group of people or if you plan to keep going, because you will not be allowed back in. I think that could also affect the food businesses, because their market is now gone. I think it will have an effect on other businesses, rather than just the licensed premises.

These are the main points that I wanted to mention, the fact that I think a blanket ruling is unfair for those law-abiding premises. I think that harsh penalties for those actually causing the trouble, and penalties or restrictions for the premises that are causing the problems or where the trouble is occurring as well are fair enough, but a blanket ruling that affects everybody is certainly not part of the Liberal philosophy. Whilst I assure you the safety of everyone in the city is of great concern to me, I can think of at least 100 ways that I could improve that that would be less draconian than this bill.

Mr VENNING (Schubert) (12:06): All matters of liquor licensing are of interest to me as the member for Schubert—that includes, of course, the Barossa Valley and the wine industry and

its link to tourism. We all agree that the control of the sale of alcoholic drinks is important, but on the other hand, we do not want to live in a nanny state either. I therefore join my colleagues in opposing the 3 o'clock lockout. Three o'clock is too late, if this is seen as a method of controlling alcohol fuelled violence, which we all are very concerned about.

Most venues in my area are closed voluntarily well before that time anyway. The latest one in the Barossa that I know of closes at 2am. Yes, we have had a few incidents over the years, but I am pleased to report that it has much improved in recent times because it has been brought to the attention of the hotelier and he has taken the steps to fix it. I have been in that hotel myself at night just to see what goes on.

I pay tribute to the police, particularly the Barossa police, for the positive and active role that they play in relation to this, because they are the only ones out there at night, keeping the peace. We did have one serious incident two or three years ago involving a highly intoxicated lady and three police officers who were accused of unprofessional conduct. You all know about this; it was in *The Advertiser* and a very strong opinion was put, which I thought pretty unfair.

I just happen to know these three officers, one personally, who has since retired. They all have excellent police and community records. In my last days here, I want to put on record my full support of those officers and the action they felt they had to take. It became a very public issue, with very inflammatory accusations. To the three officers, I publicly apologise for the public aspersions on your professionalism and characters. It really was a kangaroo court and they were not able or given the opportunity to defend themselves. I have no problem in accepting the word of the police and not the so-called victim. It really was extraordinary and extreme behaviour and had to be forcibly restrained. Whether it was alcohol or drugs, I do not make that accusation, but it was extreme behaviour.

What is the answer if we are to oppose that part of this bill, although we agree with most of it? We need to change the public perception about excessive alcohol abuse. Firstly, it is a health issue. It is bad for your health if you regularly write yourself off. Two standard drinks are okay; any more and you are going to hurt yourself. Secondly, drunken and lewd behaviour is not acceptable, not macho, not sexy, and not on. It is gross and it is boorish. We need to put that message out there.

We need to run a similar campaign to the quit smoking campaign, which really was effective. It really worked and it has now reduced smoking. I know that that program was initiated by a Liberal minister, the Hon. Michael Armitage. I was sitting here, and I thought, 'This won't work.' Can I say, it certainly has. I know that the blood alcohol testing of drivers has had a very positive effect, and, of course, drug detection as well, which is much worse than the government thought. Of course, history will reveal that the Liberal Party wanted to introduce that much sooner than the government did. Now we are seeing that the statistics on drug related accidents, violence and fatalities are frightening indeed. We need to enforce this message. Remember, controlled alcohol consumption can be good for your health and quite therapeutic in moderation. I remind the house that I was a teetotaler when I first came to this place—

An honourable member: And you've made up for it since.

Mr VENNING: And I have made up for it since! I do not regret it one bit, and I control it. I do not regret it, because I think it is a relaxant, and it enables me to settle down and sleep well and, anyway, it is a key industry in my electorate of Schubert in the Barossa Valley. We need to promote drinking in moderation, cut the drugs, live longer and live better. Remember, two of alcohol, one of water.

I also pay tribute to all of those in hotels and clubs who do all they can to encourage responsible alcohol consumption and enforce behavioural standards. I take my hat off to them and we recognise their efforts. I can remember 6 o'clock closing clearly and, you are right: it was a mad dash at 6 o'clock with people pouring it down or lining them up along the bar. That was from the Tom Playford era and one thing that Dunstan did, and I think it was the right move, was to abolish that, and it was the end of 6 o'clock closing, so I think that open trading is accepted as normal.

The Hon. L.R. Breuer: You're too young. Were you there with your dad?

Mr VENNING: I remember that the member for Giles knows how old I am because she is not much younger herself. A little bit. Yes, if you put it against the calendar you will see that we can remember quite clearly.

The Hon. L.R. Breuer: You must have been there with your dad.

Mr VENNING: I was too young to go into the hotel, for sure. Not that my father ever went into the hotel—never. We were Methodist and they did not go into any hotels but, after sport and things, you would often be near the hotel and you could see what happened after tennis—down to the pub, quick, quick; you had an hour to get full. That is what happened: abuse. So, it was not me but I saw it happen. I agree with the member for Adelaide. Why should you punish all the responsible outlets for the mistakes and foolishness of a few? I think that is a very good comment.

Finally, to the Hotels Association, particularly Mr Peter Hurley, we recognise and commend your efforts in being proactive and positive in publicly airing these views. We are left in no doubt as to what the Hotels Association thinks. It has a good reputation, and it will defend and protect that reputation. We agree with the tenets of this bill, or most parts of it, but the 3am lockout (or the lock-in or whatever you like to call it) is not supported by us. It really is, I believe, an overreaction.

The DEPUTY SPEAKER: My apology: member for Mount Gambier.

Mr PEGLER (Mount Gambier) (12:12): Thank you Mr Deputy Speaker. It is nice to see that we are all awake today. I do support the intention of this amendment bill to curb excessive alcohol consumption and alcohol-related violence. There has been a new code of practice under the Liquor Licensing Act which came into force on January this year, and clubs now have to undertake a risk assessment and develop a management plan with staff and volunteers completing training on the management plan.

One of the problems I have with these types of bills is that often they have very detrimental effects on some of our very small clubs, particularly out in the country. I would like to congratulate Clubs SA on the development of a template management plan as well two liquor folders, the liquor compliance folder and the liquor records folder, to assist clubs with their liquor licensing requirements. They say:

These folders have been a huge success with both Clubs SA members and government as they're a one-stop-shop for all things liquor licensing.

I have had clubs approach me in my electorate with the responsible service of alcohol and the fact that they now have to have people trained, etc. and, whilst under section 71(1a) there is no fee for those small clubs, it still costs them about \$40 to get each person trained, and that can be quite onerous on those very small clubs. I do note that under section 97(2), with those clubs that do have a limited scope of business there can be an exemption granted by the Liquor Licensing Authority.

Exactly how that works, I do not know and I will be seeking further advice, but we must always be careful—because these clubs are so important to our communities—that they are not put in a situation where they can no longer operate, so I do plead with the government of the day to make sure that our smaller clubs are not put in jeopardy in bringing a bill like this before us, which I do support in the fact that we do have to stop a lot of this over-consumption of alcohol and the violence that comes about because of it.

I also support strongly the proposal to have an industry-wide approval for the licensing of responsible persons and, particularly out in the country, often it is the same people who will help at different clubs. If they can have a licence that basically goes right across all those areas, it will make a big difference for all of us, so I certainly support that.

As far as late night lockouts go, there are various opinions. I do believe that we have to make sure that people are not just moving from one to the next to the next all night and causing trouble as they move from each place but, by the same token, those businesses that do have license to operate should be able to welcome patrons. However, it is often abused in the fact that a lot of our people now do not seem to go out until about 12 o'clock and they will go to the pub for a while and then go to another club till about 3 o'clock and then to another club and another club and we end up with them walking all over the streets half or fully full some of the time. I have a mixed opinion on that one, but I will listen to the debate carefully before I make up my mind on that. I do commend the bill and the intentions of the bill.

The Hon. R.B. SUCH (Fisher) (12:17): I support this bill and I would like to canvass a few issues. For some reason alcohol in our society is often given a free rein with significant detrimental consequences. I drink. I do not drink a lot. I have never been drunk, but I enjoy a wine, usually from the southern vales—I can say that; the member for the Barossa area is not here—and I enjoy the odd beer, but our society is literally drenched in alcohol and, sadly, a lot of people cannot handle it.

I think the first point is that there needs to be improved education and awareness about the consequences of consuming alcohol. It is a poison. It is a toxin. We have just heard evidence in

one of our committees from an expert saying that there are 10 cancers directly linked to the consumption of alcohol. We know the other problems are domestic violence, drink driving—obviously by definition—and there are a lot of other health issues as well.

It is a commodity that needs to be controlled. We do not have to go quite as far as the Muslim countries, although I think they recognised early on the negative consequences of alcohol and they banned it entirely. In the United States we know that the legal age for consuming alcohol is generally 21, but I do not think that change will occur here from the current age.

Recently I was in Coober Pedy with the Social Development Committee looking at the use and abuse of alcohol and we heard that in that town, which has got approximately 2,000 permanent residents, last year they sold 18,000 four litre-casks and then on top of that thousands of bottles of wine, plus beer, plus spirits. What that is doing is destroying the Aboriginal people and some of the non-Aboriginal people who are consuming to excess, people coming in from the APY lands, which are dry areas, and drinking to excess and basically risking a premature death. It is a situation which I believe the Liquor Licensing Commissioner is going to address. I hope so.

I think that we, as a community, as a government and as a parliament, have to stop pussyfooting around with the consumption of alcohol. Yes, we should allow people to consume alcohol sensibly and appropriately, but we should not tolerate the consequences of bad behaviour. I believe the onus should always be on the consumer. I have always said that in relation to the sale of cigarettes. The emphasis tends to be on the retailer. I believe the emphasis should be more on the consumer when it comes to accountability and responsibility for one's actions.

The New South Wales government has recently introduced a measure called the Intoxicated Persons (Sobering Up Centres Trial) Act 2013. There is an article in *The Australian* of 9 July this year by Nick Cater—I think many members here would recall his days in Adelaide—titled, 'The crime of being drunk in charge of a fist', in which he states:

The chances of being run over by a drunk while crossing Sydney's George Street on a Friday night are somewhat smaller than they were in the 1970s, before the introduction of random breath testing.

The chances of receiving a rum and coke-fuelled headbutt are, however, considerably greater since the offence of being drunk and disorderly was removed from the statute in 1979. There is zero tolerance for drunks in charge of motor vehicles, but drunks in charge of fists or other hard-edged body parts are simply asked, politely, to move on.

He goes on to point out that the bill (to which I just referred) is:

...a modest attempt by the Barry O'Farrell government to deal with this peculiar anomaly. For the first time in decades, police will have the right to remove tanked and troublesome patrons from the streets and place them in holding pens until they are capable of getting themselves home without king-hitting anyone foolish enough to make eye contact.

I think that this is a trial the government should watch with interest. It is a preventative measure in terms of someone who has had too much to drink and is likely to engage in behaviour which is going to hurt someone. How often, just this year, have we heard of a young male (usually) who cops a whack in the face, sometimes with fatal consequences.

I think we need to get back to a situation where being drunk in a public place requires a response. I know we have mobile assistance patrols, particularly for Aboriginal people, but that is really trying to deal with the problem, in some ways, after the horse has literally bolted. Sure, we need to deal with people who are intoxicated in terms of ensuring their health and well being, but I think we need a tougher approach to people who are walking time bombs, those who have had too much to consume and are looking for someone to punch and to harm.

The lockout provision, which seems to have got the opposition excited, I think has merit. I do not understand why anyone would object to it. If you are in a premise and getting alcohol, I do not see why you should be able to walk down the street and enter another place and get even more sloshed. Newcastle has introduced a lockout provision which has worked extremely well, and I urge members to look at what has happened there. Physical assaults and other unacceptable crime has reduced significantly since the introduction of a lockout provision.

As we know, after midnight at a lot of places people indulge in shots and get hyped up on too much alcohol. If you are in a venue and you have had a fair bit to drink, I do not think it is appropriate that you can then hotel shop until you get even more blotto. So I do not agree with the opposition on this particular section. I think the commissioner should have the power to insist on a lockout but, as I understand it, a licensed premise would have a right of appeal or the ability to go to the commissioner if they could argue that they had a good track record in managing the

consumption of alcohol. I think the opposition need to reconsider their attitude to this, because I think it is a reasonable proposal.

One matter that is not addressed—and we obviously cannot address every issue in one bill—is a concern that I have had for a long time in relation to foetal alcohol syndrome. There are several Aboriginal people within my family. One lad was not allowed to be adopted in South Australia because we have a racist policy where Europeans cannot adopt black children. One of my close relatives has two Aboriginal boys who have now reached their latter teens, and one has now fathered three children.

Sadly, some of the children of that partnership are suffering from foetal alcohol syndrome. One of those lads was permanently affected himself with physical deformity and all sorts of health problems, which will go on forever, and are now being repeated in the next generation. He is Aboriginal and he married an Aboriginal lass. She did not drink for the first pregnancy, but the second one she did. We believe that youngster, now at the age of two, is affected. The child is being treated at Flinders for an eating disorder at the age of two. We suspect that the third child will be affected also.

When my relative contacted the police in Murray Bridge to say, 'What can you do? Can you help?', because the mother is so intoxicated and a threat to herself and others, my relative says that the sergeant there said, 'We don't want to get involved in this', and he referred to the situation in Murray Bridge as 'genocide by welfare'. He said, 'Go and talk to some other agency. We are sick of trying to deal with these issues. We get no support.' What we are seeing now are more young children permanently affected.

People talk about sexual abuse, but foetal alcohol syndrome is a permanent disability. One of the boys who was fostered by my niece will never be able to work, but the other one may be able to, hopefully. What we are seeing is a repetition. This issue is not about violence; we know it is a cultural thing. As a society, a parliament and a government, I do not believe we can sit back and allow people to destroy themselves and their children, whether at Coober Pedy or anywhere else. I think that is an issue that needs to be explored further, but this bill will not address that.

I think the question of cheap alcohol needs to be looked at. I understand the Liquor Licensing Commissioner might be looking at prohibiting the sale of cask wine in some areas, requiring photo ID and prohibiting the sale of alcohol to people who come from an area that is a dry area by law. I think some action is required. In terms of places like Hindley Street—I am getting a bit too old to go there myself—CCTV cameras are good. They are not addressing the root cause of the issue, but they are important in catching people who are breaking the law.

Overall, I think this bill is a step in the right direction, but sometimes you have to be tough to actually help people and to save them from their own poor judgement. For too long as a society, I think the parliament and governments have pussyfooted around with alcohol consumption to the extent that people who misuse it are able to do so with impunity. As I said, this bill will not solve all of the issues that I have alluded to, but I think it is a step in the right direction, including the lock-out provision, and anyone who has doubts about that should have a look at the Newcastle experience.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:29): I thank those members who have contributed to the debate. I want to start on a high note, because I think that it is always nice to start on a high note, and that is that everybody who has spoken in relation to this bill has said that they support the bill. The only element in any of the conversations we have been having in this room today about which there appears to be concern is, in fact, not in this bill at all. Accordingly, there is an amendment which is filed which, in due course no doubt, the member for Goyder will speak to us about, which seeks, through this bill, to affect something which is not part of this bill at all. The high note is: thank you to all members for indicating your support for the bill, and we will deal with the amendment in due course.

I should sit down really at this point and go into committee, but I wanted to have the high bit, and I wanted to have this little pause between the high bit and some responses. I just want to say a couple of things in response to people. First of all, can I say that the member for Goyder, for whom I have the greatest of respect, has always, as in this matter, conducted himself in an entirely fair and reasonable manner, and I appreciate that very much. I appreciate also that the member for Goyder is, after all, the representative of his party and has to be here doing what, no doubt, they have instructed him to do in his party room and, to that extent, anything I say about the proposed amendment is specifically not directed at the member for Goyder.

Can I also say that I am a little concerned about the information the member for Goyder shared with us a little while ago about the AHA having spoken to him and said that they are not really happy with the late night code, in particular, the end to bar hopping. I want to make it very clear to everybody here—and I make this statement very clearly, and I hope that Mr Horne and the others hear this—that we did not sit down around the table with Mr Horne and his friends for six months and make a number of compromises, many of which the member for Goyder read out in his second reading contribution, where he identified the changes from the original draft code to the final code. All of those changes were made in good faith as a result of a compromise between me, my staff and Mr Horne.

We all recognised that there were things in the code originally which I wanted which Mr Horne did not want, and the code as it presently stands represents a compromise. I gave away a whole bunch of things that I thought were important, moderated them, in order to get consensus with Mr Horne, which I thought I had. Indeed, I have media takeouts here from 30 May this year, where he said:

In total, we've certainly got things in there that we're not pleased about as we think we should be but, at the same time, there has been compromise all round and there is goodwill about the process.

The AHA is either supporting or not supporting the compromise deal which they worked out with us, which gained them things they could not have obtained were it not for that compromise. If it is the case that the AHA now do not support the compromise deal—in other words, 'We will sit around the table, we will deal with you, we will extract from you bits and pieces we want and then, at the end, we reserve the right to walk away and still bargain for the things we had agreed to forgo'—if that is what they are saying, that has taught me a very valuable lesson about how I should engage with the AHA in the future, the way in which I should engage with the AHA in the future, and the extent to which I should be prepared to compromise with them in the future—if it is the case that they are walking away from what they signed up for.

If the AHA are not walking away from what they signed up for, why on earth are we having this debate about lockouts when the AHA has already said to me, and through a six-month long compromise process, that they can live with it? Why? Either the AHA is speaking with forked tongue or somebody has their wires crossed. They are the only two possibilities.

I say to all members here that I did not sit down around a table, and have Mr Greene and others sit around the table with the AHA for six months, nutting out a compromise agreement so that they could come around and then try to renege on the deal—if that is what they are doing. If that is not what they are doing, and if they are still as good as their word and they are sticking to the fact that we spent a lot of time forming a compromise, then why on earth are we having this barren debate about a lockout that the industry has accepted? Why are we doing this?

I am going to proceed on the basis that the AHA is not a double-dealer. I am going to proceed on the basis that they have not been saying one thing to me and something else to the opposition. I am going to proceed on the basis that they are as good as their word and signed up for a compromise earlier this year after six months of intensive discussion—and they do not like some of this but they are prepared to cop it as part of the overall package.

That is what I am going to proceed on the basis of because, until it is proven otherwise, I am prepared to accept Mr Horne as a man of his word. He signed up for this. Make no mistake, he signed up for it. There is a lot of stuff in that code I do not like because, in my opinion, it is too soft. There is a lot of stuff, but it is in there because we wanted to get an agreement with Mr Horne, which we did obtain and which is 'the code'.

Who else is there? We have dealt with the AHA and they have signed up for this. Who else is left? I could mention a certain well-known identity in Hindley Street. I saw him on television the other night complaining about the late-night code. I saw him on television complaining about the idea that bar hopping would stop at 3 o'clock in the morning. As Minister for Consumer Affairs, I have received some very interesting complaints about people being charged exorbitant amounts of money on their credit card for services in part of that establishment.

I also read in the paper that people who had been in that particular establishment were found to be licking the road outside the establishment early in the morning and were taken to hospital because they had consumed what is described euphemistically as 'bad' ecstasy. I would like to know what 'good' ecstasy is—but there you go, they got some bad ecstasy and they wound up in serious trouble. It was reported in the media—I am not making this up, I am just telling you

what was reported in the media—that those people obtained that bad ecstasy from a certain venue. I assume that the opposition is not lining up with that person either.

Mr Griffiths: I'm not sure who you are talking about.

The Hon. J.R. RAU: I will tell you. I do not want to go into too much detail here because I do not want to abuse the privilege of this place. I will speak to you quietly afterwards and fill you in. I assume you are not in cahoots with that person either. Then there are a few other people who are not members of the AHA and who the AHA, quite frankly, is pretty happy are not members of the AHA because they do not play the game. Member for Goyder and the opposition, are you speaking for them? Are they the people you are looking after? Who are you looking after? Who is the member for Adelaide looking after: her residents or a bunch of drunks stumbling from one bar to another after 3 o'clock in the morning?

Let's get real about this. What we are saying is that after 3 o'clock in the morning, if you still have not had enough to drink, stay where you are and keep drinking, but once you have finished go home—just go home. What is so weird about that?

It might be interesting for members to note that there are two small towns around the place—New York and London, to name them—which are apparently lively places, I am told. Guess what time their pubs shut? They shut at 1 o'clock, and people in New York, including Frank Sinatra, were still able to say it was a city that never slept. There is a whole song about it, but would that song have been possible? Goodness me, how could they sing that song when they close their pubs at 1 o'clock? Poor old Frank; nobody must have told him!

In London—'England swings like a pendulum do' (does anyone remember that one?)—guess what? They close down at 1 o'clock as well. Horror of horrors, the most terrible attack on civil liberties—after 3 o'clock drunks cannot go from one place to another to get more drunk. My God! That is a nanny state, isn't it, stopping drunks from moving around the streets getting more drunk. And, as I said the beginning, none of that is even in this bill.

The member for Adelaide made a number of uninformed observations, with respect. First of all, about CCTV, we are doing work on CCTV, but you may be interested to know that it has nothing to do with the Liquor Licensing Act. There is nothing in the Liquor Licensing Act about CCTV because it is the Liquor Licensing Act, not the TV act.

CCTV is something you will hear something about, but I can tell you this: I look forward to the member for Adelaide coming into this place and explaining to the parliament and to the people of South Australia before next year the policy she has just enunciated of having real-time observation of every street through hundreds of TV cameras around the city, with the idea of—I have the words here because they are so interesting—'proactive use to stop trouble before it occurs'.

So, there is going to be a big control room somewhere with hundreds of people watching hundreds of TV screens, and as soon as it looks like something is a bit tricky they are going to get on the phone to somebody, presumably on a pushbike or a horse or something, who is going to run out there and say, 'Stop! Stop, you people! Stop fighting.' That is transparently ludicrous, but just imagine how much it would cost. Imagine how much that would cost! But if that is part of the opposition's policy, to have—I am quoting, exact words—'proactive use to stop trouble before it occurs' using CCTV all over Adelaide, bring it on, and please give us the costings.

Another issue about lighting was raised. Again, this is a completely different issue. Yes, it is something we are talking to the city council about; yes, it is something that we do work on, and you will be hearing more about that. But, again, lighting is not part of the Liquor Licensing Act. The Casino, that old chestnut—members of the opposition, if you are unhappy about the Casino being exempt, you move an amendment; you move it. You move it, and then you explain to the people around there why you are doing it. Do not bring these crazy arguments up here and then not have the ticker to go on with them; you are either serious about it or you are not. So, that is a furphy—a complete furphy.

The member for Adelaide complains about how small the fine is, working on the basis that it is \$160. Well, hello, it is \$500, if you read the bill. Can I say to the member for Adelaide: if you want to make it \$700, you go right ahead. You go right ahead, but do not criticise the government for it being \$160 when the bill sitting in front of you, about which you were apparently speaking, says \$500. The last question, of course, for the member for Adelaide is: who is more important—

these businesses, who want to keep filling drunks up with alcohol as they move in and out of their doors after 3 o'clock, or your residents? That is one you should perhaps ponder for a minute.

What I would like to say, in summary, is that I will be delighted to answer the member for Goyder's questions to the extent that I am able to do so. Secondly, there is nothing in any of the comments anybody has made here, save and except for the amendments being proposed by the member for Goyder (which I will say a few words about in due course) that is in any way attacking the bill. I am hearing from everybody, 'We like the bill, it's fine', but certain people have got a bit of a grumble about the code. Can I just say this: the first we knew of this amendment being put up—the first I knew, anyway—was today. It may have been filed at some earlier time. Let me see when it was filed: 9.9.2013 at 4:44pm. Now, what is today?

Mr Griffiths: That's yesterday.

The Hon. J.R. RAU: Today is the 10th, isn't it? So, it is probably not surprising that, between 4:44pm and this morning, I did not know that this had been filed. What I can tell you is this: since the late night code has been settled, the people in Consumer and Business Services have been out there explaining the new late night code at great expense to them in terms of their time and effort, and I will get the dollars.

What they have been explaining to people is about no bar-hopping. By the way, when does the late night code cut in? It is 1 October and today is 10 September, so roughly 21 days from today. If this opposition amendment were to get up, all of that consultation, discussion and education would be a complete waste of time and we would have to start again, and all of the rest of the bits and pieces in the code—what are we going to make of those? Interesting thoughts, I guess, but back to the point: there is no complaint about the bill, and that is great. I appreciate that.

There is plenty of stuff in the bill that does give the commissioner greater powers to intervene on a one-by-one spot basis. I am glad everyone is happy with that. There is stuff in there that overcomes some of the problems with section 11, which needed to happen because of the absurdity of section 11 which means, for instance, I can only say you cannot pour alcohol down the throat of somebody who is paralytic after 4am. How ridiculous is that

I cannot even do it in a code until after 4am. Why? Because of some crazy amendment that was dropped into this thing in the Legislative Council last time it was here. Hopefully, we will fix that up, and that is great. I am at the point now, Mr Deputy Speaker, where maybe, subject to the honourable members being happy with it, we could go into committee. As normal, I do not wish to go through those three questions and stuff. You can run it however the honourable member wishes.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr GRIFFITHS: We will talk about the issues in your response a little bit later, minister, but I am interested in clause 5. On the top of page 4 where it refers to 'intoxicated', it talks about, 'if a person's speech, balance and coordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance and coordination or behaviour is a result of consumption of alcohol or some other substance'.

I ask the question: what is it measured against? Particularly, there will be people who have some form of either physical or intellectual disability potentially involved in that. If they are by themselves and they have no-one else to explain their circumstances—it is a rather unusual example, I must admit, but I am just seeking clarification on that—how is a person judged in that way?

The Hon. J.R. RAU: It is a fair enough question. We have checked with the Equal Opportunity Commissioner. It appears there has never been a complaint about this formulation in the past. So, in other words, nobody, so far as we are aware, has ever voiced the view that they have been discriminated against on this. The formulation is not new; this is a long-standing formulation. What is different and what is important about this is that, in the past, the requirement has been that the commissioner (or the person) needed to be satisfied that they were affected by alcohol. The fact is that a number of the people who are in these premises may be working with a cocktail of things going on, some of which might be alcohol, some of which may not be alcohol, and

some of them may have virtually no alcohol at all—they might be on bottled water, but they have a whole bunch of other stuff onboard.

What we have tried to do is to blow out this artificial requirement, in effect, that the police officer forms the opinion, 'Yes, it is specifically alcohol that is causing that particular presentation.' We are making it a bit more general now so that if the presentation appears to be induced basically by alcohol or anything else, that is enough.

Clause passed.

Clause 6.

The CHAIR: This is where your first amendment is.

Mr GRIFFITHS: I do have a question first on a subclause and that is before where the amendment would come in. It relates to subclause (1) where it states:

...to impose special requirements in respect to the sale of discounted liquor, or the giving away of liquor, for consumption on a licensed premises between midnight and 7am...

The question posed to me is: what if there is a personal relationship between an owner of a facility and a guest who may be there and they wish to make alcohol available to that person at no cost?

The Hon. J.R. RAU: It is a simple one and it was taught to me by people who worked at the Mile End Hotel many years ago when I was actually an employee there. It is a fantastic little thing and it is actually good PR for the publican. I think the member for Colton would have seen this trick in his time too because I think he has worked as a barman on occasions. What you do is you take a fiver out of your pocket, you buy the drink and you give it to them. It is as simple as that. Instead of just pulling the beer and handing it over, or in the case of what we are talking about, pouring a couple of quarts of Absolut vodka into a jug and handing it over, you actually just buy it and say, 'There you go mate'—problem solved!

Mr GRIFFITHS: And minister, you honestly believe that it is going to occur every time, do you, because I am a bit surprised by that?

The Hon. J.R. RAU: To be honest with you, I am trading like with like. Your question was in the outer bounds of realistic. It is like them saying to me, 'What about on Mother's Day and you all go to the pub for lunch and the publican, out of the goodness of his heart, wants to buy mum a glass of bubbly?' Now we all know the glass of bubbly is factored into the cost of the pudding and the chips and everything else, so he is hardly giving anything to anybody anyway. I know the member for Goyder would not be responsible for these spurious things because it would be things that were being fed to the member for Goyder by those recalcitrants who continue to want to serve drunks after 3 o'clock.

Mr GRIFFITHS: Minister, actually I am responsible for this one. I like to think it is a legitimate question. I know from my life experiences that I have been in facilities where a relationship exists with an owner of a facility and they have offered me a free drink. This is before being elected to parliament, so I do not have to declare it and all of that sort of stuff.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: That is right. Now surely you have been involved in those circumstances too. I am only trying to ask questions to clear up issues so there are no repercussions from it further on.

The Hon. J.R. RAU: The practicality is if that is all it is, nobody is going to be pinched for that.

Mr Griffiths interjecting:

The Hon. J.R. RAU: Yes, the police and the liquor licensing people have got better things to do than hide in cupboards with binoculars looking at publicans to see whether they are giving anybody a free beer. You would have to be dead unlucky to be there at the time. It is like many things I am sure the member for Goyder has seen in his time here as I have. If you take the thing to its extreme, sure, you can get some odd outcomes, but I am absolutely positive that Consumer and Business Services will not be out there trying to stop publicans giving their friends a drink. To the extent that it is of any assistance, I will actually even write to the commissioner and say, 'Commissioner, for what it's worth, I would prefer you didn't focus on stopping publicans giving their mates a beer.'

Mr GRIFFITHS: With that assurance from the minister, I think we are quite happy to accept that as an answer, then. That has been a really interesting five minutes, I think.

The CHAIR: Would you like to move your amendment now?

Mr GRIFFITHS: I move:

Amendment No 4 [Wade-2]

Page 4, after line 12—After subclause (1) insert:

(1a) Section 11A—after subsection (2) insert:

(2a) However, a code of practice must not contain a provision that would have the effect of preventing or restricting the entry of customers to licensed premises at any time that the licence in respect of the licensed premises authorises trade in liquor.

(2b) A provision of a code of practice that contravenes subsection (2a) is void and of no effect.

The Hon. J.R. RAU: I will be very brief about this because I have already said some things about this but, as I said, this is contrary to the agreement that I achieved with the AHA. The only people who could be seriously pursuing this are people who are trying to backdoor what was a very lengthy consultation process. It is completely inappropriate to yet again say to the commissioner and the minister of the day that you cannot regulate a whole aspect of liquor licensing because the parliament is going to take it off you.

That is how we got into the silly situation where I cannot stop people getting drunk until 4 o'clock in the morning by saying that you cannot have shooters and you cannot have happy hours. The reason I cannot do that is because of some silly amendment a bit like this that was shoved in the act last time it was here.

Can I just make this really important point: the late-night code is something that a particular venue can apply to have varied in its particular case, and that is the law now. It is basically setting a default position. The default position is no bar hopping after 3am but if we have the gentleman whose name keeps being trotted out who has the place across the road from the Casino, for example, he has repeatedly said to me and others, 'Look, a lot of my business is people knocking off from the Casino and coming across the road early in the morning and wanting to have a drink.'

That is fine. If that is his business model, all he has to do is talk to the commissioner and say, 'Look, commissioner, most of my hours occur here. These people have got a key club membership thing. They're not disruptive; I haven't had fights,' etc., and the commissioner is able to say, 'Fair enough, Strathmore, you are going to be exempted from that particular requirement.' That sits there now. What this amendment would do is make it impossible for those provisions to apply to anybody.

What we are doing with the combination of the legislation and the code is to say that the default position is no bar hopping after 3am, but if you are able to persuade the commissioner that you have a good reason why you should be treated as a one-off case, then you put your case and if you have one like, as I said, the Strathmore quite possibly has—and I am not prejudging that, by the way; that is a matter for the commissioner, not me—you are fine. I oppose the amendment.

Mr GRIFFITHS: I think it is important that I put on the record my recollection of my words during my second reading contribution in relation to Mr Horne and the AHA, which were that essentially we are satisfied with the bill. I am quite sure that I said that. Then I have also mentioned in my second reading contribution a long-held position by the Liberal Party going back to a 2009 discussion on legislation about not supporting a closure.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: Well, this is the position that has been taken and it is based on that long-held belief, not on any comments, submission or backyard conversation with an AHA representative.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: Okay. I just want you to ensure that the discussions that you had with the AHA are indeed based on commitments being given and I think I have replicated what you said where you had something which I think was a media précis from Mr Horne that talked about 'not

perfect with everything' or something in those sorts of terms and I just wanted to confirm that his words to me, which I said in here, were essentially, 'We are satisfied with the bill.'

Amendment negatived; clause passed.

Progress reported; committee to sit again.

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

WATER EFFICIENCY LABELLING AND STANDARDS (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (FINES ENFORCEMENT AND RECOVERY) BILL

His Excellency the Governor assented to the bill.

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

His Excellency the Governor assented to the bill.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (BUDGET 2013) AMENDMENT BILL

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2013

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

His Excellency the Governor assented to the bill.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

His Excellency the Governor assented to the bill.

ABORIGINAL LANDS TRUST BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

BLEVINS, HON. FRANK

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:04): I move:

That the House of Assembly expresses its deep regret at the death of Hon. Frank Trevor Blevins, former member of this house and the Legislative Council, and places on record its appreciation of his long and meritorious service and, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

It is my sad duty to inform the house of the passing of Frank Trevor Blevins, who passed away peacefully at home in North Adelaide on Saturday, 8 September. It is hard to imagine we will never again hear Frank's lilting Mancunian accent advising us and encouraging us. Many on this side of the house are devastated by this news.

Frank served in the Legislative Council for over a decade before he became the member for Whyalla. He served this house as the member for Whyalla and then as the member for Giles for a further 12 years. Frank held a range of ministries over his 22 years in public life. Frank Trevor Blevins rose to the position of deputy premier of South Australia. He was a loyal servant of the ALP and to South Australia, and he was a good friend.

Frank was born in 1939 in Manchester, England. Raised in a working class area of inner Manchester, Frank became a merchant seaman at the age of 16. The oceans and fate delivered him to Australia where he soon became involved in the trade union movement. Through his industrial affiliations he worked hard to achieve a system of proportional representation in the upper house, an ongoing legacy he left to South Australian politics. It is only natural that a person of

Frank's deep convictions would eventually be attracted to public life, and so it came to pass. In his first speech to the Legislative Council made on 13 August 1975, Frank asserted that, and I quote:

I do not believe that any person has the right to exploit the labour of any other human being for his own personal gain or personal well-being. To me, the making of profit through exploitation is immoral.

Well, the words 'left-wing, militant trade union official' and 'elegant' are not commonly found used in the same sentence, but that was Frank: an uncompromising set of beliefs and values yet a smooth operator. Frank's decade of service in the Legislative Council was focused on the portfolios of forestry, agriculture and fisheries, which he held between 1983 and 1985 and correctional services, a responsibility he held from February 1984.

Actually, that reminds me of a conversation I had with Frank about Corrections, because he found the portfolio in an awful state. He said that he must have been missing something, so he contacted Don Dunstan to ask, 'Don, what went wrong, what happened in Corrections?' He said, 'Comrade, that was next.' So the great Don Dunstan, a great reformer that he was, apparently did not get around to Correctional Services. That was typical of Frank. He was given a hard job to do and he did it with grace and aplomb.

From December 1985 he served in the House of Assembly as member for Whyalla, a city he migrated to from England in 1965. Frank was profoundly committed to Whyalla. When he became deputy premier he announced that it was a great honour but it would not adversely affect his service to Whyalla. 'Everyone knows my rules', he said at the time: 'Thursday afternoon home to Whyalla, apart from state convention and the Grand Prix, and I leave home again every Sunday night.' Frank was an outstanding servant of Whyalla, South Australia and the Labor Party. His loyalty to Whyalla was beyond question.

During his career he was called 'Blevins the unabashed' and was seen to be a wild card in the Bannon cabinet, but he never felt compromised prosecuting the party's position and could not imagine, to use his words, 'The great ALP doing anything that would so outrage my conscience so as to make me vote against it.' He was able to serve in a broad range of portfolios because he had an impressive capacity to get on top of any issue, however complex. He prepared diligently, understood the issues, made sound judgements and, perhaps most importantly, made strong decisions.

I remember Frank saying to me once, when things got tough somewhere, 'Look, trouble for a minister is just an opportunity; it's an opportunity to shine.' Frank used to imagine people sitting at home when he was dealing with a difficult issue thinking to themselves, 'It's all okay; Frank's got this under control', and it was great advice.

Effective ministers have productive relationships with their senior public servants, and public servants seemed to like Frank, who listened to them and was always honest with them. His straightforward nature transcended his professional, political and personal relationships. He was always upfront and sincere. He would never hesitate to say something hard to you if he felt it needed to be said, but it was done without fanfare or hysterics; just clear advice, and he would never repeat it.

When Frank was appointed deputy premier unopposed in 1992, he promised to keep a low profile. He believed that there was no public role for the deputy premier. Whether or not one agrees with this assessment is irrelevant. What is important to remember is his loyalty to premier Lynn Arnold, with whom he formed a leadership team that successfully merged an academic approach with a passionate trade unionist beyond reproach.

Although Frank may not have been considered as an academic in the Lynn Arnold mould, he nonetheless had a superb intellectual capacity. He was incredibly well read and was able to apply his knowledge to political life with great dexterity.

Frank was a great visionary. He continued to support a strong role for government when the fashion was economic rationalism. It was a foresight that led him to his decision to invest in the electromagnetic mapping of the state, which caused the resurgence of mining exploration which in turn has led to the revival of the South Australian mining sector that we are seeing today.

You need to remember when he made that decision. He made that decision in the depths of the State Bank crisis. Obviously, resources were incredibly scarce, yet he decided to carve out something that was important for the future. To be able to think clearly in that way, under such extraordinary pressure, is a mark of a true statesman.

He also understood the changing focus of progressive politics. In 1992, he said the left should now stand for industrial development. It is about jobs. It is not only about crying out for safety nets. He believed the progressive side of politics must fight to rebuild, particularly in the manufacturing industry. Today, as we assert the role of a strong government as a necessary transition to advanced manufacturing and think of the benefits that mining exploration have delivered and will deliver to South Australia, we acknowledge that Frank saw this first.

Intelligent, hardworking, loyal, visionary, Frank was above all respected across the political spectrum because he was thoroughly decent. He was an extraordinarily generous human being in every sense of the word. He respected staff and he respected the partners of MPs.

Many will certainly miss his kindness, which manifested itself in the form of food that he would skilfully prepare and then deliver. At Christmas time, we enjoyed his mince pies and shortbread. If you were going on a long trip, he would also omit the chocolate so that it would not melt in the car, such was his attention to detail. His boiled fruitcake was legendary. A staff member in my office was so taken with his ginger cake that Frank made a point of delivering an entire cake in person when completed.

It was only food—a curry here or a biscuit there—but it was always delivered when things got really tough, just when you needed it. Some people, especially blokes or some people with a certain reserve, express their love in different ways. Frank did it through the care and attention that he paid to the preparation of food and the delivery of that to people.

Frank remained active after he retired from parliamentary service. He continued to serve on a number of state government boards, including SA Water. He continued to attend sub-branch meetings and participate in community life. He remained an active and much loved member of the South Australian branch of the Fabian Society. He lived a full life. The contributions he made are lasting and his memory will endure.

On a personal note, Frank touched many of us on this side of the chamber. I can still vividly remember the afternoon at the Elephant and Castle Hotel when Frank came back from Trades Hall to read the results of the Legislative Council vote in the upper house that was won by my father, who was replacing Frank as member for the Legislative Council when he swapped to the seat of Whyalla. He read the results out and there was much cheering, at least from half the room, and then he gave Dad a big hug. I just remember the sense of joy of that moment.

I also recall, a number of years later, sitting somewhere near Stephanie Key, and it was the first time, I think, Frank had seen Stephanie after she had been preselected as the candidate for what is now Ashford. Frank enthusiastically congratulated her and I vividly remember him saying something like, 'You will have the time of your life. This is going to be a wonderful time.'

I can recall Jane Lomax-Smith telling me how important Frank was to her. Of course you would remember that Jane was not of the Labor Party in that traditional party sense, so getting her to understand the labyrinthine processes of the Labor Party and the traditions was a feat, and that fell to Frank to assist her. He was like a translator of the strange and magnificent ways of the Labor Party, and it was very important to Jane, and I know that she valued it deeply.

I can also recall Frank's encouragement, and when Frank said something kind to you it meant a lot more than perhaps compliments that you get that are thrown around like confetti, because he rarely gave them and because he was such a great man it meant such an enormous amount.

A few months ago I went to Calvary Hospital to see Frank and he was still full of hope. He was making positive plans about the progress of his palliative care. He understood what it all meant and he was making those plans. Sadly, things progressed much more rapidly than we all hoped. Frank, of course, as I said earlier, passed on Saturday. He voted in the election but couldn't bear to wait for the result, so he slipped away before 6pm. It is great to see some of Frank's former colleagues here today, and also, I understand, Frank's daughter Little Doreen. My thoughts are with Frank's wife, Doreen, and the rest of his family, his friends and his former colleagues.

Mr MARSHALL (Norwood—Leader of the Opposition) (14:16): I rise to second this motion on behalf of the South Australian Liberal Party, and I offer my most sincere condolences to the family and friends of Frank Blevins, an outstanding contributor to the Australian Labor Party and to this parliament over many years. Indeed, reading through the many parliamentary papers that document Frank's time in both this house and the Legislative Council where his career began back in 1975, there is very little Frank did not do. In terms of ministerial responsibilities and

portfolios, he nearly held them all over his 22 years of service to this parliament: forests, fisheries and agriculture, health, transport, labour and correctional services. His obvious talent and ability also recognised with the senior roles of treasurer and deputy premier.

For a man who emigrated to Australia from England in 1956, who began his working life as a merchant seaman (the same occupation as my father) and then tug boat worker and union official at the harbor in Whyalla, it is a truly remarkable and outstanding record. And yet it was these early life experiences, these humble beginnings, that cemented Frank's core values and beliefs, and made him such a smart political operator. Frank's breadth of knowledge, tough negotiation skills and his drive and determination, earned him, quite appropriately, the media nickname of Mr Fix-it in the cabinet of John Bannon. And the results of his many successes are still evident here today. For instance, Frank was widely regarded as the first minister to fully address the many problems at the Yatala prison—problems that affected both inmates and staff.

Frank also had a deep understanding of the importance of our state's regions, regularly acknowledging the importance of agriculture in our economy. While his views may have been different from those on this side of the house from time to time, it is impossible not to admire and respect someone with such strength of conviction. It is with these words that I endorse the Premier's motion and pass on the opposition's condolences to the family and friends of Frank Blevins at this very sad time.

The SPEAKER: 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) (14:18): Thank you Mr Speaker. I wish to also briefly add a few words in relation to this motion concerning Frank Blevins. I guess I have the honour of being a successor in title in some respects to Frank who held the office I presently occupy between 1992 and 1993. I did not have the good fortune of serving with him in the parliament, although everybody I know who did spoke extremely highly of him. I did, however, have many other encounters with Frank and all of them were of a very positive nature.

For example, shortly after I was elected to this place, you, Mr Speaker, wearing a different guise, asked me to participate in the Law Foundation, and I was delighted to discover that my colleague in the Law Foundation was none other than Frank Blevins, amongst others. He always brought tremendous wisdom to the task of allocating grants, where there are many open mouths and limited funds. He always had a very canny way of sorting out which proposals should go forward and which should not.

I also had the privilege on one occasion of speaking at the Adelaide sub-branch. They must have been short of speakers; that must be why they called me in. After speaking at the sub-branch, I was fortunate enough to be presented with one of the boiled fruitcakes, which I have to say was a magnificent boiled fruitcake. I did mention to my mother that, although her fruitcakes were good, they were not quite as good as Frank's. That did not go down all that well, actually, but it lifted her game a bit. I digress.

Many years ago, in the dying days of the Bannon government, I recall there being a debate in the parliament about which I was extremely personally concerned, which was the introduction of poker machines. I have, for whatever reason, always had a deep concern about the impact of these on the community and I remember telephoning Mario Feleppa, who at that stage was the swing vote in the upper house, encouraging him to do what I described as the right thing and ignore everyone else who was talking to him.

An honourable member: That was effective, wasn't it?

The Hon. J.R. RAU: Anyway. But I do remember Frank entering that debate very vigorously and, although I completely disagreed with him, I remember him saying something to the effect of, 'Poker machines are a measure for egalitarianism because they enable even the working man to have a punt and not have to go to the Casino.' I totally disagreed with that, but I thought it was a marvellous way of him arguing his case.

I have had many personal encounters with Frank over the years; all of them have been thoroughly enjoyable from my point of view. He was never a person to force himself or be intrusive about his opinions. However, if you were in a position where you sought advice, it would always be forthcoming and extremely wise, and it would be given in the most generous of terms. Frank was a thoroughly decent man. He was a man who retained that sort of contemporary vitality to the end of

his life. He was a person who was connected with this place and the general community to the end of his life. I extend my sincere condolences to all of his family and friends.

Ms THOMPSON (Reynell) (14:22): I rise today to do something I hoped never to do. Even when he received a devastating diagnosis of severe cancer, I could not believe Frank would not overcome this obstacle as he had overcome so many in the past. Frank Blevins has been there for so long for so many of us that it seemed like he would be ever present, ever guiding, ever seeking to bring out our best.

Many of Frank's achievements have already been canvassed, so I want to principally focus on his support for women. Frank has been particularly important to many women in the political field. He has been generous with his quiet guidance when many of us found that, lacking role models and not being members of a traditional organisation, it was hard to get the mentoring needed by people taking up new roles.

Jane Lomax-Smith asked him why he did this. The fact that so many of his staff were women and that new members facing a difficult situation were told by others to 'ask Frank' made it clear that he was different from others. Frank told her that, after having two daughters, he realised he did not want them to go through what he had seen other women put up with, and he had to start by example. Jane also thought he was on a continuous mission to improve those of us he cared about.

When discussing what I might include in this contribution, I found that many women wished they could record their thanks to Frank and they provided me with heartfelt messages, so I am proud to be making this contribution on their behalf. I also noticed that many people mentioned cake; Mr Speaker, I am not making a display, but I do have a Frank Blevins cake here that we can all honour, and perhaps share later. The first contribution comes from Carolyn Pickles, former leader of the opposition in the Legislative Council. Carolyn says:

Frank Blevins was a typical down-to-earth man from the north of England, a man with enormous charm, wit and good common sense. He made a great friend and mentor. I met Frank in the Labor Party and as an ex-pom we got on pretty well. He gave me good advice about how to work in the Labor Party to get myself preselected, no mean feat in the days when I first stood for pre-selection—women just weren't even noticed too much then.

Maybe Frank had a good nose for determined women, particularly those in the left of politics. On my first day in Caucus he had me sit next to him, and his advice was 'listen and learn', pretty good advice as it turned out. Frank typified a working-class man who had climbed the slippery ladder to gain a significant place in our State's history, but never forgot where he came from. The accent didn't change, the sartorial taste may have, and he loved the country he had chosen to live in.

On a personal level, Frank continued to give advice to those he got on with and many he didn't. He was unfailingly polite to the opposite side in the days when it was OK to be so. He had a lot of courage and it is significant that he introduced the first bill in parliament to recognise that people wished to die in dignity.

I recall my dear mother asking me to get one of those forms from Frank...before I left for a long stay in England. She believed most strongly in voluntary euthanasia and wanted to avail herself of every opportunity to die with dignity if she 'dropped off her perch' while I was away. I was to use a later version of that same legislation when my husband was dying of cancer. Frank's contribution in this area showed his very real compassion for human beings and I thank him for that.

Once I left parliament I still kept in touch with Frank, and we would often have a nice lunch together, and talk of politics and how we should have changed the world. His view was that if one could shift things even slightly to the left of the spectrum, then one had indeed moved a mountain. I think Frank moved quite a few mountains in his time. His courage, following his accident, was just typical of the man. He was stoical while often in great pain, but still managed to make jokes about his artificial leg. He certainly got me off climbing ladders to clean gutters etc.

My last memory of Frank is visiting his home, where it was obvious that he was not in good shape. I was not permitted to stay long, but we had a good conversation about federal politics. He was clearly aware that he was very drugged and had a joke about it. I felt great sadness when I left Frank and Doreen that day as I realised from past experience, that his life would not last much longer.

My thoughts to go to Doreen, his life partner since she was 15 and his children who I know have been a great help during these last months. Doreen, too, is one of those steadfast no-nonsense north countrywomen, but I know she will miss him terribly, as we all will.

I know that there will be many speeches today in memory of Frank so it is with great gratitude that I thank Gay for allowing me, through her, to record some of my thoughts about Frank. There are so many words one could say about him, but best we keep those to a later day when the sadness has worn off a little. I will miss him as will all his many, many, Labor Party friends. Vale, Frank.

Anne Levy, former president of the Legislative Council—the first female president—and minister in the former Labor government, entered the Legislative Council at the same time as Frank in 1975.

That was the same year I was elected as the state secretary of the then Administrative and Clerical Officers' Association, and when I first met Frank. Anne says:

Frank was a voracious reader, though not much fiction in his literary diet. In recent years he took to philosophy, and would sing the praises of modern philosophers like Grayling. And I think he read every book on left-wing politics ever written.

I recall one time when he was briefly minister of agriculture when he fronted a demonstration of farmers on the steps of Parliament House. He gave a rousing speech, in which he told them off in no uncertain terms. He later said he enjoyed getting it off his chest, and as there were no Labor voters among them he couldn't lose any votes for the Government!

And don't forget his loyalty to the Manchester United football team, in the UK. He had a Manchester United cap which he wore on cold days as his hair thinned, and he would get up at 4am to watch on the tele his team play in the football [what we call soccer] season.

A little known achievement of Frank is his contribution to the Art Gallery. I commissioned a study on redeveloping the cultural institutions on North Terrace, and it was agreed that we start with the Art Gallery. As Treasurer, despite this being in the constrained years after the State Bank, he supported me strongly on the basis that any civilised city should have such institutions and have them well-funded (though I doubt he ever set foot in any of them). We started the new wing of the Gallery.

Frank was a deeply compassionate man with great sympathy for the underdog and anyone in trouble. I do recall that when my husband, Keith, died Frank showed more compassion and understanding than anyone else in caucus, though that is a long time ago now.

The rights of workers and the working class were always top of his agenda. I think many of us know Janey Nicholson, who was a very long-term personal assistant of Frank, and Kaye Noske, who, for a time, was his media adviser and speechwriter. They have asked me to make the following contribution:

Frank was a man who understood the importance of maintaining the dignity of public office. He maintained appearances at all times. He would have an odd glass of wine, but was never what you'd call a drinker. He was always impeccably dressed for work. Even in a casual environment, his jeans always had ironed creases. He was fond of saying that people in glasshouses...well, you know how the saying goes.

When he developed heart trouble after the 1993 election, he was still keeping up appearances. No-one knew of his illness, and he didn't want anyone to know he could no longer walk up the front steps of parliament, and so he used to walk around the back of the house. Long after surgery, he thought his secret was a great joke, although at the time it was a very serious situation. Even after having part of his leg amputated, an array of broken bones and a variety of injuries that defy explanation, he seemed to relish the challenge of bouncing back and regaining his independence. His resilience in dealing with his health issues in retirement were simply a reflection of his behaviour during his working life. He had remarkable tenacity and determination.

Every Thursday afternoon, he would return to Whyalla so that he could spend Fridays in the electorate office. The employees in that office were like family. They were long-term employees. He knew them socially as well as through work, and he maintained contact with them long after he'd retired. The atmosphere in this office was light, breezy and business-like, and they kept a tight ship in terms of maximising Frank's time in the office.

He never took Whyalla for granted. When the seat changed to Giles and the boundaries took in more agricultural land, he spent time getting to know new stakeholders. In 1993, when just 10 ALP seats were held, Giles was one of them. He had a fearsome reputation as a minister. When asked where you worked by someone in government, the response was usually a very knowing, 'Ah.' Even today, the mention of his name is met with enormous respect. 'You always knew where you stood with Frank,' is something that is said frequently by stakeholders, even the ones in agriculture.

He didn't suffer fools. He was keen to make sure people got the advice they needed from him and got on with it. In retirement, he used to joke about his bark being worse than his bite, but in reality there were few prepared to take the risk, just in case. He expected a lot from his team and he was clear about his expectations. This in many ways made it easy to work with Frank. He set the rules that he expected others to follow. He never left an in-tray unattended. Not one piece of paper was left in the in-tray for longer than a day. He read everything; he understood everything.

When he was in the electorate office on Fridays, we used to marvel at how many folders would be put in the in-tray. There were days when we used to marvel at the enormous towers of paper that would await Frank on Monday morning, but by lunchtime Monday or before, the in-tray would be empty. Everything needing his signature would have been signed. Everything requiring noting would have been noted. His days ran like clockwork. Meetings rarely ran over time. He trusted his staff.

On one occasion he joked that he was so busy travelling, it would be easy to forget where he was...but he was heard to say that if he was ever to get lost he wouldn't worry at all because all he'd have to do was call Janey, his personal assistant at the time, and she would tell him where he was and how to get back to the hotel.

Here is a person who, staring down the barrel of a state bank disaster, convinced his cabinet to sign off on a budget bid that would see the government fund a project called the South Australian Exploration Initiative to start creating a picture of the mineral prospects in the state. It was a long-term initiative that would lead to a mining revival in the state many years later. Imagine being at that cabinet meeting. Consider in the light of the State Bank disaster

how challenging it would have been to convince a cabinet to agree to spend \$40 million on the project that would not deliver short-term gains for a government that could have used a quick win or two.

He didn't spend a lot of time in the kitchen as a Minister. But he enjoyed spicy food and he could also cook a pretty good curry. In retirement, he turned his hand to baking cakes and biscuits and was actually quite good at it. This was something that surprised many, and often delighted the regular and very grateful recipients, who included Premiers, Ministers, their staff and his own former staff.

The following is from Anne Bunning, long-term adviser and what we now call chief of staff:

Frank said of his time in the Seamen's Union: The bosses always said good things about me: they said I was always well dressed and I was always on time. Absolute loyalty—to his socialist values, the ALP, to workers, to his staff, his family, his friends, and to women.

Those were hallmarks of Frank's character.

Frank was an early supporter of gender equality and I remember him telling me that one day as Minister of Agriculture he had been invited to a lunch with the Metropolitan Milk Board. The lunch was at a gentleman's club on Hutt Street, not that it was officially called that, but clearly that was what it was, because when Frank arrived with his adviser—who was a woman—he was told that he could come in the front door but his adviser would need to go around to the back entrance. What did Frank do? He politely replied, 'No problem, we can both go through the back entrance.' So the formal party all walked through the kitchen together to the lunch.

I heard a similar story when he was in Iraq: as Minister of Agriculture he was there to sign an agreement with the Iraqi government and visit the South Australians working on the South Australian government's dryland farming demonstration farm in the north. When Frank arrived in Iraq, he was told by the Ambassador that it would not be possible to visit the demonstration farm as there had been bombing there overnight and his safety could not be guaranteed. Frank's response? 'Well, if it's not safe for me, it's not safe for the workers.' The end result—Frank went north to Erbil [to see the project] the next day.

When he became minister in 1983, his portfolio was minister of agriculture: not a natural fit for a former Seaman but Frank made it his own and the farmers in fact loved him (that was what Frank said, anyway); the farmers came to know that with Frank they would get a straight story and that if he supported a particular proposal, then it would definitely happen. Frank never lost a cabinet submission and he always did what he said he would do.

One thing the farmers were not so fond of was Frank's persistent advice to them that the Farmers' Federation was a union and they could learn much from the union movement. I remember the big farmers' march in the mid 80's when the farmers drove their tractors to town and filled Elder Park. Frank was delighted to accept their invitation to speak at the rally. I can still hear his Manchester accent ringing out up King William Street congratulating the farmers on their union solidarity and comparing it with the great union actions of the past. The more the farmers booed and heckled, the more strident Frank got. A very exciting and memorable day.

The South Australian Potato Board did meet its match with Frank, though, when they tried to prosecute a Mount Gambier grower for selling potatoes in the wrong sized bags; that was the end of the potato board and selling potatoes was deregulated shortly afterwards.

Again, Anne refers to the cakes, but she has a particular reason for doing so. She remembers when her son—and I will go back to reading in Anne's voice:

...I remember when my son was in intensive care for many weeks—Frank walked into the RAH every day with some of his famous and beautiful homemade fruit cake and on the way he would pick up coffee and lunch. Many days he just left it with the lavender ladies but he always made sure there was a food parcel waiting.

Despite not being born in Australia, his commitment to the concept of a fair go was unchallenged; Frank always listened to you, even if he didn't agree with your position, he would always listen.

Frank also had a very long political memory—and if you crossed him on something he viewed as significant, he would place it in his store; then maybe [many] years later he would ensure that you paid. You would probably never know why you failed, but Frank did.

Some brief comments from former minister Lea Stevens and her husband Mike:

I didn't really get to know Frank Blevins until I entered parliament in 1994 and shared the back bench with him for some months...as part of the 11-member Opposition—me as a newly elected MP and he as one of the small number of former members remaining after the 1993 election. I was aware of his significant achievements as a Minister in numerous portfolios and also of his reputation as a tough operator in difficult situations but from that time on I saw up close, in many situations, Frank's values, characteristics and skills.

Above all he was true to his beliefs of the greatest possible freedoms for the individual tempered by the context of fairness, equity and justice for all, particularly the battlers who made up much of the constituency of the electorates held by the ALP. He was always a Labor man and always constructive, clear and articulate in defending the rights of the little people and reminding us of the obligations on our party to defend their interests in particular.

Frank was an outstanding leader—smart, strategic, honest and upfront, tough and resilient but he was also loyal, generous in spirit, and never ego driven. He used that last term as a mentor to the rest of us and gave support and advice on diverse matters from policy and procedures to making speeches and handling difficult situations. He shared his views and listened. He made special fruit cakes and sent texts of encouragement and never forgot

birthdays (even this year when he was so ill). He was a great role model but also a great friend and he will be remembered fondly and with gratitude.

Now a contribution from a union with whom he had many dealings as minister. Mark Carroll and Peter Alexander, current and past presidents of the Police Association of South Australia, asked for the following to be recorded:

The Police Association of SA is saddened to hear of the passing of former Minister Frank Blevins. Mr Blevins was greatly respected by the association as a Minister of the Crown and former trade union official. In negotiations with the association he was always able to weigh the public interest with the interests of police officers, particularly in the area of superannuation.

Mr Blevins always looked for the common ground in negotiations and believed in the concept of win-win. He was a man of deep principle who lived by the creed of the 'fair go'. He was a good and decent man, who always held the courage of his convictions. And as a negotiator, he was firm but fair.

Mr Blevins was his own man and yet always treated others equally, regardless of status or station. Egalitarian, in every sense, his respect for humanity endeared him to all members of the community.

He will be sadly missed.

I thank members for their indulgence in this long contribution. Jill Bottrall, long-term media adviser to the former premier, has written:

When I last spoke to Frank on the phone a few weeks back we shared a laugh and he seemed far more concerned about me than himself.

It was vintage Frank. He was always cheery and never stopped caring about the Ministerial staff—who he always thought of as the workers.

Prior to the 2010 election, when I would get home from work too late to prepare a meal, Frank was most concerned. So he and Doreen would cook up pots of vegetarian curry and rice and divide them into individual servings, so I could take them home and pop them in the freezer. It was their way of helping the cause and ensuring I ate well.

Frank never lost sight of what drove him to politics or the privileges that being in office had afforded him. As a merchant seaman from Manchester, he remained true to his humble beginnings and his fight for the rights of workers.

When he retired from parliament, he and his wife Doreen moved from Whyalla into a lovely home in North Adelaide and, with a new kitchen installed, he would bake and cook and feed the masses. Frank's signature dish was the Christmas cake—dense, heavy, rich, glorious Christmas cake—which was on offer all year round. When I worked for the former premier, he would text me every fortnight or so and say he was parked outside the State Administration Building, and there was Frank unloading freshly baked cakes or other sweets from his car boot for the media advisers or the premier's staff. This was Frank giving back to those still working for the cause in government.

As an active member of my sub branch, I saw a lot of Frank. He turned up to every monthly meeting that he could.

I do not see her but Jane Lomax-Smith may be in the gallery, and she told me she never quite knew how come she got Frank as her guide and mentor; so, Jane, here is the answer:

In 2001, I asked him if he could see his way clear to being Jane Lomax-Smith's campaign manager. She needed someone who was organised and knew how to run a grass roots campaign, who understood the importance of doorknocking and had an innate sense of public sentiment and how to tap into it.

He was not keen and resisted the idea but, after much convincing, said yes, and then proceeded to run Jane off her feet. He drove her to key parts of the Adelaide electorate and told her which doors to knock on, who she should see and what she should say. He would wait and watch from the car to make sure she did as he said. Frank was efficient and sharp, and his ability to focus was exactly what Jane needed to win the seat from the sitting Liberal member Michael Armitage.

Frank was a voracious reader. He was, in fact, a quiet intellectual. He was an avid collector of books and essays, music and films, and he socialised their distribution by giving so much away safe in the knowledge they would be eventually passed along to others. Frank always emailed articles of interest but to regular visitors he also dispensed goodies from his home. Every time I visited, Frank would disappear into a side room and come out with a package of things he had been collecting between visits.

He introduced me to copies of *Mad Men*, *Downton Abbey*, *Call the Midwife* and *Breaking Bad*, way before anyone had heard of them in Australia. In one of my bundles he had managed to secure the final edition of *News of the World*. Some months later, I discovered in another package the first edition of Rupert's *The Sun*, both of which I happily read while munching through a giant slice of his Christmas cake.

Each year, he and Doreen would move to Queensland for a few months to live out the winter in the north. It always seemed a bleak time when they were gone and people would always ask, 'When is Frank back?' We never quite knew until we got the call to come and get some cake.

In 2008, while climbing a ladder to clear his gutters, he fell only a short distance from the ground but broke his leg. It was a severe break—the worst. That he had lost his leg as a result was so unfair on someone who was up at 5am every morning to walk and was so active during the day. But it was not long before he had a prosthetic leg fitted and he was back to being Frank—laughing and cooking, and caring for others. It was a setback but he never complained. It slowed him down marginally but he still turned up to meetings and fundraising events, he still baked, drove his car and distributed books, articles, food, music and movies.

Frank was a very private man, who cherished his life with Doreen and his family. He was especially proud of his grandchildren. When he fell ill this final time, he told only his closest friends (who included former attorney-general Chris Sumner and his wife Suzie Roux). He never liked fuss or attention. From the day he left parliament, he never spoke to the media again. He certainly would not enjoy the attention of this motion. As a self-effacing man he had no idea how much he was loved by so many. He will leave a giant hole in our lives and we will miss his counsel and his wisdom and his wit, forever.

Kym Mayes also asked that he be mentioned among those who send their condolences to the family and who hold him in great esteem. Finally, some comments from me that have not been picked up in the contributions so far. As indicated earlier, Jane Lomax-Smith thought Frank was on a mission to improve everyone. This of course extended to improving the lot of the working class, but it also included improving everyone he cared about.

As Janey Nicholson said, he wanted us all to do our best. We realised that Frank improved us by giving us books to read, TV programs and films to watch, and having extended debates. These were vigorous and well argued. While I do not think he ever convinced me to change my mind, nor I him, and we agreed to differ on a range of subjects, it forced me to be clear about my thinking and able to argue it articulately.

While Anne Levy said she did not know whether Frank had entered an art gallery, he had a deep interest in the work of Laurence Stephen Lowry, Laurie Lowry, an English artist. Many of his drawings and paintings depict Pendlebury, where he lived and worked for over 40 years, and Salford and its surrounding areas. Lowry is famous for painting scenes of life in the industrial districts of North-West England in the mid 20th century.

Lowry developed a distinctive style of painting and is best known for his urban landscapes peopled with human figures, often referred to as matchstick or matchstalk men. Frank particularly liked the fact that Lowry's work celebrated the ordinary—struggling people and the industrial landscape of Salford in which they lived and worked among the belching smokestacks and narrow streets populated by children in their 'sparkling clogs'.

Frank told me that in a busy job you have to have a routine; you have to do some things automatically—where you put things, how you prepare for a meeting—otherwise you waste limited brain space on things that do not really matter. Frank had an unusual interest in sport. In addition to his well-known love for Manchester United, he had a special interest in cricket. One of the books he used to improve people was *Beyond a Boundary* by C.L.R. James. *Beyond a Boundary* is technically a book about West Indian cricket in the 20th century, but it is described as:

First and foremost an autobiography of a living legend—probably the greatest social theorist of our times...As a testament to a dying colonial society, and a harbinger of Marxist cultural tradition which views human freedom as its central focus, *Beyond a Boundary* is a classic.

Another little-known aspect of Frank's history is that he became a supporter of Port Power. After the fabulous showdown victory on 4 August, he sent me a message saying, 'Brilliant, can hardly believe it.' My response suggested, 'Wingard for president,' to which he responded, 'Stupendous.' That was such a short time ago, and here we are today marking his death. He was in great pain and heavily drugged, but he continued getting enjoyment out of the ordinary things of life.

In some ways, Frank was a complex man—philosophy, politics, film, sport—but overwhelmingly he was a person who loved and was loyal, first to Doreen and his family, then the labour movement and those he judged as true to its values, the people he worked with, and then his motivational factor—all the disempowered and voiceless people in the community.

Frank has left a hole that will be very hard to fill. I hope this record of his attributes and the testimony of the esteem in which he is held and the love he engendered will be a small comfort to his family. I also hope that it will be an inspiration to many young people who will decide that they would like their obituary to be as warm and fulsome as that of Frank Trevor Blevins.

Honourable members: Hear, hear!

Mr VENNING (Schubert) (14:54): I want to make a brief contribution and commend the previous speakers on their fine speeches. Frank Trevor Blevins was one of this place's great performers and a master of debate. A professional through and through has gone.

Frank was a merchant seaman from Manchester, who served on tugboats and came to the parliament through the unions. Yes, he was a tough, uncompromising left-winger and he was proud of it. He was a friend of my father Howard, though they argued a lot and did not agree on much. I can remember him being here when I first visited. In my eyes, he joined Labor greats like the late Hugh Hudson, Jack Wright, Geoff Virgo and Jack Slater.

Frank was still here, of course, when I arrived here in early 1990. I was in awe of this person's debating skills, particularly when you consider his minimal education. As a young polliie, you would study debating styles and how to craft yourself in this place. He would stand up when the house was often in uproar, particularly during those State Bank years when the house was truly in uproar.

He would stand there strong in his place, look straight at us and, at the same tempo, go at us hammer and tongs. In six or seven minutes, he would change the whole tempo of the debate. He would just change the matter, drop his voice and, by the time he had finished, the house was in total silence. I do not know where he learned that skill from—he probably learnt it from life—but I have never forgotten that and I commented to my father about it.

I first had close contact with Frank before I got here. As minister of agriculture, he set up the advisory council to keep himself abreast of the real issues because he made no secret about the fact that he did not know anything about the farmers. So, he set up SARAC, and I served on that.

As minister of agriculture, he was tough and stoic. I can remember the farmers marches, as has been mentioned. There were 4,000 or 5,000 farmers and friends walking down from Victoria Square down to Elder Park, and Frank addressed the seething mob with typical Blevins aplomb. Unbending, unapologetic, he never changed, he never complained and he never compromised.

I think it rather strange in this place, and others would say the same, that a right-winger like me, opposite in every way, got on so well with Frank. Like with the late Jack Slater, we often sat down and chatted about all manner of issues, particularly on the bowling green. Frank Blevins was also the parliamentary bowls club auditor, so he was certainly multiskilled.

Frank Blevins was highly trusted on both sides of this house. I am careful of what I say but, in those days, there were confidential discussions across this house on all manner of touchy issues. It was always Frank who represented Labor and it was usually Bruce Eastick from our side, at least in my time here. It is a shame that it does not seem to happen today. Deals were struck and Frank Blevins's word was absolute—no leaks, no theatrics, no looking back. He was highly principled, as has already been said.

When Frank was around, even in retirement, you knew because a group would always gather around to listen to the wisdom that was always his and his great sense of dry wit and humour. I think Frank Blevins's dedication, style and conviction can be a lesson to us all. He knew what he wanted; he never forgot his background and never forgot who put him here. He was our foe on this side of the house, but you could not help but admire him.

I, like many members, was quite shocked and saddened to hear of Frank's death yesterday. Forget the politics, forget the differences; he was respected by us all. To his wife Doreen and his family and friends our sincere condolences. Vale, Frank Blevins.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:58): Thank you very much, Mr Speaker. My fondest memory of Frank Blevins is election night 1993, when I was your campaign manager and Spence did not fall. I remember, sir, after 48 hours of no sleep listening to you, terrified that we were going to lose the seat in a landslide.

An honourable member: Nothing's changed.

The Hon. A. KOUTSANTONIS: Nothing's changed. Having spent all day being spat on at polling booths and trying to defend the indefensible, I got back to the Rosetta Street RSL, turned the TV on and there was Frank Blevins, deputy premier. The media crossed to him and a young journalist said, 'Deputy premier, this is a devastating loss for the Labor Party. Aren't you

humiliated?' He said, 'What are you talking about? We won 10 seats. This is a great result.' That was Frank Blevins, and that, for me, really changed my mind about him because, quite frankly, I was from a different part of the party from Frank, and I was very young at the time—

The Hon. P.F. Conlon: You still are!

The Hon. A. KOUTSANTONIS: Compared to some. I was in the right of the party, he was in the left of the party and we saw him as someone who did not share our views. As I got to know him, I realised how wrong I was. Even though he barracked for the wrong football club, Manchester United instead of Liverpool, and we had many conversations about that. I remember him sitting in Adrian Pederick's seat in the years between 1993 to 1997 when there were 10, and then 11 when Robyn came into the parliament, and seeing them put up with what were overwhelming odds, and seeing members of parliament get up and try to defend the former government's record, and seeing Frank get up there and try and make an argument, and it was a very good argument and he did it very well.

He gave me lots of sympathy, he gave me lots of advice—unsolicited, friendly advice, which I took. When my daughter was born prematurely he was one of the first to ring, and I think there is a certain symmetry to Frank dying on a day when a government died. I think the fact that he voted before the end of the day by postal vote says so much about who he is and what kind of man he was. Even though I did not share his politics, I did not share his views, I did not share his world view of the Labor Party—although we had very different views, I respect him tremendously, and I respect him for a decision that he made as treasurer. I have spoken to people in the mining industry about this and they all remember him fondly and they say this, and I have heard this said by people in the department who were there when he made this decision: if we had done nothing after the State Bank to help try and grow prosperity and grow jobs, we would be condemned forever.

Frank made decisions as treasurer by committing \$23½ million between June 1992 to June 1996 for the South Australian Exploration Initiative which became a bipartisan initiative which has turned into PACE, something governments across Australia and, indeed, the world are copying. This state owes him and people like him a great debt. When he started this program, after four years, metres of drilling activity trebled, and private mineral exploration rose from \$17.2 million in 1991 to \$53 million in 1997. The area under state mineral licence was only 14 per cent. By the end of this spend it was up to 40 per cent in 1997.

The level of company exploration in the South Australian Exploration Initiative rose from 5 per cent in 1993 to 70 per cent in 1997. Exploration success directly attributable to that initiative include Challenger and Golf Bore gold deposits in the Northern Gawler Craton; Campfire Bore, Tunkillia and Nuckulla Hill prospects in the Gawler Craton; and iron ore deposits near Coober Pedy which are coming into fruition now. We stand on the shoulders of giants and Frank Blevins is one of those giants. I will miss him.

The Hon. S.W. KEY (Ashford) (15:03): You often hear the term 'a man for all seasons' and I really think that is a term that could be applied to Frank Blevins. I remember him as a regular at the United Trades and Labor Council. I first saw him when he was there representing the Seafarers Union, now the Maritime Union of Australia. This representation went on for quite some time because he was also representing the Whyalla Trades and Labor Council. I saw him from afar and quite often he would contribute to debate and I remember being very impressed with his contributions.

His representation at the United Trades and Labor Council went on, and even when he was a member of parliament he was very happy to be part of that union group at TLC meetings. Later he became a speaker at TLC meetings, quite often very difficult ones because, of course, Frank Blevins held a number of ministerial positions, he quite often had to deal with issues to do with, what was then, a very big Public Service—well, it is still a big Public Service but it was huge in those days—people will remember the Highways Department, the Engineering & Water Supply Department, the Department of Marine and Harbors, and so on. As an industrial officer at the Trades and Labor Council, I can say that there seemed to be a dispute that governments needed to deal with in all of those areas. Frank and his predecessor in that position, Jack Wright, had a lot to deal with and both of those men really did know how to speak to workers and to the unions that represented them.

I also had the—I am not sure if it was a privilege, but the Trades and Labor Council decided that I would be the coordinator, with the then minister for the public sector and industrial

relations, on the Government Agency Review Group. Some of you will remember that that was a very big exercise of basically cutting back and rationalising the public sector. We had weekly meetings with minister Blevins and then we would meet with minister Blevins and whoever the relevant minister was for the portfolio that was going to be cut. You can imagine the feeling in the union movement about these proposals and also the introduction of temporary voluntary separation packages and the negotiations that went into that.

During that time, also as the minister for labour, again following on from Jack Wright as the minister for labour, there were a number of significant pieces of legislation that were negotiated and then put through parliament: the Occupational Health, Safety and Welfare Act; the Workers Rehabilitation and Compensation Act; and, with attorney-general Sumner, significant amendments to what is now the Equal Opportunity Act.

There were big changes with regard to superannuation. When I first started as a union official in the early 1980s, very few women (less than 4 per cent) in the public sector actually had any superannuation of any note whatsoever. Along with the comments made by the member for Reynell, a lot of workers in the blue-collar areas had very poor schemes—quite often gratuity retirement schemes, or very poor superannuation schemes, not to mention some of the white-collar workers. This was a big equity issue in the public sector itself.

I am sure at some stage as a minister Frank had responsibility for the Electricity Trust of South Australia. I remember in this particular dispute—it is the only time I have ever seen Frank get really angry, where he did say to me as the chief negotiator on behalf of the unions, 'If the lights so much as flickered...'. I never ever heard what would happen if they did, but I knew in my heart that I would try to make sure that they did not even flicker, because of not only my respect but also a certain amount of fear that I had for minister Blevins.

We have mentioned his skills with regard to cooking and also his commitment to equal rights for women. One example I can give is, when we established Emily's List in South Australia in 1997, I remember that Joan Kirner, who is the originator of Emily's List Australia, came over to Adelaide and we had a big fundraiser where people were asked to contribute meals to a dinner that we were going to have. I remember Frank being very competitive and, being a cook myself, I thought, 'Well, I will show this Frank Blevins that my lamb shanks casserole is just as good as his lamb shanks casserole,' so he decided that he would cook something different because he did not want to embarrass me by having a superior contribution. The fact was that I think he was the only man who did actually contribute a meal to this dinner.

Ms Thompson interjecting:

The Hon. S.W. KEY: The member for Reynell reminds me that he was getting this all organised because he was about to go away, but he did not want to miss out on making a contribution. As has been mentioned, he did like to have philosophical debates. He was interested in swapping books, usually non-fiction books. As soon as he realised that I was interested in reading, and particularly interested in history and history of the labour movement, books started appearing at Trades Hall. Later, when I got into this place, they started appearing in my pigeon hole here.

He also, particularly if you had a disagreement with him on an issue, would be very strong on newspaper clippings, particularly from *The Guardian*, which he read regularly. If you had a slightly different point of view, Frank would continue to argue his case with literature, newspaper clippings and then, later on, emails, citing different references just to point out where you may be going wrong with your point of view. This was all done very respectfully, I have to say, and usually in the end I would say, 'Frank, I think you were correct in the first place.'

Frank went on to then embrace videos and DVDs. Strangely, it was Frank who introduced my husband Kevin and I to *Breaking Bad*. When I watched *Breaking Bad* (which is a wonderful series), I was very interested that this was something that he recommended. Frank also introduced us to *House of Cards*, which many people in here I am sure would have seen, and one of the most recent debates I had with him was whether the UK version of *House of Cards* was better than the USA version with Kevin Spacey. Frank was very much of the view that the American version, he was sad to say, was better than the English version.

Frank also introduced me to *Game of Thrones*—something that I am not sure whether I like, but I do think is a good production. For those of you who have seen the program, it is far too violent for me, but the politics of *Game of Thrones* is very interesting, and that was also something that Frank liked to discuss in detail.

Kevin and I consider ourselves to be reasonable cooks, but, as I said, because Frank was such a fabulous cook, when we would invite him and Doreen around for dinner we would always be very nervous because we knew that we would be entertaining people who knew their stuff. They were always very kind and great company to have over, but there was always that nervousness there, certainly on my part.

More recently, Steve Georganas (now the former member for Hindmarsh) had a fundraiser, an old-fashioned afternoon tea, and Frank supplied the most beautiful cake for that particular event, and we were very grateful to him. He could not come to the event because he was not feeling very well, but he made sure that the cakes were delivered so that his and Doreen's contribution was there.

In addition to, as the member for Schubert said, being the auditor of the Parliamentary Bowls Committee, I understand Frank was also the auditor of the Wine Club, and I think he was also the auditor of the Parliamentary Labor Caucus for a while as well. So, Frank provided a lot of support to some of the activities that happen in this place.

I also remember that he was a very strong supporter of at least the first two superannuation schemes, that various members in this place may be members of, and was very concerned about the more recent superannuation scheme, which I agree needs to be reformed. This was something that he felt very strongly about, and I just hope that his suggestions for reform are taken up at some time for the members who are on that scheme.

I am going to miss Frank a lot. He was someone who had been in my life since the early 80s, and, as I said, someone that I had watched and admired for a long time, and he was always very supportive. In recent times, I would quite often get text messages from him complementing or wanting to talk about particular things that were happening.

I know that the people of Ashford—certainly the EO staff and people who are associated with the Ashford electorate office—would like me to say that they will really miss him too, because Frank would arrive and give great support to the staff, and make it quite obvious that he was very much a pro-worker person, and believed that everybody should have the opportunity to develop themselves.

Ms BEDFORD (Florey) (15:14): From the many contributions today, it has been possible to glean much of the character of our comrade, Frank Blevins. He was a friend and mentor to many, and although I always knew of him, I only first met him during my time on Peter Duncan's staff at the Makin electorate office in the late 1980s.

Peter knew Frank well from their time as parliamentary colleagues and before, as they had met in November 1972 during Peter's time in Whyalla as a lawyer for the Miscellaneous Workers' Union. They became lifelong friends and close political comrades, forging their friendship as they assisted workers in the dispute over the closure of the James North glove factory, which saw the sacking of 30 people. Frank was in the thick of the dispute as an official of the Whyalla Trades and Labour Council.

Later, when Frank was preselected as a candidate for the Labor Party for the unwinnable northern district of the old gerrymandered Legislative Council, they worked out a campaign strategy, executed with the help of a team of supporters. Despite voting for the council being voluntary, when people voted for the assembly, they exercised their council vote at the same time.

As a result, at the 1975 state election, and much to the shock of the political establishment, Frank Blevins was elected. Subsequently, a democratic system of election for the Legislative Council was put in place, and it survives to this day. Frank's role in this important reform has not previously been recognised as widely as it should be, and he has a long and impressive history of other achievements.

Frank was always a great inspiration to many, and Peter tells me he always tried to be true to his political, social and moral values. Frank only compromised when it was justified in terms of the bigger picture or the greater good. He was often surrounded by those who could not see the big picture, and sometimes this limited possibilities and his effectiveness. Peter can remember hearing Frank say in his raspy north English accent, 'What advantage am I missing from a formal education?' for Frank had learned on the job, in struggles alongside a man called Eliot V. Elliott, the legendary secretary of the former Seamen's Union of Australia, now MUA.

Frank's innate sense of fairness and a fair go always stood him in good stead during his political life. He never forgot where he had come from, always fought hard for what he believed in,

and delivered for those he represented. Peter wanted to extend his sympathy to Doreen and all Frank's family. Peter was proud and grateful that Frank was and remained a lifelong friend and comrade. For my part, while I was never the recipient of a cake, Frank was always supportive whenever we spoke and a great listener.

His accident shocked us all, and I am told, despite everything, he was happy to have had the same leg as Heather Mills. His illness was crushing and his death a terrible loss. He will be greatly missed and always remembered as a giant of the labour movement and the Australian Labor Party. My condolences, along with those of the former member for Florey, Bob Gregory, and all of the members of the Florey sub-branch, go to Doreen and family.

The Hon. R.B. SUCH (Fisher) (15:17): I will be very brief. I think everyone has learnt about the great contribution of Frank Blevins. He was an excellent minister, an excellent MP and he was a great bloke. My condolences go to his family and friends.

The Hon. J.D. HILL (Kaurana) (15:18): I am happy to endorse this motion and extend to Doreen and Frank's family my sincere condolences on behalf of myself and my wife. Many things have been said about Frank today, and I do not want to go over all of the traffic. I happily received gifts from Frank as well, and he was a very generous and kind man, but I wanted to talk about his political toughness. When faced with an easy choice and a hard choice, he would go for the hard choice pretty well all the time. In his political career, he could have had an easy life. He was a member of the Legislative Council. There are probably fewer easier lives than being a minister in the Legislative Council.

Members interjecting:

The Hon. J.D. HILL: Former members of the Legislative Council are shaking their head, Mr Speaker. They cannot say anything here, fortunately. He chose the hard thing at that time, because in 1985, the Labor Party was facing a loss of the seat of Whyalla. The former member, the member at the time, looked like he was going to lose. He was stood down and there was a very strong local Independent who could well have taken the seat, and as we at that time had lost the seat of Elizabeth and the seat of Semaphore, there was great concern in the party that we would lose the seat. Frank stepped forward and contested that seat and did the hard thing. He was a minister and he could have stayed a minister in the upper house, but he chose to put it all on the line and to contest that seat. If he had not succeeded, he would have had to walk away from politics, and I know that is what he said and that is what he thought and that is what he would have done, but he did the tough thing.

In 1988, after John Cornwall stood down as minister for health, Frank stepped into that role. It was a role he held for only eight months and he determined when he was in that position to do something useful with it. He could have sat in the health portfolio for eight months and just allowed it to move around him but he decided to do something meaningful and the thing he did was the most meaningful thing for women in this state: he introduced the pregnancy advisory service, which is still going strong.

It is the best service of its kind in Australia and I know that the Hon. Anne Levy encouraged him to take that policy position, and I congratulate her on that, but that was because Frank decided, even though he had a relatively short amount of time in that portfolio, to do something substantial with it and that service is, as I say, still going strong.

In 1992 after the State Bank disaster and after John Bannon and Don Hopgood stood down from their positions in the leadership of the Labor Party, Frank stepped up to the plate again and became deputy premier and treasurer. No more difficult job could you have during that time, I would have thought, than to be treasurer of the state, and others have talked about how he handled that position with great integrity and gusto.

I think in every way I can imagine, Frank was a tough man. He did the difficult things at the right time for the benefit of the party and I am sure that in his family those qualities came through. Certainly in his own personal life, when it came to his health over the last few years, he equally took those things that had happened to him—the loss of his leg and the cancer—and dealt with them with that same resilience and that same toughness. He was a remarkable man and he will be missed deeply by his many friends on this side of the house.

Honourable members: Hear, hear!

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:21): Some members here may recall in the late 1990s, there

were some legal arguments about the internal rules of the Labor Party going around. There needed to be a resolution of that and it was done through an internal party ballot. It was a deeply factional time and a deeply factional issue and there was a lot of controversy around the process of that ballot. It had to be a fair ballot and it had to be seen to be a fair ballot. At that time, the party turned to Frank.

Frank was made party returning officer and there was not a word of criticism about his appointment because he was trusted by everybody from all sides of the party to run that ballot fairly and to be seen to be running it fairly. I had the very great pleasure—or honour, really—to be a deputy returning officer at that time, conducting the ballot and working with Frank.

I very much valued my opportunity to work with him. It was the first time I had met him and what struck me, as a young member of the party, was having someone so senior to work with who was respectful, who we were able to give advice to and who told you when he did not know something and would listen to your advice on how to do something. That was quite an experience for someone as young as I was at the time.

After the ballots were finished, he then bought us all a little FM/AM radio with headphones to listen to and I still have mine and I still occasionally use it. Two things struck me about Frank at that time: firstly, his respect—and that had two aspects, the respect he was held in by the party and his respect for other people—and the other thing was his generosity. He could have bought us a beer or something afterwards. He did not have to buy us a radio but he did and I certainly appreciated it at the time, being a poor student.

I can also say that he had a slight larrikin streak. A few years ago I was able to go for a drive with him. I was driving a friend's car and it was a Corvette, a very powerful car. We were wandering along the streets and I was observing the road speed signs assiduously; I was absolutely observing them. Frank quietly suggested to me that it might be fun to put the foot down and see what the car could do and maybe turn the wheel while I was doing that and see if I could get it to do some circle work. As a minister for road safety at the time, I politely declined his invitation, but I still appreciated his sense of fun.

While we were driving that car he taught me two things. He said that he wanted to do things. He never backed away (when he was minister) from the opportunity to do things. That is what he was there for. He said he woke up every day wanting to do something, and I took that to heart. The other thing I took to heart was he said, 'Every now and then just take a day off.' He said, 'Ring up, cancel all of your appointments, take a day off and have time to think because you need time to think.' I have to confess that I am actually not as brave as Frank. I have not been able to do that.

The final point I would like to make is that a few years ago I had the very great fortune to be involved in the PACE program and the formulation of that program. I was conscious at the time, in fact acutely aware, that I was building on work already done by fellows before me on both sides of the house, but acutely aware that it was started by Frank. So, I am very proud to have been a part of the continuation of that work in some small way. With those words, I offer my sympathies and condolences to the family and salute the memory of Frank Blevins.

The Hon. L.R. BREUER (Giles) (15:25): I will be very brief because we have been here for quite some time, but it is moving to hear all of the tributes that are being paid to the Hon. Frank Blevins. I was very sad to hear of the death of the Hon. Frank Blevins, who served Whyalla for many years as our local member. He was a very strong and powerful advocate for our area, which was much appreciated, and as a minister and a deputy premier he was able to get some real gains and some real attention for Whyalla.

Frank lived in our community. He was one of the great wave of UK migrants who came to Whyalla in the sixties and seventies. He lived in our community, he worked in our community, he understood our community and he never forgot our community, despite becoming one of the most powerful men in the state. I think that country members are probably a bit more under scrutiny (perhaps) than some of our city counterparts because we are so well known, you cannot go anywhere without being recognised. We are instantly recognised by locals and Frank was certainly known by everyone in Whyalla.

One of the things that always amused me is that despite being minister for much of his time, he continued to drive himself around Whyalla in his very well worn, very old Kingswood, I think it was, which was recognisable by everyone. It took him all around town. He never ever had any pretensions to grandeur in Whyalla, which was much appreciated by the locals. He came home

every weekend, which was really good to see. He continued to advocate in Adelaide after his retirement and he maintained a very active role in the Labor Party, and still Whyalla was very much mentioned in all that he did.

South Australia, in general, did remember him but occasionally not favourably. After all we have heard today it is interesting to note that some people did not remember him favourably. I remember not long after I was elected, I was coming into Parliament House in a taxi and the taxi driver was very vocal. He wanted to know why I was coming into Parliament House, and I just said I worked here. He asked where I came from, and I said I had come from Whyalla.

When I said I was going to Parliament House he said, 'What are you going there for? It's a mob of mongrels that work in there, especially that Frank Blevins, who had ruined the taxi industry', they were his words. He said to me, 'Do you know him? You come from Whyalla, do you know him? He was a mongrel that bloke. Do you know him?' I sat there and looked at him and eventually I had to say to him, 'Well, actually, mate, I took over his job', and that was the end of the conversation with the taxi driver. It was silence from thereon in.

I came in, of course, to fill in his shoes, but I have never been able to do that and never would be able to do that. I feel very sad for his family and I pay tribute to his amazing life. On behalf of the Whyalla sub-branch of the ALP and the people of Whyalla, I want to pass on my thanks to Frank, to his family, for his outstanding work for Whyalla. I certainly pass on Whyalla's deepest sympathy to his wife Doreen and to his family. In Whyalla we know he was one of ours and the people of Whyalla pay tribute to him.

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (15:30): I rise today to offer my most sincere respect on the passing of Frank. I worked for Frank in the early 1990s. In fact, he gave me my first political job (so you can blame Frank). In fact, two women in the gallery (Hon. Carolyn Pickles and the Hon. Anne Levy) I think may have put my name forward, perhaps with Gay Thompson, who may have suggested that Frank consider me for a job in his office. It was during the period when Lynn Arnold was about to become premier and Frank was about to become treasurer. I did not work for him for a very long time before Frank went on to become treasurer and I then went to work for Terry Groom.

I do have a couple of outstanding memories of that period when I worked for Frank. The first is that I was completely terrified by him all the time because of his intellectual prowess and the gravitas that he took with him everywhere he went. The public servants were horrified when they had to meet with him because of the very presence that he had. I have to say that, as a very young staffer (I am 45 now and was then in my early 20s), I was absolutely in awe of Frank all of the time.

The other thing I remember about Frank is that he was always incredibly well attired. It may seem like a superficial observation to make and people often talk about Paul Keating and his Italian suits, but they had never met Frank Blevins. He never had a hair out of place—and I have to say that he expected his staff to do the same thing. Clearly, I let him down from time to time.

A great deal has been said today about Frank's contribution, and I support all that has been said, and all that hasn't been said also, because there are many of us who fear that we may cry or get rather emotional, because Frank was so dear to so many of us. We are sad at this time about his passing but I have to say we should all feel great joy at a life that was lived very fully, through his work, his family, his wife Doreen and his daughter Doreen. I met daughter Doreen for the first time today but, of course, had already met her through the stories that Frank had told me about her twin girls. She is raising her eyebrows.

His colleagues loved him deeply. The Hon. Chris Sumner did not look very happy when John Hill made his contribution about legislative councillors. I feel we have a great deal to learn from that group of MPs that included Terry Groom, Kym Mayes and Susan Lenahan. I remember Frank's cakes and the little things he did that let you know that he was thinking about you in a very special way. I offer Doreen, the family, his colleagues and all of those who loved him my sincere condolences and express my joy at the life that Frank lived.

The SPEAKER (15:32): I have a message from Mike Rann, who says:

Whether it was industrial relations, health, agriculture, transport or Treasury, Frank earned the respect of his public servants, practitioners and interest groups, as well as parliamentary colleagues from all sides of politics. His opponents respected him. He could talk straight to unionists and bosses, farmers and doctors. Frank could make decisions. If he told you no, that is what he meant. If he said he would fix it, he would. Frank did not lie and was

never two-faced. If he disagreed with you, he would tell you. He did not say one thing to your face and another behind your back.

Frank never forgot where he came from or whose side he was on. Despite his tough exterior, he was enormously kind and generous. He supported me and my family during the long hard years in opposition and supported Sasha during her illness, baking her cakes and making me pork pies. Every Christmas, many of his friends would receive his fruit cakes and shortbread.

He had a big heart, and even his accident did not dent his strength of will. Instead of moaning about his bad luck, he wanted to prove it would not hold him back. Above all, he was loyal to his mates, his colleagues, his values and his cause. He was a very good man and a mentor to many. Our deepest sympathy to Doreen and the family.

On my own behalf, I would just like to say that Frank was of course born in Manchester Blackley. He migrated to Australia with Doreen in 1965 and worked on the tug boats in Whyalla. He joined the Whyalla Trades and Labor Council. He was preselected for the ALP for the Legislative Council district of Midland, when we had Legislative Council districts. He had to wait until July 1975 before he was elected under the then new proportional representation system; so he said he was the Labor candidate who served the longest period of waiting between his preselection and his eventual election to parliament.

In his maiden speech in August 1975, he quoted Chief Justice Warren of the United States Supreme Court: 'Legislators represent people not trees or acres.' He went on to say, 'I am a dedicated socialist,' and he concluded: 'Like this chamber, the sooner capitalism is relegated to the history books the better off mankind will be.'

He introduced the Natural Death Act and was the first person in the state to sign a Natural Death Act form saying he wanted no extraordinary measures taken during his terminal illness. He held many portfolios, and was known, as people have mentioned, as Mr Fix-it. I held him in some fear and awe when I joined the caucus as one of two members of the then right wing of the Labor Party. On my first day in caucus I made the mistake of sitting in Frank's corner seat. He walked in, noticed that his seat was occupied, stood in front of it until I got the message that the seat was his. Our relations improved after that. When he was championing the introduction of poker machines, and I came out in opposition, he said, 'What's wrong with voluntary taxes, comrade?'

He said the one thing about Britain that he missed was election night in Britain, which is very different from Australia. We have a continuously updated count, but in Britain the mayor comes on the stage with all the candidates and reads out the result. We have only seen this in the context of Monty Python's Flying Circus and the Monster Raving Loony Party; but it does happen that way, and Frank said he was very sentimental when he watched election night in Britain on the television, particularly the declaration of the poll for his own seat of Manchester Blackley.

For 20 years Frank supplied me weekly with the London *Daily Telegraph* and *The Spectator* replete with yellow post-it notes attached to stories that he knew would take my interest, invariably stories about fallen members of the clergy, unholy disputes in the Orthodox and Catholic churches, and civil disorder in post-Communist countries and Eastern Europe. As the member for Reynell said, Frank never forgot, let's say, a defeat in politics. One of my few victories over Frank Blevins was to introduce Labor's new policy on an extended right to self defence for householders in their own home. As a result of that, I got clippings with post-it notes about every householder or farmer in the United Kingdom who killed an intruder after that time.

After the 1993 election we shared an office, the office later shared by the members for Heyden and Bragg. He spent four years emptying his files and giving the clippings to various members of parliament because he thought it would interest them, and it was part of his training the next generation of Labor MPs. He had up in his office a large black and white framed picture of two steelworkers coming off a long shift in Whyalla, with perspiration running down their faces and with matted hair and beards, and I suppose for him that was a reminder of whom it was he was representing in parliament.

Subsequently, of course, after retirement, he moved to Gover Street, North Adelaide, where he did not join the Gover Street West Residents Association, which, I gather, in North Adelaide politics, was something like the contrast between the People's Liberation Front of Judea and the Judean People's Liberation Front. He continued, long after he had left parliament, to attend his Labor Party sub-branch meetings and to manage Jane Lomax-Smith's campaigns for the state district of Adelaide. Frank Blevins was one of the very best things about my time in parliament. Vale, Frank Blevins.

Honourable members: Hear, hear!

The SPEAKER: As a mark of respect, there will be a minute's silence and the house will then be adjourned until the ringing of the bells.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:41 to 15:51]

RITSON, HON. R.J.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:52): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Robert John Ritson, former member of the Legislative Council, and places on record its appreciation of his meritorious public service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

I was saddened to learn of the passing of the Hon. Robert John Ritson. He passed away peacefully at the Lismore Base Hospital on 20 July. Dr Ritson served in the Legislative Council from 15 September 1979 to 28 July 1993. Dr Ritson was a medical practitioner who served South Australia for almost 14 years as a member of the Legislative Council. I had the pleasure of meeting Dr Ritson as he was a colleague of my father.

Dr Ritson, known to his colleagues as Bob, won pre-selection for the Liberal Party as sixth position on the Liberal Party Legislative Council ticket for the 1979 election on the back, as I understand it, of a great speech given at the party state council in the same year. As a member of the Legislative Council, Dr Ritson argued passionately a number of issues relating to health policy as well as his views such as euthanasia, prostitution, abortion and tobacco sponsorship laws.

Dr Ritson will be fondly remembered by his colleagues for his intelligence but also for some of the characteristics which set him apart. A doctor who had a pie and sauce for breakfast washed down with a can of Coke and who enjoyed a cigarette on the front steps of parliament was possibly not an obvious role-model for men's health, but Dr Ritson will be remembered for these habits by his colleagues but, more importantly, for his sense of humour and kindness.

When he resigned in 1993, Dr Ritson said he wished to pursue alternate futures in medicine, travel and gem cutting. My father recalls Dr Ritson proudly displaying his gems for other members to enjoy. He suggested at the time, and I agree, that the great thing about life is the choices we have to make. He was known to be a loyal member of the Liberal Party and of the parliamentary party, but he extended kindness to both sides of politics. A diagnosis for my father of a back problem led to a referral to a surgeon and successful surgery.

Any person who dedicates such a significant portion of their life to stand in parliament and argue for what they profoundly believe in, and does what they believe is in the best interests of South Australia, deserves our enduring thanks and gratitude. On behalf of members on this side of the house, I extend my condolences to his wife, Jill, his children, Maryann and Matthew, and their families.

Mr MARSHALL (Norwood—Leader of the Opposition) (15:54): I rise to second the Premier's motion on behalf of the South Australian Liberal Party and I offer our most sincere condolences to the family of the Hon. Dr Robert John Ritson, the former Liberal member of the Legislative Council, who served with great dedication from 1979 to 1993. Known to all in this building as Dr Bob, he continued to work as a general practitioner throughout his time in politics. Of course, this helped form his views on a variety of health policy issues of the day: issues like abortion, where he was a robust advocate for the tightening of laws; the euthanasia debate, where his medical knowledge allowed him to lead many of the discussions; and changes to tobacco and prostitution laws where, again, his profound understanding of medicine allowed him to become a driving force in framing and influencing legislation.

Clearly, on moral and ethical matters, which even now we continue to debate, Bob Ritson was a politician who knew his own mind and was prepared to take a strong position, even if, from time to time, it put him at odds with members of his own party. Bob must also be remembered for his outstanding commitment to ensuring proper health services for all. Of particular note was his campaign to ensure that sufferers of multiple sclerosis had access to appropriate care. He also argued for the obstetrics services to remain open at the Modbury Hospital.

Bob Ritson was a man of great knowledge and foresight, who was able to read the public mood and make the judgement call that he felt best suited the times and, as a member of the Legislative Council, he discharged his duty with care and deep commitment to service. It is with these words that I endorse the Premier's motion and pass on the opposition's condolences to his widow Jill, to their family and to all of the friends of the Hon. Dr Robert Ritson.

The Hon. S.W. KEY (Ashford) (15:56): I would like to make a contribution to this motion. I did not know Dr Ritson very well but, as a member of the Women's Electoral Lobby in the very early days, Pam Flugelman and myself were given the job to visit different members of parliament in both the Legislative Council and the House of Assembly. I think I have told the house before that this is where I met the Hon. Jack Wright, who decided to sign me up to the Labor Party after that meeting, but Pam Flugelman and I also had the opportunity to meet with Dr Ritson. We talked to him about the need for legislation that looked at rape in marriage. Dr Ritson not only gave us an hour of his time, from memory, but he also talked to us about other issues that the Women's Electoral Lobby were putting forward, and was very supportive.

I must say that in my meeting with him as a Liberal member of parliament, and the first time I had been into the Legislative Council side of this house, I was most impressed. He continued to keep in contact with both Pam and me and, if there were any issues that the Women's Electoral Lobby would like to raise, he was always happy to see us. So, my condolences to his family and my thanks to him for being such an open and caring member of parliament.

The Hon. R.B. SUCH (Fisher) (15:58): I would be one of the few people in here who knew Dr Bob Ritson. He was a fairly quiet member of parliament, a very intelligent man and someone who showed compassion to others. I think it is important that we acknowledge people like him. He may not have been on the front page of the paper, but he made a genuine contribution to our democracy, to the parliament and to the Liberal Party, and I extend my condolences to his family.

The SPEAKER (15:59): Bob Ritson was a member of the other place when I was elected in 1989. I enjoyed his company and his detached, ironical manner. We cooperated on bioethical matters on which our values coincided. He retired from parliament, I think owing to ill health, in mid-1993 as the Liberal Party prepared for a landslide election victory and the first Liberal government for 11 years.

Bob and Jill moved to one of the new units on East Street, Brompton, that were an early part of the urban renewal of Brompton. I doorknocked them in the course of visiting new constituents, and I enjoyed afternoon tea with them as they gave me some comfort as I faced defeat after just one term in parliament. They moved out of the Adelaide metropolitan area after that, and so alas I lost touch with them. My condolences to Jill and the family. Vale Bob Ritson. I ask the house to show its respect in the usual way.

Motion carried by members standing in their places in silence.

The SPEAKER: The house is suspended until the ringing of the bells.

[Sitting suspended from 16:01 to 16:10]

ELIZABETH RESIDENTIAL VILLAGE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:11): Presented a petition signed by 970 residents of Penfield and greater South Australia requesting the house to urge the government to consult with the affected residents at the Elizabeth Residential Village and amend the proposed rezoning of the land to remain zoned residential park.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*.

SOLAR FEED-IN SCHEME

In reply to **Mr WILLIAMS (MacKillop)** (29 September 2011) (First Session).

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

Information sourced from the three largest electricity retailers, AGL, Origin and TRUenergy, reveals that of 160,924 concession card account holders, 18,851 are in the Solar Feed-in Scheme.

JUVENILE OFFENDERS, DIVERSION PROGRAMS

349 Mr GARDNER (Morialta) (4 October 2011) (First Session).

1. What has been the aggregate number and percentage attendance rates for juvenile offenders directed to participate in Diversion Programs in each year since 2006?

2. How many of those individuals directed to attend these programs have subsequently gone on to re-offend?

3. How many of those individuals directed to attend these programs did not attend and have subsequently gone on to re-offend?

4. How many of those individuals directed to attend these programs did not attend and have been subsequently prosecuted for either their non-attendance or for their original offence in each year since 2006?

5. What has been the aggregate number and percentage attendance rates for juvenile offenders who have been directed to participate in these programs, who then have gone on to re-offend and subsequently been diverted again into the same programs on—

- (a) one occasion;
- (b) two occasions;
- (c) three occasions;
- (d) four occasions; and
- (e) five or more occasions?

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

1. The three Diversion Programs in place for juvenile offenders are:

- Youth Court Assessment Referral Drug Scheme (CARDS)
- Youth Court Diversion
- Family Conference

Youth CARDS

Youth CARDS targets young people appearing in the Youth Court or diverted to a Family Conference who have a drug or alcohol problem which is related to their offending. Eligible youth are referred to a community based drug and alcohol treatment service for 4 treatment sessions over a 4 month period and return to court for sentencing with a report of their treatment progress that is taken into account. Youth CARDS has now been discontinued.

Youth CARDS

	2006-07	2007-08	2008-09	2009-10	2010-11
Referred	94	137	121	102	45
Accepted	63	93	81	65	21
Completed	45%	79%	67%	71%	92.8%

Youth Court Diversion

Youth Court Diversion targets young offenders who have mental illness, intellectual disability, brain injury, personality disorder or neurological disorder. The program diverts the individual to appropriate services in the community and monitors progress for a 6 month period.

The percentages completion rates are worked out by subtracting those still in treatment from the accepted number.

Youth Diversion Program (commenced April 2008)

	2007-08	2008-09	2009-10	2010-11
Referred	4	31	15	14
Accepted	1	22	13	8
Completed	100%	31%	77%	50%

Family Conference

Matters meeting the criteria for diversion from court under the *Young Offenders Act 1993* (the Act) can be referred to a Family Conference. To be eligible for diversion, the Act requires that the youth admits to the offence and, in the opinion of the police officer in charge of the investigation of the offence, the matter should be dealt with as a minor offence due to:

- (a) the limited extent of the harm caused through the commission of the offence; and
- (b) the character and antecedents of the alleged offender; and
- (c) the improbability of the youth re-offending; and
- (d) where relevant—the attitude of the youth's parents or guardians.

Family Conference

	2006-07	2007-08	2008-09	2009-10	2010-11
Referred	1,595	1,824	2,008	2,010	1,890
Attended and finalised	95.2%	81.9%	88.6%	94.8%	89.7%

2. The Courts Administration Authority's (CAA) IT system is not able to track defendants through the criminal justice system, and is therefore unable to provide these types of statistics.

3. As for question 2.

4. Both Youth CARDS and Youth Diversion are voluntary programs and there are no sanctions for failure to attend. All participants are returned to Court at the end of the program and sentenced for the original offence.

If a youth fails to attend a Family Conference, they are referred back to SAPOL who can either informally caution, formally caution or proceed to court. The following table shows how many youths have been referred back to SAPOL as a result of failure to attend a Family Conference, or for failure to comply with a Family Conference undertaking:

Youths referred back to SAPOL

	2006-07	2007-08	2008-09	2009-10	2010-11
Referred	38	147	191	200	163

5. Two individuals were referred again to the Youth Diversion Program following completion and a third was referred as an adult to the Magistrates Court Diversion Program.

JUVENILE OFFENDERS, DIVERSION PROGRAMS

68 Mr GARDNER (Morialta) (20 March 2012).

1. What has been the aggregate number and percentage attendance rates for juvenile offenders directed to participate in Diversion Programs in each year since 2006?

2. How many of those individuals directed to attend these programs have subsequently gone on to re-offend?

3. How many of those individuals directed to attend these programs did not attend and have subsequently gone on to re-offend?

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APY LANDS, CHILDREN'S HEALTH SERVICES

488 Mr MARSHALL (Norwood—Leader of the Opposition) (4 December 2012). How many school-aged children living on the APY Lands, Yalata and Oak Valley in 2012 were—

- assessed as having Otitis Media;
- found to have one or more perforated eardrums; and
- received surgical treatment to address one or more perforated eardrums?

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

(a) Otitis Media is an infection of the middle ear and these infections are common in children, particularly young children. Recurrent and persistent ear infections can and do cause hearing loss. Otitis Media is more common and often more persistent in Aboriginal children in remote Aboriginal communities, and in the APY Lands in particular.

Nganampa Health Council, which provides primary health care services across the APY Lands, has indicated that around 340 school aged children have symptoms of ear disease.

(b) A study conducted by Flinders University in 2010-11 *An Evaluation of the benefits of swimming pools for the hearing and ear health of young Indigenous Australians. A whole of population study across multiple remote Indigenous Communities* found that, over six visits, an average of 285 children (82 percent) had no perforated eardrums, 40 children (11 per cent) had one perforated eardrum, and 25 children (6.9 percent) had two perforated eardrums.

(c) To date, nine children have had surgical procedures to mend perforations, and a further five have received other types of procedures under anaesthetic (such as adenoidectomies and removal of debris). Over the next 12 months it is around 30 children from the APY Lands will receive ear surgery in Port Augusta.

MURRAY-DARLING BASIN PLAN

In reply to **Mr WHETSTONE (Chaffey)** (13 November 2012).

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport): The Minister for Water and the River Murray has received this advice:

On 1 November 2012, the government was able to support the apportionment for water recovery because South Australia's key preconditions had been met including: commitment of \$265 million to South Australia for regional development and the Water Industry Alliance water recovery project; commitment of \$1.77 billion for additional water recovery and to address constraints on water delivery; and agreement to include provisions for water recovery of 3,200 gigalitres in the Basin Plan, among other things.

Agreement to the apportionment of the shared water recovery target was reflected in Minister Burke's suggestions to the Murray-Darling Basin Authority on 1 November 2012 regarding changes required to the draft Basin Plan under section 44 (1) of the *Water Act 2007*.

The changes addressed key conditions required by the South Australian Government, to complement the Commonwealth Government's funding commitments announced on 26 and 28 October 2012, including:

- provision for water recovery of 3,200 gigalitres along with relevant environmental outcomes;
- provisions to protect the Coorong, Lower Lakes and Murray Mouth from any adverse changes under any sustainable diversion limit adjustments; and
- requirements to consider improved knowledge of climate change risk and groundwater-surface water connectivity in future reviews of the Basin Plan.

Minister Burke's changes also included apportioning the 971 gigalitres shared reduction target for the southern connected Basin amongst New South Wales, Victoria, the ACT and South Australia.

As at 30 April 2013, the Commonwealth had reported that 94.29 gigalitres had been secured towards South Australia's water recovery target of 183.8 gigalitres.

MINING ROYALTIES

In reply to **Mr WILLIAMS (MacKillop)** (13 November 2012).

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

In 2011-12 total royalty revenue of \$176 million is made up of \$120 million (68 per cent) minerals and \$56 million (32 per cent) petroleum/gas royalties.

In 2010-11 total royalty revenue of \$156 million is made up of \$102 million (65 per cent) minerals and \$54 million (35 per cent) petroleum/gas royalties.

REGIONAL BUSINESS

In reply to the **Hon. I.F. EVANS (Davenport)** (21 March 2013).

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

The Sustainable Budget Commission recommended in 2010 that state government funding to Regional Development Authorities (RDAs) cease on 30 June 2013, at the expiry of the current funding agreements. However, in response to requests from RDAs, the state government established the new Regional Development Fund (RDF) in the 2012 State Budget. This funding amount is now at a similar level as current Commonwealth and local government contributions. The Minister for Regional Development recently announced \$2.7 million in RDF Stream 1 funding to RDAs over the next two financial years. RDAs can further access \$1.6 million from Stream 2 of RDF for eligible projects for their region.

GM HOLDEN

In reply to **Mr HAMILTON-SMITH (Waite)** (10 April 2013).

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts): I have been advised of the following:

The release of specific taxpayer information is not permitted under the provisions of the *Taxation Administration Act 1996* other than in relation to the administration and enforcement of the various taxations Acts.

To provide the payroll tax and land tax details of General Motors Holden to the honourable member is therefore not permitted under the Act and it is of course only right that businesses should be confident that their confidential details will be protected by the government.

CAVAN TRAINING CENTRE

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (16 May 2013).

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I have been advised:

The total cost of the upgrade works required as a result of the escape of eight residents at the Cavan Training Centre on 29 February 2012 was \$282,714. The costs were incurred as a result of infrastructure repairs and security upgrades.

MINISTERIAL ADVISERS, CODE OF CONDUCT

In reply to the **Hon. I.F. EVANS (Davenport)** (24 July 2013).

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts): I have been advised of the following:

The Code of Ethics (the Code) for the South Australian Public Sector is the code of conduct for the purposes of the *Public Sector Act 2009* and is comprised of two parts.

The first part of the Code deals with the public sector values, whilst the latter part deals with professional conduct standards. The first part of the Code places emphasis on guiding values and principles of behaviour. The Code applies to public sector employees in its totality and its values are aspirational and to be applied in the context of the employment arrangement.

The professional conduct standards that comprise the second part of the Code do not represent aspirational statements, and compliance is mandatory. These conduct standards apply to all public sector employees regardless of the nature of employment, employment status (e.g. ongoing, term, casual, traineeship, apprenticeship), and nature of public sector organisation (e.g. administrative unit, public corporation, statutory authority, public hospitals, schools etc).

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Report on the Adelaide Oval redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 for the designated period 1 January 2013 to 30 June 2013 Supplementary Report August 2013

Lease over portion of Adelaide Park Lands—Adelaide Bowling Club Inc Regulations made under the following Acts—

Adelaide Park Lands—Adelaide Bowling Club Inc

The following reports have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991—

Public Works Committee—

Report entitled Eastern Fleurieu School Strathalbyn
7-12 Campus Redevelopment

Report entitled Patawalonga Lake System Sediment Management Project

Report entitled Salisbury Metro Fire Station

Report entitled South Coast Primary Health Care Precinct

Report entitled Tonsley Public Transport Project—Stage 1 and 2

Report entitled Windsor Gardens Vocational College Redevelopment

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

Government Boards and Committees Information—Annual Report 2012-13

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

Regulations made under the following Acts—

Public Corporations—
Adelaide Entertainments Corporation
Adelaide Festival Centre
Stamp Duties—Regulations 2013

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

Enquiry into the operation of Section 7A of the Criminal Law (Sentencing) Act 1988
Legal Practitioners Disciplinary Tribunal—Annual Report 2012-2013
Suppression Orders made pursuant to Section 69A of the Evidence Act 1929 for the year ended 30 June 2013—Annual Report
Supreme Court Act 1935 for the year ended 31 December 2012—Annual Report
Regulations made under the following Acts—
Coroners—Coroners Act 2003
Independent Commissioner Against Corruption—Regulations 2013
Juries—Regulations 2013
Security and Investigation Agents—Regulations 2013
State Records—Regulations 2013
Subordinate Legislation—Postponement of Expiry 2013
Unclaimed Goods—Regulations 2013
Rules made under the following Acts—
Coroners—Rules
Supreme Court—
Supreme Court Bail Review Rules 1985—Amendment No. 4
Supreme Court Civil Rules 2006—Amendment No. 23
Supreme Court Criminal Appeal Rules 1996—Amendment No. 5
Supreme Court Criminal Rules 2013—Amendment No. 2
Supreme Court Independent Commissioner Against Corruption Act Rules 2013

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

Regulations made under the following Acts—
Development—Regulations 2013
Local Government—Regulations 2013
Local Council By-Laws—
District Council Ceduna—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Dogs and Cats
No. 5—Roads

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

Industrial Relations Advisory Committee—Annual Report 2012-13
Minister's Response to Economic and Finance Committee's Report into Workforce and Education Participation
WorkCover Corporation Charter

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

Advertising Codes of Practice (Live Odds) Variation Notice 2013
Regulations made under the following Acts—
Liquor Licensing—
Dry Areas Regulations 2013—
Dry Areas Regulations 2013
Regulations 2013

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

Report of Actions taken by SA Health following the Deputy State Coroner's finding of 13 February 2013 into the death of Franklin Delano Miller AKA James Watson McKernan

Regulations made under the following Acts—
Gene Technology—Regulations 2013

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

Regulations made under the following Acts—
Tobacco Products Regulation—Smoking Bans in Public Areas—Longer Term

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

Regulations made under the following Acts—
Motor Vehicles—Regulations 2013
Protection of Marine Waters (Prevention of Pollution from Ships)—Prevention of
Pollution from Ships

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
Mines and Works Inspection—Regulations 2013

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

Regulations made under the following Acts—
ASER (Restructure)—Regulations 2013

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

Revocation of Directions to the Commissioner of Police under the Police Act 1998
Regulations made under the following Acts—
Second-hand Dealers and Pawnbrokers—Regulations 2013

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

Report prepared by the Department for Correctional Services following the Coronial Inquiry
into the death of Franklin Delano Miller

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

Regulations made under the following Acts—
Fisheries Management—
Abalone Fisheries
Blue Crab Fishery
Demerit Points
Fees Variation 2013
Fish Processors
General Variation 2013
Miscellaneous Broodstock and Seedstock Fishery
Miscellaneous Development Fishery
Miscellaneous Fishery
Miscellaneous Research Fishery
Regulations 2013
Vessel Monitoring Scheme
Livestock—Regulations 2013
Primary Industry Funding Schemes—Regulations 2013
Wheat Marketing—Regulations 2013

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

Regulations made under the following Acts—
Libraries—Regulations 2013

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

Regulations made under the following Acts—
Environment Protection—
Regulations 2013

National Parks and Wildlife—
Breakaways Conservation Park 2013
Lake Gairdner National Park Regulations 2013

AUTOMOTIVE INDUSTRY

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (16:16): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: On Saturday, the Australian people elected a Coalition government led by the Prime Minister-elect, the Hon. Tony Abbott MP. I wish the new government well and look forward to working constructively with Mr Abbott and the new government for the benefit of South Australia. I also take this opportunity to thank both Kevin Rudd and Julia Gillard for their contribution to our nation and to South Australia. The Labor government of the last six years has delivered a policy legacy of which our nation and our party can be proud.

For South Australia, in particular, the delivery of the Murray-Darling Basin Plan, the construction of new infrastructure like the South Road Superway and the extension of rail to Seaford, and the development of the South Australian Health and Medical Research Institute will help secure our state's future. The introduction of DisabilityCare and the increased funding under the Better Schools package are also significant reforms.

In South Australia, the most urgent economic priority is to secure the future of the automotive industry in our state. Since the last meeting of this house, Holden workers have made the difficult decision to forgo pay increases and change some of their working conditions to do what they can to secure the future of the plant. This was a very difficult decision for those workers.

On the day of the ballot, the government joined with many non-government organisations from across South Australia in committing to purchase locally-manufactured vehicles and back the Australian car industry, so that those workers knew that they had the support of the whole community. These community organisations included RDNS, the Royal Society for the Blind, Centacare, the Guide Dogs Association, Minda Incorporated and Uniting Communities. Their commitment came on top of commitments made by other organisations including the City of Salisbury and Anglicare.

Now that Holden workers have made their tough decision, it is time for the incoming commonwealth government to make clear its approach to the automotive industry. Before the election, the Liberal Party pledged to remove \$500 million from the Automotive Transformation Scheme. This was reaffirmed in a costing document that was released by the Liberal Party in the last week of the campaign.

The Liberal Party also stated that it planned to subject the next phase of the funding in the Automotive Transformation Scheme to review by the Productivity Commission. These cuts were backed fully by their state Liberal colleagues opposite. The industry cannot afford these cuts, and we urge the incoming Coalition government to find a new approach.

We will stand up for the interests of the automotive industry and fight to secure the up to 16,000 jobs across our state, just as we stood up for the interests of South Australia over the River Murray and fringe benefits tax changes under the previous commonwealth government. We will continue to push for changes to the fringe benefits tax arrangements because we believe that the current FBT system does not provide the level of support for local industry that it should.

The first responsibility of every member of this house is to do what is in the best interests of South Australia, regardless of party allegiance. The government has proven that it is willing to do so. On the other hand, those opposite have chosen to lock in behind the cuts made by the Liberals in Canberra. South Australia cannot afford to trust its economic future to them.

POLITICAL REFORM

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (16:20): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Public confidence in the institution of government is critical to an effective democracy. Last week, South Australia took some significant steps towards increasing the public confidence in those institutions. On 2 September, the Independent Commissioner Against Corruption commenced operating. One of my first acts as Premier was to announce an Independent Commissioner Against Corruption, and so I was proud to see its commencement last week. No-one can have any doubt about the qualifications and aptitude for the task of commissioner of our ICAC, former Justice Bruce Lander. I wish him well in undertaking these significant responsibilities.

I also released our model for political funding reform. A potentially corrosive influence on our democracy and our decision making is the influence of money on the practice of politics. We see in the United States how the influence of big money can skew political debate and policy choices. I do not want to see that here in South Australia. People should be confident that money is not influencing our ideas or our decision making. Elections should be won or lost on the strength of the competing ideas, values and performance, not on the size of a party's war chest. The reforms released last week provide for:

- a regulatory disclosure scheme requiring political parties to disclose loans and gifts with a value of more than \$5,000, including weekly disclosure in the lead up to an election, so that every voter will be able to know every significant donation to every party or candidate before they cast their vote;
- public funding to reimburse political parties and candidates for expenditure incurred, provided they agree to an expenditure cap;
- expenditure caps for the period commencing eight months out from polling day;
- a \$500 per head limit on dinners and functions that provide access to a member of parliament or their staff.

The legislation will be introduced this week and I hope that all parties will engage constructively in the debate on the bill.

Last week, we also announced greater moves towards proactive disclosure. We will be releasing data about some commonly requested information, such as ministerial and departmental credit card use, travel and mobile phone use. I anticipate that this information will start to be provided before the end of the month. To further this end of proactively releasing information, we will also introduce legislation this week to address a barrier to proactive disclosure—the potential liability of the Crown arising from the release of information other than through FOI. This legislation will provide for the extension of Crown immunity from civil liability to the release of information in appropriate circumstances.

Mr Speaker, good governments have nothing to hide. Through the commencement of ICAC, political funding reform and proactive disclosure, we are reforming our institutions and practices so that the people of South Australia can have every confidence that our decisions are made for the right reasons.

VISITORS

The SPEAKER: I welcome to parliament today students from St Michael's College, who are guests of the member for Colton, the Adelaide Secondary School of English, who are guests of me, and the Underdale High School, who are guests of the member for West Torrens.

QUESTION TIME

HEALTH BUDGET

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:32): My question is to the Premier. Why did the government announce health cuts yesterday, 15 minutes after the Premier's press conference, and why didn't the Premier have the courage to defend these cuts himself?

The SPEAKER: Well, that is impermissible comment in a question, and I warn the deputy leader for the first time. Minister for Health.

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) (16:32): Sir, the decision was taken to cabinet yesterday and announced accordingly. I

am the Minister for Health; I have responsibility for the carriage of the health portfolio. I am more than happy to take this policy to the people of South Australia and to be held accountable for it.

INFRASTRUCTURE PROGRAM

Ms BEDFORD (Florey) (16:32): My question is to the Premier. Can the Premier advise the house about the support the jobs in the economy that government infrastructure investments are providing?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (16:33): I thank the member for Florey for this important question. The government has committed to several significant infrastructure projects that are rebuilding both the economic and also the social infrastructure of this state. These works are also an important part of responding to the lingering effects of the global financial crisis and the effects that that is having on our state economy. Outside of the mining sector business investment has not been as strong as we would have liked it, and firms are making decisions to withhold or delay investment decisions while economic activity remains subdued.

However, the government has stepped into that gap with construction activity by committing to a range of substantial investments, which include: the new Royal Adelaide Hospital, which is now taking shape—a magnificent new facility; the electrification of the Gawler rail line from Adelaide to Dry Creek; the extension of the Noarlunga rail line to Seaford; the resleepering of the Outer Harbour line; the upgrade of South Road between Torrens Road and the River Torrens; the duplication of the Southern Expressway; the redevelopment of the Adelaide Oval; and the expansion of the Adelaide Convention Centre.

The forward estimates reflect a capital investment program of \$10.1 billion over the next four years. This comprises expenditure of \$7.6 billion in the general government sector and \$2.5 billion in the public non-financial sector. The government's \$10.1 billion total capital program will support 8,700 jobs in 2013-14 alone and will assist in leveraging further investment from the private sector as well as other areas of the economy.

I have been provided with a Premier and Cabinet analysis of the additional economic contribution of the government's investment spend, focusing on the 2012-13 financial year. Looking only at the spend in excess of forecast depreciation, the additional expenditure is estimated to have contributed 0.9 per cent to gross state product and kept the unemployment rate up to 0.7 percentage points lower than it would otherwise have been.

Clearly, the government's infrastructure spending has made a substantial positive contribution to South Australia's economic performance. This shows the necessity of a government investing in the economy right now to support economic activity in the future. We know that the Leader of the Opposition calls this a 'false economy'. We do not share that view. He couldn't be more wrong and the evidence is before us.

HOSPITAL STAFFING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:35): My question is to the Premier. Why did the Premier announce cuts to jobs and beds at the Women's and Children's Hospital, and the closure of the Modbury Hospital paediatric ward, just after running his own federal election fear campaign about the claimed cuts under a Coalition government?

The SPEAKER: The deputy leader is warned a second time for placing comment in a question.

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) (16:36): I think there is one thing to be certain of; that is, if we had announced these decisions last week, the opposition and, indeed, the media would be criticising the government for trying to bury these decisions in the middle of a federal election campaign. We made the decision yesterday with regard to the Women's and Children's Hospital. We went out and announced the decision. I would be interested to know if the opposition actually have any questions of substance about the decisions we've made rather than trying to—

Mr VAN HOLST PELLEKAAN: Point of order.

The Hon. J.J. SNELLING: —trivialise the matter by asking—

The SPEAKER: Let me anticipate the point of order of the member for Stuart and see if I am correct. The Minister for Health is not responsible to the house for what questions the opposition asks. Does the minister have anything further to add?

The Hon. J.J. SNELLING: I would just add as well that these are not decisions that suddenly came to light out of nowhere yesterday. Some months ago—

Mr Pederick interjecting:

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

The Hon. J.J. SNELLING: Some months ago, the government released both the report from Deloitte, which the government was going to take to consultation regarding the Women's and Children's Hospital, and the proposal about the paediatric ward at the Modbury Hospital. Both of these proposals have been out in the public arena for a very long time.

Mrs Redmond: You kept denying you were going to do anything.

The SPEAKER: The member for Heysen probably thinks I can't hear her. So, just to remove all doubts on that point, I will call her to order. The member for Morphett.

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett) (16:37): My question is to the Minister for Health and Ageing. Does the government rule out converting the Modbury Hospital paediatric ward and inpatient services into aged rehabilitation services?

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) (16:38): I don't know why I would rule it out. Of course, that's probably what we'll look at doing. We're not just going to close that ward and leave it empty. I want to make sure those beds are being used where there is greatest need. Indeed, it may well be that we put rehabilitation beds into the Modbury Hospital. We can't do that unless we move those services to the Lyell McEwin Hospital. Far from ruling it out, it's almost certainly what we'll do. What can the opposition rule out? Will they rule out privatising the Modbury Hospital, like they did when they were last in office?

Mr VAN HOLST PELLEKAAN: Point of order—

The SPEAKER: Is the point of order that the Minister for Health is debating the question?

Mr VAN HOLST PELLEKAAN: Yes, sir, it is.

The SPEAKER: I think you are right. Member for Morphett.

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett) (16:39): A supplementary question to the minister: is the government in discussions with the health sector in relation to funding the conversion of inpatient services into aged rehabilitation services at Modbury Hospital before the next state election?

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) (16:39): I suspect we probably are. I will have to check, but it wouldn't surprise me if we were.

The SPEAKER: Member for Mitchell.

ROYAL ADELAIDE HOSPITAL OPEN IDEAS COMPETITION

Mr SIBBONS (Mitchell) (16:39): Thank you, Mr Speaker, and I am glad those telepathic qualities that you have are still there. My question is to the Minister for Planning. Can the minister update the house about the progress of the government's Royal Adelaide Hospital open ideas competition?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:39): As a matter of fact, I can, and I thank the honourable member for his question. Members may recall that a while ago we made an announcement that there would be a competition to look at the future use of the site which is currently occupied by the soon to be decommissioned old Adelaide hospital. This is a site that the government is absolutely determined we are going to make a really good outcome of.

Clearly, the physical location of the current RAH site is very significant to the city, and this is why the government is seeking design ideas from South Australia and, indeed, across the world in a three-stage process. Members may be interested to know that the competition was launched on 18 July this year, and it is a two-stage open ideas design competition based on the Royal Australian Institute of Architects architectural competition guidelines. It is open to teams of registered architects and landscape architects worldwide. We only have to look at the success of such competitions interstate and overseas to see how you can get the biggest and best range of ideas.

I was delighted to discover that at the close of the registration period we had 126 design ideas registered, and that is significant because that puts us ahead of even the Flinders Street Station project in Melbourne which went through a similar process, so we are attracting even more interest than a city several times our size. Those ideas were received, and 71 of them were from Australian contributors and 29 from our own state of South Australia.

The community is also being asked to share their ideas and values for the site, and an open marketplace of ideas was recently held which received over 400 public comments on the future of the site. We are also asking key interested parties such as the cultural institutions on North Terrace, universities and the East End traders to share their expert knowledge of the site's potential through dedicated submissions. The site's redevelopment will help ensure that the East End, which is the cultural heart of our city, remains a great place to work, live and enjoy for future generations.

As we enter the next phase of the competition I would like to thank all the entrants who have participated so far. I understand that very shortly an independent jury made up of experts in their field will be announcing the six finalists. I know some members here watch programs on television where this sort of thing happens. This is real, and it is in our city, and it is going to be very exciting, and it is going to happen within days. The shortlisted design teams will be provided with this valuable community and stakeholder input to enable them to further their submissions.

In November, these more fully explored designs will then be re-submitted to the judges and will be awarded first, second and third prizes as well as there being a public favourite which may or may not be one of those first, second and third prizes. The outcome from the input of stakeholder views and the design competition is the first step for the RAH site and will help us form a brief and a direction for the next step.

In early 2014, all of this information, together with the outcomes of the prizes, will be passed on to Renewal SA. It will be Renewal SA's role then to undertake the feasibility studies relevant to economic and construction assessments to develop a master plan for the site. I would encourage South Australians to get involved in the process, and we look forward very much to seeing those final six shortlisted designs in the very near future.

ROYAL ADELAIDE HOSPITAL OPEN IDEAS COMPETITION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:43): Supplementary to the Deputy Premier, sir.

The SPEAKER: Supplementary, deputy leader.

Ms CHAPMAN: Of the over 100 submissions received for the RAH site, how many propose that you leave a hospital there?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:44): I thank the honourable member for that question. There were 126 of them, not just 100, so let us not be measly about this. The second thing is, under the rules of the competition, the only people who get to see the entries are in fact the judges, and I am not a judge, my ministerial colleague, minister Koutsantonis, is not a judge and, by the sound of it, the member for Bragg is not a judge either.

The SPEAKER: The Deputy Premier will not refer to members by their Christian and surname.

The Hon. J.R. RAU: I see. Well, in that case, I will refer to the Minister for Transport. I am sorry, Minister for Transport, for referring to you inappropriately.

The Hon. A. Koutsantonis interjecting:

The Hon. J.R. RAU: Okay. The Minister for Transport is not on the competition judging panel and the member for Bragg, I understand from her question, is not either. What happens—the member for Bragg will be interested—is that these competition entries are kept in a deep cone of silence. Nobody looks at them. I do not look at them. The Premier does not even look at them. Then they go to these expert people, who then do look at them and assess them. Now, whether they have incorporated anything to do with a medical facility in there is something that, when the drum rolls in a day or two's time and those six finalists come out from behind the curtain, the honourable member will be able to answer her question. Until then, I cannot help you, but I gather from the question that you are anticipating this as much as I am.

WOMEN'S AND CHILDREN'S HOSPITAL

Dr McFETRIDGE (Morphett) (16:45): Again, my question is to the Minister for Health and Ageing. Of the 82 health jobs being cut at the Women's and Children's Hospital, how many are nursing positions?

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) (16:45): Let me make it quite clear that nothing will be cut unless we are able to reduce the length of stay. The simple fact is that the study that has been undertaken by Deloitte has made it clear that we are spending substantially more, for a hospital of its size, at the Women's and Children's Hospital than they are in peer hospitals interstate. That goes to a number of reasons, one of which they have identified is the number of caesarean sections that are being done in the maternity unit, and another is the length of stay.

If we can reduce the length of stay then, of course, we can use the beds that we have in the hospital more efficiently and we can reduce the number of beds there. Accordingly, if you do not have as many beds, you do not need as many staff. Of the 82, I do not know exactly how many would be nursing staff, but I imagine a reasonable proportion. I have made it very clear to the Australian nursing federation that the government is committed to the existing nurse-patient or nurse-bed ratios that are in the industrial agreement that we have with the nurses' federation and that will not change. So, we cannot reduce the number of nursing staff unless we reduce the number of beds, and we will not be doing that unless we are able to reduce the length of stay.

FUTURE SUBMARINE PROJECT

Mr ODENWALDER (Little Para) (16:47): My question is to the Minister for Defence Industries. Can the minister give the house an update on the status of the Future Submarine project?

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) (16:47): I thank the member for Little Para for his question. Can I first congratulate Tony Abbott on becoming Prime Minister elect and wish him well in the difficult and heavy responsibility of leading our nation, not just for those who voted for a Coalition government but hope that he does so for all Australians and all states in our federation. It is with that responsibility in mind that I answer this question that is so important to South Australia's future as the defence state.

The state Labor government's targeted pursuit in building our defence industries is renowned and envied across the nation. We have the most pre-eminent board in the nation, chaired by General Peter Cosgrove ACMC. Together with his board and the team at Defence SA, he works tirelessly in promoting SA defence projects, like the Future Submarine project. The Future Submarine project will be the largest and most complex defence project ever undertaken in Australia. It will provide enormous opportunities for local industry and transform the South Australian economy. The project will secure many thousands of South Australian jobs for decades to come and will be crucial to building up our state's capability in advanced manufacturing.

The outgoing commonwealth Labor government was dedicated to assembling 12 future submarines here in Adelaide. Indeed, in May of this year a media release from the leader of the state opposition stated, 'The state Liberals welcome the Coalition's confirmation today that the 12 submarines will be built in Adelaide under the Coalition government,' but more recent announcements by the Coalition are less reassuring. The Coalition's defence policy released on the eve of the election does continue to promise that the replacement of the submarine fleet will 'centre around SA shipyards', but it does not commit to specific numbers of submarines. Frankly, this is not good enough for the 27,000 South Australians—

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Point of order, member for Stuart.

Mr VAN HOLST PELLEKAAN: Standing order 98: debate.

The SPEAKER: No, it is not debate. The minister was asked a question about the policy of a new federal government and it is within standing orders for him to offer the house information about that, including his assessment as a minister of that policy as it bears on South Australia.

Mr VAN HOLST PELLEKAAN: Mr Speaker, with respect, I don't believe the question included anything about future Coalition policy. I think the question was quite specific about an update of the future submarine project, and I believe that when the minister includes a comment that says, 'This is not good enough,' about the policy, it really has nothing to do with answering the question.

The SPEAKER: If South Australian ministers could not comment in question time about the policy of an incoming federal government about this project, I don't know that they could say very much; question time would be very dull indeed. Minister.

The Hon. J.J. SNELLING: Frankly, Mr Speaker, this is not good enough for the 27,000 South Australians and their families who rely on the defence industries to put food on their table. I want to know where the state opposition stand on this matter. The government's position is clear—

Ms CHAPMAN: Point of order.

The SPEAKER: I uphold the point of order without hearing it because, of course, the minister is not responsible for the policies of the state opposition.

The Hon. J.J. SNELLING: I apologise, sir. But the government's position is clear: we will fight for South Australia at every turn. We are putting the interests of ordinary South Australians first. The building of 12 submarines was an absolute certainty under a federal Labor government, and it was portrayed—

Members interjecting:

The Hon. J.J. SNELLING: —as a certainty in May by the Liberals, state and federal. South Australians must have assurance that this transforming project is still going ahead; they must have assurance that 12 submarines will be built, and built here in Adelaide. Mr Speaker, I give a commitment to the house that this government will continue to stand up for the thousands of South Australian jobs at stake. As Minister for Defence Industries, I will do everything I can do to hold Prime Minister-elect Tony Abbott to the commitment that 12 submarines will be built here, and I ask those opposite to do the same.

The SPEAKER: I call the members for Hammond, Kavel and Unley to order, as the leaders of that disruptive episode. Member for Morphett.

HOSPITAL STAFFING

Dr McFETRIDGE (Morphett) (16:52): Thank you, Mr Speaker. Talking about thousands of jobs at stake, this is a question to the Minister for Health: of the 600 health job cuts targeted by 30 June 2014, how many of those will be nursing positions?

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) (16:52): This is exactly the same question that was asked by the member for Morphett during estimates. I undertook to get back to him. Of course, to some extent, we are still having to work those issues through, but as soon as we know, I will get back to him with an answer.

SOUTH ROAD UPGRADES

The Hon. S.W. KEY (Ashford) (16:52): My question is directed to the Minister for Transport and Infrastructure. Minister, could you update the house about the progress during the winter break of the Torrens to Torrens South Road upgrade?

The SPEAKER: Minister for Transport. I am very interested in the minister's answer to this question.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (16:53): Yes, thank you, sir. The state government, Mr Speaker, is committed to delivering the Torrens Road to River Torrens South Road upgrade project, with early works already under way. Community engagement began in early July, and community reference groups are now established to focus on issues within the detailed design. Land acquisition is well under way, and notices of intention have been issued. Properties required for the project are being acquired.

I am pleased to inform the house that the benefits of the South Road upgrade project have already begun to flow to local businesses, including Lemar Constructions, for housing demolitions; Pooraka Fencing, Mr Speaker, for fencing vacant blocks within your electorate; J Marron Locksmiths, for property security and access control—we want to make sure, Mr Speaker, that we maintain the amenity of the neighbourhoods within your community; Drilling Solutions, for geotechnical drilling; AEROMETREX, for engineering surveys; Fenlow Tunnels, for supply of trench instrumentation; and Aspect Studios, for urban design and landscaping advice.

This is just the beginning. There will be many more opportunities for local South Australian companies as the project progresses towards construction. The ultimate benefit, of course, will be for South Road users (meaning freight operators, tradies and motorists) who will benefit from an upgraded road between the River Torrens and Torrens Road.

Analysis shows that there is a cost-benefit ratio of 2.4 for this project. That means, for every dollar invested, there is a benefit of \$2.40 for South Australia. The government is a strong believer in delivering key infrastructure projects for the people of this state. Our track record shows we are delivering the north-south corridor in conjunction with the federal government, with the tram overpass and Gallipoli Underpass completed, and South Road Superway and the duplication of the Southern Expressway well under way.

However, we are concerned about how this important project could be affected by the incoming federal government. Today on radio, the member for Boothby admitted that the federal government would go ahead with the project regardless of the advice of the independent body, Infrastructure Australia. These comments are not only concerning to the government but to industry as well. Today, Mr Phil Sutherland, a declared Liberal supporter and the Chief Executive of Civil Contractors Federation said:

I mean the Coalition are talking in terms of, they'll upgrade the Darlington end of the South Road in its first term. Well candidly, the industry can't wait three years for that, they've got to get on with the job straightaway.

He went on to say:

...and the call now to the new Coalition government in Canberra is make sure you honour the infrastructure commitments...the former government has made.

It is clear there is wide-ranging concern about the canning of the Torrens to Torrens project. Not only does this project make sense in reducing congestion, it makes sense in stimulating and growing our economy. That is why we will not stand idly by and let any government and any member ignore the independent advice, which states that the cost-benefit ratio is 2.4 for the Torrens to Torrens project.

My department estimates that the cost-benefit ratio for Darlington would be about a cost ratio of one-to-one, and it only reaches that level with a public transport component, which the commonwealth say they will not invest in. I will not stand idly by and let any government (federal or state) or members ignore the advice of Phil Sutherland, your comrade in arms. He says contractors would need the work now. There is only one South Road project that is ready to roll, and that is the Torrens to Torrens project. Boots are on the ground and work is under way.

Mr Speaker, many people in your electorate, and across the state, know intuitively that this section of South Road is a priority. It would be disappointing if the views of the people and the independent body, Infrastructure Australia, are ignored for a project created to serve an ad hoc process and a lazy federal member of parliament worried about his re-election.

Members interjecting:

Mr VAN HOLST PELLEKAAN: Point of order—

The Hon. A. KOUTSANTONIS: With the new transport and infrastructure minister—

The SPEAKER: Point of order from the member for Stuart, and far be it from me to stymie the member for Stuart's point of order, but the minister's time has expired.

LOWER EYRE HEALTH ADVISORY COUNCIL

Mr TRELOAR (Flinders) (16:58): My question is to the Minister for Health and Ageing. Can the Minister for Health explain why the state government is still holding approximately \$664,000 in federal grant moneys which was allocated to the Lower Eyre Health Advisory Council in mid-2012 for an upgraded health service?

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) (16:58): I am more than happy to get a report back to the member for Flinders on why that is the case, if indeed it is.

The SPEAKER: The member who has come back reformed in this sitting of parliament, the member for Chaffey.

RIVERLAND INDIGENOUS HEALTH SERVICES

Mr WHETSTONE (Chaffey) (16:58): My question is for the Minister for Health. At a time when the Labor government is encouraging regional communities to close the gap, can the minister advise why \$500,000 of funding to support Indigenous health services in the Riverland has been cut, and how the community will now replace that funding shortfall?

Mrs GERAGHTY: If I can just make a point of order, I just draw to your attention that sometimes we are seeing, if you want to read the transcript, that they are pre-empting their questions with inappropriate remarks and I don't think it should continue.

The SPEAKER: I will have a look at the *Hansard*, but I have already warned the deputy leader twice for doing that. I didn't detect a transgression on that occasion, perhaps because I was talking to the Opposition Whip. I apologise to the member for Torrens. The minister.

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) (16:59): The programs that the member for Chaffey refers to I have canvassed in the media before. There are a number of elements to it. The first part was an audit that was being conducted of clinical records to ascertain the health outcomes for Aboriginal people. That audit was always expected to be time limited and not expected to continue beyond a particular date.

The second element to it was regarding a program that we were hoping to establish. Unfortunately, the department was not able to recruit people to deliver that service. There just were not the appropriately qualified people to deliver that service, so that money has had to be diverted elsewhere. This government makes no apologies with regard to its commitment to better Aboriginal health outcomes. In the last state budget there was a significant extension of Closing the Gap funding. I am personally committed to having better health outcomes for Aboriginal people.

We are always having a look at the programs we are delivering to ensure that taxpayers are getting value for their money, and I will never make any apologies for that. Where we ascertain that programs are not delivering the results we expect of them, then we will put that money to better uses, but with regard to the two elements of the particular funding the member is referring to, it was simply and unfortunately an inability on the part of the department to find suitable staff, and the second element was always expected to be a time-limited project with an end date.

Mr WHETSTONE: Supplementary, Mr Speaker.

The SPEAKER: Supplementary.

RIVERLAND INDIGENOUS HEALTH SERVICES

Mr WHETSTONE (Chaffey) (17:01): Given the minister's answer that he was unable to find suitable staff to carry out the funding, did the minister personally consult with the Riverland Division of General Practice before that decision?

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) (17:02): No, I did not. I do not go out and personally consult with everything that goes on within my department, but I think the member for Chaffey is confusing two things. I think he is confusing the first part of the program, which was the audit, on which I think the Riverland general practice might have something to say, and the simple fact is that, with regard to their particular issue, that funding was always expected to be time limited. It always had an end date. It was a

specific project for an audit of medical records in GP clinics to ascertain health outcomes for Aboriginal people. It was always time limited.

With regard to the second element, I do not think that would have had much to do with the Riverland general practice. I am open to correction. I need to check the advice from my department, but that was a specific program for which we needed to recruit workers in order to deliver the service. We advertised, and I think there might have been several rounds of advertising to try to recruit suitable staff, and the department was not able to do that. That does not mean that that money has just been pocketed. That money has been diverted into other areas of Aboriginal health where we think it can be better used.

ROAD SAFETY

Mrs GERAGHTY (Torrens) (17:03): My question is to the Minister for Road Safety. Can the minister please inform the house how the government is ensuring the safety of our children near our schools?

Mrs REDMOND: Point of order, Mr Speaker.

The SPEAKER: Point of order, member for Heysen.

Mrs REDMOND: Speaker Lewis has already ruled that the use of the term 'please' in asking a question of a minister is unparliamentary.

The SPEAKER: Yes, and of course Speaker Lewis's precedents—

Mr Venning: Of blessed memory.

The SPEAKER: —of blessed memory—are to be held in the utmost reverence, and so I would caution backbenchers not to beseech the ministry.

Mrs GERAGHTY: Sir, I would use the defence of the former member for Chaffey who said she teaches her children to be polite to set an example, and that is what I was doing.

The SPEAKER: The Minister for Road Safety.

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) (17:04): I thank the member for Torrens for this well-articulated question. Members may be aware that South Australia's Road Safety Strategy 2020 highlights the need to expand the use of the safety camera network at school pedestrian crossings to reduce incidences of crashes, serious injuries and the fatalities of pedestrians. Pedestrian injury is a leading cause of child injury death in Australia. Every week, a child pedestrian is killed, and schoolchildren are most at risk. Pedestrian injuries account for one in five injury deaths for 4 to 14 year olds.

Currently, 110 fixed safety cameras are in operation across South Australia; six of these are red light and speed cameras that are located adjacent to school pedestrian crossings. Three additional school pedestrian crossing safety cameras are currently being installed through the road safety school pedestrian crossing safety camera program announced in the 2013-14 state budget. These are Goodwood Road, near Goodwood Primary School; Seacombe Road, near Seaview and Darlington Primary Schools; and Portrush Road, near Linden Park Primary.

School sites are selected for safety camera programs using crash and road usage statistics as well as site suitability, which is governed by site geometry, road alignment and the presence of obstructions. A further seven cameras will be installed over the next three years. The seven additional sites to be constructed from 2014 are Main North Road, near Nailsworth Primary; Diagonal Road, near Warradale Primary; Hancock Road, near St Agnes Primary; Marion Road, near Hamilton Secondary College; Bains Road, near Antonio Catholic School; Lyndoch Road, near Immanuel Lutheran College; and St Bernard's Road, near the middle school campus of Norwood Morialta High School.

It is the government's view, and I am sure it is that of the opposition as well, that this initiative will make a significant contribution to improving the road safety environment for the young South Australians attending these primary and secondary schools. It will also provide a greater sense of security for the parents of the schoolchildren attending these schools.

ROAD SAFETY

The SPEAKER: A supplementary from the deputy leader.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:07): Of the seven new projects you have announced today, were they recommended by the task force that was to be appointed subsequent to the announcement in the budget of the first three and about which I raised questions at estimates about when it was going to be convened? It hadn't at that stage. Could you advise whether that task force has been convened and has, in fact, approved those new seven?

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) (17:07): I thank the deputy leader. No, the task force has not been convened, so these decisions would have been decisions that were determined, if you like, by the methodology that I outlined in my response to the question.

ELECTORAL REFORM

The Hon. R.B. SUCH (Fisher) (17:08): My question is to the Premier. Will he consider, as part of electoral reform, the introduction of optional preferential voting for the Legislative Council, at least up to the point of the number of vacancies to be filled? Members would be well aware of what happened on the weekend in the Senate. We have a very similar situation, potentially, in the Legislative Council and I am interested to know whether the government is prepared to look at that issue of electoral reform for the Legislative Council.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (17:08): I thank the honourable member for his important question. It is an intriguing question in light of what we saw at the federal election. There are, obviously, a range of so-called micro parties that have collaborated to harvest preferences so that one could have a relatively small number of preferences and then, through a process of tight preference exchange, find yourself a Senator. I think, without being unkind to the democratic process, some of the people elected are probably surprised themselves and it has probably also surprised some of the people who had cast votes for other people and who found their way, through an elaborate process of preferences, to get that person elected.

I think it raises a number of issues. It raises, I suppose, the question of the existence of an upper house, perhaps. It is our policy, of course, to retain upper houses, so it is no part of our policy, despite the fact that we did commemorate dear old Frank today. If you are to have an upper house and a proportional representation system, this remains a risk. I think what it does potentially open up is the possibility of a consideration of thresholds, that is, a minimum number of votes before a particular party can remain in the contest.

One only needs to cast one's mind back to Mr Xenophon to realise that he started with a relatively small proportion of the state vote and seems to have leveraged it up to a rather influential position in the national parliament. So there would be some resistance, I think, to a threshold that could defeat that idea but, nevertheless, I think he may have obtained about 3 per cent of the vote, so something less than that may need to be given some consideration.

I have only had the barest conversation with the Attorney about this. We have not really had an opportunity to discuss it in cabinet except to say that I think it does raise issues and we need to reflect on what the response might be to this phenomenon. Obviously, we are coming up to an election and I think we need to give some serious consideration to whether this needs to be addressed prior to our next state election.

Ms CHAPMAN: A point of clarification, sir, if I may. I did not want to raise a point of order but I understood the question to be relating to the circumstances of the weekend and the outflow, of course, to the Senate—and this is a very interesting topic and I am sure you would be interested in it, Mr Speaker, as well as members of the house. But I do not see how the federal electoral act is within the responsibility of the state government, so I just think—

The SPEAKER: No, the member for Bragg misunderstands. The member for Fisher asked about our upper house.

Ms CHAPMAN: Thank you.

The SPEAKER: The member for Waite.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (17:12): My question is to the minister for energy. Why did he state publicly on 5 September that South Australian power prices had 'absolutely' gone down—a drop, he claimed, of from 9 per cent to 18 per cent in the last 12 months—when he had received a

ministerial pricing report 2013 from the Essential Services Commission only a few days earlier which stated, to the contrary, that market offer prices (to which the vast majority of consumers are bound) had increased by 18.7 per cent from 1 July 2012 to 16 August 2013?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:12): The part the member will not read in the ESCOSA report and the press release that accompanied it is:

However, readers should take care in drawing firm conclusions on overall price movements based on this report—

Did you say that part?

Mr Hamilton-Smith: Does that mean they're not accurate?

The Hon. A. KOUTSANTONIS: That's right, yes; the covering note saying 'don't rely on this report'—

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: No, I'm quoting them. Pay attention. I know you are not one to rush in and make statements that are not true, but I am just reading out a report from ESCOSA. It says:

However, readers should take care in drawing firm conclusions on overall price movements based on this report, as it provides price information only on offers open to new customers and reports simple average prices.

I know the member for Waite is new to this portfolio area, and I want to explain a few things to him.

An honourable member: You're just so experienced, Tom. How long were you on the bench?

The Hon. A. KOUTSANTONIS: On the backbench? I've been a minister longer than you have been. What are you—twelve weeks?

The SPEAKER: The minister will return to his text.

The Hon. A. KOUTSANTONIS: Sorry, sir. It is such a target-rich environment. Is that the terminology, 'target-rich environment'? Is that the term you would use? If the member for Waite had read the report, he would know from the first report into pricing highlights in table 2.1 on page 12 that the benchmark 5,000 kilowatts per year customer annual bill on the AGL standing contract was \$1,985 as of 1 July 2012 and that it was \$1,950 at 16 August 2013. The ESCOSA report also highlights that transitional customers that are on contracts that were agreed as part of the deregulation decision and received the 9.1 per cent discount due to deregulation are actually paying \$1,849 as of 16 August 2013. That is on page 14 of the report, if you read it.

Mr Hamilton-Smith: I've read it.

The Hon. A. KOUTSANTONIS: No, you haven't. If you had read it you wouldn't have got up here to embarrass yourself. With regard to the current best market offer, which energymadeeasy.gov.au would show you if you could use a computer, it is shown on table 2.7; it's in the report. Sir, 2.7 of the report highlights that on 16 August 2013 PowerDirect has an offer that would result in an annual bill, for the benchmark customer of 5,000 kilowatts per hour, of \$1,534. There are savings due to deregulation. The report is not accurate; ESCOSA says so itself, but to try to be deliberately misleading, to try to deliberately mislead the public, the member for Waite has been saying that power prices have gone up—

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: I'm not accusing you of misleading the parliament, just the public.

The SPEAKER: The minister will withdraw that imputation.

The Hon. A. KOUTSANTONIS: I'm sorry, sir; I won't say 'mislead'. What the member for Waite is peddling is snake oil.

Mr PISONI: Point of order, sir. You have asked him to withdraw and he did not do that.

The SPEAKER: Perhaps he did so so swiftly I didn't see it. Minister, perhaps you—

The Hon. A. KOUTSANTONIS: If I have hurt his feelings I apologise again.

The SPEAKER: Thank you.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Then why do you complain so much?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Okay.

Mr PISONI: Point of order: he did not withdraw; he simply apologised.

The Hon. A. KOUTSANTONIS: Sir, I know I'm hurting his feelings; I apologise and withdraw. Do you feel better?

The SPEAKER: Good; apology and withdrawal, there it is. Minister.

The Hon. A. KOUTSANTONIS: Thank you, sir. The current best market offer is nearly \$485 cheaper than the old regulated price. That is a saving, Mr Speaker. I urge all South Australians to get off the AGL standing contract and get onto market offers, and if they have not they are paying too much for their power.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (17:17): Supplementary, sir: given his answer, which has not answered my original question, can he table today—

The SPEAKER: Well, no, the member for Waite will not comment and the member for Waite will be seated. The member for Kaurna.

NATIONAL SKILLS WEEK

The Hon. J.D. HILL (Kaurna) (17:17): My question is to the Minister for Employment, Higher Education and Skills. What was South Australia's participation in National Skills Week?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (17:17): I thank the member for this question. Recently here in South Australia we celebrated National Skills Week with events and activities that were held right across the country to highlight the importance of vocational education and training. Many leaders from registered training organisations and students joined Mr Brian Wexham, chief executive of SkillsOne and director of National Skills Week; Mr Ish Davies of News Corporation, News Ltd; and Mr Jeff Gunningham, the new chief executive of TAFE SA, to acknowledge this very important week in South Australia.

I am very pleased to report that South Australia is leading the way in relation to vocational education and training, and I am very pleased that as a government we are working with communities, business and industry right across the state to support a more skilled workforce through our flagship Skills For All initiative. During National Skills Week we learnt that tens of thousands of South Australians have taken up the very important opportunity to improve their skills and, therefore, their employment prospects by enrolling in training courses through Skills For All. Preliminary figures show that over the last financial year enrolments were up by more than 44,000 compared to the same period a year earlier.

That is a 43 per cent increase in enrolments, from about 102,000, or thereabouts, in 2011-12 to just over 147,000 in 2012-13. The National Centre for Vocational Education Research shows that for the 2012 calendar year South Australia had the highest growth rate in vocational education and training in a number of areas, including the overall number of vocational students, the number of course enrolments and the number of subject enrolments. We have also seen an increase in enrolments in areas where there are skill shortages, like engineering.

This is so important for our economic future because we know that further education and skills open the door to greater employment opportunities and greater earning potential. For instance, we know the unemployment rate for people with high-level qualifications of, say, certificate III or above is much lower than that for people with certificate II or below. Indeed, the number of people in skilled occupations has grown by nearly 25 per cent over the past decade and that compares to growth of fewer than 7 per cent for unskilled jobs. I take this opportunity to thank all those associated with National Skills Week and congratulate all of those in our VET sector in South Australia.

The SPEAKER: I invite the member for Waite to ask an orderly question.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (17:20): My question is again to the Minister for Energy. Can he table today and make publicly available reports or papers or any facts whatsoever to prove his claim, made publicly, that power bills for households and businesses have gone down by 9 per cent to 18 per cent in the last 12 months? Can he provide facts which prove that ESCOSA's facts were wrong and will he do it today?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:21): Yes, I will. This is the energy retail prices in South Australia report release that you've been quoting, saying that prices have gone up. I refer you to page 20, table 2.7—Residential Annual Electricity Market Offer Bills as at 16 August 2013: AGL, minimum offer, \$1,731; Alinta, \$1,727; Diamond Energy, \$1,791, less than 10 per cent; EnergyAustralia is \$1,989; Lumo Energy, \$1,711; Momentum Energy, \$1,846; Origin Energy, \$1,774; Powerdirect—

The SPEAKER: Rather than read from the document, perhaps the minister will table it.

The Hon. A. KOUTSANTONIS: Sir, it's publicly available.

The SPEAKER: Excellent, good. Member for Waite.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (17:21): That's ridiculous.

The Hon. A. Koutsantonis: It is because you haven't read the report—it's embarrassing. Do your job.

Mr HAMILTON-SMITH: He can answer the question however he likes, but he hasn't answered it. My question is again to the Minister for Energy. Are flaws in the regulatory regime, designed by state and federal Labor governments, the cause of the 132 per cent increase in power prices since 2002, as confirmed in the Productivity Commission's report titled 'Electricity Network Regulatory Frameworks', dated April 2013? How does he reconcile that flawed regulatory framework with the fact that AGL recorded a net profit after tax of \$598 million and Origin Energy posted a profit of \$760 million?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:22): I never thought I'd hear a Liberal member of parliament get up and criticise a company for making a profit. I never thought the day would come that a publicly listed company would be criticised for making money for its shareholders. Those are the depths that they will go to: attacking their own constituency.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Hang on. While you are washing your hands of this feat—

Mr Hamilton-Smith: The testosterone's up here and the IQ's down there, I'm afraid.

The Hon. A. KOUTSANTONIS: While you are washing your hands of privatisation, and while you are failing to say that all the regulatory impacts are because of regulations set up by Labor governments, I will point out to you that, from 2002 to 2007, who was the federal minister for energy? Who was it? Can't remember? Of course, it was Mr Ian Macfarlane.

It seems to me that the member opposite doesn't understand electricity pricing in this country. He does not understand how it works and does not understand its impacts. We are at the mercy of private companies because our assets were sold from underneath us. Tom Playford looks down at you disapprovingly because you sold what he built and you sold it based on a lie, which is even worse. Now, you have the temerity to turn up and blame us.

The SPEAKER: Minister, that's quite enough, for a variety of reasons which I won't enumerate. Member for Waite.

CARBON TAX

Mr HAMILTON-SMITH (Waite) (17:24): My question is to the Premier—

The Hon. J.R. Rau: Keep going.

Mr HAMILTON-SMITH: —or whoever is speaking for the Premier. Does he agree that abolishing the carbon tax will lower the cost of living? Here he is. My question is to the Premier. Does he agree that abolishing the carbon tax will lower the cost of living?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (17:24): Can I say that the abolition of the carbon tax is the bipartisan position of both the federal Labor Party and the federal Coalition, and I presume it was advanced for good quality public policy reasons. There is no doubt that it will have a short-term effect in relation to issues such as cost of living—it no doubt will have an effect in that regard.

But can I say that in relation to the question of the carbon tax and, probably more importantly, the question of climate change more generally, this remains the position of the Australian Labor Party: the first thing is that climate change is real; the second proposition is that it is an imperative for any government that has any regard for the future of its citizens to take action on climate change; and the third proposition, which is absolutely crystal clear, is that the most effective and efficient way of taking action in relation to climate change is a market-based mechanism and, once you reach that conclusion, you are in the world of putting a price on carbon because that is how markets work. You put a price on the relevant externality and that allows you to get the efficient allocation of resources.

So that is the position, and there is no serious economist who would argue with that proposition so, what we are talking about is, inevitably, the notion of actually having some market-based mechanism that will lead to putting a price on carbon. The emissions trading scheme is the preferred method. It doesn't happen to be the present policy of the present Liberal government but, ultimately, they will be driven to that conclusion just as John Howard was driven to that conclusion when he promised to do such a thing and, just as Mr Turnbull was driven to that proposition as he was confronted with the reality of grappling with the question of climate change.

So, we will return to this debate at some point. We are going to have a carbon constrained future and the most efficient way of doing that is through putting a price on carbon. Both parties have moved away from a carbon tax but there will ultimately have to be a further market mechanism proposed. Almost everybody seems to take the view—including, it seems, an overwhelming majority of the new Senate, if I read the analysis in the commentary correctly—that direct action is an expensive and wasteful way of grappling with the question of climate change and is destined not to achieve the 5 per cent reduction by 2020 in carbon pollution levels that has been committed to internationally by Australia.

In South Australia we have taken the view that being a first mover is absolutely crucial for us in this state. We have done that. We are a first mover. We have created a reputation for our place as a clean energy state. It is creating jobs. I was just up in Whyalla recently opening up a new wind farm construction plant, so we are actually gaining the benefits of being first movers in a carbon constrained economy. That is the future, and those opposite should not give away this incredibly important advantage that we have established for ourselves by being the first movers in this nation.

CARBON TAX

Mr HAMILTON-SMITH (Waite) (17:28): My question is again to the Premier and Treasurer. What is the annual saving to the state budget of abolishing the carbon tax?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (17:28): I thank the honourable member for his question. I will take that question on notice. Obviously, we are conducting an analysis, now that the federal election is over, of the implications of the various political parties' election commitments should they come to pass, and the effect that that will have on our state budget. That process is under way and when I have that information I will be able to share it with members of the house.

MINERALS RESOURCE RENT TAX

Mr HAMILTON-SMITH (Waite) (17:28): My question is again to the Premier. Does he support abolishing the mining tax?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (17:29): It is of no particular relevance to South Australia. We do not have very substantial quantities of the

minerals—or at least those that have been the subject of the mining tax—and so it has not been of direct relevance to us. It is, of course, a federal policy. It is a matter for the federal jurisdiction to make its own judgements about those matters. It is not something that I have intruded upon because it does not have any direct relevance on South Australia. We are, though, interested in any construction of a mining tax that might have direct relevance for South Australia and we have made representations on the shape and form of the tax, but we have not offered a view about the abolition or otherwise of the mining tax. Should our vital interests be at stake in the construction of a national regime of taxation, we will of course make representations.

MINERALS RESOURCE RENT TAX

Mr HAMILTON-SMITH (Waite) (17:30): Supplementary, if I may: given his answer that abolishing the mining tax has no particular relevance to this state, why did the Premier support it in recent months and will he rule out any form of state-based mining tax mechanism or increase to state royalties to offset its abolition?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (17:30): I do not necessarily accept the premise of the question. I cannot remember offering an opinion about the mining tax. I think I have always maintained a position that it is of no particular relevance to South Australia, but I stand corrected if I have expressed a view about this. It has been the national policy of the Australian Labor Party and so, in that sense, it is a matter for my federal colleagues to advance that matter. I do not think we have actually intruded upon that debate, and I think we have always maintained the position that it is of little or no relevance to South Australia, given the minerals that we have here in South Australia.

PLAYFORD URBAN GROWTH AREAS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:31): My question is to the Minister for Planning. Has the government sought crown law advice regarding flood-affected areas that have been proposed for residential development under the Playford Urban Growth Areas DPA?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:31): Can I have the beginning of that question again so I understand exactly what I am being asked?

Ms CHAPMAN: Has the government sought crown law advice regarding the flood-affected areas that have been proposed for residential development under the Playford Urban Growth Areas DPA?

The Hon. J.R. RAU: Well, the government is a big thing. I cannot speak on behalf of every officer in every department and, in particular, every officer in the planning department. All I can say is that I have no recollection myself of having asked for such an advice and I am not even sure what exactly the 'flood-affected areas' to which the member is referring might in fact be. However, if the member for Bragg gets in touch with me and speaks to me about the particulars, I would be happy to give a more particular answer.

[Sitting extended beyond 18:00 on motion of Hon. J.J. Snelling]

LOWER EYRE HEALTH ADVISORY COUNCIL

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) (17:33): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: As part of the 2012-13 federal budget, the commonwealth government announced \$600,000 for the Tumby Bay Health Service redevelopment. This was on the basis of a bid made by the District Council of Tumby Bay under the Health and Hospital Fund 2011 Regional Priority Round (Round 4) on behalf of the Lower Eyre Health Advisory Council (LEHAC). The LEHAC was established as an incorporated health advisory council pursuant to section 15 of the South Australian Health Care Act 2008. The LEHAC has several key responsibilities, including to advise the South Australian Minister for Health and Ageing on health

service needs, priorities and issues within its local area. As part of its constitution, the LEHAC holds assets, including the titles for the land.

The LEHAC, however, in accordance with the act, must seek approval from the South Australian Minister for Health and Ageing in relation to funding or carrying out any construction with regard to these assets or to enter into any arrangement with a government authority or other entity. The LEHAC failed to comply with these requirements in line with their obligations, which contributed to the delay. While the project bid for the Tumby Bay Health Service was made by the District Council of Tumby Bay, I support the project going ahead and I am writing to the district council and to the Lower Eyre Health Advisory Council to provide my authorisation in line with the requirements under the act.

Discussions have been had with the commonwealth, the Health Advisory Council and the district council and SA Health about the most straightforward approach in progressing this project, and I am advised that the commonwealth is to directly contact the district council. SA Health will separately negotiate a Memorandum of Understanding with the Health Advisory Council and the district council to jointly manage the works. SA Health will work closely with the commonwealth to expedite this process, and to enable works at Tumby Bay to commence as soon as possible, now that the requirements under the act have been fulfilled.

GRIEVANCE DEBATE

MURRAY-DARLING BASIN PLAN

Mr WHETSTONE (Chaffey) (17:35): Sadly, I stand today to speak on the importance of this current state Labor government getting their facts right. I speak on the issue of the Murray-Darling Basin Plan. Sadly, on 24 July in another place the Hon. Kyam Maher MLC told parliament that the South Australian Liberals did not even make a single submission to federal inquiries that look at the plan for the Murray-Darling Basin. In fact, the Liberals made five submissions: four of them went to the Murray-Darling Basin Authority as part of the consultation process for the basin plan, and one went to the federal parliament's Standing Committee on Regional Australia's inquiry into the impact of the basin plan in regional Australia.

So, sadly, the Hon. Kyam Maher in another place had his facts wrong, and he continued to get his facts wrong through all of his contribution on 24 July. I do not recall the government or its members making any such number of submissions. Instead, what I am seeing today is that Labor's record on water reform in the basin is one of spin and political games. It is vote-grabbing, it is hypocrisy, and it is an enormous waste of taxpayers' money.

Within a week of being installed into his new office, the Premier was in the Riverland telling irrigators he would not settle for a plan that would provide a drop less than 4,000 gigalitres returned to the environment. He also said that no more water would be given up from the irrigators and the irrigation communities. A couple of months later, the Premier was telling South Australians he would not settle for a drop less than 3,500 gigalitres—a figure based on what he said was the 'best available science'.

In the meantime, they squandered over \$2 billion on a desal plant and told everyone, including their colleagues in the federal Labor government, that it would reduce Adelaide's reliance on the Murray. The federal government believed them and granted the \$228 million for the expansion of the plant. Then, we found out that the plant would not save one drop of water from the river, and this government had to go out and spend taxpayers' money to buy the 6 gigalitres of water for the environment to justify the funding and to appease the federal government they misled, not to mention giving up another \$200 million in GST revenue. They then mothballed the whole plant.

Not content with this hugely expensive exercise in hypocrisy, the Labor government blew another couple of million on the Premier's so-called 'Fight for the Murray' campaign. The end result was a vote-grabbing exercise with a bunch of likes on their Facebook page; it did not put one drop of water back into the river system, nor did it put any infrastructure programs in place. Luckily for the Premier, the federal Labor government partly bailed him out of an embarrassing failure by pledging another 450 gigalitres of water back to the environment.

So, where is the 450 gigalitres of water going to come from? That is the question that I will be asking the Premier every day. That is a 20 per cent discount on what the Premier told everyone that he would accept as a minimum. So, who exactly has settled for second-best, and where is the water demanded from South Australia coming from, Premier? So far, every drop of water

committed to the environment for the Murray-Darling Basin Plan flows by this government has come or is going to come from irrigated food producers in one way or another.

Despite assurances of support from the Premier, and despite his assurances that he would ensure South Australian food producers' historic efficiency was recognised, the amount of water available to them will be reduced by one-third; that means fewer jobs and less economic activity in the river communities. This is the outcome that South Australia has got under Labor: a discounted basin plan, a mothballed desal plant, economic hardship in regional South Australia, and a member in another place who obviously has no idea what he is talking about. I look forward to the member acknowledging his mistake and correcting the record in the other place as soon as possible.

I do congratulate the team from PIRSA, the Riverlanders and the commodity leaders for their input into the WIA initiative, bringing some \$265 million to the river communities. I also acknowledge the Premier for his vigilant effort in painstakingly negotiating that money to come to river communities. It is not all bad news, but there are people in other places who need to get their facts right.

MORPHETT VALE EAST SCHOOL

Ms THOMPSON (Reynell) (17:40): During the break, I was very pleased to visit the Morphett Vale East School R-7 on three successive days to help them to mark the creation of the new school following the amalgamation of the junior primary and the primary school and to celebrate their new uniforms and their new direction. Morphett Vale East recognised that, with 320 students, it was a fluke of history that they were getting different funding from the schools just down the road simply because they had a structure of junior primary and primary.

When then minister for education, minister Portolesi, consulted about amalgamations, that school came on board and was pleased that it would be fair. However, it decided it would make an opportunity out of the incentives that were given to school to amalgamate and it has had a very exciting time in marking its new identity. It has a new logo, which significantly is a book with a tree of knowledge on top of it. They still want to maintain the commitment to the wisdom of the book, despite the fact that they in fact have an IT device for just about every student in the school.

The transition from the old school to the new school was symbolised by new uniforms. On Thursday, there was a visit to the school for me to see some of the students in their old green and gold uniforms and have a chat with a number of them, and then on the Friday there was a special pink and blue day to raise funds for cancer. It is sad to note that two of the girls in Year 7 have mothers who are at the moment dealing with cancer. It is breast cancer in both cases, and we all know what a tragedy breast cancer can be.

Classmates decided that they wanted to do something to support the girls, and so they asked for a special day and the leadership team decided that part of the transition was the way to go. In a school of, as I said, 320 students, the fact that they raised \$1,785.70 in support of cancer research for both breast and prostate cancer is really commendable. More important was the help and support that they showed to the two girls concerned, who they surrounded with love at the end of a special assembly.

The school, as I said, is using the creation of the new identity as an opportunity to renew itself. After celebrating 40 years as a school at the end of last year, they decided to really progress with a transformation period. After the new principal, Grant Ley, arrived, they spent a couple of years focusing on culture and wellbeing, but they have now progressed to using these as a basis for more rigorous learning. The focus now is on literacy, but particularly reading, as this underpins all that was successful in what learners do.

The new uniform is also very exciting. The principal had returned from a trip to London, where he noticed a school wearing high-visibility uniforms and was impressed by the safety and freshness these uniforms afforded. The governing council took the opportunity to incorporate a new uniform into the new culture to symbolise rejuvenation. To assist the change of uniform, governing council decided to provide two polo tops and a rugby top free of charge to all students at the school in 2013 or known to be beginning in 2014.

I wish to congratulate the principal, Grant Ley, and the assistant principal, Lindon Alvey, for the leadership that they have shown and also to thank Kerry Gifford, one of the wonderful student support officers who work in our schools, for all she did to make those three days of celebration memorable, in particular, climbing up a ladder to take a photo of all 320 students plus parents and teachers and the local member in support.

Time expired.

BALAKLAVA EISTEDDFOD

Mr GRIFFITHS (Goyder) (17:45): I also wish to talk about a good thing, mine being the 17th Balaklava Eisteddfod, but I am wondering if I could just take a moment to reflect upon the fact that last week my 23-year-old son announced his engagement. I just wanted to put that on the *Hansard*.

The Hon. L.R. Breuer: What's her name?

Mr GRIFFITHS: My son's name is Tyler. He is engaged to a young lady by the name of Katie Elies. Her parents, Dennis and Julie, also come from Goyder. We had a barbecue with them last week, but they are a wonderful young couple. They have been together for 8½ years so Tyler's mother, Donna, and I are very proud indeed of our boy and we look forward to the wedding in March 2015, when hopefully we will have celebrated 12 months in government by that stage also.

Members interjecting:

Mr GRIFFITHS: We'll see; I shall not be distracted. I want to talk about the Balaklava Eisteddfod. It has been going for 17 years and Balaklava is only a relatively small community. It is 1,500 people but a great town, and I know if I could live somewhere else it would probably be Balaklava, actually. I am about to lose it from my electorate next year, so I wish the member for Frome all success and the candidate for Frome even more success in trying to represent that community.

They have come together because of a strong belief that exists in that community about music and the arts. For those of us a bit like me who cannot necessarily perform it or appreciate it as much as others, I do actually go there with great expectations about the braveness of the people who stand up and perform in so many different ways, be it rock bands or public speaking or musical theatre.

It is a wonderful three days. I have been quite blessed indeed in the 7½ years since being elected to have had the opportunity I think four times to open the finale concert, which is held on a Sunday. I have tried to make it to at least one of the other days on most occasions when I have been available, but each time you go there, it is impossible not to be impressed.

The finale concert this year reflected those who had gone through the stages on Friday and Saturday to be in the finals, and then they were judged on their performance. It is a very nerve-racking time. There are choirs from about seven schools, I think, that come together as part of the practice that they hold for the Festival of Music, which is being held later this month, and which I know a lot of MPs go to at the Festival Theatre. The choirs themselves do a wonderful job; these are all primary school students.

When you look at the program on Friday and Saturday, it has younger and older people performing in bands (stage and concert), rock bands, instrumental ensembles of between four and nine instruments, a choral workshop and vocal ensembles of between four and nine voices. They have a contemporary vocal amplified voice section, a musical theatre section, a vocal section, an instrumental section, a piano section and a speech and drama section. That shows that, no matter what you like in putting yourself out there—singing, dancing, miming, playing musical instruments—it allows you to perform and be judged upon how brave you are.

I just want to pay tribute to the committee, predominantly made up of ladies who are wonderful organisers—led wonderfully well this year by Bronnie Cottle—who have been doing it for so long that they just know how to do it down pat, but it takes hundreds of volunteers and I do not say that loosely. Indeed, hundreds of volunteers come together to set up the programs, have contact with the schools, make sure the ticketing systems are right, coordinate the use of the buildings, provide for the performers and bring everybody together on the Sunday.

I think the lady who does the program for the day finishes normally about 3 o'clock in the morning because they do not know until 10 o'clock the night before who is going to be performing, but they pull all that together and present a finale on the last day for which the hall is full. The Balaklava hall is quite large, actually—the member for Bragg has been there with a public rally about hospitals—and it is full of family and friends who just want to witness the wonder of these younger people performing.

So, I want to pay tribute to them and say that I have enjoyed enormously the opportunity, as the member of parliament for the Balaklava township, to have been involved in, probably, six of

the eight since I was elected. Even with the boundary change next year, I will still be attending, because Goyder will go around the township.

I want to put on the record my congratulations to everyone involved. My thanks go particularly to the sponsors, who are very generous with their financial support, not only in awards but also in hall hire costs and keeping costs down. Also, a particular thanks to Balco, a very large business from the area, which makes its boardroom available after the function for a supper to be held for the people who work so hard to put it all together. The one word I can use to describe the people on that afternoon is pure relief. They walk in absolutely exhausted after what they have done in the last three days in particular, but what they have done in the last 12 months, and just sit down and have a bit of a chinwag and it is a credit to them for making the Balaklava Eisteddfod such a wonderful event.

TALL SHIPS

Dr CLOSE (Port Adelaide) (17:50): I rise to inform the house yet again of another triumph in the Port, and I am not referring just to the football team. A couple of weekends ago we had the magnificent event of the tall ships visiting Port Adelaide. There were three from Holland, and I will not strain any Dutch speakers' ears by attempting to give their names, but three Dutch ships and an English ship that came on their way through to visiting the Eastern States.

There were some 30,000 South Australians who visited Port Adelaide over the four days when the ships were with us. I have often said that if we do anything at Port Adelaide it will always be a success. People across the state, and across the city in particular, have a very great affection for Port Adelaide and if an excuse is given for them to come and visit they will show up and enjoy everything that the Port has to offer.

Part of the reason the weekend was such a success is that a lot of work had been done by Renewal SA to set up stalls for local traders to offer food, entertainment and products for people to buy, which meant that the business community of Port Adelaide was able to benefit very much from the number of people who came. Also, the Port Adelaide Enfield Chamber of Commerce had the very good idea of having a pirate's trail, a treasure trail. People were encouraged to visit various businesses throughout the Port in order to get the little stickers, and that was, again, very successful in getting people to walk back through into the Port and see all of the very interesting and enticing businesses that exist there.

The dream that I have, of course, is that people will not just come to the Port when there is something special on but that they will come that time, see what is on offer and then come back again and again on more quiet weekends to enjoy the three museums, the cafes, the restaurants and the various shops that are worth having a look at.

So, yet again another successful event. The next event we will be having in Port Adelaide is the festival, and Renewal SA is putting some money in to support the council's effort there on 19 and 20 October, and coming up in February we are very pleased to have the highly successful Laneway music festival occurring. What we are doing in the Port is offering a big range of activities that appeal to a very wide demographic across the state and to remind people, as I say, of the very big attractions that exist in Port Adelaide all the time and encourage them to come back on the quieter weekends to sample those attractions then.

REMOTE AND ISOLATED CHILDREN'S EXERCISE

Mr VAN HOLST PELLEKAAN (Stuart) (17:53): I rise to take the opportunity to speak about RICE. Now, RICE, in the electorates of Stuart and Giles and many other parts of our state, refers to Remote and Isolated Children's Exercise, which is an absolutely outstanding organisation that works primarily through remote South Australia. It has its base in Port Augusta, and it does a wonderful job. I recently had the opportunity to meet with the president of RICE, Ms Gillian Fennell, treasurer Ms Shane Rowe, executive officer Mr Rob Kay, and one of their very important staff members Ms Robyn Rosenzweig, who works primarily in the delivery of preschool programs.

While it is an organisation that I have been familiar with for a very long time, in fact when I lived in the outback I was very pleased to sponsor RICE one year with a fundraising event that we ran at Glendambo, I wanted to share some information about RICE (Remote and Isolated Children's Exercise) with members of this house.

They work throughout outback areas with families specifically looking after children from birth to age 12. They would like to extend that from zero up to age 18 but they need DECD approval to do that. The work they do is exceptionally important. They work with families

who are home-educating. As people here, I hope, understand, School of the Air is exceptionally important (run through Open Access College at Marden); and the responsibility for educating kids and participating in those programs, whether they be for young kids with RICE or older kids with SOTA (School of the Air), falls on the families, typically on mums. A fortunate family is able to hire a governess but, usually, it is the mothers who take an enormous amount of responsibility. I really do commend those families who do this for their children. Nobody else could do it. I commend the staff of RICE as well and also the other people who volunteer their time for RICE.

They raised some very important issues with me when I was there. Roads, of course, are terribly important. RICE, while they are based in Port Augusta and deliver programs at a range of community events, also visit homes all over remote South Australia, so they need roads to get there. They have a very important health program that they deliver in addition to preschool and other education programs. They have a nurse focused on mothering and children exclusively. They visit homes and travel enormous numbers of kilometres to do so for these families. They deliver an enormous amount of programs in-home and also at community events, whether they be races, a field day or some other local gathering. RICE will come along and put on programs because they know the families are coming so they know that the kids are coming.

A big concern they have is about funding, as you would expect. They receive 21 per cent of their funding from the state and, of course, they would like to have more. The vast majority (65 per cent) comes from the federal government. They are also looking for far greater formalised links with the Department for Education and Child Development. For example, they would like for RICE staff to fall under the DECD banner, as opposed to being seconded as they currently are from DECD. They would like, for example, to have access to the DECD EduConnect system which is available everywhere else (it is available to School of the Air) but not available to RICE, and it would be very helpful for them. They would like some support with regard to a home tutor allowance, which would be a two to three week per year support program for families who need it.

They really would like to have a much greater, closer working relationship with the Department for Education and Child Development than they currently have. To me, this seems exceptionally fair and reasonable. The Department for Education and Child Development focuses an enormous amount of effort and resources on early childhood development throughout our state. They are intimately involved with childhood development throughout metropolitan areas—at every level they get involved—but not in outback areas. It is not until a child starts to participate in School of the Air that they are getting into an official South Australian government department program with regard to education and child development. So the people of RICE earnestly seek this from the government.

Time expired.

GALLNOR, MARY

Ms BEDFORD (Florey) (17:58): Mary Gallnor was an activist and champion of many causes. She made a wonderful contribution in many areas and always gave her best. Mary was widely admired and respected for her passionate and tenacious advocacy across a broad range of social justice issues. Feminist issues were important to her but she always said that we cannot leave the men behind and so worked on a men's support group committee also, gaining significant government funding for it. She was a member of the UN Commission on the Status of Women and a delegate to the Liberal Party Policy Committee, just to name a few of her activities.

I first met Mary in about 1989 when she came to visit the office of the then member for the federal seat of Makin where I was an electorate officer. The purpose and cause of her visit soon became clear: it was voluntary euthanasia. She put her case logically and without rancour and in such a way that it was impossible not to respect her argument. Indeed, over ensuing years, I found much in common with this formidable woman, who was also a member of the South Australian Liberal Party Executive and regarded highly in that sphere—and by me, of course, for, although we had some differences, we had many, many shared values.

Mary was born in 1933. One of the first pictures on her memorial photo show was of a baby Mary about one year old looking fearfully at the sea at Redcar Beach. I imagine it was one of the last times she was ever so reticent. She had an early interest in drama and gave many memorable performances. She married in 1959 and moved to Australia in 1968 with her then husband Terry and her young family Alexandra and Jo. After arriving Mary's passion was educating young Australians. She excelled in teaching at several Adelaide schools. Mary was a teacher in more than

a general sense. She taught about life, appreciating people regardless of background, ethnicity or political persuasion.

Her politics became a bigger part of her life, and she went on to hold many positions in the Liberal Party. Her work for voluntary euthanasia saw her become part of that international movement, travelling widely for meetings and advocacy and educative promotion. She was a regular face at SAVES' Adelaide rallies, particularly the ones on the steps of Parliament House, celebrating many milestones in the struggle that still continues with the help of many greats from all over the world, including Australia's own Phillip Adams, being a favourite, and state campaigners like Frances Coombe and Sandra Kanck among the many, many friends she made in that area.

Within our parliament Mary will be remembered for her advocacy of over 30 years of VE law reform. A founding member of SAVES in 1983 she served as president for eight years. Her energy and activism also saw her elected to president of the World Federation of Right to Die Societies. She reached out to Labor, Democrats, Family First, Greens and other political bodies that may have assisted to help people who wanted to legally end their life without legal recriminations against close associates. Mary also became a champion for breast cancer awareness when it struck close to her family, firstly in her and then her daughter Alexandra. Both went on to warn of the imperative of early diagnosis.

At her memorial service at the Burnside Community Centre on 4 August speakers from across the wide political spectrum spoke in praise of Mary as a person. The most commented recollection was that, regardless of position, status or disadvantage, Mary would treat each and every one with compassion and the same respect and fight tooth and nail for their rights. She loved her myriad of friends, and I was proud to call her a friend as I know did our mutual friends Gary and Marie Lockwood. She also supported the Muriel Matters Society, a cause close to many who care for democracy, activism and feminism.

She travelled all over the world to keep those international friends in her network informed of her activities. However, most proudly and fiercely Mary loved her family, her daughters Alexandra Cannon and Joanne Hayhurst, their respective partners Bill Holmes and Danny Hayhurst, her beloved granddaughter Rose, and her extended family overseas. The family would like to record Mary's work with the South Australian parliament and assorted political parties to attempt to enable people in this state to have the right to choose to die with dignity if their life was deemed insufferable.

In Mary's 30 years of campaigning she had seen VE legalised and working in eight places around the world, and she had actively supported VE bills presented to our parliament 13 times. Many is the time she lobbied MPs, and all simply for people to have the dignity of choice in dying, a release from unbearable suffering. Her family asked that every member of this House of Assembly and the members of the Legislative Council reflect on Mary Gallnor's aspirations for a free and fair society, the freedom to choose the right to die in appropriate circumstances, the fairness of protecting rights for prostitutes, and the non-discrimination of homosexual and transgender individuals.

Mary's final regret was that the quest to secure the rights of individuals to self-determination at the end of their lives was not achieved in her lifetime. She is remembered fondly by her family, her friends, many acquaintances in the many areas in which she struggled, and she will be sadly missed. We hope to be able to let her family see the bill passed at a time in the not too distant future.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

Clauses 7 to 20 passed.

Clause 21.

Mr GRIFFITHS: Just some questions here, minister. Clause 21 is about the power of the licensing authority to impose conditions. I understand why it is here, but where a licensing court has made a decision for a condition to exist, I would presume that would have authority above what a commissioner may determine. I am seeking some clarification on who has the final say. If a commissioner feels that the condition attached should be extended in some way, are they authorised to do so?

The Hon. J.R. RAU: Both the commissioner and the court are licensing authorities for the purposes of the act. Either of them can impose a condition. The situation where the commissioner goes in under 43(2)(f), which is part of this amendment, and imposes a condition, variation or suspension in the public interest is operative immediately at the discretion of the commissioner but is reviewable in court.

So, it is not as if any licensee who finds that the commissioner has whacked an additional requirement on them has nowhere to go. They can challenge that by taking it to the court and then, if the court overturns the commissioner's decision, then that is it—it is overturned.

Mr GRIFFITHS: I thank the minister for his answer but, on the basis that an appeal is lodged against a condition put in place by the commissioner as part of a code or any other action, you are able to appeal against that but it is still based upon the time that it takes for the appeals process to be considered by the courts, is it not?

The Hon. J.R. RAU: Yes, it is enforced until it is overturned.

Clause passed.

Clauses 22 to 24 passed.

Clause 25.

The Hon. J.R. RAU: I have a couple of bits of information here which are responsive to questions that the honourable member for Goyder asked earlier in the day. If everyone will bear with me, I will read them out and that may or may not be helpful from people's point of view.

There was a question in relation to the fine for drunken behaviour and whether other amounts were considered. The answer to that is \$500 is comparable to New South Wales and Victoria. The current fee is too low, as I have said before, and I think everyone agrees on that. The AHA apparently are strongly in support of the proposal and see it as a tool to reduce bad behaviour by patrons and also as a good countermeasure to the supply-side restrictions.

Another question was: how many people have been charged for serving intoxicated people since 2010? SAPOL are accountable for this, but I understand the numbers are low. I think I explained before that part of that was the complexity about intoxicated people being affected by alcohol. SAPOL's position is being intoxicated is difficult to prove under the current act for the reasons I have just explained, and that is why we are changing the definition of intoxication.

What is expected to be the cost of complying with CCTV elements of the late night code? The answer I have been given is there are significant variables, given that most of the licensees impacted by the code already have some form of CCTV in place, as well as the nature of the system they install. So, the answer is it only falls on people who are trading beyond a certain time and most of them already have something. The question is whether they are already at the right level of complexity.

Are resources being supplied to focus on enforcing the late night code? I am advised that CBS were using their risk-based approach to monitor the late night code. I am advised that there are plans to have operatives in the field to monitor the code once it is in place. As I have said before, these operatives operate quite deeply undercover. You do not really know whether they are there or not and that is part of the magic of it.

What is the number of operations that occur during peak trading and late night times? I am advised that the amount of police and CBS-led investigations vary on a daily basis and they are carried out at various times and locations, which, of course, we do not telegraph because we want to be in the position where our operatives are maximising the element of surprise. The Hindley Street police have a strong presence during peak periods in the CBD.

Another question was: have we considered initiatives such as the time-out bus to help people cool off? The answer is: not specifically. CBS advise that the role of drink marshals in the licensed venues will be to identify intoxicated persons and make arrangements for those people to be cared for by a friend, partner or arrange a suitable conveyance, such as a taxi—that is the whole point of having a drink marshal. Obviously, it is better to manage these people from inside rather than collecting them out on the streets.

CBS also advised that they will encourage licensees to allow intoxicated patrons to cool off, and the Commissioner for Liquor has agreed with the industry and the AHA that turfing people out into the street is not the best outcome, particularly if they are badly under the weather. It is up to

licensees—although, can I say, if the licensees are observing responsible service of alcohol rigorously they should not be in that condition in the first place, that is an important point. But, anyway, it is up to the licensees to ensure that plans are in place to monitor and manage intoxicated patrons.

Are the codes of practice disallowable by parliament? The answer to that is yes. In relation to hospitalisations and deaths related to alcohol, the member for Goyder is correct that not all of the 12,500 hospital admissions and 600 deaths attributed to alcohol each year related to that consumed in venues—obviously. While we do not have numbers which break the admissions and deaths specifically down to venues, SAPOL and health figures do show that their level of activity on alcohol related issues peak in the late hours of Friday and Saturday nights, which does tend to suggest there is a correlation between the venues and the problem.

The bottom line is that one king hit or one sexual assault is one too many and putting the debate aside, there are far too many victims and far too many perpetrators having their safety and their lives and their careers put on the line because of excessive alcohol supply and consumption in and around licensed premises.

Mr GRIFFITHS: I thank the minister for providing the answers to the questions raised in the second reading contribution. On clause 25, for the public record, can I ask: the bill refers to the fact that a maximum penalty for a first offence is \$20,000 and for a second and subsequent offence for liquor not to be sold or supplied to intoxicated persons; can the minister put on the record what the current expiation fees are?

The Hon. J.R. RAU: They are not expiation fees.

Mr GRIFFITHS: The offence fees then. Just for the benefit of the record, what the fees have been; I know what they are proposed to go up to.

The Hon. J.R. RAU: The same.

Clause passed.

Clauses 26 and 27 passed.

Clause 28.

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

Amendment No 1[AG-1]—

Page 8, lines 29 to 34 [clause 28(5)]—Delete subclause (5) and substitute:

- (5) Section 112(5)—delete 'each entrance of licensed premises, or part of licensed premises, at any time when access is prohibited to minors under this section or under a condition of the licence' and substitute:

either—

(a) each entrance to the licensed premises; or

(b) each entrance to an area within the licensed premises,

during any time that access to the licensed premises or area is prohibited to minors under this section or under a condition of the licence.

It is amending section 112 to change the reference to 'part of licensed premises' to 'an area of licensed premises' and this reflects the language used in the plans issued by the commissioner's office, so it is just a matter of terminology.

Mr GRIFFITHS: I do not think I was aware of the amendment but I understand the reasons for it and indicate the opposition is prepared to support it.

Amendment carried; clause as amended passed.

Clauses 29 to 33 passed.

Clause 34.

Mr GRIFFITHS: Minister, if we can go to page 10 at the very top where it refers to 'the commissioner may, despite the fact that a complaint has not been lodged against a person'. If a complaint has not been lodged but the commissioner determines to use his powers to suspend or impose conditions pending disciplinary action, I am interested in finding out how that is going to work in a practical sense. Why would he take action if no-one lodges a complaint?

The Hon. J.R. RAU: I am advised that the circumstance in which this would be operational would be when the commissioner becomes aware that the police are intending to make a complaint and they are in the process of collecting their material and the commissioner decides that, in order to manage the situation, it is appropriate in the public interest to make these sorts of orders. But, again, if they do make such an order, it is again reviewable, and the licensee is able to challenge the basis for the making of the audit.

Mr GRIFFITHS: I understand that, but I presume it would be on the basis of evidence having been collected by the police, in the example that you provided, and that evidence being shown to the commissioner, which in effect makes it a complaint, doesn't it?

The Hon. J.R. RAU: I am advised that this is in the nature where the commissioner is told by the police, 'Look, we have found a whole bunch of misbehaviour going on at a particular venue and the behaviour is of this nature,' but they have not yet collated all of their material, produced a brief and all that sort of thing. So, this is like where, in effect, the police advise the commissioner, 'Look, there's something so out of the ordinary going on here that we think you need to step in quickly to manage the situation as an interim measure while we get on with it.'

Clause passed.

Clauses 35 and 36 passed.

Clause 37.

Mr GRIFFITHS: One of the representations put to me was in relation to this power to refuse entry or remove intoxicated persons guilty of offensive behaviour, as per clause 34. What has been put to me is that they are proposing that there should be consideration given to making it clear that the person to be removed under this section of the act is intended to be another patron and not an on-duty staff member of the licensee, as in a barman or a barmaid. Similarly, there should be the same opposition in relation to clause 42, which is over the page. Do you feel as though there is a need to put a clear definition in there that it cannot be a staff member? I am a bit intrigued by this question also, but I did say I would ask it for them.

The Hon. J.R. RAU: First, it is clearly not focused on bar staff. Secondly, irrespective of whether a person is bar staff or not, if they manage to fit out the criteria—in effect, they are intoxicated, as now defined, or they are behaving in a way which is offensive to other people—even if they are a bar person and they are doing that, they should get booted out.

Clause passed.

Clause 38.

Mr GRIFFITHS: This is my last question and it is at the top of page 12. I note that the commission must provide a report to the minister on the operation of this section at least once every 12 months. This is my question: is this report presented to the parliament and, if not, is it available publicly somehow for review?

The Hon. J.R. RAU: I am advised that it is only a requirement that the relevant minister be provided with the report. There is no obligation that it be tabled. My experience of these types of reports and the requirements of tabling goes something like this: the more detailed and comprehensive the report is, the more secure it probably is, if it is given to the minister and the minister decides what elements of the report are released, because it might contain a whole bunch of information. For instance, if the report is completely fulsome and it says, 'We visited X venue five times, we found all these different people who had offended and here are the names of the people and suchlike,' then there might be good reason that it would be considered a little bit harsh for that to be tabled under privilege and those people have no recourse.

On the other hand, if the report is simply in the nature of, 'There were five prosecutions for this and 10 prosecutions for that,' with no particularity, then clearly I do not have any issue about it being provided to the parliament. Because we have not gone into excruciating detail about what the report might be, I have not turned my mind specifically to what we will put in.

For what it's worth, it would be my intention that it would be in the interests of the parliament and the community that some sort of digested information was provided to the parliament and to the public. But, I do point out that the word 'report' can contemplate a great range of things, and I would be wary about imposing an obligation for a report to be tabled in parliament, (a) because if the report is really, really detailed it might produce all sorts of unintended disadvantages to people who may not really be appropriately suffering those this advantages.

The second thing is it might then have the effect of curtailing the particularity in the report (in a way, a sort of self-censoring, if you like), by the commissioner to make sure that whatever they put up is not going to offend anybody, and that then diminishes the value of the report.

Mr GRIFFITHS: Minister, I understand that explanation, I suppose. The reason I have actually asked the question is because the clause relates to the power of the commissioner to issue public order and safety notices; therefore, given that that is relevant to the community—I understand that it is historical. By the time any report is submitted to you or any minister, indeed the actions have taken place; I can appreciate that. But, given the fact that it focuses on public order and safety, that is why my question is on some level of public availability of the report, even though it is historical.

The Hon. J.R. RAU: It is a fair enough point, and I am happy to discuss it with the honourable member between the houses. I am also advised that the commissioner has never issued one of these orders in the past, so that is why we are being a little bit careful about this. But, I am very happy to talk to the honourable member between the houses, and if we can satisfy the honourable member about this that would be good.

Mr GRIFFITHS: In the same clause, Mr Chairman, my last question relates to subclause (4), which provides:

Section 128B—after subsection (8) insert:

- (9) In legal proceedings, a certificate apparently signed by the Minister certifying an approval of a period for the purposes of subsection (4) is, in the absence of proof to the contrary, proof of the matter certified.

I am wondering if you know what that means, because I have no idea.

The Hon. J.R. RAU: Yes, I do: it is merely an aid for the court. In other words, it is saying to the court, 'If you've got a certificate that appears to have the minister's signature on it, and it appears to be on letterhead, then unless someone can prove that certificate is rubbish, you can rely on that certificate.'

Clause passed.

Remaining clauses (39 to 41), schedule and title passed.

Bill reported with amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (18:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (DANGEROUS DRIVING) BILL

Adjourned debate on second reading.

(Continued from 4 July 2013.)

Mr WHETSTONE (Chaffey) (18:24): I rise to conclude my contribution to the Statutes Amendment (Dangerous Driving) Bill. Getting back on track—and it has been some time—I do have some concerns with some pastimes, such as racing, that go on, particularly on the River Murray. That will incorporate waterski racing, when we have boats that are racing up and down the river, but they have to comply with the river corridor. In that river corridor, during competing, in a high river, for instance, that could be deemed as that water level being on private property, because we have a 21-foot corridor from pool level to private property. We have had instances where we have seen high rivers, rivers that are being purged, and all of a sudden those rivers will rise significantly. There are concerns there with how that river corridor is determined.

Also, there is another form of, I guess, a dangerous sport up in the Riverland, and that is known as creek racing. Creek racing is done in a small vessel, in a small aluminium boat, and it participates on the river, but it also participates in creeks. Again, some of that will be on crown land and some of that will be on private property. I guess there are some concerns there. Looking through the bill, there are some provisions there for vessels, but I do not see any provision there for the interpretation of what is crown land, what is private land and how that is determined. Obviously, the river is a moving beast with levels that rise and fall with pool weir manipulation.

I guess I have concerns as to whether this bill leaves things to interpretation when analysing whether you are on private property or crown land through one mechanism or another. Also, there has been some concern with any creek racing if there is marine and harbours on the river and they see someone who is acting in an unlawful way or is a matter of danger to the public. How will they interpret a marine and harbours boat chasing another boat up the river or chasing a boat out of the river into a creek? Again, the interpretation is, are they on private property, are they on crown land, are they in the main channel? I think they will be questions that perhaps we will ask during committee, so I will leave my contribution there.

Mr PEDERICK (Hammond) (18:27): I rise today to make a contribution in regards to the Statutes Amendment (Dangerous Driving) Bill 2013. I note that the Attorney-General introduced this bill in this house on 15 May this year. Basically, the structure of this bill is to amend the Criminal Law Consolidation Act and also the Road Traffic Act, in regards to the Criminal Law Consolidation Act 1935, section 19A—'Causing death or harm by use of vehicle or vessel' and section 19AC—'Dangerous driving to escape police pursuit etc', and in regards to the Road Traffic Act 1961, section 46—'Reckless and dangerous driving'.

In instances where charges are made under these acts, the prosecution is currently required to prove that the accused drove in a manner dangerous to the public. The government have put the position that the courts have interpreted the phrase too narrowly, and as such the 'public' is not read to encompass a wide range of persons. What this bill seeks to do is amend the respective sections to widen the definition to include any person.

It is noted that in the 2008 case of R v Palmer, what happened in this case is the accused was charged with causing death by dangerous driving as in section 19A of the Criminal Law Consolidation Act, and what was alleged here is that the accused performed dangerous manoeuvres on private property, and the vehicle fell onto its side and crushed a passenger's skull. In regard to the direction by the judge to the jury, the judge directed the jury to return not guilty verdicts for the following reasons:

- the relationship of friendship between the three passengers and the driver negated the view that the passengers were to be regarded as members of the public;
- the activities in question took place on private property and away from any road;
- the accused and his three passengers were all knowingly engaged in a form of skylarking;
- the four willingly got into the vehicle in question together for the purpose of amusing themselves by a particular and somewhat dangerous form of recreational activity directly connected with the driving of the vehicle in tight circles with the steering wheel on full lock and the accelerator applied;
- the activity constituted a danger to all four of them but to nobody else; and also
- in circumstances where it is proper to regard the activity as part of a joint escapade on the part of the accused and the passengers—they being the only persons endangered by the activity—then it was not proper to characterise the passengers as 'the public'.

The judge also commented that the conclusion may have been different had 19A read 'driving in a manner dangerous to any other person' rather than 'a manner dangerous to the public', and this is the nub of this bill in regard to these two acts.

Also, the judge applied the reasoning of the New South Wales Court of Appeal in R v S which had a similar factual scenario. After the Court of Appeal handed down the decision in R vs S, the New South Wales parliament amended its legislation in similar terms to the current bill.

In R v Breuker, the charge was laid when an individual died after either falling or jumping off the back of the accused's vehicle whilst it was moving, landing awkwardly and fracturing their skull. The event occurred on a fenced-off netball court where people were setting up for a ticketed event, but it is noted that members of the public had not started to arrive at that event at that time.

In this case the judge considered the case of R v Palmer and applied the reasoning of the New South Wales Court of Appeal in R v S. They noted Chief Justice Gleeson's comments in R v S that there can be forms of relationship between the accused and the deceased which negate the conclusion that the passenger is to be regarded as a member of the public. In that case, the accused, the passenger and victim were considered to be engaged in skylarking, engaging in a

risky activity and a joint escapade and, as such, it was improper to characterise the passengers as 'the public'.

In *R v Breuker* the judge highlighted that other relationships, on the facts of the case, could negate the deceased from being considered a member of the public. The judge considered that the fact that the deceased got onto the back of the car meant he was no longer a member of the public, stating:

I see no reason in principle why the accused should be in a worse position if the deceased voluntarily and without his agreement puts himself in an inherently dangerous position than if they jointly agreed to that course of action. It is not the presence or otherwise of an agreement between the accused and the deceased which characterises the deceased as a member of the public. It is the characterisation of the relationship that determines the issue.

The trial judge again highlighted that the conclusion may have been different had section 19A been differently worded. In regard to motor sport, section 25 of the South Australian Motor Sport Act 1984 provides for the non-application of certain laws to areas declared by the responsible minister to be areas for a motorsport event under the motorsport act.

Section 25(1a) provides that respective sections of the Criminal Law Consolidation Act and the Road Traffic Act, which are to be amended by the bill, do not apply in relation to 'a vehicle or its driver while the vehicle is being driven in a motor sport event within the declared area and during the declared period for the event'.

The Clipsal 500 (and its predecessor, the Sensational Adelaide 500) is a motorsport event which attracts a declaration under the motorsport act. Since 1999, no other motorsport events, except the 1999 Le Mans, have had the privilege of being conducted within a declared area and as such the provisions of the Road Traffic Act and the Criminal Law Consolidation Act have applied.

It is to be noted that apart from what other car clubs own land in this state, the Sporting Car Club of South Australia owns and operates the Collingrove Hillclimb in the Barossa Valley and holds races at the Mallala Motor Sport Park, and these are both private venues. What the bill does not do is bring the relevant law onto private property. The three identified offences can already be applied to dangerous driving on private property. The case seeks to avoid the relationship of the parties to affect the application of the charge. The case indicates that it is the relationship between the accused and their actions and the deceased, which is usually why the courts have interpreted the provision narrowly.

With regard to the bill, the effect of it would be to widen the scope of the offence so that it would be likely to apply where an accident occurs on a private motorway, such as the Collingrove Hillclimb, even where the deceased consents to the activity. Whilst any accident is tragic, drivers and others who engage in motor sports actively consent to do so and I believe that one should not be held criminally liable for an adverse outcome where a risk is willingly taken on.

With regard to the bill and actions on private property, what it looks like the bill will do is reduce the individual's personal freedoms. What could happen here is there could be criminal liability imposed where it is not justified. I believe the member for Bragg will probably echo these statements in her contribution, but we in the opposition are certainly committed to road safety and hold that those who flout the law and drive with disregard for the safety of others need to be held to account.

With regard to section 5 of the Road Traffic Act, that act applies only to public roads. The bill proposes to widen the class of persons from the public to any person, and it appears that this would widen the offence to capture instances where people decide to engage in dangerous activity on our roads, overcoming the relationship characterisation as previously identified by the courts.

Certainly, with regard to the Sporting Car Club of South Australia, they have raised concerns that the bill will have serious and unintended ramifications on motor sport in South Australia. As I said in my comments earlier, they are concerned that this could place criminal liability on people who are involved in motor sports events, even those which are held on private property.

I want to make some other comments about other recreational venues in my electorate, or very closely neighbouring my electorate. We have four-wheel drive clubs that come down to the electorate. We have motor bike clubs and we have quad bike clubs that run events. The four-wheel drivers come out to a private property at Peake. The Peake sandhills are quite famous amongst the

four-wheel drivers in this state and probably further away. There are also private properties at Geranium that clubs can use for learning their skills in managing four-wheel drive vehicles.

For many people, and this covers a lot of people who reside in urban areas and do not have the opportunity, if they own a four-wheel drive, to use it to its full extent very often, this gives them the opportunity to use those vehicles. There is a property, Bushy Seidel's property near Coonalpyn, it is actually near the Ngarkat national park, where many four-wheel drive clubs and motor bike groups, whether they be two-wheel motor bike groups or quad bike groups, come out for time trials. I must say that, when I get the opportunity, which is not as often as I would like, I take my two young boys out there with our motor bikes and have a bit of fun for a couple of days, combined with some camping.

I acknowledge that I am aware of staffers from Parliament House and previous staffers from Parliament House who have enjoyed activities on the Seidel property near Coonalpyn. I would hate to think that this law will impose any extra criminal liability on people who engage in these events and their recreation. Will it be the simple fact that on this property, which is somewhere close to 30 kilometres off a main road, off the Dukes Highway, the next thing we will see is the police patrolling this private property to see whether they can lay charges as a result of the amendments to these two acts? I would hate to think that would be the case.

It also concerns me how much ingress the police could have on private property. Certainly, we are well aware that we do need to act safely and we do not want to see people getting hurt, whether it is on private property or on our roads. I think there is a fine line of civil liberties in this case and it would be a real shame if passing this legislation impacted on activities that are currently enjoyed in my electorate and, certainly, at other events—sandhill racing events, or buggy racing at Parilla. It would be a shame to see these events curtailed because people are worried about the potential legal outcomes of sports or recreational pursuits that they enjoy.

Also, as I indicated earlier, I am very concerned about any implications it could have for farms. For instance, kids drive motor vehicles on farms from an early age. It is quite a kick, and I did it when I was about 10 years old. When I get the odd opportunity to do a couple of minor jobs on the farm, I send out my two boys with the car and trailer so they can take out some tools because I am taking out a tractor to install a trough, or something. This is in relation to 10-year-old children driving vehicles, and I am certainly concerned about what could happen here if there was a terrible tragedy. I would hate to see it but farm accidents do happen, sadly. Apart from families having to put up with a terrible tragedy if something did happen where a couple of, usually, young siblings had an accident, they may have to put up with the extra duress of one of those siblings being charged with a death by dangerous driving charge.

There is a lot I would like to hear from the Attorney in relation to these questions and, certainly, I echo the points made by the member for Chaffey with regard to river traffic, with my electorate covering most of the bottom end of the river. What would be the position there if this bill becomes law? I urge the Attorney to appease my concerns and, if it is put into place as a law, I hope it can be done in a proper way so that we do not impinge heavily on people's civil liberties and their rights to operate their farms and to have their recreational pursuits.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (18:43): I thank all of the people who have made a contribution to this debate. I particularly understand that those members who have spoken from the perspective of their rural constituencies are doing so out of a genuine regard for their constituents and are trying to make sure that legitimate and reasonable pursuits are able to continue. I get that, and I can assure the member for Hammond and the member for Chaffey that it is not my intention or the government's intention to prevent people having fun or recreational activity on private property, or anything of that nature.

I just want to make a couple of points, and it might help, particularly, the member for Hammond, because I am impressed by the fact that the member for Hammond clearly had taken some time to understand the nature of the issue. I want to make something fairly clear to everybody. Let us leave aside this issue of the public or not the public. Let us leave that to one side for the moment—and bear in mind that is the only thing we are adjusting here. What does somebody have to do before they are captured by the existing legislation? I am looking at section 19A, for example, and there are elements to this.

The first element is that they have to be driving a vehicle or operating a vessel—step one. Secondly, they have to be doing it in a particular manner, not any manner, but a very particular

manner, and that particular manner is either culpably negligent—and culpably negligent implies a lot more than just not perfect, a lot more than not perfect; it means basically with so little regard for any appreciable risk that it is culpable—or recklessly, or at a speed, or in a manner dangerous.

We will leave that to one side for a minute. All of those things together—the driver has got to be culpably negligent, reckless or at a speed in a manner dangerous—and by reason of that negligence or recklessness or other conduct it causes the death of another person. So, you not only have to be the driver. The prosecution not only has to prove that your behaviour is culpably negligent, reckless, or at a speed or a manner dangerous, but they also have to prove a causal relationship between that behaviour and the death, if you get my point.

The mere fact that death happened at the same time or in the accident does not in and of itself mean that you have made out the second bit. Am I making that too confusing? I will just read it again. You drive or operate a vehicle or a vessel in a culpably negligent manner, recklessly or at a speed or in a manner dangerous, and by that culpable negligence, by that recklessness, by that other conduct, you cause the death of another person.

For example, the way I read that is that you are hooning around with a couple of mates in a ute and one of your mates in the back of the ute decides they are going to be a complete idiot and jump off the ute, and you do not even know anything about it. It might well be that the prosecutor could not prove that, by reason of what you were doing, which was driving, albeit negligently, you caused the death of that person, because their behaviour might have caused their death, if you see what I mean. It might be a completely different thing if you are doing doughnuts and you fling them out of the car. That is the first point.

The second point is that by changing it from 'the public' what we are trying to do, as the member for Hammond quite well explained in his contribution, is overcome a legal decision that says that somebody that is sitting next to you as your passenger is not a member of the public, basically, which is really bizarre. Why should it be that if you picked up a hitchhiker and you drove in a crazy way and they get killed you get pinged, but if you have got your best mate next to you and you drive in a crazy way and they get killed you cannot get pinged? That just does not make sense, because arguably the hitchhiker is a member of the public and your best mate is not.

As to the question about what happens if it is on private property, I understand where that is going. I understand that, but can I ask a member the Hammond and the others this question. Farms are notorious for having dangerous machinery. It might be a harvesting machine, or it might be something that you wrap up the bales of hay in, or any number of things, or it might be the forklift that is used to lift things up with to put it in the back of the truck, and all of that occurs on private property.

I do not think any person in this room would say that because the machine is being operated on private property you should not be required to fence the machine or you should not be required to have a kill button on the machine, or you should not be required to do any number of things which add to the safety of that machine simply because it is on private property.

All I am trying to achieve with this is to say that, just as with farm machinery, the mere fact it is on private property does not mean you do not need to have the safety equipment on that machine to protect people who might be using that machine properly. What we are saying is likewise, if you are driving a vehicle on private property and you are stepping so far out of the acceptable behaviour for the use of that vehicle and you kill somebody, even if it is your best mate, why should you get off? Why should you not be charged?

If you think about it, if you are going to say that, for some reason, doing that on private property should mean you do not get pinched, how do you accept all of these rules about machinery that make people who have unguarded machinery, etc., culpable, even if it is on private property? Do you see what I mean? There is an inconsistency between that.

I have never heard anyone here and I certainly do not expect anyone here today to ever say to me that they do not think machinery on private property should be safe, should have kill buttons, and should have fencing and all these other things that it has to have for safety reasons. All we are saying here is just as a machine should be safe on private property and people should operate the machine safely on private property and not do crazy things with the machine, a car or a boat is just another machine and the operator of that machine should not behave in a manner that is culpably negligent, reckless or at speed or in a manner that is really, really dangerous to another person—that is all we are saying. That is a relatively high bar and, I make the point again, that behaviour must be the cause of the death.

I say again that I understand why a number of members have been concerned about this matter. I understand why the member for Chaffey has been concerned about it and I understand why the member for Hammond has been concerned about it, but I can assure all members that all we are trying to do is counteract the effect of that judgement and, in effect, fix up the anomaly when it happens to be a couple of your mates in the car and you behave like a lunatic driving the car.

The thing about this is what if you are absolutely full of grog, you get a couple of mates in the car, you go driving around the place and you kill one or two of them? Who would say that that person should not be prosecuted for causing death by dangerous driving? Who would say that, even if it was on a farm property that was nowhere near a public road?

More particularly, why should it be that if you get completely full and drive around on a farm and kill one of your mates, they are not a member of the public, but if some bloke you have never met before is walking down the street and you say, 'I will give you a lift to town', and you drive like a lunatic with him in the car and he gets killed, you get pinched? That does not make sense to me.

So, that is all we are trying to do. As I said, I think the bar is reasonably high. I can assure the members, particularly those who have spoken on this debate, that this is not intended to muck around with people who are doing responsible work on farms or people in Chaffey who are having responsible recreation with water sports. It is not aiming at those people: it is aiming at people who are culpably negligent.

It is aiming at the sort of clown who gets in a boat and drives up and down at high speed where there are people swimming and he could kill people—those sort of idiots—or the bloke who gets in charge of a boat when he is full of gas and crashes into something. They are the people we are after with this. We are not interested in the person who is just unlucky and something goes wrong. Accidents do happen, but that is a long way short of culpable negligence. Hopefully, that addresses some of the concerns that have been raised.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: Clause 4 has been spoken to at length in the second reading and now, comprehensively, and almost persuading me to go the other way in rebuttal by the minister but, nevertheless, it just scrapes in and I am still with him in support of the matter which took up almost the whole of both of those contributions. I will just say for the record that if the minister were to assume that he would compare the obligation to extend criminal liability for offences to that which applies to occupational health and safety obligations then he will start to lose me big time.

It is simply not comparable and it should not have been raised as an example because we do not accept it. We do accept that there could be circumstances where a member of the public, like a passenger in a motor vehicle on private property, may be exposed to the reckless indifference of the driver who in those circumstances ought to be able to face prosecution. That is what we accept, so do not gild the lily for us because then you start to lose us.

The Hon. J.R. RAU: I am suitably chastened.

Ms CHAPMAN: With the provision that we are amending for death by dangerous driving of a motor vehicle or a vessel, I turn to the principal act, because it is 19A that we are amending here. Obviously, there are three sets of categories which do not change—and I paraphrase this—whether it is death, serious harm or just harm. That provision relates to death or harm with the use of a vehicle or a vessel. I notice the definition clauses provide for a motor vehicle and a motor vessel, and there has been some contribution to the debate already in respect of river sports, which I will come to shortly.

The CHAIR: Sorry to interrupt, but I remind members of the time, and the minister should move that progress be reported.

Ms CHAPMAN: Do you want me to ask the question so that it will at least be on the record?

The CHAIR: Yes.

Ms CHAPMAN: If the minister would consider: is this then to apply in the same way as if there were a passenger in a speedboat on the River Murray, not engaged in a formal sport, and is this to cover the same skylarking or hoon driving that would apply on water as it would on land? If you would like to come back to me with an answer that would be good.

The Hon. J.R. RAU: I will get back to the honourable member.

Progress reported; committee to sit again.

At 18:59 the house adjourned until Wednesday 11 September 2013 at 11:00.